

Legislative Assembly of Alberta

Title: Monday, March 9, 1998

1:30 p.m.

Date: 98/03/09

[The Speaker in the chair]

head: **Prayers**

THE SPEAKER: Good afternoon. Let us pray.

Heavenly Father, as our members gather to begin a new week in our Assembly, we are reminded of the blessings which You have bestowed upon Alberta, and we thank You for this bounty.

May we conduct ourselves in our deliberations in ways that honour You, our province, and all its people.

Amen.

Please be seated.

head: **Statement by the Speaker
Commonwealth Day**

THE SPEAKER: Hon. members, today, March 9, 1998, is Commonwealth Day, which is commemorated by parliamentarians throughout the Commonwealth. The Commonwealth consists of nations which share our own tradition of parliamentary self-government. The Alberta branch of the Commonwealth Parliamentary Association is comprised of all Members of the Legislative Assembly and enriches the sharing of parliamentary ideas.

In commemoration of Commonwealth Day members will find on their desks a copy of the Commonwealth Parliamentary Association Aims, Organization, Activities booklet, a Commonwealth Parliamentary Association pin, and a copy of Her Majesty's message.

Her Majesty The Queen's message reads as follows:

The Commonwealth provides many special links between its members. Apart from more formal contacts between governments, there are any number of professional associations and voluntary organisations with close connections throughout the Commonwealth. Among the most active are those involved in sport and recreation.

I believe that sport will always play a very important part in the social welfare of all generations. Sport – and team games in particular – teaches young people many valuable social lessons. It demonstrates the value of co-operation, team-work and team spirit; it teaches the need to abide by rules and regulations; it emphasises the importance of self control and how to take victory or defeat with good grace.

Sport is a great leveller. The same rules apply to all; there are no age, racial or cultural barriers to participation. Indeed, enthusiasm for a sport brings together people from every background. Some sports attract dedicated spectators. Some do not, but that makes no difference to the participants. All are absorbing and enjoyable, offering unique opportunities for self discovery and to develop self confidence. For many young people, participation in sport can offer a lifeline and an essential alternative to delinquency, drug abuse or crime.

The Commonwealth Games are the organisation's greatest sporting festival and rightly known as the 'Friendly Games'. It is always the athletes from the smallest nations who receive the warmest welcome and it is the sporting gesture that wins universal recognition. The Games take place every four years; this year they will be held in Malaysia, where every effort is being made to ensure that competitors, officials and spectators will thoroughly enjoy the experience of this great gathering. Manchester too has already begun preparations to host the Games in 2002.

The Commonwealth Games will bring us together. I am much looking forward to joining them.

Elizabeth R.

9 March 1998

head: **Introduction of Visitors**

MR. HANCOCK: M. le Président, j'ai le grand plaisir de souligner la présence aujourd'hui dans votre tribune d'une délégation de la Région Américaine de l'Assemblée internationale des parlementaires de langue française composée des parlementaires suivants: M. Bernard Thériault, représentant du chargé de mission Amérique et président de la section du Nouveau-Brunswick; l'honorable Rose-Marie Losier-Cool, représentante du président délégué et membre du comité directeur; M. Robert Maddix, président de la section de l'Île-du-Prince-Édouard; M. Neil Gaudry, président délégué de la section du Manitoba; M. Gilles Morin, président de la section de l'Ontario; M. André Boulerice, président délégué de la section du Québec; et Mme Madeleine Bélanger, membre de la section du Québec. Ces visiteurs distingués sont parmi nous aujourd'hui pour faire la rencontre de plusieurs des nôtres lors de la réunion des présidents de section qui se tient présentement à Edmonton. Je demanderais à nos visiteurs de bien vouloir se lever pour recevoir l'accueil chaleureux de notre Assemblée. Would you give a warm welcome to our visitors.

head: **Reading and Receiving Petitions**

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

MS BLAKEMAN: Thank you, Mr. Speaker. I would ask that the two petitions I presented on Thursday last be now read and received.

THE CLERK:

We, the undersigned members of the medical profession and our patients, being residents of the Province of Alberta and of the age of majority, hereby petition the Legislative Assembly to urge the Government of Alberta to refrain from bringing forth to the Legislature for debate and vote thereon a bill that was presented in the last session of the Legislature at its last sitting as Bill 29, Medical Professions Amendment Act, 1997. We, the undersigned residents of Alberta, respectfully petition the Legislative Assembly to urge the Government [of Alberta] to hold the requested hearings and amend Bill 29, Medical Professions Amendment Act, 1997, accordingly.

head: **Notices of Motions**

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

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I wish to give oral notice of Bill 26, the Institutional Confinement and Sexual Sterilization Compensation Act, 1998.

head: **Introduction of Bills**

Bill Pr. 1

Tanya Marie Bryant Adoption Termination Act

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

MR. CAO: Thank you, Mr. Speaker. I beg leave to introduce Bill Pr. 1 being the Tanya Marie Bryant Adoption Termination Act.

[Leave granted; Bill Pr. 1 read a first time]

THE SPEAKER: The hon. Member for Calgary-Lougheed on behalf of the hon. Member for Leduc.

Bill Pr. 2**Innovative Insurance Corporation Amendment Act, 1998**

MS GRAHAM: Thank you, Mr. Speaker. On behalf of the hon. Member for Leduc I beg leave to introduce Bill Pr. 2, being the Innovative Insurance Corporation Amendment Act, 1998.

[Leave granted; Bill Pr. 2 read a first time]

THE SPEAKER: The hon. Member for Little Bow.

Bill Pr. 3**Alberta Wheat Pool Amendment Act, 1998**

MR. McFARLAND: Thank you, Mr. Speaker. It gives me pleasure and I beg leave to introduce Bill Pr. 3, being the Alberta Wheat Pool Amendment Act, 1998.

[Leave granted; Bill Pr. 3 read a first time]

THE SPEAKER: The hon. Member for Banff-Cochrane.

Bill Pr. 4**Millennium Insurance Corporation Act**

MRS. TARCHUK: Thank you, Mr. Speaker. I beg leave to introduce Bill Pr. 4, being the Millennium Insurance Corporation Act.

[Leave granted; Bill Pr. 4 read a first time]

head: **Tabling Returns and Reports**

MS EVANS: Mr. Speaker, I'm pleased to table with the Assembly four copies of my response to Written Question 6 as amended February 18. It provides a breakdown of the \$10 million expended by the Alberta Social Housing Corporation as contained in the public accounts 1996 and '97.

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

1:40

MR. MITCHELL: Thank you, Mr. Speaker. I would like to table four copies of a letter that I have written on behalf of the Alberta Liberal caucus congratulating the University of Alberta women's volleyball team, the Pandas, for winning their fourth consecutive national volleyball championship this weekend.

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

MRS. SLOAN: Thank you, Mr. Speaker. I have three reports to table today. The first is an excerpt from Choices, Chances and Childcare with respect to the economic impact of the government's operating allowance elimination for day cares.

The second is a letter from McCauley Community After School Care Association with respect to the impact of subsidy caps on after school care.

The third is an internal departmental memo to social services centre directors on the historical and political perspective of the city of Edmonton's out-of-school care program.

Thank you.

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

MR. MacDONALD: Thank you, Mr. Speaker. I rise this

afternoon to table four copies of a product listing from the safety standards branch of the Alberta Department of Labour authorizing Majestic pine shakes as a building material in this province in 1992.

Thank you.

head: **Introduction of Guests**

THE SPEAKER: The hon. Deputy Speaker.

MR. TANNAS: Thank you, Mr. Speaker. It's my honour to introduce to you and through you to members of the Assembly some special guests that are seated in your gallery today. Visiting us is Mrs. Juliette Langevin, who just happens to be the wife of the hon. Member for Lac La Biche-St. Paul. Juliette has been participating in some of the events associated with the AIPLF meetings being held here in Edmonton today. Mrs. Langevin is joined by their daughter, Lise Skrundz, and her children, David and Annick. I would ask that these people receive the warm, traditional welcome of the Assembly.

THE SPEAKER: The hon. Minister of Education.

MR. MAR: Thank you, Mr. Speaker. I was looking in the galleries, and there are three people there that I think should be introduced. First of all, the chair of the Calgary board of education and the former chair of the Calgary board of education, one of the most active boards in the entire province of Alberta, and also the chair of the Vermilion board, Mr. David Steer. I would ask that Mrs. Tilston, Mrs. Pollock, and Mr. Steer rise and that the Assembly give them a warm welcome.

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

MRS. O'NEILL: Thank you, Mr. Speaker. I rise today to introduce 92 students from Neil M. Ross Catholic school. They are in both the members' gallery and the public gallery. They are accompanied by teachers Dale Rurka, Cathy Bagdan, Brenda Stiles, Joan Crockett; by parents Mrs. Pearson, Mr. Ritchie, Mrs. Bennett, Mr. Charron, and Mrs. Payne; and by two substitute teachers, Mr. Thompson and Ms Belanger. I would ask them to rise and receive the warm welcome of the Assembly.

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

MRS. SLOAN: Thank you, Mr. Speaker. It gives me great pleasure to rise and introduce two women to the Assembly today. The first is Molly Platts, the executive director of the McCauley Community After School Care Association, and the second is Ann-Marie Thivierge, a constituent of mine from Edmonton-Riverview. I would ask them to rise and receive the warm welcome of this Assembly.

THE SPEAKER: The hon. Member for Bonnyville-Cold Lake.

MR. DUCHARME: Thank you, Mr. Speaker. It's a great pleasure for me to introduce to you and through you to all members of the Assembly members of the 1st Cold Lake Scouts. They are Nichola Hook, Kier Wheeler, Joey Clayton, Brendan Bowen, Elizabeth Sephton, and Caroline Hook. They are accompanied by the troop scouter, Gary Hook. They are seated in the members' gallery. Could they please rise and receive the warm welcome of the Assembly.

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

MR. BONNER: Thank you, Mr. Speaker. I'd like to introduce to you and through you to Members of the Legislative Assembly Mrs. Doreen Neuls, a teacher at Bishop Greschuk school, and 28 of her students. They're in the public gallery, and with your permission, Mr. Speaker, I ask that they now rise and receive the traditional warm welcome of the House.

THE SPEAKER: The hon. Minister of Public Works, Supply and Services.

MR. WOLOSZYN: Thank you, Mr. Speaker. I'm honoured to introduce to you and the Assembly representatives from the Association of Professional Engineers, Geologists, and Geophysicists of Alberta. They are Ms Susan Kwan, a professional engineer who is APEGGA's 30,000th member, and two other professional engineers: Mr. Neil Windsor, the executive director and registrar of APEGGA, and Mr. Dan Motyka, first vice-president of APEGGA. I'd ask them to rise and receive the warm welcome of this Assembly.

THE SPEAKER: The hon. Member for Banff-Cochrane.

MRS. TARCHUK: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to the members of this Assembly Mr. Rick Craig, who is a constituent of Banff-Cochrane and also a good friend, and he is also the chair of Canadian Rockies school division. I understand they're all meeting trustees across the province today in Edmonton. Please stand and receive the warm welcome of the House.

Thank you.

head: **Ministerial Statements**

THE SPEAKER: The hon. Minister of Public Works, Supply and Services.

Association of Professional Engineers, Geologists, and Geophysicists of Alberta

MR. WOLOSZYN: Thank you, Mr. Speaker. I'm pleased to announce to the Assembly that the Association of Professional Engineers, Geologists, and Geophysicists of Alberta, or APEGGA as the association is better known, has recently registered Ms Susan Kwan as member number 30,000. Ms Kwan graduated from the University of Alberta in 1986 with a Bachelor of Science degree in computer engineering and is currently employed with Interprovincial Pipe Line Inc. With 30,000 members APEGGA is the largest professional association in the province of Alberta and the third largest engineering and geoscience association in Canada.

Our economic growth has meant opportunities for professional engineers and geoscientists from across the country and around the globe. In fact, it is anticipated that over the next several years there'll be a shortage of engineers in our province. Alberta universities graduate approximately 700 engineering students each year, yet APEGGA registers between 1,200 and 1,500 professional members annually and expects to exceed those numbers this year. To meet this challenge, there are increasingly large numbers of young people enrolling in our engineering, geology, and geophysics programs at the University of Alberta and the University of Calgary. I am confident that the future in Alberta

holds much promise for them. Alberta's engineers, geologists, and geophysicists are in demand across the country and around the globe. Their work contributes more than \$9 billion annually to our economy. It ensures the safety of the public and enhances our quality of life.

Congratulations to your 30,000 members.

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

MR. WHITE: Thank you, Mr. Speaker. On behalf of the Liberal caucus I would like to congratulate the Association of Professional Engineers, Geologists, and Geophysicists of Alberta for two reasons: first, as the minister has so aptly pointed out, that APEGGA now has registered our 30,000th member and, second, for just having completed National Engineering Week, which focuses on engineering for a better future. It is a celebration of Alberta's problem-solvers, practical inventors who use science and technology to turn ideas into reality, providing us with research, innovation, and technological achievements that help our lives run easier, healthier, more productive and more fun. As we approach the turn of the century, we recognize more than ever the contributions of engineers to making our Alberta strong and growing and how they inspire a generation of young people with their insight and expertise.

As a member of this Assembly I am pleased and privileged to extend my congratulations to this accomplished association, of which this engineer happens to be a proud member.

Thank you, Mr. Speaker.

Recognitions

THE SPEAKER: We have a notice today that there will be six hon. members who wish to be provided an opportunity under recognitions. We'll proceed in the following manner: first of all the hon. Member for Calgary-Glenmore, then the hon. Member for Spruce Grove-Sturgeon-St. Albert, followed by the hon. Member for Calgary-West, then Edmonton-Glenora, then Lacombe-Stettler, then Edmonton-Gold Bar.

1:50

Janet Mitchell

MR. STEVENS: Thank you, Mr. Speaker. I rise today with some sadness. One of Calgary's best known artists, one of international stature, has recently passed away. On February 26, 1998, Ms Janet Mitchell died at the age of 85 after a courageous battle with cancer. Ms Mitchell's life was her art. During a long career she created some of Canada's most innovative, imaginative artwork. Ms Mitchell was born in Medicine Hat in 1912 but spent the majority of her life in Calgary. This largely self-taught artist is best known for her highly realistic landscapes and townscapes of western Canada and also for whimsical, dreamlike images of cats, dogs, and floating people. Some of these paintings now hang in the National Gallery of Canada and the Glenbow Museum.

Ms Mitchell has left a wonderfully brilliant brush stroke on Calgary and Calgary's art community. Mr. Speaker, I would ask the Assembly to join me in honouring the work and life of a beloved Alberta artist, Ms Janet Mitchell.

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

Sturgeon Basketball Tournament

MRS. SOETAERT: Thank you very much, Mr. Speaker. Today

I would like to recognize the staff and students who participated this weekend in the Sturgeon school division junior high basketball tournament. This tournament ends a lengthy season of extracurricular basketball. I am pleased to recognize the countless volunteer hours of the teacher/coaches who gave their time so freely to their students. These students have learned about co-operation, competition, and having fun.

This weekend I saw coaches who encouraged and praised their players, I saw parents cheer for their children, acknowledging all good plays, and I saw students play their hearts out. Congratulations to all the teams and coaches for a well-organized tournament. Special congratulations to the Sturgeon Heights school girls team and the Camilla school boys team, who came out the champions this year.

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

Stage and Concert Band Festival

MS KRYCZKA: Thank you, Mr. Speaker. Today I am recognizing youth and excellence. Last week was an incredible week for the music program at Ernest Manning, the 1,100-student high school in Calgary-West. Over 150 bands from Alberta, Saskatchewan, and Washington state performed at the Southern Alberta Stage and Concert Band Festival held at the University of Calgary. Four bands performed from Ernest Manning and received four major awards. Many credits to Mr. Kevin Willms, band director. First, the junior jazz ensemble received an excellent rating. Second, the senior jazz ensemble; third, the wind ensemble; and fourth, the concert band each received double superior ratings and gold awards. Also, from the 7,500 performing students Manning's Brian Johnstone received the only individual award, the U of C's music department award as the most outstanding jazz soloist at the festival.

My congratulations to these outstanding music students from Ernest Manning high school.

Thank you.

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

Mayfield School

MR. SAPERS: Thank you, Mr. Speaker. I'd like to recognize Mayfield school on the occasion of its official reopening, which took place on February 13, 1998. Mayfield school, which originally opened in 1951, is not only important as a fine public school in the city of Edmonton but also as a reminder of western Canada's rich heritage and contribution to the rest of the nation, as it's named in the memory of Wop May, who once used the site to land his mail plane in the 1920s.

Mayfield school, which now provides early education, early intervention, Head Start, and elementary school programs to 525 students and their families, recently underwent a \$1.3 million renovation. Architect D. E. Schaefer and Jen-Col Construction deserve mention for managing the contract so efficiently.

