

Legislative Assembly of Alberta

Title: **Thursday, March 4, 1999** 1:30 p.m.

Date: 99/03/04

[The Speaker in the chair]

head: Prayers

THE SPEAKER: Good afternoon. I would ask members to remain standing after prayers so that we may pay tribute to a former colleague who has passed away.

Let us pray.

As Canadians and as Albertans we give thanks for the precious gifts of freedom and peace which we enjoy.

As Members of this Legislative Assembly we rededicate ourselves to the valued traditions of parliamentary democracy as a means of serving our province and our country.

Amen.

Isidore Goresky November 11, 1902, to February 22, 1999

THE SPEAKER: Hon. members, it was through the kindness of the hon. Member for Edmonton-Mill Creek that I was advised yesterday of the passing of a former member, Isidore Goresky, on February 22, 1999, at the age of 97 in Surrey, British Columbia.

Mr. Goresky was first elected in the election held June 19, 1930, and served until August 22, 1935. During his years of service he represented the constituency of Whitford for the United Farmers of Alberta Party. Mr. Goresky was the last surviving member of the United Farmers of Alberta government.

During his years in the Legislature Mr. Goresky served on the Select Standing Committee on Agriculture, Colonization, Immigration and Education, the Select Standing Committee on Municipal Law, the Select Standing Committee on Private Bills, and the Select Standing Committee on Railways, Telephones and Irrigation during the Seventh Legislature.

Just three years ago Mr. Goresky made his most recent annual visit to the Speaker's office with his daughter, Mrs. Donna Pynch. Mr. Goresky was predeceased by his wife, Anne, in 1993.

A funeral service was held on Monday, March 1, 1999, at the Ukrainian Orthodox Church of St. Mary's in Surrey, British Columbia.

With our admiration and respect there is gratitude to members of his family who shared the burdens of public office. Our prayers are with them.

In a moment of silent prayer I ask you to remember Isidore Goresky as you may have known him.

Rest eternal grant unto him, O Lord, and let light perpetual shine upon him.

Thank you.

Please be seated.

THE SPEAKER: Hon. members, before we move to the Routine, I am pleased to acknowledge that tomorrow, March 5, is the anniversary of the Member for Little Bow, who was first elected to the Legislative Assembly of Alberta in the by-election of March 5, 1992.

head: Introduction of Visitors

MR. HANCOCK: Mr. Speaker, I'm pleased to introduce to you and through you to members of the Assembly two guests who are with

us from Jalisco in Mexico. I'm sorry; I don't have the full names with me. I will shortly, and I'll read them into the record when I get them. If they'd stand and receive the warm welcome of the Assembly.

head: Reading and Receiving Petitions

MR. WICKMAN: Mr. Speaker, I would ask that the petition I tabled yesterday now be read and received.

THE CLERK:

We the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government to increase support of children in public and separate schools to a level that covers increased costs due to contract settlements, curriculum changes, technology, and aging schools.

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

MS PAUL: Thank you, Mr. Speaker. I would like to ask that the petition I submitted last week from SOS, Save Our Schools, be read and received.

THE CLERK:

We the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government to increase support for children in public and separate schools to a level that covers increased costs due to contract settlements, curriculum changes, technology, and aging schools.

head: Tabling Returns and Reports

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. I'm pleased to table with the Assembly today six copies of the Environmental Protection security fund annual report '97-98.

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

MR. HAVELOCK: Thank you, Mr. Speaker. Today I'm pleased to file with the Assembly five copies of the ministerial task force final report along with the results of a comprehensive survey conducted by Longwoods International with respect to Albertan's opinions on issues regarding same-sex couples.

Mr. Speaker, Premier Klein has indicated that this matter will be placed before our caucus on March 18 for debate. Our government's position will be made clear to Albertans at that time. Members of the opposition have also asked for an opportunity to provide their input into this debate, and we have no objections to that request. In fact, I want to take this opportunity to formally ask both opposition parties to submit their position on the issues identified in our report. They should send their written submissions directly to me prior to or on March 16, and I will take those submissions to government caucus for their consideration on March 18. Obviously, any submissions we receive from the opposition which have not been made public will be disclosed by the government.

Thank you.

THE SPEAKER: Perhaps, hon. minister, in the future you might wish to reserve comments like that for Ministerial Statements as part of the Routine.

The hon. Minister of Family and Social Services.

DR. OBERG: Thank you very much, Mr. Speaker. Today I'm

pleased to table four copies of the training manual entitled Alcohol Related Birth Defects. This document is a training manual that was developed by Alberta Family and Social Services staff, and to date over 2,300 people have taken this course since August.

MRS. McCLELLAN: Mr. Speaker, I'm pleased to file copies of an information bulletin to remind Albertans about International Women's Day, which falls on Monday, March 8. On that day women of all cultures, colours, races, religions, and ages will celebrate their goals of equality, development, freedom, and peace.

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

MS CARLSON: Thank you, Mr. Speaker. I have two tablings today. The first is a letter to Members of the Legislative Assembly from Sam Gunsch, the managing director, Edmonton chapter, of the Canadian Parks and Wilderness Society. The letter in part states that:

the proposed Natural Heritage Act as written will fail to meet the key requirement of protecting parks and other types of protected areas from industrial development.

It is accompanied by pictures which outline that.

The second is a letter to the Premier from Peter Lee, the regional director in Alberta of the Endangered Spaces Campaign, World Wildlife Fund Canada, and it states in part that the proposed Natural Heritage Act "is a retrogressive step for the preservation of Alberta's natural heritage and wilderness."

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

MR. MacDONALD: Thank you, Mr. Speaker. I'm proud to table with the Legislative Assembly this afternoon five copies of the backgrounder from CARE, which is Communities Against Residential Encroachment. This is a local group of residents in Edmonton-Gold Bar who strongly believe in the protection of the residents' homes and businesses located in the communities of Terrace Heights and Ottewell which are threatened by the city's latest proposal to establish an inner ring road through the city.

Thank you.

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

MS LEIBOVICI: Thank you, Mr. Speaker. It's my pleasure this afternoon to table a letter from Dr. Dundas, president of the Calgary Regional Medical Staff Association, to the Minister of Health wherein he indicates that health care in Calgary has been slashed too far and that one of the remedies or treatments would be the adoption of recommendations of the report of the health system review commission.

Thank you.

head: Introduction of Guests
1:40

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

MR. HANCOCK: Thank you, Mr. Speaker. With apologies to our guests in our House because I didn't have the information with me at the time of Introduction of Visitors, I would like to introduce properly our guests, Mr. Jose Manuel Bulás, director of international affairs for the state of Jalisco in Mexico, and Mr. Jose Enrique Gutierrez, co-ordinator of special planning with the secretary of culture for the state of Jalisco in Mexico. I'd like to take the opportunity to officially welcome Mr. Bulás and Mr. Gutierrez to

Alberta, wish them an enjoyable and productive stay. As trade partners under NAFTA both Jalisco and Alberta have much to gain from increased co-operation, and as the House knows, we signed a memorandum of co-operation with Jalisco in January of 1998 during the Team Alberta mission. I'd like to ask again that our guests would rise and receive the proper welcome from the House.

THE SPEAKER: The hon. minister responsible for children's services.

MS CALAHASEN: Mr. Speaker, thank you. I'm pleased to introduce to you and through you to the Members of the Legislative Assembly three key people organizing and co-ordinating activities for the centennial year of the signing of Treaty 8. June 17 to 21 marks the 100th anniversary, and they have great plans, which include a re-enactment of the original 1899 signing, a reconstructed traditional village, a major powwow, and many, many, many other activities. I'd ask Richard Davis, the chair of the committee, Yvonne Sound, and Darlene Plamondon to stand and receive the warm welcome of the Assembly.

MRS. O'NEILL: It gives me great pleasure today to introduce to you and through you to members of this Assembly 38 students from l'Ecole Father Jan community school in St. Albert. They are accompanied by their teacher, Ms Tara Brunette, and by parents Mrs. Laurel Lutes, Mrs. Judy McDonald, Mrs. Kathy Huot, Mrs. Donna DeBlois, and Mrs. Jane Raso. They are in the members' gallery, and I would ask them to please stand and receive the warm welcome of the Assembly.

MS CARLSON: Mr. Speaker, I'm happy this afternoon to introduce someone to the Assembly who is a friend to all Albertans who are concerned about environmental protection. We are joined by Sam Gunsch, the managing director, Edmonton chapter, of the Canadian Parks and Wilderness Society. I would ask that he now stand and receive the traditional warm welcome of all people in the Assembly, even this minister.

head: Oral Question Period

THE SPEAKER: First Official Opposition main question. The hon. Leader of the Official Opposition.

Protected Ecological Areas

MRS. MacBETH: Thanks, Mr. Speaker. About 5 percent of the Alberta timber available for harvest has been freed up as planned expansions at several pulp mills are not going ahead. Some areas needed for special places are under contract to be logged. Companies are ahead of government on this matter and are prepared to trade land needed for special places with this freed-up timber resource. My questions are to the Premier. Will the government use some of the unallocated timber reserve to compensate for land needed for special places?

MR. KLEIN: Mr. Speaker, I'm not quite sure if that is accurate or not. I had the opportunity of meeting with Ainsworth just recently, contemplating a \$150 million project up in the High Level area. One of the problems that they are experiencing at this particular time is getting trees to accommodate their operation.

Relative to the allocation and the potential for trade-off, I'll have the hon. Minister of Environmental Protection supplement.

MR. LUND: Thank you, Mr. Speaker. It's true that there is some

timber that has been clawed back because of projects not going ahead. What we are doing currently, we've broken it into three spheres of influence: one High Level, one Peace River, and then the other one Slave Lake. We're asking local committees, and we're asking the stakeholders in the areas what they recommend should be done with this fibre. They will come back to us with the recommendations, and at that point we will determine what can be done.

MRS. MacBETH: Thanks, Mr. Speaker. Then the question remains: will the government consider trading the unallocated reserve for land in the special places for compensation to be made on the basis of lease freed up? Not money but lease.

MR. LUND: Well, Mr. Speaker, we believe in consulting with Albertans, and we believe in having Albertans suggest to us what should be done. As I indicated in my first answer, we have asked these communities to get back to us on how they think this should be allocated. One of the things that the member probably doesn't understand is that a good deal of this, as a matter of fact the majority of it, is deciduous and likely is not in spots where it could be traded with someone that has got conifer on an area that we want for special places because the deciduous just doesn't work.

MRS. MacBETH: Mr. Speaker, the question still remains, and the question is: will the government consider some trade-off of special places allocations and new special places allocations for lands in other parts of the province that are not environmentally sensitive? That's the question we're trying to get to the bottom of.

MR. LUND: Well, Mr. Speaker, I just finished answering that question. There's a whole number of things that we have to take into consideration, and if the hon. member would like to learn something about forests and forest management, we'd be only too happy to arrange to have her go out and have a look. The fact is that deciduous timber does not work in some of the conifer mills. It just doesn't work.

THE SPEAKER: Second Official Opposition main question. The hon. Leader of the Official Opposition.

Teacher Retention

MRS. MacBETH: Thanks, Mr. Speaker. If enough new teachers are hired, Alberta could lose its distinction as the province having the highest pupil-to-teacher ratio in the country. As the Calgary board of education is well aware, this government's education funding policy forces school boards wanting to hire additional teachers to retire early many of their most experienced and well-educated teachers. Yet, ironically, the most consistent factor in improving student achievement is the number of years of experience and level of education of the teacher. My questions are to the Minister of Education. Why is the minister pushing boards to drop their most experienced teachers when they are the key factor in improving student achievement?

MR. MAR: Well, Mr. Speaker, certainly there is a value to having experienced teachers in a classroom, but it's important to know that young teachers also introduce a very positive benefit into the classroom.

Mr. Speaker, when we have, as an example, in some boards more than half of the teachers in the age category between 50 and 65 years of age, it's clear that school boards will have to have a balanced human resource strategy and recognize that that is the demographics they'll have to deal with.

It strikes me that any good organization should have a balance of

experienced and younger teachers who bring a different set of skill sets into the classroom. I'm not knocking experienced teachers, Mr. Speaker, but it's very important to note that young teachers also introduce a very important factor into classroom learning.

MRS. MacBETH: Mr. Speaker, you know, given that the Calgary regional health authority would never be told to get rid of its most experienced surgeons, why on earth is this government encouraging school boards to drop its most experienced teachers?

MR. MAR: Mr. Speaker, it strikes me that the second question is exactly the same as the first one. I've said that it is a demographic, that school boards will have to acknowledge and recognize that there are a large number of more experienced teachers. I'm not doubting that experienced teachers can bring a great deal into a classroom, but the students that are coming out of universities today are very qualified as well.

It should be noted that we do live in an environment in education where things are changing, and we do need to have a balance of younger teachers that have new skills that can be introduced to more experienced teachers. The issue is not whether teachers are experienced or not. The issue is whether or not they're qualified to be good teachers. Experience alone is not a sufficient reason to keep a teacher around.

1:50

MRS. MacBETH: Well, Mr. Speaker, with the precedent already established of funding adjustments for different factors, will a similar funding adjustment finally be made for what this government likes to refer to as higher end salary grid costs, but what we on this side of the House simply like to refer to as excellent teachers?

MR. MAR: Mr. Speaker, the hon. member has fallen into the very trap that she warned members of this Assembly about when she was Minister of Education. We ought not be caught in the same trap that she has admonished other members for falling into, and that is that we should not assume that experienced teachers are the only factor that are important to a quality education.

Mr. Speaker, with respect to the issue of the recognition of salary issues in the funding formula, the hon. Leader of the Opposition knows that this was one of the issues that was raised in the Calgary board of education review. To the credit of the school board they've recognized this particular issue, and they are doing what is incumbent within their portfolio of responsibilities. To the credit of the province we are also looking at that particular issue in our funding framework review in ensuring that our funding framework is fair for every student across the province, regardless of where they live.

Speaker's Ruling Decorum

THE SPEAKER: I'm sure that the hon. Member for Spruce Grove-St. Albert would agree with me when I say that regardless of the experience of the teacher, no teacher would tolerate this degree of heckling and cross-referencing in their classroom.

Third Official Opposition main question. The hon. Member for Edmonton-Meadowlark.

Calgary Health Services

MS LEIBOVICI: Thank you, Mr. Speaker. In January the Premier called health care a bloody mess and said that he would fix it. You know, Albertans are still waiting. The Premier told Calgary doctors that he would meet with them in the first week of February, and they're still waiting. In Calgary 12,600 people are on a surgery list

and waiting; 522 are on a long-term care list and waiting. The Calgary regional health authority is looking at a potential deficit of up to \$100 million, and they're waiting for the government's response. So my questions are to the Premier. When will you meet with the Calgary regional medical staff and other Calgary health professionals to discuss their concerns?

MR. KLEIN: Mr. Speaker, I have. I have had numerous meetings with doctors and members of the Calgary regional health authority. Calgary caucus met with the regional health authority. I would like to remind the hon. member that it was this Premier, along with nine other Premiers, who went to Ottawa to lobby very, very hard for the restoration of health care funding through the Canada health and social transfer, funding that will now come back to the province and will be reinvested in frontline services.

Mr. Speaker, the budget is coming down in a few short days, March 11, and I wait with great anticipation to see what the reaction is going to be from the Liberal Party.

MS LEIBOVICI: Thank you, Mr. Speaker. My next question is also to the Premier. When will your government amend your current funding, which guarantees future deficits, to reflect population growth and stop jeopardizing patient care for Calgarians?

MR. KLEIN: Mr. Speaker, first of all, we are spending significant numbers of dollars on health, something like \$4.2 billion. We have already indicated that with respect to the budget there will be additional dollars put in. We have reinvested about \$800 million, close to a billion dollars in health care. We have just gone through the summit to try to determine what is going to be sustainable over a longer period of time, and we'll have to come to grips with that.

Mr. Speaker, once again I say to the hon. member: wait until the budget comes down on March 11. I think, I hope, I pray that she'll be mildly surprised and happy.

MR. JONSON: Mr. Speaker, if I might just briefly supplement on two specific points. First of all, the reference to recognizing population growth. The member across the way might recall that I believe it was September of last year that we allocated some 66 million additional dollars to recognize and update the population growth in the province. Calgary was the major beneficiary of that announcement.

The other thing is that there's some creative math occurring across the way, because the amount of the projected deficit in Calgary, as I understand, is \$17 million, not \$100 million.

MS LEIBOVICI: Thank you, Mr. Speaker. Seventeen million for this year. Next year we're looking at up to \$100 million.

Can the Premier tell us how many additional long-term care beds and acute care beds Calgarians can expect so that they can stop waiting?

MR. KLEIN: Mr. Speaker, certainly the hon. member has identified one of the problems, and that is the number of acute care beds now being occupied by long-term care patients. I don't know if she is a miracle worker or not, but they cannot be built overnight. We will be addressing that situation as part of our commitment to address frontline services. Yes, the need for long-term care beds is a pressing problem, and we'll deal with it.

THE SPEAKER: The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Calgary-Lougheed.

