

## Legislative Assembly of Alberta

Title: **Wednesday, February 23, 2000**

**1:30 p.m.**

Date: 00/02/23

[The Speaker in the chair]

head: Prayers

THE SPEAKER: Good afternoon.

Let us pray. Our Father, give to each member of this Legislature a strong and abiding sense of the great responsibilities laid upon us. Give us a deep and thorough understanding of the needs of the people we serve. Amen.

Please be seated.

head: Introduction of Visitors

THE SPEAKER: The hon. Minister of Municipal Affairs.

MR. PASZKOWSKI: Thank you, Mr. Speaker. It's my honour this afternoon to introduce to you and through you to members of this Assembly executives from two very distinguished groups: the Alberta Association of Municipal Districts and Counties and the Alberta Urban Municipalities Association. Joining us from the AUMA are Mr. Lorne Olsvik, president; Mr. George Rogers, vice-president of cities; Mr. Ernie Patterson, vice-president of towns; Mr. Mike Senych, vice-president of villages and summer villages.

Joining us from the AAMDC is Mr. Jack Hayden, president; Mr. Bart Guyon, vice-president; Mr. Eugene Wauters, director of district 1; Mr. Pat James, director of district 2; Mrs. Phyllis Kobasiuk, director of district 3; Mr. Ben Boettcher, director of district 4; and Mr. Sid Hinton, director of district 5.

Both groups are seated in the Speaker's gallery, and I would ask them to rise and receive the traditional warm welcome of this Assembly.

head: Presenting Petitions

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

DR. PANNU: Thank you, Mr. Speaker. I have a petition signed by 104 Albertans calling on this House "to pass a Bill banning private for-profit hospitals" in this province.

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

MS BLAKEMAN: Thank you, Mr. Speaker. I'm very pleased to present a petition signed by 251 individuals from Edmonton and area urging the Legislative Assembly "to urge the government of Alberta to stop promoting private health care and undermining public health care."

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

MS LEIBOVICI: Thank you, Mr. Speaker. It's my pleasure this afternoon to submit a petition as well that requests the Legislative Assembly "to urge the government of Alberta to stop promoting private health care and undermining public health care."

Thank you.

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

MR. GIBBONS: Thank you, Mr. Speaker. I, too, have a petition supporting public health care in Alberta. It states:

We the undersigned citizens of Alberta petition the Legislative Assembly to urge the government of Alberta to stop promoting private health care and undermining public health care. Two hundred names from Edmonton and area.  
Thank you, Mr. Speaker.

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

MR. WHITE: Thank you, Mr. Speaker. I, too, rise to present a petition on behalf of 254 Edmontonians "to urge the government to stop promoting private health care" and not undermine the public health care of Alberta.

head: Reading and Receiving Petitions

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

DR. PANNU: Thank you, Mr. Speaker. I rise to request that the petition I tabled yesterday signed by 111 Albertans and asking this House to take legislative action to ban private, for-profit hospitals be read and received.

Thank you, Mr. Speaker.

THE CLERK:

We the undersigned residents of the province of Alberta hereby petition the Legislative Assembly of Alberta to pass a Bill banning private for-profit hospitals in Alberta so that the integrity of the public, universal health care system may be maintained.

THE SPEAKER: The Hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Speaker. I would ask that my petition that was tabled yesterday in the House with 1,003 signatures from various parts of Alberta be received and read.

THE CLERK:

We the undersigned citizens of Alberta petition the Legislative Assembly to urge the government of Alberta to stop promoting private health care and undermining public health care.

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

MR. DICKSON: Thank you, Mr. Speaker. I'd ask that the petition with respect to support for public health care that I introduced yesterday be now read and received, please.

THE CLERK:

We the undersigned citizens of Alberta petition the Legislative Assembly to urge the government of Alberta to stop promoting private health care and undermining public health care.

MRS. MacBETH: Mr. Speaker, I ask that the petition with my name on it in terms of stopping the promotion of private health care in Alberta that was introduced in the Legislature yesterday be read today in the Assembly.

THE CLERK:

We the undersigned citizens of Alberta petition the Legislative Assembly to urge the government of Alberta to stop promoting private health care and undermining public health care.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I would ask as well

that the petition I presented yesterday in support of public health care be now read and received.

THE CLERK:

We the undersigned citizens of Alberta petition the Legislative Assembly to urge the government of Alberta to stop promoting private health care and undermining public health care.

head: Introduction of Bills

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

**Bill 3  
Statute Revision Act**

MR. HANCOCK: Thank you, Mr. Speaker. I beg leave to introduce Bill 3, being the Statute Revision Act.

The Statute Revision Act will allow for the provision of revised statutes of Alberta both now and on an ongoing basis.

[Motion carried; Bill 3 read a first time]

THE SPEAKER: The hon. Minister of Environment.

**Bill 4  
Surveys Amendment Act, 2000**

MR. MAR: Thank you, Mr. Speaker. I beg leave to introduce a bill being the Surveys Amendment Act, 2000, which will augment the definition of cadastral maps to satisfy the original intent of the Surveys Act.

[Motion carried; Bill 4 read a first time]

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

**Bill 5  
Land Titles Amendment Act, 2000**

MR. JACQUES: Thank you, Mr. Speaker. I request leave to introduce Bill 5, being the Land Titles Amendment Act, 2000.

[Motion carried; Bill 5 read a first time]

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. I move that Bill 5 be placed on the Order Paper under Government Bills and Orders.

[Motion carried]

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

**Bill 202  
Marriage Amendment Act, 2000**

MR. DOERKSEN: Thank you, Mr. Speaker. I request leave to introduce Bill 202, the Marriage Amendment Act, 2000.

This bill introduces a definition recognizing marriage between a man and a woman that is ground in our legal tradition and reflective of our religious and philosophical traditions.

[Motion carried; Bill 202 read a first time]

THE SPEAKER: The hon. Member for Little Bow.

**Bill 204  
Agricultural and Recreational Land  
Ownership Amendment Act, 2000**

MR. McFARLAND: Thank you, Mr. Speaker. I request leave to introduce Bill 204, being the Agricultural and Recreational Land Ownership Amendment Act, 2000.

[Motion carried; Bill 204 read a first time]

1:40

head: Tabling Returns and Reports

MR. PASZKOWSKI: Mr. Speaker, I'm pleased to file with the Assembly six copies of my response to Motion for a Return 182 as amended April 21, 1999.

THE SPEAKER: The hon. Minister of Agriculture, Food and Rural Development.

MR. LUND: Thank you, Mr. Speaker. I'm pleased to table today six copies of the Alberta Opportunity Company 1998-99 annual report.

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

MRS. MacBETH: Thank you, Mr. Speaker. I would like to table a letter which I sent this morning to the minister of health requesting that he disclose the pages that are blanked out in the document that I referred to and tabled yesterday with respect to the government's private hospital policy and of course noting that the information and the disclosure of the information can clearly be done within the public interest sections of the freedom of information act.

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

DR. PANNU: Thank you, Mr. Speaker. I rise to table five copies of the minutes of the board of directors of the Health Resource Group, known as HRG, for two meetings, one held on March 25, 1999, and the second one on April 30, 1999, as well as the agenda for May 31, 1999.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I'd like to table five copies of a notice of a town hall meeting that the Member for Edmonton-Glenora and myself are co-hosting. It's entitled Private Hospitals in Alberta: Who Wants Them? As the Associate Minister of Health Wellness – my condolences go to him and his wife, Christine – will be unable to attend, we do hope that someone else from the government or from the truth squad will take up our invitation to attend that particular town hall.

Thank you.

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

MR. SAPERS: Thank you, Mr. Speaker. Yesterday in question period I referred to a document and had one copy of it to table. At this time I'd like to table the appropriate number of copies of the correspondence between Jack Davis, who was then the Deputy Minister of Executive Council, to Peter Valentine, the Auditor General, regarding the government's 1998 accountability framework. Of course, it includes all of the items that are necessary for contract approval for contracting services.

head: Introduction of Guests

THE SPEAKER: The hon. Member for Little Bow.

MR. McFARLAND: Thank you, Mr. Speaker. I'm very pleased today to introduce to you and through you to members of the Assembly four constituents that I just noticed as I came in this afternoon. Ken, Silvia, Rodney, and Sharla McFarland are here from Nobleford, Alberta, and we have more than the last name in common. Ken's great-grandfather and my great-grandfather homesteaded south of Pincher Creek in the Twin Butte area in 1898. His mother has been involved in local municipal politics with the MD of Pincher Creek. I think it's worthy to note that Ken's aunt was the first lady dean of recreation at the University of Alberta. I would ask that they rise in the gallery and receive the traditional warm welcome of the Assembly.

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

MRS. SOETAERT: Thank you very much, Mr. Speaker. It is a real pleasure for me today to introduce to you and through you to members of the Assembly a great group from Camilla school in Riviere Qui Barre in my riding. They are here with parent helpers Mrs. Maxine Brennan, Mr. Joe Dwyer, Mrs. Anne Brosda, and Mrs. Lori Tailleux. They are a great group of students. They had great questions for me. They are also here with their teachers, Mrs. Arlene Whitson, Ms Amanda Langford, and my personal favourite, Mr. Raymond Soetaert. He happens to be my husband. I would ask them to please all rise and receive the warm welcome of the Assembly.

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

DR. PANNU: Thank you, Mr. Speaker. I have three introductions today. With your permission I'd like to start with a very special school, students from which are visiting here today. That school is in my constituency, so it is my pleasure to introduce 17 grade 10 students from l'école Maurice-Lavallee school. They are accompanied by their teacher, Ms Catherine Deren.

Mr. Speaker, this school is a very special, very outstanding school. Let me just indicate a few of the great achievements of this school last year. One of her students, Marie Franz-Carriere\*, was the proud winner of an essay contest in 1999 on being a Canadian. The school also won the junior high basketball championship in '99. It also won four prizes at the Kananaskis drama festival in 1999, and the last one, the school publishes *La Griffé*, the best student paper in western Canada.

The students are sitting in the members' gallery. I'll ask them to stand and receive the warm welcome of the Assembly.

The second set of guests, Mr. Speaker, are the citizens opposed to the legalization of private, for-profit hospitals. They are Helen Achten, Mike and Trudy Aldridge, Larry Derkach, Anita Kamal, Therese Kracher, Euneke Lorberg, Cecily Mills, Olga Mattis, Blanche McKnight, Eva-Maria Nelson, and Bob Settle. I think they are seated on both sides of the House. I'll ask them to stand and receive the warm welcome of the Assembly.

