

Legislative Assembly of Alberta

Title: Tuesday, May 20, 1997

1:30 p.m.

Date: 97/05/20

[The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Good afternoon. Today's prayer comes from the council chambers of the city of Calgary.

Let us pray.

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

Amen.

Please be seated.

head: **Notices of Motions**

MRS. BLACK: Mr. Speaker, pursuant to Standing Order 34(2)(a) I'm giving notice that tomorrow I will move written questions appearing on the Order Paper stand and retain their places with the exception of written questions 14, 15, 16, 17, 18, and 23, and I'm giving notice that tomorrow I'll move that motions for returns appearing on the Order Paper stand and retain their places with the exception of 19, 20, 21, 22, and 24.

head: **Introduction of Bills**

Bill 10

Local Authorities Election Amendment Act, 1997

MS EVANS: Mr. Speaker, I request leave to introduce a Bill being Bill 10, the Local Authorities Election Amendment Act, 1997.

Since the Local Authorities Election Act was last amended in 1990, it's been working well in most areas. However, with all the legislation we've received requests for changes, and after much consultation we are introducing amendments which will provide a better and more effective Local Authorities Election Act for all Albertans.

[Leave granted; Bill 10 read a first time]

Bill 15

Protection for Persons in Care Amendment Act, 1997

MR. TANNAS: Mr. Speaker, I request leave to introduce a Bill being Protection for Persons in Care Amendment Act, 1997.

The purpose of this Bill, Bill 15, is to propose amendments for the Protection of Persons in Care Act of 1995. These incorporate recommendations generated through public consultations with key stakeholders. These amendments will improve the protection of persons in care.

[Leave granted; Bill 15 read a first time]

THE SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I would like to move that Bill 15 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

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

Bill 16

Justice Statutes Amendment Act, 1997

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I request leave to introduce a Bill being the Justice Statutes Amendment Act, 1997.

[Leave granted; Bill 16 read a first time]

Bill 17

Municipal Affairs Statutes Amendment Act, 1997

MS EVANS: Mr. Speaker, I request leave to introduce a Bill being Municipal Affairs Statutes Amendment Act, 1997.

[Leave granted; Bill 17 read a first time]

Bill 18

Natural Resources Conservation Board Amendment Act, 1997

MRS. O'NEILL: Mr. Speaker, I request leave to introduce a Bill being Bill 18, Natural Resources Conservation Board Amendment Act, 1997.

The purpose of this Bill is to give the NRCB the same powers currently existing with the AEUB to consider amendments to board approvals in light of changing circumstances or new information not available at the time of the board review and decision. Other minor consistency amendments to other legislation are also included.

[Leave granted; Bill 18 read a first time]

THE SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I'd like to move that Bill 18 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

head: **Tabling Returns and Reports**

THE SPEAKER: The hon. Minister of Health.

MR. JONSON: Yes, Mr. Speaker. Thank you. I have two items that I wish to table. First of all, I wish to table copies of a letter sent by the Premier to the Rt. Hon. Jean Chrétien expressing concern with respect to recent statements of the federal Minister of Health with respect to the health care system and also stating Alberta's firm commitment to abiding by the principles of the Canada Health Act.

Further, Mr. Speaker, I wish to table with the Assembly copies of a letter that I sent to the federal Minister of Health in which I indicate that we are committed to operating within the parameters of the Canada Health Act and also pointing out that there has been no contact to this point in time between that minister and myself.

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

MR. MAGNUS: Thank you, Mr. Speaker. As chair of the

Council on Professions and Occupations I'm pleased to be able to table the annual report for the College of Chiropractors of Alberta for 1996 with the requisite number of copies.

THE SPEAKER: The hon. leader of the ND opposition.

MS BARRETT: Thanks, Mr. Speaker. I'd like to file today with the Assembly four copies of a letter written by a Darlene Zloklikovits to the chair of the Workers' Compensation Board in which it is alleged that the chair is in a conflict of interest because she owns a training company which denied claimants are asked to attend.

head: **Introduction of Guests**

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. It's with a great deal of pleasure that I wish to introduce to you today a group of 25 grade 12 students from St. Matthews school in Rocky Mountain House. They are accompanied today by parents and teachers Mr. Brick, Mr. and Mrs. Baich, Mrs. Olson, and Mr. Noad. They are seated in the members' gallery, and I would ask that they now rise and receive the traditional warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Redwater.

MR. BRODA: Thank you, Mr. Speaker. I have two groups to introduce today. I'd like to begin with the first one. It gives me great pleasure to introduce to you and through you to the Assembly 55 students and two teachers from the Sturgeon composite high school. The teachers are Mr. Douglas Agar and Mr. Daryl Reimche. I would ask them to please rise and receive the warm welcome from the Assembly.

Mr. Speaker, I also would like to introduce to you and through you three very special people, being Linda Berkvens – she is an exchange student from the Netherlands who graduated out of a Smoky Lake high school on the weekend – and her parents, Mr. and Mrs. Berkvens. They're here in the members' gallery. I'd like to ask them to please rise and receive the welcome from this Assembly.

1:40

MR. MITCHELL: Mr. Speaker, I'd like to introduce to the Members of the Legislative Assembly today three people who are in the gallery. One is Tam Paredes; she is the STEP student at my constituency office. Matthew Currie is a school student who has been volunteering for some time in my office, and Shelby Glenn is the office manager. I'd ask that they rise in the gallery and receive the welcome of the Members of the Legislative Assembly.

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

MR. HANCOCK: Yes, Mr. Speaker. I'd like to introduce to you today and through you to the members of the Assembly a constituent of mine, Louis Adria, who together with his wife, Ruth, has been very active with the Elder Advocates society and is here today presumably to witness the introduction of the Protection for Persons in Care Amendment Act. I'd like Louis to rise and receive the traditional warm welcome of the House.

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

MR. JACQUES: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to Members of the Legislative Assembly 16 grade 5 students who are from St. Marys school in Beaverlodge. They're here as a reward for a special project they did in February. They are accompanied by their teachers Ms McKnight and Mrs. Rheame and by parents Mr. Bradshaw, Mrs. Lieverse, Mrs. Baird, and Mr. Mulcahy. I would ask them to rise and receive the warm welcome of the Assembly.

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

MRS. SLOAN: Thank you, Mr. Speaker. It gives me great pleasure to introduce to the Legislative Assembly three people: Mr. Denis Blakeman, the father of the hon. Member for Edmonton-Centre; his new wife, Mrs. Mineko Fujikura-Blakeman; and Mrs. Blakeman's mother, Mrs. Yaoko Fujikura, from Japan. I would ask that these people rise and receive the warm welcome of the Assembly.

head: **Oral Question Period**

Health Resource Group Inc.

MR. MITCHELL: Mr. Speaker, Canada's first for-profit, American style hospital will be opening soon in Calgary. While the Minister of Health repeatedly claims that this hospital falls within the Canada Health Act, he knows full well that private, for-profit hospitals break the letter of the law. The minister has been extremely vague about defining what would be acceptable and what would be unacceptable for this hospital to do under the Canada Health Act. To the Minister of Health: now that Mr. Saunders, the CEO of the Health Resource Group, is stating publicly that he would like to get insured services like ear, nose, and throat operations and hernia operations, will the minister just tell him no?

MR. JONSON: First of all, Mr. Speaker, I would have to comment on the introduction to the question in that it is my clear understanding that this is a proposal, certainly, but it is not the first example in the nation of Canada whereby you have a private facility offering health care services. I'm sure that the hon. leader asked the federal minister to rush down to Toronto after he visited Alberta and say there what he said here.

Further, Mr. Speaker, as I'd indicated previously in this Assembly, but I will reiterate it here: we are committed to following the five principles of the Canada Health Act. With respect to the proposals that may be coming forth from this particular service, I have made a commitment, as indicated in my second tabling of this afternoon, that we are going to be monitoring, we are going to require that regional health authorities check with my office and get approval before going forward with any particular contract.

MR. MITCHELL: That's a lot different than telling them not to do it, Mr. Speaker.

Will the minister please release the terms of the lease agreement with HRG so that we can be certain that public funds are not subsidizing HRG's use of the Grace hospital? How much are they going to be paying for this space?

MR. JONSON: Well, at this point in time, Mr. Speaker, as far as

I am aware, I have not been apprised of that particular lease agreement, although I think that the matter of taxation, which was put forward by the member some time past, has been clarified, and it was not a correct assumption on which that question was based. Nevertheless, I do not have to my knowledge any lease to turn over to him.

MR. MITCHELL: Mr. Speaker, why doesn't the Minister of Health understand that this hospital will undermine the public health care system in this province when he has been told that by the federal Minister of Health, when we have been pointing it out time and time again, and when even the president of the Alberta Medical Association is saying that this centre will draw funds away from the public medicare system?

MR. JONSON: Mr. Speaker, even the federal minister, when he visited here some days past, I think clearly acknowledged that we were adhering to the Canada Health Act and its five principles. He talked about amendments. It seems to me quite logical to conclude from that that we are following through on the adherence to the Canada Health Act.

The other thing, Mr. Speaker, is that in our announcement and the steps that we followed through on with particularly the Calgary regional health authority last summer, we worked through and the Calgary regional health authority did end up issuing a request for proposals and contracting with ophthalmologists in that particular city. All of this was checked carefully through the federal officials, and it is functioning at this particular point in time. So the whole point is that we are committed to adhering to the Canada Health Act. We want the best possible health care system in this province, and we're following through on that.

Whistle-blowers' Protection

MR. MITCHELL: Mr. Speaker, we can all understand that sometimes there comes a point in a public servant's life when they have to speak out because they see something that is categorically wrong that needs to be brought to the public's attention. Our proposed whistle-blower protection policy would allow them to do that without fear of intimidation. Last week an employee of the social services department was publicly named by the minister and threatened for allegedly releasing information about the deaths of children in the care of this government. To the Acting Premier, or the Minister of Labour might do: how can you ever create an atmosphere of openness when this government names and threatens an employee who may have released information that should have been public anyway?

MR. SMITH: Mr. Speaker, it's another case, I think, of hypothetical questioning and some more political grandstanding. There is, you know, clearly evident in the freedom of information statutes a wide band of disclosure from this government, and the discussion of whistle-blower protection has been dealt with fully in this House in previous times prior to the election, when they had a much larger contingent here.

MR. MITCHELL: What specific steps will this government take in this session to ensure that the public interest in learning about wrong-doing or threats to the public safety will always take priority over potential political embarrassment to this government?

MR. SMITH: I think, Mr. Speaker, that it's very much a leading question. I think that when you take an oath of allegiance to the

Crown and you have a responsibility vested in you by receiving the number of votes and it's interpreted as electorate support, you have a responsibility to that electorate. I think the government's record is more than abundantly clear as to disclosure, including being able to put together the right information at the right time for the right people.

1:50

MR. MITCHELL: We thought they got votes by promising to be open, Mr. Speaker.

Why doesn't the minister simply bring in whistle-blower legislation this session which would lay out the process by which employees could release information and raise questions in a responsible and protected manner?

MR. SMITH: Clearly, Mr. Speaker, the member has not ever visited or shown any interest in the Department of Labour, because that's a subject of ongoing discussions on a daily basis: doing the right thing at the right time for the right groups.

Secondly, again I would restate, Mr. Speaker, that at a time when the opposition was much larger and prior to the last election – now they're much smaller – this was dealt with in a private member's Bill, and the results I think are known to Albertans as well as to this government and to the smaller brained one as well as the smaller numbered ones over there.

DR. OBERG: Thank you, Mr. Speaker. What I'd like to do is just set the record straight on two issues that were raised by the hon. Leader of the Opposition in this question. First of all, he stated that I publicly named a member of my department. The answer is absolutely no. There was never any mention of anyone's name out of my mouth in discussion on that topic. It is very important that they realize that what I said in the session was: anyone in my department is innocent until proven guilty.

Mr. Speaker, there is one very important thing here. What happened was that there was a stamp on a piece of paper that said, "Confidential, not to be released," yet the Liberals released it.

THE SPEAKER: Hon. minister, perhaps in the future the time to interject would have been at the first question rather than the third question. Failing a response or supplement on the first question, it might have been raised under a point of order.

Child Welfare

MRS. SLOAN: The Minister of Family and Social Services has on two occasions stated in relation to questions about a so-called gag order that it does not exist: "categorically no." Further the minister has indicated that there has been no action taken against child welfare workers in Lethbridge for speaking out, this despite information that child welfare workers are being subjected to surveillance by departmental management and have been verbally disciplined. To the Minister of Family and Social Services: can the minister define for the Assembly how verbal discipline and surveillance differ from a gag order?

DR. OBERG: Thank you, Mr. Speaker. What I want to say today, first of all, is that I want to read something, and if I may, I will read: "There is no gag order" issued by the minister or the Department of Family and Social Services. That was said in this Legislature on February 15, 1995, and it still has not changed.

What has happened in Lethbridge is that two managers were seen in a parkade watching protestors as they were protesting against the department.

Mr. Speaker, I would like to read something else, and what I would like to read is the oath that each and every member of my department takes. What it says is:

I will not, without due authorization, disclose or make known any matter or thing which comes to my knowledge by reason of my employment in the public service.

Mr. Speaker, there have been no repercussions taken against any worker in my department while I have been minister.

MRS. SLOAN: In light of that response, Mr. Speaker, given the minister's categorical declaration that there's no gag order, are you saying that social workers and child welfare workers are lying when they say that they have been told to keep quiet or resign?

DR. OBERG: Mr. Speaker, there has been no gag order from my office. There has been no order such as the hon. member has stated.

Mr. Speaker, we are in the process of revamping children's services. It is a very critical issue. It's an issue that the Liberals have been onside with in the past. It's something that we think a lot about, and we'll follow through with it.

MRS. SLOAN: Mr. Speaker, would the minister be prepared, then, to make known to this Assembly any knowledge that he has with respect to grievances that are currently in the process of being filed by the child welfare workers in Lethbridge with respect to the circumstances that I named?

DR. OBERG: Mr. Speaker, there has been nothing pass over my desk due to grievances that have been filed by the children's services workers in Lethbridge.

Health Resource Group Inc.

(continued)

MS BARRETT: Columbia Healthcare Inc. is the Alberta subsidiary of Columbia/HCA Healthcare based in Albuquerque, New Mexico. This is part of a very big corporation, the Sun Healthcare Group, amassing \$1.3 billion a year in sales. Columbia has a track record of aggressive acquisition and relentless drive to maximize its profit. More importantly, it is currently under investigation by the United States government for alleged billing inaccuracies. Mr. Speaker, two of the prime directors of Health Resource Group list their principal occupation for the last five years as medical officers with Columbia Healthcare. Was the Minister of Health aware that there was a connection between those directors in Alberta and a huge private, for-profit corporation running health care in the United States?

MR. JONSON: No, Mr. Speaker.

MS BARRETT: Well, he should be. The information was actually contained in stuff that the minister filed.

Mr. Speaker, my supplementary question to the minister is this: given that this corporation has stated publicly that it wants to move into Canada because of the cuts in Alberta health care and knowing the conditions of NAFTA, will the Health minister please put a stop to this so-called initiative right now?