Protected Ecological Areas

(continued)

DR. PANNU: Thank you, Mr. Speaker. Two days ago the Premier advised me in this House to sit down with the members of the Special Places Provincial Co-ordinating Committee on the Special Places 2000 initiative, listen to them, and learn about the great success that this initiative has had. Interestingly enough, one of the members of that committee, Peter Lee of the World Wildlife Fund, was writing a letter to the Premier that very moment pointing out the utter failure of the government's proposed policy towards protected areas. My question is for the Premier. Will the Premier follow the recommendations of the World Wildlife Fund contained in the letter by Mr. Peter Lee to put its protected areas policy on hold and start over, and if not, why not?

MR. KLEIN: Mr. Speaker, why would we start all over when we're almost there? As the hon. minister pointed out, we're 64 percent of the way. Why would we just abandon everything? Is that what Mr. Lee wants? Does he want this government to abandon all the work that has been done and undesignate all of those areas that have been designated under special places? Is that what he wants? Really, I'm astounded. Is this what the hon. member is saying?

DR. PANNU: If the Premier doesn't want to abandon everything that has been achieved, why is he allowing his environment minister to disband the provincial co-ordinating committee at the end of this month?

MR. KLEIN: Mr. Speaker, the provincial co-ordinating committee has done its work, but I would remind the hon. member that there are numerous local councils which still have a lot of work to do, and as I understand, they will not be disbanded until their work is finished.

I'll have the hon. minister supplement.

MR. LUND: Well, Mr. Speaker, the fact is that when we set the provincial co-ordinating committee up, they were to have their work completed by December 31 of 1998. That didn't happen. Last summer the chair of the committee pointed out to me that they weren't going to be able to be completed by that date. So a decision was made that we would actually extend the life of the provincial co-ordinating committee. We gave them three months more.

The interesting thing that happened once we did that was that the committee as a whole divided into subcommittees, then reporting back. Prior to January 1 of 1999 the committee on a two-day meeting had only kicked out – one time they kicked out three but most of the time only one site. In January all of a sudden they put out three, and in February they've put out nine sites to local committees. We've got local committees working all over the province, and they will be reporting back. We're not abandoning them, despite what the Liberal opposition and the NDs – they'd like us to just simply run over these people. We are going to continue to ask Albertans what they want.

2:00

DR. PANNU: My second supplementary, Mr. Speaker: why is this government so unwilling to consider buying back existing industrial dispositions in order to ensure the ecological integrity of Alberta's wilderness while each and every year the same government spends tens of millions of dollars to buy land to expand roadways and build dams? Why this double standard, Mr. Premier?

MR. KLEIN: Nonsense, Mr. Speaker. And that is not unparliamentary, because it happens to be true. That is absolute nonsense. There

hasn't been a dam built since the Oldman River dam. Now there is a project under way, the Highwood-Little Bow diversion, which is huge in terms of its economic importance to southern Alberta. If this hon. member is saying that we should put a halt to that project, then I would ask him to go down to Vulcan and make the statement.

THE SPEAKER: The hon. Member for Calgary-Lougheed, followed by the hon. Member for Edmonton-Gold Bar.

School Curriculum

MS GRAHAM: Thank you, Mr. Speaker. I recently sat down with the school council chairs of the various schools in my constituency. One of the main concerns raised by the majority of those present at that meeting is the apparent difficulty being experienced by their schools in implementing the mandated curriculum changes such as math, language arts, and science, just to name a few recent ones. My question is to the hon. Minister of Education. I'm wondering: how does Alberta Education effect these mandated changes on school boards and in schools?

MR. MAR: Well, I want to say at the outset, Mr. Speaker, that curriculum is perhaps one of the most important things we do in the area of education. Curriculum change is part of the basic business of schooling, and that's to ensure that curriculum remains relevant and meets the needs of students who are preparing for the future.

With respect to core subjects, core subjects change roughly every eight to 10 years. Complementary courses will change less often. The process of curriculum being developed is that we always work in co-operation with teachers, school administrators, the Alberta Teachers' Association, postsecondary educators, and other professional groups and organizations involved in education.

In fact just today, Mr. Speaker, at lunchtime teachers and members of departments of education from across the western provinces and the two territories are meeting to work on mathematics curriculum changes as part of the western Canada protocol. Alberta is leading the curriculum change in mathematics, and I can tell you that the enthusiasm that these teachers and educators have for what we are doing in the province of Alberta is very positive.

With respect to school boards, Mr. Speaker, and schools and their time for preparation to get ready for these changes, whenever a new curriculum is developed, schools and school boards are consulted in about a two- or three-year process, and where it's possible, we introduce a curriculum change as optional in the first year.

The last thing I'd like to say is that school boards are already being made aware of a schedule of planned curriculum changes up to the year 2004. So we do work some number of years in advance in order to give time for schools, school boards, and educators to work with the curriculum in advance.

MS GRAHAM: Mr. Speaker, my supplementary question is to the same minister. Given that my school councils are reporting that they are having to fund-raise for textbooks, can the minister describe what the government is doing to support schools in implementing mandated curriculum?

MR. MAR: Mr. Speaker, we do provide appropriate funding to school boards for normal costs associated with curriculum change. The basic instructional grant has gone up. It has gone from \$3,686 to \$3,860 in 1998. That was a \$41 million dollar increase. The basic instructional grant went up again in September an additional \$30 million. In September 2000 it goes up again an additional \$22 million. On top of that, we provide a subsidy for learning resources

such as textbooks from the Learning Resources Distribution Centre. We subsidize 25 percent of the cost of those learning resources.

Mr. Speaker, with respect to the subject of fund-raising, if parents are being asked to fund-raise for essentials such as textbooks, they might want to ask their local board of trustees that they elect why they are having to do that and how the money from that basic instructional grant is being allocated.

Mr. Speaker, we also support curriculum changes in other ways, such as through regional consortia, to provide professional development for teachers to be well versed in the subjects that they are expected to be teaching.

MS GRAHAM: Mr. Speaker, I appreciate that answer, and I have one final question for the same minister. Given that Alberta has developed Canada's first technology curriculum for kindergarten through to grade 12, I'm wondering: how is government going to support schools in accommodating and implementing this very technical type of curriculum?

MR. MAR: Well, Mr. Speaker, the first thing that I want to say is that we're very proud that the province of Alberta has led Canada in terms of establishing learning expectations with respect to the technology curriculum. The way that we've supported it is that in the four years up to the school year 2000-2001 \$85 million is being provided by the government to upgrade technology in our classrooms. In addition, \$5 million has been spent to connect roughly 99 percent of Alberta schools and jurisdiction offices to the Internet. To make the most of the dollars that we provide for technology, a number of agreements have been struck with software providers to provide software to the jurisdictions at a much discounted rate.

In addition, Mr. Speaker, making sure that teachers are conversant with how to use the Internet is an important step. We've been working in collaboration with Telus to establish the Telus Learning Connection, which is providing training for thousands and thousands of teachers across Alberta in how to use the Internet. To the credit of the federal government Industry Canada has also put some money into grassroots funding for the connection of schools to the Internet.

In 1997-98 over \$100,000 was provided to jurisdictions and associations to research best practices in implementing technology in education. Finally, my department is a partner in the computers for schools and libraries program, which has helped donate over 3,500 computers to schools in the province of Alberta just this year.

Speaker's Ruling Oral Question Period Rules

THE SPEAKER: Before I call on the hon. Member for Edmonton-Gold Bar, perhaps to the Government House Leaders. The chair has observed that in recent days this first question that comes after the original set of four seems to be a position of providing information. Now, there's an opportunity in the Routine to provide for ministerial statements, and there's also an opportunity, if the question is so exhaustive that it demands so much information, to either use written questions or motions for returns. Those are three options.

The purpose of question period is to get urgent questions dealing with urgent business in as brief as possible a way. This last exchange took over seven minutes.

The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Livingstone-MacLeod.

Pine Shake Roofing

MR. MacDONALD: Thank you, Mr. Speaker. Yesterday the Minister of Labour seemed confused when asked about a document

he gave out in this House on November 26, 1998, a document released from his department through freedom of information. The minister may like to pretend the documents don't exist, but they do, and 30,000 Alberta homeowners would like answers to those questions. I have sent these documents over to him to refresh his memory. My first question today is to the Minister of Labour. Why were untreated pine shakes allowed in your Building Code when the Deputy Minister of Labour said in a memo, "We have no research data to substantiate the support we have given to the use of Pine Shingles and Shakes"?

2:10

MR. SMITH: Mr. Speaker, the credibility gap widens. The released documents were copies of two documents previously tabled in the Alberta Legislature on November 26, 1998. We have been very clear – very clear – through the use of a fact sheet in July of 1998, the Internet, where we say that the product of untreated pine shakes was based on evaluation reports issued by the Canada Mortgage and Housing Corporation. One limitation was that they could not be used in areas receiving more than 500 millimetres in average annual precipitation and that there are no Canadian Standards Association or Alberta Building Code standards that warrant how long any product is supposed to last.

We've been very clear about getting this information out to consumers. We know, Mr. Speaker, that this is a very difficult problem with affected homeowners, and we know that they are talking to the manufacturers of this product as well as the builders of this product, and we don't need this information clouded by nose stretchers from the other side.

MR. MacDONALD: I would like to thank the minister for that gracious answer. Now I have another question for him. Why did the minister say that untreated pine shakes were allowed in the Building Code based on national testing when a 1991 letter to Alberta Labour from the National Research Council said that "the evidence concerning . . . pine shakes are not strong enough"?

MR. SMITH: That's right, Mr. Speaker, while pointing out that "we appreciate all the work that you and the other members of the technical committee . . . have accomplished in the development of the Industry Standard." Let's be complete.

MR. MacDONALD: Mr. Speaker, my third question is also to the Minister of Labour. Given that questions were raised by the Department of Labour and national officials, did your department undertake testing after 1991 to substantiate the use of untreated pine shakes, and if so, where are the results of those tests?

MR. SMITH: Mr. Speaker, there are over 3,000 – I can't depend on the members' math of course. I do know that there are over 3,000 copies tabled, and he knows full well that the information that is embodied in all that freedom of information, freely tabled, is open in the Legislature Library, open in the Department of Labour library. Good luck to him.

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

Education Property Taxes

MR. COUTTS: Thank you, Mr. Speaker. Municipalities in my constituency are concerned that because education takes up much of the available tax money, there is no room left on the tax base for much-needed local municipal programs. In addition, when school

boards collected taxes directly, the money was always used to meet local education priorities. Some of my constituents now feel that their local dollars are no longer being used to meet local needs. So my question today is to the Minister of Education. Can Albertans be confident that their education property taxes are being used to help meet education priorities in their communities?

MR. MAR: Yes, Mr. Speaker. In fact, absolutely. Alberta's tax dollars including education property taxes are being used for local education priorities. Education property taxes, as hon. members will know, are allocated to school boards on an equal per student basis regardless of where in the province that particular student is. In addition, school boards receive significant money from the provincial government general revenue fund to top up their budgets to the levels that are determined by our funding framework.

The funding framework, Mr. Speaker, does determine how much each school board receives, and it's based on student population and based on student needs. But school boards have the broad powers within their budgets to direct those to meet their local priorities, which is the concern that I think is being raised by the hon. member.

MR. COUTTS: My first supplemental, then, to the minister is: why are property taxes used to fund education? The main question that my constituents have is: has the minister considered other alternatives?

MR. MAR: Well, Mr. Speaker, just a quick bit of history. Education property taxes have been used to fund education in the province of Alberta since the early 1900s. Funding education through property taxes helps ensure that the responsibility for an education system that is accessible to all Albertans is shared equitably among all Albertans. So although we could look at alternatives to education property tax – by way of background hon. members should know that education property taxes contribute roughly \$1.3 billion, or about 39 percent of the total education funding in the province. If we were to remove education property taxes, that \$1.3 billion would have to come from another tax source. Ultimately, there's only one taxpayer. Albertans would still have to pay for education, even if it were removed from the property tax base.

MR. COUTTS: My final question, then, to the same minister, Mr. Speaker, is: can the minister be specific in telling my constituents what education property taxes really pay for?

MR. MAR: Well, Mr. Speaker, every single cent of education property taxes supports public education for students in grades 1 through 12. The majority of these dollars are spent on instruction. Education property taxes are not used for capital expenditures, teacher pensions, or government operations, and legislation prohibits property taxes from funding private schools.

Education property taxes are distributed to school boards on an equal per student basis, and as I indicated earlier, they make up about 39 percent of the overall budget for the Department of Education.

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

WestView Regional Health Authority

MRS. SOETAERT: Thank you, Mr. Speaker. The WestView regional health authority receives the second lowest per capita funding of all RHAs. The Auditor General's report showed clearly

that this board has been chronically underfunded. The Minister of Health met with the WestView regional health authority board last night. My questions are to the Minister of Health. How has the minister addressed the underfunding of the WestView regional health authority?

MR. JONSON: Well, Mr. Speaker, first of all one of the issues that was discussed yesterday afternoon, as I indicated previously, was that of an initial shortage of funding because we were not at that time able to implement the funding formula rapidly enough. In the case of WestView I have acknowledged before and acknowledged at the meeting that they were the most seriously affected percentage-wise by the fact that we were not able to implement the formula rapidly enough. So we discussed that, and I made a proposal with respect to addressing that one particular issue.

Then we also, of course, talked about the overall funding formula as it exists in this province and is applied to all regional health authorities across the province. I listened to the specific concerns that they had about the formula and undertook to look at the concerns that were related to the Auditor General's report with my colleagues representing the region and look at possible solutions if there are justifiable bases for making any changes.

MRS. SOETAERT: Thank you, Mr. Speaker. Given that the Laing report and the Auditor General's report both highlight the need for additional funding for WestView immediately, why won't the minister fund them so that they can provide the health care services and come up with a balanced budget? That's what they want, and you won't provide it.

MR. JONSON: Well, Mr. Speaker, certainly WestView will be included with the other 17 regional health authorities in terms of the upcoming budget. There will be additional money available to implement the formula as recommended in the Bonnie Laing committee report. The Treasurer and affected ministers will be reporting on the budget next week.

MRS. SOETAERT: Mr. Speaker, given that WestView was asked to wait for the budget, wait to meet with their MLAs, wait for a new funding formula, how long do you expect the residents of WestView to wait for adequate funding for their health care services?

2:20

MR. JONSON: Well, Mr. Speaker, as I've indicated before, the overall funding formula for regional health authorities is one that is applied across the province. I have recognized the initial difficulty that WestView experienced with respect to the initial nonability to apply the full formula to WestView when the funding formula was started, and we will be reviewing it further.

THE SPEAKER: The hon. Member for Calgary-Glenmore, followed by the hon. Member for Edmonton-Glenora.

School Councils Review

MR. STEVENS: Thank you, Mr. Speaker. Given the constant cost pressures in education a number of my constituents have expressed dismay about the \$170,000 price tag for the review of school councils. My question is to the Minister of Education. Why did you order this review?

MR. MAR: Mr. Speaker, there's no doubt about it: \$170,000 is a good deal of money, but I strongly believe that it is well-spent money.

Schools, parents, and communities all across Alberta play a very important role in education, so important that in 1995 the government of Alberta mandated school councils as part of the School Act. That was four years ago, and that has been ample opportunity and time for school councils to be established in all of the roughly 1,500 schools in this province. So it's an important time to reflect and look at how well these councils are fulfilling their mandate to provide Albertans with meaningful involvement in the education of their children.

MR. STEVENS: Thank you, Mr. Speaker. To the same minister: is there a problem with school councils?

MR. MAR: Well, Mr. Speaker, I do want to say this. School councils are not in need of fixing, because they're not broken. My department's 1997-98 annual report shows that roughly 80 percent of parents are already satisfied with their opportunity to be involved in decisions that are made at a local level. In my visits to hundreds of schools throughout the province I've had the opportunity to see many, many effective school councils. I've also, of course, heard from school councils that are experiencing some growing pains or experiencing some challenges. So this opportunity to look at school councils' operations is an opportunity to share ideas, to look at room for improvement, to build on success that has already been achieved, and I think for that reason all of that is a good thing to do in an effort to improve student learning.

MR. STEVENS: Thank you, Mr. Speaker. My last question is to the same minister. Is participation in this review limited to school council members?

MR. MAR: No, it is not, Mr. Speaker. Anyone can participate in this review. We have distributed a workbook that has gone to all schools, all school councils. It's available at MLA offices. It's available with provincial education organizations. These workbooks are due in by mid-March, so I encourage those people that are working on them to complete them.

Following the completion of those workbooks, Mr. Speaker, a series of public forums will be held across communities throughout the province during the months of April and May. I think those forums will give additional opportunity to share ideas and success and look for solutions to common challenges.

Also, Mr. Speaker, I would invite people to look for the school council review on the Education department's web site.

THE SPEAKER: The hon. Member for Edmonton-Glenora, followed by the hon. Member for Calgary-Currie.

Eau Claire Market Loan

MR. SAPERS: Thanks, Mr. Speaker. Yesterday the Treasurer claimed that he didn't know a thing about a \$35 million loan provided by Alberta Treasury Branch to the Eau Claire Market in Calgary, this despite the fact that the government of Alberta has been named in a legal action involving the Eau Claire Market, MP Acquisitions, and the Alberta Treasury Branch. Will the Treasurer indicate whether or not the government will be filing a statement of defence in this latest lawsuit resulting from mall financing gone wrong?