The last introduction, Mr. Speaker, with your permission, is Bill Kobluk, a retired high school teacher and a former NDP candidate in the city in the provincial election, and Dr. Julian Laychuk, professor emeritus, Russian and Germanic studies, University of Calgary and resident of Calgary-Foothills. I'll ask them to rise and receive the warm welcome of the Assembly.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Drayton Valley-Calmar.

MR. THURBER: Thank you, Mr. Speaker. I was sitting here doing a little bit of work, and I happened to notice that I had a constituent that snuck into your gallery. I would like to take this opportunity to introduce to you and through you to the members of the House my predecessor, Shirley Cripps, who was an MLA for that area before I was. I'd like, Shirley, for you to rise and receive the warm welcome of this House.

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

MS LEIBOVICI: Thank you, Mr. Speaker. It gives me great pleasure this afternoon to introduce some constituents of mine. They are Dr. MacDougall and Mrs. MacDougall. For those who don't know the MacDougalls, they are strong supporters of public education. Dr. MacDougall was the former chair of the Edmonton separate school board, and he also plays a mean bagpipe and looks great in a kilt. With them is a student from Korea, Mr. Taejin Jeong. If they could please rise and receive the warm welcome of the House.

Thank you.

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

MRS. O'NEILL: Thank you, Mr. Speaker. I rise today to introduce to you and through you to members of this Assembly our daughter Jacqueline, who is going to be heading to the University of Chile in Santiago to do a semester's study from the University of Alberta, and my husband, Jack. They are in the members' gallery. I'd ask them to rise and receive the warm welcome of the Assembly.

head: Oral Question Period

### Private Health Services

MRS. MacBETH: Mr. Speaker, yesterday the Premier denied Albertans answers to the questions when he was confronted with the truth within his own cabinet documents describing his private hospital policy. Now it appears that he's running away from even sponsoring his own private hospitals bill. My questions are to the Premier. Why is the Premier running away from sponsoring his own private hospitals legislation?

1:50

MR. KLEIN: Mr. Speaker, I'm not running away. As a matter of fact, I sponsored Bill 1, which was a very significant bill, to put \$500 million into engineering and science research. That to me represents the future, whereas the official Leader of the Opposition wants to talk about the past. And she should.

MRS. MacBETH: Mr. Speaker, is the Premier standing in this Assembly and saying that he is going to sponsor his own private hospitals legislation or not? Tell the truth.

MR. KLEIN: Mr. Speaker, it's not private hospital legislation. I allude to *Hansard* yesterday, where the hon. Leader of the Official Opposition said:

The Premier has talked about the possibility of the Official Opposition supporting the legislation which the government is about to bring in. Well, I think that possibility does exist.

That's dangerous; right?

I actually think that possibility exists if this government brings in legislation which is going to control the growth, control the quantity, and control the quality of some off-site services. If it's documented how that's going to be done, we might support that legislation.

\*This spelling could not be verified at the time of publication.

Well, Mr. Speaker, I say to the hon. Leader of the Official Opposition: stay tuned.

MRS. MacBETH: So, Mr. Speaker, why is this Premier appointing truth squads when he censors access from Albertans to his own private hospital policy with its blank pages? Why does he need his truth squads?

MR. KLEIN: Well, Mr. Speaker, as I indicated to the media – and the hon. Leader of the Official Opposition was there – yesterday was an unfortunate use of words. It's now called the health information panel.

Mr. Speaker, basically we want to get the facts out, and we want to have a reasonable, rational discussion on this particular issue. It's very, very important.

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

MRS. MacBETH: Well, Mr. Speaker, we want to get the facts out too, and it's interesting to look at the government's document with its blank pages. No facts, just blank pages, and for a document, frankly, that says so little, it says volumes about this government. This is from the document which we tabled yesterday, which of course is from the health information services of the department of health. Key Points: Focus Groups on Private Hospitals.

On October 21, 22 and 23 six focus groups involving approximately 65 Albertans were conducted in Edmonton, Calgary and Lethbridge (2 groups in each location) to discuss the proposed "policy statement" on the future role of private hospitals in Alberta. The main themes and issues raised in these focus groups were:

But that's where the censor stepped in, Mr. Speaker. The rest of it is just blank. So my questions are for the Premier. Did the focus groups tell this government that the words "private hospital" are unacceptable to Albertans?

MR. KLEIN: Really, I have no idea, Mr. Speaker. I wasn't privy to the focus groups.

Relative to the specifics of the FOIP request, I'll have the hon. minister reply. [interjections]

MR. JONSON: Mr. Speaker, yes, I would like certainly to reply. I think one of the very important points that should be made in this Legislature at this time . . .

### **Speaker's Ruling Decorum**

THE SPEAKER: The hon. Member for Health and Wellness, please. The hon. Minister of Health and Wellness does have the floor, and the chair would like to hear the answer, and the only way the chair can hear the answer is if certain people zipped it.

### **Private Health Services (continued)**

MR. JONSON: Mr. Speaker, I think this Legislative Assembly, acting on behalf of the people of the province, debated long and thoroughly the establishment of our current Freedom of Information and Protection of Privacy legislation, and it was a debate on that particular piece of legislation that was long and I think also thorough.

I think it is important, though, at this particular time, in response to the question from the Leader of the Opposition, to point out that on page 2346 of *Hansard* the Member for Rocky Mountain House

moved third reading of Bill 18, as it was called at that time. There was a call to all members of the Assembly, and on final approval that bill passed unanimously. That means, I think, that it was a very constructive and a very rare time in the history of the Assembly when all people agreed upon a piece of legislation. Of course, any legislation passed in this Assembly is the law of the province and must be adhered to.

Mr. Speaker, I think that background is very important to the question, and that is that the Department of Health and Wellness adhered very rigorously and correctly to the rules that were established under the FOIP legislation and in filing the documentation the Leader of the Opposition is quoting from.

MRS. MacBETH: Mr. Speaker, what that gobbledygook just said was that the public interest of Albertans is to hide the truth from them.

The question is: did the focus groups tell the government that "private hospitals" was a term unacceptable to the people of this province?

MR. KLEIN: Quite simply, Mr. Speaker, the truth is in the bill, and the truth is in the law, and the law will say that the legislation will confirm Alberta's commitment to publicly funded health care and to the principles of the Canada Health Act. It will ban private hospitals. It will bring surgical facilities under the control of the public health system. It will give health authorities one more option for delivering services to relieve pain and suffering. Facilities will not be able to charge patients for medically necessary services. Queue jumping will be illegal, and we believe it's the right thing to do.

Now, all of those principles will be in the legislation, and I would think the Liberal opposition will support it.

MRS. MacBETH: Mr. Speaker, did the focus groups tell the government that if they called it a private, overnight extended-stay surgical facility, somehow they might be able to bluff their way through banning private hospital language? Is that what the focus groups told them?

MR. KLEIN: You know, it's a moot point. As we see this legislation through, Mr. Speaker, the proof will be in the legislation, which will go to every household and which will have as a matter of principle the banning of private hospitals, bringing surgical facilities under the control of the public health system. Health authorities have one more option for delivering services to relieve pain and suffering. Facilities will not be able to charge patients for medically necessary services. Queue jumping will be illegal. That's the bill.

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

MRS. MacBETH: Thank you, Mr. Speaker. This Premier has a choice. He can continue to duck and spin, or he can tell Albertans the truth. So my question is: isn't it true that a private, overnight stay, extended stay surgical facility is in truth a private hospital?

2:00

MR. KLEIN: Mr. Speaker, a hospital is a hospital. A surgical facility is a surgical facility.

This hon. member knows all about surgical facilities. In 1991 the Morgentaler clinic started up in Edmonton under her watch as the minister of health, Mr. Speaker. In 1992 the Kensington therapeutic abortion clinic started up under her watch; the Gimbel eye clinic in Edmonton, 1990. The Mitchell Eye Centre: well it started in 1969,

but she didn't do anything to close it down. The Northern Alberta Eye Institute Inc., 1990, Edmonton; the Coronation Day Surgery Centre Ltd., under her watch; the Surgical Centres Inc., Foothills, 1990, under her watch; the Surgical Centres, Southland, under her watch; the Rockyview surgical centre; the Banff outpatient surgery centre, plastic surgery only, under her watch.

You know, what is she talking about? What is she talking about? Is she talking about the kinds of things that she allowed, promoted, and fostered during her watch as minister of health?

MRS. MacBETH: Duck and spin, Mr. Speaker, duck and spin. Not one of those is overnight stay.

Does this Premier mean to tell Albertans that they are going to be having major surgeries in a so-called clinic with no emergency and no intensive care backup? Is that what he's telling Albertans?

MR. KLEIN: Mr. Speaker, the legislation will be quite clear. The fundamentals related to the legislation will be based on the policy statement that has been released to all Albertans.

Relative to the intricacies of the legislation I'll have the hon. minister respond.

MR. JONSON: Mr. Speaker, the legislation will be coming forward. I really find it very interesting that the opposition will probably have nothing to talk about once the legislation is in, because they're having a wide range of speculation about the legislation which goes far beyond the policy statement on which the legislation was built.

Nevertheless we are, yes, speaking in the legislation to the approval of surgical clinics and putting in place something which we have not had properly ensconced in legislation, Mr. Speaker: the rules and regulations with respect to the current surgical clinics, the cataract surgeries, the cancerous growth surgical facilities that are currently in place. We want to put in place what is a legislative gap right now, legislation to correct that in terms of regulation and governance.

And, yes, we intend to put in place legislation which will put clear direction, clear rules in place for surgical clinics providing overnight stays which deal with a particular area of health care, Mr. Speaker. We think there's a potential there for innovation and efficiency, and that will be judged by the regional health authorities.

MRS. MacBETH: Mr. Speaker, if this Premier seems so sure about what's going to be in his legislation and this minister of health seems so sure about what's going to be in this legislation, why is it taking so long for that legislation to come into this Assembly? [interjections]

MR. KLEIN: My colleagues have already provided the answer. This is day two.

THE SPEAKER: The interim leader of the third party.

### **Health Resource Group Inc.**

DR. PANNU: Thank you, Mr. Speaker. [interjections]

THE SPEAKER: The hon. Member for Edmonton-Strathcona has the floor.