MR. JONSON: Well, Mr. Speaker, as part of the overall North American free trade agreement and specifically with respect to what I understand is a section of that agreement referred to as annex 2, the government of Alberta by our support and signature

on that particular document clearly has indicated that it has taken the necessary provisions with respect to protection of services – social services, health, and so forth – that are deemed to be in the public interest and protecting that sector within Alberta.

MS BARRETT: I don't understand. Is the minister basically admitting that he doesn't care if private, for-profit American money, American health care comes in to break Alberta's public system? Is that his admission?

MR. JONSON: Mr. Speaker, certainly contrary to that particular statement from the hon. member, we have clearly indicated several times, over and over – but we can try again; repetition does help people to learn – that we are committed to having a strong, good quality health care system in this province and adhering to the five principles of the Canada Health Act.

THE SPEAKER: The hon. Member for Livingstone-Macleod, followed by the hon. Member for Calgary-Buffalo.

Irrigation Works Repairs

MR. COUTTS: Thank you, Mr. Speaker. In southern Alberta the 1995 spring flood did considerable damage to the Lethbridge Northern irrigation district canal at their diversion weir located on the Peigan reserve. This canal transports water to towns, municipalities, farm and livestock operations, and all irrigation systems in the Lethbridge Northern district, but it can now be limited only to a 60 percent carrying capacity due to the unrepaired damage. My question is to the Minister of Public Works, Supply and Services, whose department is in charge of tendering contracts. Mr. Minister, this is May 1997, and the flood occurred in 1995. What is the delay in getting these repairs tendered?

2:00

MR. WOLOSCHYN: Thank you very much, Mr. Speaker. The delay quite simply is that the damage has occurred on the Peigan First Nations reserve. Although the province has the right to access the reserve legally, we are making every effort to involve the Peigans so that they can benefit from the repair work which will be done soon, hopefully, on the reserve. They have a high unemployment rate, and it's this department's intention to involve them as much as possible in order to benefit the people economically.

MR. COUTTS: Thank you, Mr. Minister. I appreciate the fact that you would include those folks in that. However, is this the normal process for tendering projects by your department?

MR. WOLOSCHYN: The process is not normal. Normally we would tender it. We have decided because of the unique circumstances and the location of the repairs necessary that we would be working with, if you will, a government/First Nation partnership for the repairs. It's not the normal process.

MR. COUTTS: Mr. Minister, when will the repairs be completed? Will it be this year?

MR. WOLOSCHYN: If we can get the co-operation of the Peigan First Nation, repairs can start almost momentarily. We have been and will continue to be in very friendly discussions with them in order to have them involved. As the hon. member is certainly aware, the Peigans have other issues that they would like to discuss also in conjunction with this one.

THE SPEAKER: The hon. Member for Calgary-Buffalo, followed by the hon. Member for Calgary-Fish Creek.

Mental Health Services

MR. DICKSON: Thank you, Mr. Speaker. The Minister of Health has said in the past that Albertans should be treated equally regardless of where in the province they happen to live, a sentiment, I suspect, that most Albertans would share. But that assurance rings a little hollow when one considers that the Calgary regional health authority must pay out of its budget almost all of the cost of mental health hospital stays. Albertans from other regions regularly use mental health hospitals in Ponoka and Edmonton, which are funded directly by the province. Now, my question would be to the Minister of Health this afternoon. Why has this minister not dealt with the disparity in mental health funding which sees the province pay \$89 per capita in one regional health authority and only \$18 per capita in another regional health authority?

MR. JONSON: Well, Mr. Speaker, first of all, in practical terms certain specialized facilities cannot be located in every centre in the province, and I think the hon. member would agree with that.

Secondly, with respect to tertiary mental health services we have in the province Alberta Hospital Edmonton, which serves Edmonton and northern Alberta. We have in the southern part of the province Alberta Hospital Ponoka and the Claresholm Care Centre, which serve different parts of that tertiary care need and serve Calgary, certainly, in the southern part of the province as far as tertiary mental health care is concerned.

With respect to the figure that the hon. member is using, I think he is really – and it's very uncharacteristic of him to do so. By quoting a figure of \$89 per capita, he has certainly twisted the whole picture in terms of the amount of community mental health funding per capita that's available to Calgary versus other parts of the province.

MR. DICKSON: Well, the question still remains, Mr. Speaker: what is this minister going to do to deal with the apparent disparity between different parts of the province? That's his responsibility: to ensure that every Albertan who requires mental health hospitalization can get it.

MR. JONSON: Well, Mr. Speaker, that is being done right now, as I just outlined. I won't go through the various steps again because I'm sure the hon. member followed it carefully. There are tertiary care facilities in the area of mental health that serve the entire province, and I indicated the overall service areas of the three facilities. In addition to that, the Calgary regional health authority, as would be the case in Edmonton and other places that have this service in their hospitals, provides acute mental health care, and that is part of the overall population-based funding program that we have launched into this year.

The one area which I have certainly acknowledged to the hon. member across the way is that when it comes to the per capita dollars involved in supporting community mental health services, I have found that since the new board took over and assessed things, there is some lack of equity in that per capita funding, which is about one-fifth of what was just quoted a moment ago. We are taking steps to correct that inequity.

MR. DICKSON: Mr. Speaker, my final question to the Minister of Health would be this: what specific steps will this minister take

to implement the recommendation that was made to him last year to redistribute funds for cancer inpatients, another area where there is a marked discrepancy in terms of funding treatment of different regional health authorities?

MR. JONSON: Mr. Speaker, before specifically responding to the question, I would like to make the point that we do have a Cancer Board, I think a highly regarded government agency in this province dealing with the overall research and treatment of that terrible disease. You cannot have one particular centre, as I said once again, in every particular part of the province. Just because one has one doesn't mean another centre has to have one.

In terms of funding – I believe it centres around acute care beds for cancer patients – that particular financial situation is currently under review by Dr. Guenter, who is dealing with the overall monitoring and review of funding for provincial services. So we are attending to that particular issue.

THE SPEAKER: The hon. Member for Calgary-Fish Creek, followed by the hon. Member for Edmonton-Castle Downs.

Prisoners' Voting Rights

MRS. FORSYTH: Thank you, Mr. Speaker. My questions today are to the Minister of Justice. Many people, including myself, are having a great deal of difficulty understanding why prisoners who have been convicted of criminal offences are considered under the law as having the privilege of voting. If these convicted prisoners have difficulty deciding between right and wrong, how can they now decide who should or should not be elected for this province or our country? Can the Minister of Justice explain what steps the province has taken to ensure that these convicted prisoners are not given the exact same rights as law-abiding Albertans?

MR. HAVELOCK: Thank you, Mr. Speaker. Section 41 of the Alberta Election Act states that convicted prisoners are not eligible to vote in Alberta elections. On February 27 of 1997 the Alberta Court of Queen's Bench actually held that this provision was inconsistent with the right to vote guaranteed by the Charter. The government immediately appealed this decision to the Court of Appeal and successfully applied for a stay of the Court of Queen's Bench decision pending the appeal being heard.

As we all know, despite the arguments to the contrary from the Leader of the Opposition, prisoners were not eligible to vote in the March 11 provincial election. Our simple position, Mr. Speaker, is that convicted prisoners in any correctional institution should not be eligible to vote in Alberta provincial elections. The case is before the Court of Appeal, as I indicated, and we anticipate it being heard this fall.

Speaker's Ruling Sub Judice Rule

THE SPEAKER: Hon. member, the hon. Government House Leader just indicated that the matter is sub judice, so would you be governed in terms of your supplemental question with respect to that. The matter is before the courts. Standing Orders clearly rule that the question is out of order.

The hon. Member for Edmonton-Castle Downs, followed by the hon. Member for Calgary-Currie.

Health Information Management

MRS. PAUL: Thank you, Mr. Speaker. Protection of personal

health information is paramount to Albertans in this day and age of new technology. A discussion guide was published in December of 1996, and select Albertans were asked to respond about health information and privacy issues. Forty-seven organizations responded, and only three were not directly involved in health care administration. My questions are to the Minister of Health. Since your consultation has been almost exclusively with health organizations and government bodies, what steps will you take to learn what ordinary Albertans think?

2:10

MR. JONSON: Perhaps the hon. member was not aware, but we have, Mr. Speaker, after what was actually a very extensive consultation – I'm sure that if the circumstances were otherwise, the question might be, "Well, why didn't you consult enough organizations?" We did do a very extensive consultation. We developed the paper, which is available. We're very open about these consultations and what the findings were, and to this point in time I have not had anybody identify something from that resulting paper that they took issue with. The important thing here is that we will be tabling draft legislation. We have indicated as a government that we do not intend to rush that through in any way. We intend to hold it over to another session so that across this province anyone who wishes to analyze and to respond will have the opportunity to do so. That was a commitment made several months ago.

MRS. PAUL: Thank you, Mr. Speaker. Will copies of all written submissions be made available either through the Legislature Library or through alternative means?

MR. JONSON: Mr. Speaker, the submissions, I expect, first of all, can be obtained from the people who presented them, but if the organizations or the individuals presenting them wish to make those particular submissions public, they are certainly free to make them public.

MRS. PAUL: My third question, Mr. Speaker: has there been any agreement signed with information technology companies for the contracting out of this initiative?

MR. JONSON: Mr. Speaker, I would have to check, but the signing of a contract with a firm to do initial development in terms of setting standards in the overall parameter for an information technology network in the province may have been signed or signing would be imminent.

THE SPEAKER: The hon. Member for Calgary-Currie, followed by the hon. Member for Spruce Grove-Sturgeon-St. Albert.

Private Schools

MRS. BURGNER: Thank you, Mr. Speaker. My question this afternoon is to the Minister of Education. A number of our constituents have called requesting legislation to expand the role of private schools in our community. They are asking the question not because of the elitist component around independent schools but instead because of the opportunity to expand the educational opportunities that are not available in the public system. These are parents specifically looking for choices for their children using their tax dollars. My question to the minister is: could you please explain and justify how private schools are currently funded and how the money is distributed to the individ-

ual schools and how that discrepancy exists between students in the public system and students in the independent school system?

MR. MAR: Well, Mr. Speaker, I have traveled to many schools throughout the province including private schools, and I'm happy to say that those private schools often do provide excellent education for students whose parents choose to send them there. As a basic philosophy of this government we do believe that parents should have choice in education. That is one of the reasons for the advent of charter schools of course.

With respect to private schools, however, private schools are by their nature private, and they can exclude entry of students in accordance with their own criteria for admission. I can go to private schools in this province where there will be 200 or 300 students getting an excellent education, but when you ask the principals of those private schools, "How many special-needs students are there in your school?" the answer is zero. Of course, if you go to a public school with 200 or 300 kids, you'll find many special-needs students. That is the rationale for the difference in the funding levels between private and public schools. Public schools for instruction receive \$3,686 per student, and the instructional portion for funding students who go to private schools is in the amount of \$1,815.

MRS. BURGNER: Thank you again. Mr. Speaker, to the same minister: will the minister ensure that the education portion of funding follows the students in our school system?

MR. MAR: Well, Mr. Speaker, within the public education system – and when I use that expression I also mean the Catholic school system – all funding does follow the student. There was a time when undeclared property taxes ended up going to the public school board by default, and instead what happens now is that a count is done of the number of students enrolled in a particular system as at September 30 of any given school year, and the school board is funded in that manner.

With respect to private schools, by legislation private schools receive 75 percent of the GRF funding, which is what goes to make up the formula for funding for private school students. There is no portion of it that comes from the locally assessed tax base.

MRS. BURGNER: My final supplemental, Mr. Speaker: as charter schools were initiated to respond to developing parental choice in our education system, will the minister consider changes to regulations of our charter schools to provide more flexibility in funding?

MR. MAR: Mr. Speaker, there is flexibility in funding for charter schools because charter schools do receive the full instructional grant that all other public school students receive, that being the \$3,686. There is no money for capital for students that go to charter schools. Our current regulations permit up to 15 charters to be granted under the legislation. At this time there are eight charter schools that have received charters and are operating within the province. I can say that should there be a further demand for more charter schools that crops up in the province over the next period of time and there accordingly is a need to re-examine the 15 charter schools that we can currently give charters to, then that may be something that we would consider down the road.

THE SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert, followed by the hon. Member for Lac La Biche-St. Paul.

Wheel Safety Program

MRS. SOETAERT: Thank you, Mr. Speaker. Last week a wheel came flying off a truck on the Yellowhead Highway and into oncoming traffic. Fortunately a quick-thinking fire truck driver was able to prevent injuries, possibly deaths by ramming his fire truck into the wheel to stop it. Now, the people of Alberta will hold this minister responsible if anyone loses a life because of these wheels falling off. My question is to the minister of transportation. Before somebody loses a mother or a friend or a child, will the minister at least make his wheel safety program mandatory instead of voluntary?

MR. PASZKOWSKI: Thank you, Mr. Speaker. Certainly safety on highways is a key element and a top priority as far as our department is concerned, to the point that we spend over \$2 million of our budget yearly in advancing the whole issue of transportation safety on our highways. One of the key elements that we have identified, of course, is the safety of wheels and the area of wheels staying on the vehicles. Together with that, what we have done is advance a program that will allow people to identify mechanics, drivers, whoever it may be. These people can access that program, can indeed learn for themselves what constitutes problems of wheels coming off. It's critically important that indeed we be proactive rather than reactive, and that's the essence of our initiative: to be able to know some of the signs that will allow wheels to be insecure and come off. Consequently we've initiated the program, the program is now in place, and indeed we will monitor the program and measure its successes.

MRS. SOETAERT: Will the minister require that trucks who have lost their wheels be forced not only to pay the small fine but at least then take the safety wheel course? Once they've lost it, how about if they take the course then?

2:20

MR. PASZKOWSKI: Mr. Speaker, together with our safety initiative one of the initiatives that we have undertaken is an auditing process whereby we audit the carriers and measure the safety measures that they have implemented and put in place. Together with that auditing process we're developing a profile, and if indeed the profile is such that it indicates that this particular carrier is a higher risk as far as safety is concerned, we will be auditing those particular carriers on a much more regular basis. We will be using that safety profile to measure each carrier's ability to perform as far as safety on the highways is concerned. Obviously, it's to the benefit of each carrier to keep their vehicles on the road. It's to the benefit of each carrier to provide the safety services that are required to allow that vehicle to continue to carry forward and deliver the goods that it is designed to.

MRS. SOETAERT: Mr. Speaker, we want safer highways. Will the minister commit to more spot checks, tougher fines, and a mandatory wheel safety course? Three good suggestions from this side of the House.

MR. PASZKOWSKI: Yeah, Mr. Speaker. We have already done that in that we have already changed our fine system; we have hired an additional 28 inspectors. So everything that the

hon. member has asked for, we have delivered. We are committed to safety, to ultimate safety on our highways, and certainly all of the initiatives that we have brought forward within the last short period of time are designed to provide our highways with the security and the safety that is necessary.

THE SPEAKER: The hon. Member for Lac La Biche-St. Paul, followed by the hon. Member for Edmonton-Norwood.