My congratulations to principal, Mr. Adams, and all of the staff of Mayfield school, and my best wishes for continued educational success.

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

Community Lottery Boards

MRS. GORDON: Thank you, Mr. Speaker. The Community

Lottery Program Secretariat and Alberta Community Development are working diligently to ensure that community lottery boards will be up and running across this province by April 1, 1998. This program has been a long time in the making, and it is most satisfying for me to see it finally taking shape.

I would like to take this opportunity to recognize and thank the 62 regions, who have now gone through the nominating process and have forwarded to us lists identifying their individual appointees. I would also like to congratulate all those who have so willingly agreed to sit as a volunteer member on a community lottery board. I know that together we will monitor this program carefully and face head-on the many new and exciting challenges encountered as this program enters its first grant year, disbursing \$50 million of video lottery terminal revenues back to Albertans.

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

Capilano Elementary School

MR. MacDONALD: Thank you, Mr. Speaker. I rise to congratulate Capilano elementary school in the Edmonton-Gold Bar constituency on its 40th anniversary year. Capilano elementary school opened its doors in 1958 with Mr. Elmer Gish as principal and with an enrollment of 375 students. Capilano elementary school has provided a solid community-based education for many hundreds of youngsters in this community. In 1978 a special-needs program was approved, and the parent committee of Capilano school in conjunction with the provincial government constructed one of the first integrated special-needs playgrounds in Alberta. There have been 15 principals in the school since 1958. At present the principal is Mrs. Diane Fernet, and there are 142 students enrolled, including 18 special-needs students.

Capilano elementary school, the various principals and staff have over the course of the last 40 years contributed immeasurably to the education and well-being of the community and its residents. The youngsters of 40 years ago are the parents of today, and their children are now attending Capilano elementary school, keeping alive and well the spirit of community involvement that is so important to us all.

Thank you.

head:

Oral Question Period

Private Schools

MR. MITCHELL: Mr. Speaker, the public school system is the very foundation of our democratic society, embracing as it does the values of equality of opportunity, inclusion, diversity, and tolerance. Alberta has the highest rate of funding for private schools in Canada but is 60th out of 63 jurisdictions in North America in funding public schools. To the Premier: how can the Premier justify his policy of a 20 percent increase in public funding to private school special interests when parents and others are literally begging for the money to keep public schools going?

MR. KLEIN: Well, Mr. Speaker, I'll have the hon. Minister of Education supplement my answer today.

Mr. Speaker, the decision that was taken relative to private school funding was taken after extensive consultation with Albertans. I understand that some 12,000 Albertans participated in the public participation process. There was a good debate within the government caucus on this particular matter, and after that debate it was decided to accept the 24 recommendations contained in the report. The hon. Member for Calgary-Glenmore did an outstand-

ing job in bringing those recommendations together. They are reasonable in providing choice.

I would remind the leader of the Liberal opposition that this amount, the amount spent on funding for private school education, represents about 1 percent of the total education budget. I would also remind the leader of the Liberal opposition that private schools do not receive any funding for transportation, operations and maintenance of school buildings, and they are not eligible to receive any funding from education property taxes, Mr. Speaker. I would remind the member also that these people who prefer to send their children to private schools are also taxpayers and pay into the public system.

MR. MAR: Mr. Speaker, the Leader of the Opposition continues to indicate that the jurisdiction Alberta spends a relatively low amount per capita on public education compared to other jurisdictions. I've looked at this and my answer continues to be: it is not how much you spend so much as where you spend it.

I have looked at jurisdictions that do rank higher on that per capita list, and what I've found, Mr. Speaker, is that many types of spending that are included in the education spending of other jurisdictions would not be included here. For example, the large amount of dollars that are spent on transportation and capital in jurisdictions like the Northwest Territories or Yukon or large amounts of money that are spent on sports stadiums in high schools in West Virginia might not be included in our spending. So to compare those two is not really an accurate measure of what we should be looking at.

2:00

MR. MITCHELL: Mr. Speaker, how can the Premier justify his policy of a 20 percent increase in public funding to private schools when these schools can select the students they want to take and turn everybody else away? If it's public, it's public.

MR. KLEIN: Well, that's a very rare occurrence indeed. You have to understand, Mr. Speaker, that the parents of these students are paying a good portion of the tuition fees. Private schools are entitled to set their standards, and that's one of the reasons why parents prefer to send their children to private schools.

I would also like to point out that the comment has been made that this only plays into the hands or accommodates the elite in society. Yes, Mr. Speaker, there are some people who can afford to spend a lot of money to send their children to schools that are considered, for lack of another word, to be elite, but there are many, many private schools throughout the province that are very, very far from being elitist. They are basic, ordinary schools. I think of the Mennonite school on Northmount Drive in the city of Calgary, a marvelous school, and many just ordinary folk who want to achieve certain values for their children prefer to send their children to that school. That is not an elitist attitude. There are plumbers and electricians and just ordinary folks sending their children to those schools.

MR. MITCHELL: Mr. Speaker, what is it about the private schools' special interest group that made the Conservative caucus, not the Legislative Assembly, mind you, overrule the Premier, overrule the Minister of Education, overrule the Conservative Party, which passed a resolution against increasing private . . .

Speaker's Ruling Questions about Party Activity

THE SPEAKER: Hon. leader, please. Please. Questions dealing

with political parties do not sit within the mandate of question period. There was a question. If the hon. leader of the government chooses to provide some response to that, fair game; if not, then we'll move on.

Private Schools (continued)

MR. KLEIN: Well, the response is that information from all sectors, including political parties, was received, Mr. Speaker. Yes, I made my own comments relative to this situation. My comments at the time were that the status quo seemed to be reasonable. Having received the report, having read the report, and having participated in the debate, in the full discussion with this caucus, we came to the conclusion that indeed the Stevens report was a good report and we ought to accept the recommendations. That is democracy, and that's the way I participate with my caucus. I don't say to my 63 members: you do as I say. I say: let's have consensus; let's have discussion. That's the way it should be done.

Speaker's Ruling Decorum

THE SPEAKER: I want to address this to those who are providing a great deal of interjections today. This is only Monday, and we are going to get a little better this week than we left last week. If people want to interject, their place is outside of this Assembly, where they can do that. I intend on honouring what I just finished saying.

So if the hon. Member for Edmonton-Mill Woods wants to proceed with the second Official Opposition question, please do so without a lot of interruptions.

Private Schools (continued)

DR. MASSEY: Thank you, Mr. Speaker. It's government policy to tightly control per pupil expenditures in public schools. For private schools the sky's the limit. Yet both of them receive public money. My questions are to the Premier. Why the double standard, Mr. Premier: a stringent set of rules for what public schools can spend per child and no rules for private schools?

MR. KLEIN: Well, Mr. Speaker, I don't have the 24 recommendations in front of me, but I would suggest that the hon. member read those recommendations. There are a lot of restrictions and a lot of regulations and rules that apply to private schools, rules relative to academic standards that must be achieved. There are many, many rules, and many of those are contained in the recommendations that have been adopted by this government.

DR. MASSEY: Thanks. My second question is to the Premier. How is it that public money can be handed over to private schools, yet those schools are exempt from freedom of information requirements?

MR. KLEIN: Well, that's very interesting, Mr. Speaker, and I think that's something worth while looking into. But certainly relative to funding . . .

MR. MITCHELL: Didn't think about that, Ralph, before you did this?

MR. KLEIN: Yes. We'll think about it. There's nothing wrong

with that, you know. There's nothing wrong with thinking about things, Mr. Speaker. The hon. member brought up a good point, and I will look into it. But I will remind him that indeed the Department of Education is subject to FOIP, and perhaps that information can be obtained through the department. I'll have the hon. minister supplement.

MR. MAR: Mr. Speaker, I think it's important to look at the recommendations of the task force in whole. They do represent the views of a compromise. The members of the task force who were appointed were representative of the public education system and of private schools. One of the issues raised by the hon. member was accountability for public funds. If the hon. member would like to review the task force report, you'll see that there are many recommendations that relate exactly to the point he raised about the accountability for public dollars going to private schools.

DR. MASSEY: Mr. Speaker, my third question is to the Premier. Why were the private school task force recommendations not returned to this Assembly, where the questions first arose, for public debate?

MR. KLEIN: Mr. Speaker, many of the recommendations certainly have impact on the budget, and the department's budget and estimates for the upcoming fiscal year have either been debated or will be debated.

In answer to the question – why was it not brought to the Legislature? – it was not commissioned by the Legislature. This was commissioned by the government, and the report was adopted by the government, not by the Legislature, by the government, and now is a matter of policy. [interjections]

THE SPEAKER: Third Official Opposition main question.

Speaker's Ruling Decorum

THE SPEAKER: Hon. Opposition House Leader, it's to you I look for example-setting in your caucus. It's to you I look to be example-setting in your caucus. This is a place for parliamentarians.

Day Care Subsidies

MRS. SLOAN: This government's assault on day cares and after school care providers must be magnified. There is no better way of doing so than by introducing Miss Ann-Marie Thivierge, a single parent of one child, whose annual income is \$24,000. Ann-Marie recently applied for out-of-school care and was told that 150 children were on the waiting list and no subsidy would be available because of lack of funding. To date, Ann-Marie owes \$600 in fees and is contemplating quitting work rather than accumulating a debt for day care. Not eligible for EI, Ann-Marie will ultimately be forced to apply for social assistance. My first question is to the Minister of Family and Social Services. Can the minister explain how his department's policy of supporting people to find and maintain employment assists Ann-Marie when his day care reductions ultimately are forcing her to quit her job?

DR. OBERG: Thank you, Mr. Speaker. The first thing I want to say is that there have been no day care reductions. What we did this year, as I've stated numerous times in this Assembly, is we've taken \$10 million from the operating allowance and put it

over to the child care subsidy. To put that into perspective, for an infant from 0 to 12 months this government and this province pays \$475 for day care effective April 1, 1998. From 13 to 18 months the government also pays \$475 from child care subsidy. From 19 months and above to a maximum of school age the government under my department pays another \$380 per month. These are the amounts of dollars that are going to the day cares.

Mr. Speaker, the hon. member asked about after school funding. In Edmonton after school funding is a program run by the city of Edmonton. It is run from FCSS dollars, and we presently gave an increase of \$1.3 million in FCSS this year. The document the hon. member tabled from March 8, 1989, stated that their budget was \$4.8 million. If the city of Edmonton wanted to take the \$1.3 million and put it towards the \$4.8 million, you would see an increase of roughly 25 percent.

2:10

The member has brought up a very good point with regards to the income that the so-called Ann-Marie is making. Presently for day care subsidy for one parent and one child she will receive a partial subsidy at an income level of \$29,400. She is making \$24,000, from what the hon. member said, so she does qualify for a partial subsidy for day care with regards to our programs.

MRS. SLOAN: You can't qualify when there's a waiting list.

My second question is to the Provincial Treasurer. Could the Treasurer state for the record the economic gain for his government in Ann-Marie's circumstances. Based on CAFRA's report, for \$4 million in savings through the elimination of the operating allowance, your government will lose approximately \$39 million in economic and income tax losses from people such as Ann-Marie having to quit their jobs.

MR. DAY: Mr. Speaker, I'm very reluctant to comment on a specific case. At times in the past where governments have done that, they ran into a lot of trouble in terms of confidentiality with certain circumstances which are available.

MR. MITCHELL: She's right behind you, Stockwell.

MR. DAY: The person may be right behind us; they may be right in front of us. But we are very careful not to stray into specific cases. We know that it does get used from time to time.

I'm not sure what figure she's talking about: \$39 million, whatever that might be. I can say that with the Alberta family tax credit, if what I'm hearing is correct here, that person obviously – I wonder if the member could indicate to me if she has made it known to this particular woman that she gets \$1,000 cash this year through the Alberta family tax credit. I'd be interested in knowing if that information has been made available to her.

MRS. SLOAN: Thank you. My third question is to the Premier. How does this government's commitment as stated in the throne speech that children are this government's first priority apply to Ann-Marie and her daughter given the circumstances I've outlined?

MR. KLEIN: Well, Mr. Speaker, there really isn't much I can add to what has already been said by the hon. Minister of Family and Social Services and the Provincial Treasurer. Both ministers pointed out that there are plenty of programs, very generous programs, available to this individual and others in the same

circumstances. If the minister wants to supplement, please feel free.

DR. OBERG: Thank you very much, Mr. Speaker. In the hon. member's preamble she mentioned waiting lists. Nice preamble. Quite frankly, there are no waiting lists in day care at the moment. What she is talking about is the after school programs. The after school programs are run by municipalities and through FCSS. I will say again: we increased the funding for FCSS by \$1.3 million. If the city of Edmonton wanted to put that into after school care, you would be seeing a 25 percent increase in the after school funding program. But that's how FCSS works.

THE SPEAKER: The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Peace River.

Oil Sands Royalties

DR. PANNU: Thank you, Mr. Speaker. The 1998-99 government estimates carry the following information. The synthetic crude oil royalties received by the government of Alberta in 1996-97 amounted to \$512 million dollars. The second piece of information relating to the estimates for '98-99 royalty receipts indicates that these revenues will be as low as \$50 million. This is a tenfold drop annually in the royalties received by Albertans. Albertans are worried about it. My constituents are terribly shocked by this loss of public revenue. It's a fact that this government signed a sweetheart deal with oil sands companies, including the two giants, Syncrude and Suncor, in 1996 allowing them to write off capital expenditures from the royalty payments at an unprecedented rate. My question is to the Minister of Energy. How can he justify what may amount to up to a half billion dollars a year tax break to these corporations at a time when our health care and education systems are in crisis?

DR. WEST: Mr. Speaker, we've just gone through estimates, and this question here indicates that the process doesn't work.

The historic royalties from oil sands are in the nature of \$50 million to \$60 million a year. That's the average. Royalties in the mid-1980s averaged nearly \$240 million a year because they had significant high prices at the entrance, but from 1986 until 1994 the average dropped to \$33 million a year. I'll repeat that: from 1986 to 1994 we only averaged \$33 million a year and, in fact, were as low as \$7 million in 1987, long before we brought in any new royalty regime. Since the royalty regime came into place, we have had \$20 billion worth of announced projects in the oil sands. As we go forward to the year 2015, when the capital expenses of this new investment are paid off, on some projections we could get as high as \$3 billion a year from oil revenues.

Also significant: two years ago it did hit \$512 million for a \$23 barrel of oil, and when you're upgrading oil, you get the highest level of revenue from that. We have now dropped today to \$14.91. So combined with the historic nature of the oil sands productions and the revenues that we have had over the years plus a severe drop in the price of oil as happened from '86 to '94 as well as the new oil sands royalty regime, which by the year '98-99 will, yes, come back to historic levels of revenue to the province – combined with those three things, yes, we did drop from \$512 million to \$194 million this year and dropping down to \$50 million, understanding there was a decade where the average was \$33 million.

THE SPEAKER: Hon. member, with the exhaustiveness of your

original question and the exhaustiveness of the response, I'm just wondering if there are supplementals, and if there are: short.

DR. PANNU: Thank you, Mr. Speaker. Yes, they will be short.

To the same minister: given that the government he's a member of claims it is out of the business of business, how can the minister justify using as much as a half billion taxpayer dollars to subsidize these private corporations, including Syncrude and Suncor, which are hugely profitable corporations?

DR. WEST: Mr. Speaker, we did not subsidize these companies, and the facts that I presented previously will demonstrate that. I don't have to go into a long answer. The answer is: we did not subsidize these companies.

DR. PANNU: Thank you, Mr. Speaker. To the same minister again: will the minister explain why Albertans' tax dollars are being used to subsidize a 71 percent increase in greenhouse gas emissions without imposing any requirements on oil sands producers to reduce greenhouse gas emissions in exchange for getting these royalty breaks?

2:20

DR. WEST: Mr. Speaker, I have no intention of going into the greenhouse gas issue here today, but again, we did not give tax concessions to these companies to their benefit but indeed to the benefit of the province. If you look at the new oil sands regime that I said promoted \$20 billion worth of investment and you look at the number of jobs that have been created in Fort McMurray – and this hon. member has great support for the unions in this province that benefit massively in the projects that will go on in the oil sands. I find that his negative questions are counter to his philosophy.

THE SPEAKER: The hon. Member for Peace River, followed by the hon. Member for Calgary-*Buffalo*.

Crop Insurance

MR. FRIEDEL: Yes, thank you, Mr. Speaker. My questions are to the Minister of Agriculture, Food and Rural Development. In many parts of the Peace country and for that matter many parts of the province farmers experienced major crop losses last year. In some cases this was the second consecutive disaster. A high percentage of the farmers do not subscribe to the present insurance plan because it doesn't fit their needs. To the minister: is there anything that could be done to change the present insurance plan to make it more flexible while remaining premium based?

