

Legislative Assembly of Alberta

Title: **Wednesday, March 18, 1998** 1:30 p.m.
Date: 98/03/18
[The Speaker in the chair]

head: **Prayers**

THE SPEAKER: Welcome. Let us pray.

O Lord, when You give us Your servants a great matter to endeavour, grant us also to know that it is not the beginning but the continuing of the same until it is thoroughly finished which yields the true glory.

Amen.

Please be seated.

head: **Introduction of Visitors**

THE SPEAKER: The hon. Minister of Community Development.

MRS. McCLELLAN: Mr. Speaker, I am honoured today on your behalf to introduce to you and through you to the Assembly seven members of the University of Alberta Pandas volleyball team who are sitting in your gallery. These exceptional athletes won gold for the fourth consecutive year at the Canadian Interuniversity Athletic Union championships, the first University of Alberta team to win four years in a row. Their achievements on the national stage have made all Albertans proud. In addition to being fine competitors, the dedication of these athletes to excellence makes them strong role models for young athletes across the province.

Mr. Speaker, I would like to introduce the team members. I would ask them to stand as I introduce them and to remain standing. First, Shandra Doran, Andrea Oh, Jenny Cartmell, Jenny Perkins, Angela Zawada, Vanessa Stupar, and Sheena Rouse. I would ask all members of this Assembly to give these fine young athletes a very, very warm welcome.

head: **Presenting Petitions**

THE SPEAKER: The hon. Member for Leduc.

MR. KLAPSTEIN: Thank you, Mr. Speaker. I wish to present a petition from 13 residents of the Leduc constituency asking the Legislative Assembly to "urge the Government of Alberta to introduce legislation requiring an administrative licence suspension" for anyone "charged with impaired driving, driving with a blood alcohol content over 0.08 or refusing to provide a breath or blood sample."

Thank you.

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

MS BARRETT: Thank you, Mr. Speaker. I'd like to present a petition signed by 135 Albertans who objected to the Medical Profession Amendment Act, 1997, and further object to the current one in front of the House.

head: **Introduction of Bills**

THE SPEAKER: The hon. Member for Wetaskiwin-Camrose.

Bill 29 Students' Financial Assistance Statutes Amendment Act, 1998

MR. JOHNSON: Thank you, Mr. Speaker. I request leave to

introduce Bill 29, the Students' Financial Assistance Statutes Amendment Act, 1998.

This act will amend the Alberta Heritage Scholarship Act, the Student Loan Act, and the Students Finance Act to reflect the Students Finance Board's enhanced policy advisory role and the minister's operational responsibilities under those acts. It also makes other changes relating to student financial assistance in those acts. As such, there is a common theme in all the amendments, and that is the reason they have been introduced into the Assembly as one bill.

Thank you.

[Leave granted; Bill 29 read a first time]

THE SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Thank you, Mr. Speaker. I move that Bill 29 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

THE SPEAKER: The hon. Member for Airdrie-Rocky View on behalf of the hon. Member for Calgary-Bow.

Bill 30 Cemeteries and Funeral Services Statutes Amendment Act, 1998

MS HALEY: Thank you, Mr. Speaker. On behalf of my colleague the Member for Calgary-Bow I beg leave to introduce Bill 30, the Cemeteries and Funeral Services Statutes Amendment Act, 1998.

This bill will update and clarify legislation for a sensitive area that is important to all Albertans.

[Leave granted; Bill 30 read a first time]

THE SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Thank you, Mr. Speaker. I move that Bill 30 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

head: **Tabling Returns and Reports**

MRS. McCLELLAN: Mr. Speaker, I have four letters that I'd like to table today congratulating Alberta medal winners at the Nagano Winter Paralympics: first, to Dave Eamer from Sherwood Park, a silver medal winner in sledge hockey and, secondly, to Warren Martin of Edmonton and coach Pierre Schweda of Edmonton, as well as alpine skier Stacy Kohut of Banff, who won his third silver medal in the men's slalom.

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

MR. WHITE: Thank you, Mr. Speaker. I rise today to table two documents, the first of which is a letter from Herman Schwenk. He's the president of the Alberta Federation of Rural Electrification Associations. He's writing to all members about his concerns and his membership's concerns about Bill 27.

The second tabling, sir, is a précis of a report published by London Economics also about Bill 27. It's titled Termination of the Residual Benefit Contracts.

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

DR. OBERG: Thank you very much, Mr. Speaker. I rise today in the Legislature to table four copies of a letter that I'm sending to the Alberta Association of Registered Social Workers. This letter recognizes National Social Work Week and highlights the valuable work performed by staff in the Department of Family and Social Services.

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

MR. HANCOCK: Thank you, Mr. Speaker. I rise today to table five copies of responses to questions on Intergovernmental and Aboriginal Affairs raised during Committee of Supply. Attached to the response is a copy of the client survey project from 1997.

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

MR. SAPERS: Thank you, Mr. Speaker. I'd like to table with the Assembly five copies of a letter sent by myself to the Minister of Family and Social Services, which, amongst other things, invites him to tour the Mayfield school Early Head Start program.

head: **Introduction of Guests**

MS EVANS: Mr. Speaker, this afternoon it is my pleasure to introduce to you and through you to the members of this Assembly 90 energetic students from Pine Street school in my constituency. They are accompanied by three teachers, Alex Newhart, Ken Wrenka, and Kathleen Seutter, teacher assistant Sharon Zaal, and student teacher Colleen Krill. Further, a well-supported parent group accompanies them today: Sherry Hartschen, Anna Johnson, Andrea MacKinnon, and Mrs. Nancy Romanyk. Members of the Assembly, as they rise, would you please respond with our tradition welcome.

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

MRS. O'NEILL: Thank you, Mr. Speaker. It is my honour this afternoon to introduce to you and through you to Members of the Legislative Assembly students from the University of Alberta Progressive Conservative Association and also members of the Progressive Conservative Youth of Alberta. I'd ask them to stand as I call their names, and we can then welcome them: Brad Smid, Joe Chawla, Bill Curry, Kim Budd, Kevin Lorenz, Erin King, Kevin Monk, Jason Hillborn, Norman Poon, Amrit Rai, and Scott Hennig. I'd ask them to stand and receive the warm welcome of the Assembly.

1:40

THE SPEAKER: The hon. Member for Edmonton Strathcona.

DR. PANNU: Thank you, Mr. Speaker. I'm pleased to have this opportunity to introduce to you and to all members of this Assembly a group of 10 second- and third-year political science students from the University of Alberta. They are accompanied by a valued colleague of mine until two years ago, Dr. Linda

Trimble, who is the associate chair of the department and an associate professor in the department. The names of the students are Thomas McDonnell III, Jason Day, Marnie Lee, Denise Fernandes, James Murphy, Sue Banovic, Kristina Molin, Davis Foth, Sandra Pysklywyc, and the last person is Steven Martin. I would ask the guests to stand and receive the warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Redwater.

MR. BRODA: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to this Assembly two energetic youths from my constituency of Redwater. They represent the youth executive. They are Michael Cust and Jared LaCroix, and they will be attending our policy conference in Red Deer. They also encourage member constituencies to bring out their youth to Red Deer. They are seated in the members' gallery, and I would ask them to please rise and receive the warm welcome of this Assembly.

THE SPEAKER: The hon. Minister of Education.

MR. MAR: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to members of the Assembly Mr. Chris Hart and Mr. Bob Smyton, both of British Telecom. They are here in the province to discuss a pilot project with a very dynamic Alberta company. Accompanying them are Mr. Randy Morse and Mr. Bernard Lambert of Oz New Media. I ask these guests to rise and receive the warm welcome of this Assembly.

THE SPEAKER: The hon. Minister of Transportation and Utilities.

MR. PASZKOWSKI: Thank you, Mr. Speaker. It's my pleasure this afternoon to introduce to you and through you to the Assembly two dynamic constituents of the constituency of Grande Prairie-Smoky: Mr. Claude Lagace, a councillor of the beautiful town of Sexsmith and his charming daughter Michelle. They are sitting in the members' gallery, and I'd ask them to rise and receive the usual warm welcome of this Assembly.

Recognitions

THE SPEAKER: Three hon. members have indicated their intent today to provide a statement under recognitions. We'll proceed in this order. First of all, the hon. Member for St. Albert, followed by the hon. Member for Calgary-Buffalo, followed by the hon. Member of Edmonton-Highlands.

Medical Mission to Guatemala

MRS. O'NEILL: Thank you, Mr. Speaker. A volunteer medical group returned to Edmonton on March 15 from a medical mission to Guatemala. This was the second such mission to Guatemala from Edmonton bringing health care to the local population, who have limited access to needed medical procedures. The 35-member team spent two weeks, March 1 to 14, in the town of Antigua and completed approximately 85 surgical procedures during their stay.

The volunteer team consisted of four general surgeons, three gynecologists, four anesthetists, and 24 nurses and technicians from the Capital health authority. Each member of the team paid their own way to Guatemala and used vacation time for the trip.

The main organizer of both trips, Dr. Dorothy Hardy from Misericordia hospital, has already begun planning missions for 1999 and beyond.

I feel, Mr. Speaker, that this reflects the character and compassion of our health workforce, and it is the kind of commitment to helping others that we can all be proud of.

Congratulations.

**International Day
for the Elimination of Racial Discrimination**

MR. DICKSON: Mr. Speaker, March 21 marks the International Day for the Elimination of Racial Discrimination. The UN declared this event in 1966 to remember the killing of 70 peaceful antiapartheid demonstrators in Sharpeville, South Africa. Canada became the first nation in the world to commemorate March 21 on a national basis. This is the 10th annual campaign in this country.

Respect, equality, diversity are the three fundamental values that support the March 21 campaign. Discrimination on the basis of race, on the basis of colour accounts for almost 20 percent of the complaints to the Alberta Human Rights Commission.

There are at least 21 events around this province to celebrate the occasion. They include in Medicine Hat a radio show, cable TV program, a potluck supper at Westminster United; in Fort McMurray an essay competition; in Grande Prairie a full day youth conference. In Banff, United Colors of Benetton is announcing a corporate commitment to fight racism. In Calgary and Edmonton there are a number of workshops and photo exhibits. I encourage every MLA to attend an event.

Thanks, Mr. Speaker.

Veronika Whitfield

MS BARRETT: Mr. Speaker, today I would like to recognize and pay tribute to a well-known Riverdalian and someone that was a kind person to everyone she ever knew, and that is the late Veronika Whitfield. Her accomplishments include having established a major housing co-op in the city of Edmonton, one of the first in fact, that being Sundance. She was a promoter of alternative health care methods all of her adult life, and came unfortunately to meet her end facing a creditor who chose to seize her vehicle in her dying days.

Everybody in Riverdale knew her and will remember her fondly.

Thank you.

head: **Oral Question Period**

Gambling Addiction

MR. MITCHELL: Mr. Speaker, last week this government wanted to take away the rights of vulnerable people in this province, and of course with VLTs they unfairly and consistently tax the vulnerable. In fact the tax is working so well that the Premier just announced an extra windfall profit of \$45 million more than he had anticipated in his own budget just five weeks ago. My question is to the minister responsible for lotteries. Given that this government prides itself in establishing measurable fiscal goals, what goal has the minister set for reducing over the next year the number of problem gamblers from the current levels of more than 100,000 Albertans?

MRS. BLACK: Mr. Speaker, the minister responsible for lotteries and gaming works very closely with the people from Community

Development, which has the responsibility for AADAC. This hon. member knows clearly that in order to deal with addictions, awareness has to be there and prevention and education have to be out there. We talked last night somewhat in the estimates of the lottery funds about how you have success in dealing with addictions. I would really ask this hon. member to help focus on the attention to dealing with addiction and to be supportive of the programs that AADAC has put forward, because I think that's very, very critical in the issue of any type of addiction, whether it be alcohol, narcotics, or gambling.

The lottery fund is one of the revenue sources that AADAC has to be supportive in dealing with addictions. The other funds that go through the AADAC program of course come from the Ministry of Community Development. Our arrangement is that we will be supportive of the efforts of AADAC, not on a per capita basis but on a need basis. We do that by encouraging people who have problems with addictions to make the call, to seek the help, to go to the professionals who are associated with AADAC to get help.

We are encouraging that, Mr. Speaker, by increasing our funding again this year to support addiction programs with AADAC. They are the agency that is best suited to deal with addictions, not only for the addict but support for the families that are around the person with the addiction.

MR. MITCHELL: Supportive on a need basis is what the minister said. How, then, does the minister reconcile her observation last night that AADAC is helping only 749 problem gamblers in this province, when AADAC's own figures indicate that there are in excess of 100,000 problem gamblers in Alberta? What's she going to do about the other 99,250?

1:50

MRS. BLACK: Mr. Speaker, quite frankly my assessment of last night was that the hon. Leader of the Opposition's performance was abysmal. What were reported last night were facts from AADAC as to the number of clients that had gone through the AADAC program in the previous fiscal year. We asked for those numbers so we could have some concrete numbers to present to members of the Legislature so they would have a feel for the types of addictions within this province. I didn't bring the exact piece of paper with me, but I can tell you that in the . . .

MR. MITCHELL: It was 749.

MRS. BLACK: If the hon. member might listen today, he might learn something. Mr. Speaker, he clearly did not do that last night, and that's probably what prompted the question again today.

Mr. Speaker, in the previous fiscal year AADAC had reported that they had just over 35,000 clients come through their door. Of that 35,000 client base that had come through the door – these were people that had sought help – 2,314, I believe, had identified that they had a problem with some form of addiction, either alcohol or drugs plus gambling. When the caseworkers went in to deal with the actual clients, they determined that there were just over the 700 that had gambling addiction problems only. The scenario was that AADAC services all types of gaming problems, all types of alcohol problems, all types of narcotics problems. So the numbers that this hon. member throws around are not in fact the case.

You cannot determine people who have addictions unless they come forward and are identified with problems with gambling.

There are a lot of misnomers out there, and the success, quite frankly – and I think this is important – of the programs with AADAC and the support agencies that are there is that the people make the call and ask for the help. Anyone that knows anything about addiction knows that until the addict comes forward and asks for help, you can't do anything for them.

MR. SAPERS: What about AADAC's compulsory treatment initiatives?

MR. MITCHELL: Yeah, and there are still 99,250 . . .

THE SPEAKER: Okay. Just sit down. These two questions, these two answers appear to be nothing more than an extension of the debate initiated in the committee last night, so let's go to a fine question with a fine response on the question.

MR. MITCHELL: How many Alberta families is this government willing to sacrifice in order to fill their coffers with money that should be paying for mortgages, buying shoes for children, and paying for the groceries?

MRS. BLACK: Mr. Speaker, the member obviously is more interested in making political statements than dealing with the issue of addiction, and this is where I find this hon. member is playing games with people's heads.

We have put out a program through AADAC that clearly helps families with a problem. It not only helps the addict, but it helps the families, and through the support groups within the communities that AADAC can refer those family members to, it helps everyone associated with the addiction to get help. You cannot make addicts come forward and ask for help. They have to want to have the help first and foremost. However, what this hon. member could be out in his community promoting is that families that do have problems within their families seek support from the support groups that AADAC could refer them to. He's not doing that, Mr. Speaker, and I think that's terrible.

THE SPEAKER: Second Official Opposition main question. The hon. Member for Edmonton-Gold Bar.

Health Employees Collective Bargaining

MR. MacDONALD: Thank you, Mr. Speaker. Our health care system is now ready for life support. On Monday the Premier said that there may be more money for frontline care by the end of the month. Five thousand angry, frustrated hospital support staff are threatening job action to support their right to a fair settlement. My first question today is to the Provincial Treasurer. Have you communicated to the Capital health authority how much money will be available in the end-of-month announcement so that they can bargain in good faith with these workers?