Employment Insurance Program Transfer

MR. LANGEVIN: Thank you, Mr. Speaker. Last December our province entered into a labour market development agreement with the federal government. This agreement was to transfer responsibility for delivering labour market programs to EI clients in this province from the feds, and the transfer was to be effective April 1, 1997. However, I understand that the formal transfer has not yet occurred. My question is to the Minister of Advanced Education and Career Development. Mr. Minister, what is the status of this agreement?

MR. DUNFORD: Well, Mr. Speaker, the hon. member is correct. The formal transfer of responsibility has not yet occurred. The first step in the process was the negotiating and signing of what we call an employee transfer agreement, which is to address the terms and conditions under which the federal employees affected by this transfer of responsibility will be transferring to this provinces.

Now, Mr. Speaker, the negotiations went relatively well. I was not made aware of any particular brouhahas or brabbles, but certainly there have been delays that have taken place in getting the people transferred in, and that's what we're working on.

MR. LANGEVIN: Mr. Speaker, I'd like to ask the same minister: when will the transfer be completed so that the program can progress?

MR. DUNFORD: Well, Mr. Speaker, we expect this employee transfer agreement to be concluded within the next week or so, and steps will progress from there with the idea that we'd have the responsibility fully in place by November 1, 1997.

MR. LANGEVIN: Mr. Speaker, if the program is going to be effective or take place by November 1, 1997, is the province in the meantime still able to have some input into the delivery of this program, or is it all decided by the federal government?

MR. DUNFORD: Well, Mr. Speaker, we do have control of that situation. We established what we call a transition team, and our department has ongoing consultations with the federal government as appropriate in respect to the decisions and actions taken in this area. There are ongoing consultations at the local service delivery level as well. We believe this approach will ensure that the appropriate programs and services are being put in place for Albertans and that no interruption of service will occur.

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

Impaired Driving

MS OLSEN: Thank you, Mr. Speaker. In Red Deer last January the commander of the Ponoka RCMP detachment was charged

with impaired driving and driving while having a blood alcohol level over .08. When the case went to court a few weeks ago, the Crown said that he would not be calling any evidence and the charges were dismissed. To the Minister of Justice: why did the Crown prosecutor's office in Red Deer call no evidence on the charge of blowing over .08?

MR. HAVELOCK: Mr. Speaker, we actually looked into this, and I can advise the House that the Crown prosecutor exercised his discretion in determining that no evidence was to be offered. I will also indicate at this time that there are still charges pending before the courts with respect to one of the other officers involved, and at this time I am therefore unable to comment any further.

MS OLSEN: Does the government support two sets of laws: one for police officers and one for ordinary citizens?

MR. HAVELOCK: Mr. Speaker, that's a totally irresponsible question, and the answer is absolutely not.

MS OLSEN: Why was the case, then, not adjourned until after the investigating officer's charges had been dealt with by the court?

MR. HAVELOCK: Again, Mr. Speaker, to reiterate, the Crown prosecutor exercised his discretion. We reviewed it. It was the appropriate decision in the circumstances, and beyond that I'm unable to comment any further.

THE SPEAKER: Yes, and the Chair agrees with the Government House Leader that he should not be commenting on matters that may even come close to being sub judice.

The hon. Member for Redwater, followed by the hon. Member for Edmonton-Calder.

Lakeland Regional Health Authority

MR. BRODA: Thank you, Mr. Speaker. My question this afternoon is to the Minister of Health. The people living in and around Redwater are concerned that the Lakeland regional health authority has not found a replacement physician for their community. This situation has been ongoing for a month, and they are asking me as the local MLA what the results of the meetings are. Could the minister inform my constituents as to whether there has been any progress on getting a doctor into Redwater?

MR. JONSON: Mr. Speaker, certainly I share the concern of the Redwater residents and of the MLA who's working on their behalf, but I think two or three very important points should be made first of all. One is that it is my understanding that there are – and I'm quite sure this is the case – three physicians in Redwater operating their clinic services as we speak. So it is not a matter of there not being doctors available. Secondly, just to be very clear, they are being paid under the Alberta Medical Association agreement. There is no issue of the flow of funds for the services provided. Thirdly, there is a perfectly good hospital, as I understand it, operated by the regional health authority available for their use.

Mr. Speaker, there have been extensive meetings involving the RHA. Alberta Health has endeavoured to work with the Alberta Medical Association to see that the emergency services, the hospital services that would normally be provided in

this facility can be restored, but at this point in time regrettably I do not have progress to report.

MR. BRODA: Supplementary question, Mr. Speaker: what responsibilities does the Alberta Medical Association have to ensure that all Albertans have access to a physician?

MR. JONSON: Well, Mr. Speaker, we do have an agreement with the Alberta Medical Association with respect to physician reimbursement, and in a general way we would expect and I'm sure the people of this province would expect that there are physicians' services going to be available as a result of that agreement across the province. Secondly, a very important component of that overall umbrella understanding or agreement is the rural physician action plan, where there are locum services for weekend relief and perhaps, if necessary, evening shifts that help with rural doctors' situations.

MR. BRODA: My final question, Mr. Speaker, is to the same minister. When I was elected to the Legislature, I had to resign from the Lakeland regional health authority. Has the minister considered a replacement so the western end of the RHA has a board member?

2:30

MR. JONSON: I gather from the question, Mr. Speaker, that the hon. member is concerned about there being continued good representation from that particular part of the regional health authority. Of course it is important in the regional health authorities that you do have people representing all parts, particularly in the rural areas where these areas are quite large geographically. Certainly the regional health authority has been working hard on behalf of Redwater to try and resolve this case in the absence of a board member from that particular part of the regional health authority, but I will be announcing an appointment to replace the previous incumbent within about a week.

THE SPEAKER: The hon. Member for Edmonton-Calder, followed by the hon. Member for Edmonton-Ellerslie.

Millar Western Pulp Mill

MR. WHITE: Thank you, Mr. Speaker. My questions today are for the Minister of Environmental Protection. Now that this government has lost some 244 millions of dollars on its loan to Millar Western, why is this government through the new forestry management agreement giving this company preferential treatment by providing timber for a new veneer plant at a base rate as opposed to the fluctuating regulatory rate, which is almost double today?

MR. LUND: Mr. Speaker, the black poplar that the hon. member refers to is a specie that currently is not being utilized within the province of Alberta. One of the difficulties we have with establishing a rate that is different than the regulated rate on products that are produced where there's only one plant or, in this case, where it's a specie that's not being utilized – we have difficulty establishing what that price might be as it's related to the market. In this case, we are only going to have one mill that is using that particular specie for making veneer, so it's difficult. With the sawlog rate that we have established, we get the cost of a number of mills across the province and then we relate that to the selling price. In this case we have one mill, so it is extremely

difficult to come up with a rate that is average throughout the province.

MR. WHITE: Turning to pulp, why is the timber for the pulp mill for Millar Western paying a stumpage rate substantially below the regulation rate?

MR. LUND: Mr. Speaker, in all of the new FMAs there is a clause that allows us to move to a market-based stumpage for pulpwood. The difficulty we have is that there are a number of FMAs that were signed in the past that have a rate in their FMA. It's not fair for the government to charge one mill one rate and another mill another rate, so we've built into all of these – if the hon. member wishes to check it out in the Millar Western FMA, he will find that in fact there is a clause that allows the rate to move to the market-based rate base as soon as the other mills are in a position to do likewise.

MR. WHITE: Finally, with the response to the last question, Millar Western currently pays \$2.09; Slave Lake Pulp Corporation pays \$2.07; Alberta-Pacific forest products pays \$2.39. Why is it different when those FMAs have been in force for five or six years and this is a new one? Why do they get a break?

MR. LUND: Well, Mr. Speaker, the hon. member has just given us examples of what I was talking about with the different rates that are built into the FMAs. I guess he wasn't listening to the answer to the second question.

head: **Members' Statements**

THE SPEAKER: Hon. members, today we have three members' statements, the first from the hon. Member for Calgary-McCall, the second from the hon. Member for Edmonton-McClung, and the third from the hon. Member for Leduc.

National Safe Kids Week

MR. SHARIFF: Mr. Speaker, today I'd like to talk about national Safe Kids Week, which is being celebrated across the country from May 23 to May 30, 1997. Injury is the leading killer of Canadian children. More children die annually from preventable, unintentional injuries than from all other childhood diseases combined. Injuries are not necessarily accidents. Injuries are predictable and preventable. This year in Alberta more than 100 children will die of injuries. Over 9,000 children under the age of 15 will be hospitalized as a result of injuries. Of these injuries an estimated 80 percent are preventable.

Alberta was the first province to establish a Safe Kids program, and there are now Safe Kids affiliates throughout Canada. The program's mission is to reduce the number of children killed or disabled as a result of injury. Safe Kids activities empower individuals, communities, businesses, and broad-based coalitions to directly reduce childhood injury in their communities. By mobilizing local forces, communities take ownership of prevention programs. The program strategy is to reduce injuries with a multifaceted approach including public awareness and education, public policy, and design and technology whereby Safe Kids works with manufacturers and engineers to create products that are safe for children and to design safety products that are easy to use properly.

Mr. Speaker, Albertans' commitment as a community to make our province a safe place in which our children can live,

learn, and play without risk gives real meaning to the cliché: it takes a whole community to raise a child. I call upon all Albertans to join with me in not only supporting the activities during Safe Kids Week but also demonstrating through a proactive approach prevention of needless childhood injuries.

On behalf of all of us in this Assembly, I would like to thank all of the volunteers involved in the Safe Kids project. Thank you.

THE SPEAKER: The hon. Leader of the Official Opposition.

Rio Terrace School

MR. MITCHELL: Thank you. Mr. Speaker, on April 22, 1997, an important event occurred in the constituency of Edmonton-McClung. I am referring to the ceremony held to recognize Rio Terrace school's achievement of Earth school status under the environmental awards program established by the Society for Environment and Energy Development Studies. This achievement represents the hard and thoughtful work of the students and staff of Rio Terrace school, supported by their parents, over the six years that they have been registered in the program.

On May 4, 1992, they received Green school status for their first 100 environmental projects. This was followed on April 12, 1995, by Jade school status for their first 250 projects, and on May 2, 1996, by Emerald status for 500 projects. Earth school status was based upon the completion of another extra 500 projects. These projects had to meet rigorous standards and had to address 10 topics including endangered Canadian wildlife species or spaces; recycling, reducing, and reusing; teaching younger students about environmental concerns and issues; parent/home involvement; and school yard habitat improvements.

Rio Terrace is only the 15th school in the province and the third school in the city of Edmonton to achieve Earth school status. Earth school status means that Rio Terrace school has provided true leadership in raising community awareness about the environment, in teaching other younger students, and in taking concrete steps to improve the environment in which they study and they live. They have contributed to their own development and, in fact, to a better world. These Rio Terrace students, their parents, their teachers, and their principal, Julia Elashuk, deserve to be congratulated. Today on behalf of the Legislative Assembly of Alberta I congratulate them for this great accomplishment.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Leduc.

2:40

Excellence in Leduc

MR. KLAPSTEIN: Thank you, Mr. Speaker. I have two good-news stories from my constituency of Leduc. I would like to offer my congratulations to the six-member senior team from Leduc composite high school that competed at the School Reach national level in Vancouver. These members include Evan Saumer, Colin MacIntyre, Taeed Quddusi, Joanne Brownlee, Danny Jackson, and Neil Jackie. I would also like to recognize the students' coaches, teachers Mrs. Sandy Ogrodnick and Darlene Senio. I'm sure it is an experience that they will cherish for a lifetime.

The School Reach competition is a test of academic extracurricular skills. This highly competitive contest tests students' knowledge in the various areas of history, the arts, science, mathematics, and other topics. The six-member team competed

against 12 other provincial finalist teams to win gold and make it to the national finals. I am very proud to have had these students from the constituency of Leduc represent the province of Alberta in the national finals.

Mr. Speaker, I would also like to offer congratulations to the Leduc/Nisku Economic Development Authority, which recently received a designation as an accredited economic development organization. This designation is sponsored by the American Economic Development Council, recognizing organizational excellence and professional achievement. I commend Chairman Gordon Riddell, his board, Executive Director John Barnard for his professional leadership, the staff for their excellence, and the many teams of volunteers that have made this accreditation possible.

Leduc/Nisku is the first authority in Canada to receive this prestigious award and only the 12th economic development authority to be accredited internationally. This award will open the doors for major international shows and markets. Mr. Speaker, this is just another example of the Alberta advantage.

Thank you.

head: **Orders of the Day**
 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 call the Committee of the Whole to order.

Bill 204
Provincial Court Amendment Act, 1997

THE CHAIRMAN: I'd call upon the hon. Member for Calgary-Fish Creek to begin her comments.

MRS. FORSYTH: Thank you, Mr. Chairman. It is truly my privilege to begin discussion today on Bill 204 in Committee of the Whole. I would like to begin by thanking the members of the Assembly for their support for Bill 204.

Mr. Chairman, it has been over two years since I began to work on this legislation. It has evolved over the years through extensive consultation with many people across Alberta and across the country, including the Alberta Grandparents' Rights Association, the Canadian Grandparents' Rights Association, the Orphaned Grandparents Association, and the Equitable Child Maintenance & Access Society.

Mr. Chairman, Bill 204 began from the ground up. Consultation with interested groups occurred on a weekly and sometimes daily basis. We have also had grandparents in the gallery since this Bill was introduced, watching, waiting, and hoping for the passage of this Bill.

Grandparents told me that they wanted a simple piece of legislation that accurately addresses their concerns. They want a piece of legislation that will provide them with a tool to access their grandchildren. Mr. Chairman, what the grandparents in this province want is really very simple. They want the opportunity to know their grandchildren. Contrary to the belief of the members opposite, grandparents do not want this Bill to include the issue of custody. They want access rights to their grandchildren in cases where parents without just and serious cause prevent reasonable visitation between a child and the child's grandparents, and that is it.

I have listened to grandparents in this province, and this is why we have Bill 204 before us today. This Bill is a solid and concise piece of legislation. I will point out that the Bill the Member for Calgary-*Buffalo* put forward last year, the Family Law Reform Act, is anything but concise. In fact, it consisted of over 13,000 words, 691 paragraphs, 47 pages, compared to Bill 204's 250 words and two pages. Mr. Chairman, Bill 204 provides grandparents with an avenue presently not available to them to access visitation with their grandchildren. This is what they asked for, and this is what Bill 204 accomplishes. For this reason I will not be bringing forward amendments to the Bill.

With that, Mr. Chairman, if there are no amendments to be brought forward today by other members, I would like to recommend that the committee rise and report.

THE CHAIRMAN: Hon. member, there are members who have indicated that they wish to speak on this, so the Chair is not able to entertain that motion.

The hon. Member for Calgary-*Buffalo*.

MR. DICKSON: Thanks, Mr. Chairman. I'd just start off by repeating what I said at second reading, which is that I support Bill 204. I think it is important that grandparents be able to have access to their grandchildren, and I support that. You know, I'm not sure I heard anybody in this Assembly speak against that principle.

Just a couple of points though. The Member for Calgary-*Fish Creek* – and I certainly have plenty of respect for her commitment to this particular cause. I just question how that member can stand up and say that grandparents don't want anything other than this Bill. The three groups that the Member for Calgary-*Fish Creek* has mentioned have done excellent advocacy work, but the reality is that they don't speak for every single grandparent in Alberta. I'm not sure why this has to be a point of argument. The point is that there are some cases where grandparents should have custody. Not in every case, not in most cases, but there are occasions where frankly neither parent is fit to raise a child and where it's most appropriate that a grandparent should step in and raise the child instead of the child welfare section of the government of the province of Alberta.