MR. STELMACH: Well, thank you, Mr. Speaker. Based on the positive feedback from farmers across the province of Alberta, we are going to be implementing a number of changes to program delivery in 1998. We're going to have individualized start-up coverage for farmers coupled with an up-front lower premium for those farmers of lower risk. We're also going to increase unseeded acreage coverage from \$10, \$20, and \$30 to \$30, \$40, and \$50 per acre, \$50 being the maximum for unseeded if you put in your inputs but haven't been able to put in a crop. As well, the premiums for 1998 will be offered at the low levels that were set in 1997, which is about an average of 30 percent less than in crop year 1996.

MR. FRIEDEL: To the same minister, Mr. Speaker: could the

province take a more proactive role with the federal government to initiate changes in this program that would encourage perhaps a higher percentage of participation with the farmers?

MR. STELMACH: Mr. Speaker, to implement a number of other significant changes to program delivery, we would need the co-operation of the federal government. Presently they pay one-third of the cost of premiums, one-third by the provincial government, and one-third by the producer. But we recently have met with the minister of agriculture, the Hon. Lyle Vanclief, and we offered some changes on our recent visit to Ottawa. He certainly indicated that he'll give some careful consideration to that.

MR. FRIEDEL: Once again to the same minister, Mr. Speaker: I wonder if he could tell us if there is anything that could be done to address the deficiency in the farm income disaster program that presently does not deal with two or more consecutive disasters.

MR. STELMACH: Mr. Speaker, this is a constant concern that has been raised specifically in those two areas, Athabasca-Boyle and Cleardale-Saddle Hills, where the farmers have been unable to seed for the past two years. This particular program, the farm income disaster program, is GATT friendly. We sent a team of experts to Geneva to run it past the committee there to ensure that it is GATT friendly. It has been now included as a farm income disaster program in the province of British Columbia, and a number of American states are looking at the program. We are mandated to carry this program for three years. The 1998 tax year will be the final year, and then this Assembly will review the program and make some changes. But at the end of the day it still has to be GATT friendly and not spawn any countervail duties from our trading partners.

THE SPEAKER: The hon. Member for Calgary-Buffalo, followed by the hon. Member for Lacombe-Stettler.

Health Care System

MR. DICKSON: Thank you, Mr. Speaker. The government model of shrinking support for public services on the one hand and promoting private, for-profit services on the other exists not only in Education. It also exists in health care. Last spring the Minister of Health proclaimed that he had given regional health authorities a solid, predictable, and stable funding base. He said at the time, and I quote: it enables the authorities to deal with local pressure points, local priorities, ensuring access to quality health care for all Albertans. Less than 10 months later 15 of the 17 regional health authorities have announced that deficit budgets are inevitable. My question to the Minister of Health: why has the minister broken the promise he made last May?

MR. JONSON: Mr. Speaker, I would take the view that no promise was broken with respect to the November 24 announcement on which the quotation from the hon. member is based. I think that the operation of health authorities across this province was stabilized by that announcement along with the implementation of the population-based funding formula. In terms of the current reference that the member has made, certainly a substantial amount of money has been announced as part of our grants announcement. Some 50-plus millions of dollars for the Calgary regional health authority which I believe is the area in which the hon. member has his constituency. The Premier and I have indicated that we are certainly always prepared to sit down and

discuss the situation with the regional health authorities.

MR. DICKSON: Mr. Speaker, I'd then ask the minister: what health services will be redefined under the Health Care Insurance Act as nonessential to avoid the public obligation to pay for those services?

MR. JONSON: Mr. Speaker, I'm not aware of what legislation it is the hon. member might be referring to.

MR. DICKSON: Well, let me finally ask the minister this, Mr. Speaker: what steps will the Minister of Health take to ensure that private, for-profit entrepreneurs don't exploit the new market his underfunding in health care has just created?

MR. JONSON: Mr. Speaker, I have repeatedly indicated in this House that the government supports the best possible public health care system. Secondly, for the umpteenth time I will refer to our support and commitment to the principles of the Canada Health Act. Thirdly, I'd just like to say with respect to the issue of eye clinics that some months ago we took action in that particular area. I think we've been consistent in supporting the public health care system.

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

Private Schools

(continued)

MRS. GORDON: Thank you, Mr. Speaker. Over the weekend I heard from a number of my constituents on both sides of the issue of increased funding for private schools. Although my private school supporters are both happy and grateful, many public school supporters are not. To the Minister of Education: is public education as we now know it at risk, and how will this decision adversely affect the overall operation within the public education system?

MR. MAR: Mr. Speaker, this government has not wavered in its commitment to support public education. The task force referred to by the hon. Premier earlier in his responses in question period heard from over 12,000 people from throughout the province of Alberta. The task force was charged with the responsibility of determining recommendations that best represented a balance of the interests they heard from. There are about 14,000 students whose parents feel that their choice should be to be able to have their child go to a private school.

To be clear, in the year 2000-01, when these recommendations will be implemented, there will be \$39 million going to support private schools, but the support for the public education system will be \$3.3 billion. So it is clear that there is strong support for the public education system: \$3.3 billion compared to \$39 million. That support for private education is only about 1 percent of the total support for the public education system.

2:30

MRS. GORDON: Mr. Speaker, does this increase in private school funding mean that now or down the road funding for children in the public system will be threatened, reduced?

MR. MAR: Mr. Speaker, I want it made very clear that the answer to that is no. The increased funding that will go for supporting

private schools will be added to the Education budget from the GRF. It will not come from the existing budget nor will any of the increase for support for private schools come from education property tax. I want to make it clear again that this government has not wavered from its support for public education.

MRS. GORDON: Mr. Minister, while more funding is provided to private schools, this is to be balanced by increased accountability. What does this mean, and how will it impact the operational side of private schools?

MR. MAR: Well, Mr. Speaker, I have always invited members of this Assembly and members of the public to review the recommendations of the task force in their entirety and to look at it in a balanced manner. While there will be more funding provided to private schools, that is balanced off by an increase in accountability, which is the question the hon. Member for Edmonton-Mill Woods was also asking.

So I think, Mr. Speaker, that it's important to note that if you read the task force report, it is very clear, as the Premier said earlier in question period, that the majority of private schools cannot be described as elitist. They operate on limited budgets, they educate children with a wide range of academic ability, and they serve families from across a spectrum of economic backgrounds. This government is strongly supportive of choice, and these parents who choose to send their kids to private schools should have the opportunity to do so. They do have the support of the government, but again, to be clear, there is the strongest support for public education expressed by this government.

THE SPEAKER: The hon. Member for Edmonton-Norwood, followed by the hon. Member for Bonnyville-Cold Lake.

Children's Services

MS OLSEN: Thank you, Mr. Speaker. One of the four pillars of the children's services initiatives is to establish a role for the aboriginal community in planning and delivering services for aboriginal children, youth, and families, because although only 3 percent of the Alberta population is aboriginal, aboriginal children make up approximately half of the children involved in the child welfare system. The first child and family services authority board to be appointed, in Calgary Rockyview, has only three aboriginal members. My questions are to the minister responsible for children's services. Why were there only three aboriginal people appointed to the Calgary Rockyview board when 50 percent of aboriginal involvement is a stated goal?

MS CALAHASEN: Thank you, Mr. Speaker. This is a great question. First of all, the applications that came in went through a system of determining who should sit through this, and there was a panel that went through the applications. Secondly, when we're talking about aboriginal children, it was at 50 percent previously in care. We now have something like 37 percent, which is an indication, I believe, of the kind of good work that has been happening throughout the province. Thirdly, when the information came forward, there was the intent of making sure the aboriginal pillar would not be compromised in any way whether or not there were aboriginal people sitting on the board, that those four pillars would be maintained throughout anything to do with children's services.

MS OLSEN: Thank you. Again, to the same minister: what steps

are you taking to ensure the aboriginal people take their full allotment of 50 percent of the spaces on a 17-member child and family services board to be appointed next month?

MS CALAHASEN: First of all, Mr. Speaker, what we are trying to do is ensure that whatever we do is going to make sure that all children are going to be taken care of; secondly, whatever we have to do to be able to ensure that the process that occurs will reflect some of the needs as identified by the communities. Thirdly, what we want to be able to ensure is that if the people who are qualified come through that, we put people who are interested and qualified and will continue to do that. The intent is that we would like to see as many aboriginal people come forward to apply for the children's services authorities, and it will be based on the applications that come forward. I hope we do have some good, credible people who will come forward and put their names through.

MS OLSEN: My final question is to the same minister. Given that the child welfare information systems check is proving to be a systemic barrier to involvement for many community members, will the minister revise the criteria for involvement on the authority boards?

MS CALAHASEN: Mr. Speaker, I think that's an important question. One of the items that I seem to get throughout the whole area as I go through from community to community is that they'd like to see as much involvement as possible from people from various sectors and people who would like to be involved. One of the things I would like to encourage – and the member herself – is to have people who have the qualifications to come forward and to make sure that whatever we do they pass through CPIC as well as CWIS so that we do have people who are going to be qualified. When we're talking about systemic barriers, as you've identified, I feel there is an opportunity for people to come forward. There is nothing in place presently to be able to show that there are going to be barriers that would prohibit people from applying.

THE SPEAKER: The hon. Member for Bonnyville-Cold Lake, followed by the hon. Member for Edmonton-Centre.

English as a Second Language

MR. DUCHARME: Thank you, Mr. Speaker. The English as a Second Language program will be expanded to provide instruction to Canadian-born students who require English language assistance. My question is to the Minister of Education. Could you please explain how this program will be implemented?

MR. MAR: Mr. Speaker, at the outset I'd like to say that the reason we support English as a Second Language in the education system is to ensure that students are able to make the most of their academic potential. It is true that there are some children who are born in this country who enter our education system with little or no working ability in the English language, and up until this point school boards have not received any ESL funding for those students. As a matter of fairness, we should be giving the same opportunities to those children as to non Canadian-born children who did receive support for English as a Second Language.

Mr. Speaker, school boards have been asked to identify their numbers of ESL students, including those who are Canadian-born, and report back to the Department of Education. Once those

students have been identified, then we will work with the school boards to determine how the funding will be distributed. As far as the full funding details, they won't be available until such time as the funding manual is prepared by the Department of Education in April of this year.

MR. DUCHARME: Mr. Speaker, to the same minister: will the English as a Second Language program for Canadian-born students apply to French-speaking students who attend a Franco-phone school?

MR. MAR: Mr. Speaker, the answer to that question is no. As I indicated in my response to the first question, the purpose of ESL funding is to ensure that students make the most of their academic potential, but in Francophone schools the primary language of instruction for students is French. Accordingly, English as a Second Language funding is provided for students who have insufficient fluency in English to achieve their academic potential in an English-taught program.

MR. DUCHARME: Again to the Minister of Education: why is it, then, that Hutterite schools teaching both German and English qualify, and yet Francophone schools teaching French and English don't qualify for the funding?

MR. MAR: Mr. Speaker, in Hutterite schools German language instruction is provided, but it is provided by the parents outside of the regular school day. In the school, within the regular school day, the language of instruction in Hutterite schools is English. Under the English as a Second Language program the primary language of instruction must be English. Again, in Francophone boards the primary language of instruction is French, and therefore they do not qualify for ESL funding.

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

Film and Television Industry

MS BLAKEMAN: Thank you, Mr. Speaker. Across Canada provincial governments, except Alberta, are doing everything they can to attract the film and television industry as well as the jobs and investment dollars that come with it. Another province is actively trying to entice the National Screen Institute away from Alberta. NSI and its festival, Local Heroes, is a vital support for what is left of this industry in Alberta. To the minister responsible for arts and culture: what is the minister doing to ensure that Alberta doesn't lose the National Screen Institute to another province?

2:40

MRS. McCLELLAN: Mr. Speaker, certainly as minister responsible for arts and culture I recognize the importance of the film industry to the province of Alberta. However, I don't believe that it is in my area of responsibility to intervene in that particular institute.

Mr. Speaker, what we should concentrate on, I believe, is ensuring that our film industry understands what there is available here in this province for them. I believe that they have demonstrated that over the years. We have a number of films that have been made here, some segments of a film being shot in Edmonton as recently as last summer. This province has much to offer the film industry. I think they understand that. They also understand

that a number of members of this government are working with them to see what can be facilitated, if anything. They understand that. They understand this is a good climate to do business in. Really, if you were being candid, what is bothering the film industry is not what we aren't doing; it's what other provinces are doing.

MS BLAKEMAN: My second question is to the Provincial Treasurer. Given that film producers are deciding right now whether or not to bother investing in Alberta-based production this summer, when can we expect the implementation of the employment tax credit that the minister of science, research, and information technology had introduced sometime ago?

MR. DAY: I know that the minister of science and technology has indicated some interest in this and has joined a chorus of individuals who have presented some proposals along this line, but I can assure you that a specific tax credit has not been introduced by that minister or anyone else at this point. I can also assure you, Mr. Speaker, that there's considerable discussion going on with those who are involved in that particular industry: well-known people on the Canadian scene like Tom Jackson and right down to the field, to those who are working in the field itself. Well-known special effects people like Darren Findling and others have been consulted on this very area.

I can tell you, Mr. Speaker, that other provinces are also aggressively pursuing this particular industry. When the Minister of Finance in Ontario stands up and says that Toronto is Hollywood north and that it will be at any cost, then we also have to take that into consideration in this province. At any cost: what exactly does that mean? I can also assure you and I can assure people in the industry that we're listening to their concerns and that we're looking to what, if anything, can be done to make that a viable industry. We have a broad-based policy in this province, a low-taxation policy, and a commonsense regulatory regime. We also have other advantages that other provinces don't have. When those businesses operate here, they're not subject to certain costs as they are in others.

I'll just conclude, Mr. Speaker, by saying that I recently saw an interview with the people who were out doing the filming of this movie – I believe it's called *Mystery Alaska* – and they're doing that out in Canmore. One of the key actors being interviewed made the statement: I'm from Los Angeles. Then he turned and gestured towards the fabulous Rocky Mountains, and he said: nowhere else in the world can you find this type of thing rather than right here. So there are some key elements in Alberta that we have to offer.

I can tell you also, Mr. Speaker, that we're working with the industry to see if there's something that doesn't prejudice other industries, in fact to see if there is something that can underline the attractiveness of doing business here in Alberta.

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

Special-needs Education

MR. MARZ: Thank you, Mr. Speaker. There are about 8,000 children in Alberta with severe special needs. School boards receive severe special-needs funding from the province to provide special education programs and services to help these children learn. My concern is with the perceived restrictive qualifications for that funding. My question to the Minister of Education is: can

the minister tell this House what criteria are used to determine if a child has severe special needs?

MR. MAR: Mr. Speaker, I beg some indulgence, because I think that the response to this requires some detail. The short answer is that we look at two criteria: first of all, whether the child meets one or more of our descriptions of special needs; also, the kinds of services and support the child requires.

Mr. Speaker, there are six different categories of severe special needs: severe mental disability, severe emotional or behavioral disability, severe physical or medical disabilities. We also recognize deafness and blindness as severe disabilities, and we also recognize that students with two or more disabilities may also have severe special needs.

In addition to these descriptions, Mr. Speaker, we also look at the kinds of services and support that these students need. They could include specialized equipment; specialized one-on-one instruction; assistance for basic care, like feeding; monitoring of a behaviour or of a medical condition; or other services that may be required. To qualify for severe special-needs funding, students must meet three out of four of those kinds of support.

MR. MARZ: Thank you, Mr. Speaker. To the same minister. Given that Down's syndrome students could be categorized or characterized as chronic and having an ongoing intellectual disability, at least by the educators I've talked to, do children with Down's syndrome qualify for severe special-needs funding?

MR. MAR: Mr. Speaker, there are various degrees of Down's syndrome. Some students with Down's syndrome may qualify for severe special-needs funding if they meet the criteria that I just talked about. Many students with Down's syndrome are eligible for severe special-needs funding. However, it's been our experience that most of the students with Down's syndrome fall within the mild or moderate special-needs category.

MR. MARZ: To the same minister for my final supplemental. If a child with Down's syndrome does not qualify for severe needs funding, what kinds of programs is he or she eligible for?

MR. MAR: Mr. Speaker, all students with special needs are entitled to the educational programs and services that give them the best possible education regardless of the severity of their disability. For a typical student with Down's syndrome this could include assistance in learning how to read or understanding numbers. The experience is that most students with Down's syndrome can be integrated into regular classrooms and learn along with other students.

Mr. Speaker, starting on September 1, 1998, school boards will receive \$325 for every enrolled student to provide programs for students with mild and moderate disabilities. Because the provincial incidence rate for mild and moderate disabilities is about 10 percent, that means that school boards would have access to an average of \$3,250 of additional funding for students actually having mild or moderate disabilities.

