

Legislative Assembly of Alberta

Title: **Wednesday, June 4, 1997**

8:00 p.m.

Date: 97/06/04

[Mrs. Gordon in the Chair]

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

Bill 23

Agricultural Service Board Amendment Act, 1997

MR. MARZ: Madam Speaker, I move second reading of Bill 23, the Agricultural Service Board Amendment Act, 1997.

The purpose of this Bill is to give each municipal council the authority to determine its board structure, membership, term, and voting privileges. These changes will provide each council with the most appropriate board for its local situation.

Madam Speaker, the original legislation has been in existence for 51 years. It outlines the purpose, form, and function of agricultural service boards, which carry out essential agriculture programs at the municipal level. Agricultural service boards are a unique part of the Alberta advantage. The boards demonstrate co-operation amongst producers, municipal governments, and Alberta Agriculture, Food and Rural Development. Together these partners collaborate to deal with weed and pest control problems as well as soil and water conservation efforts. The outcome of these efforts is the enhancement and protection of the productive capacity of our soil and water resources. The proposed amendments build on that foundation.

Madam Speaker, I'd like to point out that the agricultural service boards are the ones who have taken the lead role in proposing many of the improvements contained in this document. The review of this legislation was first announced at the provincial ag service board conference in February 1995. Initial feedback was incorporated into the first draft, which was reviewed by municipal councils at the regional ag service board conferences in the fall of 1995. At that time additional direction was received.

The final draft of proposed amendments was received by municipalities at the 1996 provincial ag service board conference. Outstanding issues were thoroughly discussed and resolved either by consensus or vote. Following the conference, the previous Minister of Alberta Agriculture, Food and Rural Development wrote a letter to each municipality to confirm that each was aware of the issues, had enough of a chance to discuss its concerns, and supported each of the proposed amendments. Widespread support was received.

The key features of the proposed amendments are as follows. The legislation will continue to be enabling, as it has been for the last 52 years. It appears that voluntary participation amongst the 67 municipal agricultural service boards will continue. As I've already mentioned, each municipal council will have the authority to determine its board structure to provide each council with the most appropriate board for its local situation. The remainder of the amendments are housekeeping items to make the legislation consistent with all related legislation such as the Municipal Government Act, the Weed Control Act, the Agricultural Pests Act, and the Soil Conservation Act.

Thank you, Madam Speaker.

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

DR. NICOL: Thank you, Madam Speaker. It gives me great

pleasure to rise this evening to talk on Bill 23, the Agricultural Service Board Amendment Act. This Act, as the member sponsoring it has indicated, brings about some needed amendments in the ag service boards. One of the things that I think is really a contribution that this Act is going to make to the operation of the agricultural service boards is the ability for them to work co-operatively with their neighbours in the sense that they'll be able to develop, apply, and finance programs across local municipal boundaries or borders, so this is a really important part of the Bill. It really makes a contribution.

The other aspects of the Bill that are there deal basically with changing the way the boards are structured in terms of the number of members that are on it, the aspects that can be put forward. This is where we have to look at some of the issues that come up in terms of the real kind of openness the Bill creates. It appears to me that nowhere in the Bill is there a restriction that gives a recommended upper limit to the number of members that could be put on the ag service board. Almost every other piece of legislation that's put forward by the government deals with maximum sizes of boards. We have to look at this from the perspective, then, of whether or not some guidelines should also be included in the aspects that we're dealing with here in terms of trying to control the size of the ag service board. We want to provide the flexibility that's needed to allow the boards to serve the purpose they have of being an adviser to the local governments in terms of issues of agriculture, but we don't want them to become a local kind of pork barrel, friends appointment process. So what we want to do is look at this in terms of how we deal with that in the context of some of the other boards.

The only issue that comes up there is in terms of making sure the boards are of a size that they can be effective, that they can bring in the expertise that's necessary to help provide the direction and the advisory capacity that these boards are asked for. Unless they're going to have the option to create and participate in terms of roundtables for collecting information. If that's the case, if they've got that information collection aspect, then the open upper limit on their size is not really that valid in terms of trying to bring in and allow the flexibility of making sure that people are there.

The ag service boards have really provided a very important service to rural municipalities. They've allowed them to have the capacity to bring into their management of the rural area specialists that have to deal with the issues that are important to that local municipality without making it into a program where, you know, we've got a provincial aspect to this. They can design the program to meet their own need and put it in place the way they feel best serves their needs and best serves their unique situation, whether it be specialized weed control, salinity control, erosion. I think even in some areas we've heard that they've had pest control officers involved where they've looked at wildlife control issues, especially related to beaver cutting down trees along the waterways in the municipalities. These are the kinds of things where we have to be able to provide the flexibility that's needed, because we have a province that's really diverse from one end to the other, and to have the same kinds of restrictions on them. So this flexibility is really an important issue.

There is one concern I've already had a chance to speak about both to the minister and the member sponsoring, and that deals with there being no restriction, I guess, in terms of the ability of the local councils to allocate reimbursable expenses to the board members. The way the Bill is written and the way I read it, any of their dollars can be used as a source of funds to reimburse.

What we then have is a situation where moneys from Alberta Agriculture out of the general revenue fund are allocated down to the service board. Now we've got a local municipal council using those dollars to reimburse their own members. In discussions that I've had with the sponsor, we've got a situation where it's his belief that the reimbursable expenses come from local municipal government allocations. If that is the case, I would encourage very strongly that an amendment be included at the committee stage that will deal with clarifying that.

I'm not challenging the idea, if a program is put in place and persons are employed to carry out that program, of getting reimbursable expenses for that person out of that program from general revenue funds. That is a direct program expense as far as I'm concerned. But the reimbursable expenses for the board as such should be financed and should be justifiable to the local elected authorities. So in a sense if the local council gives them \$100 or \$200 to attend a meeting, they should have to justify it to their ratepayers rather than having it be public taxpayer dollars that end up being allocated by a secondary elected body. That just is one concern that we had in there.

8:10

My understanding was that was the way it operated previously. It didn't seem to come through in the amendments, in the changes that were made in the Act, because some of the sections that dealt with funding were eliminated and amended. Our interpretation of it now is that there's some ambiguity associated with that. So I'd ask both the minister and the sponsor of the Bill to look at this and make sure that it gets clarified either through discussion at this stage or at committee stage of the Bill. If it really is a valid concern – and we feel it is – then an amendment should be brought forward to deal with that.

These are the basics of the Bill. It looks like the rest of the Bill, as the member has said, is really consistency amendments that bring it in line with some of the new changes in some of the other Acts that interact with local government and with the programs that might be offered by or through the ag service boards. It's a situation where we want to deal with this and help to make it clear.

Again, it's a very positive Bill. It's a Bill that would contribute to the more effective and efficient operation of the ag service boards. If we can get those couple of questions clarified, Madam Speaker, I think this is a Bill that we should expedite to make sure that the ag services boards are given that flexibility and allowed to operate under this new mandate and this new structure. We should proceed with that as quickly as possible.

With those concerns, Madam Speaker, I'd just like the minister to consider them, and we'll deal with them in committee stage. Thank you.

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

AN HON. MEMBER: This is a rural matter. What do you know about agriculture?

MR. SAPERS: Thanks. You know, Madam Speaker, one of the benefits of being an elected member of this Assembly is the opportunity to learn and to broaden your horizons. I'll tell you, it's encouraging to me that the members opposite are so interested in my ability to learn. I see them waiting on the edges of their seats for my comments.

Bill 23, the Agricultural Service Board Amendment Act, really

was an eye-opener for me, learning more about agricultural service boards in rural Alberta . . . [interjections]

THE ACTING SPEAKER: Hon. members, the Member for Edmonton-Glenora has the floor, and we will hear from him.

MR. SAPERS: Thanks, Madam Speaker.

. . . and learning just what a special place in the hearts and minds of government that people involved in the agricultural industry and the agricultural services sector have.

I have a couple of questions, and I want to just pick up where my colleague from Lethbridge-East left off. As I was reading this Bill, a couple of things jumped out at me. Number one was the sections that were repealed, notably 3, 4, and 5 of the original Act, and then the amending section, in particular 3(1), which talks about how "a council may establish and appoint members to an agricultural service board." I began to compare that in my mind to the way this government has dealt with regional health authorities and community health councils and the prohibition against community health council members, for example, being able to receive any out-of-pocket expenses and the difficulties members of those councils have in even getting photocopying allowances. Then I read in this Bill, right in the statute – not even left to regulation, which has been the usual practice of this government, but right in the statute – that an agricultural service board by law can claim these expenses.

I just began wondering: why is it that there seem to be these various classes of Albertans whom the government taps on the shoulder and asks to somehow be involved in providing benefit to the people and to the government of Alberta? So I'm curious about that, and I would hope that the sponsor or maybe the minister responsible or maybe one of the other members that are now furiously making notes as I speak would be able to just suggest to the Assembly and to all Albertans why it is that people on these service boards are being treated so differently than Albertans who serve the government and the people in other capacities.

I also note that the role of the minister has been somewhat muted, and more local control and authority is being given to those boards. That's good, and I support that and my colleague for Lethbridge-East supported that. I think it's about time to see the government actually doing what they say they're going to be doing by pushing down decision-making, and I can support that part of this Bill.

Then I get to another section in the Bill, which would be the summary of activities section, section 6, which talks about how a board must present a summary of its activities for the preceding year to the council in a form acceptable to the council containing the information required by the council.

I note that the section it's replacing used to say that the minister could require that. Then I think: well, gee, you know, this might be consistent. That would be good. It would be consistent if the intent here is again to keep the decision-making local and to take the minister out of the business of these boards and the local councils, and that's fine except that you get to this other section that's been left out, where it talks about how the funding used to come "from taxes levied within the area for which the board is appointed."

Now, that's been deleted from the Act, and if you now read the proposed amendments to the Act, it would sound like all of the money is going to come from the provincial government in one way or another, through a grant to the municipality or somehow through the GRF. I understand that there have been some

discussions and that there might be an amendment forthcoming from government, and that would be good if it is. But I'm wondering whether or not this is sloppy drafting and an oversight or whether there was something more sinister afoot here or if maybe the government wasn't even sure what it was proposing in this Bill.

I guess this is just an opportunity for me to say to you, Madam Speaker, how proud I am to be a member of the loyal opposition in the province of Alberta, that has the opportunity to take the time to scrutinize these Bills and to use wisely the research funds allocated to us to find deficiencies in the Bills, and how nice it is that when the opposition finds a problem, a deficiency, an error, a huge hole in fact in a government's proposed statute, the government would accept that and would immediately begin the process of fixing their problem. I do look forward to the government attempting to fill this hole in the Bill by bringing forward an amendment quickly. I would even encourage the sponsor of the Bill to get that amendment over to us for study before the Bill is sent to committee so we can talk about it, make sure that it fixes the problem. We'll get back to you. We'll let you know whether or not it fixes the problem. Then we can, you know, fix the Bill quickly in committee and get on with it, because most of this Bill is okay. We're glad to have been of service to the sponsor and to the government and to the people by finding this problem.

I would like some clarification as to that earlier point I mentioned as to why Albertans on these boards . . .

Speaker's Ruling Second Reading Debate

THE ACTING SPEAKER: Hon. member, I know that sometimes it is difficult particularly when we have a Bill before us that is an amendment to an Act, but in second reading we try to deal with the overall principle involved in the legislation. The committee stage allows section by section and word by word and amendments. So if we could please proceed accordingly.

Debate Continued

MR. SAPERS: Thank you, Madam Speaker. You're right. I'm just exploring the possibility that the principle of this Bill might have been based on some kind of, you know, skulduggery. I don't think that was the case. I wasn't really doing the section-by-section analysis. I could, but I know that would be wrong, and I'll wait for committee.

I was just concluding my comments by saying that when we get to committee, I'd be very happy to go through that section by section. I'm just encouraging the member to harken back to that first point and explain why these Albertans are treated so differently in statute than other Albertans who are asked by their government in one way or another to be of service. [interjection] It's the amending section 4, hon. member, that I'm referring to, which replaces the existing sections 3, 4, and 5.

Thank you.

THE ACTING SPEAKER: The hon. Member for Olds-Didsbury-Three Hills to close debate.

MR. MARZ: Thank you, Madam Speaker. I'm confident that the changes we are proposing in the committee stage will address the concerns, and I'd like to close with that.

[Motion carried; Bill 23 read a second time]

8:20

Bill 24 Tobacco Tax Amendment Act, 1997

THE ACTING SPEAKER: The hon. Member for West Yellowhead.

MR. STRANG: Thank you, Madam Speaker. I'd like to move second reading of Bill 24, Tobacco Tax Amendment Act, 1997.

Basically I'd like to just state that this amendment Act is to update and bring us into the 21st century with the other provinces as well as our loyal opposition's cousins in Ottawa.

DR. TAYLOR: They're not our cousins.

MR. STRANG: I said their cousins. I was looking at their cousins.

Basically what we're doing is getting this Bill amended so that we can properly enforce it so that we cut down the growth of smuggling. In the other aspect we want to enhance the enforcement and restriction of importing more than five cartons of cigarettes. Basically what we're looking at is just a minor change, and I think it's very minor. We're changing it to put a "person" rather than a "consumer." Howie, you should listen to this; it's good.

THE ACTING SPEAKER: West Yellowhead, please stick to debate. No proper names, and please stick to debate.

MR. STRANG: Well, he got me taken so much, I couldn't help it, Madam Speaker. He was on his learning curve again, so I just wanted to address him so he could have his attention directed to what I was going to say. But thank you for correcting me.

We're requiring retailers to purchase all tobacco only from licensed wholesalers, and this will get things organized in that respect and will provide the ability to refuse licences to persons who do not deal at arm's length. You know how this government has always looked at making sure that we're at arm's length when we're dealing with different Bills, and I'm sure our hon. opposition will know that.

Basically the other aspect we're looking at is strengthening the garnishee provision to provide and include a line of credit from the bank similar to the collection powers under the Alberta corporate income tax.

The other aspect I guess: all this information it's going to allow us to obtain under the Tobacco Tax Act will be useful for enforcing the laws in addition to the tax law, especially the drug enforcement law.

On that note, Madam Speaker, I'll sit down and let my learned friend across the way come with that.