So I don't want to put this in an adversarial way. I'm going to put forward an amendment, and members can do with that what they wish on the merits of the amendment. I just think it's not helpful for any of us to stand up and say that we've canvassed every grandparent in Alberta and they want this and they don't want that. The reality is that the only thing most grandparents are deprived of is access, hopefully rarely, but there are cases where custody should be the appropriate thing. So it's simply a question of building that flexibility into the Bill. Those grandparents who only wish access absolutely should be able to get that access. But why would we deny children in an appropriate case, if neither of their parents is an appropriate caregiver, why would we say no, that a grandparent couldn't step in? The grandparent can under the federal Divorce Act. So I have a difficulty with that.

The other problem I continue to have with the Bill is that it's only grandparents. The reality, as I tried to say the other day at second reading, is that there are lots of occasions where you have an uncle or an aunt. To me, the principle is one of advantaging children. I think that one of the toughest things for children in 1997 is the fact that the nuclear family is more a fiction in too many homes than a reality. With the way people move around and with marriage breakdown, it's not nearly as common that

children grow up to know their full, extended family on both sides. That, to me, is really the issue, and that's what I think we're trying to do here.

2:50

The Member for Calgary-Fish Creek chooses to go very narrowly, and I understand and respect that. But I also ask her to respect the fact that while we're dealing with this business of amending section 32 of the Provincial Court Act, if we can flesh it out and build in some additional provisions so we don't have to come back next week or next month, does that not make sense, Mr. Chairman? I suggest it does. It's simply to make the Bill stronger, to make the Bill work for more Albertans not fewer. That's the reason I'm going to put my amendment forward.

I just think that as important as it is that grandparents get a right of access, we don't want to be unduly restrictive in terms of other family members like uncles and aunts also being able to come to court in appropriate cases and continue to be involved in the lives of those children. As I said at second reading, the point of this Bill – I don't like to think of it as a grandparents' rights Bill, because I don't think anybody has rights to children. I think it's a children's rights Bill, and it's the children or the grandchildren we're trying to advantage.

With those comments, I'll check on where my amendments are. I know there are some other speakers who wish to speak at the committee stage, Mr. Chairman. I think there are some other members who had some observations that they wanted to make as well.

Thank you, Mr. Chairman.

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

MS OLSEN: Yes, Mr. Chairman. I, too, agree with the intent of the amendment to the Provincial Court Amendment Act. I just would like to myself move an amendment to the Bill. I'll just pass out copies of the amendment I'd like to move. I'll just wait for a minute.

THE CHAIRMAN: The Chair would like to observe that we do not yet have the amendments at hand, so we'll just take a moment while we get them and then have them sent around before we begin.

The Chair would call upon the hon. Member for Edmonton-Norwood to deal with this first amendment on this Bill, which is going to be called amendment A1.

MS OLSEN: I'd like to move that Bill 204 be amended as follows. Section 2 is amended in the proposed section 32.1 by striking out subsection (4) and substituting the following:

- (4) In making an order under this section, the Court shall take into consideration only the best interests of the child as determined by reference to the needs and other circumstances of the child.

In moving that amendment, I would like to say that I previously stated that the best interest of the child is set out in terms of the Divorce Act. It's also something that the courts "shall" do.

As previously stated, subsection (4) in the existing Act includes

- (a) the nature and extent of the child's past association with the grandparent, and
 (b) the child's views and wishes, if they can be reasonably ascertained.

That's in the original Bill.

In stating that the courts will take into consideration in 204

the "the nature and extent of the child's past association with the grandparent," in some instances, as I stated before, the child may have been prohibited through a custodial parent from having an association of any kind with the grandparent. "The child's views and wishes, if they can be reasonably ascertained." Again, where are they going to be ascertained? In a courtroom? In the court? That isn't necessarily in the best interests of the child.

In moving this amendment, I believe that this says everything that needs to be said without further identifying some of the other discretions, that the judges will be able to deal with this under section (4) as it sits without sections (a) or (b).

[Motion on amendment A1 lost]

MR. WHITE: Mr. Chairman, I do not have any amendments today to this Bill, although my colleagues certainly do. There are a number of areas in this Bill that I have to say please me, having had to speak to a number of grandparents that in recent years have been denied access on a whim oftentimes and more often where the children are being used as some kind of weapon for either a financial or a psychological fight or whatever it is, and the grandparents and the grandchildren seem to get lost in the shuffle somehow. It's with a great deal of consternation that I see this, when I have had, in my own experience, a great deal of success at having grandparents assist my family in raising two children and having them have another set of parents, if you will, albeit grandparents, but a different set of values to deal with, a different standard to live by, and certainly different examples. I happen to have had the luck of having grandparents living very, very close to the elementary and junior high schools which my sons attended, and they were able to go to their grandparents' every day for lunch and to have this little visitation and to understand and grow with each other and change with each other. It's a separate set of parents that really helped in their upbringing.

This particular advantage is not afforded all parents and all grandchildren of course. It just happened to be the luck of the draw that we reside in the same city that the boys' grandparents do. That aside, to deny and to go specifically out of your way to deny access to children from a grandparent's point of view is a very, very, very bad thing to do.

This Bill in fact potentially assists in having access to those children, which I believe is probably the thing that should be done. I have nothing but good things to say about the Bill and will take my place. We're looking for some more amendments here to the Bill.

Thank you.

3:00

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

MRS. SLOAN: Thank you, Mr. Chairman. I'm quite perplexed now. I recognize that the amendment that was proposed by my colleague has not passed and that I'm not in a position to be able to speak to that. The question that arises for me is: whose rights take precedence with this Bill? I guess if I am reading the outcome of the amendment vote correctly, it would seem to me now that grandparents' rights take precedence over the rights of children, for the amendment that was proposed by the hon. Member for Edmonton-Norwood was intended to put the rights of children front and centre and that the courts would deem the best interests or the needs or other circumstances of the child to be of paramount consideration prior to making their ruling. So whose

rights take precedence now in this Bill? I have a concern with respect to that.

Again, as the hon. Member for Calgary-*Buffalo* said earlier, we're not trying to make it argumentative, but at the same time, it strikes me as odd and concerning that the Conservative caucus would not support an amendment that puts the interests of children first and centre. So with that I would like to raise the question: whose rights are paramount, then, in this Bill?

I will await a response with respect to that prior to determining whether I can vote in favour of the Bill. Thank you.

Chairman's Ruling Items Previously Decided

THE CHAIRMAN: The Chair would observe, hon. Member for *Edmonton-Riverview*, that once a vote has been taken, there is a Standing Order opposing going back and continuing to debate what has previously been taken. If one is to do that, you have to craft it carefully so that it doesn't offend the Standing Orders.

In any event, the hon. Member for *Calgary-*Buffalo** is now indicating his interest in speaking on Bill 204.

*Calgary-*Buffalo**.

Debate Continued

MR. DICKSON: Thanks, Mr. Chairman. What's being circulated now is a further amendment I want to move. The amendment is not as artfully worded as I would like it to be, and the reason is simply that it was important to get it put forward as quickly as possible at this stage.

I'd just make an observation. You know, the Member for *Calgary-Fish Creek* . . .

THE CHAIRMAN: Hon. member, just a matter of process here. Presumably, nearly everyone has it. This amendment will be called A2.

*Calgary-*Buffalo**.

MR. DICKSON: Thanks very much.

It's interesting to me. The Member for *Calgary-Fish Creek*, who is keen on responding to the legitimate concerns of grandparents, has expressed to me her frustration that there's any discussion about the Bill, and I think I'd just make the observation that this process can be expedited a lot. If somebody is anxious to build support for a Bill, at the earliest possible stage provide a copy of the Bill to the other caucus in advance or at least a draft before the session starts. There's no faster way of being able to identify the issues: seeing the amendments before the session starts.

Now, the amendment I want to move, Mr. Chairman – I think it's being passed out now – is an amendment to change section 32.1 so that in fact it uses the word “relative” instead of “grandparent.” Now, the point here is that it does absolutely everything that Bill 204 will do now, but it expands it further: you know, those cases I mentioned before, where it's not a question of grandparents being denied access but where you may have some other members of the extended family, uncles and aunts, who are denied access. I simply wanted to expand the Bill to be able to cover those kinds of situations.

I can say that in my experience as a lawyer doing a lot of custody access cases, it was not at all uncommon that uncles and aunts would be involved virtually as surrogate parents. It might be a case where you have a very young mother, and it's not uncommon that if both parents are virtually teenagers, you

may well have a case where it's an aunt or a grandparent who steps in and actually provides a lot of the care for that child. It might be appropriate in a case like that. If not custody, then, at least access should be involving those uncles, aunts, other members of the extended family.

So I would hope the Member for *Calgary-Fish Creek* would view this as not a hostile but a very supportive, friendly amendment, one which simply does everything she wants to do for grandparents but also says that we have a problem in this province for uncles and aunts and other members of the extended family. In appropriate cases they also should be heard from.

So those are the reasons that I move the amendment and encourage people to consider it carefully. It doesn't take away anything from Bill 204, that's currently in front of us. If the Member for *Calgary-Fish Creek* disagrees with the amendment, if she thinks that uncles and aunts and other members of the extended family shouldn't be heard from, I'm hopeful that she'll stand in her place and offer her commentary, offer her analysis. It's not a question that these Bills come back every year for revision, and if we're opening up section 32 or that part of the Provincial Court Act, let's do it now to address all of those serious concerns dealing with access to children. Let's not only focus on grandparents to the exclusion of other members of the extended family. If the Member for *Calgary-Fish Creek* can think of some compelling reason that I'm not aware of why children shouldn't have the right to know their full, extended family after separation or divorce, I'd very much like to hear that, because that's what this is about: children having the biggest network of support that we can give Alberta children. That's what's important here.

The other comment I'd just make is that in the Divorce Act any relative could come to court and make an application or at least ask for leave to be involved. So this isn't something radical I'm suggesting. The power already exists. It's frequent – not in the majority of cases, but it's not unheard of either – that uncles and aunts come to court under the Divorce Act to apply for custody. Here we're only talking about access.

So I think it's important that that provision be made available, and I'm looking forward to further debate on what I hope is a constructive amendment which is going to advantage every child in this province who would otherwise be subject to section 32 of the Provincial Court Act.

Thanks, Mr. Chairman.

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

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

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

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

MRS. SOETAERT: Thank you, Mr. Chairman. It's my pleasure to introduce two fine young gentlemen who are sitting in the gallery today. Reg Spears is a student at the U of A in physiotherapy, originally from Rochester and now living in Edmonton. Beside him – and I think it's rather appropriate we're speaking to Bill 204 today – is my nephew Scott McGregor, who is finishing

up at Augustana college and originally from Thorsby. I'm pleased that they're here, and I'd ask the Assembly to give them a warm welcome.

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

3:10 **Bill 204**
Provincial Court Amendment Act, 1997
(continued)

THE CHAIRMAN: The hon. Member for Spruce Grove-Sturgeon-St. Albert on amendment A2.

MRS. SOETAERT: On amendment A2. Thank you, Mr. Chairman. I just think I would be remiss if I didn't express my concern that I hope everyone in this Assembly supports this amendment. If anyone is an aunt or an uncle or is a close family member to some of these children whose lives we are affecting with this Bill, I would urge them to support this.

As many of you know, I come from a large, extended family. Some of them are even here today. If something happened that I wouldn't be able to access the ability to see them and be a part of their lives if their parents decided to separate and things were difficult, I think that would be a tremendous loss in my life and in their life. So I would urge every member in this Assembly to really consider this amendment and to support it. I know you all think of maybe a special niece or a nephew that's very important in your life, and I think it would break our hearts if we couldn't be a part of their lives.

So I would encourage all of you to support this amendment. Thank you, Mr. Chairman.

[Motion on amendment A2 lost]

[The clauses of Bill 204 agreed to]

[Title and preamble agreed to]

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

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

The hon. Deputy Government House Leader.

MRS. BLACK: Mr. Chairman, I move that the committee now rise and report.

[Motion carried]

[The Deputy Speaker in the Chair]

MRS. GORDON: Mr. Speaker, the Committee of the Whole has had under consideration a certain Bill. The committee reports the following: Bill 204. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official record of the 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
Government Bills and Orders**
head: **Second Reading**

Bill 206
Occupiers' Liability Amendment Act, 1997

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

MR. RENNER: Thank you, Mr. Speaker. It's a pleasure for me to rise this afternoon to speak to second reading of Bill 206. I in fact introduced Bill 206, the Occupiers' Liability Amendment Act.

Mr. Speaker, this will be the second time that I have brought this particular Bill forward to the House. It was last on the Order Paper in the very, very short session just prior to the election. However, this will be the first time the Bill will have the opportunity to be openly debated.

I've chosen to bring this Bill forward today because the Alberta we know is changing and changing for the better. Albertans are some of the most active and healthy people in Canada. With our intensely beautiful landscape one can see why. Bill 206 creates a helping hand towards a more open landscape and even perhaps a healthier Alberta. Every year we see a dramatic rise in the number of people using our national and provincial parks. The whole of Alberta is a tourist attraction. People from across the world come here to see our majestic wildlife and natural areas. Mr. Speaker, we as a government should encourage the use of land for recreational purposes. We have the landscape, so why don't we use it to its full potential?

Mr. Speaker, the truth of the matter is that people are concerned about getting sued. With the Occupiers' Liability Act that is currently in place in Alberta, an occupier is liable for injuries that are sustained by visitors while on that property. It is for this liability reason that many private landowners refuse to allow visitors onto their land for recreational purposes. There are few people I know of who would take the risk of allowing people onto their land for recreational purposes without the provisions of Bill 206.

Under current legislation an occupier of a piece of land is under obligation to provide what is called a common duty of care to visitors. Before members of the House begin asking what common duty of care is, I will define it as outlined in the Alberta Occupiers' Liability Act. Section 5 of that Act states:

An occupier of premises owes a duty [of care] to every visitor on his premises to take such care as in all the circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes for which he is invited or permitted by the occupier to be there or is permitted by law to be there.

This definition can quickly be summarized as what safety precautions a reasonable person would afford a visitor. We are not talking about pillow-lined paths or air bags on trees. What we are talking about is providing each and every visitor with the assurance that precautions have been taken to ensure that they are reasonably safe from harm.

Mr. Speaker, this is all well and good for a potential victim of an injury because it places no burden of responsibility on the visitor. When someone asks to use a piece of property so they can walk on a trail or ski across a field, would it not make sense that they should all assume the risks of doing so? Under this legislation the visitor has immediate recourse by way of holding the landowner liable for any and all injuries that may come from

their participating in the activity of their choice. Bill 206 would modify the Occupiers' Liability Act to allow property owners and occupiers to allow visitors on their land to pursue a recreational purpose but would remove their obligation to discharge the common duty of care as previously defined.