**Speaker's Ruling
Anticipation**

THE SPEAKER: Hon. members, before calling Orders of the Day, today there were several questions in the areas of Education, Energy, Agriculture, Food and Rural Development, and in previous days I'd intervened during the day and indicated

anticipation in the event of certain estimates coming up on a particular evening. Well, we do have estimates coming up tonight; however, they are in a different form than the way estimates were dealt with in the past. Today, in essence, we have reporting, and we have identified at least five departments or even perhaps six departments who have to report.

If all members will recall, the agreement that was reached by House leaders in the past was that there should be something like 45 minutes set aside for a total maximum reporting time per department. However, in that particular arrangement that was reached in the past, a minister may report up to 20 minutes, the Official Opposition may reply up to 20 minutes, and the third party may reply for up to five minutes. So if you count the 20 and the 20 and the five, that's 45 minutes, and it would have the potential of denying private members an opportunity to raise a question in question period on that particular day. So that's the reason why the anticipation rule would not apply when we have this kind of reporting, effective today.

2:50

head:

Orders of the Day

[The Deputy Speaker in the chair]

head:

Government Motions

Chief Electoral Officer Search Committee

22. Mr. Hancock on behalf of Mr. Havelock moved:

Be it resolved that

- (1) A Select Special Chief Electoral Officer Search Committee of the Legislative Assembly of Alberta be appointed consisting of the following members: Mr. Langevin, chairman; Ms Barrett; Mr. Friedel; Mr. Jacques; and Mr. Sapers.
- (2) The chairman and members of the committee shall be paid in accordance with the schedule of category A committees provided in Members' Services Committee Order 10/89.
- (3) Reasonable disbursements by the committee for advertising, staff assistance, equipment and supplies, rent, travel, and other expenditures necessary for the effective conduct of its responsibilities shall be paid subject to the approval of the chairman.
- (4) In carrying out its responsibilities, the committee may with the concurrence of the head of the department utilize the services of members of the public service employed in that department or the staff employed by the Assembly.
- (5) The committee may without leave of the Assembly sit during a period when the Assembly is adjourned.
- (6) When its work has been completed, the committee shall report to the Assembly if it is then sitting. During a period when the Assembly is adjourned, the committee may release its report by depositing a copy with the Clerk and forwarding a copy to each member of the Assembly.

[Motion carried]

head:

head:

Government Bills and Orders

Second Reading

Bill 19

Protection against Family Violence Act

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

MRS. BURGNER: Thank you, Mr. Speaker. I'd like to move second reading of Bill 19.

Before doing so, I would just like to highlight for the members of the Legislature some issues that I think will be pertinent to their debate. Certainly we're seeing a strong amount of coverage in the media and from concerned citizens about the value of this legislation, so I thought it would be appropriate just to remind hon. members about the process that the government used to develop this material.

As you know, the issue was before the House in private member's bill form two years ago. Before that, Mr. Speaker, I'd like to draw attention to the work that was done by the Law Reform Institute and indeed by a number of groups within the community who had identified the need for more effective and appropriate ways within our society to deal with family violence. So we had a number of stakeholders involved at various levels.

I'd like to also mention the legislation that was tabled in Saskatchewan and the fact that it had already preceded us and was in the process of an evaluation. We were able to rely on some of the statistical information that came from that debate. From those types of initiatives, Mr. Speaker, we developed a discussion paper which was circulated very, very broadly across the province. We sent out several hundred documents to those who had expressed an interest. Because of the issues surrounding our freedom of information and protection of privacy, we're not at liberty to be able to give out the various names of individuals who took the time to respond to that, but I can assure you that over 120 written submissions were received. They were not only from individuals but also on behalf of groups and associations. These included the police communities, both men's and women's rights groups, shelters, volunteers, other members of society who dealt with this issue very specifically, and quite frankly, some very personal information that was shared with us.

Mr. Speaker, in reviewing that material, I want to assure all members of the House. There's been some suggestion that this was something I was able to work on personally and pick and choose what issues I would like to put forward, but that was not the case. Under the Minister of Justice we had an advisory committee that included the strategic planning of court services of Alberta Justice, the policing services of Alberta Justice, the general prosecutions branch, and correctional services. We included the Minister of Community Development, under Social Services the office for the prevention of family violence, and also legal research and analysis from Civil Law, under Alberta Justice.

Through this interministerial group we reviewed a number of the recommendations and looked at them not only for appropriateness with respect to the actual issue but how they stood from a constitutional point of view. We looked at some of the issues just from a strategic point of view as to whether or not they were actually able to be implemented, et cetera. That process took place at the conclusion of the discussion document being circulated, at the end of October, early November, and into December. From that, we gleaned some significant policy issues, which we then took through standing policy committee and began the procedure of developing the legislation at the caucus level on a clause-by-clause basis.

I share that with all of you so that there is some understanding of how the material that was presented to you last week was developed. I'm hoping, then, that the focus of the discussion that we have over the next few weeks will be on the principles of the bill that is in front of us.

I won't speak too long about them because I'm looking forward

to hearing the debate from all members in the House. Clearly the issue was that as family violence has become such a significant component of policing activities and as the impacts of it are so horrific on our society, particularly with respect to our young children, the ability for the policing community to intervene in an immediate and effective manner was foremost in our minds. Consequently, the development of the emergency protection orders that you see noted in the bill was the resolution of that serious discussion.

Mr. Speaker, while a number of the concerns expressed deal with individual rights and the concern we have of suspending the rights of some individuals who act or are threatening to act in a violent manner, I can say that for myself and for the over 6,400 children who had to flee to shelters last year, it's important that someone speaks for their rights. We have the precedent in our society that if you are driving a car and are randomly stopped at a spot check and the police ask you to pull over and take a breathalyzer test, if you blow over .08, at that time the police can impound your car, take away your licence, fine you, and put you into further process of court law.

The fact of the matter is that you may challenge that police activity in the courts following that time you took the test, and in fact you may even be successful and be acquitted of that charge. But the point of it is that at the time the police make the assessment that you are at risk because of your consumption of alcohol, your rights are suspended with respect to that vehicle because of the harm that you can do to yourself and the harm that you can do to the rest of society by operating the car. I share that analogy with you in the House and I've used it over the last few months in the discussion because it's no different in terms of opportunities for the police to intervene based on their expertise, using the most information they have, with the full backup of the court behind them, in order to protect those who are not able to protect themselves.

Mr. Speaker, before any of those individual rights are suspended, someone would have to be in a situation where they're acting in a threatening or violent manner, and quite often there is substance abuse and consumption of alcohol. So you're not picking on someone who has randomly wandered into a situation. You're looking at the police situation where someone has demonstrated that they believe harm or the threat of harm is going to be done.

We speak later in the bill to the issue of a "frivolous or vexatious complaint." It's an offence under this act, and the Criminal Code comes into effect under I believe it's section 140 for those types of activities that are considered illegal. In addition, we have given the police an immunity, so if they choose not to issue an order because they believe the situation does not warrant an emergency intervention at this time, they can make that decision.

I'm hoping, Mr. Speaker, that in the debate that follows, the balance between protecting those young, vulnerable children, who cannot threaten other people, who have not consumed alcohol, and who are not acting in such a negative fashion but who have serious developmental issues, that we have all seen and have discussed in this House on a number of occasions - I'm hoping that somehow we can focus on those rights.

We have also included in "family members" those who are more vulnerable. The bill speaks to the opportunity for a warrant of entry. You have to go before the courts to identify the concern around an individual in a home, and the police may come at that point. But it's important to recognize, Mr. Speaker, that they just

can't come randomly and pull somebody from the house. There has to be permission granted by that individual.

We have some very serious concerns about our elderly. We are also looking at members of the family who for a number of reasons would be at risk. We believe that between the inclusion of them under the section "family members" and the option for warrant of entry, we can protect them. Further, under the general orders, Mr. Speaker, there are times when we can identify and look at situations where a family's issues can be looked at over the broader term rather than just the emergency situation.

3:00

Mr. Speaker, I think those are the key points that I wanted to identify. I said earlier that this has developed a fair amount of public interest, and I'm hoping that the discussion that is tabled today and in the following weeks will give us a broad confirmation that the policies and principles we have identified and produced in this bill merit the support of the House. We look forward to the further process.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Centre, followed by Edmonton-Highlands.

MS BLAKEMAN: Thank you, Mr. Speaker. I rise today to speak in second reading of Bill 19, the Protection against Family Violence Act. I'm going to try and keep my remarks as brief as possible. I am anxious to see this legislation passed, and I'm aware that many other people wish to speak to it.

I think it's important at this time that I recognize the contributions of Alice Hanson, the former Member for Edmonton-Highlands-Beverly, for her impetus in starting a process that has brought us now to this point. In forums that were open to the public, Ms Hanson consulted with hundreds of individuals and groups in 1995-96 in preparation for the drafting of her Bill 214 and also continued those public consultations once the bill had passed second reading. I believe, although I could be corrected, that that was the first time an opposition private member's bill had passed in second reading.

That bill was introduced in February of 1996 and debated in May of 1996. Bill 214 passed second reading at that time but was taken off the Order Paper through a technical motion that was introduced in August of 1996 when the bill was in Committee of the Whole. I've read through the *Hansard*; I know that many, many people who are still sitting as members in the Legislature spoke in support of the bill. The bill was revised, and the comments and the public consultation were incorporated. It was reintroduced by Terry Kirkland as Bill 209 and further revised and introduced by myself in the spring of 1997 as Bill 218.

The government has now taken the lead on this bill. It's now the spring of 1998; it's two years later. I hope that we will be able to have a good discussion and debate on this bill and see it passed and implemented as soon as possible. We've waited two more years for this. A brief comment: I was hoping and had been led to believe that this was going to be a flagship bill of the government. It is coming in at Bill 19. I had hoped that there would be more solid support for it, but I am glad to have it.

When we talk about domestic violence or family violence, I always see in that that it really is for the most part violence against women. The primary beneficiaries of this bill would be women. Violence against women has been called by the standing committee of the House of Commons: a war on women. A commonly used statistic is that one in four women has been a

victim of domestic violence. That's a difficult statistic to grasp, but try walking down your block when you get home and count off every fourth house, and that starts to give you a feeling for how deeply this issue affects our society. I think there are very few people who could say that they were not acquainted with someone or some family that has been disrupted through domestic violence.

Domestic violence is particularly worse for women from traditionally disadvantaged groups. Eighty percent of aboriginal women report violence, and I think the statistic is about as high for women with disabilities. It's overwhelmingly one sided. In Ontario a recent study shows that 98 percent of women killed were killed by men, that only 17 percent of male homicide victims were killed by women. The UN declaration on the elimination of violence against women, from 1994, puts it thus:

a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men.

Additionally, also from the declaration on the elimination of violence against women, the general assembly is concerned that violence against women is an obstacle to the achievement of equality, development and peace, as recognized in the Nairobi Forward-looking Strategies for the Advancement of Women, in which a set of measures to combat violence against women was recommended, and to the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

Happily, this Legislature is now following another recommendation, which was to

develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence; women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered; States should also inform women of their rights in seeking redress through such mechanisms.

So I'm pleased that we are able to follow through on that.

The Canadian Charter of Rights and Freedoms guarantees life, liberty, and security of the person, and I notice that in a number of things that I've read and some other legislation that's been brought forward, it's particularly noted that violence against women and children, domestic violence, particularly does threaten that life, liberty, and security of the person. I think we need to be very clear that violence against women, domestic violence, is not about love and not about private family relations. Violence against women is about power and control. The UN recognizes that, the Charter recognizes that, and we must recognize that.

We the government, the legislators and lawmakers, have played a part in this. Madam Justice Bertha Wilson recognized it when she said: far from protecting women from it, the law has historically sanctioned the abuse of women within marriage as an aspect of the husband's ownership of his wife and his right to chastise her.

I'm hoping that we have come to a point where we recognize that that is not acceptable. I can give an example of that, that being the rule of thumb, which is a commonly used phrase in our language. But in fact this phrase comes from the old common law that a man could beat his wife with impunity as long as he used a stick no larger than his thumb. So it demonstrates yet again how ingrained the idea of violence against women is in this society, how easily passed off and belittled it is.

I think allowing violence against women to continue disregards the rights of women to freedom of expression and movement, life,

and security of the person. By interpreting the law in societal expression, it increases the power of all of the perpetrators and increases and entrenches women's inequality.

There's also a tremendous cost to society when we have violence against women or domestic violence, family violence in this case, and those costs quite add up. I once tried to do a reckoning of how much each dispute would actually cost society, and I wasn't able to add high enough for it. It would include things like hospital usage, visits to the doctor, and long-term health; the use of the police service in sending officers to respond to the call and working through, taking the person through to the court system; involving the courts and the judiciary and the time and expense that is incurred there; lost work hours – and this is affecting CPP contributions, future pensions. It also affects our taxes. For those people that are off work and cannot pay their taxes, it affects what moneys are available for the government to put in place programs.

The effect on children is far ranging and very difficult. The cost of social assistance for women and children as they start a new life, the loss of volunteer hours that are worked by women in the community – it is a huge loss in this province, where we know that so many of the citizens, particularly women, are staffing many, many things with volunteer time. We also lose a fully functioning citizen who can contribute to her own well-being and prosperity and that of her children and other dependents.

3:10

Specifically to the intent of Bill 19, I think we're all clear that this bill does not address the systemic barriers. It does nothing to actually prevent violence from happening. It does nothing to educate society at large or certain citizens in particular. It will not actually stop someone from being able to cause harm if they are absolutely intent on doing it, but it does offer some remedy to address historical imbalances and inequities and offers some protection for women that is not available to them currently.

One of the things in the bill that I think is particularly important is the ability to remove an abuser from the premises. Traditionally, after a domestic dispute the police service has removed the person that's easiest to move rather than standing there and arguing about it, and traditionally that has been the female and her children, who are the least resistant. But this takes the woman away from her home, her clothes, her toothbrush, the shampoo and the shower, the food in the fridge, her books, her phone and address books, photo album, memorabilia. She may have to leave without her chequebook, her passport, her birth certificate. We send women to shelters – and I'm grateful that there are women's shelters available for people – but it is not their home, and it's a very difficult place to begin a healing process. Anything we can do to assist a victim or, some would say, a survivor of domestic abuse to stay in their home and start from there is, I think, an improvement. By removing them, we in essence punish them again. We've taken her and her children away from all the things that are of comfort to them.

The point of this proposed legislation is to reverse that, to create a situation where the party responsible for the trauma is removed and the survivor remains in the home. This is particularly important where other people are involved: children, elderly relatives, dependent handicapped adults, and others that are now covered under this legislation.

I'd like to talk about some of the things that are included in this version of the bill. I recognize and applaud the many groups in the community and professional organizations and services which have contributed to the current status of the bill. Certainly we in

the Liberal opposition had submitted our concerns to the member around the draft of this bill. At the same time, we were aware that many others participated in that – the police service, the shelters, criminal trial lawyers, and a number of others – in trying to make this the best bill that we could. I'm very pleased to see that the member did indeed take a number of the recommendations that came forward from the community.

I think the definition of "claimant" is one of the most important things that we have managed to do with this bill. It does now truly reflect its title, Protection against Family Violence Act. I think in other versions it had just protected the spouse, and I think it's important that we recognize that other people are in the household and that they can be protected. I had mentioned some possibilities there earlier: certainly children, elderly people, and dependent adults.

We were disappointed to see that there was not inclusion of emotional and financial abuse in the emergency protection orders. Certainly the government has shown in the past that they understood the meaning of that with their Protection for Persons in Care Act, which included emotional and financial abuse.

However, there are many things that did get included. I noticed that the proposed legislation allows for application to justices of the peace as well as Provincial Court judges, which is excellent. It's much better accessibility for people. I'm hoping that the justices of the peace will be specially trained to deal specifically with these issues.

There was also a suggestion that the occupation of the residence should be for a specified period of time, and that indeed is in there. I think that will make this much more workable and implementable legislation.

The contact. It needs to be a no-contact order, and indeed that is reflected in the proposed bill and is available under the emergency protection order. The duration of the order: the timing has been worked out quite well in that it's three working days for the ex parte order. Then it's reviewed by the Court of Queen's Bench, and other provisions that are available inside of the proposed bill are for a specified period of time, which, given the Saskatchewan legislation, seems to be what works best.

Of course, confidentiality was also a major issue as we looked at the draft bill of this, and I'm very pleased to see that that has been resolved and that information is kept confidential, that we don't have to have a survivor applying to keep things confidential.

There are just a few other points that I want to make. As the member mentioned, we do have the Saskatchewan review of their legislation – they did review it after one year – and that gives us a lot to go on, whether we are worrying unnecessarily about certain clauses or whether in fact we should have included something that we didn't. I'm very grateful to have that review to go on.