DR. PANNU: Thank you, Mr. Speaker. Yesterday the Premier said in this House that the government is not involved with HRG in any way, shape, or form. The board minutes of HRG that I tabled in this House just today tell a very different story. My question is to the

Premier. Will the Premier confirm or deny that HRG has within the past year lobbied members of the Calgary caucus in pursuit of expanding its private, for-profit health care business?

MR. KLEIN: I have no idea. [interjections] No. I have no idea. I don't know. There are 64 of us.

DR. PANNU: Thank you, Mr. Speaker. The Premier obviously has decided not to answer my first question. Let me try another one. If, as the Premier said yesterday, HRG is only doing uninsured and WCB services and denied any government involvement with WCB, why do HRG board minutes say that due to the shutdown of seven of the 14 operating rooms at the Peter Lougheed hospital during the summer of last year, "an agreement has been concluded at \$275/hr. hour for the use of the surgery suites at HRG"?

MR. KLEIN: I have no idea, but I'll have the hon. minister respond.

MR. JONSON: Mr. Speaker, it would probably be more than a year ago, but I have met with the Health Resource Group. I remember the content of the last meeting that I had with them. Yes, they had the idea that they felt they had a service to offer to the public health care system. I said that there's no way we could go ahead and we didn't intend to go ahead without having a proper framework in place with respect to governing these kinds of situations.

DR. PANNU: Thank you, Mr. Speaker. I wonder if in view of the minister of health's statement the Premier would like to retract his statement that he made to the House yesterday.

My last question . . .

MR. KLEIN: Mr. Speaker, no, I won't retract anything. As a matter of fact, when you talk about HRG lobbying and speaking to various members of caucus, I understand that they had the former leader of the ND opposition down for a daylong tour. When we had lunch, she told me that, and she said that there was nothing wrong with the facility but politically she had to oppose it. That was from Pam directly.

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

### **Medically Required Services**

MRS. LAING: Thank you, Mr. Speaker. My question is to the hon. Minister of Health and Wellness. Could the minister advise what action is being taken to address the concerns of Albertans that they will have to pay for medically necessary cataract surgery?

MR. JONSON: Mr. Speaker, we do not have, as has been identified to the Assembly before, the proper regulations and legislation in place to set definitive rules with respect to cataract surgeries offered in independent or private clinics. We do have a policy statement, however, which has to a large degree been adhered to at this particular point in time. The policy statement deals with individuals being able to access medically necessary cataract surgery through a private clinic provided that clinic has a contract with the regional health authority whereby the facility fee is paid under the contract and the doctor is paid under the AMA agreement. Therefore, there would be no cost to the individual for the medically required service of cataract surgery.

MRS. LAING: Thank you, Mr. Speaker. My supplemental question

is also to the same minister. If the publicly funded health system pays for cataract surgery, why are patients in some communities required to pay for the soft or foldable lenses while in other communities those lenses are provided free of charge?

2:10

MR. JONSON: Mr. Speaker, the requirement is that there is a lens provided as a basic appliance I think it's called, and that is provided free of charge. It is what is deemed to be medically required. The hon. member is quite correct that there is some inconsistency across the province in terms of what certain physicians deem to be the type of appliance or the type of lens that they want to use and provide free of charge.

Mr. Speaker, one of the things that we have under way right now is contact with the College of Physicians and Surgeons to develop and to verify certain clinical practice guidelines so that there is a standard of appliances or of implants that is agreed to across the province, and when that standard is officially in place, Alberta Health and Wellness will make sure it applies consistently across the province.

MRS. LAING: My last question, Mr. Speaker, again to the Minister of Health and Wellness: what action is government going to take to protect Albertans from any unethical or illegal practices in terms of patients being pressured into paying for goods or services they don't really need?

MR. JONSON: Well, Mr. Speaker, first of all, perhaps not in great detail but certainly implied in the code of ethics of physicians and other health care practitioners in this province, I think that this is not at all an appropriate practice. However, I would like to assure this Assembly that in the upcoming legislation with respect to the whole health care system and specifically the issues that have been discussed in question period today, this is perhaps an area which has not been given its proper priority, but we will be addressing that particular concern in that legislation to make sure there is equitable access and equitable treatment for medically required services and appliances across this province.

THE SPEAKER: The hon. Member for Calgary-Buffalo, followed by the hon. Member for Red Deer-South.

### Freedom of Information

MR. DICKSON: Mr. Speaker, I'd like to go back to the infamous document with the 30 whited-out pages. Now, as the Premier will recall from his 1993 flagship bill, when it comes to freedom of information, there are discretionary exceptions where a minister may allow information to be disclosed, and there are a few mandatory exceptions. With the 30 whited-out pages in all but four tiny cases the exception cited was a discretionary exception. So my question is to the Premier right now. Why is it, Mr. Premier, that your government, when it had the choice and was permitted by provincial law to release that information, chose not to? Why did you exercise that discretion, Mr. Premier?

MR. KLEIN: Well, first of all, I didn't exercise any discretion in this particular . . . [interjections] No, Mr. Speaker. The FOIP request did not come through my office. The FOIP request came from the Liberals, as I understand it, to the department of health. It had absolutely nothing to do with my department.

I'll have the hon. minister respond.

MR. JONSON: Mr. Speaker, I beg your indulgence here. We in Alberta Health and Wellness take seriously the FOIP legislation.

We proceed according to its rules, and we did so in this particular case.

If I might, Mr. Speaker, I could refer the overall policy regarding FOIP and the legislation to the Minister of Municipal Affairs.

MR. PASZKOWSKI: There are limited reasons for nondisclosure of information under FOIP, and certainly if the requester is really so concerned about the information and they've made the FOIP request, they always have the opportunity to appeal to the commissioner. They well know that, and certainly given how familiar the opposition is with the FOIP Act, I'm sure they know very well about the discretionary appeal that's there.

Certainly there is an opportunity to take it to the next level if indeed there is concern that the minister has been nondiscretionary in his release of the information. The FOIP Act has allowed for a very clear process to be followed, and ultimately I'm sure the hon. member is quite aware of that process, because he was an integral part of the discussions during the passage of the FOIP Act.

MR. DICKSON: Mr. Speaker, this has all happened on that Premier's watch.

My follow-up question would be to the Premier again. Given, Mr. Speaker, that four times an exception was claimed, called a cabinet confidence, and given that a cabinet confidence falls away, disappears once the decision is made by cabinet, as it was when the policy statement was issued last November, why has this government refused to share that information with Albertans?

MR. KLEIN: Mr. Speaker, I take it that all of the officials in the Department of Health and Wellness complied with the principles and the law of the freedom of information legislation. This is a very interesting piece of legislation that was supported by the Liberal opposition, as the hon. minister pointed out.

You know, it's very, very strange. When we develop policy, there are certain things under FOIP that are confidential and that are privileged, and one of the strange things about it is that when the Liberals are developing policy, they don't share anything with anyone. They're unFOIPable. Right? They talk about open and honesty. They share absolutely nothing.

MR. DICKSON: The Liberals aren't dismantling our public health care system.

My final question to the Premier would be this: given that section 31 of the Freedom of Information and Protection of Privacy Act obligates "the head of a public body" – and that would include the Premier – to disclose information where there's "a risk of significant harm" to the public or where the information is "clearly in the public interest," why would this Premier not invoke the public interest override and share that information and share it now?

MR. KLEIN: Mr. Speaker, we will share all the information that is required under FOIP legislation.

Notwithstanding legislation that applies to the government, will this hon. member commit in this House today to share all the documents relevant to policy development as it relates to the Liberal party? Will he do that?

### North American Free Trade Agreement

MR. DOERKSEN: Mr. Speaker, one of the common questions that I get on the policy for allowing regional health authorities to contract out health services has to do with the North American free trade agreement. My questions today are to the Minister of International and Intergovernmental Relations. Will the minister advise the Assembly what provisions are contained in the North American free trade agreement with respect to health care?

MRS. McCLELLAN: Mr. Speaker, there has been an alarmist analysis of the dangers of NAFTA for Canadians and social programs for about 15 years. That's about when the negotiations commenced. I think it's time we actually dealt with the facts of what is in NAFTA, and I'll endeavour to do that for the hon. member today.

In fact, the provisions of NAFTA offer triple protection for our health care system. Number one, there is a NAFTA obligation to deal with national treatment, and while it generally treats American and Mexican service providers no less favourably than Canadians, it does not – and I repeat not – require Alberta to sign a contract with every service provider even if one is signed at some point.

Two, NAFTA obligations do not apply to provincial or state governments. They apply federally only. That means that provinces have the right and can discriminate on the basis of nationality for contracts for service provision.

2:20

Thirdly, and the most important one, Mr. Speaker – and this is the one the hon. member I think would want to relay to those who are concerned – there is a complete carve-out, or reservation, you may call it in their terminology, for the public health sector in NAFTA, and the Canadian government signed that reservation, ensured that that reservation was in place. [interjection]

#### **Speaker's Ruling Decorum**

THE SPEAKER: Hon. Minister of International and Intergovernmental Relations, it seems that at least one member, the Member for Edmonton-Riverview, wants to participate in a debate. I want to remind the hon. Member for Edmonton-Riverview that this is not a debate.

#### **North American Free Trade Agreement (continued)**

MRS. McCLELLAN: Mr. Speaker, I'll conclude very quickly on the carve-out. The carve-out does protect the Canadian social services sector as long as the services are established or maintained for a public purpose. Public purpose does not mean that the service must be entirely publicly provided, but it does mean that the public service that is provided is funded publicly to fit the carve-out. The issue on the carve-out is public access, not ownership. That is very clear in NAFTA.

One last thing I should point out on NAFTA, a point of interest. There has been no American interest, problem, or complaint on the Canadian social or health service issue since NAFTA came in.

Mr. Speaker, I will further, for the use of the hon. member and any other member, table a copy listing the reservations, the chapters they apply to, as well as the wording of the carve-out.

MR. DOERKSEN: Given that the carve-out applies to social services for a public purpose, when the regional health authorities contract out health services to private service providers, does this negate government control on health care providers?

MRS. McCLELLAN: No, Mr. Speaker. The policy document that was released last November is very clear. If the regional health authority contracted a service, it would be for a public purpose, and that would be to provide health services to the public. The most important element in this discussion is the purpose of the service and to whom it's provided, not the service provider. Public access is the determining element in this discussion.

MR. DOERKSEN: Okay. My last question is: does the carve-out clause relate primarily to public policy in health, or does it also provide opportunity to control foreign ownership interests?