This Bill has limiting factors which would restrict a person from not providing the common duty of care. The first is that the visitor is permitted to be on the premises for recreational activities which are indicated on signposts. These signs would state in some form or other that a visitor could use, for example, a walking path or fields for hunting or skiing but at the same time could also restrict the use of snowmobiles and fishing. The signs would allow the occupier to dictate exactly what recreational activities can be performed on the property. This is an important aspect of the Bill in that anyone who is on the property and not using it for a purpose that is allowed would be considered a trespasser and would not be covered under a different section of the existing Act.

Once a person enters the property to partake in an activity that is designated on a sign, then at that moment the occupier is under no obligation to discharge a common duty of care to that visitor. The visitor now has the responsibility of taking care of himself and assumes all risks of the activity and the condition of the land on which the activity takes place. As I have said earlier, it only stands to reason that someone should assume the risks when they enter someone else's property.

The next factor that allows the occupier to discharge the common duty of care is if there is no fee paid by the visitor to use the land. This would follow the attitude of self-reliance held by experienced recreational users of

3:20

The choice is clear, Mr. Speaker. If a person who engages in a recreational activity requires that an occupier live up to a greater standard of care, the person may go to an area charging an entry fee for that kind of activity. This section of the Bill is required so that recreational centres such as ski hills could not use the section of the Occupiers' Liability Act when trying to avoid liability issues. If a fee is paid either by way of a onetime payment or a season pass, then that is a payment for the use of the facilities, and the occupier is then under an obligation to provide a greater standard of care.

Mr. Speaker, this Bill will not allow land occupiers to blatantly disregard safety measures which would protect visitors from harm, but it does ensure that those visitors who enter that parcel of land to perform whatever recreational activity is permitted by the occupier willingly assume the risk of doing so.

It should be noted that this amendment would not affect the right of an entrant on any land who is injured either intentionally or through the negligence of the occupier to sue the landowner for damages. Section 9.1(1) states that the occupier "is liable to the visitor for death or injury that results from the occupier's wilful or reckless" intent. Although there are no specific definitions of "wilful or reckless" intent in the statutes, the general legal understanding of "wilful" involves an intentional as opposed to an inadvertent act, and "reckless" requires that one act in a manner that is irresponsible or heedless of consequences.

Mr. Speaker, this Bill is intended to open certain parts of the province to recreational use. The need to limit its scope will ensure that areas that are inherently dangerous still need to provide a duty of care. The areas that could use this section of the Act would include recreational trails, utility rights-of-

way, golf courses when not open for playing, and premises that are used for agricultural purposes. These areas are the most commonly sought-out pieces of land to actively enjoy recreational activities, hence their inclusion. This list, however, is not exhaustive. There may be call to expand this list to include such areas as grazing lands or irrigation works, but these additions would be on a case-by-case basis.

Mr. Speaker, I will take this opportunity to give a brief history of the Occupiers' Liability Act to put this amendment in perspective. Alberta was the first province in Canada to codify such an Act. The need to put the Occupiers' Liability Act into statute came about because the previous judge-made common law had become unnecessarily complex. So in 1973 Alberta legislated the Act based upon recommendations from the Institute of Law Research and Reform. The institute's report was created using three occupiers' liability Acts that were already in place in other parts of the Commonwealth. These included the occupiers' liability Act of 1957 of England, the Scottish Act of 1960, and the New Zealand Act of 1962. The Occupiers' Liability Act has quite a history in Canada and the Commonwealth. These Acts were created post-World War II, when the concept of property rights was at its peak.

Times have changed, Mr. Speaker, and there is again a calling for private lands to be open to the public without fear of reprisal. There are six provinces, including Alberta, which have occupiers' liability Acts currently in legislation. British Columbia enacted theirs in 1974, Ontario in 1980, Manitoba in 1986, Prince Edward Island in 1988, and finally Nova Scotia in 1996. Of these provinces, Ontario and P.E.I. have already legislated discharging the common duty of care when a visitor is allowed on the land for a recreational activity.

Alberta often leads the country in its forethought and positive legislative initiatives, but we have not been a leader in this regard. We must make amends and put what should rightfully be part of the Alberta Occupiers' Liability Act in place. Mr. Speaker, we need Bill 206.

Bill 206 is directed towards agricultural and rural landowners, because there is great concern over the liability issues in these areas. Bill 206 will go a long way to alleviating these concerns. Rural Albertans are not averse to having people use their land for recreational activity. In fact, they would probably encourage it. But when there is the possibility of losing everything they have worked so hard to create because someone injures themselves, there is the likelihood they would not permit regular visitors to use their land.

Mr. Speaker, in my own constituency I can see the need for this amendment when I look at the local trail systems. There are three trail systems that I would like to mention because they are the exception rather than the norm. Ross Creek, Cavan Lake, and Stettler trails are all built at least partially on private land. These landowners have kindly allowed public access to their land for recreational pursuits but are taking a certain risk by doing so. They can be held liable for accidents that occur on their land, but they have never been or probably never will be held liable because people who use these lands know that they do so at their own risk. They willingly accept the land as is. This is the kind of good nature this Bill is intended to produce. We know that people want to allow visitors to use their land but won't because of the liability. With Bill 206 land all across Alberta will quickly become available for recreation.

Mr. Speaker, the Occupiers' Liability Act protects those individuals who need protection when they are injured on private

land. However, we must also provide some protection to the landowners. Bill 206 does not in any way, shape, or form force landowners to open their land to visitors. The Bill will, however, give them the option of doing so.

I look forward to a lively debate, and I'm sure that it will follow. I look forward to the comments made by my hon. colleagues. I urge all members in this House, whether you are from a rural constituency or an urban constituency, to weigh the merits of this Bill when you vote on it. Bill 206 is needed in this province, and with your support we will see a better, more open Alberta for all Albertans to enjoy.

I take great pleasure in moving second reading of Bill 206. Thank you, Mr. Speaker.

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

MR. DICKSON: Thanks, Mr. Speaker. In the couple of minutes we have left before we run out of time, I've got some questions. What's the definition of recreational trail? In section 2, under the new 9.1(1) there is the provision: "When an owner or occupier has indicated by sign." There's no question in terms of where the sign is going to be located. If we're talking about the kinds of open spaces that my friend referred to a moment ago, it strikes me that that's a bit narrow. I'm interested in whether the Law Reform Institute has made some recommendations. After all, in the genesis of our Occupiers' Liability Act it was the Law Reform Institute that had done a very thorough analysis, and many of the recommendations were carried forward. So in terms of the mischief that we're trying to remedy with this Bill, I'd like to know what input there's been from the Law Reform Institute.

The other thing that strikes me is that it's a bit vague in some areas. I think, for example, there's an area near the Holy Cross hospital which is vacant or undeveloped premises, and in fact the land is used for the Cliff Bungalow-Mission Community Association, who have created that little garden area. Arguably, that may well be for agricultural purposes. It may well be vacant in the sense that nobody resides on the premises. There's no industry, no business carried on on the premises. As I read the definition, it strikes me that it might in fact cover this land near the Holy Cross hospital.

I think that the whole purpose of the Occupiers' Liability Act is to protect Albertans not from absolutely every risk but from some of the risks that exist and some of the preventable, identifiable risks. So when I look at this and say that what we're doing is we're starting to strip away some of the protection that Albertans have when they use certain areas of the province, I think we just have to be very careful that we're not taking away remedies and protection that we want Albertans to have and Alberta children to have.

There's a section in the Occupiers' Liability Act . . .

THE DEPUTY SPEAKER: I hesitate to interrupt the hon. Member for Calgary-Buffalo, but the time limit for consideration of this item of business on this day has concluded.

3:30 Motions Other than Government Motions

Health Care Policy

504. Mr. Mitchell moved:

Be it resolved that the Legislative Assembly urge the

government to evaluate its health care policy against the provisions of the Canada Health Act.

[Debate adjourned: Mr. Cao speaking]

MR. CAO: As I continue from the last debate, Mr. Speaker, clearly we are well on our way to a health system that all Albertans can be proud of. The five principles of the Canada Health Act – accessibility, public administration, comprehensiveness, universality, and portability – are important to all Albertans and to this government. In fact, they are the foundation of Alberta's health care system and the basis of its restructuring. We are acting and will continue to act in accordance with the spirit and the intent of the law.

[Mrs. Gordon in the Chair]

The Canada Health Act requires provincial hospital and medical plans to be administered on a public and nonprofit basis. Consequently, private insurance plans are prevented from providing coverage for medically necessary hospital and physician services. A two-tiered system is not possible.

Madam Speaker, Alberta's health system is publicly administered. Our health insurance plan is administered by the government and is operated on a nonprofit basis. Under the Canada Health Act all residents of a province must be entitled to coverage under the provincial health care plan. The insured person must also be covered under the insurance plan when temporarily absent from their province of residence. Again, Alberta abides by these principles of universality and portability. All Albertans and non-Albertans have and will continue to have access to medically necessary services in this province. The Canada Health Act mandates each province's provincial health insurance plan to be comprehensive, to insure all medically necessary hospital and physician services and surgical dental services which need to be performed in a hospital.

Madam Speaker, it is important to note that the Canada Health Act does not define medically necessary services. It is left to the discretion of the provinces. This has led to the inconsistencies in health services provided from province to province. Insured health services as defined in the Act are provided under the Alberta health insurance plan. In fact, the Act does not cover every aspect of health services in Alberta. Albertans are also entitled to and eligible for many additional services beyond those covered under the Canada Health Act.

In addition to hospital and medical services, Alberta provides a range of nonphysician services such as podiatry, optometry, chiropractic services, special dental and optical services for seniors, as well as long-term care, home care, and prevention and health promotion services. These services can be expected by all Albertans and are listed in the Core Health Services in Alberta document, released in 1994 by the Department of Health. The government is currently initiating a process to update this document to ensure that the stakeholders and the public will have ongoing involvement in defining and clarifying the definition of core health services in Alberta.

Madam Speaker, health care is a provincial responsibility, and the provinces are to carry out this responsibility based on the principles of the Canada Health Act. This provides the provinces with the necessary flexibility to design a health system that best meets the needs of its citizens. Through the restructuring of our health system, Albertans have increased access to health services that are more responsive to their needs.

The Canada Health Act also legislates that health services be accessible to all Canadians. The Act requires that each provincial health care insurance plan provide reasonable access to medically necessary hospital and physician services without financial or other barriers. Madam Speaker, Alberta is committed to upholding this principle. In fact, Alberta Health is currently working on a project to define reasonable access and to develop measures to determine whether Albertans have reasonable access to services. In 1996 over 75 percent of Albertans responding to a survey found health care services accessible throughout the province. While these results are positive, there is always room for improvement. This government remains committed to working with the RHAs to find new ways of improving access and services in Alberta's communities.

Madam Speaker, the Canada Health Act is not the only legislation which covers the delivery of health services in Alberta. Since restructuring, we now have the Regional Health Authorities Act, which supports the principles of the Canada Health Act and is responsive to the specific needs of Albertans. Accessibility and the other four principles in this motion are legislated in the Regional Health Authorities Act. Regional health authorities are required by law to uphold this principle. The Act states that the RHAs must

- (i) promote and protect the health of the population in the health region and work towards the prevention of disease and injury,
- (ii) assess on an ongoing basis the health needs of the health region,
- (iii) determine priorities in the provision of health services in the health region and allocate resources accordingly,
- (iv) ensure that reasonable access to quality health services is provided in and through the health region, and
- (v) promote the provision of health services in a manner that is responsive to the needs of individuals and communities and supports the integration of services and facilities in the health region.

It is the responsibility of the RHA to provide these core health services to Albertans. In addition, it is the responsibility of the RHA to plan for full co-ordination of health services in conjunction with RHAs, provincial boards, Alberta Health, and other providers.

Madam Speaker, this government is committed to the five guiding principles of the Canada Health Act. They are the foundation of our health system, and we will continue to provide services based upon them. It is redundant and unnecessary to duplicate what is already being done, to re-evaluate our policies against the Canada Health Act. This would be merely a make-work project and a waste of taxpayers' hard-earned dollars. No one can argue the principles in this motion; they are supported by this government and by all Albertans. As I have stated, the government already provides health services based on these principles and remains committed to them. To assure Albertans of this commitment, there are a number of mechanisms and avenues already in place which provide various forums for evaluating health policies and identifying violations of Canada Health Act principles, if they were to occur.

The Provincial Health Council focuses on issues of quality of care, identifies and evaluates the strength of the health system and the areas that require greater attention, and acts in an advisory capacity to the Minister of Health. In addition, the Provincial Health Council produces an annual report on our health system, which can be reviewed by all Albertans.

3:40

As I mentioned earlier, Madam Speaker, the principles found

in the Canada Health Act closely resemble the principles legislated in the Regional Health Authorities Act. These principles are also a part of the Alberta Health business plan and are the basis for the regional health authority business plans. The business plans and the annual reports for the aforementioned are readily available to the public. This includes members of the opposition. I would suggest that if the Member for Edmonton-McClung were to read through these documents, he too would realize that Alberta is meeting the five principles of public administration, universality, portability, accessibility, and comprehensiveness in the Canada Health Act and that this motion is superfluous.

Madam Speaker, Alberta Health policy can be also evaluated at the First Ministers' conferences, Premiers' conferences, and the Federal/Provincial/Territorial Conference of Ministers of Health. Earlier this year Health ministers from across the country gathered to discuss future health systems for Canadians. They released a document entitled Renewed Vision for Canada's Health System, which reaffirmed the provinces' and territories' commitment to protecting and maintaining the integrity of the national health system. The provinces and territories recommended that a transparent administrative mechanism be established to provide independent expert advice on the application of the Canada Health Act. It would ensure that the five principles of the Act are clearly understood and followed in a fair and consistent way by all governments across Canada.

As you can see, Madam Speaker, Alberta's health care policy is evaluated on a regular basis and not only in this province but by other government leaders across the country. The principles of our health system as defined in the Canada Health Act are something that all Albertans value. We look to these principles as part of our Canadian identity. We will continue to work with our federal, provincial, territorial counterparts to ensure that our health system remains true to these principles while responding to the changing needs of Albertans.

In closing, the province of Alberta abides by and will continue to abide by the principles of the Canada Health Act. I cannot support this Motion 504, Madam Speaker. It is redundant and not moving forward.

Thank you.

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

MR. DICKSON: Thanks very much, Madam Speaker. I feel a little bit like I want to scream out: the emperor really has no clothes. I've sat here and listened not just in this debate but at other times when people on the government side continued to assert – and I know this is a private member's motion, but we do come wearing particular coloured hats. We hear people continually say: this kind of a motion is superfluous; it's redundant; it's not required. Yet is this not the same province where Alberta taxpayers had to fork out several million dollars in penalties because in fact we had violated the Canada Health Act? Is this not the same province where the federal Minister of Health, who was in Calgary on Friday and who I had a chance to speak with about what's going on in Calgary and who obviously is very concerned, told me and certainly told reporters the depth of his concern with the private hospital in Calgary?

So things are not all sweetness and light, Member for Calgary-Fort, and I'd do everything I could in the few minutes I have left to disabuse you of any notion at all that says that in this province there's no need for this kind of a motion. The reality is

that there's probably no other jurisdiction anywhere in Canada where there's a more evident and compelling need for this kind of direction.