I am concerned that we have enough money to implement what is outlined in this proposed legislation. Certainly the lessons from Saskatchewan have taught us that. In particular, the record-keeping of the emergency protection orders: I know that it was very difficult for the people who did the review there to track them down because they were not being kept in a way that was easy to access and able to be tracked. I think it is absolutely critical that there be a wide-ranging training program for the designated justices of the peace.

Also, equally important, one certainly where Saskatchewan, I think, feels that they didn't come up to the bar was the public education. Many people were not aware that the legislation existed there and were not able to take full advantage of it. I think what

that really reflects is that we as a society have not truly come to terms with the devastation that this causes our society. We don't have it taught in our school curriculum yet. There are still, certainly, people who will defend those who abuse members of their family, and not until we come to a point as a society where we realize that that is simply not acceptable under any circumstances will we be able to eradicate this and the trauma and, frankly, the money that it costs society.

We do have some amendments that we would like to put forward on this proposed bill, and I will look forward to continued debate in Committee of the Whole.

Having said that, I thank you for the time.

THE DEPUTY SPEAKER: Before recognizing the hon. Member for Edmonton-Highlands, I wonder if the Assembly would agree to briefly revert to Introduction of Guests.

HON. MEMBERS: Agreed.

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

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

MS BLAKEMAN: Thank you, Mr. Speaker. I would like to introduce to you and through you to Members of the Legislative Assembly, although I'm sure many of you know her, the previous Member for Edmonton-Highlands-Beverly, joining us today in the public gallery, and that is Alice Hanson. I would ask you to please rise and receive the warm welcome of the members of the Legislature.

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

3:20 **Bill 19**
Protection against Family Violence Act
(*continued*)

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

MS BARRETT: Thank you, Mr. Speaker. The Member for Edmonton-Centre beat me to it. I was going to introduce Alice right away. She walked in while the Member for Edmonton-Centre was commenting on Bill 19, which I rise to support.

The comments that were previously made were pretty comprehensive, and I don't intend to duplicate them. I think what's really important about the principle of this bill is, first of all, the statutory right to remove an offender from a home. I think it has been wrong that it is always the victims, almost exclusively the women and the children, who have had to run away from violence. Having observed the merit of the bill in that regard and also recognizing that this may mean that we won't need as many battered women's shelter beds as we might if we didn't have this legislation, the fact of the matter is that right now in Alberta one in two women are turned away from women's shelters.

I know that the Minister of Family and Social Services says: well, you know, there was a bed or two available in the city last night. Well, let me tell you how they calculate that; all right? It's very deceiving. If there's a room in a women's shelter that has, let's say, one cot and two beds or three beds and a mother with one child comes in and occupies that room, if a mother with

three children comes in afterwards, that mother is turned away because there are insufficient beds. Yes, there was a spare crib that night or a spare bed but not in fact enough spares to accommodate the next family coming in. I find that quite deceitful.

I have made my pitch in this Assembly for enhanced funding for expansion of battered women's shelters, and I will continue to do so. I believe that until we have a comprehensive education program that starts at a very early age and early in the curriculum, we will continue to see domestic violence – I won't say at an unabated level but certainly at an unacceptable level; well, any violence is unacceptable – and the need for women's shelters will continue.

The other provision that I particularly like here is the speed with which an order can be issued by the number of means that were outlined by the Member for Edmonton-Centre. There is no waiting involved. Now, you might argue that there's no waiting involved if you call the police, and that's true. But we're talking about actually acquiring an order, not just the removal of the offending person or the removal of the victim and her children. We're talking about an actual order that can be implemented virtually by one phone call. I think that's high time.

Mr. Speaker, there will be a couple of areas that we New Democrats would look at for perhaps enhancing this bill at the committee stage. Whether or not amendments pass, I can assure the Assembly and I'm pleased to assure the original author of this bill, Alice Hanson, that it will enjoy my support, though I do hope some amendments will be entertained and passed.

Thank you.

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

MR. HERARD: Thank you, Mr. Speaker. Since we're talking about the principles of the bill, I certainly want to support any reasonable attempt to reduce and prevent the incidence of family violence, but I do have some concerns with some of the provisions of this bill. Essentially, if misused, this bill could cause a reversal of the premise that all our laws are based on, which is: you're innocent until proven guilty. In this case, again, if misused by one party or another, it will cause what could be a completely innocent party to have to respond in court at least once and perhaps even twice to an act that may not even have occurred at all.

I'm not sure exactly how to improve what this bill is doing. I do support it in principle, but I do believe that we have to ensure there is some balance there. I can see some very major potential for abuse of this particular bill and for actions to be taken against innocent parties, and I think that as a Legislature we need to guard against that taking place. So I'll look forward to what takes place in committee, because I think we need to improve that part of the bill because there are, in my view certainly, opportunities for misusing this and causing more problems than perhaps we're trying to fix.

Thank you very much, Mr. Speaker.

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

MS OLSEN: Thank you, Mr. Speaker. I'm very pleased to rise today. I have followed this bill since its initiation by Alice Hanson, and I, like many of my past colleagues in the Edmonton Police Service, will greet this bill with very much enthusiasm.

I was a police officer, as many of you know, for 14 years, and in that 14 years there were many nights – and I can almost identify the peak periods – where all I would do would be domestic violence complaints. I would suggest to you that any police officer going from call to call in a 10-hour time period and finding all of those calls are domestic or family violence complaints – you have to start asking yourself a number of questions, and the biggest question is always: what are we really doing? For me and for my part at that time, arresting somebody was certainly an option that I would undertake, provided there were reasonable and probable grounds to do that. Certainly, the biggest thing we did was pack up women and children and put them in the back of the police car and drive them to a shelter or drive them to a family friend's, drive them someplace else. It would be likely that they wouldn't have any money, and it would be likely that they had been abused in a very serious way and were frightened for their very future and for their lives and for their children.

So I'm very happy to see this legislation come in, because I believe what this will do is – let's not forget the intent of this legislation: to provide emergency orders so that we don't have to pick up those kids in the middle of the night who are very fearful. And let's not forget that not only are they fearful of what's just happened in their home; they're now being picked up by police officers and put in a police car and taken somewhere. That's not a secure environment for them. So as they grow up, they come to see the police not as good people but as problem people, who have caused problems in their lives. That is reflective for many of these kids who grow up in these environments, and I've seen them. I've seen them at five and I've seen them at 14 and I've seen them at 16. Kids who live in that environment grow up to do the same thing: they abuse people. Many of these kids haven't had a chance or a hope in life, and they end up becoming involved with the system. So I think this is just one more tool that we can use.

I want to address the hon. Member for Calgary-Egmont's concerns about the abuse of this bill. In this bill there is a section that covers “frivolous or vexatious” charges or complaints. It is not an offence under this bill to make a frivolous or vexatious charge or complaint, but under the Criminal Code, section 140, “Public mischief”:

Every one commits public mischief who, with the intent to mislead, causes a peace officer to enter on or continue an investigation by

- (a) making a false statement that accuses some other person of having committed an offence;
- (b) doing anything intended to cause some other person to be suspected of having committed an offence that the other person has not committed, or to divert suspicion from himself;
- (c) reporting that an offence has been committed when it has not been committed.

And the last section here doesn't necessarily apply, so I won't quote that. There are three subsections within this section of the Criminal Code that would allow any police officer or any prosecutor to direct a police officer to have these charges laid against somebody who has made false allegations and has encouraged the police to investigate something that didn't occur.

3:30

I have laid this charge on numerous occasions, not just for family violence and domestic violence complaints but for false sexual assault allegations, for false theft of auto complaints. This charge is used. Please, let us not forget that as you are all professionals in the world that you have come from, I and my colleagues were professional police officers. Given the time that

we have served and the number of calls that we have attended in our lives, we are very, very, capable – very capable – of watching the cues that come forward when we believe somebody may be making a false allegation. Given that, acknowledge that they have the ability to do something about it and the skill to recognize that it's there and exists.

Now, that doesn't mean that if a trial occurs, a person who is acquitted didn't commit the offence. It merely says that the prosecutor did not prove beyond a reasonable doubt that the offence did occur. So it doesn't mean that the accused person is necessarily innocent but that he's been acquitted of a charge because of that presumption and that onus on the prosecutor. Let's not forget – and I would encourage you all to think about that – the professionals who deal with this understand all of these different little idiosyncrasies of the Criminal Code. Trust me; most policemen and policewomen get very concerned about people making false allegations in any crime. So it's there, it's used now, and it will continue to be used. So there is no fear that people are going to be falsely accused of abusing their spouses.

I can tell you from past experiences, from the devastation I've seen – the bruises and the broken arms and the battered faces and the broken teeth – charges are not laid just to satisfy a complainant. So any talk about this being unfair cannot be justified. I would put it to those naysayers that if they don't beat their spouse, they don't have anything to worry about. It's not going to apply to them. For me, I just say: let's not be too overcautious. I think the Criminal Code itself stands and speaks to those types of incidents.

The principle behind this bill is very sound. It is not designed to impact other orders issued through the courts. It will not impact child custody orders. It will not impact the Matrimonial Property Act. It will not impact the Divorce Act. This bill is not designed to do that. Again, let's be very clear on what the intent is for this bill.

I do have some concerns in relation to one section of the bill that outlines – I'll bring this up again, of course, in the Committee of the Whole. It talks about: the bill

is not to be construed so as to limit a parent or a person standing in the place of a parent from using such force as is necessary to discipline their children. I have some concerns with that statement because the word – and the operative word is reasonable – is not used here, and the test should be reasonable. I'm concerned that maybe we should look at the Criminal Code in relation to that. Section 43 of the Criminal Code talks about:

Every schoolteacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.

There is a tremendous amount of case law that defines what is reasonable. It is an offence in this country to beat your children as well as beating your spouse. So I just want to make sure that it's very clear that this isn't construed as a spanking policy endorsed by the government and that we look at the word “reasonable” and use that as our test for this particular section under the definitions section.

The other concern that I have – as we move towards the implementation of this bill, I want to draw on the experiences of some women in the aboriginal community. I know they made a submission to the committee. Their concerns were that this bill cannot be applied on reserves. I think we need to look through the implementation process at signing some protocol agreements with the treaties that exist to ensure that the women who are living on reserves do not indeed fall through the cracks with this legislation.

It has to count. That, as a matter of fact, was one of the concerns that came out of the Saskatchewan legislation in their review, that the bill does not cover all of the women who live either in remote communities or on the reserve. I think that we need to be very vigilant in addressing that.

Apparently, somewhere in the area of 80 percent of women, as mentioned today, suffer from abuse on reserves, and I think that we need to address that more than we have. Apparently, through the recommendations with the Saskatchewan legislation they indeed say: "There is a tendency for police to disregard the entire act on the reserve. It is not a practical piece of legislation given the problems that exist." So not only do we have to work with the treaties, with the chiefs on the reserves; we also have to work with the Department of Justice to ensure that First Nations policing agencies are included in the training process, that they understand what their role is and how this is going to apply to the reserves.

Through the Saskatchewan legislation they had determined that there wasn't a way to collect information adequately. So there was no system, and there was no form designed for everybody to collect that information. I would suggest that we could create a four-part form, that every police agency and every agency using this piece of legislation would have to fill out. That form would be created by the Department of Justice with all the necessary information. It would be a four-part form: one would stay with the agency, one would go to the Department of Justice, one would go with the file, and where charges are laid, one would go with the file to the prosecutor's office. One of those forms would come right back to the Department of Justice and the data collected in the same manner. All the data entry, all that labour-intensive work, is done through the Department of Justice so that there is one way of collecting information, and when we go to do our own review of the legislation, then we have all the data that we need to do that. As a police officer I knew that we had to collect that data for other agencies. It's another piece of paper, but it's a very significant part of the success of this as we move to the implementation process.

3:40

I want to also speak just a little bit to the actual incidents. In terms of all those folks who were concerned about "Is this gender-balanced legislation?" yes, this bill is gender-balanced. But let's listen to some statistics here. In 1996 30.3 percent of women that had reported assaults were victims of spousal violence. That's Stats Canada information. In correlation only 3.7 of men who were assaulted or reported assaults, who were victims of personal property crimes were indeed the victims of assaults from spouses or ex-spouses. So these are indeed national statistics, and I would suspect that we're probably in line somewhere in the area of 25 percent of women in this province that are abused. So we're talking about how a great number of the women who report any crimes against person are indeed victims, as opposed to men.

That's not saying that we should be excluding men, but let's also remember that if we're going to be designing programs and implementing programs, we need to indeed do a gender analysis and ensure that the appropriate resources are set out for both groups. Women are going to require more money. The statistics say that, so we can't just have tunnel vision and say that, yes, the legislation is very equitable in terms of gender, and it seems gender neutral. But let's not forget who most of the victims are here and ensure that our implementation process covers that.

I'm very, very happy that we were able to work with the hon.

Member for Calgary-Currie. I was concerned that as we were moving along through our debates in the Legislature, we were anxious to see this particular bill up. I feel that we, my colleague the hon. Member for Edmonton-Centre and myself, have been very vigilant and appreciate the work that we all have done in getting this forward. By doing that, we are acknowledging that this is not a Progressive Conservative issue or a Liberal issue or an ND issue; this is an issue that is a community issue. As members of this Legislature we're compelled to do something about those issues that are floundering out there and need our leadership and guidance.

I'd like to thank the hon. ex-Member for Edmonton-Highlands-Beverly for bringing this issue forward two years ago and having the wherewithal to stick it out. Again, with her guidance in our submissions and discussions that we've had with the hon. ex-Member for Edmonton-Highlands-Beverly, Alice Hanson, we're very pleased. [interjection] Always honourable. We really needed that guidance and we needed the history as we moved forward, and I think this legislation has now been designed and is ready to go out to the communities.

The other issue that I am concerned about, however, is the educational component of it and the financing of it. I notice that the Department of Justice has not allotted any new funding for legal aid. One of the concerns I have as I talk to people is that legal aid lawyers, lawyers who work in that system, are very reticent to undertake a family law case. That provides more barriers, because that is the most reasonable and affordable way for many folks to move their concerns through the system. That was also identified with the Saskatchewan legislation, that the legal aid concerns were not addressed appropriately and that access then becomes an issue. So I'm wondering if there's going to be more funding overall that is going to help us achieve our goal. I haven't seen anything in the Justice estimates, so I do have that question that I think we need to have answered.

Also, the education process. We need to ensure that for every piece of legislation that we pass in this House that is supposed to be for the benefit of the community, there is an acknowledgement through an education process that this is meant for something, that we mean what we say. How we're going to do that, we need to discuss.

Thank you.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I'm happy to join in on this excellent discussion surrounding Bill 19, that being the Protection against Family Violence Act, as brought forward by the hon. Member for Calgary-Currie. I, too, am very disturbed at domestic violence and things that result in domestic chaos and domestic crises that are brought on by the abhorrent behaviour of one individual or another. I am, of course, extremely concerned about spousal abuse, and I'm alarmed at some of the statistics that surround family violence, particularly violence against women who are caught in those difficult circumstances and sometimes impossible relationships. I'm also concerned about the children that are the innocent trappings of some of these domestic disputes. As other members of the House have unfortunately also had the experience, so too have I, of seeing some of the abuse firsthand and oftentimes wondering what it is that we as legislators and lawmakers for the province of Alberta can and should be doing to help prevent, curb, and stamp out domestic violence wherever it occurs.

I find it interesting also, Mr. Speaker, that we're discussing

second reading of this bill at a time when we're also celebrating International Women's Day. I'd just share with you very quickly the nuts and bolts, if you will, of a speech I heard yesterday by the Hon. Hedy Fry, who is a member of Privy Council in Ottawa and the minister responsible for multiculturalism, human rights, and also women's issues. She pointed out a number of things with respect to some of the issues facing women. While I don't wish to dominate my time on only women, who are not the only victims of domestic abuse, I do think it's noteworthy to raise it in that context, given some of the comments made by the hon. minister yesterday at a special brunch I had the good fortune to attend.

She did suggest with concrete evidence and example that violence against women continues to be one of the most important and significant issues facing not only women but facing society in general. Having said that against the backdrop of the fact that something in the order of 51 to 52 percent of our nation's population is of the female gender, I think we have to pay double vigilance, if you will. I mean, there are other issues, like poverty and wage parity and equality and so on, but her focus was very sharp and left an imprint on me with respect to family violence. So I rise partly propelled and motivated by the hon. minister's speech and her comments yesterday.

In concept and in theory, Mr. Speaker, as with, I would think, all members of the House I will support anything that helps to protect society and, in this instance, the vulnerable, be they women, be they children, be they men, be they brothers or sisters, or be they the elderly, from abuse by others. While we're dealing here with the outcroppings, I guess I would say, of some of those violent acts, I would also appreciate the sponsor or some government member perhaps commenting with respect to not only what we're doing to protect people trapped in those situations after they are found out but what we are doing to try and help prevent some of these actions from occurring in the first place.