MR. DAY: Mr. Speaker, that would not be my job to do; that would be the Minister of Health. But I can tell you that he has been communicating with the Capital health authority and with all regional health authorities to get a very clear picture from them of what their pressures are and what they think it will take to remediate some of those pressures. That communication is ongoing.

MR. MacDONALD: Thank you, Mr. Speaker. My second question is also to the Provincial Treasurer and, I believe, the

Acting Premier. Why are these hospital employees being denied the same settlement that was granted the Alberta Cancer Board employees? If it was fair for the Cancer Board support staff, why is your government dragging their feet on this issue?

MR. DAY: Well, Mr. Speaker, I think that with the limited amount of time the member has spent here, he should be well aware that we do not, neither as Treasurer nor as Minister of Labour nor other ministers, directly get involved in these types of labour negotiations. There are processes in place and, I might add, processes which continually show that Alberta has the least number of days lost because of labour dispute than any other province. We are consistently in first place there. The processes are there. There are good people in place on both sides, and we hope they can work it out.

MR. MacDONALD: Mr. Speaker, in my limited time in this House I see an obvious lack of leadership from the government on that side. [interjections]

THE SPEAKER: Hon. members, please. Let's get to the question. Okay?

MR. MacDONALD: Okay. My third question is to the Provincial Treasurer. What plans are in place to maintain health services to Albertans when a work stoppage happens in the health industry?

MR. DAY: Well, Mr. Speaker, again, the regional health authorities and their management people and their administrative people are well equipped to handle a variety of emergencies that they may be faced with at any time. Those are in place, and we hope the negotiations will continue and be successful.

THE SPEAKER: Third Official Opposition main question. The hon. Member for Edmonton-Riverview.

Child Welfare

MRS. SLOAN: Thank you, Mr. Speaker. The February '98 draft of proposed standards for the delivery of child welfare contains some frightening insights about what's in store for Alberta's children in a regionalized system. To the Minister of Family and Social Services: why, Mr. Minister, do the standards offer no requirement that authorities must work with or act upon the Children's Advocate's recommendations and investigations?

DR. OBERG: Mr. Speaker, the code of conduct and the issue that the hon. member has brought up has not been released publicly. We are looking at it. The Children's Advocate reports to the minister, and the minister is responsible for the Child Welfare Act. It is the minister's responsibility to ensure that Children's Advocate issues are brought to the children's authorities and ensure that it takes place.

MRS. SLOAN: Further, Mr. Minister, why do the standards not require authorities to publicly report the number of children neglected, abused, or who have died while in the care of government on an annual basis?

DR. OBERG: Mr. Speaker, as I stated in my first answer, it is the minister's responsibility, it is the department's responsibility to do that. We report those in the performance indicators, and that's what will be continued in this department.

MRS. SLOAN: Explain why, when a child dies – and 52 have died since '94 – authorities, number one, will not be required to report it and, number two, will not be compelled by this government to do anything more than an autopsy and arrange for the burial.

DR. OBERG: Mr. Speaker, first of all, as I have done – how many times in this Legislature? Probably 20 times I have tabled in this Legislature the number of children who have died. I have stated publicly in this Legislature what happens when a child dies in the care of the government of Alberta under the Department of Family and Social Services. The Justice minister has got up and told the hon. member what occurs when a child dies in care. I guess she wants to hear it again.

2:00

As you know, any time a child dies while in the care of Family and Social Services, there is automatically a medical examiner's inquiry. The medical examiner's inquiry then determines what will happen from there. Mr. Speaker, if a child dies in an automobile accident, the medical examiner may not call a medical examiner's fatality review report. That may not occur. But every time a child in the care of the province dies, there are strict protocols, there are issues that are dealt with, and there are answers given.

Mr. Speaker, I'm really getting perturbed about how many times I've stood up in this House and answered this same question. Perhaps the hon. member should listen to the answer once in a while.

MR. HAVELOCK: Mr. Speaker, the minister gave a great answer. I'd just like to supplement briefly. I've explained this to the member before, so hopefully she will listen again. I will read from the document so that she gets this straight. In cases where an individual dies while a ward of the government under the Child Welfare Act, the Fatality Review Board must recommend that a fatality inquiry be held unless the Board is satisfied that the death was due entirely to natural causes, that the death was not preventable, and that the public interest would not be served by a fatality inquiry. The minister has said that before; I've said it before. If she doesn't understand it, she can send us a letter. We'll put it down in writing for her. We'll put it in big print.

Electric Utilities Deregulation

MS BARRETT: Mr. Speaker, when the province sold off one of our greatest public assets, that being Alberta Government Telephones, they said to Albertans: don't worry; your residential rates won't rise. Well, in fact, what's happened is that residential telephone rates for local calls have doubled in that period, and the profits that Telus enjoys based upon residential rates have tripled in that period. Now the Minister of Energy is saying "don't worry; be happy" about the Electric Utilities Amendment Act, 1998, knowing that immediately after deregulation in California residential – not corporate, residential – users were hit with a 15 percent increase. How can the minister justify forging ahead with this tiny little bill knowing that Alberta consumers are going to be hit hard?

DR. WEST: Mr. Speaker, typically the New Democrats are making their philosophical assumptions. The power industry and the telephone industry cannot be compared. First of all, in the power industry we are dealing with one service. We are not

dealing with two services, long distance and domestic use. I'm not sure whether the people of Alberta were told that their home rates would not go up. I knew that they were going to have competitive long-distance rates, but because of the type of system that's controlled by the CRTC in this country, I don't know how they could be protected from their home rates going up on telephones. They'd been cross-subsidized by the long-distance rates for years.

In California the same thing happened. The California utilities systems had cross-subsidized the residential. The industrial side had cross-subsidized the residential by billions of dollars. When California deregulated, they had billions of dollars of stranded costs. The government picked up the cost of that and has transferred it on to the average residential bill.

That is not true in Alberta. The Alberta utilities board has made sure that there has never been any cross-subsidization in the province of Alberta in the electrical business. Furthermore, in California they did not pick up residual value, which we are going to do to the year 2020 and guarantee a return to the people of Alberta, the customers, for the money they have paid to develop the generation of the power that exists today. In California they dealt with stranded cost, but they didn't deal with residual value, and therefore the bills went up.

MS BARRETT: Mr. Speaker, how can the minister justify forcing this legislation – big, complicated legislation – through . . .

Speaker's Ruling Questions about Legislation

THE SPEAKER: Hon. member, please. You know, in recent days there have been a fair number of questions that actually dealt with bills before the House. The purpose of question period is not really to entertain a debate on bills. If there are questions of policy that an hon. member might choose to raise, raise it within a certain confined point. [interjection]

Well, hon. member, you started off: how can the hon. minister justify ramming this bill? As far as I understand, the bill was introduced this week. There have been some few minutes set aside for second reading at this point. As I understand, second reading is still to come again. It hasn't cleared second reading.

So, please, policy-related issues. This is not a debate on a bill.

MS BARRETT: Well, Mr. Speaker, if I wasn't allowed to ask questions about bills, we would have the notwithstanding clause in effect today. [interjections] Yes, we would. That's fine. I won't ask any more questions. Go to the next questioner.

THE SPEAKER: It's not a question of asking any more questions. The hon. member may choose to have any decision she wants to make about what she chooses to do, but she advised the chair she doesn't want to ask any more questions. That's her choice. The chair is not saying she can't.

ABC Charter School

MRS. BURGNER: Mr. Speaker, I do want to ask a question. Perhaps it's not well understood in the discussions concerning our special-needs students that all of those debates include our gifted children. The Action for Bright Children charter school, the ABC school, which operates in Calgary, meets a program gap that is missing in the service delivery of the Calgary board of education. It provides a special program for our gifted children in grades 1 to 3. Their current enrollment is close to 170 students. My

question this afternoon is to the Minister of Education. I have met with the parents in Calgary, and they are quite concerned about the Department of Education's evaluation of their charter. This application they need to have extended. Given that the ABC charter extension has not been granted, can the Minister of Education explain their evaluation process?

MR. MAR: Mr. Speaker, the ABC charter school, when its charter was granted two years ago, provided a program for gifted and talented students up to grade 3. That was thought to complement the Calgary board of education's program, which doesn't start until grade 4. At the outset when the expansion of the ABC charter program was brought forward, it was thought to be premature because the school had only been in operation for two years when it was granted a five-year charter.

At the time the decision was made not to grant the extension of the program beyond grade 3, in my view there had not been enough information to evaluate the overall success of the charter in meeting its mandate, including issues of governance and finance, but I have subsequently met with the proponents of the extension for ABC charter school. I met with their representatives, and I've learned about the experience of those children who have gone past grade 3 and gone into other programs, the GATE program and other public school and private school options. Those proponents have provided additional information about the future placement of ABC students, and I will be taking that information that they brought forward into consideration in re-examining the decision not to grant the extension.

MRS. BURGNER: Mr. Speaker, further to the charter school scenario, can the minister explain why a charter school, when housing students in the public system, must pay a leasing agreement with the school board for use of school board space, considering they're educating taxpayers' students?

MR. MAR: Mr. Speaker, first of all, there is no provincial requirement that a charter school must rent from a school board, but there is an expectation that the facility used will support the program of a charter school. There is a requirement that the physical facility used by a charter school comply with provincial legislation and municipal bylaws regarding health, safety, fire, and zoning issues. Charter schools may lease from public school boards. They might use an existing school, a private or public facility, or any other suitable location. But to be clear, they're not compelled to lease from a public school board.

2:10

MRS. BURGNER: My third supplemental: can the minister explain why the School Facilities Task Force did not address the needs of these students when they did their review?

MR. MAR: Mr. Speaker, this is a good question. The task force was charged with the responsibility of grappling with many complex issues. The issue of the capital needs of charter schools was one of the issues they did look at. However, there are about 1,500 school buildings in the province, and the task force's primary responsibility was developing recommendations on how we can get the most out of these existing schools and preserving what we already have to meet program needs. One of the task force recommendations was to review our policies regarding capital in charter schools.

THE SPEAKER: The hon. Member for Edmonton-Mill Creek, followed by the hon. Member for Leduc.

Provincial Budget Projections

MR. ZWOZDESKY: Thank you, Mr. Speaker. Alberta's revenues are heavily impacted by international factors. Oil revenues, for example, are influenced by international supply and production, by OPEC decisions, and by other countries that are stockpiling and storing their reserves. Now, oil prices bounced up a bit today, I'm happy to report, but they are still at record low levels, levels we haven't seen in a decade or so. The Canadian Energy Research Institute recently stated that future price declines are inevitable if excess supply cannot be stored. So my question is to the Provincial Treasurer. Since the outlook for oil prices is unfortunately well below your budgeted figure of \$17.50 per barrel, to what new, realistic figure are you revising your oil price projections for the coming year?

MR. DAY: Mr. Speaker, our budget year for Budget '98 doesn't commence for another 13 days, so it would be presumptuous to do a budget update when we're still in the previous budget year. I think the member is aware of that. He's quite right in that there are a lot of factors that affect the price of oil. It didn't move up just a little today; it moved up over \$1. It's at \$14.11 right now.

You know, we live in a world of volatile resource prices. If you look at the 20-year average, it's something over \$16 a barrel over 20 years, and it moves up and down periodically. We know that. One thing that I'm hearing from industry: companies who toughed it through the '80s and who, in those times when prices were going down significantly, drew back in terms of exploration in other areas have said that they learned lessons from that. Many of them have not actually curtailed or significantly pulled plans back related to exploration, but they are still planning to go ahead because they know it's a volatile situation. Other companies, of course, come up with other decisions. But it is volatile, Mr. Speaker. From the time the member went for lunch today until question period, the price of oil went up 56 cents. I'm not suggesting he go for lunch more often, but it just shows how volatile and how quickly that moves.

MR. ZWOZDESKY: Well, prior to the vote in this House on Budget '98, as you've referenced, will you bring a Budget '98 update that shows the impact of more realistic oil prices on our provincial revenues?

MR. DAY: Mr. Speaker, all industry analysts, as I said yesterday, virtually all of them, have significantly lowered their projections or they're in the process of doing so right now. We're in communication with industry analysts all the time, provincially, nationally, and internationally. We monitor very closely; we take the best advice. I don't think we would be coming out with an update within the next 13 days, before the end of this budget year. We're not operating under our new '98-99 budget exactly now.

But we are looking at it. I think it's safe to say that there will be a move, and it will probably be more than 50 cents. If you remember last year, we moved it 50 cents down some six weeks or so after the initial budget had been tabled. We will be looking again at what would be the appropriate level to set it at. We'll be consulting with those industry analysts, and if the member opposite has information that will help us in that decision, we will also listen to him.

MR. ZWOZDESKY: I'd be happy to help the Treasurer in that respect. Thank you for the invitation. My final question is also

to the Treasurer. [interjection] That was a sincere thank you.

Mr. Treasurer, since a 1 percent change in Alberta's economic growth impacts our revenues by about \$81 million, how do you square your projection of 4.6 percent GDP with TD Bank's revised projection of 3.7 percent and Scotiabank's revised projection of about 3.9 percent?

MR. DAY: Well, Mr. Speaker, those are among the things that we have to be looking at. Maybe the member didn't keep reading in the TD forecast, which said 3.6 percent. It also said: which is very significant growth. Even if it levels out over the year to growth in the economy of 3.6 percent, that will be very significant growth, and it's why we had headlines yesterday in the media saying that Alberta of all provinces is the most enviable one to be living in and in which to be doing business.

So there's no question that we have to look at some of these projections. We have to do some moderation. These are worldwide prices that are beyond our control. We will be making some adjustments, Mr. Speaker.

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

Health Employees Collective Bargaining (continued)

MR. KLAPSTEIN: Thank you, Mr. Speaker. Today's news reports indicate that almost 5,000 health care support workers in Edmonton and area may go on strike as early as Thursday unless a settlement is reached in their labour negotiations. There is little doubt that a strike by health workers in the Capital region would have serious effects on patient care and safety. My question is to the Minister of Labour. What plans does the minister have if these workers go on strike?

MR. SMITH: Mr. Speaker, these workers that are in negotiations right now are deemed to be essential workers, and they're deemed essential because they are important. They're key and critical to the ongoing and daily care of patients in the health care system today. The Labour Relations Code clearly spells out that as designated essential service workers, they're prohibited from striking. Also, the employer is prohibited from locking them out. So any strike action would be deemed illegal.

MR. KLAPSTEIN: Mr. Speaker, to the same minister: can the minister provide this Legislature with information on the current status of negotiations in this dispute?

MR. SMITH: We can, Mr. Speaker. A mediator has been working with both the employer and the employees since January. The policy is that they receive two days of mediation free, and then the meter goes on, which is even more, I think, an accelerator for settlement. So we're hoping that the mediator is able to come up with something in the near future, as early as today. Certainly the resources of the department are at the disposal of both the employer and the employees.

MR. KLAPSTEIN: Mr. Speaker, to the Minister of Labour: can you outline what contingency plans exist to protect Albertans if, despite the mediator's recommendation, there is an illegal strike?

MR. SMITH: It's a good question, Mr. Speaker, because as you know, in the past when there have been deemed essential workers

threatening illegal job action, there has been action taken by the employer to prepare the system for this, and it costs a great deal of money, money that could be used in the agreement, in the settlement.

As reluctant as I am to say it, either party could apply for compulsory arbitration. Settlements are always best that are put together by both parties, but we can do compulsory arbitration. The employer can apply to the Labour Relations Board to order an end to an illegal strike. Once the Labour Relations Board makes the decision that the strike is indeed illegal, they issue an order and then they file that in the courts as a court order. Then that is enforceable, and as has been recorded in the past, severe fines have been levied on the striking union.

We know, Mr. Speaker, that both parties can work on a settlement. I would encourage them to take that direction as opposed to looking at breaking the law.