MR. DAY: Mr. Speaker, I think that if the member reads the statements clearly, he'll see that I said among other things that loans that are made by ATB are not a matter of intervention on the part of

the government. That is a clearly stated position. I still am not sure why he would continue to want to know why I would be involved in those types of loan decisions. I am not, and this government is not.

The particular court cases are interesting. The one related to the government apparently, as I understand it, is suggesting that there's some question of constitutionality about the ATB itself and the relationship with the government as now constituted following our legislation in 1997.

I think it's some point of interest that there's a number of cases out there right now on that particular issue. One of them, I know, has in fact been dropped in Ontario, where a certain individual who wrote a book was pursuing the question of constitutionality. As I understand also, the constitutionality question has been dropped in a case that was taken up at one point by Mr. Pocklington. So in at least two of the areas I understand that those cases have been dropped. There are other ones, and this indeed appears to be yet another one. Where they'll all go is anybody's guess, but I'm watching a trend that's developing right now.

MR. SAPERS: Given that for the past four years the Auditor General has been reviewing large commercial loans granted by the Alberta Treasury Branch, is the Treasurer now saying that this particular loan involving Eau Claire Market was never mentioned in any of the management letters he received from the Auditor General, nor was it discussed in any of the briefings on that review?

MR. DAY: Mr. Speaker, I'm restating – and I don't know how many times I need to do this – that the policy of the government is not to be involved, to be intervening in these business arrangements. This loan took place in 1993. As I understand it and as I clearly have made plain all the way along, if that type of loan were to come before the ATB today, it would not be a matter at all for my consideration.

MR. SAPERS: Mr. Speaker, I'll ask it one more time. Given that the Treasurer states that he never gets involved in lending decisions of the Alberta Treasury Branch, the specific question is: after those decisions have been made and they are reviewed by the Auditor General, has the Treasurer been briefed on the results of that review regarding the Auditor General looking into the loan practices of the Alberta Treasury Branch?

MR. DAY: Mr. Speaker, you know, the Auditor General reviews and has his auditors go in and look at the operations of the Treasury Branches, and whether at any particular time he specifically mentioned to me a particular loan, I can't say if he ever did or if he ever didn't. I think the question is just a touch spurious from this point of view, that if I were to say, "No, he never did," the member could say: "Well, two years ago when I was walking down the hallway, I thought I heard someone say to you: oh, Claire! Therefore, you're not telling the truth."

Mr. Speaker, this particular member sends me letters daily, every single day, requesting reams of information. On many of those letters I personally pen a question on the bottom. I say: is this enough information; is there some more you would like? I have never had a reply back. It suggests to me that he never even reads those letters.

MR. SAPERS: Point of order.

THE SPEAKER: Well, okay. We'll come to the points of order later.

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

Kerby Centre

MRS. BURGNER: Thank you, Mr. Speaker. My sister's name is Clare.

In Calgary the Kerby Centre provides extensive resources and services for our seniors. In recent months they have focused their attention on seniors' housing. The Alberta Social Housing Corporation owns land located across from the Kerby Centre. The Kerby Centre is presently negotiating with the province to build a 140-unit senior housing project on this land that would be sold on a life-lease basis. They also want to build a parking structure for the members of the Kerby Centre. My question is to the Minister of Municipal Affairs. What is the status of these negotiations that are so important to our seniors in Calgary?

MS EVANS: Mr. Speaker, my understanding is that there are two distinctly separate parcels of land: one that is owned by the province through public works and one that is owned by the Social Housing Corporation. In our discussion and review of that property with officials from Kerby, we noted that what they intend to put up on this piece of land is a parking structure and use the revenues from that parking structure to support the Kerby Centre.

This does not currently fit within the framework of our department's policies and our corporation's policies on fair market value for lands. So what we've done is extend the land to purchase agreement so that they are still able to use the property as a parking structure. In the meantime our officials are in discussions with the people at Kerby Centre.

2:30

MRS. BURGNER: Thank you. Again to the same minister: could she please provide further details on what plans are being considered?

MS EVANS: Mr. Speaker, one of the plans that's being considered is an overture to the city and to the Metro Foundation for seniors to see if they have any interest in a co-operative sharing with other partners in the community. We're looking at private partnerships.

We have also suggested in our review the opportunity to provide some hard to house seniors, by definition people with very special needs, a place to live within this developed project so that we can justify additional funding that is less than market value but fits within our policy on those people that are most in need and those people that our province is proud to serve.

So, Mr. Speaker, we're examining a number of options. I hope that closer to the springtime we'll have something that will allow them to proceed with their plans.

MRS. BURGNER: My final supplemental is to the Minister of Community Development. Could the minister describe not only the contributions of the Kerby Centre to Calgary seniors but what her position is on this land issue?

MRS. McCLELLAN: Well, Mr. Speaker, I'm pleased to talk about the contributions of the Kerby Centre to over half the seniors' population in Calgary and the surrounding areas. I think that many members in this Assembly are familiar . . .

Speaker's Ruling Urgency of Questions

THE SPEAKER: Hon. minister, please. You are not being invited to participate in a debate here today. This is the question period. It's urgent matters. So while the minister's personal views on the

Kerby Centre may be very important, I'm not sure how it fits into the question of urgent business.

Now, there was a second question associated.

MRS. McCLELLAN: Mr. Speaker, with respect, as I understood the question, it was not asked as a personal view but as the minister responsible for seniors. I look for your advice.

Kerby Centre
(continued)

MRS. McCLELLAN: The Kerby Centre, as many know, is a wellness centre; it's a housing registry; it has a social outreach area, adult day care, seniors help-line. Certainly, they're also at the forefront in western Canada on elder abuse. In fact, they are just opening a centre for abused seniors. They were also the first recipients of the minister's senior service award.

As to the land issue, Mr. Speaker, I would advise the member and the Assembly that I am meeting with the Kerby Centre tomorrow. I will certainly be discussing this with them as I have had a number of discussions with the Minister of Municipal Affairs, and I'm confident that the Minister of Municipal Affairs and the Kerby Centre will be able to resolve this issue in the best interests of seniors in this province, because that is certainly the indication I have as to the tack the minister is taking on this issue.

THE SPEAKER: Hon. members, we had 11 sets of questions today, and to those five members who we were not able to get to, consideration will certainly be given to them on Monday so that we can deal with questions that they have.

Hon. members, 30 seconds from now we'll proceed with three members' statements. We'll go in this order. First of all, the hon. Member for Edmonton-Mill Creek, then the hon. Member for Edmonton-Mill Woods, then the hon. Member for Calgary-Bow. Prior to that 30 seconds, might we revert briefly to Introduction of Guests?

HON. MEMBERS: Agreed.

head: Introduction of Guests

(reversion)

THE SPEAKER: The hon. minister of science, research and information technology.

DR. TAYLOR: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to the Assembly three people. Dr. Hiroyuki Koba from Sapporo, Japan, and Dr. Eiichi Sudo, who is from Tokyo, Japan. They're medical research scientists, and they're over here working with our medical research scientists, looking at medical research in Alberta. We are quite famous around the world for this, so we're very pleased to have them here today. As well, they are accompanied by Cherry Robinson. Cherry has the distinction of being the president of the Edmonton-Castle Downs PC Association, my buddy constituency. She's also a regional director for Edmonton North, and Cherry works with Dr. Mayer in the division of pulmonary medicine at the University of Alberta Hospital. I'd ask all of these people to rise and receive the warm welcome of the House.

Thank you.

head: Members' Statements

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

1999 Labatt Brier

MR. ZWOZDESKY: Thank you. Mr. Speaker, the Labatt Brier is one of Canada's most celebrated sporting events, and this weekend marks its commencement right here in Edmonton. This is, of course, the fourth time that our City of Champions has hosted it and the ninth time that it has come to our province. Calgary last hosted it in 1997, and 220,000-plus people attended and set an attendance record. Now, given Edmonton's enthusiasm for such events, I'm confident that we might even break that record this weekend.

Every year thousands of Canadians compete for the rare opportunity to go to the Brier, and after all the local and provincial championships are done, the best Canadian curlers emerge at the Brier. The winners then go on to represent Canada at the Ford World Curling Championships, where our Labatt Brier teams have done very, very well. In fact, 13 of our past 19 Brier winners have gone on to become world champions.

I'd also like to recognize all the people who help make the Brier possible. There are various organizing committees with approximately 1,000 volunteers who will come together to ensure that this is truly a memorable event for the curlers and audiences alike. One important reason why Edmonton has been chosen time and time again to host national and international events like this is of course because of our tremendous reputation for having world-class volunteers. In fact, I heard one of them being interviewed on CHED radio last night. I believe it was Syd Smith, and she did a tremendous job of passing on some very contagious enthusiasm. It brought back many personal curling memories for me.

Since this event will bring thousands of tourists to Edmonton, I would like to encourage all Albertans to give our guests a real taste of western hospitality for which Alberta is now so famous.

I would also like to congratulate Team Alberta led by skip Ken Hunka. They are our provincial champs and the hometown favourites for the 1999 Labatt Brier. On behalf of this Assembly, I wish them the best of luck as they compete against 11 other teams for the coveted Labatt Brier tankard. Ken along with teammates Brent MacDonald, Blake MacDonald, and Wade Johnston are all making their first Brier appearance, and I'm certain they will represent our province with class and sportsmanship.

In closing, I'd also like to welcome all the participants to the Frier's Brier, which commences on Tuesday. I'll be there with my broom and my slider and my encouragement, and I want to encourage everyone to attend both those events.

Congratulations once again to all curling enthusiasts and especially to Labatt Alberta breweries, one of the members of my constituency, for sponsoring this event.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods.

Save Our Schools Petitions

DR. MASSEY: Thank you, Mr. Speaker. Save our Schools, an informal organization of parents upset with the impossible budgets being forced on schools, has a quarrel with this Assembly. In their effort to have schools adequately financed, they decided to enlist other citizens to their cause. To make the government aware of the gravity of this situation, they started a petition campaign. They asked for help in drafting the petition. The wording proposed was too indirect, and they rewrote the petition in plain English. They want school funding increased to accommodate "contract settlements, curriculum changes, technology, and aging schools."

In choosing to petition the government, they drew upon a tradition dating back to medieval England. Originating in the Crown's request of Parliament for taxes, the presentation of petitions in

Parliament gradually led to Members of Parliament themselves becoming the vehicle for their constituents' petitions to the Crown.

So what's the problem? Our Standing Order 80 states, "No petition may be received which prays for any expenditure, grant or charge on the public revenue." The SOS petition contains the offending words "increase funding." As such, the petition may be filed but may not be received nor read back.

SOS is perplexed. Why should citizens not be allowed to petition their own government in their own words for the changes they seek? Petitions do not obligate nor bind the government. However, they are useful in getting the government's attention, as the thousands of Albertans who signed the kindergarten petition will attest.

Our House leader has proposed that we amend Standing Orders so that the most direct of appeals of citizens to their government can be made in their own words, so that the direct democracy so many of us believe in can become a reality. I urge every member of the House to support changing Standing Order 80 and bring this quarrel with these citizens to an end.

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

2:40

Millennium 25-cent Coin

MRS. LAING: Thank you, Mr. Speaker. I would like to congratulate a Calgary-Bow constituent, Mr. Lonnie Springer, on his very unique millennium project. Mr. Springer entered the Royal Canadian Mint's Create a Centsation contest. Mr. Springer's design was selected for the February 1999 25-cent millennium coin, which came into circulation on February 1. The 24-coin millennium series is the first time in Canadian coinage history that a coin will bear the month of circulation and also the initials of the winning designer. There will be 12 winners for 1999 and 12 for the year 2000.

There were 33,000 entries, and to be selected is an exciting accomplishment. Each new quarter will carry a design portraying an important event, discovery, or achievement of Canada's past millennium. Lonnie Springer's design shows three petroglyphs from those at Writing-on-Stone provincial park in southern Alberta, which is close to Milk River. His design includes a human figure, a horse, and a shielded warrior. His design reflects both an historical and a discovery event in Alberta's history. This design brings recognition and honour not only to Lonnie Springer but also to the province of Alberta.

Mr. Springer is an artist, a teacher, an administrator, an outdoor enthusiast, and an excellent volunteer in the Bowness community. Once again, congratulations to Lonnie Springer for a very significant achievement. We're all very proud of your millennium accomplishment.

Thank you.

head: Projected Government Business

THE SPEAKER: The hon. Opposition House Leader.

MR. DICKSON: Thank you, Mr. Speaker. Pursuant to Standing Order 7(5) I'd request that the Government House Leader advise as to business for the next week, please.

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. I'm pleased to advise the House that next week on Monday, March 8, in the afternoon under Government Bills and Orders for second reading we will proceed with Bill 6, Bill 8, Bill 11, Bill 14, Bill 12, Bill 15, and thereafter as per the Order Paper; consideration of His Honour the

Lieutenant Governor's speech. It will be day 10 of the throne speech discussions, and under Government Motions, therefore, would be Motion 14, the motion to have the throne speech engrossed and presented to His Honour. At 8 p.m. in Committee of the Whole we would hope to proceed with Bill 4, Bill 9, Bill 10, bills 6, 7, 8, and 11, should they have proceeded to that stage, and thereafter as per the Order Paper.

On Tuesday, March 9, at 4:30 under Government Bills and Orders for second reading Bill 12 and Bill 15 and as per the Order Paper and in the evening of Tuesday the 9th as well as on Wednesday, March 10, and Thursday, March 11 – well, on Wednesday, March 10, we would proceed as per the Order Paper based on progress on Monday and earlier Tuesday and as per discussions that I'll have with the Opposition House Leader.

On Thursday, March 11, after Orders of the Day we would propose to adjourn until 4 p.m., at which time we would proceed with the address from the Provincial Treasurer for the provincial budget.

THE SPEAKER: The hon. Member for Edmonton-Glenora on a purported point of order.

Point of Order

Allegations against Members

MR. SAPERS: Thanks, Mr. Speaker. The reference that I'm citing is in Standing Order 23: first of all (h), "makes allegations against another member"; second of all (i), "imputes false . . . motives"; and (j), "uses abusive or insulting language of a nature likely to [cause] disorder." I'm referring to an exchange between myself and the Treasurer during question period.

I do raise the point with some trepidation because I know from previous experience that what happens is that it's usually viewed as an invitation by the Treasurer to exercise his right to respond. Not being able to make a point of order on a point of order, you know, it just extends the debate and doesn't really resolve anything. But in this particular case the Treasurer, I think, went a little bit too far in making the allegation that (a) I don't review the correspondence that he sends me and that (b) I've never responded to his invitations to ask for additional information.

Just the other day, in fact, I thanked the Treasurer for providing additional information. In fact in the Treasurer's answer to my question he mentioned that he gets all this mail from me, and often the mail, being sequential, is in response to other correspondence, so he's contradicted himself in his own reply. So aside from being rather insulting and also not being accurate, he has contradicted himself. I did find the response to be insulting and undignified, particularly on a matter which was trying to seek legitimate information on a matter that is currently on the minds of the people of this province who are watching the fortunes of the Alberta Treasury Branch.

I would simply ask that the Treasurer clarify the record, and if he has suspicions that I don't read my correspondence, I guess I can't help with his suspicions. I can just assure him that he's wrong.

MR. DAY: Well, Mr. Speaker, I didn't say that he didn't read it. I said that because I don't hear from him, it suggested to me. When I've many times asked: "Is this the right info? Do you like this? Do you need more? Do you need less?" and I don't hear back, I feel a little lonely and I feel neglected. So I wonder if indeed he's listening. I said: "It suggests to me." I didn't say that he didn't read his mail.

With the question that comes not daily but very often regarding specific questions on loans to the Treasury Branches, I do find and

I wonder if indeed he isn't reading the responses that I've sent to him on a number of occasions saying that I don't get involved in these, that it would not be proper. In fact, most Albertans don't want the government involved in those particular loans. I think by constantly raising the questions, even though I've communicated back to him, one of the effects could be – I'm not saying it's intended that way – a growing concern or a distrust toward ATB in general, which is performing very well with great earnings. The banking business and financial institutions are dependent upon trust and confidence, and I think these types of things erode confidence.

So it was that I replied that "it suggests to me" he's not reading what I sent to him. I didn't say that he's not reading it. But if even the suggestion of that suggestion is bothersome to him – I think he is a conscientious member, and I think he does do his homework – I withdraw that. No problem, Mr. Speaker.

THE SPEAKER: Well, what the chair heard was from the Provincial Treasurer, and the chair wrote it down: it suggests to me that the hon. member never reads my letters. So there was no accusation of somebody not reading a letter.

I'm going to make an editorial comment though, hon. members. We've had a large number of points of order. The points of order seem to come from either current House leaders or previous House leaders, not from other members in the Assembly. I just include it as a general statement. Nobody has to be sensitive about any of this now. That one should try and limit the number of points of order is the yearning that I'm making with respect to this matter. It's a skill and a responsibility. There are actually 83 members in the Assembly. One is speaking now, but the other 82 are here too, and they all are equally important. They've all been elected to come to this Assembly to make a contribution, and they all must have an opportunity to participate. When we take 15 minutes a day or 20 minutes a day, that eats into the time of hon. members. Sometimes a little less sensitivity may be in order and a little more opportune time taken in the room just behind where the Assembly is, where members might just cordially mix and clarify things, might in fact be a greater accomplishment.

head: Orders of the Day

head: Consideration of His Honour
the Lieutenant Governor's Speech

Mrs. Fritz moved:

That an humble address be presented to His Honour the Honourable the Lieutenant Governor as follows.