3:50

Now, I'm not attempting to be intrusive with that suggestion, because I don't think we want more government in our pocketbook and I don't think we want more government in our bedrooms. But I do think it's important that government has a look at the larger backdrop against which some of the abhorrent actions are occurring. I would suggest that we are looking at this bill through the broader eyes of the circumstances that society finds itself in right now, which propel them into some of these actions on occasion. I'm thinking of things such as child poverty and what role does that play in terms of the possible family violence that may result, things like unemployment, things like the lack of education, or hunger, children's hunger in particular, or addictions that may somehow contribute to this. What is it that actually precipitates this? I would think that there's probably information available to the government. There's certainly some of that available to us in opposition as well, Mr. Speaker. But the contributing factors that really build up into an issue of domestic violence surely must also include addictions to alcohol or addictions to drugs or perhaps to gambling, a general lack of money, whatever it might be. I guess we should focus some attention whenever we can on the prevention side.

[The Speaker in the chair]

Mr. Speaker, I see many other reasons to support the thrust of this bill, particularly having visited some women's shelters over the last few years and having spoken firsthand with some of the

families that were visitors to the shelter. Some of them had been there for a longer period of time. I recall one particular women's shelter in Calgary where I had arrived only weeks after an irate spouse had actually driven a car through the wall of the shelter in an attempt to get at his spouse. It was a gruesome story indeed. So I speak with some firsthand knowledge and also from the standpoint of having a friend who found herself in a very trying circumstance. The descriptions throughout the ordeal and after that she offered were very vivid and have left an indelible imprint on this member's mind.

I'm alarmed by the fact, Mr. Speaker, that we seem to have violence on the increase in our province. It seems to me that since 1992 or '93 we've had somewhere in the order of a 25 to 35 percent increase in the number of cases reported wherein domestic violence against women is documented. As I weigh out those factors, I think to myself, too, about the no doubt thousands of children that are impacted. For one reason or another through this violent activity they're separated from one of their two parents, and I think that's really unfortunate. Again, they are the innocent victims of all of this in pretty much all cases.

As I'm thinking about the women's shelters that I visited in Calgary and Edmonton and the speeches I've heard from workers in that area, I'm also concerned about the number of women, in particular, women and children who are turned away on a regular basis because the system simply cannot accommodate them. I wonder: where do these people go? It's sort of reminiscent of the slogan of the Youth Emergency Shelter, which is just on the other side of one of my boundaries on Whyte Avenue, Mr. Speaker. Their slogan is: where do you go when you can't go home? I'm wondering where it is that these abused individuals turn when they are thrown out of their homes or are forced to vacate for one reason or another.

I know that when we discussed this in our caucus a few years ago at the request of Alice Hanson, whom I'm delighted to see here today, she had done a tremendous amount of research into this particular area, and I was very happy that she brought it forward. I'm grateful to you, Alice, and I'm also grateful to our Member for Edmonton-Centre, who resurrected the bill last year. But I want to particularly congratulate the Member for Calgary-Currie, who got it through her caucus to this stage and now has it sitting as a government bill. I think the former Member for Edmonton-Highlands-Beverly as well as the current Member for Edmonton-Centre and, I hope, the Member for Calgary-Currie would agree it's less important who actually brings it forward. It's much more important that the work actually get done, that the bill get addressed, and that something be done to curb the difficulties facing us.

With that thought in mind I want to have a look at the gist of this bill, which from my reading of it and my understanding of it among other things allows for urgent and immediate assistance to be provided in the event of domestic violence. I think that's a very good move, because quite often you'll find that if we wait too long or if there's some impediment to that early access, it may be too late. There may be some permanent injury. There may be fatal injuries in some cases, I'm sure. I was deeply moved by the comments of my colleague from Edmonton-Norwood, who has given some vivid examples of what she has seen as a former constable in respect to this issue.

I would like to add that I saw some of those circumstances when I was a child growing up in the Sangudo area. In particular it disturbed me because most of the cases at that time, Mr. Speaker, were in relation to the Indian band on the Alexis reserve

in Glenevis. There were many native families who underwent many, many of these problems. Some of the abuse I saw firsthand as a child in my father's grocery store and at the hotel which was just next door to our grocery store, and it was not a pretty sight. I wonder how it is that we can help the native community in particular to overcome some of the difficulties that they face on a much more frequent basis, I believe, than perhaps some other communities in our province.

I see this as being a bill that addresses some of those broad issues, and I see it, I guess, as an opportunity for the government not only to bring about the emergency protection orders that might be required but to do it in a really speedy fashion. We know that these protection orders can now be accessed from I think specially appointed JPs, justices of the peace, and that this can be sped up through a phone call or through a fax. I'm looking forward to seeing how that might work.

I also was wondering, hon. member, if you've commented with respect to what the costs of this system are. I don't raise that in a negative way. I'm just curious to know how it impacts us on a financial basis, if at all, to get this bill implemented and up and running.

On the other side of the issue, Mr. Speaker, and attempting to sort of balance off the views, I hope, too, that when the time comes, the sponsor of the bill will address some of the criticisms of this bill that have surfaced in the press and are surfacing in the electronic media. I just recall a couple of points that were raised. I don't have the answers to these, so I'll just pass them on, because I want to know answers to the following issues.

There are some claims being made, Mr. Speaker, that somehow this bill may potentially discriminate against men. Now, I don't particularly see that, but I'd like some comment from the sponsor with respect to why in fact it does not discriminate against men. It might have something to do with access to children or lack of evidence or he said, she said, they said kinds of scenarios.

Secondly, I'm hoping that the hon. member might also explain what some people are suggesting the bill does; that is, that it may potentially pose some threat to the notion of a family unit as we know it. Now, I can't follow that argument, but it seems to have surfaced, and I'm hoping she'll address that as well.

4:00

Finally, there was a comment made in some recent publications, Mr. Speaker, that somehow the way the bill is drafted circumvents the judicial process and/or denies certain rights to certain family members. I don't follow that argument either, quite honestly, but I'm willing to listen to some explanation on it from the hon. member.

So I want to just conclude by saying, Mr. Speaker, that having gone through this bill and, more importantly, having gone through the gist of the bill with a former colleague of ours, I'm quite familiar with the legislation. It may not yet be perfect, but I think it goes a long way toward addressing a problem that we have to focus on and we must deal with. Do we need some legislation in respect to curbing and preventing and eliminating family violence? Yes, I think we do. Will this particular bill in its present form solve all of those problems? Probably not, but I think and I hope that it will go a long way toward alleviating the difficulties that many family members feel, the insecurities that some of the elderly people in our community feel, and in particular the need for stability and predictability that our children require in a loving relationship.

Mr. Speaker, I'll just conclude here by suggesting at this stage to the hon. member that I think she's done a good job of bringing

this forward, and I congratulate her on selling it to her own caucus. I look forward to a more detailed discussion during the committee stage. So thank you very much, hon. member.

THE SPEAKER: The hon. Provincial Treasurer.

MR. DAY: Thanks, Mr. Speaker. When anybody looks at this particular issue, I think it's fair to ask the question: who can dispute the distress, who can dispute the agony, who can dispute the frustration that is felt not just by the victim – though that is where it is most profound and acute – but in fact by those of us who observe, as it were, from the sidelines, whether it's a sensational case that makes its way into the media or it's a situation which we know of personally, either friends or maybe relatives, maybe neighbours, where situations arise and violence occurs? Violence can be physical. It can also take other forms which are just as devastating. Who can dispute the agony and frustration that each one of us feels and struggles with at those times when we are aware that somebody has been a victim of violence, especially if there's a possibility that it could have been stopped or prevented? Who can dispute the fact that any one of us would like to see something in place or any series of things that would somehow prevent this type of awful thing from happening? We all share in the frustrations related to this issue, profound and excruciating and heart-tearing frustrations.

I know the bill is not intended in any way to address what should be the consequences for somebody who is involved in this type of activity who in fact is a perpetrator. But I think the fact of the apparent lack of consequences that take place when somebody is indeed found guilty, especially on the physical side of violence – let me share some examples of frustration, Mr. Speaker, frustration which is built upon the lack of consequences and therefore is one of a number of factors that we are faced with when we look at this type of bill, and I'm not saying the only factor leading to this type of bill. When the act of violence itself is diminished as not being serious in the eyes of one who is a perpetrator, then we have a problem.

I think of the well-known and unfortunately sensational case about six years ago of a University of Alberta professor who had some history of physical violence towards his wife and then, in a highly publicized case, actually killed his wife. The murder itself was especially brutal, so much so that in the autopsy reports that we read in the media, we read about how the teeth of the woman were actually embedded in her brain because of the extreme force of the beating that she was subjected to. The coroner found it difficult to actually catalogue the number of stab wounds to her body. The violence and rage that was poured out upon this woman was extreme, and we heard, in media accounts at least, that it was not a first time. Mr. Speaker, I think we all shared the frustration when five years after this person was convicted of the offence, he was out on partial parole. As a matter of fact, he was out and speaking in schools, and it was particularly acute for me because it happened to be right in the constituency which I represent.

Mr. Speaker, the frustration that one feels when consequences are not in fact meted out to the gross perpetrators of this type of activity – and I realize the bill is not intended to address that in particular, but we do need to look at circumstances which have driven us to this place in time where such a bill would be required. Just a few months ago, again in my constituency, a man was arrested, charged, and convicted with violence towards his girlfriend. The violent act, though I'm sure there was – well, I

know there was. There would have to have been emotional abuse also, which we understand is also devastating to the victim. In this particular case, following the emotional abuse and intimidation, the woman's face was actually carved with a knife, and the person was charged, convicted, and sentenced. This was just this last fall in Red Deer. That person will be suntanning on the beaches of Sylvan Lake this summer, while this woman will continue to hide her face, perhaps for the rest of her life, because of the violence perpetrated upon her. I say, as many of our citizens do: where is the justice? What has happened to our system that such a person could be out and free after such a limited period of incarceration?

A situation, again recently – and this is in my own constituency, so I know this would happen across our province. We've heard it raised in this Legislature just this session, the four-year-old boy in Red Deer who died as a result of physical violence, and the frustration that all of us felt when it became known that the perpetrator of the violence, the common-law husband, had actually been known to have perpetrated violence before. Now a four-year-old boy is dead because of this.

These are some, not all but some, of the mitigating factors that drive legislators to be willing to do anything to prevent this type of thing from happening. As that has been one of many causes for this type of bill coming here, I would also encourage us as legislators to be doing what we can to make sure that when these awful incidents happen, the perpetrators of these gross actions are dealt with in a form that is far more severe than the cases I have put out, not out of revenge, not out of strict punitive action but to send a message to all of society that we as citizens absolutely do not countenance this type of behaviour, and we will demonstrate that through policy and through legislative action by taking whatever means possible to make sure that these people never do this again. Limited periods of incarceration with or without counseling is hardly the message we want to send to a population of people that might be tempted to be perpetrators of this type of activity.

Mr. Speaker, we all share the frustration of family disintegration that often leads to this type of activity. I suggest we might look to certain areas of our ethnic community for practices that they have in place, which I have recently become aware of from some colleagues in Calgary actually, within their own ethnic community. When there is even a suggestion of upheaval within the family unit, a number of people in their community are called in to work with that family. The elected people are called in, interestingly enough, because they are seen as leaders in the community. Spiritual leaders are called in, relatives are called in, neighbours are called in, and a strong, supportive network immediately comes into play in terms of taking the steps that are necessary to deal with the turmoil and the anger and the situations that are causing the family upheaval.

4:10

We are all too familiar with the frustration of seeing the disintegration that leads too often to this type of anger and then these terrible instances of violence: emotional, psychological, and physical. The frustration that comes with knowing that a victim of violence, either male or female, is often so deprived and wanting of love and affection that they are willing to hide these acts when they are perpetrated upon them, that they are willing to not report them and in fact in many cases are willing to take the person back time and time again only to be subjected to ongoing violence. The frustration of wanting somehow to reach out to these people and extend to them love and support so they

wouldn't think the only type of love they could receive is that where the price paid for that love is extreme pain. The frustration, too, of knowing that we really are failing in our communication, I think especially to women, of the high risk that is involved in certain situations which, out of frustration and desperation, they allow themselves to fall into.

Most women do not know, in cases of sexual abuse towards children, that in the majority of those cases it is not the biological father that perpetrates that crime. It is other relationships of a more casual basis, which in many cases a woman or sometimes a man out of desperation will enter into, relationships which are very high risk. Wanting comfort and love and support and affection, unknowingly they put their children and themselves at risk in some of these relationships, relationships which are covered by this act, I might add, but in fact are relationships which are not based on the bonds of marriage. Not that marriages are free of this also, but statistically we know there are relationships which create a higher degree of risk.

We all share the frustration of knowing that women and sometimes men are entering into dangerous and high-risk relationships. What can we do as neighbours and friends and community to reach out to them in a nonpejorative way, a nonjudgmental way and try and warn them that some of the relationships they might be considering or find themselves in are high risk? The frustration that peace officers must feel – and we've heard it well articulated from the Member for Edmonton-Norwood, 14 years of experience. The agony of being a peace officer and sensing that an extreme situation could develop, yet feeling the helplessness of being unable to intervene because a law has not yet been broken: that would be an extreme level of frustration.

There are also frustrations with trade-offs that this bill represents. There's a desire in each one of our hearts to see this type of violence end, but there needs to be a recognition that in doing so through the vehicle of this legislation, we do substantially alter some of the most important, some of the most hard fought for, and some of the absolute bedrock principles of justice upon which our society has been built and, I might add, upon which our society continues to depend. As we look in frustration and agony at ways to end this type of violence, in this bill we need to look carefully at the trade-offs here.

Again, with some of these protective and necessary pillars of justice and freedom, are we are willing to put these up for erosion? We need to carefully weigh this out. Is it going to do the job? Will it be worth the risk of eroding certain principles which protect all of us, men and women? We are substantially altering the right of due process to any citizen through this bill, a very substantial alteration of that right. A person can be removed from their home on a faxed communication to a justice of the peace. We need to take a hard look. Number one, will this accomplish the goal we hope it will accomplish? Number two, is it worth the risk and the erosion of protective freedoms that will follow?

Rules of evidence that have been established over generations, again to protect us, to protect men and women, are being substantially altered and diminished here. The process of appeal is one in which precious freedoms are protected. Women are protected; men are protected. We see some substantial alterations here. And, Mr. Speaker, I have to be very frank in saying that even speaking like this in the Legislature, a legislator runs some risk of being accused of not caring about the devastating problem in our society today of abuse and of violence. I would hope that when I or any other member of this Legislature share our concerns

related to what we are trading off here, it is not seen or ever purported as being a lack of care, a lack of heartbreak, a lack of grief over the results of violence that are perpetrated upon victims.

I speak carefully about these losses of freedoms not as some freedom fighter willing to put citizens at risk at any cost but hopefully as a citizen who understands that the frustration and violence that could arise from the departure of these freedoms could be as great or even greater than the present agonies which we face today. With this bill, which certainly appears to have majority support in this Assembly on both sides and which seems to be destined to pass in more or less the form in which it is now, I am simply asking today that we very carefully look at what we are doing, that we look around for other instances where this type of legislation is in place, and that we ask the hard questions. Has it, in fact, limited these awful cases of abuse? Has it accomplished in other jurisdictions what we hope it will accomplish here? Are we willing to ask those difficult questions? Can we make sure and are we sure that in fact this type of legislation doesn't aggravate and stimulate other frustrations which would have similar devastating effects upon men and women and children in our society?

So that is what I am asking, Mr. Speaker, at the committee stage from the proponent of this bill, the Member for Calgary-Currie, who's done a lot of work on it and who I know is very concerned about the state of affairs in society today related to violence of all types and the effect on victims, on women and on children and on men when men in fact are the victims. I hope there will be an openness at the committee stage, not in an angry way through anybody's input into the bill but an open look at what we are really talking about today. As we look at these major alterations to the fundamentals of justice in our society, are we absolutely convinced, number one, that the justice system and criminal system already do not afford the ability to intervene and, number two, that in fact we will see that the goal is accomplished, that the awful and agonizing instances of abuse of all types are indeed limited?

I hope that will be the spirit of openness with which we look at this bill in the committee stage, Mr. Speaker, and those are my concerns with it.

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

MS PAUL: Thank you, Mr. Speaker. I'm actually rising to speak very briefly to Bill 19. Listening to the Treasury minister and his comments made on some of the personal situations that have occurred in the province of Alberta, I find it is very difficult for me to stand at this point. But I do want to recognize the work that the hon. Member for Calgary-Currie did and also to commend the work that was done on Bill 214 previously by the Liberal Official Opposition, brought forward by Alice Hanson, and also on the bill that was rewritten by the hon. Member for Edmonton-Centre.

Mr. Speaker, I'm going to direct my questions not on my personal situation, obviously, but to talk about domestic violence. I had a number of letters and calls and faxes from people in this province and other provinces telling me their stories, telling me that it's time and the time is now for this government to bring in legislation, referring to protection against family violence, and Bill 19 is that bill.