You know, it seems to me that in an earlier motion people would talk about being bewildered: "Why do we have to talk about the Canada Health Act principles? They're already enshrined." Another government member said: basically unnecessary; the principles are already present. Then we've heard comments as we have here from the Member for Calgary-Fort.

Well, this truly is a situation where the devil is in the detail, and it doesn't matter how many times people stand up on soapboxes and say: we support the Canada Health Act, and we follow the Canada Health Act. What we have to do is do a little more careful study of what's going on at the operational level. What's actually happening with the regional health authorities? How are they spending their money? What kind of services are they allowing to develop in their areas? What it comes back to is that the leadership has to come from this place, from this Assembly, and that's what this motion is all about. It's bringing home to this Assembly the responsibility that we have.

How many times have we heard government members say that they don't like Ottawa coming in and telling this province what it should do in terms of ensuring that all Albertans have access to medically necessary services as and when they require them regardless of their income level? Well, the answer surely is because nobody in Alberta is standing up and saying those things, because we don't have leadership in this province to not just recite the five core principles of the Canada Health Act but to operationalize them. That's what we're trying to do with this thoughtful and helpful motion introduced by the Leader of the Official Opposition.

You know, the National Forum on Health did a series of reports and particularly in the one called Striking a Balance Working Group made at page 5 actually two observations I want to quote. The first one is this:

Finally, unlike previous waves of reforms which have been expansionary in nature, it is essential to maintain public confidence in the system throughout this continuing period of retrenchment and experimentation.

The other quote is:

Mechanisms must be found to increase transparency and public accountability so that the public can judge the system's performance for themselves on an ongoing basis.

I think those comments are instructive to us when we deal with this motion, because I think what this motion does is take to heart those recommendations from the National Forum on Health.

What it says is that we have to evaluate a policy on a dynamic, ongoing, regular basis against those principles, and instead of just pretending to pay blind observance or compliance to the principles, we have to test each element of the delivery of the health care system in this province against those principles. We have to continuously and in a very vigorous way keep saying: "Are we still being compliant? Are we still meeting the goals of the Canada Health Act, particularly when it comes to access?" That's the area where we see the infringement and the erosion at the margins of the accessibility principle.

We see in this province, maybe embraced in a way that we don't see in any other jurisdiction in Canada, that the welcome mat is out for for-profit health service providers. So this isn't an academic exercise. The challenge is here, and it confronts regional health authorities and confronts legislators and, most importantly, confronts Albertans now. It appears that we're going to be seeing a whole series of new challenges. This is

the time we have to sit down and put in place some kind of mechanism. You know, the Provincial Health Council was late in starting, made a whole series of recommendations which pointed out the extent to which we've lost sight of the accessibility guarantee in the Canada Health Act, pointed out that there are a whole lot of things that aren't working particularly well in the Alberta health care system. I think it's time that we bring the responsibility home, we bring the responsibility into this Assembly, and not go through this exercise of pretending that it's a group of appointed, unelected people spending 2.3 billion tax dollars that somehow now are supposed to be the guardians of the Canada Health Act. The only guardians of the Canada Health Act outside of the federal Minister of Health are the Minister of Health and his colleagues and every member of this Assembly. This is where the responsibility has to rest, and that's why we need this kind of a mechanism that's been proposed by the hon. Leader of the Opposition.

3:50

The \$3.6 million in fines paid by Albertans between October of 1995 and May of 1996 I think established conclusively and very persuasively why this motion deserves the support of all members.

Of the five principles I've mentioned accessibility, and I focus on that because I think this is the principle that is adhered to more weakly and most halfheartedly in the province of Alberta.

When we look at the National Forum on Health and the recommendations that they made, there's also some trenchant analysis of this myth that says that private health care is better than public health care. Members might be interested to look at their conclusion that arguably private health care is less efficient. It's more expensive than a publicly administered system to which all people have access.

I think that we've got to bring responsibility home. We've got to bring responsibility into this Assembly. We've got to ensure that a very different message goes out from the province. It appears now that the existing leaders in this province are putting out a vacancy sign to every health management corporation on the continent that wants to come in and find a hospitable welcome and a great launching pad to penetrate the Canadian health market. We've got a government that despite on the one hand professing their religious adherence to the Canada Health Act has still got that vacancy sign out and seems all too enthusiastic and eager to welcome people in who would put making a profit ahead of ensuring that kind of universal accessibility that I think Albertans rely on and put a great deal of stock in.

It was interesting that it was this province, unlike many other sister provinces, that did not choose to meet the NAFTA deadline for identifying exceptions, those parts of the health care system they wanted to specifically protect. One is left to wonder: is it those other provinces? Their leaders aren't very smart? They can't read as well as leaders in this province can? Can it be that they have a somewhat different interpretation of either NAFTA or the Canada Health Act? I was very nervous and very anxious, Madam Speaker, when I saw other provinces taking the kind of action that they did in December of '96 and to see this province choose not to.

We've seen the Gimbel Foundation Act initiative that came in in this province. Once again it demonstrates that it's in this Assembly and the committees of this Assembly where these kinds of issues come up and have to be addressed and have to be fought. Now more recently the Trans Global insurance Act raises plenty of questions, simply in the early treatment of that particular initiative. Many concerns in this province.

The Leader of the Opposition has come forward with a very constructive and timely motion which effectively would put the brakes on and, if you will, close the gate and lift up the drawbridge and lock that gate against U.S. profiteers in the health care sector, against would-be profiteers in this province and simply give meaning and animate the principles of the Canada Health Act in a consistent and regular and detailed way. That's really what we need.

I couldn't help thinking the other day, listening to the federal Minister of Health and the provincial Minister of Health, that in some respects it sounds like they're speaking in two different solitudes. They're not, apparently, speaking to each other, both of them having very different views in terms of how to interpret and apply the Canada Health Act. Could there be any stronger reason why we should take some leadership in this province through the motion that's been proposed by the Liberal opposition leader to spell out in some detail – not in a vague, very expansive way but in a very detailed, concrete fashion – what things are going to be forbidden and what things will not be?

We heard some talk earlier that the government is working on this. Well, one would like to think that with the Department of Health, with the kind of \$3.9 billion budget they've got and the size of the people they have in their policy analysis section, we wouldn't still have to be waiting, that we'd have the document there and in front of us and available to regional health authorities to use and determine what kinds of programs they're going to use.

Well, I think, Madam Speaker, those are all, at least to me, compelling reasons why we should support Motion 504. I encourage members to do that, to recognize that if in fact we want our system to be transparent, if we want Albertans to have a measure of confidence in our public health system, we've got to demonstrate it in the detail. That's what this motion calls for, and for those reasons I ask every member to support the motion.

Thanks very much, Madam Speaker.

SOME HON. MEMBERS: Question.

THE ACTING SPEAKER: All those in favour of Motion 504 . . .

I'm sorry. Edmonton-Riverview.

MRS. SLOAN: Thank you, Madam Speaker. I was a bit slow to get up. My apologies.

I would also like to speak in favour of this motion and also make some comments with respect to the comments made by the government member in response to the submission of this motion. I, too, have not only sat in this Assembly but have worked in the health care system in this province since 1981. Increasingly, what I have seen this government, the Conservative government, undertake to do is to create what I'm terming a free market approach to health care. I think all governments across the country – it's true – have looked at ways of making health care more competitive. Most of them have chosen, though, a mechanism of doing that by regionalizing that does not subject the system to erosion or to increasing the private sector's role in the delivery of health services.

Unlike other provinces Alberta's recent directions take it one step further. If health care is delivered by regional health authorities and the boards of those health authorities are appointed by publicly elected officials, as are those in Alberta, at least the requirement of accountability is maintained. The regional health authorities must submit audited statements. There is a required mechanism of reporting. That, Madam

Speaker, would not be the case with HRG. It would also not have been the case with the Gimbel foundation had that Act been passed, and it takes our health care system into an era where I respectfully submit we do not want to go.

I do not believe I heard a single member of this Assembly campaign in the last election on the premise that they were supporters and advocates of private health care. Quite the contrary. I know that was the case certainly in my constituency, where the strengths of the Canada Health Act were articulated by members of all of the three main parties, and all maintained their undying support to

4:00

What the Official Opposition leader is proposing by his motion, which has been stated, is basically a measurement, a report card, whereby the current government's directions in health care would be analyzed, scrutinized under the requirements of the Canada Health Act and would be at every level, not just at the superficial level in this province but at the departmental level, at the regional level, at the foundation level.

I do not believe, I do not submit that that type of scrutiny has ever occurred, and while I can respect the Minister of Health or any members of the government getting up and saying that they are in support of the Canada Health Act, I believe that I and I believe that the public, private citizens, are entitled to see that actually transcended in fact. I believe they're entitled to see the analysis of the department, of the regions, of the foundations, and that under all of those the requirements of the Canada Health Act are met.

I certainly believe this motion would apply to the current activities undertaken by this government with HRG, and it is an even more solid argument as to why all members of this government and opposition should support such a motion. If we are in fact saying that we support the Canada Health Act, then let's scrutinize HRG's proposals under that Act, and let's also scrutinize the implications HRG's proposals have with respect to the North American free trade and internal trade agreements.

I was in fact involved in December of '95 and in March of '96 when this province was the only province in this country that refused to identify health care as an exemption from the North American free trade agreement. Shameful. Absolutely shameful. It's like talking to a brick wall to have to outline the implications that it has, that if one single corporation, be it Canadian or otherwise, is allowed a status in this province, Madam Speaker, that opens the door to corporations, whether they be American or Mexican, to provide the same service with the same provisions as that Canadian corporation is being given.

So I think that if the members on the opposite side cannot see fit to support the motion on the basis of it applying to the RHAs, they should certainly, in the interests of being open and accountable, be willing to support the motion on the basis of the HRG activities.

Thank you very much.

THE ACTING SPEAKER: I hesitate to interrupt the hon. Member for Edmonton-Riverview, but under Standing Order 8(4) I must put all questions to conclude debate on the motion under consideration.

On Motion 504, as proposed by the hon. Member for Edmonton-McClung, all those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE ACTING SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE ACTING SPEAKER: Defeated.

[Several members rose calling for a division. The division bell was rung at 4:04 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the Chair]

For the motion:

Blakeman	Gibbons	Pannu
Bonner	Leibovici	Sloan
Carlson	Mitchell	Soetaert
Dickson	Nicol	White

Against the motion:

Black	Haley	Pham
Boutilier	Herard	Renner
Broda	Hierath	Severtson
Cao	Jacques	Shariff
Clegg	Johnson	Smith
Coutts	Jonson	Stelmach
Day	Klapstein	Stevens
Doerksen	Langevin	Strang
Ducharme	Lougheed	Tarchuk
Dunford	Lund	Taylor
Forsyth	Magnus	Thurber
Friedel	Mar	Woloshyn
Gordon	Melchin	Yankowsky
Graham	O'Neill	

Totals:	For - 12	Against - 41
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[Motion lost]

Provincewide Recreation Trails

505. Mr. Doerksen moved:

Be it resolved that the Legislative Assembly urge the government to develop a provincewide plan linking trails and to encourage responsible recreational use of such trails.

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

MR. DOERKSEN: Thank you, Mr. Speaker. It is a privilege to rise in this House and introduce a private member's motion. We don't get a lot of time to debate these motions because they're only given an hour in the House every week. I've had the good fortune to be able to introduce two previous motions, one to do with charitable tax donations and giving more tax credit benefit to those as well as a motion to do with examining the utilization of health care services and some mechanisms to address that whole issue. Both of them have passed, Mr. Speaker, so I'm hoping that I'll bat a thousand when this one is done.

Each of those motions that I have introduced has been of a varying nature, and this one is no different. The intent of this

motion is to see the development of a provincewide plan – and I underscore the word “plan” – linking trails across Alberta and to see that these trails are used in a responsible manner. It's a pleasure to debate this motion today. Even though it was on the Order Paper previously, we did not get the chance to bring it forward for debate, and we now get the opportunity. I think it's a good motion and the concept is good for the provincial landscape and for the citizens of Alberta.

The importance of trails in Alberta is often underestimated, and we must ensure that the need for trails in this province is not forgotten. The concept of trail plans is nothing new, and I'm sure that everyone in the House today has heard of the Trans Canada Trail. I will elaborate more on the Trans Canada Trail later in my speech. [interjection] No. There is one known as Highway 1 that goes throughout Canada, but there's also another, the Trans Canada Trail.

4:20

It is true, Mr. Speaker, that most communities have the provision to include trails and paths in their municipal planning, but these trails are often isolated from other municipalities. There are usually no links to other trails in the area, and as a result we end up with many individualized trails. If these trails were linked, they could become one exceptional route. To ensure that the trail system of Alberta is the most effective and prudent use of land, we must act to put together a blueprint as to where Alberta trails should be and how they should be maintained.

The benefit of trail planning will not be limited to Alberta. All of Canada will profit. A report by the municipal parks and recreation departments of Alberta states that trail development is the most cost-effective outdoor recreation facility. Mr. Speaker, trails are a financial and recreational benefit to the communities that support such pursuits. The 1996 Alberta recreation survey ranked walking as the most favoured activity, and biking came fourth out of 40 activities. These were ahead of such popular activities as reading, gardening, hockey, and even TV viewing.

Mr. Speaker, in Red Deer, as a matter of fact, we have a park system known as Waskasoo park, and its central theme is trails. We have in Red Deer in excess of 55 kilometres of hard-surface trails, combined with another 30 kilometres of shale walking trails. There is a weekly newspaper – it's called *Red Deer Life* – that focuses on unusual events or personal stories of people. They often do profiles of community members within the Red Deer community. One of the questions they always ask is: what is the thing you like best about Red Deer? Almost without exception every one of those people that have had the chance to have their faces and their stories told in that paper – and I was one of them – identify the thing that they like most about Red Deer as the trail system.

Trail use is one of the top recreational activities in Alberta and across the country, and as our society becomes ever more health conscious, we can expect further increase in trail use. In fact, Mr. Speaker, trails will encourage physical fitness in the general public, which is in accordance with our provincial strategy for active living.

MR. HERARD: That's why you're in such good shape.

MR. DOERKSEN: The Member for Calgary-Egmont mentioned that that's why I was in such good shape, and as a matter of fact, I do make active use of such trails, particularly biking. I love to

bike on the trails and do some off-roading, even in the mountains. My wife and I frequently go out in the evenings for a walk. She can't get me up in the morning to walk because I'm just not a morning person, but in the evening we certainly do get out, and it's a very enjoyable activity for us.

Mr. Speaker, I would like to take a moment to let the members of the House know at the outset that having the government spearhead this initiative does not mean that the government will be responsible for creating, funding, or maintaining these trails. I visualize that the role of government would be for co-ordination purposes.

Creating a trail plan here in Alberta is a necessary step in ensuring our place in the Trans Canada Trail, which will link all of Canada. The Trans Canada Trail was established by the federal government in 1992 as a legacy project to commemorate the 125th birthday of our country. The Canada 125 corporation saw the need for a prudent and responsible use of Canada's land, and through the lobbying efforts of the trail associations of Calgary the corporation established the Trans Canada Trail Foundation. This foundation co-ordinates the creation and linkage of trails in all provinces and territories.