To His Honour the Honourable H.A. "Bud" Olson, Lieutenant Governor of the province of Alberta:

We, Her Majesty's most dutiful and loyal subjects, the Legislative Assembly, now assembled, beg leave to thank you, Your Honour, for the gracious speech Your Honour has been pleased to address to us at the opening of the present session.

[Adjourned debate March 1: Mr. Fischer]

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

MR. WHITE: Thank you, Mr. Speaker. I will do the best I can to be judicious with the time, as you've so admonished so many of us before for taking up too much time for the matters that are simply the rules of order.

Mr. Speaker, I rise today to convey some messages on behalf of the good citizens of Edmonton-Calder. First of all, I must say that the citizens of Edmonton-Calder are an unassuming lot by and large, and they don't complain a great deal. In fact, approximately half of

them live in homes that were built in the '50s and '60s, and a good number of the people that built those homes still live in those homes.

[Mr. Severtson in the chair]

I have a great number of seniors in my constituency. They also live in some rented accommodation and some condominiums in four very large seniors' complexes. I also have in the constituency two long-term care facilities. So the complement of seniors that I represent in this Legislature is really quite large. They don't complain to me a lot. I have to go to them and ask their opinions.

2:50

DR. TAYLOR: You have to ask them to complain.

MR. WHITE: But when I do ask them, they are kind enough to listen to what I have to say, and they're polite enough to answer reasonably.

Now, the biggest single concern they have about living in this province today is fear. They are fearful of the future. The member opposite can joke all he wishes perhaps. He happens to be young enough and is still making a great deal of money. The facts are that these people are on fixed incomes. They do not have the wherewithal to raise any more funds. In fact, they are concerned on a number of counts. The homes they live in they pay tax on, whereas 10 years ago they did not pay taxes related to the school portion of it. The provincial government picked that up.

Now, when they retired, they did a reasonable plan, laid out a financial plan that said, yes, until they wished to move on, they were able to stay in their own homes. They're fearful now that they are not. In many cases they are not doing the things to their homes that they think they might because they don't know what this government is going to do, is going to change next, and that is simply not fair. They lived their lives in this province, working very hard and putting money aside, educating their children, affording their homes, not assuming that the government would take care of them. They would take care of themselves. They retired, and the rules started to change.

The rules changed first with their property tax. This moved a lot of those people into other accommodation that was less expensive. A number of those people, the same people, have been affected by that income threshold where now they must pay for health care which was previously given. They see their municipal taxes rising steadily. They see that the provincial government seems to have a fair bit of money but does not seem to be sharing it with them. They are concerned about the standards of health care. They simply say to me: Mr. White, am I going to die in dignity? Now, that's a darn tough question to answer. I mean, I don't have all the answers, and I try to tell them that the government does a reasonable job in trying to disseminate the funds, but when it comes to seniors, they don't seem to hear the call. I say to them: well, write a note to the Premier; tell him about it. They nod and say: thank you very much. And I know well that they will not because they don't believe that their voice is significant.

It is very unfortunate that this government can't come with me, each and every one of the members opposite, and listen to these people when they come to talk. They have spent a lifetime working hard and doing what they thought was the right thing to do and now must live in a state of fear.

In another part of my constituency I have a great number of parents with young children. In fact, the middle-aged population of the constituency seems to have moved on somewhere. These parents have young children. Recognize that these are not rich

people. These are people that oftentimes have two incomes. There are a number of single-parent families, and they're fearful too. They're fearful for their children because the education level that they're finding their children are getting is much, much diminished from what they received. This is not that they're poor. This is not that they are so poor that they cannot afford to send some money off with the children, but there is part of my constituency where there must be free lunches provided to the children because the children arrive at school . . .

DR. TAYLOR: You got one, Lance, a free lunch.

MR. WHITE: Mr. Speaker, if one assumes the chair, one must assume the responsibility. I stand speaking of poor people of the constituency I represent, and I get heckles from the other side and I get giggles. These people obviously don't represent anybody that has any . . .

THE ACTING SPEAKER: Would the minister try to be a little quieter, please.

MR. WHITE: Mr. Speaker, the parents of these young children are fearful for what the future holds for their children, not just in the way of education but what is in the way of them for work in this province and in this particular constituency. I recognize that Edmonton has had eight to 10 years of some difficult financial times, and these parents have had some difficult financial times. Oftentimes they've had to move their personal expectations down to what they can afford for recreation beyond what they can afford for just their housing and their well-being. They also have to ratchet that down for their children.

They see the cuts in education, and they saw what is called a reinvestment. Unfortunately, the reinvestment was in the order of 6 or 7 percent when in the interim the costs of educating children have gone up, through inflation and through other costs, more than 10 percent. They find, as we heard today from Calgary-Lougheed — she got the same response I get — that the school councils are having to raise funds for some essentials, and in a constituency where fund-raising is not easily done, that creates a great deal of hardship and in some minds creates inequity between the schools that these children go to and others that are not terribly far away from the constituency but are in a much more affluent area.

We heard today from Calgary-Glenmore of school councils that had some difficulty with funding also. This is not unique, I know, to my constituency certainly, but we're acutely aware of the situation in a constituency that is socioeconomically not near what the average of the province is. These citizens want to be heard and want to be participants. They want to know that the government has some alternatives for them. They hear things, that six or seven years ago there was a massive debt in this province and that we must hunker down and tighten our belts and not make those expenditures. They understand that. They were in large measure willing to give up some things. Then they alternately hear of massive surpluses that the government puts out. Well, then it's hard for these people to reconcile that. They don't have the benefit of being able to hear the debate in this Legislature regularly. All they hear is alternately debt and surplus. They have a great deal of difficulty understanding that.

3:00

Further, they have difficulty understanding why the municipal government is continually in need of more funds from them as opposed to the provincial government. They have difficulty understanding that. They would like to think that between the

pocket that is figuratively being picked by the municipal government and the pocket that is figuratively being picked by the other levels of government, there's some equal take there. But they don't see the deliverance of services in this.

They don't want to be told that the lights are going to go out. Every major power-producing company in the province said that we have to be careful about how we use our power: between 4 and 7 in the evening try not to use too much power through the winter months. They don't like to hear these things. It adds more fear and consternation to them. They know that they live in a province that has probably the largest wealth of subsurface minerals on this continent. They know or they feel they know that they are the owners of that resource and simply cannot understand how it goes from the ground to a company, back to them, costs a great deal, and they can't be reliant on the service. It's difficult for them to understand that, and quite frankly the government doesn't seem to assist in explaining that a whole lot.

The citizens don't like to see a government set a lofty course and then come back from that. They were quite happy with the design of special places, and there was some progress. Quite frankly, a number of people are really quite pleased that there are actually going to be some special places, because they didn't believe at the time the government set the course that the government was going to deliver. They're actually pleased that something is going to occur. But recently we find that there's disbanding of committees. The environmental community is almost universal in saying: this is not working; we do not feel this is being of service to the environment. Now, they have a very special interest. Yes, I agree that now and again they become a little more zealous than they should, but quite frankly they do present a good position.

Then we hear from the resource sector. The oil and gas businesses, through CAPP, put out a statement that says: "We're interested in saving some property for these special places. We're willing to give up some of these properties in trade. We're willing to do it. Look; the government sold us these subsurface rights, and now they want them back. Quite frankly, we think that we should give them back, but there has to be some quid pro quo here. They have to give something back for this." Yet the government throws up their hands and says: no, if you don't give it to us on a platter, we're not going to take it.

Well, the citizens of the constituency I represent don't quite understand that. If a deal was a deal before and you need a new deal, well, then you have to come to some kind of accommodation. They don't like to hear those kinds of things. They like to hear of a government that deals with this as a true democracy. They like to be able to think that the real issues of the day are debated in this Legislature. They like to be able to come to the gallery and say: yes, we are hearing the debate on health care, a full, complete debate. They wonder why there has to be a select group of 200 people meet on a three-day, crammed weekend in Calgary to solve all the problems of health care.

MR. DICKSON: But we only had two days.

MR. WHITE: They only had two days, I'm informed.

They asked: why could that not be dealt with in the Legislature? Why would you not have individuals that represent their constituents bring forth the feelings of their constituents? Why could we not hear from experts in the field from all over the world if necessary, from our own backyard, where we have a great deal of them? They don't understand why this could not occur.

They don't understand the fundamentals of education. They say that education is not all that complicated a business, as far as they

can understand. It's a matter of discussing it. How much is enough? Well, let's find out how much it takes to get a level of service. Why would that not be discussed right here in this Chamber? They don't understand this.

The citizens of Edmonton-Calder want to be proud of where they live, and in fact most of them know and tell me that they're quite sure they live in the best place in the world to live and would like to think that the future is as good here or better here than anywhere else. But I repeat: they are fearful. Quite frankly, I have a great deal of difficulty explaining to them why they should not be.

Mr. Speaker, I tried to be relatively frugal with the time that was taken to deal with this matter today. On behalf of the constituents of Edmonton-Calder I bring this message and what they tell me, not what I invented but what they tell me. I want to thank you for the time, sir.

THE ACTING SPEAKER: The Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. It's an honour and a privilege for me to rise in my place today to speak in response to the Speech from the Throne. I speak from a unique perspective. Indeed each of us brings our own unique perspective to this Legislature, but the perspective to which I refer is that of being one of only three members on the government side representing the city of Edmonton in government caucus and the only one having the honour to represent Edmonton on Executive Council. Bringing the hopes and aspirations of Edmontonians into government is an awesome responsibility, and I'm honoured to have the opportunity to serve.

Edmonton, notwithstanding what we've heard from the member opposite, is an exciting city. It's a great place to live, to do business, and to raise a family. It is perhaps our quality of life which makes this such a wonderful city in my eyes. Edmonton has so many outstanding attributes: its beautiful park system and river valley, with the largest expanse of urban parkland in North America. Our river valley park system is 22 times larger than New York City's Central Park. There is our theatre and arts community and our extended and vibrant arts industry, a city alive all winter with theatre and symphony and ballet, alive all summer from the jazz festival through to the folk festival, from Dreamspeaker's to the Fringe, a city that boasts artists of every type and in every medium and includes a strong film industry, now having the opportunity to grow stronger with the new film development grant program.

There are its amateur and professional sports teams, which have earned it the title city of champions, a title which extends well beyond sports to everything we do, where even in a small market members of the community come together to keep our teams in town.

[The Speaker in the chair]

It is a city with a volunteer ethic. People in this city work together to build a community from the base up, starting in our school councils and our community leagues right up to international initiatives: the Commonwealth Games, Universiade, the World Figure Skating Championships, World Cup swimming, and now the 2001 World Triathlon and the 2001 World Track and Field Games, the third largest sporting event in the world, to be held right here in Edmonton, all of them a testament to the volunteer spirit of this city.

Its commitment to education: the strong and vibrant presence of the University of Alberta, NAIT, Grant MacEwan, Concordia, King's, AVC, Alberta College, and a highly respected public school system. Edmonton public, NAIT, Grant MacEwan, and the U of A are well respected across the world both as destinations of choice for students and as exporters of programs. A study recently done by the

Organization for Economic Co-operation and Development ranked Edmonton as one of the top eight cities in the world for continuing education. We have right here in Edmonton some of the most acknowledged leaders in education anywhere, and we have results. U of A first-year engineering students in 1997 and again in 1998 won the prestigious C.D. Howe Memorial Foundation scholarship, the only university in Canada to win both awards, the male top marks and the female top marks, in one year, not once but twice.

Edmonton has many other attributes which make it an interesting and dynamic place to be. As the centre of the capital region it hosts the government and this Legislature. While most people in Alberta like government the most when it affects them the least, government even in its most modest profile adds significance to the region.

Edmonton is a smart city, one of the six cities so designated by the International Development Research Council, an organization whose 2,500 members are made up of those business executives who have the responsibility of finding new locations for their companies to grow or finding locations for new companies to grow. We must be proud of the fact that Edmonton has been externally recognized as a smart city, with the Research Park, the university, and a new focus by Economic Development Edmonton and others on the knowledge-based economy and Vision 7/25, a vision to grow Edmonton's knowledge-based economy from 7 percent gross domestic product to 25 percent by 2010.

This city is quickly becoming home to high-tech entrepreneurs. Biotechnology, communications technology, and research and development are moving our province from its base in forestry, agriculture, and oil and gas to a new base in value-added processing and manufacturing. Nearly 50 percent of Alberta's value-added production and manufacturing occurs in the Edmonton area, but we're moving further to a strong backbone in a knowledge-based economy.

3:10

Edmonton also still serves as gateway to the north, of particular interest to me as someone born in the Northwest Territories and who grew up in northern B.C. and northern Alberta. Edmonton has long served and continues to serve as a critical hub for the development of the vast potential of northern Canada. With all these attributes and many more and centred in the middle of the Alberta advantage, Edmonton has a great and dynamic future.

There are \$30 billion of industrial and commercial projects being built in northern Alberta over the next 10 years, and even with the low oil prices, these are continuing to move ahead. Much of the economic benefit of that building will impact directly on Edmonton. The Conference Board of Canada recently released its growth predictions for major urban areas in Canada for 1999. Canada's expected average growth is predicted to be 1.8 percent. Alberta's growth is predicted, undoubtedly low, to be 1.7 percent and has averaged 3.8 percent per year over the last three years. For Edmonton a growth rate of 4.3 percent is predicted this year, the highest of any city in Canada.

Edmonton's economy maintained its strength through the very difficult period while government returned to its core business. In a centre where government has played such a large and growing role over the years up to 1993, the impact of smaller government was deeply felt. Yet over the period from 1993 to 1998 our unemployment rate went from 11.2 percent to 6.2 percent. Our economy was diversifying and was strong enough to absorb the very important changes in the government's role. In fact, even though many and particularly the media were full of doom and gloom, the facts speak for themselves. Edmonton's economy and the people of Edmonton held strong. While many weathered personal turbulence, we've

come out stronger with a strong manufacturing sector, a strong research and biotech industry, a strong service sector, and yes, a strong arts and film industry.

We don't need to be rivals with Calgary. The modern economy has discovered that synergy, partnership, joint venturing, building on each other's strengths is far more productive. Most of us, at least those of us whose spouses grew up in Calgary, would admit that Calgary, too, has its attributes.

I'm also here to say that issues and concerns and interests that affect Edmonton get every bit as much care and attention around the caucus and the cabinet table as those of Calgary or any other place in Alberta. With my colleagues from Edmonton-Mill Creek and Edmonton-Beverly-Clareview along with the capital region caucus we certainly ensure that this is the case. By any measure Edmonton and the capital region receive appropriate attention when it comes to roads, infrastructure program dollars, or otherwise.

A few examples are sometimes overlooked. The infrastructure task force allocated \$130 million this fiscal year with \$150 million in each of the next three to deal with pressures of growth. With acknowledged and evident pressures of growth in Calgary, it's no surprise that the preliminary work of the task force had a disproportionate amount of one-year money allocated there. However, the task force also recognized the unique pressures faced by the capital region, and an additional \$10 million was allocated for priority projects to be agreed to by all of the municipalities in the capital region, a project that served to enhance the growing spirit of co-operation.

That \$10 million and other dollars from the infrastructure project are targeted for the north/south trade corridor, or as we call it, the Canamex corridor. Anthony Henday Drive is recognized as a key link in that corridor, not just the portion of Anthony Henday Drive which has already been built with 90-10 provincial dollars but the next portion, connecting around the west end of the city to the Calgary Trail. In the process this new route will take pressure off the Whitemud freeway. This southwest portion of the ring road is vital to the city. It connects the growing warehousing, manufacturing, and transportation sectors in the west end to the Calgary Trail, the airport, and the technology service sector on the south side. It will also provide much-needed relief from the congestion faced by residents of Riverbend leaving that community, and it will enhance the transportation options for residents, business, and industry in the city's most rapidly growing area.

The Whitemud freeway, which is currently a challenge, will be at its maximum capacity by 2005, based on older and more modest growth projections. So having the Anthony Henday extension recognized as a priority and as part of the Canamex corridor to be fully completed by 2007 is an essential step forward. I'm working closely with the city and with Transportation to encourage early discussions on timing and dollars so that that project can move ahead before it becomes mission critical.

Edmonton has benefited and will continue to benefit from dollars spent outside the city. One hundred percent provincial dollars went into projects like the Whitemud extension and highway 14 interchange and the Winterburn Road/highway 16 interchange. Talking transportation, it also needs to be mentioned that while my capital region colleagues and I are working very hard to ensure that key capital region priorities are recognized, we need to work closely with our political colleagues at city hall, and I've been doing just that. But we need more help. An effective economy needs a good transportation system to move people and goods, and if the system isn't there within the city, the best infrastructure leading up to the city is not going to help.