MRS. McCLELLAN: Mr. Speaker, we want to be very clear: the carve-out covers the way we treat investors under both the investment and services chapters of NAFTA. Therefore, the province could, if it wished, control foreign ownership services under the provisions of those NAFTA chapters. It is within NAFTA and within our ability to do that.

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

#### **Hip Replacement Surgery**

DR. MASSEY: Thank you, Mr. Speaker. Hip surgery is one of the procedures being considered for contracting out. My questions are to the Premier. Can the Premier explain why an operation of three to five hours will not require a facility with an emergency and ICU backup?

MR. KLEIN: Well, Mr. Speaker, the legislation will clearly define the rules and the parameters under which a regional health authority can contract. Fundamental to the legislation is that it must prove to be cost-efficient, it must prove to reduce waiting lists, and it must prove to alleviate pain and suffering. That's what it's all about.

Mr. Speaker, under the hon. leader of the Liberal opposition's watch abortion clinics were allowed: Morgentaler's in Edmonton and Kensington in Calgary. Eye cataract clinics were allowed: Gimbel, Mitchell, Northern Alberta Eye Institute Inc. Under the hon. leader of the Liberal opposition's watch as minister of health orthopaedics, dermatology, urology, ENT, plastic surgeries were allowed: the Coronation Day Surgery Centre, Surgical Centres Inc., Foothills; Surgical Centres Inc., Southland; Rockyview Surgical Centre; Banff outpatient surgery centre. I don't know if they had all of the, you know, ICU and trauma backups, but she allowed them all.

#### **Speaker's Ruling Oral Question Period Rules**

THE SPEAKER: Hon. members, I know that this is only the second day on this, and I know there's lots of exuberance that comes about from being away from this Assembly for a day or two, but I also want to draw to the attention of hon. members all the rules governing question period. They're located in *Beauchesne*, and they go on and on and on. The questions should basically deal with matters of urgent situations. They don't ask for opinions.

What's so startling and interesting about this is that we're basically having a debate in question period about something that hasn't happened. [interjection] We don't know. The chair does not know if any legislation is going to come. There is no legislation, yet we're having a debate on legislation. [interjection] Well, the fact is that the chair does not know if there will be any legislation. So let's get on with a question of an urgent, important nature.

#### **Hip Replacement Surgery (continued)**

DR. MASSEY: Thank you, Mr. Speaker. With respect, Mr. Premier, this is about hip operations, and it's important to seniors.

My second question is: why is there a cap on the amount of operating room time and the procedures that orthopedic surgeons can now perform?

MR. KLEIN: Mr. Speaker, I do not micromanage the system, but relative to the specific question I'll have the hon. minister respond.

MR. JONSON: Well, Mr. Speaker, there is an allocation system operating in our major hospitals which do a number of the very serious types of surgery. For instance, from 1992-93 to the present time we've had an increase in organ and bone marrow transplants of 116 percent in terms of volume. Where we've had neurosurgery increase by 19 percent, where we've had very significant increases in orthopedic surgery, the number of hips, the number of knees, and so forth that are done, there does have to be the allocation of surgical time and resources. Therefore, there is a waiting list for orthopedic surgery that is longer than we would like, and various surgical treatments or procedures have to be prioritized.

Mr. Speaker, I do think it's important. This is a concern that we have as a government and one which we are addressing in successive years with more and more funds being directed to these surgeries. There is a greatly increased demand, and we are responding and doing more than ever before in this province in terms of those particular procedures.

DR. MASSEY: Thank you. My final question is to the Premier, Mr. Speaker. Can the Premier explain why the wait list for surgeries in Edmonton in the public system can be erased with the addition of \$4.5 million to that public sector but can't in Calgary?

MR. KLEIN: Again, Mr. Speaker, this is a question that is specific to the Capital regional health authority. The hon. minister is probably more familiar with the situation than I am, and I'll have him respond.

MR. JONSON: Well, Mr. Speaker, in terms of both regional health authorities we have been in discussion with them. We are putting a priority on reducing waiting lists, and we will be increasing very significantly in the coming year the amount of funds committed to what are called provincewide services, which deal in the categories that the Member for Edmonton-Mill Woods is mentioning.

I do repeat, Mr. Speaker, that the system is performing well in terms of increasing the volumes of such procedures, and if the member across the way has related this somehow to the proposed legislation and policy statement discussion, the system and approach is the same right now in both regional health authorities.

THE SPEAKER: The hon. Member for Leduc.

2:30

### **Provincial Fiscal Policies**

MR. KLAPSTEIN: Thank you, Mr. Speaker. My first question is to the Provincial Treasurer, and it has to do with the financial health of our province. I noticed in the third-quarter update that our revenues are up substantially this year, and the question arises again and again: did the government not anticipate this increase, or why did it not? I'd like to hear your answer for the record, sir.

MR. DAY: Well it's a good question that I guess I could partly answer by saying to the member, "Do you want to be a millionaire?" because the way to become a millionaire is to be able to anticipate where oil and gas prices are going. But it is a fair question.

I can say that about this time last year when we tabled our budget, we had finished a consultation process with major analysts and experts around the world, around Canada, and in this province, and based on their estimates, estimates that we work with in our department of resources and energy, we estimated that the price of

oil for the year last year would be \$13.50 for WTI. That's U.S. As a matter of fact, all other experts were right in that same range with us, even the Liberals. I'm not saying that they're experts, but they were right in there with us.

As it turned out, Mr. Speaker, as you know, about this time last year oil was about \$12.60 a barrel, so when we said \$13.50 some people accused us of being optimistic. We were just taking the expert analytical approach at the time. That's basically why we did not anticipate it. The rest of the world didn't anticipate it. The rest of the world is now dealing with oil at close to \$30 a barrel.

To protect us from the times when we can't get it perfectly right, we set aside an economic cushion at the start of each year. We figure out what our overall revenues are going to be, we take 3 and a half percent of that, and we set it aside as an economic cushion just to protect us in case oil goes up or down or gas goes up or down.

I should just note quickly, Mr. Speaker, that the other area of unanticipated increase was the amount of personal income tax that came in last year: \$646 million more than we had anticipated.

MR. KLAPSTEIN: Thank you, Mr. Speaker. I'm pleased that you mentioned personal income tax. You have mentioned repeatedly that personal income tax revenues are on the rise, and I thought we were reducing taxes in Alberta. Can you explain why this is happening?

MR. DAY: Well, quite right, Mr. Speaker. We have been consistently reducing tax rates in this province. Premier Klein says consistently that the only way taxes are going in Alberta is down, and the fact of the matter is that we have said consistently that when you reduce taxes, you will invigorate the economy and in fact create more opportunity, more jobs, more people working and paying taxes at a lower rate.

That's the wonderful thing that's been happening over the last few years in Alberta, and certainly last year was no exception: more jobs being created because of our policy of government backing out and creating the environment where people can move ahead, create their hopes and dreams. So, in fact, the member is correct. We took in last year more money in provincial income taxes than the year before, but that was because there were more people working at higher paying jobs, and all of those Albertans were paying a lower tax rate.

MR. KLAPSTEIN: Thank you again, Mr. Speaker. My final question is to the Provincial Treasurer. I understand from the fiscal update that we are putting money into the heritage savings trust fund, and I'd like to know why this decision was made.

MR. DAY: Another good question, Mr. Speaker. I can tell you that when we talk to people around the province one of the things that continues to surprise us is that many Albertans still are not aware of the size of the heritage savings trust fund and how much income is being earned from that particular fund. As a matter of fact, something over \$900 million is coming in from income interest from that fund.

We were able this last year, because income and revenue from all sources were beyond what we were expecting, to take some \$230 million and put it into the fund to protect it against the effects of inflation. There's only been two other times since the early 1980s that the province has been able to do that. That's why it went in there, not because the fund is in trouble, but as a matter of fact because it's performing very well. Now it's made even more stable by us being able to protect it from the effects of inflation.

THE SPEAKER: The hon. Member for Edmonton-Norwood, followed by the hon. Member for Calgary-North Hill.

### **Private Health Services** (continued)

MS OLSEN: Thank you, Mr. Speaker. Yesterday the Premier hid from further questions when he was confronted with the truth about the real agenda behind his private health policies. Now it appears that he's running away from even sponsoring his own private hospitals bill. My questions are to the Premier. Isn't it the truth, Mr. Premier, that you won't put your name to the government's private hospitals bill because you don't want to go down in history as a health care separatist, as a destroyer of medicare in Canada?

MR. KLEIN: Mr. Speaker, a health care separatist. You know, I apologized for truth squad but a health care separatist? My gosh, the preamble to the legislation – and it will come; it will be there – will be absolute adherence to the fundamental principles of the Canada Health Act. I mean, that's Canadian. That's not being . . . [interjection] Well, if the hon. Member for Edmonton-Glenora doesn't want to support it, then he'll be un-Canadian. I'll be very much a Canadian, to support those fundamental principles and those policies of the Canada Health Act. That is fundamental to the legislation. If they don't want to support it, then they will be the health care separatists, not me. I'm a Canadian and proud of it, and I support the Canada Health Act.

### **Speaker's Ruling** **Oral Question Period Rules**

THE SPEAKER: I would hope that all members of this Assembly would continue to deal with policy, policy, policy and avoid . . . [interjection] The hon. Minister of Resource Development might just bear with us for a second. I would hope that all hon. members would focus on policy, policy, policy.

Name-calling has no place in this Assembly, none whatsoever. That includes "un-Canadian" and that includes "health care separatists" in the eyes of this chair.

### **Private Health Services** (continued)

MS OLSEN: Well, isn't it a truth that the Premier won't put his name to the government's private hospitals policy coming forward because he knows it's all about importing American two-tier health care to Alberta?

MR. KLEIN: It's not about that at all, Mr. Speaker. It's about protection of public health care as we know it today. That's what it's about.

MS OLSEN: Okay. Isn't it the truth that the Premier won't put his name to the government's private hospitals policy because he knows it will lead to massive delisting of health insurance services?

MR. KLEIN: Well, Mr. Speaker, the legislation has not, as you clearly pointed out, been introduced, but if the hon. Minister of Health and Wellness and his associate want me to put my name to that bill, the health protection act, that subscribes to the fundamental principles of the Canada Health Act, I'll be glad to put my name to that bill.

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

### **Applied Science and Engineering Technologists**

MR. MAGNUS: Thank you, Mr. Speaker. For a change of pace my

questions are all to the Minister of Human Resources and Employment. Given that Alberta has the highest percentage of certified technicians and technologists in the country per capita, will the government enact legislation to recognize the profession of applied science and engineering technology?