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

MS CARLSON: Thank you, Madam Speaker. I rise to speak to Bill 24, the Tobacco Tax Amendment Act, 1997.

AN HON. MEMBER: Top that.

MS CARLSON: Top that. It's not too tough. He didn't talk for very long; right? In fact, I'm surprised that there weren't more explanations in the opening comments of the Member for West Yellowhead, because certainly . . .

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

MS CARLSON: Oh, he's a junior guy. That's probably why. Well, certainly he can get back up and talk to it some more after he's passed it into committee stage.

In terms of some of the opening comments of the Member for West Yellowhead, he said that this Bill will move the tobacco Act into the 21st century. Well, Madam Speaker, where was it before? How long ago was it since it's been updated? I think that's a question that we would like to have answered here.

He says that he's wanting to amend it so it can be properly enforced. Well, properly enforced as compared to what? I do know that there has been enforcement of the Act before. Certainly we've seen it happen at the municipal level, so perhaps there's been a problem or there have been discrepancies at the provincial level in the past. If so, then this member should be prepared to stand here in the Legislature and explain what those problems were and how, specifically, this then intends to make those changes so that they can enforce it.

He says that these changes will now require retailers to buy only from licensed wholesalers. I don't know who they were buying from before, Madam Speaker. Certainly in my experience in 20 years of dealing with small businesses who sell tobacco products, I don't recall anyone ever having purchased from anyone but a licensed wholesaler in the past except on the rare occasion when a small retailer may run out of the product and buy from another retailer of similar size. So, then, are you saying that this Act is going to specifically prohibit them from doing that, or is there going to be some sort of additional paperwork that's involved in there?

I think that's quite important to small businesses and is something that should be identified here and explained to some further degree. Certainly now if a small corner grocery store or a 7-Eleven or something of that nature is going to run into problems if they want to trade a brand of cigarette for a different brand of cigarette or if they want to purchase them from another retailer – another retailer would not be a licensed wholesaler, so that could create problems for them in terms of the reporting process and in terms of the kinds of penalties and fines and audit problems we're seeing happening here. So if the member could explain that, I'd appreciate it.

He talked about garnishee provisions being brought in line with those that are currently existing for corporate taxes. I don't have any problem with that. I think that if they've got the legislation to collect the tax, then they have to have some provisions in there to garnishee should they find a retailer who, for whatever reason, is not remitting the required amount.

I think that overall I support the intent of this legislation and where it's going in terms of establishing an effective tobacco strategy for control in Alberta. It doesn't address many of the outstanding issues that we've had in the long term here. Perhaps the member can address that when he gets up and speaks, particularly on issues around youth smoking, advertising and smoking, and the health risks associated with smoking. Maybe the Minister of Health will address the health risks for us.

Certainly stronger reporting and enforcement measures are one of the techniques that can be used for controlling interprovincial tobacco smuggling, but I'm wondering what kind of problem that has been in western Canada and why this becomes an issue at this particular point in time. It seems to me that most of the tobacco smuggling problems in this country have been down east, and it would be interesting to find out, when they have lower prices

there, how it becomes an issue for retailers here. Perhaps if they're bringing truckloads of them in and selling them here, but I don't see that being an issue for the cigarettes moving out here and down east. If that could be identified, that would be wonderful.

Why in this legislation have there been no provisions at all – this would be actually a good place to toughen up the legislation for young people accessing cigarettes. I think we see particularly an increasing risk . . . I see that the Minister of Energy is agreeing with me on something. That's probably the first time in this session that's happened, and I thank him for that. I'm sure he's got some really good ideas about how we could limit access to cigarettes and other tobacco products by young people. And not just cigarettes these days, Madam Speaker. I understand that there is quite a significant problem for young males in terms of chewing snuff and all that stuff they've got. Perhaps he has an idea about that. Certainly that is something that with his background he should be able to address for us here. So he could stand up and speak to that.

8:30

Tobacco smoking has increased over time with young women, particularly young teenagers. It's something that I think is equally as important as the kind of amendment that's been brought here today, perhaps more important. I'm wondering if the Member for West Yellowhead, who introduced this, could tell us why this particular amendment has been given precedence over something that would deal with health risks.

I'm hoping that the Minister of Health, before this debate gets too far, will address the issues around overall health for people who are smokers. Certainly there's a great deal of evidence talking about the kinds of increased health risks there are with smoking and the increased cost to the health care system not only for smokers but for people who are exposed in the home and in the work environment to people who do smoke. We haven't seen anything addressing that. With this government's penchant for moving towards two-tiered health care and actually other kinds of revenue-grabbing structures like VLTs, it seems quite surprising to me that they haven't seen tobacco as a real vehicle to be able to move forward and grab more money for the health care system. So perhaps he can address that for us. I'd be interested to hear what he says.

Now, we're talking here in this Bill almost exclusively about tools of enforcement to preserve the existing tobacco base, and there's no discussion here about reducing the amount of consumption or increasing the level of taxes in this regard, even though we see there's quite a strong correlation between the price of cigarettes going up and consumption going down. As we see the profile of smokers moving increasingly towards a younger smoker, under the age of 25, I'm wondering why the government hasn't looked at this and tied it to the increasing health costs and addressed it in that regard. So I'm hoping that someone can speak to this.

I think there are quite a few things here that we need to take a look at in terms of: if we reduce the consumption on the one hand, then what is the government going to do to replace that tax base? We can't open up any more VLTs. That's already a saturated market in this province.

MR. SAPERS: We want to get rid of them.

MS CARLSON: We want to get rid of them. The government doesn't want to because certainly that's where a lot of their new dollars are coming from.

MR. SAPERS: They're more addictive than smoking.

MS CARLSON: Yes. They're more addictive than smoking. That's a serious problem.

If we take a look at consumption of this declining over a period of time, which is an overall global goal and certainly a goal of the federal government, a goal that has not been addressed by this provincial government – if it becomes a goal that's addressed by them, then we need to discuss where the replacement revenue is going to come from, because that could be a significant problem. Is that the point in time, Madam Speaker, that they would look at introducing some other kind of a tax base on it? Would that fall under the mandate of this kind of a Bill? That's an interesting question, I think, for us.

When we talk about the principles of this Bill in terms of how they're going to collect the tax, there are a number of issues that come to mind for me. When we're talking about a wholesaler or a retailer who sells tobacco to consumers collecting the tax owing on that sale and then remitting the tax collected to a tax collector agent or directly to the Provincial Treasurer, we need to take a look at whether that's an existing system and if there are any changes to that system and what kind of changes that's going to require.

Speaker's Ruling Decorum

THE ACTING SPEAKER: I hesitate to interrupt you, hon. member, but there seems to be some dialogue going across the floor. For those that want to dialogue, I certainly will be pleased to let you speak after the hon. member has finished.

MS CARLSON: I guess you can put my colleague from Edmonton-Glenora on the list. He's got a lot to say. Thank you, Madam Speaker.

Debate Continued

MS CARLSON: Is this just a continuation of the existing collection system and paperwork system that is in place, or are there some kinds in addition to that? I was actually hoping that the Member for West Yellowhead would address that particularly in his opening comments, because for sure when they address in their opening comments on a Bill these kinds of issues, anything that they think may be a potential problem, it decreases the amount of time that we on this side of the House need to speak to the Bill to fully flesh out all of the issues and ideas. As the Provincial Treasurer was so happy to point out this afternoon, that's a real bone of contention for him and certainly something that he could move towards addressing, and we would be very happy for that to happen.

At any rate, when we talk about the kinds of taxes that are collected on tobacco in the province, we see that some buyers can be exempted from the tax. This is actually news to me. I'd like to know how a buyer becomes exempt and how a seller could become "an exempt sale retailer" on the reserves. Well, we're hoping that the member will address this for us. That actually is a real problem in terms of enforcing this legislation, as I see it. If we have some people in this province who are exempt and some who are not, then I would think that the role of whoever's doing the enforcing or the auditing is going to be greatly magnified and require a great amount of detail that may be hard to prove or track down. So if somebody can address that for me, that would certainly be important.

This is one that I see is quite a problem. Retailers cannot sell more than five cartons of cigarettes or a thousand grams of loose tobacco to any one purchaser at a time. So now I'm wondering: is a business like Costco, who can sell individual cartons or great numbers of cartons, really classified as a wholesaler or a retailer? In fact, a lot of their business is retail, Madam Speaker, yet there are many small businesses that purchase from them on a wholesaler basis. So who's going to make that determination at the till? The young people working there? Or is there some sort of a different requirement? Are those small businesses who are going to the till and buying more than five cartons of cigarettes at a time there – and any of us can see that when we're shopping, that many of those small businesses can buy 100 or 200 cartons at a time in order to replenish the inventory in their stores – required at that point in time to show their licence to the cashier before they can make the purchase? Is there any other kind of requirement there to determine which person is in fact a retail purchaser of one to five cartons and who can qualify as a wholesale purchaser? Who'd enforce this?

Certainly when I go to those kinds of stores, I see that no one who's working there at that point in time has the time to enforce it. I've never seen anyone traveling around there, floating between the tills, who could enforce it. I'm wondering: has there been some sort of evidence indicating that it's been a problem to buy more than five cartons of cigarettes in the past?

So now the Provincial Treasurer appoints a person who can collect tobacco taxes on sales in Alberta as tax collectors or agents. They're entering into an agreement with the Provincial Treasurer that sets out the duties and responsibilities of the tax collector under the Tobacco Tax Act. So who is this person? Are these new people? Are they existing people? [interjection] Do you know that? Existing people. Okay. What changes are there, then, in terms of this legislation? I don't see a specific change that can be addressed there. If you could answer that question for me, I would certainly appreciate it.

8:40

A tax collector can remit the tobacco tax in respect of all tobacco purchases by the end of the tax year for the whole year or by the 28th day of the following month. This is different than other tax collections, where for many businesses there are options. Certainly the most comparable tax in my mind in terms of collection would be the GST. For small businesses there are several options in terms of remitting the tax. You have the option of remitting it at the end of a month on a monthly, quarterly, or yearly basis. So I'm wondering if the agents collecting the tax are collecting such a significant amount of tax that it is imperative they remit it by the 28th day of the following month. So if you could address that, I would certainly appreciate it.

I don't have any problem with late remittances or remittances of less than total tax due attracting interest charges. I think that's certainly fair. Is there any change in terms of how the Act read before there?

Retailers keeping records of tobacco purchases, sales, and inventories. This, again, is always a bone of contention for small operators. There's a lot of paperwork involved in that. I think this is the area where the potential for problems arises, I would think, most consistently, far more than people black-marketing cigarettes out of the province or into the province. Maybe that's wrong, and if there are some stats to prove that it's otherwise, certainly I would like to hear those.

When you're talking about a carton of cigarettes, where the per package profit for most small retailers is less than 25 cents and 15

cents of that, or 7 cents per cigarette times however many in a package, 20 in a package – a significant amount of their profit is in fact tax. So it creates a lot of paperwork for the kind of profit that they're making, and they grumble and complain about this a great deal, and many small businesses don't keep very good records in the first place. So I'm wondering how the auditors are going to really monitor that in a truly efficient fashion. In my experience it's not possible to do that. Certainly you can do random audits and random spot checks and caution people that if their records are not kept up to date, you'll impose penalties if there seems to be some sort of a problem. But it's certainly an area of contention. I would think that if there is a problem in terms of inventory control and management of taxes and remittance of taxes, this would be the place where it happens.

I'm wondering if there are comparison sales done in a region in terms of the number of cigarettes that are sold in an area and then the ultimate tax collected from retailers to see what kind of a variance there is between the two. Certainly you'll have some loss at the retail level in terms of theft and shoplifting, and you can factor that in for an acceptable risk. Do they do those kinds of comparisons to see if there are regions in the province where there is an excessive difference between the amount of cigarettes sold at a wholesale level and the ultimate tax collected at a retail level? That would be one way of identifying an area where the auditors should go in and take a stronger look at the retailers at that level.

I think when talking about this Bill at second reading, those are my comments. I have a number of specific line-by-line questions when we get into committee, and I'm hoping that the Member for West Yellowhead will be the first on his feet when it gets into committee to address the questions that I've got, and then we may not have as much to say at committee.

Thank you very much.

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

MR. SAPERS: Thank you very much, Madam Speaker. This is a very important Bill, and it follows on the work of many hon. members over many years in this Assembly. Certainly tobacco control has been a nonpartisan issue in this House, and I intend to keep it that way. The Official Opposition and members of the government side have introduced various private member's Bills in terms of controlling tobacco and tobacco access. I am pleased to see Bill 24 begin to deal with illegal resale of cigarettes and smuggling and also recognize the impact that tax strategies can have on sales and usage of tobacco products. I will say that my learning curve on this issue has just about plateaued with those illuminating comments from the Member for West Yellowhead, but I know that we'll study this together and somehow make it through.

There are a couple of things that I'm wondering why they're not in the Bill. The principle of the Bill is really about tobacco control, and towards that end I'm curious as to why the sections on packaging, which talk about the Alberta duty stamp, don't go even further and talk about plain packaging, really get serious about control on resale. That has been a proposal heard before in this Assembly and certainly an initiative in some other jurisdictions. If it was reviewed and rejected, I'd like to know why. If it wasn't reviewed, perhaps it's something that we could get together and take a look at in terms of amendments when this Bill gets to committee.

It would be nice to ensure that we couldn't see so called kiddie packs ever coming back into the Alberta retail circumstance. I've heard that there may be some changes in the federal law in that regard. I'm certainly hoping that won't be the case. I wouldn't want to see us become regressive in that particular matter and backslide on the packaging of cigarettes into smaller quantities to make them more affordable as the tax portion of their cost increases.

The other concern I have with Bill 24 is a concern that I have about a number of government Bills. There is a section in the Bill that talks about new regulation-making powers. In this case it talks about the minister having the ability – I believe it's the minister that has the ability; it may be the Executive Council – to develop regulations for

the registration of retailers who sell tobacco to persons who are not required to pay tax under this Act and the cancellation and suspension of those registrations.

That's a punitive permissive section.