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

Electric Utilities Deregulation (continued)

MR. WHITE: Thank you, Mr. Speaker. On September 23, 1997, the Minister of Energy, when speaking of the electrical generation industry said, and I quote: all residual value must be returned to the Alberta consumer. A recent policy change provides Albertans' full return on their investment only until the year 2020, and thereafter the benefits go to the power producers. This change in policy will cost Albertans over \$300 million. To the Minister of Energy: what changed your mind, sir?

2:20

DR. WEST: Mr. Speaker, by the year 2020 on the extended life of the plants that we have, all residual value will be returned to the consumer.

MR. WHITE: Mr. Speaker, if the minister can't tell us what changed his mind, perhaps he can say who changed his mind. Was it in fact the former Treasurer, Mr. Jim Dinning, or was it someone else?

DR. WEST: No one changed my mind. [interjections]

THE SPEAKER: Hon. member, it's been dealt with. Third question.

MR. WHITE: Perhaps, sir, then he could answer this question: does the minister believe that the electrical energy business has now been subsidizing the residents in the interim or will be?

DR. WEST: No, Mr. Speaker.

Calgary Board of Education

MR. SHARIFF: Mr. Speaker, the Calgary board of education has recently stated that they need \$950,000 to break even in providing programs for English as a Second Language. According to the CBE, despite the recent reinvestment announcement of an additional \$5 million for ESL, the CBE will still have a \$710,000 shortfall. Can the Minister of Education explain how funding for ESL will be distributed to school boards, and what steps the minister will take to ensure that the new funding for ESL will lead to additional ESL services and not be gobbled up by administration?

MR. MAR: Mr. Speaker, it is a fact that there are children born in this country who enter into our schools knowing little or no English, and up until now school boards have not received ESL funding for those students. Now as a result of reinvestment in this area, those students that are born in Canada that have ESL requirements will receive funding. School boards have been asked to identify the numbers of ESL students that they have, including those that are Canadian born. Once we've identified the numbers of Canadian-born students throughout the province, we will work with the school boards to determine how that money should be distributed and ensure that money goes towards delivery of those particular programs.

Mr. Speaker, it surprises me that the Calgary board would say that they expect a shortfall of \$710,000 when in fact it's not yet even been determined how the money for ESL will be distributed. I want to reiterate that we are working with the school boards very closely to determine how that funding will be distributed and the full funding details will be available when the funding manual for the Department of Education is released in April of this year.

MR. SHARIFF: Mr. Speaker, can the Minister of Education explain to this House why the Calgary board of education is unable to work within the funding framework, at a cost to our children's educational development?

MR. MAR: Well, Mr. Speaker, the funding framework was established to ensure that all Alberta students have equal access to a quality education whether they live in Calgary-McCall or Fort McMurray. This government believes very strongly that the funding level set by the funding framework works for the Calgary board of education and that the funding levels are entirely appropriate. Just like every other board in the province we ask the Calgary board of education to spend less on administration, spend more on student instruction, look for efficiencies within their system, and look for ways that are innovative in improving student learning. My observation of school boards throughout the province is that most of them do a pretty good job of living within those types of parameters, and we expect all boards to do the same.

MR. SHARIFF: Given the inability of the Calgary board of education to meet the needs of all of its students, be they minority or mainstream, will this minister consider replacing the Calgary board of education with a professionally administered system?

MR. MAR: Mr. Speaker, all school boards in the province of Alberta are elected by people who live within those jurisdictions. The election of school trustees takes place every three years as part of the overall municipal elections. The next municipal/school board elections will take place in October of this year. I invite residents of Alberta, not just Calgary residents but residents of Alberta, if they have concerns about the manner in which their school trustees manage the effective delivery of education in their area, to express their concerns at the voting booth.

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

Government Vehicles

MRS. SOETAERT: Thank you, Mr. Speaker. Yesterday the minister responsible for handing out the luxury cars to government executives provided the Assembly with information that shows it

would be cheaper for them to pay for the mileage of these executives rather than to buy and own 72 luxury cars. My questions are to the minister of transportation. Since your own numbers show that it's cheaper to simply pay for mileage rather than own these luxury cars, why do you still hand out these cars to government executives?

MR. PASZKOWSKI: Thank you, Mr. Speaker. First of all I want to point out there is no minister responsible for handing out luxury cars in the province of Alberta. I'd also like to point out that the average price of the car that is driven by the executive in the executive fleet is slightly over \$29,000. If \$29,000 is considered a luxury car, then perhaps that is the case.

The situation with the executive vehicle fleet of course is entirely different from that with the central vehicle operation in that the executive or the ministers or whoever has been allocated a vehicle is indeed operating under different circumstances than the central vehicle program. The central vehicle program basically is designed to deliver programs. Day in and day out that vehicle does the same job. It's designed basically for a certain purpose. With a minister, obviously every day is different. In my particular case no constituent has ever called me to complain about the money that is spent on a vehicle. What they have called me about is to attend meetings, to attend meetings in a responsible way, to be heard and indeed for discussion purposes.

As far as cost of vehicles is concerned, if indeed \$29,000 per vehicle is considered to be luxury as the hon. member has indicated, so be it. From our perspective we have vehicles that are designed to provide the service. In many cases, Mr. Speaker, it is cheaper for the government to provide a vehicle, and indeed the cost that was clearly demonstrated yesterday by the study that was done by SVS services was that the average cost is \$70 per vehicle per month, the equivalent of a taxi trip to the International Airport and back from downtown Edmonton.

MRS. SOETAERT: Thank you, Mr. Speaker. My supplementary is to the minister of transportation. Given that there are 18 cabinet ministers, why do you have 72 luxury cars?

MR. PASZKOWSKI: Part of the conditions of employment for senior members in government is the availability of cars. If indeed that was taken away, obviously there would be other conditions put into the employment hiring program. This is a condition of hiring policy, so indeed it is part of the package.

MRS. SOETAERT: Thank you, Mr. Speaker. My final supplementary: given that package, could the minister please define exactly what it is? How does an executive win the car lottery of an executive car? Well, what are the qualifications? How do they get it? Who gets it? Why?

MR. PASZKOWSKI: Mr. Speaker, one of those eligible for a car is the Leader of the Official Opposition of this province.

THE SPEAKER: The hon. Member for Little Bow, followed by the hon. Member for Calgary-Buffalo.

Provincial Budget Projections

(continued)

MR. McFARLAND: Thank you, Mr. Speaker. During the past two weeks we've been made acutely aware of the fragility of budget forecasts based on oil prices following the question from the Member for Edmonton-Mill Creek. I would like the Provin-

cial Treasurer to answer this particular question: in the longer run what plan do you actually have to deal with the deficit for 1998-99 if the price of oil remains traditionally low?

2:30

MR. DAY: Well, we have a plan, Mr. Speaker. It's called Budget '98. It's right here. The plan talks very clearly about the fact that we will not have a deficit. That's part of the plan. That's part of what Albertans have told us: no deficit. We will continue to deal with the debt and meet the demands of the debt pay-down. We'll also continue to meet the demands that we see in health and education. That's the plan, and we'll work carefully with Albertans as the budget year progresses.

I can only say, too, on the volatility of prices, about 10 minutes ago I said the price was \$14.11, which it was, and in the last 15 minutes it's gone up to \$14.48. At this rate if I keep talking, it'll be back to \$19 before question period's over. I'm just showing you what a volatile situation we have, and we're dealing with this in a very measured, very calm way, consulting with industry, consulting with our partners in the province in terms of where the needs are, and we'll continue to do so.

MR. McFARLAND: Mr. Speaker, the Premier has said that in the event we did have a deficit, health and education would not be cut. Will the Provincial Treasurer tell me whether or not infrastructure funding programs will be cut?

MR. DAY: Well now, there is a good question. Mr. Speaker, we announced an increase in infrastructure spending beyond the capital plan this year of about \$260 million. When we did that, we said that would be onetime spending if we had the money and if we'd already put a billion onto the debt. We have projected in the budget for '98 a surplus of \$165 million. We have taken 10 percent of the amount that we projected would come in from oil and from corporate income. We've taken 10 percent and set that aside in a revenue cushion. That's about \$420 million. So there is some room, not a lot, but there is some room there. We'll budget carefully, we'll watch carefully, and we'll deal with it carefully.

MR. McFARLAND: Thank you, Mr. Speaker. If in fact you want to make more room, many of my constituents have asked me to ask you, Mr. Treasurer, if you'll look at reducing some of the social engineering commissions that we have.

MR. DAY: Mr. Speaker, any question of reduction . . . [interjections] I'll have to wait until the noise settles down across the way before I can answer that.

THE SPEAKER: The hon. Member for Calgary-Buffalo, followed by the hon. Member for Airdrie-Rocky View.

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

Year 2000 Compliance

MR. DICKSON: Thank you, Mr. Speaker. I didn't know whether that was in anticipation.

On March 11, 1996, a colleague in the Liberal caucus asked the then Minister of Public Works, Supply and Services: "In all your technology, are the computer systems computer friendly for the turn of the century?" and "Where in this budget are we starting to plan to meet the needs for changing our information systems?" Last night the Minister of Health said that the year 2000 problem

"has really only come to the attention of governments during the past year." To the Acting Premier this afternoon: does the Minister of Health's statement last evening reflect inadequate planning in the Ministry of Health or inadequate planning in the entire government of Alberta?

MR. DAY: Mr. Speaker, let's talk about the entire world. When it comes to planning for year 2000, the entire world is somewhat mystified at how this problem, where computers seem to either freeze up or seize up or crash or shut down in the year 2000, could be foisted on us by an industry that has said the whole technological advancement of this century would be nothing but a boon for humankind. How could the whole world be caught off guard by this?

I'll say something: our province, our government is seen in Canada to be a leader in terms of going after the problem and making sure that the funds are set aside for this. We're not caught off guard. We are asking the question along with the rest of the consuming public that uses computers: how could the computer industry have let us down so badly? But we're not sitting around stewing about it. We're doing something. We're getting the analysis done, and we're actually giving money to the funding of that so we don't have a serious life-and-death problem in the health industry.

MR. DICKSON: Well, Mr. Speaker, in light of all of that state-of-the-art planning we have going on in this province, how is it that last night the Minister of Health didn't know how many computers in the health system and in the regions were noncompliant for the year 2000 and didn't know how much money was required for each of the 17 regional health authorities? If we had all that great planning, why so many outstanding questions?

MR. DAY: Mr. Speaker, let me ask the member: how many computers are in your offices? See, he doesn't even know that in his own office, and he expects the Minister of Health to know how many computers are in every hospital in the province?

MR. SAPERS: Point of order.

MR. DICKSON: Mr. Speaker, my final question goes to the Provincial Treasurer rather than the Acting Premier, and it would be: on what possible basis can this government and this Provincial Treasurer claim that 130 million supplementary dollars are going to be sufficient, which is the representation members heard last evening, to meet the year 2000 compliance challenge?

MR. DAY: Mr. Speaker, we operate on trust when we deal with the regional health authorities. We asked them to do a thorough review and a thorough assessment. We're dealing with a problem that the entire computerized world is dealing with, trying to get an assessment on this. We don't think it's time to play politics, to wonder about how many pacemakers might actually stop working on December 31, 1999, how many of a variety machines might become nonfunctional and cease to function. We don't want to play politics with that. We get a best estimate from the regional health authorities. We listen carefully to them. We're operating on trust. The Minister of Health will also be dispensing these dollars in a very careful way to make sure they're going towards their intended purpose. We don't think this is the time to play around.

We're leading the nation in terms of doing the analysis, and

we're sending the message out to Albertans that they will be safe in hospitals in Alberta because we're taking a forward-thinking, proactive approach to this.

Speaker's Ruling Oral Question Period Rules

THE SPEAKER: The time for question period has now left us. Prior to going to Orders of the Day – and Wednesday's Orders of the Day are always interesting. Perhaps there's some correlation between the fact that we have Written Questions and Motions for Returns and debates on Wednesdays, the existence of that and the number of points of order, which usually seem to erupt on Wednesdays. Perhaps there's some correlation with respect to that.

Hon. members, I did make a comment earlier in question period that my observation has been in recent days that there seems to be an extension of debate coming out of committees into this particular Assembly with respect to questions. I took an opportunity several days ago to stand in this Assembly and cite certain passages out of *Beauchesne*. I only got up to point 6 of certain sections, but I would refer all members to perhaps do some continuing of the reading on their own. I suspect that the reason we have four points of order today is simply because not all hon. members have been abiding by what the guidelines are in *Beauchesne* with respect to questions. Perhaps there's need for the Speaker himself to spend some time tonight reading those sections again and perhaps to be a little finer with respect to the questions. I might add that this comment applies to all quarters in the House.

Okay. On purported points of order, first of all the hon. Member for Edmonton-Glenora.

Point of Order Insulting Language

MR. SAPERS: Thanks, Mr. Speaker. My first point of order has to do with an exchange between the minister responsible for gaming and lotteries, Economic Development, and the Leader of the Official Opposition. Of course, I don't have the benefit of *Hansard*, but I did take notes. I'm rising under Standing Order 23(j), the use of insulting language, and 23(h) in terms of making allegations.

My notes indicate that the minister, in response to the hon. Member for Edmonton-McClung, used the words: in my opinion, the Leader of the Opposition's performance was abysmal. Mr. Speaker, this is a very personal observation and one that is actually quite unwarranted in terms of the nature of it being a personal attack.

Even more so, Mr. Speaker, it seems to offend sections 409(1) and 409(3) of *Beauchesne*, in which *Beauchesne* advises that questions should "not seek an opinion," and, by extension, answers should not be prefaced with the offering of an opinion, particularly when the Member for Edmonton-McClung, the Leader of the Official Opposition, was asking a very serious question about government policy.

So I would ask that the minister stand up, acknowledge that it was wrong for her to confuse her personal opinions with her areas of competence as a minister, and withdraw the insulting language that she used.

2:40

THE SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Yes. Mr. Speaker, in light of the events of

the past week I consider myself to be somewhat of an expert in the area of criticism.

Quite frankly, for the minister to state that in her opinion she felt the performance of the Leader of the Opposition was abysmal is simply an honestly held opinion. I can't believe that he would stand up on a point of order of that nature. I think he's being a little overly sensitive on this one. I don't see how there's a point of order on this. I mean, the words aren't even unparliamentary, if you look at *Beauchesne*.

THE SPEAKER: Well, we have four of them, hon. members, so we'll get to the first one first.

There's absolutely no doubt whatsoever that the hon. Minister of Economic Development said the following: "Mr. Speaker, quite frankly, my assessment of last night was that the hon. Leader of the Opposition's performance was abysmal." Period. That was fact; that's what was stated. So, hon. Member for Edmonton-Glenora, you certainly have the right quotation.

My reading of this, however, seems to indicate to me that the hon. Minister of Economic Development did not say that an hon. member was abysmal but, rather, that the performance was abysmal. Certainly, it's also very true that there is no reference in *Beauchesne* to the word "abysmal" being unparliamentary. Of course, if it was unparliamentary, then we might suggest that 23(h) might fit in terms of prohibition of an allegation against a member. This doesn't appear to be an allegation. While the word itself may have certain connotations, it seems to be rather tame compared to other language that the Speaker has heard in this House. Unfortunately, he doesn't like to hear it but has certainly heard it. So that's that for that one.

A purported point of order, the hon. Member for Edmonton-Glenora on behalf of the hon. Member for Spruce Grove-Sturgeon-St. Albert.

Point of Order Allegations against Members

MR. SAPERS: Yes. Thank you very much, Mr. Speaker. This has to do with an exchange between the Member for Spruce Grove-Sturgeon-St. Albert and the minister of transportation, who absolutely violated Standing Order 23(h) in making an allegation, where in response to a very serious question about government largesse he made the allegation that the Leader of the Official Opposition takes a government car. His words, to the best of my ability to listen and to take notes, were that the Leader of the Opposition gets a car.