I believe in a livable city and in quality-of-life issues and in

preserving our parks and our communities, but there also has to be balance and commitment. It's not, as some would say, a matter of cutbacks to funding. Rather, it's a question of setting priorities and acting on those priorities. We need to get serious about Edmonton's transportation. We need to get to work on the inner-ring road and the outer-ring road, we need to fix the bottlenecks on 114th Street, and we need to get real about our public transportation system.

On a brighter note, the co-operation between the province and the city over the Gainers site should be a very positive move for Edmonton. Shortsighted actions on both the union and management sides cost many Edmontonians their jobs. However, Edmonton is still in the centre of the agricultural production area, and what was an old, outdated plant will now be replaced with a modern, long-term facility. It's a fine example of partnership at work, and a tip of the hat to the Minister of Public Works, Supply and Services and Mayor Bill Smith for a job well done.

Mr. Speaker, with the economy strong and prospects good, notwithstanding weak commodity prices, it's clear that the Alberta advantage is serving Edmonton well, but we must look to the future. The true role of government is not in the short term. The marketplace will take care of that. No; the true role of government is looking to the long term. As we move from an industrial and natural resource economy to a knowledge and service economy, Albertans are well poised to take on the world. As free traders we will embrace the challenge. Recognized as innovators and thinkers, we are leaders in developing and marketing technology.

As the Member for Lethbridge-East mentioned in his remarks, Dr. Marc Luyckx from the forward studies unit of the European economic union was in Edmonton earlier in February. In fact, he met with a group of my colleagues and I when he was here. While he's traveled all over the world and met with thinkers and planners and does all over the world, he indicated that he found Alberta exciting because of our forward-looking attitude. He found it exciting that members of our government were interested in sitting down to discuss the future economy, the knowledge economy, an economy based on creativity and innovation, an economy that cares about the quality of life, an economy which recognizes that to be successful, we must be sure that the widest majority have an opportunity to participate and that those who can't fully participate are still considered to be an important part of our society. So what are the key components of that concept of balance, the concept of balance that we discussed in the throne speech?

Education. As Dr. Luyckx suggested, it should not be thought of as a cost to society and government but as an investment in our future, and while we're bound in our processes to now account for spending on the expense side of the journal, we must think of education as the best investment we can make to ensure our children and indeed all of us have the best possible opportunity to participate in a rapidly changing world. We have right here in Edmonton some of the acknowledged leaders in education anywhere. They need the resources and the tools to do their job, and we are committed to providing those resources and tools. But they also have to be innovative. If we sink all of our resources into what we already know, if we're not prepared to change and grow, all the resources in the world will not help get us past the status quo.

Health. Edmonton is a centre of excellence in biotechnology research and medical research. The Alberta Heritage Foundation for Medical Research is acknowledged as an important contributor to the development of new knowledge and new technology. In health the status quo is not even an option. We are doing more surgeries, more diagnostics, more of everything. More patients are being helped by our acute care system than ever before, but our doctors

and nurses are overloaded. Technology has upped the ante on the acute care side, and more money is needed.

Again, I and my colleagues have been working very hard to ensure that the Capital health authority is appropriately funded, that the population-based funding model is fully implemented, that province-wide services, primarily provided out of Edmonton and Calgary, are provided, that our teaching facilities are properly funded, in short that the Bonnie Laing committee report is fully implemented and that the pressures and attendant costs of serving a huge out-of-region population are recognized. But we must look further. We must invest in health status, not just fixing the unhealthy, and we invest best in health status when we invest in an educated, financially healthy population living in a clean and healthy environment.

3:20

So that need for balance has us promoting sustainable and healthy development, promoting a clean environment, protecting our water, preserving green space, making sure that Special Places 2000 is fully implemented, working responsibly with a world view on issues such as climate change, and making sure that our children have every opportunity to be the best they can be. Our children are society's most important responsibility.

Yes, parents must take the responsibility seriously and bring their children up well. But when children have developmental disabilities that make it impossible for parents to do it alone or when parents abdicate or are not capable of properly caring for their children, when children are abused or cold or hungry, then surely we must also care and provide and encourage. Children cannot be allowed to slip through the cracks because their parents can't or won't do the job. Each child must have the opportunity to participate, to learn, to excel, and to be the best that he or she can be.

So I applaud the Edmonton Chamber of Commerce for its new fund aimed at helping children and starting with a hot lunch program. I applaud the Edmonton Community Foundation for its support of success by six and other important programs designed to give kids a chance. I applaud Ed Bean and Crystal Kids, the YMCA and other organizations, people like the Rotary and south Edmonton Kiwanis for their reading is fundamental program, and so many others in Edmonton and across our province who recognize the need to help our kids.

I applaud the people in our community and the businesses in our community who recognize that however you measure it, from the fiscal side or from the human side, it just makes good sense to invest in our children. I applaud and encourage our government with a tip of the hat to the minister responsible for children's services and other ministers working with her for the children's initiative, designed to work in partnership with the community and all those who recognize the need and are prepared to do something about it. I applaud the people in our community.

Edmonton-Whitemud, the constituency that I represent, is a community which has had a great opportunity to participate in the Alberta advantage. As a constituency it has a high average level of education and income but is also home to a significant number of single-parent families, AISH recipients, and persons receiving social assistance. The gap between those who have and those who do not have is very, very wide. We do have our share of problems and concerns.

Many residents of Edmonton-Whitemud do have pine shakes on their roof. At an average cost of \$10,000 to replace, it's a serious problem, and it's not just a problem of the rich or the well-to-do. The occurrence of rotting pine shakes has very significant issues with respect to the building code, personal and consumer accountability, and how we deal with a significant, unexpected loss which is so devastating to a family.

We recognize in Edmonton-Whitemud that while we have a wonderful, clean place to live, while we have a young, healthy, educated, and financially secure population, there are among us those who don't share that advantage, and while we tackle the future with vigour and innovation and creativity, that future is better for all of us if we continue to work hard at recognizing and helping those who are less fortunate than ourselves to also be a part of this dynamic march forward and to share in the opportunity for a quality of life that we can proudly say, Mr. Speaker, is second to none in the world.

Thank you, and I would move that we adjourn debate.

THE SPEAKER: Having heard the motion put forward by the hon. Government House Leader, would all members in favour please say aye?

HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no. The motion is carried.

head: Government Bills and Orders
head: Third Reading

Bill 13
Appropriation (Supplementary Supply) Act, 1999

MR. HANCOCK: Mr. Speaker, I'd move third reading of Bill 13 on behalf of the Provincial Treasurer.

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

MR. SAPERS: Thank you, Mr. Speaker. We've had a couple of opportunities now to talk about the supplementary supply bill, and it's been pointed out that this is not the first supplementary supply estimate that has come before the Assembly. It's been pointed out that there are significant concerns with some of the items which could have been forecast and could have been planned expenditures.

There have been a couple of examples given of supplementary supply requests which seem to be appropriate. Of course we've recognized that much of this spending comes after the fact, in any case, and we've lamented the fact that if the Treasurer gets his way, this will be the last time that we'll actually be able to adjudicate in this Assembly some of the supply requests, because a procedural change that isn't being voted on but is simply being imposed will force only one supply vote taking place in every department instead of two. So when departmental heads, when ministers want to slide money between pockets from now on, they won't have to come back and ask permission to do that in this Assembly. They'll just be able to get away with it in secret, and of course we think that's a problem, Mr. Speaker.

[The Deputy Speaker in the chair]

I regret the fact that we haven't had answers to all of our questions. You know, the first night when we were discussing the appropriation bill, we ran out of time. We simply ran out of time. There wasn't enough time to go through every department, and since then, questions have been raised about absolutely every department: Municipal Affairs, Public Works, Transportation, Justice, Health, Community Development. Even though there have been dozens and dozens of questions which would, of course, if answered, allow us to be accountable to the taxpayers, who are footing the bill for this \$101 million in supplementary supply, we haven't been given the answers.

A couple of ministers have given some answers. I'll acknowledge that the Minister of Community Development provided some answers. The Minister of Advanced Education provided a couple of answers, but then he got really cranky about the questions and stopped providing the answers. We've had other ministers that have sort of come and gone and have made notes. We think they're making notes about the questions, Mr. Speaker, but we're not sure because we haven't received a reply. I will note that one of my colleagues just received a reply from supplementary supply estimates that were dealt with months and months and months ago.

So it seems as though a pattern has emerged where the government provides a budget, underbudgets significant areas, comes back in supplementary supply when it turns out that they've got a little bit of extra cash and they don't want to apply that towards the debt, as it would otherwise go in the Balanced Budget and Debt Retirement Act. They come back here and ask for supplementary supply. They ask us to approve it, and they don't answer the questions about the whys involved. I don't know, Mr. Speaker, but in my estimation that is a huge deviation from this government's stated intention to be open and transparent and accountable.

It's really frustrating, Mr. Speaker, because when you do raise questions, you're likely to get either no response at all, as I've just stated, or when you do raise them during debate or in question period, you get somebody's version of a stand-up comedy routine and ministers making disparaging comments, often going uncorrected. That's a shame as well, because I think it brings the level of debate to a low, and I think it reinforces the notion that many Albertans would have that there isn't a quality of discussion that takes place in here.

Certainly as the session progresses – and it's still a very young session – as we move from week to week in this session, I've noticed that the government is getting more and more defensive about questions put to it. The responses are getting more and more personal, and the level of avoidance in terms of answering the questions is getting more and more noticeable. That's too bad, Mr. Speaker, because this is only at the supplementary supply stage. They're only talking about \$101 million. If they're this defensive about a \$101 million supplementary supply, I can't wait to see the level of defensiveness, avoidance, and denial when it comes to dealing with the \$14 billion or \$15 billion or \$16 billion budget which is going to be tabled in this Assembly in March.

In fact, I don't think I can properly do justice to paraphrasing the Premier, but in his remarks to the United Alternative gathering he talked about the five Cs and the confusion. Of course he was referring to the media. But when I read his comment about the five Cs, it just made me think about the front bench in this Assembly, and that was too bad, because it should be otherwise. It should be otherwise.

Legitimate questions should be met with legitimate responses as soon as is possible, and the obligation to do that is on the government. The obligation on the opposition is to raise the question. I think the Premier and others have forgotten that it's their responsibility to provide the answers, and if they think they can get away with being smug and being evasive in this Assembly, well, that's fine. They can try to do that, Mr. Speaker, but it's going to be a lot harder for them to get away with being that smug and that defensive and that evasive outside this Chamber when they're talking to ordinary Albertans, either directly or through the media.

Mr. Speaker, I would say that what we have here is a mixture of good and bad and planned and unplanned spending. It's come all together wrapped up in a package called Bill 13, the Appropriation (Supplementary Supply) Act, 1999. It's asking us to approve \$101 million in expenditures, some of which has already been spent, and

it's really coming cap in hand after the fact. Some of it is for expenditure that has been committed, but the cheque hasn't been sent yet, and some of it truly falls into the definition of an unanticipated and therefore supplementary request. So a mixed bag and mixed grades to the government in terms of how they've brought this forward and how they've defended or justified it.

I wish that I could stand here as the Treasury and finance critic for the Official Opposition and give full grades to the government. As odd as that may be to you, Mr. Speaker, I truly wish that I could stand here and say: we have had a thorough and complete debate on supplementary supply request; the government has responded with speed and with completeness and with dignity to legitimate questions and has done everything possible to provide answers. I wish I could say that, because then I could go back into my constituency and I could defend the decision of this Assembly.

Regardless of how I vote today, Mr. Speaker, I know that a government majority of course is going to support this bill regardless of the lack of information, and I just lament the fact that I can't look my constituents in the eye and say that this government did everything they could to make this supplementary supply request understandable, and that really is a shame.

So, Mr. Speaker, the motion has been moved. I don't know if any of my colleagues have anything to add, but I'll take my seat.

[Motion carried; Bill 13 read a third time]

head: Government Bills and Orders

head: Second Reading

3:30

Bill 8

Provincial Court Judges Amendment Act, 1999

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

MS GRAHAM: Yes, Mr. Speaker. This afternoon I rise to move second reading of Bill 8, the Provincial Court Judges Amendment Act, 1999.

This rather abbreviated amendment act contains five sections, one of which is a housekeeping type of amendment, which I will describe later on, and the other two amendments result from the work of the Judicial Selection Process Review Committee, which reported in the summer of 1998 on a selection process for Provincial Court judges.

I had the privilege and honour of participating in the work of that committee along with my co-chair, Chief Judge Wachowich, as he then was, and other committee members who included Gordon Flynn, QC, president of the Law Society of Alberta; Shirley Keith, principal of Kennedale school here in Edmonton; Jeffrey McCaig, president and chief executive officer of Trimac; and Michael Procter, mayor of Peace River.

As a result of the work that we did, I became very much immersed in all of the issues surrounding the selection of judges generally and in particular the selection process used here provincially in Alberta. Of the 10 recommendations which were contained in the committee report, some of those were accepted by government, and two of those are being codified in this legislation. The rest of the recommendations which were accepted by government are being implemented by way of policy.

The first amendment I'd like to address provides for nonrenewable term limits for the Chief Judge of Provincial Court as well as the deputy chief and the assistant chief judges. Currently, judges in Alberta who occupy these positions occupy them until retirement, which is statutorily set at age 70. However, in this amendment act it is provided that the occupants of these positions will now be

appointed for nonrenewable fixed terms. In the case of the Chief Judge and the deputy chief, it will be for a nonrenewable period of seven years. In the case of assistant chief judges, of which there are nine currently in the province, they will be appointed for nonrenewable terms of five years. The question, Mr. Speaker, that the committee and later the government had to consider in coming to this amendment was whether these positions should be appointed for fixed terms and, if so, whether these fixed terms should be renewable or nonrenewable.

Prior to going into the rationale for the amendment, I would just like to outline for members the role and duties of the Chief Judge and the assistant chief judges, if I might. Mr. Speaker, the office of the Chief Judge of the Provincial Court is important both to the independence and the efficiency of the court. Among the duties of the Chief Judge are to liaise with the Minister and the Deputy Minister of Justice regarding political initiatives which may have an impact on the administration of justice in Alberta, especially with respect to the Provincial Court and justices of the peace, and he or she generally speaks for the court where a public statement is necessary.

Secondly, the Chief Judge is responsible for all aspects of the administration of the judicial resources of the Provincial Court, including formulating and implementing policy with respect to case management and delay reduction initiatives; thirdly, responsible for the continuing education of Provincial Court judges; fourthly, recommends, where desirable, the appointment of supernumerary judges; fifthly, receives complaints against Provincial Court judges and justices of the peace.

Under Bill 25 of 1998 the Chief Judge, in connection with a complaint or any matter that comes to his attention, may reprimand a judge, take corrective measures, refer the complaint to the Judicial Council, or determine that no further action is needed. The Chief Judge also serves as a member of the Judicial Council and is responsible for the supervision and the assignment of duties to justices of the peace.

Similarly, the assistant chief judges, who are under delegation from the Chief Judge, are generally responsible for the administration of their divisions of the Provincial Court or the areas for which they are appointed. Their duties would include, firstly, assignment of judicial duties and scheduling of vacations for judges under their administration; secondly, organization of procedures with a view to minimizing inconvenience to the public and maximizing use of court and judicial time; thirdly, monitoring court facilities and advising the Chief Judge when improvements are required; and fourthly, dealing with minor complaints about judicial conduct and bringing substantial complaints to the attention of the Chief Judge.

3:40

As I mentioned earlier, Mr. Speaker, currently the occupants of these positions serve until retirement, to age 70. The committee recommended and the government accepted that it is advantageous that these terms be nonrenewable fixed terms. The rationale here, which was adopted, is that

a Chief Judge or Assistant Chief Judge who is in office for a long period of time may come to dominate the Court or one branch of it. Alternation in office may tend towards an atmosphere that is less hierarchical and more collegial and may avoid administrative burnout.

While there's certainly no evidence that these problems have occurred to date, it is a potentiality that government would like to avoid and therefore felt that fixed-term appointments would help to guard against this in the future.

There are certainly objections to renewable fixed-term appointments that are avoided by the nonrenewable fixed-term appoint-

ments, and that basically would be that occupants of these positions might feel pressure to do what pleases the executive if they were looking to be reappointed, and in the case of judges, who would go back to sitting as regular judges in court, there would be no need for them to look for employment outside the bench, so there would not be undue factors coming into play with those lawyers from firms appearing before them that might lead them to curry favour with those lawyers. So, all in all, it was felt by government that nonrenewable fixed-term appointments were the best way to go.

The periods of the fixed terms, if it is allowed, were somewhat arbitrarily chosen. However, it was the thinking of the committee and the government as well that it was appropriate for the Chief Judge to be appointed for a seven-year term, as there is an advantage to keeping the experience and continuity, on the one hand, and that five years would be appropriate for assistant chief judges. It is a balance between the experience and continuity against the need for innovation and enthusiasm in the job. So that, Mr. Speaker, is one of the two changes coming out of the report.

The second amendment provides that records arising during the course of the judicial appointment process be not subject to the Freedom of Information and Protection of Privacy Act. There already exists a similar exemption for records of the Judicial Council, which is a body that has existed under the Provincial Court Judges Act for some time. Now that a new nominating body will be established to make recommendations to the Minister of Justice on judicial appointments, this exemption needs to be extended to the records of that nominating body as well. This will ensure the privacy and protect the integrity of the judicial appointments process.