What it does of course is set up a circumstance where regulations – not something that all Albertans would have an opportunity to participate in the formulation of but regulations being made behind closed doors – can set up a circumstance where somebody may lose their ability to be a registered retailer. While I think it's important that there be a significant consequence for someone who breaches this Act or any other Act, I think it's equally important that all Albertans have an opportunity to be fully apprised of what the limitations on their activities imposed by this government are and then what the government is going to do about it when they exceed those limitations.

The best way to do that is to include that in the statute so it can be debated, so it can be in *Hansard*, so it's as public as it can possibly be. Perhaps the worst way to do that, particularly when you're talking about the government using its rather enormous power to sanction behaviour, is to do that by regulation either at the ministerial level or at the level of Executive Council.

I would hope that the members of the government are paying serious attention to that suggestion and that again amendments will be brought by the sponsor detailing what the sanctions will be and what the circumstances will be that somebody will lose registration and not just simply leave it to regulation, which may change from time to time without being fully reported to Albertans and certainly without being debated in a public forum.

I want the sponsor to know that I'm pleased that he's been involved in this initiative and that this Bill will certainly receive at second reading the support of the Official Opposition. But we do have our eyes wide open waiting to see what the response will be to these few suggestions. We hope the government takes them seriously, and if amendments are forthcoming in the areas that have been discussed by myself and my colleague, I can assure you that those, too, will receive speedy consideration.

Thank you.

8:50

THE ACTING SPEAKER: The hon. Member for West Yellowhead to close debate.

MR. STRANG: Thank you, Madam Speaker. I've listened attentively to all these questions that I've been given, and I think once we have the *Hansard*, we'll certainly get back in committee and allow these questions to be answered. Basically, what we're looking at right now is just discussing the principles of this Bill.

I think, first and foremost, what we're talking about is stopping the growth of smuggling in the province. We've looked at other

aspects: number 1, the marking of the packages; also, we've looked at possibly the abuse of the Indian tax exemption. So I think with that, Madam Speaker, when we get into committee we'll be able to certainly look at all these and have a good debate in there.

At this time I'd move second reading.

[Motion carried; Bill 24 read a second time]

Bill 27
Child Welfare Amendment Act, 1997

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

DR. OBERG: Thank you very much, Madam Speaker. It gives me great pleasure to move Bill 27 on behalf of the hon. Member for Calgary-Fish Creek.

Madam Speaker, Bill 27 has two very important initiatives in it. The first one is adding "including prostitution related activities" after "behaviour." So what the Act will now tentatively say is that "for the purposes of this Act,"

a child is sexually abused if the child is inappropriately exposed or subjected to sexual contact, activity or behaviour including prostitution related activities.

This is a recommendation of the Juvenile Prostitution Task Force, and it is something that they have felt is the single most important aspect of their recommendations. It will be the first time in North America that this recommendation has been put into law, and it is something that I really must commend the hon. Member for Calgary-Fish Creek and the Juvenile Prostitution Task Force for doing. I think it is very farsighted, and it is something that will help significantly.

The second part of the Child Welfare Amendment Act is incorporating the Hague convention. The Hague convention is a convention from the United Nations allowing for intercountry adoptions. Madam Speaker, on one occasion in this House I was asked a question on intercountry adoptions and basically stated that this convention is essential if intercountry adoptions are to continue to take place. This will set the trend for intercountry adoptions around the world. Again, if Alberta did not have this in legislation, people such as the Reimers, which were the ones that I alluded to in the question I was asked, would not be able to adopt their child from Romania.

Madam Speaker, I have gone one step further. Alberta will become the sixth province in Canada to ratify the Hague convention. The Hague convention is not included here in total, and for that reason I tabled a letter from the federal Department of Justice which states that the amendments contained in this Act will ratify the Hague convention, will make it completely binding on Alberta.

Madam Speaker, I think these are two very important initiatives, and I would look forward to debate. However, I would look forward to very limited debate as I feel that this is something that cannot be changed. The Hague convention on the intercountry adoptions is something that the wording has been done. It is something that the federal government has agreed to, and it is something that is binding on an international basis, so I'd be very reticent to accept anything that will change that wording. It is something that we have to be extremely careful with, but it has been agreed to.

I would again commend the hon. Member for Calgary-Fish Creek on those two initiatives, and I really feel that it is some-

thing that the Legislature can agree to very quickly.

Thank you.

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

MS OLSEN: Thank you, Madam Speaker. I'm very pleased to rise today and speak to this Bill. I, also, raised some questions in the House regarding this Bill, as I hadn't seen it come forward and knew that many of my constituents in north Edmonton had been asking about it. Secondly, back in March 1996 then social services critic, Alice Hanson, who was the Member for Edmonton-Highlands-Beverly, had asked the then social services minister where it was, and at that time there was no commitment.

So I'm very happy to see this amendment come forward. It's long overdue. We've been pushing in this Legislature for a number of years to see something like this. So has the community. I, too, want to commend the Member for Calgary-Fish Creek. I remember two or three years ago when this group was first put together in Calgary, when I was invited to participate as a result of my policing experiences on 118th Avenue, which is now part of my constituency. Many of my former colleagues, as well, from the Edmonton Police Service were able to put an Edmonton perspective into this Bill.

Just so you get a picture of the need in my constituency and the need not just in Calgary but here in Edmonton. I work in a constituency that has 118th Avenue as the east/west main artery. On 118th Avenue from about 95th Street to 82nd Street, anywhere along there and including in front of my constituency office we have any number of young prostitutes who will take their stand on the corners. Over my policing career I've come to know some of these young girls, and they are young. I remember a 16 year old - and just to put this in perspective, they come from all backgrounds. They're not just coming from the poor homes, but in those homes, in my mind, there must be something terribly wrong - terribly wrong - to drive these children to the street.

I want to tell you the story of a 12-year-old girl that I worked with, and in relation to this Bill I think this is an important story. This young girl was 12 years old. She didn't want a pimp, she told me. She's 12, and she knows the language. I picked her up two or three times, and I was the only police officer in that area who did. The child came from a home where the mother was a cocaine addict and a prostitute herself. The father was nowhere to be found, and the brother was very active criminally at 15 years old.

Well, having had contact with this young woman, at one point I was able to get her into secure custody. On my second confrontation with her I picked her up at the school that she was at. Now, if you can imagine, I had to handcuff a little 12 year old, whose little arms were this big. I had to do that because she was going to run away. The school had to physically hold her. I got that young girl and I put her in the back seat of the car, and we started to have a conversation.

This is my second encounter with her. She hadn't eaten in three days, but she did say to me: well, Sue, I made 20 bucks from that old guy who drives that blue truck around here; so that's pretty good. And I said: you what? She said: yeah, I'm working the streets now. I said: you're 12 years old. She said: yeah, but I got 20 bucks; I have freedom.

She had freedom all right. She had freedom from the hell she was living in at home, but the hell on the street for that child was something that you couldn't comprehend. I took her back to the

police station. I called social services. To the minister: you might not want to smile about this. I took this young child back to the police station, fed her. I called social services. I wanted the child in secure custody, because there was no point in taking up a bed for this child because she was going to run away. There were other kids who would stay in a foster home. This child would not. I was told that they didn't have any beds in secure custody, and I said: "Well, guess what? We're going to tie up my time all day until we find a place for her." They said: well, the solution is, we're going to send out a social worker to her home. I said: well, that'll keep her there. So I met the social worker two and a half hours later at their home. That's all the resources the social workers had, I might add, to have a one-on-one in the house.

9:00

Now, I would venture to say that if I were a social worker going to the home that I was taking this young girl back to, with mom who's a cocaine addict and a prostitute and a young boy, the brother, who was criminally active, and I were to put a social worker into this home, which by the way was nothing short of a pigsty, I would suggest that probably not a whole lot of good things would come out of it. That little union lasted maybe six hours.

There was no way to take this child away from mom because of the social services policy of keeping the family together. This Bill will allow that. This Bill will allow a police officer, a family member, a teacher to take some action so the child will not go back to the home, can be removed. The child can't stay with somebody who's offered her the world, who's now pimping her at 12 or 13 years old. This child can now go into social services custody. However, hopefully beyond the legislation social services has a whole other network, because the legislation itself is not going to do the trick.

What it will do, though, under section 95 of the Child Welfare Act is it will allow for any john who creates the position, a john being any man who picks up these prostitutes, to be fined. It will allow for a pimp to be fined. That's a great initiative, and it will give a tremendous amount of support to the employees of social services.

I do want to just offer one caution on that however. This Bill is not the be-all and the end-all. To the social services minister: there needs to be more action taken so you can work with the federal government, the Justice department to ensure we get broader changes and broader legislation under the Criminal Code.

Now, given that, on this particular Bill I also want to note that I'm happy that it includes related activity. Related activity is also drugs, alcohol. We have a number of after-hours bars in this city, and quite often they crop up in my constituency. This will help with that as well and actually maybe even give us a little bit of a different enforcement perspective, when I think about it.

The other issue is of course johns, as they are known, and we do have a johns' school. That's not to learn how to pick up prostitutes; that's to learn how not to and why you might be.

[Mrs. Laing in the Chair]

I just want to enlighten you and tell you a couple of stories. You know, I used to drive around 118th Avenue as a police officer in the middle of the night, and I remember I stopped a fellow who had picked up a prostitute at about 3 in the morning, just a young girl, 16 years old, and because there's no place for 16 and 17 year olds, I asked her to sit in my police car and I

drove her to her friend's. However, I said to this gentleman: what are you doing out here picking up this young girl? He said: well, that's my niece. I said: no, it's not. He said: yeah. He said: okay; it's just a girl I know who's a friend of a friend. I said: yeah, I've heard that story before. He said: well, actually I was out looking at cars, and she flagged me down and wanted a ride. So I said: well, you can give me any number of stories. I said: let me tell you; I've been out on this avenue working, if you will, for 10 years, so I know what you're doing, and maybe you'd like me to call your wife. "Oh, no. She's at home, sleeping." "Well, maybe you'd like me to call her and ask her where her car is, because this is registered to her." "Oh, no. Please don't do that."

So we get every excuse from every person, and these aren't just the average low-life type of people, if you will, that stereotypical male that you see on the street. We've had businessmen. We've had policemen. We've had ministers. We've had any number of people from any walk of life. So it's a very, very serious issue and a very, very serious concern. Given that, I'm very pleased to see this. I do, however, need to stress to the minister the need for services beyond the enforcement and legislative aspect of it.

I will move on to the adoption aspects of this Bill. I just want to ask a question, if the minister will answer for me. The reason for putting the two Bills in: is that all under the Child Welfare Act and you just want to keep it all together? Correct? Okay.

I don't believe we're going to be bringing forth any amendments to this, and I do as well want to see a speedy resolution to this. However, I'm a little concerned that the reason we don't have this adoption Bill as a stand-alone Bill is because the Hague convention includes the United Nations convention on the rights of the child. It's contained in the preamble, and by not putting that preamble in a stand-alone Bill, then you're not committing to the United Nations convention on the rights of the child. I'm just assuming that that's what happened here, and you do know that we are probably the only province that has not signed in to that declaration or that treaty. I'm a little concerned that we talk a lot about children. We talk about the rights of the child in a grandparents' Bill, we talk about the rights of grandparents in a grandparents' Bill, but we don't address the rights of a child in an international charter, and I'm not sure that we really . . . [interjections]

THE ACTING SPEAKER: Order. Hon. members, may I remind you that we just have one person speaking. [interjections] We will wait. We're waiting until everyone is quiet so that the Member for Edmonton-Norwood may continue. All right. Thank you.

Edmonton-Norwood.

MS OLSEN: Thank you. [interjection] Well, I have to agree with my colleague. I'm wondering why we're opting out. It doesn't make a lot of sense to sit here and discuss children and really the protection of children and not take that seriously by being a signatory to the United Nations convention on the rights of the child. Would that give children too much power for these guys over here? I'm not quite sure what it would do, but I really have some concerns, and I really think that it's an issue that won't go away.

Given that and given that I understand there are many children waiting to be adopted into this province, you need a speedy resolution to this. However, that doesn't mean that we won't continue to pursue this province as being a participant in that

convention. I guess we are the only province. I'm concerned that if we don't pass this, we would end up with a lot of little children not being able to come here. I think the minister of social services needs to look again at the convention, to look again at what the benefits are, not to be concerned whether it gives a child too many rights so he might sue his parents or his siblings but to really look at the meat of the whole convention, what it has to offer children, because this province is failing children. I know that because I saw it every day for 14 years on the street. They're not just prostitutes. They're beaten severely. They're runaways, and it's all for a reason. Let's not pay lip service to our kids in this province. Let's do something meaningful for them.

On that, I will let somebody else speak to this Bill.

9:10

MR. SHARIFF: Madam Speaker, I just wanted to make a few comments at second reading of Bill 27. I want to begin by first commending the proponent of this Bill. I'm pleased that it has come to this stage. Child prostitution is certainly child abuse, and what this Bill does is basically clarifies that position.

I also want to raise the point that the old Act, as it read, did include, although not specifically stating it, the provision whereby child prostitution would be considered sexual abuse if interpreted accordingly. While this is clarifying this, the problem that I have coming from a child welfare background, my observation is that social workers who had wanted to work in this field and help and work in the best interests of the children were so stressed with the workload that they weren't able to meet those needs. I hope that after clarifying this issue, the department will look at the high caseload ratio that presently exists in the system.

I also want to raise an issue about how children get to this point. These are children who come from difficult backgrounds, often having run away, finding themselves in wrong peer groups, probably engaging in drugs. I think there are many social issues that are before us as a society, and we certainly need to make sure that if we are a compassionate society caring about our children, we do address those issues appropriately through all social programs and not specific programs that we like or prefer. I hope that as a government we will place emphasis on taking care of the numerous social problems that exist within the child population.

I also wanted to make a brief comment about the other part of the Act which deals with adoptions. I commend this because I've seen many parents struggling to adopt children from international countries, having difficulty going through the process. I only want to make one point, because I agree with the bulk of it, for the minister to take into consideration. By having this Bill come into force, there will be one problem that needs to be negotiated with the federal government. This is my observation and experience. Many parents do end up, after a long delayed process, getting the adoption in the country from which they are adopting, however, having difficulty bringing the child to this country for two to three years. That kind of a separation is too long. I hope that the minister will have an opportunity to deal with this particular aspect as he negotiates with his federal counterparts.