Now, it's true that Standing Orders would permit that, but I would like, Mr. Speaker, for you to consider that cars are made available primarily to two members of the Official Opposition: the chairman of Public Accounts and the Leader of the Official Opposition. Not in the history of this caucus has the chairman of Public Accounts, when it was either Muriel Abdurahman or now my colleague from Edmonton-Calder, taken advantage of that offer. Never has any member of the official Liberal opposition taken a car: not Nick Taylor, not Laurence Decore, not Bettie Hewes, and certainly not the Member for Edmonton-McClung.

So the minister of transportation should stand up, do the right thing, set the record straight, and acknowledge that no member over here has ever parked in the government pork barrel when it comes to taking government cars.

Thank you.

THE SPEAKER: On this purported point of order, the Minister of Transportation and Utilities.

MR. PASZKOWSKI: Mr. Speaker, the question that was asked, as I understood it, was: who is eligible for these cars? The eligibility includes the Leader of the Opposition.

THE SPEAKER: This is the extent of this purported point of order? This is the debate?

The hon. Member for Spruce Grove-Sturgeon-St. Albert asked a question, a policy-related matter, if the Speaker heard this correctly – and I think he did hear it correctly – to the hon. Minister of Transportation and Utilities: who is eligible? [interjection] I'm sorry. She asked: who is eligible? The words are very clear here. The Minister of Transportation and Utilities got up and didn't say that 72 people were eligible. He just said that included in those who were eligible was the Leader of the Official Opposition. Bang. Sat down. That's it.

There's no point of order.

Okay. The Provincial Treasurer on a purported point of order.

Point of Order Clarification

MR. DAY: Mr. Speaker, I rise under the provision of Standing Order 13(2) to respectfully ask some clarification, as *Beauchesne* 9 indicates that the Speaker sets the general principles for question period, and I acknowledge that and respect that. On my attempted response to a third question, the din from across the way was so loud that I had to sit down and wait for them to stop, and then it moved on. I'm wondering – if that is seen as a precedent, it could be used as a strategy by either side for a person not to be able to finish questions. I'd just seek your guidance on that.

THE SPEAKER: Under Standing Order 13(2), this is a point of clarification with respect to this, and that's certain welcomed and, as always, a given one. There is actually no doubt at all that at various points during the question period today there was a din. I think, hon. Provincial Treasurer, that you referred to a din in the House. It came from all quarters of the House. And it's absolutely correct. The Provincial Treasurer was responding to a question, and he said something along the line that he would finish. It was a very subjective call by the Speaker at that point. The Speaker, looking at the Provincial Treasurer, concluded that the Provincial Treasurer would never, ever be talked over by the opposition, so subjectively the Speaker concluded that the Provincial Treasurer had concluded his response and moved on.

So much for that purported point of order.

Okay. The hon. Member for Edmonton-Glenora.

MR. SAPERS: Mr. Speaker, my final point of order – quite frankly, I found that it offended my sensibilities because of a really, really dumb statement that the Provincial Treasurer made, but it would really just be an extension of debate, so I won't pursue the point of order.

THE SPEAKER: Okay. Before moving on to Orders of the Day, might we revert briefly to Introduction of Guests?

HON. MEMBERS: Agreed.

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

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

MR. DUNFORD: Thank you, Mr. Speaker. I'd like to introduce

to you and through you to the Members of the Legislative Assembly a tremendous community leader. His stature in physical size is outstripped by his spirit and his willingness to deal with the average citizen. I'd like to introduce Mayor David Carpenter of the city of Lethbridge.

head: **Orders of the Day**

head: **Written Questions**

MRS. BLACK: Mr. Speaker, I move that written questions appearing on today's Order Paper stand and retain their places with the exception of written questions 33 and 40.

[Motion carried]

Public Service Employees

Q33. Mrs. Soetaert moved on behalf of Mr. Mitchell that the following question be accepted:

What was the number of public servants employed by the government within the age ranges of 25 years and under, 26 through 30 years, 31 through 45 years, 46 through 60 years, and over 60 years of age for the calendar years 1981, 1992, and 1997?

MR. DUNFORD: Mr. Speaker, I'd like to report that I'm willing to accept that question.

THE SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert to close the debate.

MRS. SOETAERT: Thank you, Mr. Speaker. That was far too easy for a day of debate. I really thank the minister.

[Motion carried]

Civil Service Management Staff

Q40. Mrs. Soetaert moved on behalf of Mr. Mitchell that the following question be accepted:

What was the average age of and number of managers employed in the Alberta civil service in each of the calendar years 1981, 1992, and 1997, and what was the average age of and number of executive managers employed in the Alberta civil service in each of the calendar years 1981, 1992, and 1997?

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

MR. DUNFORD: Thank you, Mr. Speaker. Again, the government is willing to accept this question.

THE SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert to close the debate.

MRS. SOETAERT: Thank you, Mr. Speaker. I'm very pleased that the hon. minister is giving us that information.

Thank you.

[Motion carried]

2:50 Motions for Returns

MRS. BLACK: Mr. Speaker, I move that motions for returns appearing on today's Order Paper stand and retain their places with the exception of motions for returns 38 and 39.

[Motion carried]

Capital Regional Health Authority

M38. Mr. Sapers moved on behalf of Mr. Dickson that an order of the Assembly do issue for a return showing copies of all contracts between private health care operators and the Capital regional health authority within the time period January 1, 1997, to January 1, 1998.

MRS. BLACK: Well, Mr. Speaker, on behalf of my colleague the hon. Minister of Health I have to reject Motion 38, and I have to do that because Alberta Health does not keep copies of these contracts and therefore would not be in the position to be able to provide that information. Also, releasing contracts could always have implications of personal information being divulged, which is not allowed or could cause difficulties under the confidentiality rules of government. Therefore, unfortunately we must reject Motion 38.

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

MRS. SOETAERT: Thank you very much, Mr. Speaker. I find it quite surprising that there are actually no copies kept of these contracts. If I understood the minister correctly, she's saying that the Capital regional health authority does not keep copies of those contracts; certainly Alberta Health doesn't. I would then like to just question this government: why wouldn't they be able to access copies of those contracts through the Capital regional health authority? They are appointed boards. Ultimately, the minister is responsible. Ultimately, that information is somewhere, and when people are really worried about private health care moving into this province and creating a two-tiered system and people without money not being able to access health care, with lineups miles long at public hospitals and then luxury spots at HRG in Calgary, I think people have every right to know what kind of contracts are out there. I think it's splitting hairs to say that Alberta Health doesn't have it, that maybe the Capital health authority does, but we're not going to ask for it.

I think that information on contracts between private health care operators and the Capital regional health authority is information we should have. Those are our tax dollars paying for it. That is information the public deserves, and I'm very disappointed that this government can't find their way to getting this information to this table and to this Legislative Assembly.

THE SPEAKER: The hon. Member for Edmonton-Glenora to conclude the debate.

MR. SAPERS: Thanks, Mr. Speaker. The government of Alberta has steadfastly refused to provide a framework for contractors through health regions. The Auditor General, outside auditors, the health care administrators themselves in the regions have all been pushed and pulled by this absence of government policy. The government has talked about introducing legislation that would create some kind of an oversight or review process for

increased privatization of health care in this province. Every time something happens in health care that is not popularly accepted, the government has the convenience of pointing the finger of blame at the regional health authorities and tends to ignore or take any responsibility on their own.

This is a primary example of that. You've got an absence of government policy. You've got regional health authorities that are trying to cope with providing services to increasing numbers of people with decreasing dollars. They are being driven because of government policy to create this false market in private health care, and the government wants Albertans to believe that they don't even monitor, that they don't even look over the shoulder of the regional health authorities when it comes to the tendering of these private-sector third-party contracts.

We know that there is ever escalating private-sector involvement in the provision of what used to be public health care. We know that millions and millions of dollars change hands between taxpayers of this province and for-profit health care providers. It's simply not good enough for the government to say: we don't get that information; the health authorities do. When you go to the health authorities and you ask for the information, they say: well, we don't really have to give you that information; you should go to Alberta Health and ask to get it from them. So you've got this classic case of people pointing fingers at each other and trying to pass the buck, and what we have here in the Assembly is an absolute absence of transparency when it comes to the nature of the private contracts in health care and the expenditure of taxpayers' dollars.

These are not purely private transactions; these are transactions using public money to provide services in what used to be a public health care system. I think it's a very sad day that the government would stand up and deny responsibility for monitoring this trend and for being able to produce the documents that would specify the nature and the volume and the value of those contracts.

We're not asking for any top secret, private information that would jeopardize anybody's proprietary business interests. We're talking about a matter of public policy, urgent public policy, in fact, that tops all the lists of all the surveys and polls of what's on the minds of Albertans, and it would just be a very responsible thing for the government, if they don't have the information, to go out and get it and then bring it into this Assembly. I'm very disheartened that they don't see that that is their responsibility.

[Motion lost]

Calgary Regional Health Authority

M39. Mr. Sapers moved on behalf of Mr. Dickson that an order of the Assembly do issue for a return showing copies of all contracts between private health care operators and the Calgary regional health authority within the time period January 1, 1997, to January 1, 1998.

MRS. BLACK: Again, Mr. Speaker, on behalf of my colleague the Minister of Health I'm afraid that we're going to have to reject Motion for a Return 39 for the same reasons. As Alberta Health does not have copies of these contracts and therefore cannot provide them, we must reject the motion.

MRS. SOETAERT: Well, Mr. Speaker, once again I'm terribly disappointed. It also leads me to believe that if Alberta Health doesn't have this information, then they'd better get it. They should be concerned about what's happening. A particular

concern in Calgary: we all know that there's a private health care facility down there, HRG. There could be all kinds of conflicts with that, and I would suspect that certainly Alberta Health should have that information if they don't.

These are taxpayers' dollars going to private health care providers and operators, and I think there certainly shouldn't be any problem getting the information. We're not asking for personal information on any one person or situation. People in Alberta have a right to know what kinds of dollars are being spent with private health care facilities, and this government and all its members should certainly want to know that, particularly with the Calgary regional health authority. There are enough members over there that they should want to know. There are their constituents who want to know, and certainly they should be doing their best to find that out so that we don't come to the floor of this Assembly and have to regretfully hear that the motion's being rejected.

So, Mr. Speaker, I'm very disappointed, and I hope the government works at doing a better job of getting information.

MR. WHITE: Mr. Speaker, the performance of this government in this instance is abysmal. This is simply information that should be forthcoming from any government that calls itself open and accountable. I mean, how many times have members opposite from Calgary been asked: do we have a two-tiered health care system in Alberta or not? You've been asked a hundred times if once, and this would answer it. This is our contractual obligation to a private health care provider, yet you don't even collect the information. That's worse than abysmal; it's a dereliction of duty.

I mean, there is something with regards to compliance with the Canadian act as it applies to health care, and that is that it's universally accessible. Well, this clearly says that this government doesn't really give a darn whether it does happen or not. If you don't know and can't find out what the contractual obligations are between the RHA of Calgary – the Calgary regional health authority knows about the contract, who gets the money – then to hide behind that is a pretty sad state. I mean, to call yourselves open and accountable is absolute balderdash, and I think you'll find that in Funk & Wagnall's also, Mr. Speaker.

Thank you.

3:00

THE SPEAKER: The hon. Member for Edmonton-Glenora to close the debate.

MR. SAPERS: I'm afraid so, Mr. Speaker. The Canada Health Act makes it very, very clear that one of the principles of our public health care system and one of the things the province of Alberta must abide by is the principle of public administration if it wants to continue to receive nearly half a billion dollars or, in fact, in excess of half a billion dollars in transfer payments through the Canada health and social transfer for the provision of health care services in this province. What public administration means is that there is full and total accountability for the expenditure of those tax dollars that are used to provide health care services to all people in this province regardless of their ability to pay.

What we're seeing is an increasing trend where, because of ever shrinking budgets and the shaving of budgets and the shrinking of financial support coming from the provincial general revenue fund to health authorities, they're being found making deals with the devil. The devil in this case is the for-profit, private health care providers. Some of these private, for-profit

health care providers are doing exceptionally good work, and some of them are not doing exceptionally good work. Some of them are providing very good value to the taxpayers, and some of them are not providing very good value to the taxpayers. Mr. Speaker, nobody in this Assembly is going to be in a position to be able to review that and therefore be accountable to our constituents, our public. This offends that principle of public administration and that two-way accountability. It is simply not good enough for the government to say: we don't collect the information, we don't ask for the information, and therefore we can't provide the information.

Mr. Speaker, several health authorities, including the Calgary regional health authority, have set up, have incorporated holding companies that they operate. They've set up corporate entities that operate as subunits of the health authorities, and these corporate entities may be doing any one of a number of things, including entering into contractual relationships with third parties. Now, we could have the absurdity develop in this province where the government of Alberta takes sweat-soaked loonies, to quote the Provincial Treasurer, from taxpayers, puts those sweat-soaked loonies in the government's right pocket, and then takes other sweat-soaked loonies out of its left pocket and gives them to the regional health authorities. Then the regional health authorities, instead of being an extension of government accountability, take those taxpayers' sweat-soaked loonies and contract en masse, in a block, with a for-profit provider.

Now, I said that we could have the absurdity of that happening, Mr. Speaker, but that is in fact happening. So we could get to the point where this government will say that 2 and a half billion dollars of taxpayers' money goes to regional health authorities. Those regional health authorities take that money and put it into one of their holding companies and then charge that holding company with the responsibility of contracting with a whole series of for-profit, private providers. And then they'd have the nerve to come back into this Assembly and say: we don't know anything about those contracts, and we can't be accountable for that 2 and a half billion dollars. That would be totally unacceptable.

So, Mr. Speaker, the government cannot get away with saying that we simply don't ask for that information, because they have to ask for that information. It is the nature and the basis of public administration that they need to know where those taxpayers' dollars are going when they are expended on health care services for Albertans, when they are expended for the purposes of people in this province seeking unfettered access to needed medical services.

So, Mr. Speaker, I would hope that the government forthwith and with alacrity and dispatch changes its attitude and asks for, insists on, and lives up to its obligation to provide the information that the Official Opposition is requesting.

[Motion lost]

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

[Mr. Tannas in the chair]

Bill 206
Human Tissue Donation Procedures
Statutes Amendment Act, 1998

THE CHAIRMAN: This afternoon we have for consideration an

amendment, known as amendment A1, as proposed by the hon. Minister of Health.

The hon. Minister of Family and Social Services.

DR. OBERG: Thank you very much, Mr. Chairman. It certainly gives me pleasure to rise to speak on the amendment. As you know, I spoke on the original bill as well.

Some of the controversy that has come forward on this bill has come from the Calgary regional health authority. The organizations that are involved with human tissue procurement and human tissue donation are very much in favour of these amendments. They're very much in favour of the bill, and the hon. member who proposed this bill must be commended for the work that she has done.

Mr. Chairman, if I may, I'd like to go through the letter that John Jarrell, chief medical officer for the Calgary regional health authority, sent to the hon. member. The first point that he makes is a definition of a potential donor. What he states is:

This definition would place the attending physician and other staff in a conflict of interest and would create an ethical problem for them if they believe that under the circumstances it would be inappropriate to certify someone as a potential donor.

He also went on to say that "a potential donor does not require any form of consent."

This isn't true. The potential donor must have signed on the back of their health care card that they are a potential donor. I don't think any hospital care worker or any physician would go out and actively solicit people to be organ donors. I think that is a certain conflict of interest. I'm afraid that Dr. Jarrell does not understand what this bill states. There is no way that a potential donor can become a donor unless he himself has first given the consent for the donation of the organs.