For those applicants who put their applications forward with extensive information concerning their background, their experience, and their overall suitability for the position, there's certainly a concern that that information, particularly when they are not appointed, should not be available to the public at large. It may well affect their current employment.

The final amendment deals with the judges' pension plan, and what it does is clarify the authority of the Lieutenant Governor in Council to make regulations regarding the judges' pension plan. As I mentioned, Mr. Speaker, this is purely a housekeeping amendment to ensure that these regulations can deal with the same types of matters as are covered in the public service pension plans, and this includes the powers to administer the pension plan, to make changes to it, and to establish the plan as a separate fund.

So that in the main, Mr. Speaker, describes the nature of the amendments contained in this bill and the purpose for this bill. Having said that, I would now move that the debate on Bill 8 be adjourned.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Lougheed has moved that we adjourn debate on Bill 8. All those in support of this motion, please say aye.

HON. MEMBERS: Aye.

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

Bill 12 Domestic Relations Amendment Act, 1999

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Highlands has stood up. Have we moved this at second reading yet? No. So then we'll have to go in the order that is most appropriate, which would be that the mover of the bill be first.

Calgary-Lougheed to move second reading.

MS GRAHAM: Yes. Thank you, Mr. Speaker. I rise again this afternoon as the sponsor of the Domestic Relations Amendment Act, 1999, to move second reading and to describe to you and the hon. members here today the general principles and policy involved in this legislation.

In doing so, I would like to accomplish three things this afternoon. Firstly, I would like to explain why the government is introducing this legislation. Secondly, I would like to explain and outline the legislation in brief detail. Thirdly, I would like to explain some of the policy decisions the government had reference to in preparing the legislation.

In answer to the first question, being why is this legislation required, it is important to know that last summer the Alberta Court of Appeal released its decision in a case called *Rossu and Taylor*. That case involved a common-law relationship which had lasted about 30 years. When the relationship broke up, Ms Taylor applied for spousal support under the Domestic Relations Act. Because the Domestic Relations Act in Alberta only applies to married persons, Ms Taylor argued that her equality rights under the Charter of Rights and Freedoms had been breached. The Court of Appeal of Alberta agreed with this argument.

The court found that the purpose of parts 2 and 3 of the Domestic Relations Act was to relieve against dependency and that that purpose was not achieved by restricting the availability of spousal support to parties to a formal marriage. The court went on to declare parts 2 and 3 of the Domestic Relations Act as being unconstitutional and gave our government one year to fix parts 2 and 3 by including common-law relationships. If the government has not fixed the legislation before the year is up, which I believe is June 16, 1999, or has not obtained an extension of time, parts 2 and 3 of the Domestic Relations Act of Alberta will cease to have any effect.

After the government had an opportunity to review in detail the decision of the court that I've just referred to, it made a decision to amend the Domestic Relations Act in a manner consistent with the decision of the court. This is why this legislation is being introduced at this particular time.

Now I would like to go on and outline in a general way the provisions of the legislation. Once I have done that, I believe that members will agree that the changes are quite straightforward. As I've just indicated, the Court of Appeal held that parts 2 and 3 of the current act are unconstitutional and liable to be struck down. The existing part 2 is entitled *Judicial Separation*, and it gives the Court of Queen's Bench jurisdiction to hear applications for judicial separation, for restitution of conjugal rights, and for damages for adultery when certain conditions are met.

Part 3 goes on to deal with the court's ability to make orders for alimony in cases where a party would be entitled to one of the aforementioned orders; namely, a judgment of judicial separation or a judgment for restitution of conjugal rights. I'm sure, Mr. Speaker, that all here would agree that these are rather antiquated concepts and they are antiquated parts of the Domestic Relations Act. Jurisdiction in part 2, for example, depends on fault. There must be a finding of adultery or cruelty or desertion or sodomy or bestiality. These provisions are not used anymore with any frequency by married persons since we now have the *Divorce Act*, which provides a much more modern regime to govern the dissolution of marriages. Because the new provisions in the Domestic Relations Act resulting from this amending legislation will now be open to common-law spouses who do not have access to the *Divorce Act*, we do anticipate that the new provisions will be used with some frequency.

3:50

We did not want to try to incorporate an entire modern support

regime modeled after the *Divorce Act* into the existing provisions of the Domestic Relations Act. Instead, we basically left the existing provisions of parts 2 and 3 as they were, and the existing provisions will continue to be restricted to married persons. We did make one small change to part 2 and added two new sections to part 3 in order to comply with the judgment.

With the exception of an amendment to section 20, the changes to part 3 are stand-alone changes and can be considered by members without having to refer to the rest of part 3 of the existing act.

With that background in mind, Mr. Speaker, I'd like to outline the changes. In part 2 we have amended section 7 to give the court jurisdiction to hear a new type of spousal support application under part 3. We've also changed the reference in section 7(b) from "matrimonial home" to simply the word "home" in describing the place of cohabitation of common-law and married partners.

In part 3 we have added two new sections. Section 16.1 establishes a new application for spousal support which is available to married persons or to persons in a common-law relationship. The other new section, section 25.01, provides a contracting-out section. It allows either married persons or common-law persons to contract out from spousal support provisions in the aforementioned 16.1.

Finally, a change is made to section 20 in part 3 so that spousal support agreements can be registered at the land titles office charging interests in land.

That, then, describes in brief the minimal changes that have been made at this time. I would now like to speak briefly to the policy decisions that guided government and that are reflected in the legislation.

Section 1 of the act is a definition section, and it defines "common law relationship" as a "relationship between 2 people of the opposite sex." This aspect of the legislation has drawn attention. I have heard from members of the public who criticized the fact that same-sex couples were not included in the legislation, and I have also heard from members of the public who would not support including same-sex couples in spousal support legislation.

In either case my response is the same. This particular legislation was not intended to deal with same-sex couples. This legislation is intended simply to implement the decision of the Court of Appeal in *Rossu and Taylor*, and it is the view of government that this decision only speaks of heterosexual couples.

Same-sex issues are being addressed by this government in a different process altogether, and the process to which I refer is the ministerial task force that was appointed last year and that has released its report, which report was filed by the Minister of Justice in the Legislature today. The fact that the government has established one process to deal with common-law spouses, as we are doing in this amending legislation, and a different process to deal with same-sex issues should not cause anyone to describe this government or this legislation as discriminatory.

Going on to a further description in section 1, the term "marriage-like relationship," which describes the cohabitation required in a common-law relationship, one would note that we are not extending support obligations to either a parent/child or sibling relationship or a roommate type of situation. The relationship must be a "marriage-like relationship."

Also in section 1 under the definition of "common law relationship" is the requirement that the relationship have pre-existed for a period of three years. The government has decided on a three-year term of continuous cohabitation as the minimum period of time required to establish a common-law relationship to which spousal support obligations will attach. If the rationale is that we are relieving against dependency, we wish to deal with relationships of a long enough duration to have established such a dependency.

The reasons we selected three years as the minimum term are as follows. The three-year period has been approved in the case of Miron and Trudel, a Supreme Court of Canada decision of fairly recent vintage. Secondly, the Rossu and Taylor case of our Alberta Court of Appeal cites research showing that the average length of a nonmarital cohabitation is 2.08 years. Thus a three-year time period will catch most committed relationships and exclude most casual or trial relationships. Thirdly, the three-year time period is the period recommended by our Alberta Law Reform Institute in its research and recommendations.

It is important to know that the definition of a spouse in a common-law relationship is affected or shortened in the case of children resulting from such a relationship. This provision recognizes the fact that the introduction of children to a relationship will usually cause one of the parties to enter into a state of dependency, either by leaving the workforce altogether or by abandoning a certain career track or by working fewer hours in order to become the primary caregiver. In this case it is the fact of children, not the length of time of the relationship, which is considered to be the determinative factor.

Section 16.1, as I mentioned earlier, is a new section contained in part 3, and it provides for the making of an application for spousal support. It provides for the types of court orders the court can grant and also sets out the factors the court is to take into consideration in granting such a support order. These sections basically constitute a no-fault basis for spousal support. We have followed generally the scheme of the Divorce Act in this section so that the ability to apply for support is not fault-based but depends simply upon the ending of the relationship.

The other new section contained under part 3 is section 25.01, which is a new section providing for spousal agreements whereby couples are able to contract out of the legislation. These are what I would submit, Mr. Speaker, to be strong contracting-out provisions, for we have said that except in specified circumstances spouses can contract out from the spousal support obligations of this legislation. We have done this because the legislation affects all existing common-law relationships. Many people have chosen common-law relationships because they do not wish to have formal legal ties to each other, and we must respect their right to make that choice by giving them the ability to enter into an agreement which will prevail over the legislation. Although parties can make such an agreement which will prevail over the legislation, we propose to give the court the discretion to override this agreement in certain specified circumstances if the court is of the opinion that the agreement or provision would be inequitable in all of the circumstances.

4:00

In conclusion, Mr. Speaker, I would advise members of this Assembly that we have tried to develop legislation which addresses one very specific issue raised by the Court of Appeal of Alberta. We have not looked upon this legislation as an opportunity to address fundamental changes to family law such as the inclusion of same-sex couples in the definition of spouses of common-law relationships. As I have explained, same-sex issues are being examined by government in a different process.

I would also advise this Assembly, Mr. Speaker, that the Department of Justice has undertaken a family law reform project as a result of the recommendations from the report of the MLA review of maintenance enforcement and child access, which report was filed and issued in the summer of 1998. Members should understand that there is a larger review of family law which the government has undertaken, so we don't need to try to insert all manner of family law reform ideas into this legislation. In this legislation we are

addressing a very specific problem, and we have a very fixed period of time within which we must work.

I would just like to add, Mr. Speaker, that it would be my submission that in some of the public debate which has occurred surrounding this legislation to date, it has often been overlooked that this legislation is extending rights to common-law spouses where none existed before in the province of Alberta. Reports indicate that the trend in this country, if not throughout the world, is for common-law relationships to be on the increase, and they are. It was reported in the Law Reform Institute report number 16 of 1996 that in 1991 in the province of Alberta 10.2 percent of all couples lived in common-law relationships, and that included 119,900 people.

Mr. Speaker, these are Albertans who will benefit from this legislation. Indirectly this legislation will also benefit the children of these unions when a dependent spouse is able to apply and to receive spousal support as a result of this legislation.

In closing, Mr. Speaker, I suggest that members of this Assembly will agree that we have designed straightforward amendments to deal with the issue of common-law spousal support as set out in the Rossu and Taylor case.

Thank you, Mr. Speaker. Those are my remarks.

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

MR. DICKSON: Mr. Speaker, thank you very much. I must commend the government. You know, if you have a bad bill, a deficient bill, it makes sense that you give it to a member of your caucus who understands issues, who's intelligent, who's well-spoken, who, like any good lawyer, makes a strong case in terms of stressing advantages of the bill. But what we find is that it's a bad bill, it's a deficient bill. In fact, there's a whole host of problems with it.

I'd start off, Mr. Speaker, by saying this: Albertans want and deserve a government that is farsighted, a government that anticipates issues, that responds in a proactive fashion, that embraces comprehensive reform. Regrettably, with Bill 12 what we see is the opposite approach to governance. Bill 12 is a belated, grudging response to an issue that has been addressed years ago in most other Canadian jurisdictions. Manitoba, Saskatchewan, British Columbia, Ontario, Nova Scotia, New Brunswick, Newfoundland, and Yukon all have dealt with common-law relationships involving a man and a woman. They've done it by statute sometime ago. The Alberta Law Reform Institute recommended protection for common-law partners in 1996. They reiterated that in the October 1998 report entitled Spousal Support, 18.2.

The reason this bill is here is not because the government has identified a shortcoming in the fair treatment of Albertans but because the Alberta Court of Appeal in the Rossu versus Taylor case gave the government a deadline. They gave them a deadline until June 16, 1999, to change the legislation, or at least parts 3 and 4, or those offending parts of the act would be struck down.

Rossu versus Taylor of course was the Alberta Court of Appeal decision which applied the Supreme Court of Canada decision in Miron versus Trudel. The latter case from the Supreme Court held that marital status was an analogous ground of discrimination under section 15 of the Charter of Rights and Freedoms. What we've seen to a distressing extent in this province is a government that would sooner spend countless dollars, thousands and thousands of taxpayer dollars, fighting and resisting the Charter, resisting court decisions the government doesn't like rather than providing enlightened leadership in the area of comprehensive legislative reform. [interjection]

THE DEPUTY SPEAKER: Hon. minister for science, research, and information technology, I'll put you on the list. Until then, when you're called, we would hope that you could listen to the other members of the Assembly.

Calgary-*Buffalo*.

MR. DICKSON: Thank you for the assistance, Mr. Speaker.

What I want to focus on is the inadequate coverage that's provided in the Domestic Relations Act. I think there are a number of issues in this bill, and because of time constraints I'm going to rely on my colleague from Edmonton-Norwood and other colleagues to do the analysis with respect to where this bill is short in terms of heterosexual common-law couples. I'll look forward to their analysis.

What I wanted to focus on was the shortcomings in the scope of Bill 12. I might just say parenthetically that in the family law area in Alberta, unfortunately, we still have a multiplicity of statutes providing a variety of different remedies. We continue to need a family law reform act in this province. This is something that this caucus not only has suggested; we did the work. We put together a consolidated family law reform bill, and we're always happy to share that with the government. That would be a big step forward.

The point is that for those Albertans who choose for a variety of reasons, jurisdictional or religious reasons, not to engage the Divorce Act and the remedies available under that, the Domestic Relations Act becomes the primary tool for many of those other individuals. With the Domestic Relations Act, for those people who are either living outside of a marriage or who are living in other arrangements, they have no access to the statutory remedies set out in parts 3 and 4.

The reality, Mr. Speaker, is that in 1999 adult Albertans choose to live in a host of different long-term arrangements. I expect every one of us in this Assembly, because we have the wonderful privilege of meeting and talking to a lot of Albertans, recognizes just how many different kinds of arrangements our constituents, Albertans, live in, and it works for them. None of us in this Chamber can deny that reality. We have many Albertans who live as same-sex couples. Many live with siblings or a parent/son arrangement in long-term arrangements. These people currently are denied equal treatment in Alberta. They're denied equal access to the range of remedies found in parts 3 and 4.

What I didn't hear the Member for Calgary-Lougheed acknowledging – and perhaps she did, and I didn't hear it – is that there's a pending Supreme Court of Canada decision that was argued in front of the court almost 12 months ago. If that decision goes as is predicted, we're going to see that Bill 12 will be deficient yet again, so we'd have to look at once again trying to respond to a court telling us that the legislation didn't go far enough.

Mr. Speaker, in my constituency of Calgary-*Buffalo* there are many men and women living in same-sex relationships. You know, these are teachers, dentists, secretaries, carpenters, and lawyers, the whole range of occupations and trades. These are people who have families and siblings and parents. They pay taxes, and they vote or don't vote in the same proportion as other Albertans. In so many different ways that reality is recognized by most large employers in the province of Alberta.

4:10

One of the great paradoxes to me is that we have a provincial government that would deny the reality of people living in same-sex relationships at the very time the cities of Edmonton and Calgary – almost all of the large resource companies headquartered in downtown Calgary have same-sex benefits, have had same-sex benefits. We see our community and our province moving far ahead

of where the Legislature is in 1999, and it's something of an indictment in terms of our inability to be able to respond to the reality we see around us. These men and women living in same-sex relationships, at least on the basis of my observation, don't seek special status; they don't want some special treatment. They simply want to be accorded the dignity, the respect that every Albertan is entitled to. They want to be treated equally, not differently.

Mr. Speaker, Bill 12 doesn't provide the respect or the equal treatment that all Albertans are entitled to receive. What Bill 12 means is that some Albertans have recourse to certain legal remedies that their neighbours do not. So if Bill 12 is inadequate, how to change it. I want to spend a few minutes talking about where, in terms of the principle of the bill, I think it's most deficient.

I'll advise you now, Mr. Speaker, that there's a very concrete alternative that the Liberal caucus has offered the government and continues to offer the government, and we'll put it forward when we get to the committee stage. The alternative is this. We recognize currently people who are in a marriage arrangement, a marriage under the Marriage Act in Alberta. This act deals with common-law relationships between a heterosexual couple of three years' duration or where there are children involved. What we're proposing is that there be recognition that there can be another category that ought to be covered by the act. These would be people who are not married under the Marriage Act, who are not living in a heterosexual common-law relationship, but are people who choose by a simple written agreement to in fact be subject to the provisions of the Domestic Relations Act, and in the event of separation either partner would be able to have access to the remedies found in part 3 and part 4.

It wouldn't be necessary to register the contract. It wouldn't be necessary to go down to the vital statistics office and have to register your relationship. You simply enter into a simple agreement. This is not the equivalent of a prenuptial agreement, that requires two parties to go in and spend thousands of dollars and months with lawyers drafting this huge, elaborate agreement to provide for how assets and income streams are going to be divided postseparation. No. It would be an agreement that could be as simple as something you could get at a stationery store, which would simply be executed by the two partners in front of witnesses who would swear an affidavit of execution. That would allow people who had such an agreement in the event of separation to be able to come to court in the same fashion any other Albertan can and under the Domestic Relations Act make an application under part 3 or part 4.