With those remarks I once again want to commend the Member for Calgary-Fish Creek for bringing this legislation forward. Thank you.

THE ACTING SPEAKER: Edmonton-Glenora.

MR. SAPERS: Thanks, Madam Speaker. The Member for

Calgary-Fish Creek is in fact to be congratulated for her role in bringing this Bill to the Assembly and the minister as well. I've had an opportunity to talk to both members about the Bill and also to encourage them to do so.

I'll talk first about the section of the Bill that deals with the Hague convention and international adoptions. I am acquainted with a couple of families, both in my constituency, who've gone through the rigours of an international adoption. I can assure all members of this Assembly that if they have any doubts at all about the importance of ratifying this convention, they should spend some time with a family that's gone through this process.

The difficulty that I have is not with what's in the Bill but in fact what's not in the Bill, and I, too, along with my colleague from Edmonton-Norwood, am very concerned about the government's reluctance to put the principle section, the preamble to that international adoption convention, in the Bill. Even though I know that it makes reference to the UN declaration and I know that the UN declaration for some unknown reason causes distress amongst the government members, it seems to me that this is the type of Bill that could be best served by that principle section being part of it, by that preamble which sets out clearly what the intent of the Legislature was in including the Bill, in making the law. That will guide all future Legislatures in the province of Alberta should they ever be tempted to tinker with these amendments, should there ever be a political mood or will to come back and start taking apart these sections that deal with the Hague convention on intercountry adoption.

Certainly we've seen a growing trend in parliamentary countries where Bills include not just a definitions section but a statement of principles or a preamble section as well. It's a good practice, and particularly it's a good practice in an area of lawmaking which really isn't terribly political or partisan. It's not like, you know, some of the slogan Bills that come out from the government. This is a good working statute that'll serve the people of Alberta, and it is a matter of public policy, not public rhetoric, and could be served by the inclusion of that statement of principle.

I don't know whether it's too late or not, but I think I can go out on a limb here and speak on behalf of the Official Opposition, that if the minister or the sponsor were to bring in an amendment that included that statement of principle, that preamble, I would guarantee that it would be passed so fast you wouldn't even know that we were supporting it. So I would encourage you to think about that, you know, and then we could have the debate on the UN declaration in a more general way. But I am pleased to see this set of amendments regarding international adoption.

Now, the child prostitution related amendments to the Child Welfare Act are also amendments that I can support and that I think all members of this House are going to support. It's about time, I guess, is what I can best say about that. I say that it's about time based on my experience going back four, five years when I started working with the mayor and council of the city of Edmonton and the Mayor's Task Force on Safer Cities and then the task force on prostitution and juvenile prostitution. I can remember about four years ago convening a meeting, asking senior representatives from half a dozen government departments to come into a room and to brainstorm what amendments were needed to the child welfare legislation in this province to deal with child prostitution, and amazingly, what every one of those senior departmental officials had been briefed to say, as we found out later - they had been choreographed - was that there were no amendments needed, that everything was just fine.

9:20

Now, I couldn't reconcile that position with the reality that I knew from both my volunteer activities and my professional activities and seeing the growth industry that the child sex trade in this city had become. I couldn't accept that everything was just fine. So I started asking: what seems to be the problem? The prosecutors were saying: well, you know, the police don't give us the right evidence. The police were saying: yeah, but because of the Supreme Court decisions or because of something else, we can't collect the evidence, you know, when cars are declared private places and not public places. There was all this finger-pointing. The child welfare workers were saying that it was the people in the young offenders branch's fault, and the young offenders branch people were saying that it was the people in Education's fault, round and round and round that discussion went. That was very frustrating.

I can't help but wonder – and this makes me very sad and, frankly, very angry – how many 12- and 13- and 14-year-old little girls were turned out by their pimps over the last four years because the government was unwilling, for whatever reasons, four years ago, three years ago, two years ago, even last year, to make this one simple change. It frustrates me to no end to think that somebody once upon a time decided to play politics about this issue, because it wasn't somehow politically acceptable to talk about it, I guess. I'm relieved that it's become acceptable to do it now, but it still makes me angry to think about those young girls that I worked with those many years ago who are now young mothers, who are now in their 20s some of them, some of them are still in their teens, and some of them are struggling to put their lives back together. It just frustrates me to no end that we could have done something and we chose not to. I have no explanation as to why that is, and I've never heard an explanation from the government as to why it's taken so long. So while I'm happy that it's here today, I can't help but reflect on that experience.

My colleague says that it's not a panacea; it won't deal with all of the problems of child prostitution. Certainly it won't. No one statute or initiative will. If this helps us deal with 10 percent of the children who find themselves attracted to the street and then sucked into that vortex of prostitution, then it's a job well done and we've served the province well by passing this law. I would hope that this is, though, not the only or last thing the minister does in this regard. There has been some co-operation on this issue. I'd like to encourage that to continue. We have some ideas, Mr. Minister, that we'd be happy to work with you on. You have the luxury of a breadth and depth of experience in this House with your own member directly behind you and other members in this House who have been in the front lines of this issue and know it intimately. The minister's own experience as a physician means that he's no stranger to some of these issues as well.

So let's take advantage of what it is that we know. Let's not worry about the political optics of it any longer. Let's acknowledge that there's a problem, and let's continue to put ourselves to the test of addressing that problem in even more aggressive and proactive ways.

THE ACTING SPEAKER: Any other speakers? Okay. Edmonton-Calder.

MR. WHITE: Thank you, Madam Speaker. It's not often in this House that I hear something from the other side in the affirmative

that causes me to rise to speak in this House, but I have heard from the minister, the proponent of the Bill, Calgary-Fish Creek, and from Calgary-McCall the importance of this Bill. Although I certainly haven't had the experience that many others in this House have directly related to the purpose of this Bill, I have had some experience with being in police service and having come very close to these kinds of issues, as well as being a politician for a good while with the downtown of the city of Edmonton being in my constituency.

I'd like to, first of all, commend all of those people that you have in your caucus that would go to the time and trouble of putting together this kind of Bill and putting it forward. I know that in a lot of constituencies it's not a popular item to talk about. It's certainly not something that comes up on a regular basis at constituency meetings. It certainly isn't the kind of thing that your president will be pushing for you, and it certainly isn't something the banker's going to talk to you about or anyone related to community activity save and except those people that are directly involved, and oftentimes it is still a taboo subject. I know that in the community in which I live it's not something we speak about a great deal. However, having represented inner-city communities, I know that it is something so very, very important to them and to the thousands and thousands of lives that it actually touches, not just those directly related to the children that are at risk as we speak right this very moment, who are the fundamental purpose of this Bill.

Every time that I deal with these kind of things and I listen to the stories of those that have been front line and know the people, the horrible stress it puts on their personal lives, those that have to go home and try to deal with their own life have this haunting feeling that: I couldn't be somewhere else and make a big difference in someone's life, a young person's life. There's a critical point in time when a child can go this way or go that way, and that professional knowing in their heart of hearts that if they'd spent another hour, another two hours, another 10 hours, another half a lifetime saving those kids - we in this society simply do not spend enough time, each and every one of us. We delegate the authority to those people that we call professionals in their area, and we shove off all of that to them and say: you do it; we'll pay you for it. Then we come into this House and we deal with the minister's budget and we pay lip service to a lot of things they do. They're just FTEs, and they're just numbers in a column.

You have to really, really think about it, and I try to do it now and again. It's difficult. I'm not very good at it. I'm a father first before I'm ever a politician, and sometimes after Police Commission meetings late at night, I'd have to go out to the street. Some of you know that the police station here in the city of Edmonton is in the heart of an area that is seedy, to say the least, and around the corner and up the block there's a street or two of all manner of those who live on the street. Amongst them are children, some in tow, some in cars, some in dens very, very, close at hand. I'm not one who spends a great deal of time, not near as much as I should, thanking beings higher than myself and higher than any of us. Most people would call that in English a God. I don't spend a lot of time doing that, but I tell you that every time I went by there, I thanked, as my mother would say, my lucky stars that I was born into a family that took care of the raising of children. I do the best that I can, but I have no expertise in dealing with those children that I can see there. And this will help.

It's not the be-all and end-all. It's a very good start, and any time you need some help – I heard the Member for Calgary-

McCall saying that his personal experience was that the federal law could use some change or the regulations or however the system does and doesn't work. We're fond of saying in this House, "Your cousins across the way." Well, sometimes it's true and sometimes it's not true. I don't know. I have never found a great deal of reason to go to them with hat in hand and say: look; here is a cause you can do something about. But if you need it on this one, I know a lot of other members on this side will go to bat on this cause. Just ask.

Thank you.

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

MS BLAKEMAN: Thank you, Madam Speaker. I'm pleased to rise today and speak briefly to Bill 27, the Child Welfare Amendment Act, 1997. I will be supporting this Bill along with many of my colleagues obviously. I think what really struck me when I read this Bill and when I looked into the background of it was how long it took us to come to this point. Unfortunately, I think it was only the horror of having children as young as 12 or even nine that were involved in prostitution that would finally move this Assembly to action. We seem to have a different attitude towards older women that are involved in prostitution, that somehow they are not deserving of our help as well. It took society moving to the point where we had literally children involved in prostitution to get us to this amendment.

9:30

I think it is a tribute to the former Member for Edmonton-Highlands-Beverly, Alice Hanson. Her suggestion to include this under the Child Welfare Act is a great tribute to her. I know she worked hard on it. It meant a great deal to her. She was a great educator on this issue. My compliments also to the sponsor of this Bill.

I think what's really most disturbing to me is that we still have people making money from selling women's bodies and in this case little girls' bodies and, unfortunately, also probably boys'. I want to make the point that this is a good move, but please let us not stop there. There is much that needs to be done and put into place in support of older females; in this case we're probably talking 17 or 18. Some of them look older, and we seem to say: "Okay. Well, fine; we don't care about them." Even older women are working on the streets. This is not an acceptable thing for this society in such a profitable country to still be doing to its own members.

We need to be looking at shelters for prostitutes. We need to look at counseling, retraining, and most specifically, meaningful jobs for them. It's not acceptable to me that we could deal with child prostitutes and then not deal with them as they get older. I think that we as a society still have a lot of work to do with johns. Somehow that is still acceptable, and we're not looking at the other half of the equation. I think we all should have shame for that.

Just briefly speaking to the second half of this amendment Bill around adoption, I know that particularly for families who are childless, adoption is a way for them to complete their families and to be able to share, again, the wealth that we have here in Alberta with a child. I think this is good, for the benefit of the child, and we should be proud of ourselves and proud of the member who has put forward this Bill that we are doing this. Again, it is such an irony to me that we've had to come to this position with this amendment because Alberta is unwilling to sign

the UN convention on the rights of the child, which empowers children.

AN HON. MEMBER: Too much.

MS BLAKEMAN: I'm sorry; I do not accept that children can be empowered too much. I do not accept that.

We talk about protecting children, about the rights of the child and the benefit to children in a number of other Bills that we've seen in this Assembly during this session, and it's an embarrassment to me that Alberta is still a province that has not signed this.

Nonetheless, we have this amendment Act in front of us. It is attempting to remedy this in some way or to move around it. I think it's a beneficial outcome for both parties, obviously for the child, who will gain the benefit of living in Alberta, and also for the families that wish to have a child.

Just one small thing there. When we look at families who are unable to have children of their own, we're again looking at the issues of new reproductive technologies and infertility. I hope that we're beginning to understand the environmental factors that affect this and looking more to protecting our environment and the way it impacts on human beings. You really can't outwit Mother Nature there.

So those were the brief comments I wanted to make on this Bill. Obviously there is a great deal of support for it. But again, I urge us all to look to the future and not leave this where it is. It is in support of children, but I still think we need to go further with the older children and with the adults.

Thank you very much.

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

MS CARLSON: Thank you Madam Speaker. I rise to speak to Bill 27, the Child Welfare Amendment Act. I, too, support this Bill as far as it goes in terms of amendments here. Every time we lose a boy or a girl to prostitution, it is a crime in this province. I think we can never go far enough to try and reclaim those children and give them back some form of life, and in a very small way this Act addresses that issue.

Certainly it isn't as encompassing as I would hope or as comprehensive. I think the Member for Calgary-McCall was right on the mark when he talked about an integrated and holistic approach to children who find themselves in these circumstances. Certainly we need to address the issues that put them on the street in the first place, then the issues that keep them there, and the issues about them reclaiming their lives afterwards. If he could take his comments and share them with the front bench and particularly with the Minister of Family and Social Services and get the minister and the rest of his colleagues on that side of the House to listen to what he has to say, I'm sure they'll find it in their hearts to endorse that position.

Truly there is nothing more important to us and to our future than the children of this province, and to lose them for even a moment to the streets for the purposes of prostitution is a crime against humanity and needs to be addressed as such. It's been far, far, far too long in terms of even this small amendment making it to the floor of this Legislature. Certainly there's been a lot of work done in the field saying that this work and a great deal more work needs to be done in this regard, and it needs to be addressed.

I can't let the Minister of Energy's comments earlier this

evening pass with regard to this situation. He said that his government is not prepared to cater to political correctness, that they just want to address the issue. Well, Madam Speaker, I've been here for four years now, and I have yet to see them address the issue in this regard. Certainly a step towards doing that would have been in terms of not opting out of the United Nations convention on the rights of the child. They seem to have their backs up on this issue, and it has become now some sort of misguided principle of theirs not to sign this convention. In fact, they're missing the point.

THE ACTING SPEAKER: The Minister of Family and Social Services.

Point of Order Relevance

DR. OBERG: Madam Speaker, I'm rising under *Beauchesne* 459. In this Act what we are attempting to do is incorporate the aspects of the Hague convention. In the Hague convention, the United Nations convention on the rights of the child is mentioned only in the preamble, and it has no substance to the Hague convention. So the discussion on the UN rights of the child is really out of order when it comes to incorporating the Hague convention into the Child Welfare Amendment Act.

I have been very liberal in not standing up on a point of order on what has been said tonight, but this is the fourth or fifth speaker who has brought this up. Madam Speaker, quite frankly, it is my opinion that it is out of order for them to be speaking on this, on the Hague convention, because it does change the substance of the Hague convention and the Hague convention is what is being incorporated into the Child Welfare Amendment Act.