This trail will be quite an accomplishment, Mr. Speaker. It will eventually span from the Atlantic Ocean – that's the east coast – to the Pacific Ocean, which is the west coast, and in fact up north to the Arctic Ocean, covering a distance of approximately 15,000 kilometres. When this trail is completed, it will be the longest trail of its kind in the world. The trail is envisioned to link small towns, major metropolises, and various national and provincial parks in every corner of the country. To date there have been 800 kilometres officially designated as part of the trail, and another 1,200 are planned for this year.

The trail corporation is a nonprofit organization which has seen some \$2.3 million raised for the development and maintenance of the trail. The Trans Canada Trail is a community-based project which will be owned, operated, and maintained by local organizations, provincial authorities, national agencies, and municipalities. To accomplish the task of linking all the provinces and territories in Canada, each district has a trail council to champion their project. In Alberta that council is known as the Trailnet group.

Alberta Trailnet was established as a registered charity in 1992, the year before I was elected for the first time, and has been working diligently as an advocate for trail development in Alberta and is in full support of this motion. The Alberta Trailnet Society will play a particularly important role in the Trans Canada Trail because the Alberta trail will be at an east/west and north/south crossroads. Alberta is at the junction for the trail which will head north through the Northwest Territories and eventually end up at the Arctic Ocean.

Mr. Speaker, I have in fact had the privilege of dipping my hand in the Arctic Ocean, having been able at one time to visit the community of Tuktoyaktuk. I was able to walk down to the ocean edge there and actually dip my hand into the Arctic Ocean. I have a certificate in my files at home that says that I was up that far north.

DR. TAYLOR: Was the water cold?

MR. DOERKSEN: The water was extremely cold. In fact, there was still ice on the ocean that hadn't melted, and I'm sure it never melts. There are significant ice structures or things that form out of the . . .

DR. TAYLOR: They're called icebergs.

MR. DOERKSEN: No. They're called pingos.

DR. TAYLOR: Pingos?

THE DEPUTY SPEAKER: Order. Hon. minister, I don't have you on the speaking list, and you seem to be persistently wishing to speak to this. I can add your name to it, but right now the hon. Member for Red Deer-South has the floor.

MR. DOERKSEN: Mr. Speaker, as I was indicating, these are unique formations of land. They don't know why they're there. The people that live there actually use them as their deep freezers. They will bury into the ice structures, and that's what they use to keep their meat. Part of explaining this, of course, is that as people go and examine various parts of our great country, there are unique and interesting things that you can discover at any part, and a trail linking these would only facilitate and encourage that kind of exploration of our great country.

There are some concerns local residents have with the creation of trails, which would include such things as increased vandalism, littering, trespassing, and a reduction in property values. Mr. Speaker, these are legitimate concerns. However, they underscore the need for proper planning and standards. Where trails are properly developed, they have largely proven to be a community focal point in which local residents take great pride. As such, there need not be any reason for increases in vandalism, trespassing, or littering. Trails not only link people with nature; they also link people with people. As for a reduction in property values, I believe that proximity to trails will actually enhance local property values.

I see I'll be able to continue my speech at the next opportunity to do that.

THE DEPUTY SPEAKER: Yes. We're reluctant to interrupt the hon. Member for Red Deer-South, but the time limit for consideration of this item has concluded.

head:
4:30

Government Motions Ombudsman Search Committee

18. Mr. Havelock moved:

Be it resolved that

- (1) A select special Ombudsman search committee of the Legislative Assembly of Alberta be appointed consisting of the following members, namely Mr. Langevin, chairman, Mr. Hierath, Mrs. O'Neill, Mrs. Fritz, and Mr. Sapers, for the purpose of inviting applications for the position of Ombudsman and to recommend to the Assembly the applicant it considers most suitable for appointment to that position.
- (2) The chairman and members of the committee shall be paid in accordance with the schedule of category A committees provided in Members' Services Committee Order 10/89.
- (3) Reasonable disbursements by the committee for advertising, staff assistance, equipment and supplies, rent, travel, and other expenditures necessary for the effective conduct of its responsibilities shall be paid subject to the approval of the chairman.
- (4) In carrying out its responsibilities, the committee

may with the concurrence of the head of the department utilize the services of members of the public service employed in that department or the staff employed by the Assembly.

- (5) The committee may without leave of the Assembly sit during a period when the Assembly is adjourned.
- (6) When its work has been completed, the committee shall report to the Assembly if it is then sitting. During a period when the Assembly is adjourned, the committee may release its report by depositing a copy with the Clerk and forwarding a copy to each member of the Assembly.

THE DEPUTY SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. Without further ado I'd simply like to move Government Motion 18.

[Motion carried]

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

Bill 13
Trespass to Premises Act

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

MR. HAVELOCK: Thank you, Mr. Speaker. I'd like to move second reading of Bill 13. I'd just like to make some preliminary comments so members of the House are aware as to why we're bringing this legislation forward.

The purpose of the Act is to restore the status quo with respect to dealing with persons who trespass on property in Alberta. The reason we've had to do this is that quite recently the courts in Alberta, at both the Provincial Court and Court of Queen's Bench levels, have interpreted the existing Petty Trespass Act to apply only to agricultural land, lawns, and gardens and not to premises. This effectively meant that a remedy for store owners, shopping centres, businesses, hospitals, et cetera, to deal with trespassers was eliminated. As expected, the government received a number of queries from shopping centres and other organizations indicating that they were now in a vulnerable position, and we needed to address the issue. This problem was particularly acute in dealing with shoplifters. Stores could no longer give notice to such persons under the Petty Trespass Act, after they'd been caught shoplifting, to stay out of their premises. In addition, shopping malls needed the protection of the Petty Trespass Act to deal with persons in the common areas of the mall.

The government agreed that steps had to be taken to restore the status quo so that owners of premises were properly protected, and it was decided that rather than amending the present Petty Trespass Act, we would bring in this new Act. We felt it was much more appropriate. The new Act follows the format of the Petty Trespass Act with some modernization of wording. As well as premises and surrounding land, it covers land not included in the Petty Trespass Act. As a result, this will afford protection to owners of vacant land.

The maximum fine in this proposed legislation, Mr. Speaker, is \$1,000, whereas under the Petty Trespass Act, if I'm not mistaken, I believe it's \$100. It was felt that simply tracking the \$100 limit was too low, and it did not really reflect the

serious situation which could occur in built-up premises.

In summary, the Act represents a practical and effective way to deal with trespassers. It also provides for proper notice and allows the defence of acting under a fair and reasonable belief that there was a right to be on the premises in question.

On that, Mr. Speaker, I will sit down and hope that all members of the Assembly will see fit to support this Bill.

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

MS LEIBOVICI: Thank you for the opportunity to speak to Bill 13, Trespass to Premises Act. I appreciate the minister's overview, however brief that it was, with regards to the reasons for putting this Act forward as well as some of the rationale that went into producing this piece of legislation.

It's interesting to note that the minister felt that it was worth while to establish this as an Act in and of itself as opposed to having it as an amending Act to another piece of legislation. I wonder if the minister would be able to provide us with the reasons for that. He just stated that that's what was decided but didn't provide us with the reasons for this being a stand-alone Act and whether that has any importance in and of itself.

The other question that I have of the minister, as well, is with regards to what kind of consultation was done in order to put forward this piece of legislation. As you all know, I have the largest shopping centre in the world – perhaps it's the second largest at this point in time. As such, this piece of legislation can have an effect on the ability of the shopping centre to do its business. As a result, I'd like to know whether consultation was had with the West Edmonton Mall as well as with the Meadowlark shopping centre, which is in my constituency, with Terra Losa shopping centre, which is in my constituency. I've got, actually, one of the largest commercial areas of larger shopping centres as well as strip malls. Before I can feel comfortable in voting for the Bill, it is something that I would like to have the minister provide me with.

If not, if he or his department has not engaged in the gathering of that information, I at least would like the time to approach the shopping areas in my constituency – and I'm sure the other members within the Legislative Assembly as well would like to extend that common courtesy to the managers and owners of the shopping centres – to find out whether or not this does address their concerns. If the minister has engaged in that kind of information gathering, then it would be useful information to share with all of us, and he can table it tomorrow afternoon in the Legislative Assembly at the beginning of question period. We can then look at what the information that was gathered indicated as well as whether the concerns that were expressed by the minister in his opening statements are indeed addressed by the Bill.

There are other areas that would be useful in looking at the principle of the Bill, in understanding. I would imagine that one of the principles of the Bill is to ensure that there is as little acrimony as possible in providing notices to individuals who are no longer welcome on the premises as well as ensuring that there is as little conflict on the premises as possible. When I look at some of the provisions within the Bill, in particular 2(2)(a) and 5(1)(b), it indicates that notice not to trespass may be given to a person orally, and then it goes on to say that "the owner or an authorized representative of the owner" may actually apprehend the trespasser without warrant. If the principle of the Bill is to provide the least amount of conflict on the premises – and I can't

see that there would be any mall owner or manager who would want to engage in conflict on the premises – then to my mind these two particular sections seem to invite a fight. Having had situations at some of the shopping centres in my constituency where there have been fights, fights that have led to individuals being fatally stabbed, then I would wish to see the Bill not promoting the possibility of fighting occurring.

So in looking at the principle of the Bill, I would hope that the principle is not to provide conflict, the principle is not to engage individuals in conflict, but the principle of the Bill would look at ensuring that those individuals who have been given fair warning that their presence is no longer welcome on site in fact are then able to be apprehended, if need be, or evicted, if need be, with the least amount of conflict on site.

4:40

There is another issue – I am not sure whether the Minister of Justice has talked with the Minister of Labour – and that enters the realm of individuals who are on a lawful picket line. Is there any way that this particular Bill could be enacted, especially given that the parameters – and the minister indicated that – for the location, the premises, have been expanded to include the parking lot and to include other activities that are ancillary to the activities carried out in or on that building or structure so that this expansion of the site and the premises does then preclude individuals from a lawful picket line? Again, it would be helpful if the minister would provide us with the information, and perhaps the Minister of Labour, when he is able to, would provide us with his interpretation as to whether there are any overlaps between this particular Bill and legislation that allows for lawful picketing within this province.

There are other issues I know. I think one of the reasons we're seeing this piece of legislation is that there has been a court interpretation of the Petty Trespass Act, and this piece of legislation has been enacted to try and remedy some of the situations around the court interpretation. Perhaps therein lies the reason that we're seeing an individual piece of legislation as opposed to an amendment to the existing Petty Trespass Act.

This Bill as it now stands seems to provide broad parameters. Again, in the putting forward of the Bill, I wonder if the minister has not gone overboard to try and address some of the concerns that were brought up, either through the court interpretation or as a result of the government's lack of understanding, with regards to some of the legislation that was passed under the Petty Trespass Act.

It seems that over and over again we are fixing problems that have been put forward by this government. Whether it's in education, whether it's in health care, there are any number of areas where we see amendments coming through. In reality, if this government would sit back and at times hear what the Liberal opposition is saying with regards to the legislation that's being brought forward, perhaps we would not have to continue to revisit pieces of legislation in the hopes of making it better. A prime example, actually, was the Bill that was just put forward, private member's Bill 204, where with the amendments that were brought forward by my hon. colleagues, we again tried to make that piece of legislation better and all encompassing, and the hon. members on the opposite side of the room decided in their wisdom that this was not something they were going to entertain. Perhaps in another year we will see that same Bill coming back with those amendments. We've seen that happen time and time and time again.

So until I get some indication from the minister with regards

to these questions – and I think we may be putting forward some amendments, as well, to deal with some of the issues – I have a hard time at this point indicating whether this is a Bill that in principle I can or cannot support. I think there are some unanswered questions. The ability to be able to indicate that there are penalties with regards to trespassing, the procedure with regards to how an individual is informed of whether or not he is welcome on the property, what kinds of signs need to be displayed: I think those are probably all valid objects within the Bill. But without the underlying explanations around some of the wording within this Bill, it's hard to know what is actually being addressed.

Again, a couple of the areas of concern that I have. I can see the security guards within a shopping centre saying to Joe X: well, I've told you that you can't be on these premises, and I've told you over and over and over again. And Joe X, who happens to be 14 or 15 years old, goes out, comes back in the next day, and then that is the notice that the security guard has, under 2(2)(a), given to that 14 or 15 year old. Well, we know what the potential trouble is going to be. That security guard or someone else then has the authority under 5(1) to apprehend without a warrant that trespasser and to hold that person until that person can be delivered to a peace officer, which in Edmonton would be a police officer. Well, you can just imagine the brouhaha there would be in the middle of a shopping centre as the security guard is trying to hold down the 14 or 15 year old, who says: oh, I was never told this. All it is is one person's word against another until the police can actually come and perhaps apprehend that individual.

So I think there are some problems with the way this potential legislation is put forward. If I am interpreting it incorrectly, then I am willing to look again at what my apprehensions are. But the reality is that until the minister can allay my fears and, given the representation that I have in my constituency with shopping centres, until I have had the opportunity to speak with those individuals, I would have hesitation in saying that, yes, this is a good piece of legislation.

The other point that I would like to make does address the principle of the Bill. I guess one of the questions I have: if we in the Legislative Assembly here were to be a lot more co-operative with regards to our pieces of legislation – and my hon. colleague from Calgary had alluded to this earlier – if the minister were to have provided us with some of this information beforehand, as opposed to the Bill being introduced and then immediately we are expected to become instant experts on the Bill and to have all these answers to the questions that the minister's department has had months to review, if there were more of that spirit of co-operation, perhaps my questions would be answered. I could unequivocally have stood up at the beginning of this particular debate and have indicated, yes, this is a good Bill based on these reasons, based on the consultation that I've had with my constituents, or no, this is not a good Bill based on these reasons and the consultation that I've had with the businesses and constituents in my area.

Again, given the system that we have within this Legislative Assembly – and I would hope that perhaps over the next three to four years there can be some changes made so that we could have almost a committee structure beforehand that could look at some of the Bills before they even enter the Legislative Assembly and where some of these questions could be asked. The reality is that given that over and over again we are seeing Bills being introduced in this Legislative Assembly that in fact amend existing legislation based on some of the comments we've had over the

years, then perhaps this would be a way of ensuring that there is a pooling of all the ideas, that that pooling derives from the richness of the variety of ideas that are presented in this Legislative Assembly on a daily basis, and that in fact the pieces of legislation that are put forward are put forward with the best interests of Albertans at heart at all times and in the most efficient and effective manner possible. Again, some of these issues that are brought up outside of the department – because I think at times departments get insular – can then bring about better legislation for all.

With those comments, I appreciate the time to address this particular Bill and some of my misgivings, questions around the Bill as well as some of the understanding as to why the Bill was put forward and also to have the ability to provide some helpful suggestions as to how in the future perhaps we can work more co-operatively to have the information that's required to be able to make an informed judgment as to whether this Bill or any piece of legislation is legislation that in principle can be agreed upon or not.

Thank you very much.

4:50

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

MR. DICKSON: Thanks very much, Mr. Speaker. This is a curious Bill. I have the greatest respect for His Honour Provincial Court Judge Allan Fradsham. My understanding is that it was a decision he had rendered that provides the impetus to the Bill we have in front of us now, Bill 13.