4:20

Mr. Speaker, when we talk about domestic violence, I think we

should define what it is. It is about power and control over someone. It creates a place devoid of nurturing, mutual goodwill, and equality. It permeates into every society. It encompasses people of all religions, races, and income levels. Its victims, unfortunately, are overwhelmingly women, and their abusers are men. This is alarming. It is growing in this country; it is growing across Canada. It is growing in the world. Domestic violence is just what I've said: it is violence, and it is violence against another person. Physical abuse is assault, and assault is a crime whether it occurs within or outside the home.

The belief that family violence is a private situation is wrong. It is a relationship that must be intervened in, and there must be help made available. One in eight women is abused by their married or common-law partner. There are over 78,000 women who are potential victims of assault in their own homes.

Also, Mr. Speaker, when you talk about abuse – and the victims, unfortunately, are women and children – there is a stigma and a shame that comes with admitting that you are a victim of abuse. A lot of questions are asked. One in particular is that women quite often ask for it. You have to look at the reality of what adds to a violent situation. Stress and conflict are part of any relationship, but when you look at violence, it is never appropriate and it's never a way to solve a problem. No one deserves to be beaten. Not only in my personal situation of being a victim for over 10 years but also in my work at a women's shelter I saw horrific situations that were compelling and terrifying not only to the victim who encountered the stabbing, bruises, or broken bones but also to the children.

When we look at this legislation, I've been encouraged to see that it identifies the need to remove the abuser from the home setting. Being that the victims are usually women, then the male will be moved out of the home rather than the female and her children. That's what is occurring now in this province.

There is a definite need for more shelters in the province. Overcrowding: there has been mention in the House how the assessment is done in terms of room in shelters. If a room is occupied by two people and there are three beds left, that room in fact is classified as full. Mr. Speaker, that has to be addressed as well.

Also, in my situation a lot of women in this province have called me and contacted me. I'm working with a spousal violence team in the province of Alberta, and I've had a lot of assistance from that team. It's comprised of a policeman and a social worker.

MS OLSEN: Provincial social worker.

MS PAUL: Pardon me? Oh, a provincial social worker.

The team has been working with me and helping me to understand what is going to happen, what has happened, and so on and so on. They help you through the stages of safety. Women that are in the situation need to be aware constantly of where they are, where they're going, who with, how long. So safety measures are addressed and then the psychological problems that victims of violence obviously incur after they've gone through years and years of abuse. Mr. Speaker, I bring the spousal violence team to the forefront and speak about it because they have been a real source of encouragement to me and to other women in this province.

When we talk about violence against a spouse, it does not necessarily and should never always be directed that the man is the abuser. There are instances – and that has been pointed out to me

by a few men in this province – where they in turn are being abused. They're looking for avenues of safety and avenues of support as well, so I think that should be noted on the record as well.

Mr. Speaker, when we get into committee, we will dissect the bill and go piece by piece, so to speak. I believe the bill is something that is the stepping stone of what is needed. Other provinces are looking to see what happens with Bill 19. I think it certainly is important for us all to address domestic violence.

As I pointed out earlier, there are no limitations as to the far-reaching ramifications and far-reaching instances of violence in families. It does not just occur in low-income; it's not just middle-class income or high-end income. When you're in the cycle of domestic violence, it is very, very hard to get out. The key question everybody asks and that comes to mind when you talk about domestic violence is: well, why didn't you leave? For anybody in the profession or anybody who has had the unfortunate mishap of going through domestic violence, that is just not a question that you – you can never answer it, and it should never, ever be asked.

Mr. Speaker, I'm going to end my comments on the bill, because I know that when we get to committee, we will be sharing a lot more information, and at that time I may be more willing to share what I'm going through or have gone through. I thought I would just end with a very, very short three-line poem. It was faxed to me from a woman who is living under an assumed name in another province, and she would like me to share this. So at this point I would like to do that.

We are awakening.

Our voices are collecting.

I stood alone in my pain and
confusion.

I stood alone in my shame.

Someone heard me crying out.

They showed me
there can be life without abuse.

There can be life

without this pain.

Thank you.

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

MR. BONNER: Thank you very much, Mr. Speaker. With your permission I would like to table four copies of a submission that arrived too late. This is by PROP, the protection and restraining order project.

I rise today, Mr. Speaker, to speak to Bill 19, and I would also like to congratulate the Member for Calgary-Currie for the great work she did in preparing this bill. I would also like to speak to it today because shortly after my nomination which enabled me to run for a position in this House, I attended a caucus meeting where the hon. Member for Edmonton-Highlands-Beverly at that time, Alice Hanson, was presenting this bill to caucus, and I was quite impressed with the amount of work that you had done in research, Alice. It certainly was tremendous. It indicated the need at that time, and also it indicates even a greater need, an urgency, that we pass this bill to get started on the issue of domestic violence. Bill 19 is certainly a start at this, and it will fill gaps in the provision of the legal services to victims of domestic violence.

4:30

The object also of Bill 19, Mr. Speaker, is to meet the needs of victims of family violence at the time of domestic crisis. This

will help protect family members from violence and in some instances will provide the assistance needed by some victims to escape an abusive relationship. These abusive relationships are repeated in a great many of the instances. Not only are they repeated, but they're repeated with greater frequency and also greater severity, and the violence escalates until we see the tragic cases that have occurred over the last few years. Family violence touches almost every family in this province in some way or another. We heard the statistic earlier where one in four families do experience some type of violence.

In speaking with a former hockey coach who I had the opportunity to work with – he was also with the city of Edmonton police, and we struck up quite a relationship. That summer when we had our families out at the lake, taking the kids waterskiing, I noticed that he had a gaping hole in his arm. I asked him what happened, and he related the story of how he and his partner had gone to a domestic dispute and he'd received a blast from a 12-gauge shotgun that ripped open his arm. Because of the tremendous loss of blood there was even some concern that he might lose his life at that time. He went on to tell me that of all the types of disputes that he has to investigate as a police officer, family violence is beyond a doubt the scariest situation for any of them. I can certainly see why the police have so many of their resources taken up by this, and if we can do something in this Legislature to cut down on the amount of family violence, then I urge all members to support this.

Statistics collected by the Canadian Centre for Justice Statistics for 1996 show the police reported that somewhere in the neighbourhood of 130,000 people in Canada were victims of homicide, sexual assaults, assaults, criminal harassment, or other violations against a person. Just under half of those reported victims were women, Mr. Speaker. So when this occurs, it certainly points out that there is a great problem here and not only a problem in Canada but a problem here in the province. Last year in Edmonton alone police officers reported somewhere in the neighbourhood of 2,400 family disputes, and there have been reports for the whole province that in 1996 there were over 4,000 incidents of family violence and that these are what the police had responded to. So again the impact is not only on our families, but the impact is on society as a whole.

As we saw earlier, the incidence is approximately one out of four families will experience some type of family violence. The same thing happened in my family. I have a niece who had young children. Problems occurred in that marriage, they escalated, and the family separated. The children went with the mother. One evening while she and the children were in bed – they were living on the second floor of a walk-up apartment – there was a tremendous crash. What her ex-husband had done was thrown a tire through the patio doors so that he could come in and make his points. Fortunately for them, they were able to escape. He was apprehended. But they were forced to move, and they were forced to move out of province first of all. They were forced to move to a place where they didn't have the family support, where cousins could no longer play with cousins, and it had a tremendous impact on that family. To this day this person is still living out of province, so members of the family that wish to see her have to make quite a trip, and this is just for her safety. If this bill does anything – and as the Member for Edmonton-Castle Downs mentioned, why is it not the perpetrator who is moved and the family remains in their own residence?

Now, in looking at this as well, there were statistics collected in Alberta by the department of Family and Social Services through

the Alberta Council of Women's Shelters. It is disturbing in that it indicates that violence against women is increasing. A brief summary of this data, rather than going through the entire report, indicates that the number of admissions to shelters of women and children last year was over a thousand more than the number of admissions in 1992. This is quite a staggering increase. If we want to tie this in a little bit more, when we look at Alberta and what Alberta has experienced as far as growth in the last two years, we do get more of a transient population because there are jobs here, because of people moving, because of upheavals in families, and I would think that perhaps some of this can be attributed to the upheaval that families have experienced with having to move and changing jobs and whatever.

Again summarizing from the Council of Women's Shelters statistics, last year over 8,000 women and children were turned away from shelters and had to find other accommodations or be placed in a hotel by this government. It certainly indicates that we do have a greater need for more shelters. Other data indicates that the number turned away last year is more than double the number of women and children who were turned away in 1992. Last year in Alberta there were 65,000 contacts to the shelters by women, which is almost double the number in 1992. So we do have to look at programs that are first of all going to decrease family violence, or domestic violence, and again we also have to provide greater support to those families who have a great amount of upheaval due to family violence.

Now, in looking at Bill 19, I also wanted to speak about how this legislation will increase the speed at which we can help these people who are in crisis. I do like how it will deal with the perpetrators and also note that generally when these orders are signed, they will last for a six-month period.

In closing, Mr. Speaker, I again with so many others here would urge this body to adopt Bill 19. It is greatly needed. It will provide protection to those victims, to those people in our society who are least able to protect themselves, and it will also allow intervention in the system. This intervention certainly in the long run will provide the province with a mechanism that will decrease family violence, and it will certainly make the process here in Alberta much better and stop the violent acts that are now occurring.

Thank you very much, Mr. Speaker.

4:40

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

MR. HANCOCK: Thank you, Mr. Speaker. I just wanted to rise and briefly go on the record with respect to this bill. It's a great step forward and a bill which will add a lot to what we're trying to accomplish in this province in terms of highlighting the problem and trying to provide some potential solutions to the critical issue of family and domestic violence. It's a good bill and a bill which is being brought forward, I think, on a timely basis but hopefully is just a start in terms of consolidating the type of legislation that we need to have in place with respect to family violence, to the whole question of family breakdown and the issues of violence that surround it.

I don't want to take up a lot of the House's time this afternoon on the issue, but I did want to just make some remarks to say that in Edmonton this is an issue which has been on the table and a topic of discussion for a number of years, and I'm really proud to be part of a government that's brought this forward, put it on the table. Hopefully we'll be looking forward to consolidating in

the future, down the road some time, this whole area of what we can do about helping to deal with the issues of family violence that permeate our society and create a great deal of problems and stress for individuals of both sexes and, perhaps of even greater significance, create a whole lot of problems for our children. With the focus on children as has been raised in the throne speech, I think this bill clearly and squarely indicates the type of direction that we need to take not only to resolve the issues of family violence and help on an emergency basis, as this bill provides to protect family members from violence, but also to work towards the ultimate goal of ensuring that children have the best support they possibly can and that the breakdown of families and the violence which occurs as a result of that or perhaps causes that is attended to and children's lives are spared that agony.

So, Mr. Speaker, with those very few remarks I would indicate support for the principle of the bill. I would hope that we can address this bill speedily through committee and get it into place so that we can start using the mechanisms provided in the bill in the very near future.

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

MR. DICKSON: Thanks very much, Mr. Speaker. I wanted to also make a couple of observations while we're dealing with Bill 19 on second reading. As with many other members I was delighted to see Alice Hanson in the gallery and the recognition of the leadership that she provided, frankly, in forcing this on the public agenda.

There's another individual who deserves some credit, and I'm not sure there's been recognition of the contribution of a gentleman named Ray Franklin, Mr. Speaker. Mr. Franklin is a constituent of mine who approached me shortly after I first got elected. He had got involved in this issue through a service club he was part of, and through a mixture of tenacity and persuasiveness and creativity he approached me and I expect other MLAs four or five years ago urging us to do something more relative to this. Mr. Franklin throughout this process has convened informal meetings at the Westin in Calgary, bringing together representatives of the Calgary Police Service, representatives of the RCMP, and then more recently provincial government. He's certainly contacted MLAs.

I have to tell you, Mr. Speaker, that whenever Alice Hanson came to Calgary to meet with a group to canvass input and solicit ideas in terms of making the bill better, Mr. Franklin was front and centre. I know he's offered advice to the MLA for Calgary-Currie as well, and I'd just like to acknowledge the role he played in getting this on the agenda and continuing in a dogged fashion to make sure it resulted in legislation that hopefully will pass in this Assembly.

Just a couple of thoughts. One of the things that's often been suggested – and we've heard it in fact this afternoon – is that in some fashion this alters due process, that rules of evidence will be substantially altered. I just wanted to spend a moment to address that. Frankly, if one looks carefully through Bill 19, one finds that in fact there are a series of safeguards. There may be some members who think that a provincial court judge would be a pushover in terms of trying to get one of these orders. The reality is, although it's not reflected within the four corners of the bill, there's a whole system that this bill fits into, which means that there are judges who have through jurisprudence levels of rigour and scrutiny that are brought to bear to any application. There are means and criteria by which applications are judged. Orders are

not given out indiscriminately, and I can tell you, from somebody who's oft been in the position of an applicant, that there has to be some substantial material put in front of a judge before you'd get an order like this. So nobody should leave the Chamber this afternoon thinking that Bill 19 in some fashion substantially abrogates or curtails the rights that any Alberta citizen has to ensure that they're not going to be unfairly ousted from their residence, unfairly prejudiced because of an order.

I have a suggestion for the Provincial Treasurer and others who have expressed some concerns about elements of the bill. Why wouldn't we with this include provision in the bill for a three-year review? A lot of people have expressed concern in terms of how the bill is going to be used and the concern in terms of potential misuse. What seems to me would be really helpful and might address some of those concerns and questions is to simply say, as we've done from time to time with a piece of legislation that's genuinely breaking new ground, let's build into the statute a mandatory review perhaps three years after proclamation.

What that would do is it would allow us to assess a couple of things. It would allow us to assess what we put the resources into, whether it's in terms of training justices of the peace, whether it's in terms of family court, provincial court. It would allow us to determine whether the act was being used in the way that was contemplated by MLAs when they supported it or if in fact the thing had bent off in some other ways that perhaps had been suspected but no one had been sure of. So I'd like to offer that suggestion to the MLA for Calgary-Currie as something to consider before we get to the committee stage.

The other observation to people who have suggested – and I've seen some media commentary that suggests that this could be obtained simply on, quote, a wife's assertion, close quote, or on the basis of a statement. Mr. Speaker, we don't have the regulations in front of us, but it's clear that what's going to be required is sworn evidence. In fact, if you look at section 3(5), “the evidence that was before the provincial court judge or designated [JP] must be considered as evidence at the rehearing.” Evidence is not a mere statement. Evidence is somebody saying in written form or through viva voce, oral evidence, at the risk of seven years in jail, which I think is the going rate for perjury, that this and this and this happened. So it seems to me that that's an important safeguard.

[The Deputy Speaker in the chair]

One of the things that gives me a couple of concerns which I raise and that hopefully can be addressed by Calgary-Currie before the bill goes further firstly is section 15(g). It says:

The Lieutenant Governor in Council may make regulations . . .

- (g) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

Mr. Speaker, I've often raised a concern that sometimes what happens is there's insufficient control over the regulation power. It seems to me that when you talk about the intent of the act, there are more specific words we could use that would be more satisfactory than referring to intent, which I think is too loose.

4:50

The other thing that concerns me, Mr. Speaker, is the provision for the confirmations in front of a Court of Queen's Bench, and that perpetuates a myth, which is that you don't get good quality decisions at Provincial Court, at the family and youth court levels. I have a concern in terms of the review application going

in front of a Queen's Bench justice. That triggers all kinds of costs for litigants. I've always believed and continue to believe that the more we are able to do at the Provincial Court level the better.

To people who are concerned that the bill will be used in a way that will unfairly prejudice men, I'd make this observation. I've had a chance to talk to a number of men's advocacy groups and I respect the genuineness of their position, but my response is that often the concerns I hear aren't with anything contained in a bill like Bill 19. The concern is with the perception that there's a systemic prejudice against men in the family law area. It seems to me that one of the best ways we could address that concern is to have a unified family court in this province, a court where you have people hearing family law matters because they want to. I just think there are enormous concerns when you take a lawyer who has done mortgage foreclosure work or public offerings for 25 years and install that man or woman to then make in cases like this some of the most important decisions in the lives of children and husbands and wives. You know, there is a better way. If we were able to create a unified family court, based not on Court of Queen's Bench but rather on Provincial Court, family and youth divisions, where you don't need a big retainer to get access to the system, I think, frankly, we would be able to address some of those concerns about biases and prejudice.

The other point I'd just make is that I share the concern that had been raised by one of my colleagues earlier about section 1(e), the caveat at the end,

but is not to be construed so as to limit a parent or a person standing in the place of a parent from using such force as is necessary in the circumstances.