THE ACTING SPEAKER: Thank you.
Edmonton-Ellerslie.

MS CARLSON: Certainly, Madam Speaker, this Bill is about the Hague convention, which speaks directly to the United Nations . . .

DR. OBERG: No, it doesn't.

9:40

MS CARLSON: Yes, it does. It's mentioned in the preamble, and it's encompassing. While they don't like it because it is very liberal in nature, this is an issue where we're talking about children's rights, where it's fundamentally important to be very liberal. Truly, particularly when we're speaking to the principle of a Bill, we have every right to talk about the rights of children, and what the United Nations is saying is fundamentally important to enshrine those rights. One of my other colleagues said: you can never give children too many rights. If it's good enough for the United Nations, certainly it's good enough for us and should be good enough for this government. I think the minister is out of order in saying that there's no relevance here in this regard.

MR. LUND: We've got a bunch of brats because of no discipline.

MS CARLSON: I just have to respond now to the Minister of Environmental Protection's comments in terms of the principle of prostitution in this Bill.

THE ACTING SPEAKER: Excuse me, please, hon. member.

Would you take your seat, please.

I was just going to mention a little bit on the point of order that we had raised by the hon. minister. There has been some leniency allowed tonight, and that's been accepted. But as a point of clarification, we shouldn't always be talking about the Hague convention. We should be talking about the part that's in the Bill, and that has already been outlined. So please, let's not debate whether or not we should be signing the ratification. We should be looking at the parts that are in this Bill. All right? Thank you.

MS CARLSON: Madam Speaker, I think when you talk about rights of children, it's very tough to separate those two issues.

Debate Continued

MS CARLSON: I have to speak to the Minister of Environmental Protection's interjection here. When we're talking about an issue of prostitution, he states that they're a bunch of brats that need discipline. Well, Madam Speaker, I would say that it's the johns that are abusing those children who need the discipline in this society, not those poor kids who are out there on the street.

MR. LUND: Madam Speaker, a point of order.

THE ACTING SPEAKER: The Minister of Environmental Protection.

Point of Order Imputing Motives

MR. LUND: Under Standing Orders 23(h), (i), and (j) and all those other things. Madam Speaker, certainly when I was commenting to the hon. member, it was dealing with the issue of discipline in the home. It had nothing to do with prostitution. The hon. member is way off base. That's not what we were talking about. We were talking about discipline, and the lack of discipline creates brats. That's what I said, and that's what we've got out there. In many cases the reason there's a problem with young people is because there is no discipline. This idea that the international convention is going to save that is a bunch of hogwash. In fact, it goes in the other direction.

THE ACTING SPEAKER: Thank you, Mr. Minister. I think you've clarified that point.

MR. SAPERS: On the point of order, Madam Speaker.

THE ACTING SPEAKER: No. I believe we've heard enough about that. Let's get on with it.

MR. SAPERS: Madam Speaker, he just raised his point of order. As the House leader for the opposition, I have every right to respond to his point of order.

THE ACTING SPEAKER: Excuse me. The point of order has been finished.

MR. SAPERS: Madam Speaker, he just mentioned the point of order. I have every right to respond to the point of order.

THE ACTING SPEAKER: There is no point of order. We had a point of order. We already had one side of the argument when Edmonton-Ellerslie raised her thoughts. The minister responded. That should have been the end of it.

MR. SAPERS: Madam Speaker, he cited Standing Orders, made a point of order, not the Member for Edmonton-Ellerslie. Now you're denying the opposition a chance to respond to his – and I agree with you – non point of order.

THE ACTING SPEAKER: I'd said already that there is no point of order. He raised his objection. That was settled, and now if he wants to state further, he must come into the debate on the Bill.

Now, Edmonton-Ellerslie, you still have the floor. Would you like to continue on the Bill?

MS CARLSON: Well, Madam Speaker, I have to say that this is the very first time in this House since I've been here that we have not been allowed to respond to a point of order in a first instance. I find that quite surprising.

Debate Continued

MS CARLSON: Certainly I am talking about prostitution as it's spoken to in this Act. The Minister of Environmental Protection, while I was speaking to the issue of prostitution, spoke to the fact that they are a bunch of brats that need discipline and then went on further to say that there are problems in the home that cause these kinds of problems.

[Mrs. Gordon in the Chair]

THE ACTING SPEAKER: I would ask that we get on with the debate. I was listening to what transpired outside in the Confederation Room. I don't think we need to go on and on about an interjection. Let's get on with the debate, please.

MS CARLSON: Certainly, Madam Speaker, but in terms of . . . [interjections] That's okay. We'll let it pass. Don't worry. If they want to have this kind of evening, we can have this kind of evening here.

Certainly, when we're dealing with the issue of prostitution, which is a very serious issue, which is the principle that I am speaking to in terms of this Bill – clearly we have had a problem in the past, and clearly with the kind of debate that we've had from the other side of the House this evening, we continue to have a problem in terms of understanding the issues of prostitution, how those children get to that state and how we take care of them afterwards. I think we have every right to discuss comments that are made here in terms of the principle of prostitution and how it's dealt with. I think that when you talk about only dealing with it in the kind of manner that it's dealt with here, which is very piecemeal and which is also a very common practice of this government in terms of dealing with changes in legislation, we need to speak to the principle of the underlying problem that we're dealing with, because you can't solve it by just applying band-aid solutions. You have to get to the root of the issue, solve that, and then move forward.

If the government thinks the root of the issue is that the children are a bunch of brats and need discipline in their home, then we have a significant problem in this province, Madam Speaker, and I think it's something that could easily be dealt with as an issue here in terms of this Act. If the minister thinks that's the case, then I think he should stand up here in the House and have the courage to bring in an amendment that addresses that issue and puts it before the issues here that are under debate in terms of this amendment. I challenge him to do that, because I think he needs to.

The Minister of Energy earlier talked about us being bleeding-heart socialists on this issue. It's clear that his colleague on his left agrees with him, but we find that very far from the truth in terms of dealing with prostitution in this province. For them to have that kind of mind-set and go forward on that issue is exactly the reason why we only have piecemeal legislation, and it's exactly the reason why Calgary-McCall needs to spend a great deal of time with his two colleagues to get them to understand the principles underlying this issue and the real root of the problem and how to solve it, because I don't think in a lifetime they're ever going to get it, Madam Speaker.

That's all I have to say on the prostitution issue, but I need to speak to the adoption issue, too, and once again that brings forward the issue of the United Nations convention. When you're speaking to something that is encompassed in that legislation and is spoken to here in the preamble, then it's something that's fundamentally a change that this province needs to speak to. It isn't a matter of them wanting to be the last holdout in the world in this convention. It's a matter of them just doing the right thing and starting to put the rights of children on an equal par as those they put on the right to collect gambling revenue in this province. Children don't have the same kinds of rights as we see being brought forward here in terms of balancing the budget and being able to stand on a soapbox and say how great it is to have enormous surpluses every year. We have children who are at risk here and children who have issues that need to be dealt with, but that isn't happening. So in terms of the adoption issue, this is an amendment that's long been required in this province. It only, once again, begins to scratch the surface of the issue.

There's other legislation that's required here. I think there isn't a person in this Legislature who doesn't have at least one constituent who has waited years and years, often, to get a child actually into their home that they have legally adopted outside. One of the problems around this issue is dealing with immigration matters and not having a good working relationship with other countries. I think that is something that the Minister of Federal and Intergovernmental Affairs could clearly take up in terms of taking a leadership role as a province. They're issues that need to be addressed. What's been addressed here is a small piece of the puzzle, but it certainly doesn't complete it by any means.

Well, Madam Speaker, those are my comments at this time.

9:50

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

MS LEBOVICI: Thank you, Madam Speaker. I, too, rise to speak to the Child Welfare Amendment Act, which is an Act that's long overdue.

MR. SMITH: You bet.

MS LEBOVICI: The Minister of Labour indicated "You bet," that it is long overdue. Unfortunately, when the government did have the opportunity to make this Bill a lot stronger in the areas that it's encompassing, it chose not to do so.

I think by some of the reaction that we've had tonight with respect to children and the role of children in society and whether or not there is a need to protect children within society as well as to acknowledge that children are human beings and as human beings have rights, we've seen a little bit perhaps of what goes on in the Conservative caucus when the issues of children and rights of the child are brought forward.

DR. OBERG: Point of order.

THE ACTING SPEAKER: Hon. minister.

**Point of Order
Relevance**

DR. OBERG: Thank you, Madam Speaker. I'm rising again under *Beauchesne* 459, and I'll reiterate what I just stated before on the same citation. This is about the Hague convention on intercountry adoptions. This is not about the rights and responsibilities of the child in the United Nations convention. I would ask for your ruling. This is getting a little carried away.

MS LEIBOVICI: If I may, Madam Speaker. The intent of the Bill – the Bill is called the Child Welfare Amendment Act. In dealing with children and their welfare, I think it is necessary to talk about what the principles are that were considered in the development of the Child Welfare Amendment Act. If one of those principles was to acknowledge that children do have rights, then that determines the kind of Bill that's put forward. If the principle that's talked about or that was discussed by the Conservative caucus in putting forward that Bill was that the government was to skirt the issue, then that produces another kind of Bill. My premises is, quite frankly, that this Bill is not as strong as it could be because of the government's reluctance to acknowledge that children in this province have rights.

THE ACTING SPEAKER: My predecessor has certainly talked about relevance here. I think we have allowed a fair amount of latitude and leeway in the debate that has taken place, but I would ask if we could, in fact, talk about the principle that is involved in the Bill. You will have an opportunity in further stages, as we go into committee, to go through section by section, to bring forward amendments if you so choose. So if we could try to stay within the parameters already established.

MS LEIBOVICI: Thank you, Madam Speaker, and I intend fully to do that.

Debate Continued

MS LEIBOVICI: When you look at the fact that the definition in the Child Welfare Act has been changed to include that "a child is sexually abused if the child is . . . exposed or subjected to . . . prostitution related activities," that is a right that we have acknowledged that the child is allowed to have access to. Children have rights not to be abused, whether it's sexually or physically or emotionally. That is one of the principles that I would imagine was thought of when we looked at this particular Bill, when the government looked at putting the Bill forward.

It's unfortunate, however, that when the issue of prostitution was looked at by the government, what we see is that, yes, this may help in some instances. Yes, this is a first step in the process of recognizing that prostitution of children under the age of 18 is not acceptable in any form, and in fact this Bill, which is the first step, as I indicated earlier, is unfortunately not a large enough first step. As a matter of fact, the Member for Calgary-Fish Creek, who was in charge of the committee to look at prostitution – having watched some of her other Bills that she has put forward in the past legislative sittings – seems to have a knack for taking an issue and making it seem as if the issue has been addressed through one of these Bills. It is, in my mind, a Calgary-Fish Creek special, this Bill.

In fact the Bill does not go far enough. We've heard from the hon. Member for Edmonton-Norwood that there are other aspects that could have been addressed when looking at child prostitution, that in fact the Bill raises almost as many questions as it does try to provide answers. One of the questions I have is regarding the fact that if you have a child who has been sexually abused, the fine of the pimp or john is \$2,000. If they don't pay the fine, then they can have a jail term of up to six months. Now, \$2,000 is not a very high deterrent to an individual who is going to access the services of a 12, 13, or 14 year old. If anyone on the government side thinks that that is enough of a deterrent – and this is the government that claims to be a law-and-order government. This is the government that says that discipline for brats is what's needed, yet when it comes to discipline for johns, they're quiet. There's a blank look that comes upon the government members. So I'd like to know why there aren't government members saying that it should be . . .

MR. SHARIFF: Point of order.

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

**Point of Order
Allegations against Members**

MR. SHARIFF: Under Standing Order 23(h), (i), and (j). The hon. member is implying through her statement that government members do not have a position on johns. I think that is not appropriate, because I have never made any statement for her to take that for granted, and I would hope she would apologize and retract the statements.

MS LEIBOVICI: The government is generally considered the front bench. If the backbenchers have something to say with regards to this particular Bill, then I would encourage the backbencher from Calgary-McCall to bring in an amendment in Committee of the Whole that amends the \$2,000 fine to a jail term. I would encourage each of the backbenchers, because you are private members just as we are private members, to then talk to the government, which is your front bench – and we had an indication from one of the government members that children are no more than brats – and then lobby that front bench to indicate that children do have rights.

THE ACTING SPEAKER: Hon. member, on the point of order, please.

MS LEIBOVICI: That was on the point. That was exactly on the point of order.

SOME HON. MEMBERS: Question.

MS LEIBOVICI: No. She has to rule on the point of order.

THE ACTING SPEAKER: I would say that I believe we'd better watch here what we are saying. You did talk about the sponsor of the Bill and then went on to say some other things. I do think the hon. member has raised some point here. I would ask you to please walk very carefully. I do believe we are getting away from the principle of the Bill. I recognize that the hour is getting late, and I think there are obviously a number of tired people in this Assembly, but we are here to debate the Bill, and I would ask that we stay within those guidelines, please.

MS LEIBOVICI: Thank you, Madam Speaker.

Debate Continued

MS LEIBOVICI: I'm glad to see that there is interaction on this Bill. Hopefully, by my comments and the comments of other members on this side of the Legislative Assembly the members on the government side, both the front bench as well as the private members within the government, will look to the front bench and indicate that there are additions that can be made to this Bill to increase the ability of the Bill, the ability of individuals who are dealing with children who are engaged in prostitution to enforce, to bring to court, and to ensure that our children are not at risk when it comes to prostitution.

10:00

Now, in fairness I know that the Member for Calgary-McCall did indicate that he felt that there were not enough social workers and that there was a concern with regards to the ability of social workers to follow up and to do the work that's required with children who are in abusive situations. I would like to thank that member for his addition to the discussion on this particular Bill.

The adoption part of the Bill. I recognize that both the section on prostitution and the section dealing with the international adoptions are within the Child Welfare Amendment Act, and that is why we're dealing with both those issues, which are two separate issues in some senses, in the same Bill. The issue around international adoptions is again one that is long overdue in being brought forward within this Legislative Assembly. The fact of the matter, Madam Speaker, is that we would not have to deal with this issue if the government had in fact adopted the UN provision on children, on the rights of the child.