MR. DUNFORD: Well, Mr. Speaker, in the question the member is calling for some legislation. I'd like to remind Mr. Speaker and other members of this Assembly that, in fact, we had brought in legislation at the last session. In that legislation we actually created a new category that would apply to experienced and professional technologists. It's under way as we speak, and we're gaining more experience with it. So far we've been receiving I think fairly positive feedback from those engineering technologists that are involved.

2:40

MR. MAGNUS: Mr. Speaker, given then that the government has overhauled or is in the process of overhauling professional legislation for many other fields, why is the government not considering unique legislation for applied science and engineering technologists?

MR. DUNFORD: Well, I think there are a couple of reasons, Mr. Speaker. For the first one I would revert to an earlier answer in the sense that we are currently getting experience with the recent change to legislation, but also I would want to indicate to the hon. member and to all members of this Assembly that it would be a simple thing and a simple matter for us if we had complete agreement by all stakeholders on how we should approach this situation. As we currently stand today, we do not have that total agreement.

MR. MAGNUS: Thank you, Mr. Speaker. Once more to the same minister. Given that technologists feel that the public is forced to hire professional engineers for jobs that are better suited to them, current definitions of engineering prevent engineering technologists from providing services they feel they can provide to the public. Will the minister remove barriers to professional practice and allow independent practice by qualified technologists?

MR. DUNFORD: Well, we're not prepared at this moment in time, Mr. Speaker, to go that far. We of course fully support the professional associations that are here in the province. The hon. member is right. We've been working with a number of them on various aspects. In fact, legislation should be forthcoming later this session for the veterinarians. But I must urge the hon. member as best I can that being aware of the current situation, we would ask you to help us in any way you can in getting full support of this qualification from all stakeholders.

head: Reading and Receiving Petitions

THE SPEAKER: Hon. members, today we'll have five hon. members who will be participating in Recognitions, and we'll begin the process in 30 seconds from now.

The hon. Member for Edmonton-Centre.

### **Black History Month**

MS BLAKEMAN: Thank you, Mr. Speaker. Once again I'd like to recognize the month of February as Black History Month. In Alberta events marking this occasion are co-ordinated by the local chapters of the National Black Coalition of Canada, the NBCCA. I was able to attend several events this year, including the opening ceremonies at Edmonton city hall and the Black Odyssey book

launch and reading at the Stanley Milner Library. This event was co-ordinated and cosponsored by the Congress of Black Women and the Edmonton Public Library. I had a fabulous time at both events. The NBCCA puts on a great show for their opening: gospel singers, Movements dance company, steel drums. It was a joyous kick-off.

The book launch was equally great, with lots of Alberta history mixed in with readings of prose and poetry by Cheryl Foggo, Gwen Hooks, and Nigel Darbasie. Musical interludes were provided by music students Jorgianne Talbot and Allison Kwan. I learned a lot, and I had fun doing it.

Other events still to come include a discussion seminar on economic and social challenges on the 25th, a banquet and awards ceremony on the 26th, and a film festival on the 27th. I urge everyone to participate in these events. My congratulations to the National Black Coalition of Canada, Edmonton branch, for a successful event-packed month.

THE SPEAKER: The time limit for recognitions is one minute.

The hon. Member for Airdrie-Rocky View.

### Bert Brown

MS HALEY: Thank you, Mr. Speaker. It's with great pride that I rise today to recognize a constituent, a friend and a great Albertan. I'm speaking about Bert Brown, also known as Mr. Triple E. This man single-handedly got more votes in a senatorial election than did all the Alberta federal Liberal candidates in the last federal election. Thanks to the hard work and perseverance by Bert and the triple E committee, Albertans no longer accept the fact that the Canadian Senate needs to be a political dumping ground for patronage appointments. As Albertans we have said that it can be more. It can, if allowed, be used to reflect our beliefs and our values as Albertans.

We have said that the Senate must be in reality a place of sober second thought for legislation impacting Canada. That is the message that is being sent to Ottawa by our senatorial election. It is a message to our Prime Minister that we value democracy, and I hope that you will all join me in asking the Prime Minister to appoint our Senator, Bert Brown, to represent us, a man who has the backing of Albertans, a man who has earned the right to be there.

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

### Dr. Marsha Hanen

MR. DICKSON: Thank you, Mr. Speaker. I'd like to recognize the appointment of Dr. Marsha Hanen as president of the Sheldon M. Chumir Foundation for Ethics and Leadership. Dr. Hanen brings to the role an impressive background: previously a PhD from Brandeis University in philosophy; academic positions at the University of Pennsylvania, Harvard, Brandeis, Dalhousie, and the University of Calgary; published extensively, including a recent paper on ethics. She has an honorary doctorate of law from York University in 1999.

The Sheldon M. Chumir Foundation for Ethics and Leadership was created from a bequest by Sheldon Chumir, 1940 to 1992, Rhodes scholar, lawyer, businessman, civil libertarian, and a Calgary-Buffero MLA. Mr. Chumir believed that ethical values are fundamental to a healthy society, and he wished the foundation to operate so as to foster ethical actions in the practical world of government, business, and community. The foundation promotes community-minded action in public life by providing a forum for informed discussion of the ethical dimensions of public issues.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Clover Bar-Fort Saskatchewan.

### 2000 Alberta Winter Games

MR. LOUGHEED: Thank you, Mr. Speaker. I'm delighted to rise today to bring recognition to the successful and exciting 2000 Alberta Winter Games, the 13th Alberta Winter Games. For the past 24 years the Alberta Winter Games have provided young people with an opportunity to learn about commitment, hard work, leadership, and sportsmanship. These are valuable qualities and are a substantial part of growth and development in sports. Held February 17 to 20 in Strathcona county, Alberta's largest multisport and cultural event welcomed approximately 2,800 athletes and coaches to successfully showcase their athletic ability. An estimated 3,500 volunteers donated their time to organize and stage the games as well, making this event a community success.

Amateur sports systems in the province play an important role in the development of youth. Local, regional, and zone competitions prepare athletes for broader national and international competitions, and this year 665 individuals received medals. This is an outstanding accomplishment for our young athletes, and we're pleased with their hard work and determination. Let's recognize as members of this Assembly the fine athletes who took part in the 13th Alberta Winter Games.

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

### Raging Grannies

DR. PANNU: Thank you, Mr. Speaker. It is my privilege today to recognize a very special group of seniors, better known as the Raging Grannies. The Raging Grannies are known and respected activists for many worthwhile causes and make their case in entertaining but effective ways. They can often be found out of doors on cold, blustery days raising citizens' awareness on issues of concern such as health care and poverty. They have very capably brought many issues to the attention of media and politicians. They are an engaging and learned group of women who very often go out of their way to assist others. These women are a most valued part of our community and worthy of our deepest respect. I salute them today for their unwavering commitment to public good.

Thank you, Mr. Speaker.

head: Orders of the Day

head: Written Questions

THE SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Following notice given yesterday, I move that written questions appearing on today's Order Paper do stand and retain their places.

[Motion carried]

head: Motions for Returns

THE SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you again, Mr. Speaker. Following notice given yesterday, I move that motions for returns appearing on today's Order Paper do stand and retain their places.

[Motion carried]

2:50

head: Public Bills and Orders Other than  
Government Bills and Orders

head: Second Reading

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. I seek unanimous consent of the Assembly to waive Standing Order 73(1) to accommodate second reading of Bill 202 on the same day as its introduction.

[Unanimous consent granted]

### **Bill 202 Marriage Amendment Act, 2000**

MR. DOERKSEN: Mr. Speaker, it is an honour to begin debate today on Bill 202, the Marriage Amendment Act, 2000. Bill 202 amends the current Marriage Act by adding a preamble, adding a definition, and indicates that the act operates notwithstanding the Canadian Charter of Rights and Freedoms.

The preamble makes three statements that underline the value of marriage as an institution within our society and recognizes that marriage between a man and a woman has a long-standing legal, philosophical, and religious tradition. It is curious that the existing Marriage Act is silent when it comes to defining marriage. It could be that both the definition and importance of marriage at that time were self-evident and that the drafters never imagined that marriage as an important institution in society would ever be challenged as to its worth or even as to its definition.

With the preamble added to the Marriage Act, the Legislature is making statements about its view of the value of marriage. I would like to read them into the record at this point.

Whereas marriage is an institution the maintenance of which in its purity the public is deeply interested in; and  
Whereas marriage is the foundation of family and society, without which there would be neither civilization nor progress; and  
Whereas marriage between a man and woman has from time immemorial been firmly grounded in our legal tradition, one that is itself a reflection of long standing philosophical and religious traditions.

The wording for the second statement of the preamble is taken from a quotation used by Mr. Justice Gonthier in the 1995 Miron versus Trudel case. In that case Justice Gonthier characterized the family as a foundation of society which, because of its important place in society, deserved the support of legislators.

The wording for the third statement of the preamble is taken from the statement of Justice La Forest in the Egan case, where he held that

marriage has from time immemorial been firmly grounded in our legal tradition, one that is itself a reflection of long-standing philosophical and religious traditions. But its ultimate *raison d'être* transcends all of these and is firmly anchored in the biological and social realities that heterosexual couples have the unique ability to procreate, that most children are the product of these relationships, and that they are generally cared for and nurtured by those who live in that relationship. In this sense, marriage is by nature heterosexual. It would be possible to legally define marriage to include homosexual couples, but this would not change the biological and social realities that underlie the traditional marriage.

The religious tradition of marriage goes back to the account where the Creator made them male and female. He said: for this reason a man will leave his mother and father and be united to his wife, and the two will become one flesh; therefore, what God has joined together, let man not separate. The Creator's view of marriage

indicates a complete commitment to the person you are marrying so that each person in the marriage gives of oneself for the benefit of the other. He often uses the marriage relationship as a symbol of His relationship to His people and of His faithfulness to them even when they rejected Him. However, because the religious significance of marriage is understood or at least recognized by members of this Legislature, I will not elaborate further on this aspect.

[The Deputy Speaker in the chair]

To make the argument that marriage is in fact more than just religious and philosophical tradition, I have gathered numerous empirical studies from the social science area which conclude that marriage is beneficial. I would like to table this afternoon a document that highlights 33 different research documents that I have used to demonstrate the social science research. The document I table itemizes some of the studies, articles, and references which I have reviewed that demonstrate empirical evidence on a number of indices that support the benefits of marriage not only for the wife and husband in that marriage but which also – and in my view more importantly – benefit the children of the marriage and, finally, benefit society as a whole.