Now, there are some other models, and I just sort of canvassed the things my caucus had looked at, alternative ways of dealing with it. One is to redefine the term "marriage," and that's not something my caucus wanted to do. I have 80-year-old parents, Mr. Speaker, and I think the reality for people, for many Albertans, would be similar to my parents'. Don't tell them that marriage as they've understood it and always known it between a man and a woman is now going to mean something different. Don't tell them that because that's not any part of their experience. That doesn't make any sense to them or to many other people. So we're not proposing that. We decided that that's a route which, frankly, ends up trying to deny what most Albertans understand that term to be. So we chose not to go down that road.

There was another option. That's to do what they do in Denmark and some other countries, where people living in a same-sex relationship go down and register their relationship at a vital statistics office or whatever. An interesting suggestion from Ian McClelland, a Reform Member of Parliament from the city of Edmonton, was a thing called a registered domestic partnership. An interesting idea, but once again my caucus decided that you should-

n't have to go down and do that process, that we simply allow two people to enter into a contract. What can be more fundamental than that?

Mr. Speaker, in the model we suggest, this notion of two people, whether it's two men or two women, who want to enter into an arrangement and fill out a very simple agreement, there are some – this isn't a perfect solution, and I want to acknowledge up front what some of limitations are.

One of the limitations is this, that some people will simply not know about this process, and often the people who require support under the Domestic Relations Act are people who don't have a lot of money. They're often people who may not be aware of the full range of legal remedies available to them. So that's a challenge. If you create this kind of a device, there's a question and a challenge in terms of how you get that information out to people. So that's a problem.

One of the advantages with the Liberal model that we're proposing is this: you wouldn't have to wait three years, as you would in a common-law relationship, to be able to exercise the jurisdiction under the act. So in that way it would be sort of more equivalent to marriage, and we think that's a positive suggestion.

I think some may say, well, there are courts that even as we speak are looking at the issue of marriage and looking at and being encouraged to redefine the term "marriage." But what I suggest to that – and this is my own observation, Mr. Speaker – is that the courts on a Charter challenge have a relatively limited kind of scope. The courts cannot go and rewrite legislation. They can't go and create whole collateral systems and processes and tests and things like that, and I don't think we would expect or want the courts to do that. But this Legislature is sovereign. We have a kind of freedom that the court never has on a Charter challenge. So our proposal is simply that two people who choose to live together in an arrangement that they intend to have some long-term consequences could enter into an agreement and say: we view this as being a long-term arrangement, and in the event of a separation either one of us could go to court and apply like other people could for the kind of relief that's available under the Domestic Relations Act.

Are there advantages to this? You bet there are, Mr. Speaker. If you have two people living in a relationship where there's a real economic imbalance and there's a separation – maybe it's a long-term relationship of 15 or 20 years and one person is dependant on the other – would it not make more sense that that dependent partner could go to court to seek compensation or support from the other partner than to show up at the office of supports for independence, at the local welfare office, looking for assistance? Does it not make more sense to say to Albertans that they can make their own arrangement?

If two partners want to enter into a living arrangement, your first recourse for support or whatever in the event of separation should be to your partner instead of being to the state. It's a pretty basic concept. I think it's one that while I acknowledge is not without its shortcomings and its limitations, it comes closest in the view of my caucus to providing that sort of fair and equal treatment to Albertans. Does it undermine marriage? Of course not. Does it undermine the value that people put on their notion of marriage and the significance of the marriage ceremony? Of course it does none of those things. It does none of those things because we're not saying that the marriage that we all have understood is now going to be something different. We simply say to members: recognizing the reality around you, be prepared to allow people who make their own living arrangements also to make their own arrangements in terms of what should happen on separation. It's in many respects I think a modest proposal.

4:20

So, Mr. Speaker, I think you permit people to go into their stationery store and get that simple agreement. You permit them to be able to make that sort of agreement. In the event of separation they can have recourse to part 3 and part 4 of the Domestic Relations Act. We haven't changed the definition of marriage or the meaning of marriage. What we've done is we've come as close as I guess my caucus thinks we reasonably can to achieving that kind of fairness and that kind of respect for every Albertan, no matter how they choose to live. We think that's absolutely key.

The other day – and I can't resist – the Premier did as he always does when he gets in trouble on an issue that's contentious, where there are some major splits and cleavage in his own caucus: he likes to turn the thing around and challenge somebody on it. He likes to challenge the opposition to distract the focus from the Premier. I think the short answer is this. The model that we're proposing here is something we could look at to use in a host of other kinds of statutes. In fact, whether it's done in an omnibus fashion or whether it's done on a statute-by-statute basis, reasonable men and women may agree to disagree. But in this area this is a concrete model, so I don't want to hear the Premier going around arguing that there he is, all by his lonesome, having to resolve these thorny problems. This is a concrete solution, and we're happy to offer it to the Premier and to all members, Mr. Speaker.

Thank you very much.

THE DEPUTY SPEAKER: The hon. leader of the ND opposition, followed by Edmonton-Norwood.

MS BARRETT: Thank you, Mr. Speaker. But for the presence of four words in this legislation I have little doubt that if it were June 15, 1999, this bill would probably meet with unanimous consent for all three necessary readings in one day. The four words that cause difficulty, of course, refer to section 1 being repealed and the inclusion of those four words, "of the opposite sex." If you could take a little bit of whiteout and just put it across those four words, I think this bill would probably pass second reading right now. But I don't see the government indicating that they're prepared to do that. So what I would like to do, first of all, is ask a page or maybe two pages to distribute copies of a reasoned amendment that I have prepared to all members and of course to the table itself, and I will speak about the bill before I get to my reasoned amendment.

I don't see any purpose in fanning the flames of fear or hatred on a matter like this. I think it boils down to common sense. We know that the Supreme Court has had under consideration for quite a while a case that will have probably significant influence on the eventual outcome of this legislation, and it's possible that that decision could come down next week or the week after. As a matter of fact, I refer you to question period of yesterday, in which I asked the Premier if he'd be prepared to hold this bill back at least until we get that decision, the decision in the case of Ontario versus M and H. The Justice minister said he would consider that and bring it to caucus. I don't know if that in fact happened, but I do know that obviously my request was rejected, because the bill is up for second reading right now.

My belief is that this legislation would be just as well staying silent on the issue of who was involved in a common-law relationship and that one would not in that silence have any reason to anticipate court challenges. I know the member sponsoring the bill said that this should not be considered as part of the decision yet to be made by the government caucus with respect to the government caucus committee comprised of four cabinet ministers who would look at the matter of legislative fences around equality rights for

same-sex partners or couples. Of course, the last few days we've been told that the government will be considering this up to and including March 18, that being two weeks from today, and that we'll know the government's decision on those matters.

I think the issue of the Vriend decision was sufficiently clear as to set out the guidelines to the one and only province that has steadfastly refused to include sexual orientation in its human rights legislation, that being Alberta. That decision was handed down last April, and it did mean that our law was changed with that decision so as with any matter that any other person can bring to the Human Rights Commission, so now can a matter related to sexual orientation be considered by the Human Rights Commission.

To me that says it all. That says everything that needs to be said with respect to sexual orientation. If you can bring it to the Human Rights Commission, then it means that virtually all legislation is challengeable. My fear, of course, is that if this bill passes in the form that it is currently written in, it will be challenged. I don't see why for the sake of four words the government would want to put itself in a position of having to defend, as it did for many years through very expensive legal resources, its unwillingness to allow sexual orientation as a matter which could go before the Human Rights Commission.

Mr. Speaker, as people have often said to me, you don't choose whom you love. I don't choose on their behalf; they don't choose on my behalf. This bill is about responsibilities, not even rights really. It's about responsibilities. I uphold the principle of the bill, those four words notwithstanding. I suggest to you that when we talk about equality rights, we're also talking about the obverse, that being equality responsibilities. That means that upon dissolution of a common-law relationship, whether same-sex or opposite-sex based, parties should have to be responsible under the law. In a way you could look at this and say that it could be a tax-saving measure, because if a couple split up and either or both of them had been responsible, for example, for the financial support of children and either or one of them ended up requiring social assistance either for that person and the child or just for the child, then it becomes a social issue and a social cost, again generally unnecessary in my opinion.

4:30

Equality is just that. It just means that we're all treated the same. I wouldn't want to be treated any differently than you just because I'm short. I mean, I suffer some jokes over it, yes, and you may remember that I used to refer to the riding a long time ago as Edmonton-Shortlands whenever the former Speaker of the House, David Carter, at the time forgot the name of my riding. You know, I can make a joke about myself too. The fact of the matter is that if you discriminate against me in my workplace or where I might want to live on the basis that I'm short, I'm going to take you to the Human Rights Commission; make no mistake. Similarly, if I were tall and you were discriminating against me, I would do the same thing.

I don't see a whole lot of difference. I really don't see much difference between that. I didn't choose to be short. I didn't choose to be born into a relatively poor family. It just happened. If you just happen to fall in love with somebody of the same sex, you didn't choose it. You didn't ask for it. It's just a current reality. By the way, it's not a current reality; this is an historical reality. I can refer you to well-documented history, including mythology, that will demonstrate very clearly that homosexuality has existed for as long as our species has existed.

What's the big problem? I just fail to see it. I realize I'm not being exactly superarticulate about it. It's just so clear to me. I find

it difficult anticipating the arguments against whiting out those four words, because I just don't get the argument.

Let me be a little bit logical about this now, not that I haven't been logical the whole time. I think I have been. To get back to what I said at the beginning, which was that I would be sponsoring a reasoned amendment, which has now been on the desks of all members for several minutes, I'd like to read out the reasoned amendment.

Be it resolved that the motion for second reading of Bill 12 be amended by deleting all words after the word "that" and substituting the following:

Bill 12, Domestic Relations Amendment Act, 1999, be not now read a second time because the Supreme Court of Canada has not yet rendered its decision in the case of the Attorney General for Ontario versus M and H, and this decision should be reviewed before proceeding with this bill.

I think the case is pretty obvious. If we're going to get another Supreme Court decision that will affect all of Canada's laws in this respect but particularly Alberta's because it is being redefined in accordance with an Alberta Court of Appeal decision, why go through an exercise that could cause division, pain, and fear in a society that really has, I think, much more important issues to deal with than dividing what we call society, based upon fears and in some cases fear and hate mongering.

Why don't we just leave the bill aside? Now, I've been told this before, but anyway here goes. I believe that we will probably have that Supreme Court decision within the next 10 or 12 days. That is what I have been told as recently as a few hours ago. Why not just let it sit and wait? If the Supreme Court decision, which in the case of Ontario versus M and H is related to a similar matter, says that the sexual nature of the partnership shall not be considered, then all we have to do is white out these words to be compliant with the Supreme Court decision. Like I say, my guess, if anybody asked, if the sponsor asked, is that the bill would pass second, committee, and third readings in one day, in less than probably an hour is my guess.

I hope that members will take serious consideration of this reasoned amendment and support it in the name of social sanity and just plain fairness.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Lougheed on the reasoned amendment.

MS GRAHAM: Yes. Thank you, Mr. Speaker. I have listened to the hon. leader of the NDP and the rationale for her amendment, and I can certainly state that there is merit to what she says. However, I think there are two very good reasons why the amendment should not be supported. Firstly, the Supreme Court of Canada decision which is anticipated in the M and H case was argued approximately one year ago, and there's no guarantee of when the decision will come down.

[Mrs. Gordon in the chair]

As I mentioned earlier in my remarks, this Legislature, this government, is under time constraints to address parts 2 and 3 of the Domestic Relations Act. If we don't deal with it this session, then parts 2 and 3 will be struck down come June 16 of this year. I would suggest that it's very irresponsible of the Legislature to let that happen, because there are those married individuals who may wish to utilize parts 2 and 3 but would be prevented from doing so if the sections were struck down. So that being the case, I would strongly argue that there's no basis for this amendment being supported.

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

MS OLSEN: Thank you, Madam Speaker. I, too, rise to speak to this amendment. I do not support this amendment, and the reason for that is that we could be waiting for a while for the Supreme Court decision to come down. The problem with this amendment is that it only goes for three months. The case has already been 12 months in the waiting, and we could wait another length of time.

The other issue is that we in this caucus have offered up a very concrete solution to some of the problems that may arise with this bill and any future legislation. We feel that the responsible thing to do is to offer the alternatives, and our position is not going to change in three months, in six months, in six years. So we here on this side and in this caucus believe that we want to be able to debate the merits of this legislation. There are other issues as well with the legislation that we'd like to address along with the issue of the definition of common law.

The government has the ability to take this off the Order Paper at any time. If the Minister of Justice finds that the M and H decision is pending in a week or two, the option of the government is to take this particular piece of legislation off the Order Paper and not debate it any further until such time as that comes down. However, we need to honour the decision already put out by the Appeal Court. They have given the Legislature and the government up until June 16 to in fact look at this legislation and look at some of the other issues in it and redefine common law.

I think there are going to be many opportunities in this Legislature to look at all of the definitions coming through and to debate them. I don't think we should forestall other parts of this legislation for the sake of the M and H decision. I think when that decision comes down, there may in fact be a need for this government to bring in an amendment to this piece of legislation, depending on the outcome of that decision. So I think we need to carry on and have the debate here. We feel comfortable with our position. We've offered a solution, and we're hoping that opens the door to some good discussion and debate in the House on this bill and other issues to come.

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

4:40

MR. SAPERS: Thank you, Madam Speaker. I was intrigued with yet another reasoned amendment. It seems that we're getting a whole flurry of these coming into the Assembly. I read this and listened to the arguments because this bill, this matter, is one that I consider very, very serious. At first I thought that, well, there is some sense in waiting for the Supreme Court of Canada. Then I thought: no, wait a minute; we've been waiting and waiting and waiting a long time in Alberta for the law to reflect what is fair and what is just. I was thinking to myself further that what this amendment does is really not very much different from what the government does when the government says that it's going to check which way the wind is blowing and depend on an opinion poll before it decides what it's going to do. Here we are with this reasoned amendment depending on the Supreme Court of Canada, waiting to see what they're going to do before we have the courage to do what we think we ought to do. It occurred to me further upon more reflection that there's only one party in the Assembly today that is willing to do what should be done and do it now; that is, amend the law to reflect justice and fairness and equality.

So having moved from being intrigued with the notion of waiting for the Supreme Court to recognizing that that is an unwarranted delay, a delay that quite frankly may not even pay off – we can't clearly anticipate what the Supreme Court is going to say. We can't

clearly anticipate when they're going to say it. We do know that the situation is wrong in Alberta today.

So it seems to me that what we should do is get on with getting Bill 12 into committee, because I don't think the government's going to park this bill. I don't think this government's going to recognize the error of its ways independent of the force of debate that will come in this House. So let's get this bill into committee, and let's amend it. If we can amend it by whiting out the four words in section 1 that are offensive, that'll be a success. If we can amend it further by inserting the kind of section and process that my colleague from Calgary-Buffalo described, then that will be so much the better. But we won't have a chance to do that, and the people of this province will be left twisting and still uncertain of their rights and their legal entitlements if this reasoned amendment were to pass.

With respect, I can't support the reasoned amendment. I think we ought to get this bill into committee where we can do the hard work of making it the best law that it possibly can be to reflect what is fair and what is right.

[Motion on amendment lost]

THE ACTING SPEAKER: On the bill itself, the hon. Member for Edmonton-Norwood.

MS OLSEN: Thank you, Madam Speaker. I just want to highlight all the points in the bill and eventually get into the discussion of definition, which I think is worthy of consideration. The object of this particular bill is to include heterosexual common-law relationships in the Domestic Relations Act to comply with the Alberta Court of Appeal decision in *Rossu versus Taylor*. There are some other amendments that flow from this particular amendment.

I think it's important to note, Madam Speaker, that there will be a lot of discussion around the definition, but there are some other issues that impact the definition. Some of the other things that have been happening in the courts are certainly leading the charge in the change for how relationships are.

My colleague from Calgary-Buffalo has talked about a decision in the Supreme Court of Canada, *Miron versus Trudel*. It ruled that marital status was analogous grounds of discrimination under section 15 of the Charter. That section reads:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

The effect of the *Miron versus Trudel* decision is that common-law spouses can now challenge each statutory provision where spouses are granted rights or incur obligations. I think that's significant in that there are relationships that people enter into in today's society, believe it or not, in Alberta that are not marriage relationships, and those relationships have obligations that are imparted to them as a result of them being entered into.

Madam Speaker, the Alberta government does need to change the definition of "spouse" to include common-law spouse. If they don't do that, there's going to be a huge number of statutes anyway that are challenged in the future. There are a tremendous number of statutes in this province that would require a definition change. So this is a start right here. Where the issue becomes very contentious, of course, is: do we define common-law relationships as only including relationships between men and women? That's where the bulk of the debate is going to be focused as we debate this piece of legislation. However, lawyers are now under a professional obligation to advise their clients of their rights and the high probab-

ity of success in bringing these cases to court challenges. In many instances if they failed to do that now, it would likely constitute malpractice. So it's very important that we also understand the role that lawyers have in this particular instance.