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

Point of Order Clarification

DR. OBERG: Thank you. I'm rising again under *Beauchesne* 459. Madam Speaker, the hon. member across the way does not know what she's talking about. The Hague convention is not part of the United Nations convention on the rights of the child. By adopting the United Nations convention on the rights of the child, you do not automatically ratify the Hague convention.

THE ACTING SPEAKER: That was a point of clarification, and we are talking about the Hague convention within the legislation.

The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, and thank you for that point of clarification.

Debate Continued

MS LEIBOVICI: The reality, however, is that what we are looking at is the ability of individuals to adopt children in other countries, and again that is something that is long overdue within this province. My question then would be to the minister: why has it taken this government so long if it is not intertwined with the whole issue of the rights of the child? I'm looking forward to the response of the minister on that particular issue as well.

In conclusion, I think this has been an instructive discussion, at least for myself, in understanding some of the decision-making processes when the front bench, otherwise known as the govern-

ment, is looking at decisions when it comes to children, when it comes to their rights, when it comes to their situations within this province. I think it has been instructive for myself in understanding that in the minds of some of the ministers, at any rate, it seems that children in this province are lesser beings and that children in this province do not have the same kinds of considerations provided to them as to others who are over the age of 18.

I would like to sincerely beg to differ with the ministers, especially the Minister of Environmental Protection, with regards to that. I would urge that minister to perhaps spend some time with children, spend some time in homes that have children. I would also like to know what that minister's definition is of discipline. Is discipline a slap? Is discipline a cigarette burn? Is discipline a slap with a belt buckle? Is discipline holding the child's hand to fire?

THE ACTING SPEAKER: Hon. member, I would ask that you go through the Chair and not directly to an individual. Let's stick to the debate, please.

MS LEIBOVICI: Thank you, Madam Speaker. Those would be an interesting addition to this particular Bill in understanding why the government has chosen to be as limiting as it has when it comes to looking at the issue of child prostitution. I think there was scope there for the government to be bold in its initiatives. I think there was scope there for the government to actually go after the pimps and the johns. I think there was scope for the government to make a decisive move with regards to this issue.

Now, having said that, I am glad that they have taken that baby step towards recognizing that it is a problem and towards recognizing that this is something to be dealt with, but I would hope that this baby step is not all that the government is going to do. I would hope that when we're looking at providing more backup when it comes to social services and social workers, when it comes to the ability to have fines that actually mean something, the government will take that bolder step in the future if not in this particular Bill by amending it in Committee of the Whole, and when children are being abused, as they still will be – the 12, the 13, the 14 year olds, the 15 year olds – the government will not say: "Oh, we've dealt with the issue. This is it. This is our Child Welfare Amendment Act, 1997, Bill 27. We've dealt with it, and that's enough."

I would also hope that the government strongly lobbies the federal government on the Criminal Code changes that are required. You will have the help if you so desire of the opposition to lobby the federal government as well to make changes to the Criminal Code to ensure that the definition of sexual abuse is included within that and to ensure that johns and pimps can be fingerprinted, that there is a penalty attached to sexual relations with a 12, 13, 14, 15 year old. We saw a ruling that came out today from a judge in Saskatchewan, I think it was, that indicated that it was okay for a father to have relations with his children's babysitter, who was 13 years old, because she was old enough and knew what she was doing. I would hope that it is not the attitude of anyone on this front bench to endorse that or to say that that's okay.

THE ACTING SPEAKER: The hon. Minister of Labour.

Point of Order Improper Inferences

MR. SMITH: Madam Speaker, I'm rising on a point of order.

Actually I'm quoting Standing Orders of the Legislative Assembly, 5(1), and it talks about a quorum. Everywhere I go through the Standing Orders I hear none of the derogatory comments about separating government members from front bench and backbench. The people on this side of the House represent the government of Alberta. They represent the men and women who brought this majority of the people's action, and I would please ask you, Madam Speaker, to rule in favour of democracy, in favour of the people of Alberta, and to have those uneducated louts refraining from front bench and backbench.

THE ACTING SPEAKER: The hon. Member for Edmonton-Glenora on the point of order.

MR. SAPERS: Yeah. Thank you, Madam Speaker. We have to start with section 1 of *Beauchesne*. This will take some time. Principles of Canadian parliamentary law, section 1.

To protect a minority and restrain the improvidence or tyranny of a majority; to secure the transaction of public business in an orderly manner; to enable every Member to express opinions within limits necessary to preserve decorum and prevent an unnecessary waste of time; to give abundant opportunity for the consideration of every measure, and to prevent any legislative action being taken upon sudden impulse.

That follows Bourinot in *Parliamentary Procedure and Practice in the Dominion of Canada*, based on the fourth edition in 1916.

Now, going from section 1 of *Beauchesne* and following the tradition of Bourinot, one could now go through the following several sections of *Beauchesne* ending . . .

10:10

THE ACTING SPEAKER: Hon. member, could we have your point?

MR. SAPERS: Yes. Oh, I'm responding to the point of order.

MR. SMITH: Oh, yes. Page by page.

MR. SAPERS: Well, obviously the Minister of Labour needs not only a history lesson but also a lesson in parliamentary democracy. It's very clear in *Beauchesne*, it's very clear, Madam Speaker, in *Erskine May*, it's very clear in *Bourinot*, and it's very clear in several other parliamentary authorities that the tradition is that the government is called to be formed by Her Majesty or her representative based on the party that receives the most seats, and the leader of that party gets to pick a cabinet. That cabinet is called the government. Every other member in the parliament, in the Legislative Assembly, becomes a private member. So you see, there are two classes of members in this Chamber. There are government members; there are private members. It is tradition that those private members that sit behind the government front bench are referred to as backbenchers. Hence, there is the government front bench, there are the nongovernment members on the backbench, and there's the Official Opposition. In the case of this Legislative Assembly there are two Official Opposition parties.

MR. SMITH: The losers.

MR. SAPERS: Madam Speaker, I don't think the Minister of Labour is sufficiently educated yet.

THE ACTING SPEAKER: Thank you, hon. member. The

government is made up of Executive Council, and that is the government. What I do want to say is that I do believe that we should refer to members not on the front benches as private members and not as backbenchers.

MS LEIBOVICI: Thank you, Madam Speaker. I think that if you check the *Hansard*, I have referred to the backbenchers as private members. I think that if the Minister of Labour were listening to the very wise words of the former Speaker of the House, who sat here and brought us all together after the election and very calmly said: there is an executive group that forms the front, there is an opposition, and then there are the private members. [interjection] If you are referring to him as a lump . . .

THE ACTING SPEAKER: Hon. members, the Chair would really ask the relevance of this discussion. We have before us a Bill. I would ask that we stick to the principles within that Bill and that the debate take place accordingly.

MR. SMITH: You guys are wrong, and you know it.

MS LEIBOVICI: The Minister of Labour insists on saying that we are wrong with the definitions, and I just want to make sure that he also then is being derogatory to the former Speaker of this Legislative Assembly, who was a very venerable member, by indicating that he is also wrong.

THE ACTING SPEAKER: Hon. member, I just talked about relevance. If you and the hon. Minister of Labour wish to have a discussion about government, the front bench and the backbench, please do it outside of this Assembly. Let's get on with the debate.

MS LEIBOVICI: Thank you, Madam Speaker. I agree with you a hundred percent, and I'm sure that the Minister of Labour does as well.

Debate Continued

MS LEIBOVICI: I was trying to come to a conclusion to my statements and, unfortunately, Madam Speaker, I kept being interrupted. As I was concluding, I feel that the government has taken a small step, that there are larger steps to make. I hope that this is not the final answer on the issue of child prostitution that we will see in this Legislative Assembly. There is more work that needs to be done, and I'm sure that the government will be doing more work. If at any time the government wishes to have the expertise of members such as the Member for Edmonton-Norwood to help in how to address the issue of child prostitution, I know that she and other members on this side of the House who have been involved with those issues would be more than willing to help in devising a Bill that will go that extra step.

Thank you, Madam Speaker.

[Motion carried; Bill 27 read a second time]

Bill 10

Local Authorities Election Amendment Act, 1997

[Adjourned debate June 2: Mr. Hancock]

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

MR. WHITE: Thank you, Madam Speaker, for this opportunity to speak to this Bill that amends an Act that I happen to have some familiarity with. It guided a lot of elections, four in fact, that I ran in and another four that I helped others get elected in.

Now, there are some particularly good parts of this Bill, and they're a little later on in the items. I'll speak to some of the ones that give me cause for concern. The fundamental part of electing regional hospital authorities is that if you're going to have them have the power they currently do have over a great deal of our citizens and therefore have absolved the Legislature of some of this authority and the hierarchy to it, then electing a board is the absolute right thing to do. It is a very good idea. Although how is it only two-thirds of a good idea as opposed to a completely good idea? I have no idea. I don't know how democracy gets divided in sections such as that. It's beyond me to decide that democracy is two-thirds good. I point out that in the election of the regional hospital authorities throughout the province, a full 17 of them, two-thirds of the members will be elected on those boundaries, yet one-third will still be appointed.

Well, there are two different classes of members, two different dates on which they will become members. It really smacks of all the wrong things. How can you say that it's right all but a third of the time? I mean, either that or this government is afraid of losing some kind of a control of the agenda, of the assumed agenda. It hasn't been proven yet because we don't hear any debate from the other side insofar as private health care versus public health care. We get continual denials of any existence at all when a free and open debate might clear the air and might satisfy some Albertans as to the direction this government goes, whether it's the front bench or whether it's the entire government side of private members, in which there is a difference as I think we've just discovered. Some of us discovered it for the first time, too, I might add. [interjections] That's right.

So the RHAs certainly will have a two-thirds majority of members that are duly elected by the public, and of course attendant on that is a loss of some authority over these authorities save and except the single most important element of business, that these are an elected element of government without the authority to expend funds except to a limit. So they'll distribute these funds but be limited again by faces unknown to a lot of them of course. Certainly those that have the power in this forum will be directing some traffic on that level but from a long ways away. Now, these people will also be elected and in most cases, I might add, by more votes than any member of this House will receive, yet have considerably less power to direct this part of their electors' lives because of that arbitrary cap.

Now, I fail to see the need for the delegation of this authority without the delegation of the responsibility to deal with their public the way I have always had to deal with it, saying: where are the priorities in expenditures of funds? How are those funds then collected? What is the balance between the two, and how do I as an elected member justify those expenditures and the revenues? These people only have a part of the equation and in some cases have in the order of probably another three to five times as many electors that they're responsible for. Somehow or other, that just doesn't jibe with me.

10:20

I have particular difficulty with appointed members in that in the CHA, the RHA that I'm particularly familiar with, certainly more familiar with than any of the others, I find there is a consistent link with these people, the current members: they happen to be by and large members of one party. Now, some

past members happened to have a particular interest and have never to my knowledge ever shown a great deal of interest in party politics, but they did and were known to those members by and large. I have a little difficulty with that in that here is a body which is an unelected one and, two, has this power much, much greater than the local municipality had to expend funds. This is ludicrous. This is some kind of government by some strange decree.

A great deal of effort went into managing these RHAs, and I have to give credit where it in fact is due. The people who volunteered to do these jobs could tell that the power was going to be delegated. Someone had to do it, and if you're a good citizen of the area and you think you have something to contribute, regardless of your party affiliation you say: "Yeah. Gee whiz, if it's going to be left to someone, I would like to put my name forward to be in competition to be one of those best people to do it, because it affects a great deal of my life and the lives of those around me and affects a great deal of how we deal with each other as Canadian citizens." There's no question about it that in this capitalist society this is one element of pure and simple socialism, and it does happen to work in this country.

I have some reservations about allowing a major element of our society, major expenditures of this Legislature to slip away into another form of government which we really don't need. If we do go in that direction, the least one could do is give them authority, if they are going to be elected, to arrange their order of business the way they prefer to. This government keeps telling the federal government: "Leave us alone. We're an island unto ourselves." Well, these people could say the same thing, exactly the same thing, in health care and say: "No, we don't need the middleman now, the province. We can deal with the federal government directly. Just send us the money, federal government. We'll take money from the provincial government, and we'll manage our affairs." But, oh no, that certainly isn't going to occur, not with the Legislature as it is and with the intent of this Legislature and the intent of this legislation currently.

I have some other areas of difficulty, too. The one that really, really sticks in my craw is that we're specifically excluding those in an election who have a particular interest and particular knowledge in an area of endeavour. This legislation specifically excludes nurses and doctors. Does it specifically exclude those people in any other election? Does it? I don't know of another area in Canada or in the free world in fact that would do such a thing, to say: look; because you have some knowledge in any area of endeavour, whether it be playground design or carpentry, we would specifically go out of our way in saying no, no, you're ineligible.

Well, I don't know about most members of this House, but in having to sit on boards, tribunals, and authorities that appoint citizens to jobs, I'd say: "Look; you have an interest in an area of expertise. Maybe you'd want to contribute in this." You'd at least have the courtesy to respect their past experience and say, "Yes, we can use some of that here," and "Gee whiz, it would be good if you would do your duty to serve the greater population and give your best advice in that area."

This is absolutely ludicrous; I mean if you go, as many of us do, to grade 6 classes and then try to explain this part to them. "Well, yes, this great and glorious democracy we have here – oh, save and except that we've got one small area here that's going to be a little difficult for you to understand, children, because you're so young." No, no. It's not that. It's because they have a fundamental belief in that thing called democracy, in which

everybody has a right. Everybody has a right to serve at the highest levels that they can possibly get elected. And to cut these people out?

Yeah, sure, there's conflict of interest sometimes. You could say: "Okay. If you are hired by this board or you're paid from the public trough, then I'm sorry; you can't do it. I'm sorry; you can't be a master and serve at the same time, so you have to take your choice." It's not a difficult situation. It's handled all the time. In a piece of legislation that we spoke to earlier and will speak on again, the Local Authorities Election Act, it's there, clear and simple, that a member of a staff of a local authority cannot be elected to that local authority and maintain the job. So one makes the choice. Nobody has difficulty with that. Why wouldn't these exceptions be made in this case? Why would one go out of their way to say to these people that these are the ones that cannot sit? I don't know; it's lost me on this. There's another area that . . .