Linda Waite of the University of Chicago wrote a paper in 1995 entitled *Does Marriage Matter?* Her objective was to pull all of the evidence together in order to inform the reader what their decision about marriage and family potentially means for them. She argues that marriage typically provides important and substantial benefits to individuals and, while not examined in the paper, important benefits to society as well. She notes in the area of healthy behaviour that research indicates that marriage promotes self-regulation of behaviour such as alcohol use, drug use, et cetera, resulting in less risk taking.

The benefit of marriage is a factor in mortality rates, likely due to healthy behaviours, emotional satisfaction, and a greater likelihood of material well-being.

In the area of sexual satisfaction the commitment of persons in marriage to each other brings a higher level of sexual satisfaction. Studies show that in the absence of this level of commitment, survey respondents indicate lower levels of sexual satisfaction compared to their married counterparts.

Yet for me the greatest benefit of marriage has to do with the benefits it provides to children. In a society that values its children as much as we say we do, how can we overlook the fact that on virtually every count children have the best chance of success and well-being when they are raised by their natural father and natural mother, who are committed to each other through marriage? It would seem to me that we promote best practices in medicine because it gives the best outcomes, that we promote best practices in taxation so that the economy remains vibrant, and so on. Government policies are put forward to obtain the best possible results over a whole range of measures. We should therefore also promote best practices in raising children.

Linda Waite in concluding her paper says that

social scientists have a responsibility to weigh the evidence on the consequences of social behaviors . . . [and] an obligation to point out the benefits of marriage . . . [and] an obligation to make policy makers aware of the stakes when they pull policy levers.

Sociologist David Papineau, who has studied families extensively, made the following statement: social science research is almost never conclusive; there are always methodological difficulties and stones left unturned; yet in three decades of work as a social scientist, I know of few other bodies of data in which the weight of evidence is so decisively on one side of the issue; on the whole, for

children two-parent families are preferable to single parents and stepfamilies.

Having dealt with the preamble, we move briefly to the addition of the definition in Bill 202 where marriage is defined as being "between a man and a woman." This reflects the intent and message of the preamble, which we have already discussed at length. The use of the notwithstanding clause is deliberate in the drafting of this bill. For a brief review on the history of the notwithstanding clause, I refer to the publication of the hon. Peter Lougheed's 1991 Merv Leitch lecture *Why a Notwithstanding Clause?* It was interesting to note that Mr. Lougheed and his government first introduced a notwithstanding clause in section 2 of the Alberta Bill of Rights in 1972, long before the Charter came into being.

3:00

Nine years after the Alberta Bill of Rights, in the debate over the Charter the western Premiers were arguing for the importance of the supremacy of parliament over the appointed judiciary. To appease both sides, Mr. Lougheed introduced the concept of the notwithstanding clause within the Charter of Rights, which of course is now reflected in section 33. He reinforced that position on November 21, 1983, in answer to questions put forth by Mr. Notley. His reply indicated that we, being the Premiers of Manitoba, Saskatchewan, and Alberta, did not want to be in the position where public policy was determined by nonelected people. In other words, the Legislatures needed a clause where they could insert their will over the nonelected judiciary.

He goes on in his lecture to examine the concept of notwithstanding at some length and notes that while the Charter raises an unprecedented level of protection of rights and freedoms, it is acknowledged that democratic society at times requires the abrogation of these rights for important reasons.

He also noted that in 1983 the Alberta government declared in advance of a Supreme Court ruling precluding the right of hospital workers to strike that it would invoke the use of the notwithstanding clause if the legislation was deemed invalid.

Janet Hiebert, in her essay *Wrestling with Rights*, reviews the Charter's effect on legislative decision-making. She presents two different views, one being that the Legislatures use the Charter as a refuge to avoid, delay, or put off difficult and moral decisions. Others feel that judicial review works as a partner with parliament in constitutional interpretations. I think both views have validity and likely depend on the matter at hand.

I would encourage all members of the Legislature to read those two very informative articles.

Given the history and intentions of the notwithstanding clause, it is my view that the use of the notwithstanding clause is a legitimate and in fact instructive mechanism whereby Parliament and the Legislatures can assert their will in matters of important public policy.

Concerning the institution of marriage, the Alberta government has announced that its policy on marriage allows for marriage only between a man and a woman and that the government would oppose any legal challenges to this law, including, if available, use of the notwithstanding clause. The government further asserted that in the case of marriage, use of the notwithstanding clause would be exempt from a referendum. Bill 202, before you today, merely puts that policy into a legislative format and follows through on that commitment.

Some will argue that this bill in effect accomplishes very little since the provincial jurisdiction in this matter is limited to the solemnization of marriage. Others will argue that the provincial government has no role to play in these kinds of social matters. It is my view that governing involves the establishment of policies and legislation which provide the best possible good for the people it

serves. I can think of no more important a role for government than to encourage marriage between a man and a woman as a platform from which to build the success of its families, of its children, and of its country.

As each member of this Legislature examines the concept of the bill and as you refer to the legal, philosophical, and religious tradition along with the evidence from social science research, I know you will vote in favour. More importantly, you know that this is a law written on the hearts of all men and women.

Thank you.

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

MR. DICKSON: Mr. Speaker, thank you very much. Always an interesting challenge with the first bill that comes forward. Usually when bills come in, we have more of an opportunity to study and review them. It occurs to me that we'll have to try harder in the future to ensure that for the first couple of bills all members have a chance to see the text in sufficient time in advance.

Mr. Speaker, I guess one of the things that we start off with is trying to determine: what's the mischief that this bill would remedy, and what's the purpose of the bill? Our friend from Red Deer-South has fairly pointed out that with the division of powers in Canada there is a limited role for a provincial Legislature in terms of this. The question might be: is it simply to protect the sanctity of marriage, to preserve marriage, to refer solely and exclusively to a legal union between a man and a woman? If that's the goal, then that's a goal that Alberta Liberals support. I think it's a goal that most Albertans support.

I think that the words "marriage" and "spouse" – and I've said this before when we were talking about Bill 12 and the Insurance Act amendment – have centuries-old meanings. They've been invested with importance and meaning for a very, very long time. It's certainly not the part of this member nor I think of any of my colleagues to tell people now that they mean something different, that a marriage that we widely, clearly understand to be a union between a man and a woman is now going to be between two women or two men, whatever. You know, I think the issue is: is this legislation necessary? So let's sort of look and see what the peril is. In what fashion is marriage currently being threatened?

Mr. Speaker, I had the opportunity in another career before this one to practise a lot of family law, and from my firsthand experience I can tell you that people head towards marriage just as they did in my parents' generation. It's still seen as being a relationship that people want to be part of.

The definition of marriage comes from an 1866 British case that held that marriage is the union of one man and one woman to the exclusion of all others. I still think that reflects the concerns of most Albertans, most academics, and the courts. The courts have upheld the constitutionality of that definition. You know, when we see this bill coming forward, is there currently a court decision that has ruled otherwise? Hardly.

The Ontario court, general division, recently upheld in the *Layland and Beaulne* case the definition of marriage. In that decision a majority of the court said: unions of persons of the same sex are not marriages because of the definition of marriage; I do not think the Charter has that effect. That is referring, of course, to the Charter of Rights and Freedoms.

In fact, on June 8, 1999, the House of Commons passed with an overwhelming majority a resolution sponsored by Eric Lowther, the Member of Parliament for Calgary Centre. The motion was to this effect:

That, in the opinion of this House, it is necessary, in light of public

debate around recent court decisions, to state that marriage is and should remain the union of one man and one woman to the exclusion of all others, and that Parliament will take all necessary steps within the jurisdiction of the Parliament of Canada to preserve this definition of marriage in Canada.

I know of no jurisdiction in the world that defines marriage as being something other than one man and one woman. You know, even in Holland and Norway and Denmark, that recognize same-sex relationships, they still are very clear that that's something different than a marriage. In fact, the Norwegian government issued a 1994 statement that said that

a same-sex relationship can never be the same as marriage, neither socially nor from a religious point of view. Registered partnerships [as they exist in Norway] do not replace or corrupt the heterosexual marriage, and the opportunity for homosexuals to register their partnerships . . .

As, I say parenthetically, they can in Holland and Norway.

. . . will not lead to more people opting for homosexual relationships other than marriage.

So if one surveys what's going on, I'm not sure that, as it appears our colleague for Red Deer-South apprehends, marriage is under some sort of assault, is in some kind of peril as a consequence of the Charter or action of courts and court decisions. If he knew of cases like that, I expect he would have been happy to marshal that as part of his argument. So let's recognize that that's sort of the context we're dealing with.

Now, if in fact my friend for Red Deer-South is concerned about protecting marriage from some sort of Charter challenge in the future, there's a much better way of doing it than to use the notwithstanding clause. That's the thing I have a problem with. I've stated my position in terms of protecting "marriage" and protecting "spouse."

3:10

Does no one recall the furor that ensued when the existing government in this province chose to invoke section 33 of the Charter of Rights and Freedoms to beat up on the victims of sexual sterilization? I think what that depth and intensity of public response taught us is that people value the Charter of Rights and Freedoms. They don't want to see those rights being suspended hastily by a Legislature.

So we have a couple of ways of protecting marriage if indeed it's under assault, and I don't accept that it is. I don't think there's empirical evidence to suggest that. One is to use the notwithstanding clause, and that's what our friend from Red Deer-South would have us do. But I'm going to suggest, Mr. Speaker, that there is a far better way of doing it, and I go back to what I'll call the Liberal alternative. When we debated Bill 12 last spring, we put forward this thesis, this proposition, that if you want to protect marriage, if you want to ensure that the word "spouse" continues to mean what we understand it to mean, let's make our legislation in this province Charter-proof.

You know, it's not really tough to do that. We put forward a proposal that would do something similar to what Ian McClelland, the Reform Member of Parliament, suggested, with a major change, which is to recognize that two adults should be able to enter into a contract. If they wish to live in a mutually supportive relationship, they should be able to enter into a contract where certain legal rights and responsibilities would ensue once they enter into that contract.