Mr. Chairman, the other issue that he brings up is the ministerial guidelines. I find these quite amazing and quite interesting, as a matter of fact.

The CRHA views the amended version as being likely to create an unacceptable conflict of interest for those involved in the care of the critically ill.

What Dr. Jarrell is saying is that the people working in ICU – the health care workers, the nurses, the doctors – would change their judgment about a particular patient just to get organs for donation.

Mr. Chairman, I find that quite repulsive. There is no health care worker, there is no physician that I know who would ever, ever put anything first except the patient's life. There does come a time, there comes a moment in time when the person's life – if it becomes inevitable that the person is not going to live, at that time there is an onus, a very important onus, on the attending staff, on the attending medical staff and the attending health care workers, to ensure that that person's organs, that person's gift of life can be transferred to someone else. This is a very critical thing.

Mr. Chairman, I draw attention to the fact that only 14 donors were identified in Calgary last year, whereas there were something like 37 in Edmonton. Even 37, albeit a good number, is an unacceptably low number of people who should be donating their organs for transplant.

3:10

Mr. Chairman, John Jarrell goes on and states:

It is unusual and inappropriate for the Minister to tell hospitals and their professional staff how to perform their tasks in such areas as . . . assessing potential donors.

It is not the minister's intention to tell the medical staff or the hospital care workers what a potential donor is. That's a medical

decision, and in no way will the minister become involved in actually identifying who is a potential donor and who isn't. If, for example – and I'm not pointing fingers – you had a long history of drinking, a long history of alcohol abuse, it's obvious that you would not be able to donate organs such as the liver for a liver transplant. That's just a fact of life. Your liver would have been damaged. That is not a decision the Minister of Health makes. That's a decision the attending physician makes at the time.

"Defining the role of hospital staff in the donation and transplantation of human tissue." I think it's absolutely critical that the Minister of Health get involved in that so he can set provincial standards on what should happen for people when it comes to organ transplantation and organ donation. This is in no way stepping on the turf. This is exercising the rights and responsibilities and the moral obligation that we put on the Minister of Health to ensure that these organs are transplanted and someone else can go on and lead a fruitful life. It's absolutely critical that the minister bring forward the roles of the hospital staff.

Mr. Chairman, as you know, I'm a physician. I have been involved in cases where unfortunately our resuscitation attempts on certain people have not been effective and the person has died. At that time we say, "Well, what should be done about donation?" Everyone kind of sits there and looks at each other and says, "Well, I guess it's too late." If there was someone there that said, "This is what you do and this is how you do it; I will look after it; I will ensure that it's done," the organ donation numbers would skyrocket.

There are a lot of potential candidates that do not have their organs harvested. Cornea is probably the best example. There are a lot of people in the province that are awaiting corneal transplants. There are a lot of people in the province that die in hospitals. A lot of these corneas could be transplanted to the individuals, yet they are not because there is no role defined for hospital staff on what they should or should not do.

"Training staff in the donation and transplantation of human tissue." Mr. Chairman, it hasn't been done. There have only been 14 in Calgary. I think perhaps the minister has the right and has the obligation to do that, not to do the actual training but to tell the hospital and the regional health authorities that there must be someone there who is trained in the donation and transplantation of human tissue. This should not be left up to the attending general practitioner in the emergency ward because that is not their job. They are thinking about saving the person's life. They are thinking about the acute illness at the time. There must be someone available who is aware of the intricacies involved, who is aware of the sensitivities at that particular time of death, the sensitivities with the patients' families, the sensitivities with everything that is occurring. Those are very special people, and they must be there.

"Communicating with staff on this matter." Mr. Chairman, it hasn't been done to date. This has not been done to date. I think it is well within the minister's prerogative, not to set out that you must communicate in this particular manner but to say that communication with the staff must take place. The staff must know what is happening when it comes to organ transplantation. They must be aware of the processes in place to harvest organs. They must be aware of what organs can be harvested. That's absolutely critical.

The final one is "keeping information and statistics." It's very uncommon for me, Mr. Chairman, to actively criticize someone in my profession. I do not do that. I have had opportunities, but in general I don't do that. It is absolutely critical that we keep

information and statistics on human organ transplantation and donation. These must be kept on a provincial scene; they must be kept provincially. If we leave it up to the regional health authorities, we'll have 17 different ways of collecting the information. You'll have 17 different sets of data that no one can interpret. The information would be essentially useless.

This is the province of Alberta. The organs for donation, the organs for tissue transplantation are not exclusive to an RHA. If someone dies in Medicine Hat or if someone dies in Brooks, those organs can be taken to Calgary; they can be taken to Edmonton. As far as I'm concerned, Mr. Chairman, they can be taken to Timbuktu so that they can be transplanted into someone else to give that other person a chance at life.

Mr. Chairman, the ministerial guidelines I think are critical, and I commend the member for putting them in.

I must give one criticism to the hon. member with regards to the Human Tissue Gift Act, and that is about the irrevocable consent. If I sign my consent card, I do not want my family, I do not want anyone else – that's in the amendments, Mr. Chairman – to come forward after I am dead and say, "No, we don't want him to give his organs." I think that's wrong. Again, this my personal belief, but I think the irrevocable consent should be left in the bill.

Mr. Chairman, in general, this is a very good act. In general, it's an act that I think will help a lot of people in this province. I think the ministerial guidelines are critical. I think there is a role for the Minister of Health in organ and tissue procurement. I think there is a role for keeping statistics and information on a provincial basis. When it comes to this, the RHAs must think beyond their boundaries and establish a provincial statistics and information system. It's absolutely critical.

Again, I'd like to congratulate the member on this bill. There are some parts of it that I have a little difference of opinion with; namely, the irrevocable consent. I think it should be that, but apart from that, congratulations, and let's move on.

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

MR. SAPERS: Thanks, Mr. Chairman. I'm pleased to see the latitude granted in committee on debate on this bill between the amendment and the main bill, because it does make it so much easier to engage in debate.

The first comment that I wanted to make about the form and nature of the amendment has to do with the role of the Minister and the Ministry of Health. I was intrigued when the Minister of Family and Social Services, who is himself a medical doctor, would talk about the potential for 17 different approaches to administering organ donation, would talk about the potential that there would be 17 perhaps different versions of the truth out there. Of course, this is a huge fear and concern, that in this program of organ donation, transplantation, and human tissue procurement there would be 17 sets of guidelines, criteria, whatever. That's why we would expect that the Minister of Health should have some central role, but that is no less true for so many other areas of health care.

I would expect, then, that it would become government policy that the Minister of Health should have central responsibility for things like the extra charges that are levied in hospitals across the province, because they vary by the 17 health regions. Or perhaps the Minister of Health would have central control over things like the waiting times for long-term cares beds, because we have 17 different waiting lists for those now as well. Or maybe the

Minister of Health should have central control over the number of operating rooms available on a per population basis for the procurement perhaps . . .

THE CHAIRMAN: The hon. Member for Calgary-Fish Creek is rising on a point of order?

Point of Order Relevance

MRS. FORSYTH: Yes. Point of order, Mr. Chairman. What we're discussing is Bill 206. We're not talking about hospital beds. We're not talking about waiting lists. I'd like the member to talk on the amendments in the bill. There is nothing in the bill about any of that.

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

MR. SAPERS: Yeah. If the Member for Calgary-Fish Creek would just be patient. I guess my question is: where does she think organ transplantation would take place if it wasn't in operating rooms? Where does she think organs would be procured from if it wasn't in ORs staffed by surgical teams? Mr. Chairman, there is a direct and total relationship, and she should know that.

THE CHAIRMAN: Well, hon. member, I don't know if you noticed that I was scowling because I was trying to see when it was that you were going to get onto the amendment. So if you can tie the things that you are developing into the amendment, that would be most helpful.

MR. SAPERS: Absolutely, and thank you for that.

3:20

Debate Continued

MR. SAPERS: The fact is that if we're going to see Bill 206 become law and if these amendments do pass, if they're seen to strengthen this potential law, then perhaps what we should be considering in this Assembly as well are some other amendments that may be consequential to Bill 206 that would strengthen the Minister of Health's hand in making sure that there is the ability within regional health authorities to operationalize what this bill would want to see accomplished. You know, Mr. Chairman, there would be absolutely no sense whatsoever in setting up an organ donation regime in the province that would potentially see a greater number of organs made available through harvesting if in fact there was no capacity within the regional health authorities to do just that.

So, Mr. Chairman, as I say, I was very intrigued by the Minister of Family and Social Services when he talked about the variation across the province, the sort of patchwork quilt that's developed in terms of health care administration. It's not just in the narrow sense of ministerial responsibility for data collection on human tissue procurement and transplantation, but, as I was saying, it's much more systemic in its scope, and I was pleased to see the minister raise the issue. This is the first time I've heard a member of Executive Council acknowledge that there are these administrative complications that have grown up because of the 17 regional health authorities.

Mr. Chairman, it's all right. There wasn't an exhibit displayed during debate. I don't want you to think that for a minute.

So on amendment A1 I would like to hear perhaps some more

specific debate on how, if this amendment became part of the bill, this particular amendment would make it easier for regional health authorities to do what they would be called upon to do. I'd like to know exactly how it is that we can be so dismissive of Dr. Jarrell's and others' concerns given that there are always competing views amongst professionals when it comes to very significant issues such as this. There's a reason why people seek a second opinion when they go to doctors: because sometimes not all doctors think alike, and thank goodness not all doctors think alike. So we have the opinion of one medical practitioner versus the opinion of another medical practitioner, and other than the Minister of Family and Social Services, that debate really excludes the rest of us. So what we have to do is apply a layman's understanding of the practice of medicine to this bill. I for one need a lot more information before I will feel that I am in a position to be able to support this amendment and then subsequently support the bill.

So I don't know whether the Member for Calgary-Fish Creek has some information, and I would ask the Member for Calgary-Fish Creek not . . .

MRS. FORSYTH: It was covered in debate yesterday.

MR. SAPERS: Okay. I would ask the Member for Calgary-Fish Creek not to be defensive or see this as argumentative. What I don't think *Hansard* just captured was: where was I in debate yesterday? Well, member, you know, I read debate yesterday, and you and I have had a chance to talk about health care issues before. I'm not going to question your commitment or understanding, and I would hope that you wouldn't be questioning mine. I'm asking some serious questions about a very serious issue. So if you have some new information on how this would become implemented and operationalized, I'd like you and other hon. members in this Chamber, if they have some more information, to share it with us. I think we owe it to the people of this province, because this is a very significant, very emotional, and very substantial change that we are contemplating. I may take an opportunity to speak again on the amendments, but I would like to have some of that information introduced into debate if in fact we have some new information.

Thank you, Mr. Chairman.

THE CHAIRMAN: The hon. Member for Calgary-Currie, followed by Edmonton-Glengarry.

MRS. BURGNER: Thank you, Mr. Chairman. I just want to take a few minutes to speak to the amendments that are before us and acknowledge the work that's been done by my colleague from Calgary-Fish Creek. I appreciate the debate we're hearing as the particular documents from the Calgary regional health authority have entered into the discussion. I think what has to be recognized is that when you're looking at something as sensitive as organ transplants and the ability to provide for that either from a voluntary component, which this act is directing, or whether it is something that comes through the medical community at someone's deathbed, the last thing you want to see is a split in our medical professionals and our need in the community to deal with this issue. I'm hopeful that Dr. Jarrell's comments will provide us with some good discussion to move forward and identify some concerns they may have in the community.

Having said that, Mr. Chairman, our Minister of Health has responded to this private member's bill with a fair degree of

diligence and has reflected on some of the issues that we've been looking at nationally to speak to this issue. The previous speaker, the hon. Minister of Family and Social Services, in his medical capacity has really spoken on the overview that was important to me: that the ministerial guidelines be there and that we do deal with this issue on a provincial basis.

Mr. Chairman, I too had some concerns about the mandatory nature of the bill with respect to the irrevocable clause. I think all of us have certain circumstances that we know are our own human nature. Our own family decisions might go one way, but one only has to have had experience at the deathbed or at the side of someone who is dying to know that the opportunity to respond to that is an appropriate one. I think the minister, in assisting us with these amendments, has identified that. I know in my own family's case that would be an appropriate issue. I think what is very important here is the public debate on the nature of human tissue donation procedures because we do have a number of tragic circumstances where well and healthy people face life-or-death situations not necessarily because of disease but because of the horrific situation of accidents and carnage on our highways.

Mr. Chairman, technology in the medical community has allowed us to take those circumstances which are personally tragic and turn them into small but very, very important personal triumphs. We have heard over and over of families who have managed to deal with their grief in a certain way because of the fact that transplants have become available and our technology in the medical community has been able to accommodate them. So I'm pleased that in dealing with the amendments, we have added a strong measure of credibility from the medical profession and through the authority of our Minister of Health to an issue that has been raised at the community level by the Member for Calgary-Fish Creek.

The last thing we want to have is any sense of a hovering group of medical professionals acting in an inappropriate fashion. The whole ethical issue of an appropriate advisory capacity to deal with this is more than appropriate. Mr. Chairman, we have certain circumstances where we know that certain diseases can be treated; life can be prolonged. The options of things like dialysis are very, very significant to quality of life for people who suffer from those particular diseases and illnesses. So providing the specific amendments that will augment what is not just a personal issue but a serious medical issue has given us the opportunity to move forward.

I do hope that the hon. member will, in the final discussions on this bill and the implementation, work very hard to address this issue of public confidence so that we have community strategies and public confidence that the health needs of those people who would be recipients would in no way – and I repeat: in no way – compromise the integrity and the personal scenarios around which people face their particular situations of death and dying.

3:30

Mr. Chairman, I am privileged to be a part of this discussion this afternoon. I'm pleased with the particular change in the irrevocable clause to meet community concerns, and we would continue to stress the issue of provincial guidelines on this one and an overall provincial focus on our donor issues. I think this gives a boost to those private organizations that exist to support family members and communities who deal with the diseases around liver and kidney disease. This gives us a chance to speak for just a few seconds about the tremendous support they give in the public education of diseases of this nature and their role as advocates in partnership with the health community.

I have no problems with the fact that Dr. Jarrell chose to speak out. I don't necessarily agree with all the comments he made, but I do believe that by focusing on the incredibly sensitive nature of this, the ethical issues and the implementation issues that are there, he's given us a good overview to take forward.

So I look forward to the passage of these amendments and working with all the regional health authorities through the minister to ensure the actual ambition of this bill, which was to provide an opportunity whereby donor transplants were made in the most comprehensive, medically safe way while fully respecting the personal wishes of those families facing those critical decisions.

Mr. Chairman, I'm pleased to support the amendments and look forward to the continued debate.

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

MR. BONNER: Thank you very much, Mr. Chairman. It is indeed an honour to rise today to speak to the amendments to Bill 206, the Human Tissue Donation Procedures Statutes Amendment Act, 1998. I think these are good amendments. I want to say that they are necessary amendments to the bill, particularly a bill that addresses organ harvesting when people are at a very sensitive and vulnerable time. The bill and the amendments are extremely strong. Being so, I think they will survive the test of time, and they will survive the scrutiny of all stakeholders and address all concerns.

This is a bill that we definitely need in the province, but I still do have some concerns. I would like to speak to some of those concerns. I noticed in going through the correspondence that the Capital health authority, who probably will be doing in the neighbourhood of 50 percent of these, supports the overall intent of the objectives. I think my concerns are not so much with the bill but part of the process, not particularly concerns with the amendments but, again, the process. The amendments, like the bill, were not seen in this House until yesterday. In listening to comments made earlier by the hon. Minister of Family and Social Services, he was referring to a letter which addressed the amendments. Now, my copy of the letter is dated March 12, the amendments are dated March 17, so I don't know that we really do have a follow-up letter at this point from the Calgary regional health authority addressing the amendments. That is part of my concern with the amendments: that we have many, many stakeholders, not only the Calgary regional health authority but many others throughout the province.