AN HON. MEMBER: I think you're a lost soul.

MR. WHITE: There seem to be some derogatory remarks. If they could possibly speak up, and if they're speaking to me personally, I'd like to hear it personally. There seems to be absolutely some lack of respect over there, and if you're going to voice it, I would certainly like to hear it personally. If there is some difficulty there, we could speak of it further some other time perhaps, but directly would be nice.

I'd like to speak of the accountability of this authority. One of the things that most all of us believe in public life is that you are held accountable. You're held accountable at elections. You're held accountable for the information that you deal with. Now, one of the fundamental parts of accountability is information, information that you've been given. Yes, some of it by its very nature, whether it be dealing with labour issues or individual negotiations, has to remain secret. But certainly when we have passed in this Legislature amendments to a freedom of information Act, and we don't deal with it and specifically exclude it from another piece of legislation, this particular piece of legislation – I mean, how can you cut democracy into little bits and take some of it and leave some of the rest of it? Somehow or other it leaves me a little cold, and I can't see, quite frankly, how members opposite can say that, yes, this is a piece of legislation they have examined and found to be to their liking and found to be to the liking of those that have elected them. I cannot see it at all.

There don't seem to be any grounds in another area of the amendment to this Act. It seems to me that when the minister appoints a chairman, that chairman can be removed, yes, but could that chairman be removed without any grounds? There doesn't seem to be any grounds set out at all. Aside from the fact, appointing a chair of an elected body is kind of a ludicrous misapplication of any principles of democracy, which is the empowerment of an individual voter, and then to not allow either the members that have been elected to that board to elect their own chairman or to elect a chairman at large as municipalities do is a misapplication of the principles of democracy for sure.

10:30

I've spoken about all the negative bits of it, and you'll be glad to know that I do believe there are some good bits too. I have only spoken about part of it. There are some awfully good parts of this amendment to this Act. I point out the allowance of local authorities to conduct elections at the same time as municipal elections throughout the province. That certainly is a big plus.

It saves a great deal of funds. It does allow members of the public to make choices at one point in time and at a time definite so they can size up all the people from their community that they intend to put in these higher offices. That certainly is an advantage.

A permanent voters list has been a long time coming. Yes, it has its inherent difficulties, the potential misuse of those lists, but those risks have to be taken in order to maintain this list on an ongoing basis. Certainly some permanent deputy returning officers and returning officers and management of this list would be in order. I believe that may in fact fall from this, although it doesn't say so. It may be something that the regulations would cover, and I do believe that that could be coming down the pike at any time.

The parts of the Bill that deal much more specifically with institutional voting and those that allow more opportunity now than ever before for seniors in seniors' accommodation to vote in advance polls in an organized manner certainly give me cause to believe that this Bill has more than just a little worth. Certainly the extent of the later sections of the Bill and the intent of the Bill is to make voters aware, and those that would tend to misuse this voters list would have a pretty healthy fine on their hands should they decide that they'd take it upon themselves to distribute this list for purposes other than electing good members to these boards, authorities, tribunals, councils, and the like.

Madam Speaker, I believe that I've covered the points that I wanted to cover. There are some amendments that I wish to make that I will not speak to at this point. I would like to reserve an opinion on the entire Bill until that time, but generally speaking this is a good Bill brought forward at the right time save and except those areas that I mentioned earlier.

Thank you, Madam Speaker.

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

MS OLSEN: Thank you, Madam Speaker. I have a couple of questions. The minister may want to answer them; she might not want to. I'll just go through the process of speaking, and maybe I can get some clarification on them.

Just a couple of questions in terms of the election of the RHAs. This section 2(b) adds RHAs to the definition of an elected authority, and I think my colleague sort of alluded to this in terms of some concern. If you have two-thirds of a board elected and one-third not elected, how does that fit in, then, to this section? This section actually covers whole boards that are in fact all elected. So I'm not sure that particular section is appropriate for the RHAs. Of course, I would rather see RHAs fully elected. Then it would fit in there very nicely and would just be a complementary section, but it doesn't appear to do that. In fact, I wonder if this isn't being stretched somewhat to accommodate the RHAs.

I'm just also wondering at what point the government would change the policy of having one-third of the members appointed. If you don't identify that in your Act, you end up with the ability to leave this open and maybe change your mind down the road when you want half or three-quarters of the members appointed. So you're reducing the actual elected members, which kind of erodes the democratic process to some degree.

I'm also wondering why the government would be exclusive. Many times on boards you have the professionals, those people who best serve the board, giving expertise and advice. So if

we're not allowed to appoint the medical profession to the boards, will they be allowed to run for office? That's really not clear. It's an assumption on my part that they may in fact be allowed to run for election or not run for election. That's not clearly identified here. Given that, I think there are some inconsistencies, then, between the legislation in the amendment and the policy. I'm just wondering if the minister is planning on making any changes to the policy. So I've concerns around that.

The accountability issue. My colleague here alluded to the fact that there is no accountability. There's no commitment to have RHAs come under the freedom of information Act. So on behalf of my friend from Calgary-Buffalo I have to ask that question: why no FOIP? Maybe the Minister of Labour could undertake to check that out. When will the government make the commitment to have the RHAs fall under the freedom of information Act? I suppose the minister will get tired of hearing that over and over and over again, but I think it's an issue that's well worth debate. Albertans need some reassurances of the government's accountability. The record has been poor in the past, and I think that to bring some sense of accountability and responsibility back to Albertans, this is one area that should be covered under the freedom of information Act.

I'm a little concerned that section 10(1) of the Regional Health Authorities Act gives the power to the minister to dismiss all members of the RHA, and that's only based on the fact that if the minister's not satisfied, he can just say, "Well, let's get rid of everybody." That power seems a little bit excessive, and I would question why that's part of this Bill. I suppose that if the Minister of Health chooses to dismiss an elected person – it says "all" people, not just appointed people but "all" people, sort of a self-imposed recall within the Act. I think that clearly needs to be addressed.

10:40

You know, the more I look at this, the more I wonder why the minister would want to undermine the electoral process by having that section there. So I think that really needs to be addressed. Another accountability question. It's the power that the government seems to want to have, but you can't have your cake and eat it too. If you want to have the public involved, if you want an election process, you can't have self-imposed recall. So the minister shouldn't have the ability to dismiss all the board members.

The other question I have is around the permanent voters list. Given that the school board boundaries are different, the municipal boundaries are different, the RHA boundaries are different and there's this whole notion of using a permanent voters list, I'm just wondering – you know, both governments, the federal and provincial governments, have gone to this permanent voters list – why we would not want to help the municipalities out. Why should they have to redo the work that's been done on voters lists? Again, an accountability question, I suppose, in relation to the freedom of information and the privacy of voters lists. However, I think that in order to decrease the amount of busy-work that will be required to create a permanent municipal voters list, maybe the minister could look at being a little creative in designing and helping the boards and municipalities come up with a solution that won't be as confusing and won't, again, allow for this patchwork type of approach.

Section 22 would allow the opportunity for seniors in seniors' accommodation, seniors' homes, or people who can't vote on election day due to religious reasons to go to the advance polls. My questions are: has this been a problem in the past, and if it

was a problem, how was it identified and who identified it? I guess I question why this particular section is needed. It seems to be just another throw-in to the Act.

My final comments are around section 38. I'm glad to see that we have a hundred thousand dollar fine for the misuse of information. I guess my thoughts are that it's really funny how in the last Act there's only up to a \$2,000 fine for a violation of section 95 of the Child Welfare Act when it refers to children and here we have a hundred thousand dollar fine. I see where the values are much different. Priorities, I suppose, for people's information are much different than they are for children.

I guess I really have to reiterate the issue around the minister's powers and responsibilities. I do think it's excessive, and I do think she should address that. I think it can be a bigger issue if she feels that she's going to recall elected people. I don't think that's within the purview of her job. The electoral process is there; it's democratic. We don't have recall, and the other side hasn't put forward a Bill for recall. Why would you make it ministerial law and allow yourself to be able to do that instead of going to another election process? I think you really need to think about that particular issue.

I'll pass the floor to my other colleagues here.

THE ACTING SPEAKER: The hon. Member for Edmonton-Castle Downs.

MRS. PAUL: Thank you, Madam Speaker. Due to the late hour I'm not going to expand on a lot of points that have already been made by my colleagues. I just want to highlight some particular areas in the Bill that I have been perusing. Under section 2(b) it has been drawn to our attention that two-thirds of the members of the RHAs are actually elected. So my question would be at this time: why are not all the RHAs elected? I think it would be appropriate for the minister to have a look at that and take that under advisement. I think we've made reference to it quite sufficiently this evening and, I believe, at other times when the Bill has been discussed in the House.

Also, Madam Speaker, I would refer to section 2(b) as well on eligibility. Currently doctors and nurses are not allowed to sit on RHAs. Presumably they will not be allowed to run for election either. However, the government has made appointments which include a nurse or a doctor. Therefore to me it seems that there is inconsistency between legislation and government policy. My question would be to the hon. minister. I'm wondering why plans for changing government policy or legislation would not be made to have one consistent with the other.

In terms of accountability, there doesn't seem to be a lot of accountability in terms of the RHAs spending money. It could be noted as well – and some of my other colleagues have mentioned it – that there is no commitment in covering RHAs under the freedom of information Act, which I think has been brought to everybody's attention. I would like to stress as well to the minister that we should have some time lines or dates for that consideration, and I don't think it can be stressed enough in the House.

THE ACTING SPEAKER: Order.

MRS. PAUL: Thank you, Madam Speaker. A little quieter.

In speaking to section 2(b), I have concern about the fact that the minister appoints the chairman to each RHA, and I was just wondering for my own benefit and for the benefit of my col-

leagues: what is that process? There has never been any outline as to the process of how the appointment has been made or the rationale behind it. So I'm hoping the minister will be able to elaborate on that as well or keep it as part of the freedom of information so that we would be all privy to that.

Also, Madam Speaker, in conclusion I just was wondering about section 22 and why this clause is suddenly needed. It's in reference to seniors in seniors' homes and accommodation voting in advance polling. I'm just wondering why the necessity at this time to have that added. Also it includes people who can't vote on election day due to religious affiliations or whatever. My question on that would be: why at this time? It didn't seem to be a concern in the past, so I was just wondering what her thoughts would be on that.

Thank you, Madam Speaker. Those are my thoughts for this evening.

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

10:50

MS BLAKEMAN: Thank you, Madam Speaker. I'm very pleased to be able to speak to Bill 10, the Local Authorities Election Amendment Act, 1997, in particular because of the discussion that arises around the regional health authorities. I'm going back to the discussions that I had during the election with the citizens of Edmonton-Centre and also what those same constituents have said to me since the election.

There's a great deal of confusion around the RHAs. There have been very strong feelings expressed to me that the creation of the RHAs has put insulation between people, the government, and the way the hospitals are actually run. I think that election of people to the RHAs might help to address some of the concerns that people have expressed to me. They don't know who are on these boards. They don't know how they're appointed. They've never heard of them. I think an election would involve people more in the process, would give them more of an understanding of what's going on here. There would be more of a direct link, one would hope, to the people that were actually elected to the board.

The obvious question that arises and that has been raised by many of my colleagues is: why did we stop at two-thirds? I have heard no explanation. I've gone through *Hansard* looking for it. There is no explanation for that, and I think it should be that all members of that board be elected.

I think the other thing that arises here is the opportunity to mine the expertise of the community and of the frontline workers. You know, the people that know the ins and outs of this system the best are the people that work in the system. I think that you want to have a variety of people in a decision-making position when you're talking about something as important as our health system and particularly the hospitals. It strikes me as a fairly grave omission to not include in the discussion the people that actually work in the business day to day. Of course, I'm speaking about the doctors and the nurses. While there has been some inclusion in the past . . .

THE ACTING SPEAKER: I would like to remind some hon. members that we are not in committee. I would ask if we can keep the noise level down.

Edmonton-Centre.

MS BLAKEMAN: Thank you, Madam Speaker.

I was speaking of the opportunity to include the people that are working in an area every day and the expertise and suggestions that they can bring to it. I think we were able to look at a number of the business studies that have been done for large corporations in Canada and the States and understand that when they really needed to know how to restructure their business to be more efficient, more effective, they found that when they actually went to the workers, there were a lot of very good suggestions there. They're working on it every day; they know of what they speak. I think it's important that we do include them and that they are eligible to run for election to these boards. In fact, they should be encouraged to seek election to these boards.

I know what the point was before I was interrupted. I know that there had been some retired individuals that were nurses and doctors that had been on the RHAs. That's valuable, and those people certainly bring a perspective, but it's not a current perspective, if I may say so. Since we in Alberta seem to be evolving and revolving our health care system at a fairly rapid rate, I think it's important that we do include those with a very current perspective on the situation.

I think we need harmonizing of the voters lists. That's touched upon here. The issue arises from Bill 10. It's a good idea. It's efficient. I think it would save us money. But there are certainly privacy issues that are raised from that. Again and again I've stood in this Assembly and talked about people's extreme concerns and, I think, valid concerns about what happens to this information, our reluctance to entirely trust electronic information systems. This must be addressed. There's a good possibility there to harmonize the voters lists on a federal/provincial/municipal level, but please let's be careful when we do that.

The other thing I'm concerned about there is that if we do get into using the voters lists and sharing them between these different levels, I think an effort has to be made to educate the citizens that the system they grew up with or were used to has in fact changed. We were used to being enumerated before every election. If we are working with a permanent voters list, that will likely not be the case, and people are probably not aware of that. Certainly in the provincial election it caused a great deal of problems when people thought they were on a voters list. They didn't understand why they hadn't been enumerated. They missed the little card that came around. We're going to have to do a better job of making sure that our citizens are included on that list. I don't think it's fair to them to just assume that they understand. This is a new system. There has to be a public education component involved in this. I'm sure they'll be more than willing to go along with it if we'd just be so kind as to tell them what's happening.

My colleague from Edmonton-Glenora had spoken at length addressing concerns over the possibility of joint elections and who has senior authority. I thank him for bringing that to our attention, and I will not repeat what he has said.