That gives me a great deal of difficulty. I'd like to think that in 1998 we understand that people who can't manage their anger not only beat their spouses; they also beat their children. I think it's important, if we're trying to design a bill to address the fact that some people can't manage their anger and can't manage their temper, to recognize the enormous potential for injury to children. We work too vigorously to try and say the state has no role in protecting the interests of children. I just want to make that observation, Mr. Speaker.

The bill hopefully gets us close to the end of what's been a very long road, and I just think this is a bill whose time has come. I think there will be some constructive amendments that'll come forward, hopefully to address some of the concerns that have not been allayed to date.

With those comments, Mr. Speaker, I'd move that we adjourn debate on Bill 19.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Buffalo has moved that we adjourn debate on Bill 19. All those in support of this motion, please say aye.

HON. MEMBERS: Aye.

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

Bill 20 Fair Trading Act

[Adjourned debate March 3: Mr. Dickson]

THE DEPUTY SPEAKER: Okay. My records show that the hon. Member for Calgary-Buffalo adjourned that. Is that right? Oh, time was up. Okay.

The hon. Member for Edmonton-Mill Creek.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Once again a pleasure to address another very important bill, which is of course Bill 20, the Fair Trading Act, a very comprehensive bill, hon. member, and one which I've gone through once and intend to go through in more detail again. On looking at it, it seems that there are a number of very important aspects of consumerism that are addressed here, which I congratulate the member on raising, as well as some general I think I can say housekeeping, which has that effect of amalgamating several other pieces of legislation into one. I always like to receive bills like this, because anytime we can simplify some of what it is that government is all about and make it a little clearer to individuals by starting to put it all into one booklet, I think that's a good move, hon. member. So I would congratulate you on doing that.

As I read the Fair Trading Act legislation through for the first time, Mr. Speaker, I noted that there are some new rules that are coming into place with respect to credit ratings, and I think that's a good move. We'll wait until we get into committee, hon. member, to address some of the specifics there, because I have some comments in that regard that I will attempt to put forward more eloquently, with some questions when the opportunity presents itself a little later.

I also note that if we go back a few years, we had addressed the larger aspect of what we can now call fair trading in our caucus, Mr. Speaker, and that was in particular prompted by the whole area of negative billing, which I'll get into here. What we found was that we didn't have support at that time for the bill as we had presented it, so I'm happy to see it coming back with some of those comments and suggestions included. I'm not certain if they've all been melded into this bill as it stands, but I'll do a more careful analysis and comparison of that just to make sure that we haven't omitted something which this opportunity would present itself to cover off.

I also note with great interest that a number of stakeholders were included in the discussions leading up to this bill. This is something, Mr. Speaker, that you've heard this member refer to a number of times with respect to other pieces of legislation in this House, and that is for the government to provide some explanation with respect to the research that has gone into the actual drafting of the bill. I note here, hon. member, that you took that extra step of not only consulting a large number of other stakeholders but also informing us as to who they were, and I congratulate you on that. It allows us an opportunity as we address the principle of the bill, if we have any queries, to go directly to the stakeholders and confirm with them that in fact their issues were addressed fairly and squarely.

This morning in another meeting in the Legislature, I might add a very early meeting at 7 a.m., I posed a question to the hon. Minister of Municipal Affairs. The issue was with respect to unfair practices, which I think this bill addresses. I think in her response she alluded to this particular piece of legislation. We talked about some of the scam artists that are unfortunately still flourishing in our province and elsewhere throughout Canada, and I narrated to the hon. minister a couple of circumstances concerning some of my own constituents which they wanted addressed. It seems that while we are somewhat satisfied that we do have a department of consumer protection, there are still some of these scam artists, these fraud artists, the telemarketing fraud people who do capitalize perhaps on the naiveté or perhaps the honesty of many of our citizens, Mr. Speaker.

5:00

In particular, I was struck by an example given to me where

one individual and then another – in fact three all together but one stands out more than the others – were scammed by a contractor who had taken a deposit for doing a particular renovation project on a home out in the Maple Ridge park area of my constituency. There was no recourse for this constituent to get back the deposit, nor was there any opportunity for the individual involved to get the work done by the original contractor, nor was there the opportunity for that individual to in fact have the work done by someone else and pass on the costs to the individual to whom she had paid the deposit to begin with. While that may not be the central point, as such, of this bill, it touches on it, because it's all part of what we refer to as fair trading.

With that discussion that I had with the constituent, I then initiated a motion which will come to this floor within days or weeks, Mr. Speaker, and at that time I'm looking forward to a more lively debate and discussion, I hope, with the whole aspect of fraud marketeering and also fraudulent companies who take these deposits, be they deposits for trips or be they for renovations or be they for ballet lessons or, as I said, modeling classes. It's simply unacceptable in our province, with the degree of sophistication, communication, and protectionism that we offer, to not clamp down on these types of fraudulent companies. I'm hoping that somehow, hon. members, we can even make it illegal for people to take advantage of innocent people or, as most often is the case, to take advantage of the elderly or the seniors in our society.

I know that in section 6, which we're not supposed to discuss the specifics of, you do target the aspect of home renovation frauds. My specific issue in that respect, hon. member, is with respect to the deposits. I'm not sure if it's our position to nose our way into the business community a little bit by way of direction and guidelines to require that when companies come onstream, they become somehow bondable if they are going to be receiving deposits or if there is some special designation. I just don't know, Mr. Speaker, if it's going to be viewed as some intrusive measure, but anything that allows some general protection I think should be pursued. I'm happy that there is an entire subsection devoted to that whole area in this bill.

I want to go to negative option billing for a moment, Mr. Speaker, which is referred to in the bill and, without getting into the specifics, just to talk in general about this issue. I recall it being front and centre of the debates – what? – perhaps three years ago, somewhere in that neighbourhood. It seems to me that the cable companies, for whom I have great respect, thought they had a new way of saving some time, perhaps increasing their business, expanding their horizons, as it were. They went for this negative option billing program. Of course, it didn't go over very well, because a number of individuals were extremely surprised to see it happening. In theory and in concept I note that this particular bill, in sections 20, 21, 22, and perhaps even 23 if memory serves, does in fact prohibit negative option billing. I would support that. I think that our cable companies, to use them as one example where this might happen, have enough difficulties to contend with. While I support their need for growth and for competitiveness, particularly with the growth of the U.S. markets, I think that negative option billing is something that I could not support. I'm happy to see it being addressed here.

One other quick point, Mr. Speaker, deals with where our province stands in terms of fair trading in relation to other provinces. I'm given to understand that even though there are a number of regulations that still have to accompany this bill, that will be complements to it if you will, basically this bill does bring

Alberta on a par or a more even keel perhaps with other provinces. I think that's a good move.

There is another aspect to the bill, and that has to do with the new sections. We'll get into some of the specifics later, as I said, but I do want to comment on time-share contracts in principle of course only. I've had both the pleasure and the displeasure of having personally felt the brunt of one of these. I'll never forget having had to sit through a pitch by one of these companies years ago for I think it was tickets to the Don Ho show or something like that. It brings back such a sterling memory that unfortunately didn't work out. I thought: "Well, this is great. I just have to go and listen for a few minutes to somebody talk about time-share, and then I'll get these free tickets to some show." Unfortunately it didn't quite turn out that way. I think we were tied up the whole bloody day, and I thought: gee, somebody's got to do something about this. So I'm happy to see you addressing the issue in sections 37 to 41.

HON. MEMBERS: How was the show?

MR. ZWOZDESKY: Well, actually we did get to the show, hon. member. We did. We got to the show, and it was a wonderful show, but it took a little time to do away with the pain of having wasted a whole day while on vacation, I can assure you.

Another important aspect here, to get back to the strong emergence of consumer fraud, has to do with what's going on on the Internet. I think that the member has addressed this in a later section. There's more and more need for us to be very careful about what it is that not only gets placed on the Internet for knowledge purposes or awareness purposes or educational purposes but also as we're starting to move more and more into the area of high and fast information technology sharing and as we see more and more transactions occurring now on the Internet and in general through the vast array of computer hardware that's available. I'm happy to see that through this bill we're looking at a section that will deal with the emergence of Internet selling.

These are extremely important times that way, Mr. Speaker, because we're educating a whole new generation of young people who will be able to virtually do everything in the near future, I'm sure, from their computer. They will be able to not only do their banking, which is to some extent available now through Interac and some of those other services, but they'll be able to virtually do all of their shopping and all of their buying and perhaps enter into contracts and so on. So this section I can see being not only necessary but also worthy of a lot of support.

I was informed not long ago that it won't be very long before computers will provide us, Mr. Speaker, with that ability to interact in a visual sense. I think to some degree we have that now. In fact, I was at an inauguration of this hardware several years ago when it was being first piloted. In fact, it was done here in Edmonton by a company called Abacus Software, which is essentially in the accounting business. They had the ability to sit you down and photograph you and then throw you onto the Internet, and there you were giving your spiel. So it seems that that interactive communication is going to start happening more and more, and you could feasibly see yourself engaged in negotiating with what you see on a computer. So I want to support that particular aspect on behalf of all consumers, because we are very much driven by the computer age.

5:10

One other aspect is with respect to reporting agencies, which is covered somewhere in about the middle of the bill. As I say,

there's not nearly time to go through all of it right now, but somewhere in about the middle of the book, a.k.a. the bill, there's a section that deals with credit bureaus and other reporting agencies. Some general comments I would make with respect to that is that we do need to have some semblance of rules and guidelines for credit agencies to adhere to that are of a uniform nature. I made some of these comments, hon. member, with respect to MAI, the multilateral agreement on investment, in the House a few days ago.

As the whole world moves toward a more level playing field, again through the tremendous globalization factor that's occurring, we're getting more and more trade, more and more opportunities for foreign investment, more and more requirements for some rules to be set out-front that everyone can abide by and adhere to which offer not only more incentive and clarity but I think also induce investment and encourage more investment. I note that in this particular bill the hon. member addresses that particular point. That seems to be a good one. I don't know what happens when mistakes might happen in respect to the application of this particular idea, but I do know that we need to have these credit bureaus and reporting agencies conform to some sort of consistent standard, and I think there's an attempt to do that.

Mr. Speaker, I have a number of other comments that I'll save for Committee of the Whole, when we're allowed to actually dissect the bill a little more carefully. They deal with some of the specifics.

With those opening comments, on first blush I think the bill is a good one, hon. member, tidies up a lot of things, brings it into a little sharper focus, and makes us think about some of the many important aspects of consumer protectionism, which I can certainly support. So I'll take my chair for the moment and come back during committee for more extended debate.

Thank you.

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

MS BLAKEMAN: Thank you, Mr. Speaker. I'm pleased to rise this afternoon and speak to Bill 20, the Fair Trading Act, in second reading. This is a really interesting and I hope a valuable proposal for legislation. I think all of us are feeling a bit more bewildered in this day and age with the range of possibilities for buying and for spending your money and for people approaching you to sell things. Consumer protection is evermore important. I've always appreciated the different programs and resources that were available to me as a citizen under what used to be consumer and corporate affairs. I'm not sure what it's called now, but that's where it was.

I would like to briefly acknowledge the work that Muriel Abdurahman, the previous Member for Clover Bar-Fort Saskatchewan, did on a previous version of this bill. A number of the things she worked out are now appearing in this bill. If it's a good idea, then good; it should be used.

I have a number of questions. Particularly I'm concerned about the number of times in the bill that it's referred to regulations. It's not spelled out in the proposed bill. It just says: this will all be covered in regulations. I'm concerned for a couple of reasons. I keep seeing this sort of "we'll just cover it all in regulations" clause being included in almost all of the legislation that's being put forward by the government, and I really think we need to be very cautious about that. Regulations are very difficult for people to obtain. Where you have a diligent citizen who wishes to look

up legislation, it's easier to find, but if they're searching for this information and they go to the library, chances of them being able to track down the statute is much better than being able to find regulations. For some departments you can't find regulations at all. So I'm quite . . . [interjections] Oh, okay. I am quite concerned about that.

The section around advertisers is referred to regulations. The section around classes of businesses that are outlined in the legislation seems to be going to regulations. Cancellation periods: again, regulations. The Internet and telemarketing and consumer fraud related to consignment sales in mobile homes: referred to regulations. You know, this is one of the issues that keeps being brought up to me by the very alert and vigilant senior citizens that live in Edmonton-Centre, who keep me very much on my toes. This is an issue for them. They want to see it in the legislation. They don't like the idea of the regulations. They don't like the idea of clauses that allow the minister to determine things by regulations. If it's that important, if it's that integral to the legislation, put it in the legislation.

If I might put in a plea for a consideration when we're in Committee of the Whole for a clause to be added or an amendment to be accepted that would refer any of these regulations to this famous committee I keep hearing of on Law and Regulations, which never seems to be asked to sit, which I find really alarming considering the number of things that are being done by regulations in this day and age. So I will put in a plea for that and pass on the stern recommendations of the senior citizens in Edmonton-Centre who have repeatedly asked for this.

Just to briefly comment on a few things that occurred to me as I scanned this bill. I'm pleased to see the section that activity that's taken place in another part of Canada – this is particularly referring to telemarketers. Something that's happened somewhere else in Canada but truly affects Albertans would become subject under this act. Good idea because we know that a lot of the telemarketing – not that I would venture to say unscrupulous telemarketing – is coming from out of the province. I'm sure there's some of it in here. But it does make it very difficult for us to deal with it right now. So I think that's a good section.

I'm looking for a bit of clarification on the home renovation clause. I'm not sure. It seems to be saying in practice – and again some of it would be outlined in regulation. I'm just looking for a bit of clarification from the sponsor of the bill. Also, I'm wondering why there's a requirement in sections 13 to 19 that a person needs to inform the government that they're commencing an action. Maybe if there were some examples of where this was happening in other places. If there's a reason for that, I'd be interested in hearing it, because it just strikes me as odd. I mean, normally you wouldn't inform the government if you were, you know, suing someone in a car accident or something. So why is that in there? I'm sure the member can provide me with a reasonable answer.

Prohibiting negative billing. Yes. Thank you very much. Excellent idea. Well, I mean, the example's been mentioned before of the cable companies, but I think it deeply offended people. They felt tricked by it, and given the busy lives that everybody is running nowadays, you know, the onus on someone to have to watch for the bill and be on top of it and figure it all out and get down there and say no, given the time lines that they're usually given, is particularly unfair. I'm really glad to see that we're taking some action in that. It's a good idea.

The time-share section . . .

MR. ZWOZDESKY: It's very good.

MS BLAKEMAN: Yes. Well, I've not had an experience like the Member for Edmonton-Mill Creek.

I am wondering why there's a difference. The cancellation, that I think is mentioned elsewhere in the bill, the time allowed to cancel a direct sales contract is 10 days, but for the time-shares it's only seven. How come?

AN HON. MEMBER: Consistent with the rest of Canada.

MS BLAKEMAN: Consistent with the rest of Canada. I'm sorry. Okay. Well, then, now we know the answer. You see? You ask and you get an answer.

Internet sales is lumped in with telemarketing, and I think in fact we're going to find in the future that those are quite different. I think it's important that we find our vision, our policy on that and try to give us something in legislation to hang our hats on with that one. I think, one, in trying to leave it up to regulations, again it's difficult for people to find the information and to understand it, but if we can be farseeing enough to understand and to lay out in legislation what we expect and how we expect both sellers and buyers to conduct themselves and what is at the core of that, we should be able to set it out in legislation and not just leave it. You know, we're not trying to regulate the Internet here, but there has to be a way for us to put this in context and deal with it.

5:20

The section that allows consumers to ask to see their credit files is a very good idea and to be able to allow them to correct any errors. I understand that in another section I was reading there is an onus to respond on behalf of the credit agency in a certain amount of time. That's a very good idea. I'm finding that you get so many credit applications now or offers for credit cards and charge cards that come through the mail. They seem to have gotten your name through some kind of mailing list. There's a logical connection to this in my mind, although I'm having trouble describing it right now. I have a concern about where the expectation is, given that the information is coming through mailing lists, how all of that credit rating stuff is handled behind it. So I'm really pleased to see that. I think it's something that's really important to people, and they've been looking for it. Again, that is something that has specifically been mentioned by my vigilant senior citizens who have many hours in the day to be on the phone and to check this kind of thing, and they do check it.

One more thing. The fine that allows up to three times the amount that the person obtained in the fraud is an excellent idea and a certain amount of poetic justice, and I congratulate the writer. Well done. With those few comments I would like to conclude my comments on second reading of Bill 20.

I'd also like to adjourn the debate.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Centre has moved that we adjourn debate on Bill 20. All those who support this motion, please say aye.

HON. MEMBERS: Aye.

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

The hon. Deputy Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. At this time I would

move that we now adjourn until 8 p.m. this evening, at which time we reconvene in Committee of Supply.

THE DEPUTY SPEAKER: All those in support of this motion, please say aye.

HON. MEMBERS: Aye.

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

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