If we have only seen the Bill and the amendments for this short a time, we certainly have not had adequate time to rush into passing either the amendments or the bill. We definitely need more feedback. It's certainly taking our stakeholders that we've contacted time to filter through the information, to study and analyze the bill and the amendments, and of course time to react. We are not looking at a race, particularly when we are passing a bill that has such an impact on the citizens of Alberta. If teaching has taught me anything, it has taught me that good things do take time and patience. I would urge this body at this time to have patience with the amendments and with the bill and not try to ramrod it through.

I dealt with a group of people today, Mr. Chairman, who have had dealings with the Workers' Compensation Act, which was passed in 1918, a bill that is one of the oldest still in operation here in the province. One of the disasters in this province that led to that particular act was the Hillcrest mine disaster, where 189

Albertans lost their lives. However, the company walked away from the secondary disaster, and that was the families. When we look at this legislation and the amendments, I think if we rush through, if we don't take the time to hear from all our stakeholders, then we can have a bill where there will be secondary disasters, and we don't need that. It is that good a bill that we can take the time to hear from all of them.

Again, when I look at the Federal/Provincial/Territorial Advisory Committee on Health Services, one of the major aims here is . . . Yes, Mr. Chairman.

Chairman's Ruling Decorum

THE CHAIRMAN: I wonder if the hon. members who want to engage in lively conversations would do so in the Confederation Room or in the rooms that are appropriate for that. It's getting more and more difficult to hear the hon. member.

The hon. Member for Edmonton-Glengarry.

Debate Continued

MR. BONNER: Thank you, Mr. Chairman. When I look here, one of their general directives was, of course, to build consistent support for the use of consensus-building approaches. Now, if we want consensus-building approaches, then there definitely is a role for the Minister of Health, but that role should not be to make decisions. These decisions should be made through consultation with the various stakeholders. That is how we build consensus, not by one directive.

When I refer to the letter by Dr. Jarrell on behalf of the Calgary regional health authority, their direction here was:

The Minister should not be given the power to intrude into the practice of medicine and the provision of care to the critically ill notwithstanding the goal of increasing organ donations.

So we are not coming down with a heavy-handed approach here. We want to build consensus. We want to build the broad base.

There are a number of objections, Mr. Chairman, and we don't want to take any of them lightly. We do want to flag the concerns, and for that reason more work is required with the bill and with the amendments. Particularly in a sensitive area like this, we do want to proceed with a velvet glove, not a chain mail fist. When we do have a letter from the Calgary regional health authority, which probably will be doing close to 50 percent of these once the program is in place, then again we have to proceed with caution. We have to hear all of their – not objections, but they do have questions, and those have to be dealt with in order to build consensus and co-operation. The process that comes out of all this, as outlined in the bill and the amendments, is a process that must be conciliatory and responsible. It should be one that encourages donations and does not force people into donations. We are trying to establish a broad base, and this is the way it is built. I get very uncomfortable when we rush into passing amendments when we have not consulted all stakeholders, when they've only been in our possession for 24 hours.

3:40

With those comments, Mr. Chairman, I would like to say that I would like the sponsor of the bill and the amendments to adjourn debate until we've had time to address all objections. I don't think they will weaken this bill in any way. I think what they will do is strengthen this bill, and it will provide Albertans with the type of program that we want for human tissue donation.

With those comments, Mr. Chairman, I want to emphasize that

I am certainly in no way against this bill, but I do think that there have been numerous questions raised about the amendments and also about the bill. I would say for us to proceed cautiously. This is not a race. It does not have to be done today, tomorrow. Time is on our side. When we do this job, we want to do it right the first time so that we don't have to keep bringing it back here.

Thank you very much, Mr. Chairman.

[Motion on amendment A1 carried]

THE CHAIRMAN: On the bill.

I'm sorry, Edmonton-Glenora. The next speaker on my list is Calgary-Egmont.

MR. HERARD: Thank you, Mr. Chairman. I wasn't going to get up and speak to this again, but I think hospitals play such an important role in increasing the number of organs available for transplantation that it's extremely important that we give them the tools and the legislation to be able to do that. I think government also plays an important role by providing the framework and the guidelines under which these transplants ought to take place.

I believe that for the most part, certainly the people I've talked to, the public fully supports organ donations. Hospitals and government must be prepared to support their wishes to be organ and tissue donors, because currently you may have made that decision for yourself but other people can change that. I believe that what is being proposed in this bill is a much better approach.

The hon. Member for Edmonton-Glenora wanted to know how these amendments are arrived at. Just in terms of process, they are discussed in caucus and agreed to. I know that I'm not speaking to amendments at the moment, but I just wanted to inform the hon. member that that's the process. The amendments do allow for the collection of information from hospitals and a structure to ensure that medical professionals can do their jobs well.

With respect to the question on the bill, I certainly urge all hon. members to vote in favour. Thank you very much.

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

MR. SAPERS: Thanks, Mr. Chairman. I still have some concerns about the irrevocable question in the donor authorization. I also have some concerns about a potential conflict between what may be in an advance directive and what may be on an organ donation card or in an authorization.

I continue, though, to have my primary concerns around the ability of the health care system to react and respond in an appropriate way to this bill. If I reflect on the federal/provincial task force report that dealt with human tissue procurement and transplantation, one of the key elements of that report was the call for consensus amongst all of the stakeholders, all of the interested parties. That consensus doesn't exist and can't be built in the kind of climate that the health care system now exists within.

If this legislation passes the House, then there should be – this is the goal, and I'm not opposed to this goal – an increase in the number of human organs that are made available for transplantation. So people requiring dialysis should be able to get kidneys. People with liver disease should be able to get livers replaced. People needing corneal transplants – the waiting list will grow, the quality of life for these people will no doubt be enhanced, and of course the procedures might be lifesaving in and of themselves. Obviously I'm not speaking in opposition to any of that. But if

the volume of harvesting goes up in the way that we would expect as a result of this bill, if the concomitant or resulting volume of transplantations goes up as a result of this bill, I'm concerned whether anybody has done the analysis on whether or not the system can absorb that increased volume.

Now, I have to be very careful, Mr. Chairman. I'm not saying that because there's not enough capacity in the system, therefore we shouldn't do the medically necessary work. I'm not saying that. What I'm saying is that the health care system in this province is barely coping, and many have argued, including myself, that it has failed to cope in many instances already. So if this bill becomes law, becomes proclaimed and guides medical practice in terms of organ procurement and transplantation, then I would expect that the government is going to have to come forward in co-operation with the regional health authorities with a concrete plan that would show how we're going to do it, how we're going to manage it administratively, operationally, and fiscally, and none of that has really been a feature of this debate.

I've heard on the side from health care administrators that they on the one hand are happy in anticipation of being able to do a higher volume of transplantations, but on the other hand they are concerned that they're not going to be able to. Mr. Chairman, I can't think of a worse possible situation than the situation of having a doubling, a tripling, a quadrupling of the number of identified donors and then still not being able to take advantage of that increased pool of human tissue because we don't have the operating rooms open, we don't have the surgical staff available, we simply don't have the capacity.

That would be a dramatic and unconscionable failing, because what it would do is it would be bolstering the hopes of those Albertans who are on waiting lists for transplantations. This law would signal that, on the one hand, the province has recognized that need and has recognized that waiting list and has identified perhaps a mechanism for dealing with it. On the other hand, it would dash their hopes, because as they met with their physicians and as they met with the people they need to talk to in preparation for the transplantation, they would be told, "Don't get your hopes up too high because we still don't have the capacity; we still can't handle the volume." That's the kind of information, I guess, that I was hoping to hear in debate, that somebody had sat down with the regional health authorities and had mapped out how we were going to implement the results of this bill, the implications of this bill.

3:50

Mr. Chairman, the Capital health authority does the highest volume of solid organ transplantation in the province and actually is a resource to western and northern Canada, and the Capital health authority I think has a pretty proud track record, something that they should be very happy about, of doing the best they can to cope with the demand while struggling to work within constrained budgets. But one of the implications down the road of increased organ transplantation is the ongoing cost of maintaining those patients, the lifetime commitment that a patient has to make to taking antirejection drugs.

There's a whole pharmacology that's developed around human tissue transplantation, and the cost of those drugs is typically provided by the health care system. They're not passed off to private health care plans because they're seen as extraordinary, and in fact in many cases the cost of the drugs over the lifetime of the patient would outstrip the cap that we all have on our private health care extended benefits plan, whether it be Blue Cross or through another provider. So it's been pretty well

established that if you are the recipient of a heart or a lung, et cetera, and you have to take these drugs for the rest of your life to maintain that organ, those very expensive drugs will be paid for by the system.

The last time I looked at the Capital health authority's budget, they were way over budget on their drug costs, and they were constantly struggling, robbing Peter to pay Paul, to come up with money to continue funding this drug therapy for these patients. Now, we know as we stand in this Assembly today that 16 of 17 regional health authorities are facing a deficit. One of those health authorities is the Capital health authority, and it's a deficit in the tens of millions of dollars.

Now, not to be partisan about it, the reason why they have a deficit is because the provincial government didn't give them enough money to meet the demand. That's a fact. That's not a political statement; it's a fact. So given that they don't have enough money to meet the demand that they fulfilled in the last year, and that's why they have a deficit, and given that for the previous deficit the government finally saw its way clear to write off that deficit, to give the Capital health authority in this case enough money to eliminate what they call their establishment deficit, I'm wondering whether or not the Treasurer has been involved in any discussion regarding the implications of this bill for future year funding in the Capital health authority should they incur a larger deficit – and I would imagine they would – in an already operating in the red drug program so that people can get the maximum benefit of this legislative change.

The Member for Calgary-Fish Creek has an ability to determine issues of tremendous public importance and has shown a tenacity in bringing those issues forward into the House, which I quite respect. But along with that, we have to recognize that it's not just a matter of bringing an issue forward; it's a matter of following through, and the following through doesn't end with the passing of the bill. The following through, then, happens when we have to live with the consequences of the bill. So if the devil is in the detail, the detail in this case is in how we are going to make it work. I would be afraid that we're not going to make it work very well unless there is some money attached to this bill.

Mr. Chairman, perhaps it's just a quibble, but there's another issue that I want to raise. I'm not raising this in the context of the Member for Calgary-Fish Creek; I'm raising this in the context of this being a private member's bill. We've had the Minister of Health stand and speak to the bill and introduce amendments. I carefully read *Hansard*, and certainly it was indistinguishable in the hon. minister's remarks whether he was speaking to a government or a private member's bill. We had the Minister of Family and Social Services stand and give a detailed response to concerns raised by the Calgary health authority and speak clearly on behalf of the government. If you review *Hansard*, you'll see the observations that the minister made in terms of responding on behalf of the government.

My quibble is this. We have established in this Chamber a tradition since 1993 and then reinforced again in the House leaders' agreement signed in '97 that private members' business means the whips are off. Private members' business is just that, private members' business, and they are free votes. This is not the first time that there has been a line crossed, in my opinion, between what is put forward as private members' business and then what is adopted by the government as their business.

I worry a little bit, because I would hope that the government is not, you know, stepping on the toes of private members by piggybacking on private members' business what the government

maybe didn't have the courage to do as government business or perhaps wished it had done as government business. I am very seriously concerned that we don't lose what we started in 1993 when there were so many brand-new private members in this House on both sides, so many first-time members, and a good number of new members again elected in '97. I'm just very apprehensive that we don't lose what was carved out, and that was very clearly a statement made that private members can and should make a bigger contribution in terms of the legislative agenda of this province, and the way to do that is by having unfettered private members' business come forward. I just feel compelled to raise that as one of the signatures on that House leaders' agreement, because this is not the first time that I have perceived a little bit of government intrusion into what is private members' business.

Mr. Chairman, the Member for Calgary-Fish Creek has identified a serious issue, has brought forward a bill that captures the spirit of that issue. I'm not sure that it has successfully dealt with the resolution of the issue. My sense of debate is that this bill will proceed from committee to third reading. Once we get to third reading, we'll have to evaluate the questions raised about the practicality of this bill. We'll have to evaluate the response from those who have already been detractors from the bill to see whether or not the amendments have softened their opposition to the bill, and we'll have to determine whether or not in the final analysis this bill would be the best route to take for the province. I mean, that's after all what third reading is all about. It's that last sober reflection before you pass things along to the Lieutenant Governor.

I think that there might be some other members that want to speak. So, Mr. Chairman, thanks.

THE CHAIRMAN: The hon. Member for Calgary-Fish Creek.

MRS. FORSYTH: Thanks, Mr. Chairman. I know that we probably could have closed the debate, but I just want to mention a few things that I think are important.

Bill 206 has been conceived for many reasons, and I think the most important reason has been the idea of saving people's lives. The second which is important to note is that it's a first in Canada again, and I'll repeat that it follows the federal/provincial task force. Alberta is taking the lead, and it's establishing a framework to implement policies and procedures in relation to organ donation. Bill 206 has set the framework for the policy. It's a building block. It's not the be-all and end-all of organ transplant legislation. We'll be listening to the consultation with stakeholders, i.e. doctors and people within the transplant organization.

4:00

Some questions have arisen today that I think have to be addressed, and I'm going to try and address them. Section 7 of the Regional Health Authorities Act gives the minister the authority to provide priorities and guidelines for the regions to follow in exercising their powers. We had concerns about that within the Calgary regional health authority, about what powers we had. Section 16 of the Regional Health Authorities Act provides the minister with the authority to do anything "the Minister considers necessary to promote and ensure the provision of health services in Alberta." Section 28 of the Hospitals Act requires the boards of each hospital to establish rules governing the operation of a hospital. Some of the matters to be addressed in the rules of the hospital are set out in section 16 of the Operation of Approved Hospitals regulation. The amendments to

the Hospitals Act proposed by Bill 206 require hospitals to include policies and procedures governing human tissue donation and transplants and governing rules in accordance with guidelines set out by the minister.

The hon. Member for Edmonton-Glengarry said that time is on our side with this bill, so let's not rush it. Well, I appreciate what you're saying, hon. member, but time is not on the side of people that have been waiting for organ donation. This federal/provincial task force started in 1985. It got up again in 1994. You know, you have to wonder how many people's lives have been lost as we research and we consult and we consult and we consult.

This is a good bill, and I'm not saying that because it's under my name. This bill has been done in consultation for over a year and a half with the Kidney Foundation, the Liver Foundation, HOPE. Dale Spackman provided us legal aid. I have to especially give thanks to my STEP student that worked so diligently on this last summer, and a huge, huge, huge thanks to my researcher, Jamie Davis, who has been working day and night on this particular bill.

Well, are we still not convinced about the importance of this bill? Let me tell you. With an organ donation your heart can beat for someone else, your lungs can breathe for someone else, your kidneys can free two people from dialysis, your liver could save the life of a patient waiting for transplantation, your corneas can give sight to two people, your bones could help repair other people's damaged joints, your skin can help burn victims.

We talked about cost. I just want to give you some stats about what it costs people who are on dialysis. As of September 17, 1997, there were 145 organ transplants in Alberta. As of September 15, 1997, there were 232 people waiting for organ transplants. The costs associated with a kidney dialysis? Without dialysis a patient needing a kidney will die. The cost of dialysis is estimated at \$50,000 per year per patient. Assuming that all 158 people in need of kidneys in Alberta use dialysis, the annual cost to the health care system is approximately \$7.9 million. Assuming the waiting list is static for a five-year period, the total cost to the health care system is \$40 million. Every person waiting for a kidney transplant costs the health care system approximately \$250,000 every five years.