Just returning briefly to the accountability of RHAs, this was an issue that was of great concern to the people in Edmonton-Centre. They seem to get into a revolving door or a circle of information that's never quite fulfilled when they're trying to get information from the RHAs or hold the RHAs accountable for something that's happened. They go to the RHA and are told: not our problem; talk to the minister. They go to the minister, who says: not our problem; talk to the RHA. At some point they're even sent to the local community health clinics, which of course are not included in this loop at all. I think when we're spending the amount of money that we do spend in Alberta on our health care,

there's a necessity to know what it's spent on and to be far more accountable on that.

Under accountability also comes the discussion of freedom of information. I'd like to point out that freedom of information is after the fact. That's where people are trying to find out what went on before, what happened before to figure out what went wrong or perhaps what went right. I wish that we could have more information up front that was clarification or explanation from this government about why they were choosing to do something or, as I mentioned earlier, public education programs. I find it really disturbing that we're always having to chase freedom of information after the fact to find out why something was done or in fact if it was done or any other information about it. The secrecy that happens and that the honoured members opposite are so fond of I don't think is a good thing for this province. Certainly the feedback I've had from the people in Edmonton-Centre is that they're very concerned about it. They don't understand what's to hide. If this is truly for the betterment of all Alberta and the Alberta advantage, then you'd think we would have a lot more information on it.

Just a few other points briefly. My congratulations on changing section 30(2) to integrate gender-neutral language. This is 1997. Congratulations. We do have women that vote and women that are candidates.

Those are all of the points that I wanted to raise on Bill 10. I look forward to working in Committee of the Whole with the amendments that I'm sure will be brought forward, based on the number of points that have been raised during our discussion on the principle of it.

Thank you.

THE ACTING SPEAKER: The hon. Member for Edmonton-Mill Creek.

MR. ZWOZDESKY: Thank you, Madam Speaker. You know, I've had an opportunity to review this Bill now a couple of times, and there are some really good parts to it, which I thought I would comment on briefly. I know that my constituents would expect me to give credit where credit is due and give criticism where it's due.

11:00

We're basically talking here about the most fundamental principle of all, and that's the ability of the authority to elect individuals to serve in public capacities and the process that's involved thereto as well. I want to tell the minister how impressed I am to understand that she has had some discussions with municipalities, and I assume she's had lots of opportunity to meet with them. She comes from that background, having been an elected municipal official, so I'm sure that her network is fairly extensive. We'll see what sort of feedback this Bill attracts in that regard from that particular community.

It's quite evident that that consultation has resulted, I would think, in a few very positive things, such as the creation of a few new categories, which the minister did very well to address. Specifically she is talking here about the principle of everybody having the right to vote and that we should accommodate those people who perhaps have a little more difficulty getting to the stations. For example, she's included seniors who live in a seniors' accommodation facility where institutional voting stations are provided. I think that's something to be applauded. She's also looking at that other part of our multicultural, multiracial, multifaceted society, that other part being people who have

religious convictions that might preclude them from stepping out on the day that an election is called. She's taken that into account here, and I'm grateful to her for having that foresight.

The other comment I wanted to make was with regard to the creation of a permanent voters list, a move which I very much support. You know, having watched some of the results and heard some of the comments surrounding the federal election that just took place two nights ago, I was amazed to hear some of the callers to some of the talk shows tell us of the difficulties they had in being registered in one area where they are domiciled but finding that on election day suddenly they had to be elsewhere and therefore couldn't vote. Now, the callers that I was listening to who expressed that point of view suggested that if a permanent voters list were created – and I realize this is only at the municipal level here – and somehow automated, given the great technology we that have, then a person could be registered anywhere and could on special occasion or for special reason vote elsewhere.

The other idea related to that is the concept of telephone enumeration, which I think we're moving rapidly toward. That would be a good move for the government to pursue here. I'm not sure if it's taken into account here other than that the principle behind the Bill states that the local areas have the authority to conduct the election in the manner that they see fit, provided that they meet the broader guidelines set out in laws and statutes of the province and in particular through this Bill.

It sometimes happens that individuals are trapped by illness in one part of the province, and in other cases they might be trapped with the requirement for sudden travel, and as a result suddenly they're packing up and leaving that night and cannot vote the next day. I sympathize with that. I realize that there are such things as advance polls, but it's difficult to predict sometimes in advance that you're going to be away the next day or that you're going to not get home from wherever you happen to be. It could be weather problems. It could be any of a number of problems. So the longer distance thinking here suggests that the minister may wish to give some consideration to the idea – and I haven't fleshed it out well enough myself yet, because it's only 48 hours old in my mind – of people being registered in one part of the province where they are domiciled and having some way of voting under extreme circumstances, shall we say, in another area. There must be a way for us to accommodate that in the longer run. I realize we can't do it right now and that to proceed with too much haste in that regard would create more of schemozzle than it would solve the problem. In the longer view, I would encourage the minister to also take a look at how that might be accommodated.

The other point with regard to this business of voting here or voting there has to do with this creation of the permanent voters list, which is one of the principles behind this Act. My point here is with regard to some other system of registering voters in a permanent fashion. Perhaps some thought could be given to the use of something like a social insurance number. Every person has one, and there might be a way of us tracking people, or voters in this case, through the SIN number system when we got more automated and more fully computerized, which is, again, probably not able to be accomplished in time for the 1998 round of local elections. But down the line, somewhere a little bit later maybe the minister would give that some serious thought or have some of the research staff on your side look into that. I'll pass that on to the federal level as well.

The other comment here is with regard to the principle behind the election of members to these councils or to these boards or to

these authorities versus the appointment of members. Now, I find it interesting that we're electing individuals in I believe all cases with the exception of the regional health authorities, which so far we're only through this Bill going to be electing two-thirds, and one-third will be appointed.

Speaker's Ruling Decorum

THE ACTING SPEAKER: I believe there are probably three to four hon. ministers in the front row. If they wish to have a discussion, I would ask them to go out to the Confederation Room. The hon. Member for Edmonton-Mill Creek has the floor, and I would like to hear him.

MR. ZWOZDESKY: Thank you for that excellent ruling, Madam Speaker.

Debate Continued

MR. ZWOZDESKY: The point that I was making here is that we still see the government having the ability to appoint one-third of the members to the RHAs in particular. I don't know if that's a number that the government has chosen arbitrarily or if they've researched it or if there's some strategic advantage there. It begs the question: why not one-quarter, or why not one-half? Like, what's the rationale for that? What's the thinking behind appointing one-third and having two-thirds elected?

I know there have been some problems with the regional health authorities and the way they were created. Initially, I have to tell you that I was very much in favour of regional health authorities, and I'm still trying to be supportive of it, but at some point I think we need to review how well that whole structure is working, regardless if we're appointing them or electing them, just the concept there. I just want to flag that now for the minister so we can have a little greater discussion on it, perhaps even privately at another time. I do believe that the elected process is something that serves the communities and serves the disciplines, in this case health care. It could be education. It could be general governance. I think it serves it better if we have true democratic elections versus any appointments.

I found it interesting that when the government first set out on this great mandate of change back in 1993 – and those members who were here present will recall – there were a series of roundtables that took place, but attendance at those roundtables was also by appointment.

Speaker's Ruling Decorum

THE ACTING SPEAKER: It must be the lateness of the hour, but I just got up and asked certain members if they would tone it down. I would ask the hon. Member for Edmonton-Glenora and possibly the Minister of Health if they would like to meet outside to carry on with their conversation.

MR. ZWOZDESKY: Another excellent ruling. Thank you, Madam Speaker.

Debate Continued

MR. ZWOZDESKY: In any case, those roundtables were attended by people that basically the government specifically appointed to attend or requested to attend. They unfortunately excluded a lot of expertise and a lot of knowledge and a lot of experience by not

allowing or inviting doctors, nurses, and the like. Now, I realize the government has counteracted itself recently and has now opened up the doors a little more widely to embrace those individuals, because they recognize the expertise that's there.

11:10

However, the point I want to make in that connection is with regard to one-third of the members still being appointed as opposed to being 100 percent elected and what kind of expertise can be expected. I would sincerely hope that the expertise that is being appointed is not of a political patronage type nature, which we have quite frankly seen enough of at all levels, and I don't care if it's local, provincial, federal, or elsewhere. Either we're electing people and following the principle of a democracy or we're not. This Bill goes two-thirds of the way toward that, and perhaps at some later stage it will go the full distance.

I support the principle of democracy wholeheartedly over the principle of appointment. There are times when the government needs to appoint for certain special committees and other types of bodies, and there are times when the public has to speak and say: in our area, which we know best, we're going to hold an election and choose the best person. I think that the minister would do well to understand that. I'm sure she does. I can recognize that the government would like to appoint some members for purposes of liaison and for purposes of contact, but I would think that type of liaison and contact is also available through members that do get duly elected and have the desire and the willingness to stand for election and presumably have some knowledge, experience, and wisdom as well, otherwise they wouldn't be putting their name forward. It is a tremendous commitment, as we all know, to run for elected office, and I don't care if it's for a school board or a hospital board or if it's for a council or for the privilege of sitting and standing in this Assembly.

The other principle that I was going to query very quickly is with regard to the power given to the Minister of Health, as I understand it, to dismiss members of an RHA if, for whatever reason, the minister deems it necessary to do so. I have a bit of a problem understanding how that could be an acceptable clause to have in the Bill quite frankly, Mr. Minister and Madam Minister. The principle here is possible disrespect for the democratic process. Let us just take a case in point. You elect two-thirds of the board on Monday, and on Tuesday, for whatever reason, the minister finds somebody on that slate that was duly elected unacceptable and then fires them and in the process fires and extinguishes the entire democratic process that got them elected. There must be something there that needs some fixing, Madam Speaker. The principle of possible disrespect to the democratic process should not be tolerated or taken lightly by any of the members here.

The other quick point I wanted to make is with regard to the power that the Minister, I believe, of Health would retain to actually appoint the chairperson. Is that correct? I've been around government long enough to understand how that works, Mr. Minister, and I can appreciate the reason behind it, but I'm also wondering whether you would take into consideration allowing the individuals whom you have either appointed or allowed to be elected to choose who they think is the best chairperson from amongst themselves. If you have already given that consideration and dismissed it, perhaps at some point later, privately or whatever, you could explain to me why that was done that way. I think that in all the various boards that I've ever been on or served on, the ones that serve the community best are those that come from the people, are of the people, and the people, in

fact, have the say over whom they do or do not wish to have representing them in the chair capacity. It seems that would be a power that you might wish to leave. [interjection]

THE ACTING SPEAKER: Hon. minister, do you have a point of order?

MR. JONSON: No. I'm just trying to clarify that. My apologies.

MR. ZWOZDESKY: I'm sorry. I shouldn't have gotten myself into the debate with the hon. minister, but I always find his comments interesting. In this regard he was talking about the appointment of the chair. What I'm saying is that once the regional health authorities have been either elected or appointed and you have however many people – a dozen, 15, 20 people – let them decide who they want to be their own chairman. Let them do an in-house election, is what my point is, as opposed to having the minister appoint somebody. The reason for that is because it has – well, it doesn't have the impression of, it has the reality of true arm's-length, hands-off-ness from the government, and I think that's something we should be striving a little bit more for in the longer run, as long as your arm can possibly be, hon. minister.

The last point here, which is with regard to boundaries, I'll try to be very brief on, given the hour. I know there are contiguous boundaries and that there are occasions where a lot of the local authorities do tend to overlap and cross over each other, and I'm not sure how this attempt for the permanent voters list and the boundary issue is being addressed through this Bill. I'm not sure the minister has in fact fleshed that out perfectly well yet, but we'll see how it works. We'll assume that this Bill will be passed and that it will be actually applied for the first time in the 1998 elections, which are coming up here very soon.

In conclusion, I just want to indicate once again to the minister that most of what I see in the Bill I like and most of it I agree with, with those few exceptions that I have pointed out. They are meant to be helpful criticisms, and I hope that the minister will take them into account, and if not for the 1998 term, maybe at some future stage she'll either consider bringing in some amendments or allow us to. Maybe she'll be meeting with her cocritic to in fact look at that very thing.

There are other comments that I have with regard to specifically the regional health Act, but I will reserve those until we get to the committee stage.

Thank you for your patience and understanding and your listening ears. I will now take my seat.

THE ACTING SPEAKER: The hon. Minister of Municipal Affairs to close debate.

MS EVANS: Thank you, Madam Speaker. I really am going to make this comment very brief. At the time of my appointment to this position I was pleased to contact all of the municipalities and have reinforcement about their preferences, and I make a couple of quick observations.

First of all, on the matter of potential appointments to the regional health boards, I refer you to section 21(4) of the regional health Act. That section states that regulations could modify the process under the Local Authorities Election Act. Most elected officials I spoke to were not clear on what should be done at this point and asked in fact that that not detain any portion of this legislation.

The second thing that I think we have to be very cognizant of is that a permanent voters list has much more advantage in the large urban areas than it does in the rural areas, where many people know everybody in the community and would find it an absolute financial folly to get into the trap of providing something as sequenced as has been suggested not by this evening's speakers but by previous speakers, and they are looking at the taxpayers' money. However, previously, Madam Speaker, I did hear that we should co-ordinate this so that it's actually seamless throughout the province.

I'd also indicate that under section 38 of the Bill anyone using the voters list for purposes not relating to the conduct of an election will be subject to a fine. This is one of the sections where we are harmonized with Elections Alberta and Elections Canada. [interjections]

THE ACTING SPEAKER: Order. Some of us do want to hear the Minister of Municipal Affairs. Could we have some order, please.

Go ahead, hon. minister.

11:20

MS EVANS: Thank you. However, Madam Speaker, continuing if I could, many of the recommendations, that those of us in the House that were elected in the past election provincially, still have not been collaborated through Elections Alberta, so we're not ready for that.

Advanced voting. Can't afford it in all of the municipalities, and they tell me that. They don't want unlimited provisions. However, seniors in institutions where seniors are kept can vote. Also, those who cannot vote on election day for religious reasons are included in this.

I invite the hon. members present to vote.

[Motion carried; Bill 10 read a second time]

[At 11:21 p.m. the Assembly adjourned to Thursday at 1:30 p.m.]