We developed that model, and one of our points in terms of trying to persuade members to support that Liberal proposal on Bill 12 was to say that this would absolutely make our legislation Charter-proof so that we'd never have to worry about a court under any circumstance coming along and changing it. What the courts are concerned

about is not the meaning of a word as much as equality in terms of rights and privileges. If you can create an ability to be able to respect and recognize that two adult Albertans can enter into an arrangement in terms of how they're going to order their affairs and ensure that we let them do that and that we not by law tell them what kind of relationship they can enter into or what they can't, that's a far, far better way, in my respectful submission, in terms of addressing key issues of rights and remedies and responsibilities. That's, frankly, all that the courts are looking for.

I can't conceive of a court that wants to change the term "marriage" or change the term "spouse." The way we prevent that absolutely from happening is by being able to recognize that notion of a domestic partnership. Mr. McClelland from the Reform caucus would have two people have to go and register at a vital statistics office. The Liberal alternative is, I think, a more discreet and more effective one. It just means that two people enter into a simple contract. What could be more basic than that? We put forward that proposal in Bill 12. We said at the time that this could be readily adapted to deal with a host of statutes, and the government said: no, we're not interested. When the Insurance Amendment Act came in the fall of 1999, we put forward the Liberal proposal again, and the government wasn't interested then.

As I say, we have two very different options to I think achieve the end of our friend from Red Deer-South. If he wants to protect marriage and ensure that under no circumstance is that going to be redefined – I don't want to see it redefined; my colleagues don't want to see it redefined – why don't we make the legislation Charter-proof?

The notion of invoking section 33 of the Charter is one of those things – and I mean no disrespect to the sponsor of the bill – that as an approach is not a very creative one, Mr. Speaker. It's not a very creative one.

I think what it does is take what seems like an easy out, when what we're not doing is recognizing those other Albertans who aren't protected in a marriage relationship. This bill only deals with sort of part of the problem. It protects marriages, but it doesn't respect the fact that in the year 2000 – I have lots of constituents, and I'd challenge any member here to tell me that they don't have constituents living in a host of different kinds of relationships.

The Liberal proposal was not necessarily to tie it to a sexual relationship. Two adult people, two adult sisters living together ought to be able to agree by contract to have certain rights apply. You know, we can imagine different kinds of relationships like that. That's the reality in the year 2000. It's not all heterosexual or homosexual couples. I mean, in some respects that's a bit past. I think we've moved past that.

What Alberta Liberals would like to see – and I know that it's a private member's bill and I shouldn't be speaking so casually about Alberta Liberals, but this is the position I suspect some of my colleagues support. We have to find ways in our legislation to ensure that people are treated equally and that we respect their right to enter into different kinds of relationships.

You know, it was the Premier who practically brought tears to my eyes at the unveiling ceremony of the Famous Five historic monument just a block from city hall on 8th Avenue in Calgary. It was the Premier who said:

When we recall the efforts of the Famous Five we're also reminded that the considerable rights and freedoms we enjoy as citizens of this country are truly precious and worthy of our respect and protection.

I don't have my copy of the throne speech handy, but what I remember is that the Lieutenant Governor talked about some values that are essential, that are the basis for this province. One of the

values was respect for differences and an ability for Albertans to be able to find ways to work together even though we're different. Maybe a poor paraphrase, but I'm sure, Mr. Speaker, you heard it in that throne speech.

I'm not sure, if we simply pass this bill with the heavy-handed approach to invoke the notwithstanding clause, that we're honouring the comments of the Lieutenant Governor. I'm not sure we're honouring the comments of the Premier, who spoke so eloquently at the Famous Five statue unveiling.

So, Mr. Speaker, I know there are others who want to participate in the debate, but I just find myself wondering why the government would sooner go down the road of using the notwithstanding clause when we've provided them with our meagre resources what I think is a pretty darned good proposal to make legislation Charter-proof. If in fact members of the government caucus who were animated by an interest in making the legislation Charter-proof – why wouldn't they be taking that sort of positive proposal, which addresses equal treatment yet protects marriage, protects spouse? This, I think, is frankly an inferior way of doing it.

You know, reasonable men and women can disagree over how to achieve the end. Our friend from Red Deer-South has his proposal, and some of the Liberal members in this House have suggested different ways. But clearly what we agree on is that marriage should not have its meaning changed. We agree on that. It's simply a question of what's the tool to be able to ensure that happens.

Mr. Speaker, I'd go on and say that when I saw some of the hysteria in the government ranks after the Vriend decision came out and remember that anxious week while the Premier of our province dithered and dallied and tried to decide whether we were going to accept the Vriend decision or not, there were a lot of people who expressed strong views. I got mail from the Canada Family Action Coalition. I got a host of letters and faxes and e-mail from some groups and some individuals. Pretty scary in terms of their focus on this. They wanted to see the notwithstanding clause trotted out, and they wanted to see the heavy artillery roll across the landscape of Alberta and basically bulldoze, mow down, run over anybody who didn't conform to their view of an appropriate relationship.

3:20

My concern with a bill like this – and I think it's well intended. I think our friend from Red Deer-South really is just trying to protect marriage. You know, it feeds some of those other kinds of notions that sound a little bit too prescriptive for a province as populous and diverse as we are. This is one of those times when I know, whether you lived in Ponoka or whether you lived in Calgary-Varsity or you lived in downtown Calgary, you recognize that there's a difference between populism and pluralism. We live in a pluralistic community, not a populist regime, and in a pluralistic community that means we have to design legislation and legislative regimes that recognize the differences that exist.

Mr. Speaker, I'm going to be looking forward keenly to the debate that ensues. I'm going to be using all of my limited persuasive ability to try and convince my friend from Red Deer-South to make a couple of changes to his legislation that will still achieve what he said he wanted to achieve without dragging out the howitzer, section 33 of the Charter. Maybe we can work together to find ways to make Alberta legislation Charter-proof and ensure that marriage will continue to mean what the Member for Red Deer-South and the Member for Calgary-Buffalo both feel strongly it should be restricted to.

Those are my comments. Thanks very much, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Minister of Government Services.

MRS. NELSON: Thank you very much, Mr. Speaker. As the minister responsible for the administration of the Marriage Act I am delighted to be able to participate in this private member's bill, and I would applaud the Member for Red Deer-South for bringing forward this amendment this year. The reason I say that is that I agree with him that in the definitions that are present in the Marriage Act, obviously one was missed, and that was: what is marriage? I do appreciate this amendment, as it's coming forward, that would fit into the preamble of the Marriage Act to clarify that position.

I imagine that at the time it was drafted and crafted and thought out, there was an automatic assumption, as he stated, as to what marriage was. I'm sure there was never any anticipation that that would be questioned down the road. This is an old act and one that isn't brought to the table often, and I do appreciate him bringing it forward.

I also appreciate the reason, I believe, why he has put in after section 1:

- 1.1 This Act operates notwithstanding
  - (a) the provisions of sections 2 and 7 to 15 of the Canadian Charter of Rights and Freedoms.

I think he put that in place because, I hope from the arguments that I'm going to present, it seems reasonable that people assumed it was there. So why not have it there and the question not revisited again down the road? It is set in Alberta Statutes and law and everyone knows it and it stays there without question or challenge.

I did a different type of research, Mr. Speaker, on this bill. I did some of the same. I looked at some of the questions that had been raised in other jurisdictions and some of the legal cases that had come forward in those jurisdictions to question what marriage was. But my research focused on a different angle. I talked to young people, teenagers, and asked them what they thought marriage was. I talked to cultural groups and asked them what they thought marriage was. I talked to spiritual groups and asked them what they thought marriage was. Then I brought all of these together to come up with some thoughts on what should or should not be in this bill. In fact, I have to say that, without fail, all three groups came to the conclusion that marriage was a relationship between a man and a woman, period. I can probably go through some of the studies in my research that will show how that has been the case for thousands of years. I appreciated the comments.

I went, of course, through the spiritual groups because marriage really came about, as was stated, either through a spiritual relationship or a cultural relationship or a combination of both. Marriage was something that was adopted by religious groups and cultural groups as a way of life. Some had it as a reason for living and being and others did not, but by and large all had the same purpose. It was a relationship between a man and a woman that could not be broken or amended. We know that in our society that isn't always the case.

I then looked at the reasons for a marriage to break down. Again, without fail, they almost all had the same reason, and they were very strict. I then compared it to our divorce laws in Canada and found that our divorce laws really had anticipated a lot of the cultural and spiritual reasons for marital breakdown but did not really promote that. I just wanted to read into the record a few of the responses on the reasons of some of the groups that I checked with. I had a very interesting chat on the cultural side with people from different ethnic backgrounds.

The Islamic community was very interesting because I didn't have an awareness of this, and I appreciated the openness and candidness that was brought forward when I asked what they thought of marriage. There are some very definitive passages from the Koran that relate to marriage and how marriage involves strictly the union of a man and a woman. I think it would serve members well if they in fact checked with it.

Friends of mine who are members of the Hindu faith and culture, the Ramian, also had some very definitive ideas on marriage and what was not only culturally acceptable but spiritually acceptable to their community.

I also talked with people from the Jewish community, and there are some very definite ideas in the Torah – I may be saying the name of some of these religious books wrong. The Torah very much dealt with the relationship of a marriage between a man and a woman and how very special that was to the Jewish faith, which I absolutely admire.

I then talked to people from the Buddhist faith and asked them about the relationship of marriage and the togetherness that it presented to the family in the whole. Again, Mr. Speaker, that relationship was special and between men and women.

I talked to people from the Mormon community and asked them what they felt about marriage and men and women being married spiritually and culturally. Again, the strength of that unit coming together was phenomenal.

I then talked to one of the priests of the Chinese Pentecostal diocese, in fact the fellow who was the head of it. He was kind enough to share some of the doctrines of the church and the community with me as well, which I wasn't aware of. I'm going through this because I found this very interesting and very informative. He sent me a passage on the positions and practices of the Pentecostal association which I think summarized, in essence, the basis for all of these groups' beliefs, spiritually and culturally, and how they came together.

3:30

I'd like to just put this in the record, Mr. Speaker, because I think it is a summary of what the definition of marriage really is. This is from the Pentecostal Assemblies of Canada. They say:

Marriage is a provision of God whereby a man and a woman enter into a lifelong relationship through a marriage ceremony which is recognized by the church and legally sanctioned by the state.

Marriage establishes a "one-flesh" relationship which goes beyond a physical union and is more than either a temporary relationship of convenience intended to provide personal pleasure or a contract which binds two people together in a legal partnership. Marriage establishes an emotional and spiritual oneness which enables both partners to respond to the spiritual, physical and social needs of the other . . .