The costs associated with a kidney donation, that the hon. Member for Edmonton-Glenora – a transplanted kidney can last 10 to 20 years. The cost of a kidney transplant operation is approximately \$20,000. The annual costs for antirejection drugs and rehabilitation for a recipient is estimated to be \$6,000. If kidneys were available for all 158 people on the waiting list, the total cost of the operations would be \$3.16 million. Assuming successful operations and recoveries for all 158 donees, the five-year cost is estimated at \$4.74 million for drugs and rehabilitation. The total cost for 158 kidney transplant operations and postoperative care for five years is almost \$8 million. The possible five-year saving, if we want to get into savings on the health care system for kidney donation, is \$32 million. So I think we have to look at what this bill provides.

I want to repeat again to people concerned: this bill will be done in consultation once we get it through the process of Committee of the Whole and third reading.

I encourage everyone to support Bill 206. Thanks.

[The clauses of Bill 206 as amended agreed to]

[Title and preamble agreed to]

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

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

The hon. Minister of Community Development to move that we rise and report progress, perhaps?

MRS. McCLELLAN: Definitely. Mr. Chairman, I would move that we rise and report.

[Motion carried]

[The Deputy Speaker in the chair]

MR. SHARIFF: Mr. Speaker, the Committee of the Whole has had under consideration a certain bill. The committee reports Bill 206 with some amendments. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

head: **Public Bills and Orders Other than
Government Bills and Orders**
head: **Second Reading**
4:10 **Bill 209**
Access Enforcement Act

[Adjourned debate March 11: Mr. Yankowsky]

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

MR. DUCHARME: Thank you, Mr. Speaker. The breakdown of a family is an unfortunate occurrence, and the effects on the individual family members are deep and long lasting. It is impossible for society to control these situations, and it is for that reason that responsibility must be taken to deal with situations arising from separation or divorce. It is important to ensure that resources are available to those involved, as family members must endure the process of adapting to their lives. Of the utmost concern in these situations are the children. While divorce is never easy at any age, young children in their formative years can be extremely impressionable, and it is essential that their well-being is seen as a priority.

The issue of access to children is becoming an ever increasing concern in Alberta, thus demanding that serious consideration be given to the best interests of the child or children as well as to the custodial and noncustodial parents. I do commend the sponsor of Bill 209 for recognizing this fact, Mr. Speaker. Recognition of a problem is always a major step in the battle.

As members of this Assembly know, there is a maintenance enforcement program and child access review taking place. I am a member of this committee studying matters such as these. One area in particular is that of issues relating to child access. Upon the completion of this review, the committee will submit a final report for the Minister of Justice to examine.

Mr. Speaker, a number of the issues we have been looking at include problems relating to the exercise of access – identifying the causes of problems relating to access, identifying what actions are taken or what methods are used by divorced or separated parents to facilitate access and avoid conflict – investigation of legislation, programs, and initiatives from other jurisdictions which have been implemented to deal with access issues, and assessment of the success and costs of these initiatives. It is our intent to develop recommendations as to how the interests of children and their parents, relating to access, can be accommodated and protected in a positive and co-operative manner. These recommendations will include dispute resolution mechanisms that centre on what is best for the children and have the most potential to provide long-term solutions for all of the parties involved. We are also looking at the ways in which community-based services can be used to resolve problems relating to access.

What we have before us in Bill 209 is legislation that addresses the general issue which I have just been discussing. But having said that, there are a number of concerns I have with its contents. By now we have heard a number of opinions about this bill, and the examples I am about to discuss have already been mentioned, but I feel they are significant concerns that warrant further discussion and consideration. These examples include the absence of a section dealing with the financial costs that would be incurred in creating a director of access enforcement. Also missing is a section addressing how such a position would be set up or how it would be empowered with the force of authority needed to enforce access issues. It is quite clear that the financial costs of the provincial services or a new agency, which would be required to give force to this bill, would be significant and by comparison might approach that currently experienced by the maintenance enforcement program. Mr. Speaker, they are important points, yet Bill 209 has failed to include them, which in my view substantially weakens the legislation before us.

Mr. Speaker, there is an additional section of Bill 209 that concerns me. This is the matter of attempting to force a noninterested parent to make use of their access rights, as contemplated in section 5 of the bill. It is a serious matter to coerce a person into taking an interest in their child or children. In fact, not only do I question if this can be done, but I question whether that is something we would want to attempt. Can anyone tell me that the child's best interests would be served if they are forced to spend time with a parent who has demonstrated a lack of interest in them and in their lives? What if that child does not want to spend time with the parent in question? Naturally, we want to have both parents be involved in the rearing of the children, but I just do not feel that coercion is an effective measure to undertake. In some cases it may be wise to accept that it is not in the best interests of the child or children to have both parents or one parent in particular involved in their lives.

To address this issue of access in a fiscal manner is disconcerting. A thousand dollar fine is not likely to be a positive manner of attempting to instill emotional ties between parents and children. As a matter of fact, I would say that it would create the potential for destroying what small ties may have existed as well as the possibility for future relationships. The human psyche is a delicate thing, Mr. Speaker, and when you're dealing with an already emotionally charged situation, the chance for negotiations has already been severely diminished.

Mr. Speaker, we know that children experience a multitude of emotions when they are mixed in with the divorce settlement. Their security of a family has been removed, and they are often

left feeling rejected by one or maybe even both of their parents. Worse yet, very often they see themselves as the cause of the breakup of their parents' marriage. Schoolwork is likely affected. Relationships with other children may be strained, as they do not want their friends to know what they are going through, and there may even be teasing or mocking that they may be subjected to by their peers, should they become aware of the situation.

Mr. Speaker, we all know that many times children are forced to choose between their parents, forced to decide where their loyalties lie. I cannot begin to understand what they must feel, but to be torn in two directions can only be harmful to their emotional stability.

With that said, I certainly do not want to leave this Assembly with the impression that all separations or divorces are accompanied by extreme circumstances, but the truth is that many are, and that is why we are addressing this issue here today with Bill 209 and within the terms of reference for the maintenance enforcement program and child access review committee.

When we are dealing with a situation where there is a tug-of-war for custody, where a noncustodial parent is not meeting with the agreement or is possibly seeking further access, punitive measures and offences to ensure such access can only be negative. At the forefront is the question of the welfare of the child or children and whether it is in their best interest to have one parent jailed, especially if that parent is the custodial parent or primary supporting parent.

The question of what to do with the children during a period of incarceration is a serious one. It is a solution that would, without a doubt, serve to create further tensions in what is already a complicated situation. Frequently noncustodial parents seeking access do not have the capacity to take the children full-time, as would be needed during a period of incarceration of the custodial parent. There is also the impact on the children to be considered if such actions were to become routine.

Mr. Speaker, I have chosen to focus quite strongly on the interests of the child. In my mind, the children are synonymous with the issue of access. We have established that the issue of access is both difficult and complex. I do not feel it is likely that this is an issue that can be resolved merely by instituting a series of punitive measures or by offering mediation as the cure for disagreements.

Mr. Speaker, there have been a number of matters raised throughout this debate that must be given further study and consideration, and perhaps some of those issues will be addressed in the final report of the maintenance enforcement program and child access review committee.

In conclusion, Mr. Speaker, I would like to say that I will not be supporting Bill 209, because I firmly believe additional work needs to be done in order to produce the most effective piece of legislation for Alberta families. Thank you.

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

MR. SAPERS: Thanks, Mr. Speaker. I'm going to be speaking in favour of Bill 209, the Access Enforcement Act, and I'm going to be doing so for many reasons. Some of them actually were just articulated by the last member that spoke, as ironic as that may seem.

One of the things that disturbs me in my role as the MLA for Edmonton-Glenora is when my office is contacted by a parent, a man or a woman, who is usually in distress and at their wit's end

– they contact me either by phone or come into the office to see me – and they want me to do something to make their access problem go away. Sometimes it's the custodial parent who is saying that they are being harassed by the noncustodial parent, and sometimes, most often, it's the noncustodial parent. The words that are used often include things such as: my child is being held hostage by my ex, or I'm being blackmailed by my ex. These are very strong words, very powerful language, and should convey the intensity of the emotion and the seriousness of the issue.

[Mr. Shariff in the chair]

We have a very imperfect system of resolving these kinds of domestic problems as they are presented to the courts and to our administrative structure that supports the courts. The government acknowledged this, and several times government members, cabinet ministers have said that dealing with maintenance and access issues are perhaps some of the most important things that we can do on behalf of the people of Alberta. The government set up a task force to look at maintenance and access issues, but perhaps that in and of itself is the nexus of the problem, the hub of the problem. The fact is that maintenance is a thorny issue. Access is a thorny issue, and perhaps what we should be doing is looking at ways of separating these issues, to the extent that they are severable, and paying attention to solving problems specific to either maintenance or access.

4:20

Bill 209 does just that. It is a creative means of addressing access issues. It creates an independent adjudicator, an independent person who takes neither the court's side, the mother's side, nor the father's side but by definition takes the child's side, which is exactly what I just heard the Member for Bonnyville-Cold Lake articulate. It seems to me that for the very reasons that the government acknowledged they had to set up a task force and for the very issues that he raised, it is incumbent upon us to recognize that as quickly as we can, we should take at least the first step.

Now, it's a little ironic that in the exchange that we just had on Bill 206, we were told that time is of the essence, that we can't afford to study the issue anymore, but when it comes to Bill 209, we're being told: well, we should just study the problem as though it's brand new to each and every one of us. Of course, it isn't brand new to each and every one of us. Not to be overly dramatic or to put too fine a point on it, but if it's a life-and-death issue with organ transplants, let me underscore what a life-and-death issue it can be when it comes to resolving some of these domestic issues. One does not have to go too far, one does not have to look too deeply to find headlines that talk about children murdered by an estranged spouse. This is not an everyday occurrence, but tragically it's not an unknown occurrence in this province.

So it seems to me that if we can argue that time is of the essence when it comes to organ transplantation and we can't afford to study the issue because lives are at stake, then I think we can make an equally powerful argument that time is of the essence. This is nothing new to government, and if the government wants to continue with its maintenance and access task force, that's commendable, but let us not be paralyzed into inaction because we are studying the problem once again. Let's do what we can to get on with it. If it turns out that it's imperfect, we can fix it. We have the Premier of the province talking about imperfect budgeting processes, so we have detours and dips and

dives. We can go around when we get to a pothole, and we can back up and reverse and change things. Well, if that is in fact the perspective of this government when it comes to making social policy, how could you justify, Mr. Speaker, not doing whatever we could do to deal with the access issue to make it better, if not perfect, when it's in our power to do so? And it is within our power to do so. We could pass Bill 209.

Now, there are many speakers on the government side who have talked about how, you know, they're not sure that we can afford it; we're not sure that the cost of this independent office is justifiable. Well, what is the cost of going back and back and back to court? What is the cost? I mean, maybe the Minister of Justice knows what the cost is of going back to have orders changed, renewed, to have restraining orders issued. What is the cost? What is the social cost? Mr. Speaker, if that cost is unknown because nobody's ever collected the data, then let's not be knocked off the track here by a hypothetical argument that perhaps this would cost more. I don't think the Member for Bonnyville-Cold Lake or any of the other members that have talked against this bill because of the potential cost really know. I think that they are making a guess.

Let's say that there is a cost; let's acknowledge that there would be a cost. We would have to ask ourselves whether or not we think that cost is unjustifiable in terms of the benefit it would provide the people of Alberta. That is our role in this Legislature. We make those kinds of decisions every day, and we don't shy away from spending money when it's seen to present the net benefit, the desired benefit.

Mr. Speaker, one of the other criticisms is that it just simply won't work: that the fine structure is inappropriate, that you don't charge somebody a thousand dollars and make that relationship between their pocketbook and access to children, and that it's not a very reasonable framework or way to approach the issue. Well, if this was a brand-new and totally novel approach that was untried in the universe, I would have to stand in this Assembly and say: well, those hon. members that level those kinds of criticisms may be right that it's an empirical question and only time will tell. Then I'd be arguing that we take the risk and we take the experiment.

I don't even have to do that, Mr. Speaker. Not that my colleague from Edmonton-Norwood isn't creative and innovative, but in being creative and innovative, what she has done in putting together Bill 209 is seek out the best experiences of other jurisdictions in this great country. What we see is that section 41 of Newfoundland's Children's Law Act, section 83 of the Children's Law Reform Act of Ontario, section 26 of the Children's Law Act of Saskatchewan, and huge portions of the Child Custody Enforcement Act of Manitoba have all been reviewed and incorporated into Bill 209. So what we have is not an experiment in any sense of the word. What we have is the tried and true experience of several other Canadian jurisdictions, arguably dealing with exactly the same issues, whose Legislatures have come to terms with those issues in a far more forthright and practical and immediate sense than the Legislature of Alberta has.

What we are calling upon the Legislature of Alberta to do today is to take action, to dig in their heels and say: "Yes, we're going to do the right thing. We're going to do something." Because that's doing the right thing. "We're going to deal with these thorny access issues. We know we're going to be on the right track because we're going to learn from the successes and the failures of these other jurisdictions." Sometimes it's okay not to be breaking new ground, but it is inexcusable not to learn from

the experience of others. It is inexcusable to ignore the successes of others when they can bring benefit to you and to those people you are responsible for and to.

So to those members of this Assembly who have said that we can't afford it, I'd say we cannot afford not to, and to those members of this Assembly who believe that it won't work, I would simply say: review the experiences of Saskatchewan and Newfoundland and Manitoba, and then come into this Chamber and say that it won't work. In fact, what they would find if they reviewed those experiences is that it does work and certainly works better than what's happening in Alberta.

Nobody has found the magic bullet. Nobody has found the answer, and I think it would be naive to say that there is one single answer to access issues when it comes to families that for whatever reason have been torn apart. But this is an answer. It is a positive step, and it is not out of step or out of sequence or out of time with the government's own initiative in terms of reviewing this matter. Perhaps one of the things that the maintenance and access task force could do, if they were so inclined, is to reinvent themselves so that they could evaluate the implementation of Bill 209. That would seem to be a responsible thing to do and a good use of the members' time who are on this committee.

Mr. Speaker, I would think that we have no logical or cogent reason not to support Bill 209. I mean, we have lots of logical and cogent reasons to support Bill 209. We've heard the arguments, as I said, that it won't work, but we know that it does, because it does in other jurisdictions. We've heard the arguments that it's too expensive, but we don't know what those costs are. Nobody said why it's too expensive. But we know what the social harm and the real dollar cost is of leaving the system alone.

We have nothing but the most compelling reasons to support Bill 209. So I would ask that every member in this Assembly examine their own experience, examine the contacts that they've had with their own constituents, and then apply that knowledge, that introspection to a fair and honest review of Bill 209. I would ask that after they do that, they stand quickly to vote for this private member's initiative which has been brought forward by my colleague from Edmonton-Norwood.

Thank you.

4:30

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

MR. WHITE: Thank you very much, Mr. Speaker. It's a pleasure to see you in the chair, sir.

Today I'd like to address some of the concerns that have been raised by the other side as well as by the proponent of Bill 209, Access Enforcement Act, and start from the same position that the Member for Bonnyville-Cold Lake came from; that is, to ensure that all children are given the opportunity to develop meaningful relationships with their parents and with those that are related to them and that in fact have court-ordered access.

Now, there are a number of parts of this bill that can be argued and discussed from various points of view, and it's agreed that some of them have been argued and used as arguments against this bill. But in fact the fundamental part of this bill, that there is a better way to effect that change in a child's life and have that opportunity for that child to have the right of access to a parent, is just that: a better way. Under the current laws of Alberta the only avenue is to go off to an interested third party and try to influence that person to go to the second party to work out some kind of arrangement. If all that fails, because it's informal, the

only other avenue is a long, drawn out system of going through the courts, which nobody – nobody – benefits from.