There's just an issue that I have to have clarified before I can support what on its face appears to be a fairly innocuous Bill. It clearly contemplates that we're going to have two stand-alone trespass Acts if this is passed. We've got the Petty Trespass Act, chapter P-6, and Bill 13. Bill 13 I thought perhaps I had misread, so I went back and looked at the statute and then found there's no specific provision – there's no section 10 that one might have expected addressing the repeal of the existing Petty Trespass Act. Indeed, when I look at the definition section, section 1(c)(ii), reference in fact is made there to the Petty Trespass Act. Clearly it was within the contemplation of the government draftsman or draftswoman that Bill 13 would coexist with the Petty Trespass Act, which is to me just plain foolishness.

Some of us in this Assembly – and it seems that the number on the government side may be shrinking – had started off talking about plain language legislation, about drafting Bills that were easier for the man or woman on the street to be able to access and understand. Then the government chooses to bring in a Bill which is in many respects identical, with some slight variation, to the Petty Trespass Act, which is already part of the *Statutes of Alberta*. Puzzling, not because it's a problem for members in the Assembly, but why do we put Albertans in this position? When they want to find out what their rights and remedies are, they've got to fumble around, they've got to decide – if you're a layperson and you look at it quickly, how do you know whether you're subject to the Trespass to Premises Act or whether you're under the Petty Trespass Act? I'm looking for that explanation. Perhaps it has come, and I wasn't listening carefully enough.

Just a couple of other points. Since we're not dealing with an amendment to the Petty Trespass Act, I think it's fair to raise some things that I think should be addressed in the Bill, and I'm going to suggest them to the Minister of Justice. Firstly, in section 4 there is a section dealing with the operator

of a motor vehicle. I don't know why we wouldn't also deal with the registered owner of a motor vehicle in the way that we do in the Highway Traffic Act and the Motor Vehicle Administration Act, because often you simply can't identify who the operator of the vehicle is. But if the car is sitting there on your premises unattended and locked, you've got a licence number and you can find out who the owner is, so would it not make sense that the registered owner could well be subject to the offence? The Petty Trespass Act I suspect may even antedate the vicarious liability provision in our highway traffic legislation, but that's not the case now in 1997, so if we're going to clean up our trespass legislation, I think we ought to look at dealing with that.

The other thing I've often thought – although I can't think of a case where I've actually seen it raised: to allow the arrest without warrant of a trespasser and to give that power not only to the owner of land or the occupant of land but also to give it to an agent of the owner, and we say it could be an authorized representative. Is it unreasonable to expect that the agent should have to produce some identification and some verification, some documentary evidence, that the person is there as an authorized agent? If I'm wandering around the fields of Cypress Hills and happen to wander onto some rancher's land that's not been adequately marked or fenced and somebody shows up to toss me off, it would be nice if it's the owner. That's one thing. If it's Joe Bltfsplk from Medicine Hat, who is out there because he happens to have some authority, is it unreasonable to ask Joe to produce a letter or a note basically saying that he is there as the agent of the owner?

You know, trespass is something not far removed from the interest of every politician, Mr. Speaker, because in the several weeks before March 11 I think certainly those of us in urban areas had a lot of opportunity in terms of entering apartment buildings. In my constituency it's almost all apartment buildings or condominiums, and there's always a question there of somebody who's all too anxious to say: you're disturbing my Sunday afternoon peace and tranquility; what are you doing here? I'm happy to make my exit if it's somebody who's got authority to ask me to leave, but it just strikes me it would be a useful wrinkle and modification to the Bill to require the production of some identification.

Now, section 7(2) is a curious thing to me, and I don't know why it's worded – we heard people talking earlier about voting against a motion sponsored by the Leader of the Opposition because it was superfluous or redundant. Well, if members would look at section 7(2) and tell me how that doesn't get caught by either of those words. It says:

A case that deals with the issues referred to in subsection (1) respecting the title to premises, or to any interest in the premises, shall be dealt with according to law in the same manner as if this Act had not been enacted.

Well, what an absurd thing to put in a statute, to say that if you've got a case that deals with title to land, it will be decided in accordance with the law governing title to land. So why is section 7(2) in there? It's interesting. I don't think there is a comparable provision in the – I guess there's a similar provision in section 6. So it seems to me that knowing what we know now, we have a chance to modernize the statute and we don't bother putting in things that are redundant, that don't serve a useful purpose. If we're going to apply that test, members, to government private members' motions and Bills, I'd hope that people would apply it with the same vigour to government Bills and simply say: does each one of these provisions serve a useful purpose now, and if not, what is it doing in there?

5:00

The other change from the Petty Trespass Act – and I draw members' attention to it because now we are creating two different tests and there's the potential for people to be confused. Maybe not the owner of the land or the occupant or the servant of either of those two but Albertans may be confused. Maybe there aren't enough Albertans who know what the Petty Trespass Act says, but there are going to be even fewer, I suggest, Mr. Speaker, who will be conversant with the Petty Trespass Act and now with the Trespass to Premises Act and know the nuances and the differences.

The differences are most evident in section 2(2), where the signage requirements are somewhat different. They're close, and if you didn't read them really carefully, you would think they were almost identical, but there are material differences in the kind of signage required. The obligation on the landowner has been changed. It would seem to me that we're in a situation where either we eliminate the Petty Trespass Act altogether, make this the trespass to property law that's going to prevail in the province, or we've got to make the tests congruent between the two pieces of legislation. Otherwise, we end up in a bit of an unusual situation.

The other thing that I find interesting is the definition of premises, which deals with "carrying out activities that are ancillary to the activities carried out in or on that building or structure." Now, what if the activities weren't lawful activities? You see, normally when we'd see something like this in a statute, the draftsman would have qualified it by saying: ancillary purposes consistent with the lawful use of the premises. There's no such requirement here, and that would seem to me to be a positive kind of amendment: to be much clearer in terms of what this Bill is going to cover and deal with.

I think those are the first issues that sort of come to mind in looking at it. The exception in section 8 seems to be carried forward almost verbatim from the former section 7, but I think the questions that I have with respect to section 9 still stand, and I find that to be a curious thing.

I can only assume that the draftsman for Bill 13 had put together some kind of a package, and we're only looking at a sliver of it here. If the other shoe is going to drop, I mean that if we're going to repeal the Petty Trespass Act, please tell us. If we're going to have a new omnibus piece of legislation governing access, please tell us. And if neither of those two contingencies would apply, then I think we've got a problem that would have to be addressed before members could responsibly support this Bill.

So those are the comments I wanted to make at this age, Mr. Speaker. Thank you.

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

DR. NICOL: Thank you, Mr. Speaker. I just have a couple of brief comments that I'd like to make on the Trespass to Premises Act. It appears to be an Act that has been brought forth to broaden the ability of a property holder to control the type and access by others to that piece of property. It seems to me that what you're looking at here is kind of a definition or an extension of the right to control property in terms of the access and use function that's there. This basically extends that right to control to another class of property rights holders, and the issues raised by the Member for Calgary-Buffalo do apply in the sense of: why didn't they just put this into the Petty Trespass Act?

Let's go beyond that and look at it from the perspective of: is the concept being dealt with here necessary? I'd like to start off by saying that it's great that the government finally is bringing forth legislation rather than letting the courts define what constitutes the right of a property holder, because normally we end up defaulting a lot of our legislation to the court system, and I think that's wrong. So I congratulate the government on their idea of bringing this forth as a pre-emptive situation so that we now define from today forward the definition of trespass relative to property rights. So this in essence I think is a good move, and it helps to save a lot of money, because court cases deal with precedent. They deal also with individual cases where this gives us now a blanket perspective on what we want to deal with in the context of this piece of legislation.

We're also looking at some issues here in terms of where we need some clarification in the concept that we're dealing with under the context of this extension of the Petty Trespass Act. In other words, the Petty Trespass Act started off by defining essentially individual property right property, and here now we're starting to deal with issues that could be extended into common property type situations like malls, common parking lots, common access areas. What we're going to have to do now is that in some way we should have clarified within the context of this Act how a person who, say, gets notice from one of the shop owners in a mall or one of the participants in a joint parking area issue that they're not to trespass under the definitions of this Act yet that person now wants to come and patronize one of the other businesses within that common area – how do they deal with that in the context of kind of getting over the fact that they've already been given notice not to be on that common premise? So we have to make sure that some definition or some process is in there that allows a person, without having to go get permission every time they want to go to the next store down the block – how do they get access to the other common areas when they've been given notice not to trespass? I think that is one of the problems that I see with the Act.

One of the other aspects that I'd just like to bring up specifically is under the section which is talking about the premises. That's section 1(c)(ii), where they're talking about "any land not referred to in subclause (i) in respect of which the Petty Trespass Act does not apply." Well, in that section of the Petty Trespass Act it specifically excludes a grazing lease, saying that the trespass Act does not apply to a grazing lease. Now do we look at this and say that when this specifically says that all lands not included in the trespass Act are now included under this Act, would that mean that a grazing lease is now part of the area controlled by this Act? I think we've got to make it clear if that's what we mean. We've got to be able to deal with this in the context of the farmers, the ranchers who do have grazing leases. Are we through this Act giving them the right to give someone notice about trespass and thereby prohibit that person or that group from accessing their grazing lease on subsequent occasions, or can they just post a sign around their lease and now have it essentially out-of-bounds for persons who normally would cross that property or use that property for other activities that are not within the constraints of the grazing lease agreement?

So I think we need to look at that and see whether or not in some way subclause (ii) under premises definition does include a grazing lease. If that is the intent of this Act, then I think it would simplify matters for us to specifically say that it does include it rather than let it go to a point where – before we find out if it's really there or not, we would have to in essence have

a court case that would again review this and tell us whether or not the relationship of this Act to the Petty Trespass Act through subclause (ii) does in effect put a grazing lease under the auspices of a trespass legislation. If that's what they need, let's just put it in there so that it's clear. That way we don't have to go to court.

5:10

That was one of the things that I talked about being good about this Bill in the sense that it does create a definition that makes it very clear in terms of process without us having to take individuals to court every time we want to deal with it. I think that's one of the things that I'd really like to see clarified by the Minister of Justice in terms of this Bill with possibly an amendment that would clarify that when we get to committee stage of the Bill. It's really important that both farmers and users of grazing areas understand this as a possible consequence. So I just ask that the minister clarify that by committee stage.

Other than that, Mr. Speaker, I think it's a good Bill, and even though it does divide up the trespass definition, it's something that really is needed. If this is the way the government wants to do it, by a separate Bill, then I suggest everybody support it.

Thank you.

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

MS OLSEN: Thank you, Mr. Speaker. I have some concerns with the Bill, and I think they've been addressed by some of my colleagues. This Bill originated out of a case of a shoplifter who was banned as a result of shoplifting from a mall or a store by the store security or the agent for Zeller's, and he challenged that in court.

My biggest concern is why we're not going with an amendment. Why are we creating two pieces of legislation, one that's going to be specific to malls and other premises within a municipality or city and then one that only applies to agricultural land or lawns and gardens and those kinds of things? You would think that it would be simpler to have one piece of legislation, the Petty Trespass Act, not two.

[Mr. Herard in the Chair]

In the sense of what the Bill is designed to do, I'm happy with that as it will help reduce some of the problems in malls where you have professional shoplifters who will in fact go from one Zeller's store to another and in the course of a day will take in thousands of dollars in merchandise. If there's no way to prevent them from going from store to store or mall to mall, then we're only asking for trouble.

It is also a good Bill in that it will help with some of the schools that are near malls where kids tend to congregate for the sake of hanging out, and it sometimes intimidates the shoppers in the stores. It would at least give the mall security the ability to deal with those youths under this Act. I guess my concern is: how broad is this Act supposed to go beyond its design, which is really for shoplifting or those who commit crimes within premises? I'm wondering if it might be too broad and impact public buildings and hospitals, those kinds of premises.

I guess I have some concerns in terms of section 4, why we don't have the reverse onus section in this Bill when it comes to a motor vehicle in the same manner that we do under the Highway Traffic Act. That way it would make sense to have more responsibility assigned to the owner of a vehicle. Somebody may be driving his vehicle or he, in fact, may be

the responsible party. So I think that that needs some consideration.

Also, in the detainment by somebody who is not a peace officer, who is working as store security and that person is not in a security uniform – they're generally not; they wear plainclothes type of clothing – then it would be and should be incumbent upon that person to identify himself as an agent for the security or for the store or for the premises and show some form of identification, be it an employee ID or the card from the security company, something to that effect.

Questions that my colleague from Lethbridge-East raised regarding section 1(c)(ii): “any land not referred to in subclause (i) in respect of which the Petty Trespass Act does not apply”: is that going to include Crown land, and then are people in fact going to be able to be charged? Can the leaser of that land then swear out an information against anybody who crosses that land for whatever specific reason they choose? I actually have a few concerns regarding that.

As I go through this, I do think the intent of the Bill is there for the shoplifting aspect of stores in malls, and I'm just wondering how broad we really want this piece of legislation to reach. I'm not satisfied, I guess. I think it needs some more investigation as to whether this should be an amendment to the Petty Trespass Act as opposed to stand-alone legislation.

Thank you.

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

MR. GIBBONS: Thanks, Mr. Speaker. I have many questions to know whether or not I'm going to support this. In general, I'm behind it, and I'm behind it because of a few items. The question is: why is the government choosing to enact a piece of legislation rather than amending the existing Act?

I support the Bill if it helps the justice system evict shoplifters. Shoplifters are the main cause of the rise in prices in everything mainly due to the fact that it is becoming big business. I also wonder if it will support removing undesirables from the stores or arenas or sports fields. Based on my experience, this Bill could be very beneficial, but I do have concerns as to why the Bill has been brought forward until the minister clarifies what the law interprets as trespassers. It might give some shop owners a licence to treat our young people unfairly.

Now, going back to section 4, liability of drivers, “when a trespass is committed by means of a motor vehicle,” this one is an item where: who do we go after? If the vehicle is there, it is the middle of the night, that is trespassing, but at the same time, who do we charge?

5:20

Back to the owners of the stores. An “authorized representative of the owner”: what does that mean? Does that mean they can hire their own security? Or are young people in the city subject to this type of security with no training? If it's police officers, somebody with that background, then I'm for it. It goes back to who patrols this. If it's the police, I'm for it.

Other than that, until I get some clarification, I have not much more to say on it, but I probably will support this if clarification comes through on a few of the items.

Thank you.

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

MR. RENNER: Thank you, Mr. Speaker. I would like to move that we adjourn debate at this time.

THE ACTING SPEAKER: The hon. Member for Medicine Hat has moved that we do now adjourn debate. Does everybody agree with the motion?

SOME HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Those opposed?

SOME HON. MEMBERS: No.

THE ACTING SPEAKER: Carried.

MRS. BLACK: Mr. Speaker, I move that we call it 5:30 and that the House adjourn until 8 o'clock this evening, when we convene in Committee of Supply.

THE ACTING SPEAKER: The hon. Deputy Government House Leader has moved that we now adjourn and that when we reconvene, we reconvene in Committee of Supply. Does everyone agree with that motion?

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed? So ordered.

[The Assembly adjourned at 5:22 p.m.]