We know that on March 2 the definition was challenged under the Insurance Act. A decision was rendered, and again the issue of a common-law relationship became an issue. The underlying issue in this case is whether a creditor can seize the cash value of a life insurance policy or an annuity contract. Now, we know also that we have the new Insurance Act coming out. I don't know who's carrying that through the House, but I think it's 500 pages. [interjection] I want to congratulate the hon. Member for Calgary-Lougheed for in fact carrying that through the House, because that is going to be quite the piece of legislation, and we do need the best qualified folks to be bringing that through. So that's another issue that we can talk about.

In that particular case, if the beneficiary was a married spouse, the asset could not be seized. However, the couple in this instance was in a common-law relationship, and the trial judge held that the benefit of the Insurance Act exemption from seizure should be extended to common-law couples. She gave the provincial government one year in which to change the legislation. Well, fortunately that legislation is coming before us, and that is something that will have to be addressed. So I think we have to also look at all of the other issues.

One thing concerns me. The hon. Member for Calgary-Lougheed did allude to the fact that there was some major reform being looked at by the government caucus. Family law reform is absolutely essential in this province. We have roughly 21 different family-related statutes, and that number of statutes can create confusion for any number of individuals who have to respond to that. In fact even here, even with the Domestic Relations Act and some of the amendments to it, we do know that there are several other acts that somebody may have to deal with, not just the Domestic Relations Act. So this can create confusion for anybody that's looking to use these pieces of legislation.

4:50

The issue of whether or not to include same-sex couples in the definition is of course, as I said, a large component. I want to reflect on comments made by Justice l'Heureux-Dube in a presentation that I listened to. I believe the hon. Member for Calgary-Lougheed and the hon. Member for Calgary-Currie were in fact at that presentation. There were comments made in relation to the need to have legislation created that reflected a gender or equality perspective, so indeed applying an equity lens, if you will.

I think one of the things we have to ask when we look at the kinds of legislation we're passing is: does it meet the Charter test? Sometimes we hear the government say: well, that's okay; we'll go to court on a Charter challenge. I don't think that's a responsible way for us to move legislation through this House. If legislation can't pass the Charter challenge, then maybe we have to be careful about whether or not we should pass that. I would suspect that every member in here has to give or should give some thought to that or would want to give some thought to that.

The hon. Member for Calgary-Buffalo has outlined a definition that he feels would be equitable and would actually meet that equity test. He states that "partner" in our view means either of two adults who have entered into a written agreement duly executed before two witnesses, who then execute affidavits of execution with the intention of creating legal obligations and duties pursuant to this act. That's a voluntary, simple contract that people could enter into. As he said, it does not redefine marriage. Marriage is a deeply

ingrained and cherished norm in this society, and we don't want to make people feel uncomfortable, so what we need to do is look at a new definition. This is a concrete recommendation, Madam Speaker, a recommendation that we should be looking at in order to help with the discussions.

In fact the Premier was begging for help yesterday, you know. In fact his blood pressure you could see rise, because we're asking this government to put their comments on the line and put their decision on the line and open it for debate, but he throws it back at us. Well, we've risen to that challenge, and we expect this government to rise to that challenge and to acknowledge that there is more than one type of relationship in this province, and it's more than one between a man and a woman. It may in fact be between a man and a man or a woman and a woman or, we've also acknowledged, relationships that exist that aren't of an intimate nature, those relationships where in fact two sisters may be living together or a mother and her children. There may in fact be an older son who's looking after his mother. Those relationships should have equal status as well.

So, Madam Speaker, I think we need to focus where we're headed. Yesterday the Premier talked about the train coming, and I'll tell you, he doesn't want to be standing on the tracks when it hits. So I think it's important for him to be taking on this initiative now. It's proactive – my gosh; that's important – proactive in what they're doing and what he's looking at. So we're going to help him out, and hopefully he'll consider this.

Now, to move on to some of the other concerns with the bill. We look at the legislation and some of the concerns reflected in the definition, and we do know that we are a little bit behind the times, but that's okay. Alberta will move forward.

You know, we have British Columbia, and I must say that British Columbia has set the pace here. They define common-law relationships: they must be two years and must apply within one year of termination; the two years need not be continuous. That's something that this bill identifies, that the relationship has to be continuous, and I think in this bill that might create a problem. What about a couple who live together for about 11 months and then decide that maybe they should separate? They spend four months in counseling, Madam Speaker, and lo and behold, they're able to get back together, and that lasts for 26 months. So they have a total of 37 months of cohabitation, but it's not continuous. Does that then impact the ability to use this legislation to make a claim for support? I think that's a weakness in this bill, so we need to look at that and address that.

The B.C. Court of Appeal has ruled that during the two-year period the couple must have a lifelong financial and moral commitment to each other. Well, you know, I'm not quite sure. In relationships we hope that there's a moral commitment. In some relationships people have strayed a little bit, and hence maybe you have those breaks in the relationship and the need then to separate for a while and come back. So there may be some issues there that need to be addressed.

The financial commitment, of course, is essential in a relationship between two people. Why, in fact, should the state be responsible for a separating couple from a long-term relationship? That's where I look at the issue of the same-sex definition and say: well, if we don't have a category for that, then do those people in those relationships have something that others don't? And that being, we can turn the scale around and say: "Well, geez, you know, if you're in a committed heterosexual relationship, you have some duties and obligations. But you know what? If you're in a committed homosexual relationship, a gay or lesbian relationship, you don't have those same obligations." So one of the partners may become the responsibility of the state because they in fact don't have the

ability to support themselves. I'm sure that this fiscally responsible government is not wanting to take on any more of those cases. As we know, over the past few years this government has done everything it can to get people off SFI. So why would they want to invite more people on? I think that's something to consider.

Saskatchewan has: cohabited in a relationship of some permanence and must apply within three months. Madam Speaker, this goes on. Aside from Alberta, there are only two particular provinces, Quebec and Prince Edward Island, that have no protection for common-law spouses, and of course we're going to be changing that.

In this new act we have defined, as I said, "continuously cohabited." That is troublesome, and I think it can produce some concerns. It seems, however, to be a very common requirement through different pieces of legislation. "Marriage-like": this is not using the husband and wife definition that some other provinces have. It simply states "marriage-like." Madam Speaker, I could foresee a lot of needless litigation over what that particular term means. And heaven knows, going to the courts is expensive, and I'm sure that this government in its fiscally responsible fashion does not want to continue going to the Supreme Court of Canada or the Court of Appeal because definitions . . .

MR. MacDONALD: How much would that cost?

MS OLSEN: Well, \$30,000 for the trial, and then you just keep adding on the costs after that.

It's an extremely expensive proposition, Madam Speaker, and I don't think this government wants to get into those particular challenges. I hope that they would want to be spending the dollars of Albertans in a much more responsible manner.

I'd like to move on to the issue of a child of a relationship as it's defined in this particular piece of legislation. One of the things that's interesting to note is that in relationships where there are stepchildren, the Supreme Court of Canada just recently ruled that in those relationships where one parent has a child and the other one doesn't but the stepparent in fact parents and takes on the responsibilities for that child, if that relationship ends, then they, too, have a responsibility for those children. They may have to pay support for those children. They may have access and custody to those children. So my concern is: why would we want to treat the common-law relationship any differently? Why would we want to exclude children of another relationship, even if the common-law partner has treated the child as his or her own, much the same as in the stepparenting model, during the common-law relationship? Why would we want to do that?

5:00

If you look at it, you can see the kinds of problems that can arise. Why should a child be held responsible for the choices of their parents? I think that if we really look at that, maybe we should be looking at some sort of amendment to that particular definition and have it conform more to the stepparenting model that the recent Supreme Court of Canada decision was based on, and for the purposes of this discussion, that happened in November.

So really what this particular statement says is that Alberta is discriminating against children based on what decisions their parents have made. I think that should be addressed prior to this particular piece of legislation passing. One thing that I need to certainly congratulate the government on is the fact that they have included adopted children in this particular piece of legislation. I think that's a critical point because many children – it doesn't matter if by birth or by adoption – view their parents as parents and not anything else. So I think it's necessary to have that.

I'd like to move on to section 3. Section 3 gives a court jurisdiction to hear applications for spousal support which are connected factually to this province. What it does is it limits the ability of the ex-partner to jump from province to province to minimize their settlement, to sort of forum shop, if you will, and find the best possible place to land so they get the least amount of responsibility. I know that there are many of us in our constituency offices who have a number of problems in relation to that: Dad moves off to Ontario or to B.C. or somewhere else.

Madam Speaker, I will finish my debate and pick it up at Committee of the Whole. I would like to take this opportunity to adjourn debate on this bill.

Thank you.

THE ACTING SPEAKER: Having heard the motion by the hon. Member for Edmonton-Norwood, does the Assembly agree with the motion?

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed? Carried.

Bill 15 Natural Heritage Act

[Adjourned debate March 2: Mr. Hancock]

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

MR. MacDONALD: Thank you, Madam Speaker. It's a pleasure to rise this afternoon and speak on Bill 15, the Natural Heritage Act. I have many reservations about this Natural Heritage Act, and my reservations are also shared by many other Albertans and many other industrial groups, environmentalists. Everyone from campers to foresters in this province has expressed outrage over this bill, and I don't think "outrage" is a word that is out of place.

Now, we know in the preamble of this bill that there are serious problems. This bill has a preamble that sets out the purpose, and that purpose we understand is to "sustain Alberta's biological diversity." I'm going to get back to this a little later, but I believe that one of the reasons why, Madam Speaker, we are doing so well economically in this province – and that's even with the low oil prices – is the diversification that's happened in the Alberta economy.

We've had this last price drop in oil, this recent price drop in oil. We should compare this price drop to the price drop that occurred in the mid-1980s, and in the mid-1980s the economic slowdown was devastating for many Albertans. I was listening very respectfully to an economist on the radio as I was driving to the Legislature Annex this morning, and he was discussing this very issue. I know there have been spectacular failures. This government has failed in a spectacular way in many instances, and I can only bring up the Swan Hills waste treatment plant as one example, but there have been examples where the government needs to be congratulated.

Economic diversification is one area where they've had failures, but they've had some successes, and we are able to ride out this low oil price a lot better now than we did in 1985. I would like to tip my hat to those who are responsible.

DR. MASSEY: Nancy did it.

MR. MacDONALD: Nancy did it.

The forest industry has been very instrumental in this economic diversification. Companies such as Weldwood, Daishowa, and

Alberta-Pacific are leaders in Alberta's forest industry. They are interested, I believe, in fostering and creating a sustainable forest industry in this province that is going to be around for generations and generations of Albertans – and we talk about this in the preamble – but we have to look at industrial activity, as I understand it's outlined in this bill. We look at industrial activity for resource extraction. We heard about seismic lines, about railway lines, about pipeline corridors, dams, and other major water management structures, and timber quotas.

I understand there will be timber quotas that will be allowed or continue to be allowed in protected areas. Now, I don't believe this bill addresses that issue of timber allocations correctly. I believe there has to be some discussion on this.

There are no provisions, Madam Speaker, to phase out industrial developments. I understand that if this legislation protects the rights to develop within a special place, industry will be forced to debate the issue in what is commonly called the court of public opinion, and either they will have to withdraw on a voluntary basis or risk public wrath. There is no basis for compensation for the loss of a land base, and we only have to look at consumer boycotts.

We look at consumer boycotts and the effect that they've had on the timber industry in British Columbia. British Columbia used to export a lot of board feet of lumber to England. England has many very active environmentalist groups. They organized in the local hardware stores and the local lumber stores a boycott of the British Columbia product. We do not need the Alberta forest industry, those producers, to worry about the same thing happening here because of inadequate government legislation, where environmentalists are going to start saying: "In Alberta this is going on. We do not want to see this continue, so we want you to boycott or not buy this product or that product." I hope this Bill 15 does not lead us to that.

5:10

Now, as there are no legislated recognitions for giving up this land, there won't be any allowance for land given up in a forest management agreement in one of these deletion clauses. We need to ask some questions, Madam Speaker. We need to know: if a company voluntarily gives up land for a special place, will there be a formal recognition for this loss from their forest land base? Will the area relinquished count in the deletions that the government can make from the FMA? This is not clearly outlined in this bill, and these are questions that we need answered.

Speaker's Ruling Decorum

THE ACTING SPEAKER: I just want to mark down the Minister of Labour's name so that he's the next person to speak. This is not a dialogue back and forth. We are not in committee. We are in second reading. It is 10 or 15 minutes after 5 on Thursday afternoon. Let's just proceed.

You have the floor, hon. member, and through the chair, please.

Debate Continued

MR. MacDONALD: Thank you. Madam Speaker, this bill has received the wrath of both industrial groups and environmentalists. This unusual coalition is determined to protect ecologically significant areas in this province. They want to do something that the minister of the environment refuses to. He refuses to ban industrial activity in protected areas despite business requests to do so. This is very, very interesting.

We have historically in this province the national parks. We look at the wisdom that was displayed well over 100 years ago in the

setting aside of that land for our national parks. Many people will say that Alberta is the province with the most land area that is set aside for national parks. That may be true. We have Wood Buffalo, and that's a vast area. The national parks: we've got Waterton in the south, and we have Elk Island here to the east.

We also look at the tourism industry. I'm sure my colleague from Edmonton-Glengarry, our critic for tourism, has a keen interest in this, and he would not like to see any further deterioration or erosion of our environmentally sensitive areas, because this will be a growth industry in the future. Not only will the forest industry be a growth industry, but tourism will be a growth industry. For instance, we had to build a bypass through the town of Edson because there was so much traffic going to Jasper. There was so much traffic going to Jasper to the national park. Why are they going there? Because it's a protected area.

We look at Albertans and we look at our recreational habits. We look at any long weekend in the summer. We look at hunters in the fall. We just have to go to the west end of the city and see for ourselves the long line of recreational vehicles. They have canoes lashed to the roof. This is a family tradition in Alberta: going from the urban areas to the national parks. We must commend the creators of these national parks.

This is what we should be doing with our Natural Heritage Act. We look at the second paragraph of the preamble: "Whereas those areas will provide opportunities for present and future generations to understand, appreciate and experience Alberta's natural heritage." Well, this is happening with our national parks system. I don't know if this bill does it for any area that's under the supervision of the provincial government. [interjections] It is incredible. In that preamble we're talking about future generations. We bring up tourism as an industry that's going to be an industry for the future, and we get nothing but catcalls on this side of the House. I don't think that's appropriate.

This will be a growth industry. There are so many parts of the world that can't even enjoy this debate. They have no more land to set aside. There are many countries in this world that would like to be in the position that the hon. minister of environment is in where he can actually entertain the thought of setting aside more land or different types of land for future generations, for their enjoyment and for their education. This is one of the things that Alberta has. We still have a bit of land left, but if we're to continue in this manner with this Bill 15, that will no longer be there. We won't have that option, Madam Speaker. Under this Bill 15 . . .

THE ACTING SPEAKER: The hon. Minister of Environmental Protection.

Point of Order Questioning a Member

MR. LUND: Under section 333 of the sixth edition of *Beauchesne*. I wonder if the hon. member would entertain a question.

THE ACTING SPEAKER: Hon. member, would you entertain a question?

MR. MacDONALD: No, Madam Speaker. I will not entertain a question, because when he's in opposition after the next election, I'm not going to give him any chance.

THE ACTING SPEAKER: Hon. member, the hon. minister asked if you would entertain a question. A simple answer, yes or no, will suffice.

MR. MacDONALD: No, Madam Speaker, I will not entertain a question.

THE ACTING SPEAKER: Continue on with debate then.

Debate Continued

MR. MacDONALD: Thank you. Under this bill it would be possible to create townsites, cottage subdivisions, and commercial tourism facilities in provincial parks in a special new zone, and that is to be designated by the minister of environment and his colleagues in cabinet, provided they are planned before the commencement of certain regulations. Now, Madam Speaker, that's going a little too far. I think that if something like this were to happen, consultation processes should start with all different groups of Albertans. I could list them off. I could list off any group of environmentalists; I could list off any group of industrial users, the chambers of commerce, the department of tourism, the tourism critic: all these people should be consulted.

We have to be very careful with this bill, Madam Speaker. I'm looking forward to the debate that I'm sure is going to be conducted in this House, because this is one of the most important pieces of legislation that I have had the opportunity to talk about in the short time that I've been in this Assembly. Our natural heritage must be protected. It must be there for future generations, not just for our short-term needs. We must look at this, not over a period of one

election to the next election but the period of time from one generation of Albertans to the next. I don't believe that has been done, and we need to discuss this further.

At this point, Madam Speaker, I would like to take my chair. Thank you.

THE ACTING SPEAKER: The hon. Deputy Government House Leader.

MR. RENNER: Thank you, Madam Speaker. I would like to move that we adjourn debate on this bill.

THE ACTING SPEAKER: Having heard the motion from the Deputy Government House Leader, does the Assembly agree with the motion?

SOME HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE ACTING SPEAKER: Carried.

[At 5:20 p.m. the Assembly adjourned to Monday at 1:30 p.m.]