You can say that the lawyers benefit from it, and yes, financially they do. But if you ask a family lawyer, they will tell you they do not enjoy taking other people's problems to a court. I recognize that what occurs here in a lot of cases is that after a family breakdown there is a lot of bitterness, and the only point of contact that the two parents have is through the child. The court orders that, yes, there's some maintenance required. That's simply money. Yes, there is a system in place, rightfully or wrongfully, that does some good in some cases, does not do a lot of good in other cases, and yes, it's harmful to some. But it's an attempt, and it's a matter of adjudicating the matters.

Let's set that aside for the moment, the money aspect of it, and deal with the access. That's clearly what has to happen here when you're dealing with these cases, as many of us do. As frontline social workers in the way of being an MLA, which you end up having to do, you do become just that: right in front. You try to separate that and say: okay; the money has nothing to do with the access. Now, you know that it's exceedingly difficult for either of the parties to separate that, because that's another bone of contention, a point of anger. What happens in a lot of these cases, as you well know, is that, like the money, the access to that child ends up being a weapon for one parent to use against another. "If you don't pay the money, you don't get to see Johnny. If you don't behave and quit calling me at odd hours," or "If you don't make arrangements to sell that house of ours, then you can't see the child." And on it goes. You've heard it all, and to separate those issues is very, very difficult.

[The Deputy Speaker in the chair]

This act would do that in large measure because it would separate two separate and distinct people in law to do those kinds of things such that the current director of maintenance of enforcement says: "No, no, I'm sorry. I will do all I can to make sure that the custodial parent receives the entitlement as laid out in the court. Likewise I will not direct and cannot direct in law access enforcement," as is currently the case. They'll tell you that right off the top. They separate those all the time.

Coming at it from that point of view, where the concerns can be clearly delineated in the minds of the combatants in this case, doing that immediately sets up a response: how can you possibly separate the two? Eventually the combatants will have to come to the realization that you have to go next door to the other place to get access dealt with. Generally what happens is that the maintenance doesn't come, so access is withheld. These two can compare notes and decide that, yes, we understand what is happening here and direct that it can be done.

Now, yes, there is some concern about how this war of wills between combating ex-marrieds occurs. We all understand how that happens, and we all understand that there's no perfect solution, but what there is is an attempt at a solution. If there are those in government – and this would be clearly a government-paid staffer that could remedy some of those situations. Yes, I know the first thing you're going to say is it's too darn expensive, that we can't have all of these social agencies running around and we can't have all of these people doing these things. Well, I say: what is true cost of it?

Now, when you're looking at the cost, we had many members of this House say: the fundamental purpose of government in this province when it was formed in 1905 was education. That was

fundamental in the British North America Act, which became the Canada act. I think it's section 92 that says specifically what is meant by a provincial government. Well, this is part of a child's education. Who educates the child more? Is it the 200 days a year when a child spends maybe five and a half hours in school instruction, in actual instruction three hours, or is it the parent and the grandparent that teach them things like knitting, teach them how to socially interact, teach them how one deals with anger and difficulty? Is that not where education starts? I know it is. Most of those people here that are either parents or grandparents know that.

When you don't have that parental input from both parties in varying degrees – sometimes, yes, it won't be perfect; sometimes the habits will be not quite right and that which is taught is not quite right. But to deny, to cut that off is a fundamental error in a child's education and upbringing. Yes, it may be said here that it's the formative years, those very early years of life, but I say to you: no, that's not particularly the case. As one gets older and as a young man gets to puberty, he looks to have these role models, and if it's not there in the way of a bloodline, he has to have some substitutes. That's simply not fair. There should be access. In a perfect world access would be given freely. We do not live in that, and to cheat a child in that is simply not fair.

Let's look at the history of this bill. A couple of years ago we had Bill 219 before this House, the Family Law Reform Act, put forward by my colleague from Calgary-Buffalo, who spent a great deal of time in his life prior to becoming a politician being a family lawyer, separating the rights of all of those involved and trying to come to some resolution. This is his draft; this is his interest. This is his way of saying: "Yes, this is where I can contribute. This is how I can further the cause of families and children in the province of Alberta." Unfortunately that was debated and defeated in second reading, with a lot of the same arguments.

We had a great deal of representation from grandparents thereafter, a really concerted effort, saying: "Look; I'm being denied access simply because my son or my daughter is having difficulty with their ex, and I happen to be caught in the middle and these poor children are summarily cut off from me," a loving grandparent that can teach them and bring them along in this world and give them an anchor, a root, a strong source of strength for knowing their past.

4:40

And lo and behold, we had a private member's bill brought forward by a government member, and the section passed. Well, that leaves a little bit to be desired in the way of operation of this House in the way of dealing with private members' bills. I suspect that this bill, from what I've heard, is going to receive the same short shrift, perhaps because of its sponsorship. You will note, of course, that the only bills that have ever fully passed this Legislature by private members in the time that I've been here happen to be by government members. Maybe they're much, much brighter than the rest of the world; it's not for this member to say. But it does seem a little suspect.

This act in Alberta deals with all of the access enforcement: Queen's Bench rulings from the Divorce Act and the Domestic Relations Act as well as provincial court orders that order custody under the Provincial Court Act. Of course, this bill does not have the authority to usurp any remedy of an enforcement act to any member of the public on either side of the relationship, either a custodial or a noncustodial parent or a grandparent that in fact has some access ruling. But what it does do is it puts something in

between, something much, much shorter than the "I'll see you in court" routine, which we have much too much of in this society as it is. It puts in that person that delivers some care and compassion and some good solid judgment, all based on one premise: what is best for the child? Set aside all the money, which is a whole other set of discussions in maintenance. This is just access. This is getting together two people: a parent and a child. That is all.

Now, what's separating that all the time is the war of wills and not anything else. It should not come to that, where one has to take all steps necessary, as they say, and that means going to court. Court is a very, very divisive forum. People can go into a court with their lawyer thinking, "Oh yes, of course I should win this case," and feeling not so bad about the person opposite. But the things that are said in those courts by and large do nothing to resolve the personal conflict. Yes, it resolves the conflict as it is read in law, and yes, it's done. But the personal conflict, the war of wills, goes on and on and on and certainly is not resolved by a court. A court provides a remedy, not a solution. The noncustodial parent that is denied access may have access by court-forced order, but it certainly doesn't make the relationship between the two any better.

All steps can be taken beforehand by an intermediary to put the onus on the parent. "Look; do you know what is best for the child? Yes, yes, yes. I know you don't think the other parent has the skills or doesn't have their true interest at heart. But look; this is God-given, children; it's not your place to take this away." However it happens, however it occurs, beg, cajole, reason to get the access to occur. It's much, much better than having to go through a court, as the current situation is, and recognize that this person is a third party. This person is by design unbiased to one party or the other, only biased to the extent that this person's charge is only to the benefit of the child.

Now, I know that choosing between two parties and trying to rule is difficult at the best of times and that you always must have a subjective analysis judgment, as a judge does in looking at what a lawyer presents from either side. You're still getting to that judgment; you're getting to it in a much, much less combative form. Therefore it would appear to me to be an opportunity that is lost currently.

Yes, I know there are those that will say we've spent a great deal of government time and money trying to do this in another manner and that it hasn't worked a great deal. But as one that deals with maintenance enforcement on a regular basis, I tell you that sometimes it does work and most times to the betterment of the child, and that's in maintenance enforcement. This is the corollary to that. This is the hand in glove, the complementary piece of legislation that I think should and could be put into legislation. Quite frankly, I would like to see it at least go past second reading into committee so that some of the arguments could be dealt with, the arguments that I heard from at least two members opposite, and that was the difficulty with section 5, which would, in their view, force access to those that have failed to exercise their right of access.

That's not my reading of it. My reading of that section is that it could fall to the director of access enforcement to make mention of the fact that there is a need here, that it's clearly demonstrated the child needs this, and not force it. The director of access certainly couldn't, and the member pointed out all the potential disasters that could occur if access was absolutely forced upon a child and a parent. Yes, that's true, but we're talking about a human being here that is making these judgments. Any reason-

able person would not force that kind of a judgment. It would be wrongful to do so, and everybody understands that.

There are, of course, certain circumstances outlined in the act that I'd like to get into if we're able to get past second reading into committee, reasons perhaps better delineated as to when denial of access could be in fact permissible, on what grounds. I can think of a number of grounds right off the top: the noncustodial parent comes by inebriated to pick up the child for their visitation rights or comes by so very late that the child is so disappointed and put off that the promises weren't kept. It's beyond a reasonable time to expect that to occur. Then access could be denied. There's any number of other like reasons that perhaps could be delineated and perhaps should be left to a rough outline based on the subjective analysis of the benefit of the child left in the hands of a director of access and their personnel.

In attempting to do something for these cases, this bill is a start. Yes, it couldn't possibly be perfect. As it has been working for some time in Ontario and Newfoundland, it works partially. It's not perfect, as most other pieces of legislation aren't. But what it does do is it gets people to the point where there is another option, and the one that wins the case of access is not always the one with the most money to go to court.

I implore members opposite to view this bill with fresh eyes and not through the eyes of: who put it forward? I thank you for your time, sir.

4:50

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

MR. BONNER: Thank you very much, Mr. Speaker. It is a privilege to rise this afternoon to speak to Bill 209, the Access Enforcement Act. It definitely is an improvement over what is in existence today. The major improvement in this particular bill is it focuses on a very fragile part of our society, and that is our children. These are not pawns to be pulled and torn apart by parents in a conflict situation. So I want to commend the Member for Edmonton-Norwood for the incredible amount of work that she has done in the preparation of this bill, in her research into other jurisdictions to see what would work and what didn't.

I'd also like to quote a little article I have here, Mr. Speaker. This was Brian Evans, the hon. Minister of Justice in a previous government:

In talking to both custodial and noncustodial parents, I'm firmly of the view that we have to find a better way. I want to again publicly compliment Justice Trussler for the parenting orientation course that's going on as a pilot program here in Edmonton.

There is a need here, and it is a need that has been going on. As the hon. Member for Edmonton-Glenora said, the same arguments that we heard to the bill previously can certainly be put in here. This, as I said, is to a very, very select group of people, our children.

One of the things I like best about Bill 209 is the creative way that these issues are addressed. In looking at them, the benefits certainly far outweigh any negatives. It is a bill that can be introduced, that can be refined, that can be worked on as times goes on, and still, all we get are win/win situations. There is no win/lose situation in here.

The other part that I like about this bill, in reading it through, is that it reduces the tension in a conflict situation. When we have the situation now that exists where one of the parents has to go to court in order to see their children, what are we doing pulling children into this dispute to this level? There has to be a

better way, and I believe that Bill 209, the Access Enforcement Act, does that.

The other part about this bill that certainly is an improvement and makes it much better for the parents and certainly reduces the stress is the fact that it separates maintenance and access. It provides a very fair and balanced approach where we don't get couples in a situation where there is conflict, where that conflict percolates and instead of tension and stress decreasing, it increases. So this is a tremendous improvement, and I would urge all members to support it. As I said earlier, the focus of both maintenance and access should be the children. The Access Enforcement Act of Alberta does establish a government agency to enforce maintenance orders, and it will move this out of the courts. So again a very positive situation here.

What I do like as well is that it does create a director of access enforcement. That person then would have the ability to decide whether this should go to the courts or not. Court action is very, very expensive in many different ways, Mr. Speaker. It is not only expensive for the parties involved. It ties up our legal system here in the province, a system that we all know is overworked at this time.

Another advantage of not having to go to the courts as a first step is certainly that we get away from the punitive action. Of course, when we get punitive action taking place, one of the first human reactions is: if I've been wronged, I'm going to wrong someone else. By getting somebody in here, a director of access enforcement, then we certainly, again, desensitize the situation. Instead of stress building, instead of anger building, instead of retaliation being looked at as an alternative by one of the parties, then we decrease all of those, and it does provide a healthy atmosphere. It provides an atmosphere where there can be resolution, where the parties converge in their opinion of what is important, instead of diverging.

THE DEPUTY SPEAKER: I hesitate to interrupt the hon. Member for Edmonton-Glengarry, but under Standing Order 8(5)(a) I would invite now the hon. Member for Edmonton-Norwood to close debate on Bill 209.

MS OLSEN: Thank you, Mr. Speaker. I was pleased to bring this piece of legislation forward. I have noted some of the comments by some of the other members in the House and their concerns. I want to from the outset say that whatever we do for children – and the members opposite and their government talked in their throne speech about children and about children being the most important part of what we're trying to protect these days. In noting that, I noticed from the hon. Member for Medicine Hat, speaking on behalf of the Justice minister, there was some concern about financial costs of establishing an access enforcement director.

I guess my concern is that if we're going to talk about what's in the best interests of the child, we should look at all of what we have available to us, and if that's not good enough, we move forward and look at some new types of tools. This is a new tool. It's been used in many other jurisdictions with success. That's not to say that it comes without a dollar attached to it. Indeed it does come with a financial price tag. But, in my view, spending money to help reduce conflict for children in divorcing parent situations is not the wrong thing to do; it's the absolute right thing to do. It seems that sometimes this government gets too focused on the economics and that particular model of governing and often forgets about the other side, and that's my concern. I think we

need to look at what's balanced in terms of legislation and what it can do.

I'm also responding to some of the concerns that members had about this piece of legislation being particularly restrictive when it comes to men, males. Well, I've received a tremendous amount of feedback from different groups across the country, including all those, quote, male organizations, and they indeed support this piece of legislation. They see it as balanced. It is not intended to be good for one gender or the other. This is intended to be a piece of legislation that addresses the needs of the children. This is about children, about children caught up in situations where parents are divorcing and access is being denied by one parent or the other. It's a vehicle and a tool for parents to come to some resolution.

5:00

We have a particular course being offered right now – and it will continue to be – called the parenting after separation course. That course is now designed for all parents who are divorcing. I think that that's one step. That's one tool. This is another step and another tool that's responsive to children, and it would basically operate on a similar system to the maintenance enforcement program.

I think the key here is to separate maintenance and access. Maintenance enforcement and access enforcement are two different ideologies. We have to be able to ensure that kids get access to both parents. If they're not in a home where mom and dad are still together, then in fairness to the child they have to have access to both parents, and the trade-off is sometimes that if they're not going to do it in a reasonable manner and make those transitions easy for the child, then we have to look at alternative ways of doing that. This is one alternative way, and this in fact allows for the alternative dispute resolution that this government talks about, other pieces of legislation that this government puts forward in this House that embody the notion of alternative dispute resolution. This particular piece of legislation would allow for that. It would allow for a mediator. It would allow for the parents to get together and work it out. [Ms Olsen's speaking time expired] That's five minutes?

THE DEPUTY SPEAKER: I hesitate again to interrupt the hon. Member for Edmonton-Norwood, but under 8(5)(a) and (b) we must put all questions outstanding.

All those in favour of second reading of Bill 209, Access Enforcement Act, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: The bill is defeated.

[Several members rose calling for a division. The division bell was rung at 5:04 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Bonner	Olsen	Soetaert
MacDonald	Sapers	White
Nicol		

Against the motion:

Amery	Havelock	McClellan
Black	Herard	McFarland
Broda	Hierath	Melchin
Burgener	Hlady	O'Neill
Calahasen	Jacques	Paszkowski
Cao	Johnson	Renner
Cardinal	Klapstein	Shariff
Clegg	Kryczka	Stelmach
Coutts	Langevin	Strang
Doerksen	Lougheed	Tarchuk
Ducharme	Magnus	Thurber
Dunford	Mar	West
Haley	Marz	Yankowsky
Hancock		

Totals:	For – 7	Against – 40
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[Motion lost]

THE DEPUTY SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Thank you, Mr. Speaker. I move that the House now stand adjourned until 8 this evening and reconvene in Committee of Supply.

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

HON. MEMBERS: Aye.

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

[The Assembly adjourned at 5:17 p.m.]