Marriage is to be an exclusive relationship that is maintained in purity. It is intended by God to be a permanent relationship. It is a witness to the world of the relationship between Christ and His Church.

Marriage requires a commitment of love, perseverance and faith.

When I looked at this and asked people, whether they were of my own faith, of the Christian faith, in the Anglican church, whether it was in the Pentecostal church, whether it was through the Islam faith, the Muslim faith, the Buddhist faith, the Jewish faith, or the Hindu faith, they all came back to the same thing: the importance of the relationship spiritually between a man and a woman.

So when I look at this preamble, I think that all we are doing here, quite frankly, is what our society would want us to do. I asked the question in each case: is it important to have in the Marriage Act a definition of marriage? The answer from all groups was: yes, that is important. Was it important to have it protected by the notwithstanding clause so that it couldn't be challenged down the road? Yes, that was important. No one wanted to have challenges come forward when it wasn't necessary and it was the norm. So I supported this.

The interesting thing, though, Mr. Speaker, was the one group that I found that I think we need to carry this forward to were the young

people. I have, as you know, a young family and quite often have a number of teenagers in my home. En route to a hockey game the other night I asked the group what marriage means to them? For the first time in the car there was dead silence. One of the friends, who is 17, said: that's a tough question. And I said: "Well, I hope you remember that when it comes time for you to enter into it, you think hard and long before you enter into the relationship. But can you give me an idea from your perspective as to what it is?"

Of the kids that were there, some said: well, you get married so you can have kids. Others said: you get married cause someone's your friend. Others said: you get married because you want to be with that person forever. Others said: well, marriage is passe. So there was a variety pack. They said: well, what really is marriage? So it gives an adult time to reflect on what is marriage.

To me marriage is probably the most important institution that you enter into. It should be lifelong; it isn't always. I think the hon. Member for Red Deer-South identified that there is an impact on marital breakdown and the lack of marriage with children. I've seen that firsthand, and I agree with him. It is devastating for children, but it's not something that can't be overcome. It's something that can be worked on. Why take that away from the children? Why not give them that solid stability within this act so it can't be changed, can't be worked on, can't be challenged? Put it in the act. I'm sure it should have been there from the very beginning. It was overlooked. Let's put it there and leave it there and leave it unchallengeable.

That's why I would support this bill, and I really commend the Member for Red Deer-South for bringing this forward. I know his commitment to family and marriage is very strong, and I agree with him wholeheartedly, as do the number of communities and cultural groups that I have checked with. They are all in favour of this and in fact were surprised that it wasn't already there. So I said that we would be bringing it forward and that hopefully the members of our Assembly will in fact endorse it. I told them we would be sending them copies of the *Hansard* to see the support, and they're looking forward to that.

Those are my few comments. I do support this, and I thank again the Member for Red Deer-South for bringing this forward.

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

MS BLAKEMAN: Thanks very much, Mr. Speaker. I rise to speak in second reading on Bill 202, the Marriage Amendment Act, 2000. A couple of observations as I begin this. The first is that I'm impressed with the sincerity and the thoughtfulness and the depth of feeling and the research that the three speakers preceding me have brought to this debate, the informed language of this debate. It's very encouraging to see. Very thoughtful.

Secondly, I think it's important to note that attempting to debate a bill an hour after it was introduced, having barely seen the text of the bill, is an ongoing frustration for this member of the Assembly. I understand that the government members probably had more time to have a look at the text than other members of the Assembly, but I wanted to make that point.

This bill has really three parts. One is a preamble, the second is a definition, and the third is a mechanism or a process to sort of enforce it. It's dealing with the issue of the definition of marriage, but I think it touches on a number of other areas, and a couple of things have come to mind. I've been jotting down notes as I've listened to others debate it.

There's been some talk of rights. I'd like to mention that I think there's this idea of a bucket of rights, that there's a limited number of rights in the world, the idea that if rights are given to one group,

somehow this subtracts them from another group, that somehow rights are finite in themselves. I'd like to dispute that. I fundamentally disagree with that. Let me give you an example of that, because I have found in my experience that when rights are given – and I'm not even specifically speaking here about marriage or non-marriage but about the idea of the rights that we have here.

For example, the rights of the physically disabled. We had a number of adjustments and remedies that we put in place to accommodate persons with disabilities. These were rights that were conferred upon a specific group of people. I think that those rights and accommodations, remedies, and responsibilities in fact benefited everyone. For example, we've got ramps that lead into buildings. You know who else uses those? Moms with strollers and people having difficulty with mobility problems for whatever reason. It isn't just people in wheelchairs or with walkers who take advantage of that. Other people who do not in fact have a physical disability were able to take advantage of it. Those easy-access doors is another example. You know who I see using them? The elderly. I see people with a temporary disability using them.

So we've had a little discussion as part of this debate about rights and conferring rights, and I think it's important to remember that they're not finite and that in some cases rights that were granted to one group of people have in fact enabled many others.

Similarly, the emancipation of women has allowed and encouraged much greater participation of fathers in the lives of their children in a much more intimate and on a daily basis, and I think that's been a good thing as well.

3:40

This bill is dealing with the meaning of marriage, and I think that's actually spelled out in here. I have to say that we'd heard a bit about this bill coming. I think it was announced by the member back in the fall. So I was able, like others who have spoken before me, to confer with various constituents of Edmonton-Centre. I have to say that I heard all kinds of things. You know, I have a large gay and lesbian community in Edmonton-Centre, and from members of this community I heard from people who really don't feel very strongly about having a gay and lesbian marriage. It really doesn't matter that much to them. I also heard from people to whom it matters a great deal, and they would like to have access to this.

From people outside of the gay and lesbian community I also heard the same thing. There are some people who care deeply about this. For them it is a sanctity, it is a solemn occasion, it means everything, and it should not be opened up or changed or corrupted. That was the kind of language that was used to me. So some people cared a great deal, and other people really didn't care very much about it. When questioned, they didn't seem to feel very strongly one way or another.

I know that there's a Canada-wide survey that's saying that there is in fact some support for the idea of not limiting formal marriage as defined by legislation to heterosexual couples. More importantly, in that survey what we did see was overwhelming support for remedies and benefits and responsibilities for other kinds of domestic relationships outside of marriage. That's where people were really interested, and I'd like to talk about that for a little bit. I've spoken before, certainly in the debate of Bill 12 and also in the debate we had on the Insurance Act in the fall of 1999, that I do recognize, as I've just said, that some of my constituents in Edmonton-Centre feel very strongly about this, and I have no wish to threaten that.

Certainly the Member for Calgary-Buffalo gave a number of examples of how the concept of marriage could be upheld or left alone. I'm of course referring specifically to the Liberal amend-

ment, that has been offered on two occasions now, with Bill 12 in the spring of '99 and with the Insurance Act in the fall of '99, which really was offering the government a Charter-proof method of being able to offer and ensure remedies and benefits but also responsibilities for people that are in a domestic relationship without threatening or opening up the concept of legalized marriage that we have today, as established by legislation.

We should recognize – and some people have alluded to this already – that in Alberta people exist in many different kinds of relationships. You know, we have first-time married people, we have stepfamilies, we have blended families, we have single-parent families, and we have siblings living together in a long-term, dependent relationship. I always get a little uneasy if there appears to be any sort of drive to say: this is the one and only definition that is ever accepted, and everybody better be like this. I'm really uncomfortable with that because I recognize the diversity of what exists, and I think we need to deal with the diversity of what exists.

Once again, I don't need to stand up here and say that marriage should be threatened in any kind of way, but I do say that we need to deal with what is actually in front of us with the population. If that can be done in a way that leaves marriage alone and leaves those people that feel very strongly about it with their way of thinking, good. So be it.

So I once again encourage this Legislature to consider that opening, that inclusion of others with the Liberal proposal for the partnerships, which very simply was allowing for a contract to take place that would give coverage, would include specified relationships under the benefit of the law and with the remedies and responsibilities that came therein.

Certainly that is the one thing that I've heard the most around this issue. I hear about people who want to know about pension sharing, about property division, about insurance coverage, and about intestate law. Those are all issues that are affecting people's ability to take responsibility for themselves and to look after the loved ones in their family. The law as it stands right now is precluding that, and there are people that want to take that responsibility.

So I think it's important to work on that part that is doable, what is possible and is the right thing to do. It's clear to me from the research that I've done and the research that other members have done in their communities and in their constituencies that we have not reached a point of comfort on the idea of opening up the definition of marriage. There is a variety of opinion there. There is not an overwhelming direction that is being taken.

The third part of this bill – and this is the one that causes me the most concern – is the proposal that the notwithstanding clause be used to enforce this proposed definition of marriage, which quite clearly is saying that marriage would be between a man and a woman – that's it – and it would be enforced that way, that if there were any attempt to do anything else, the notwithstanding clause would come down like a guillotine and cut off any further debate or movement in the law.

[Mrs. Gordon in the chair]

I have spoken a number of times in this Assembly about my – it's much greater than discomfort. This is a repugnance about using that notwithstanding clause against any specific group of people. I really believe that is wrong, and I have great difficulty with it. I've noticed that this government does tend to like to narrow things, to get involved in people's intimate, personal lives, set the restrictions, and build that fence to enclose things very specifically. What is the purpose of law? It is to address an issue or a situation to offer a remedy, to confer a responsibility or an expectation of responsibility.

So I find it interesting how often this government wants to mold everyone into following the same dictate.

In Alberta I can remember that not many people approved of Quebec using the notwithstanding clause against the English speakers. In this case that was against a minority in that province. So why would it be okay, then, to use the notwithstanding clause in this instance? I don't think it is. I think that notwithstanding clause is there to be used only in very extraordinary circumstances, and I honestly do not feel that this is the extraordinary circumstance that that calls for.

I'm proud of the Charter of Rights and Freedoms. I'm proud of the Constitution in this country, and I'm proud of it particularly because it does protect the minorities from the tyranny of the majorities and also protects minorities from the tyranny of other minorities. That's important to who we are as Canadians, and it's important to who I am as an Albertan.

I don't personally believe that the use that's being suggested with this bill was part of an envisioned purpose in having the notwithstanding clause included in the Charter. So I cannot support that part of the bill and the using of the notwithstanding clause to enforce that. I just feel that is wrong. It's stepping beyond what is appropriate for us to be authorizing as a group of legislators and as leaders in the country.

I realize that my time is growing short. I know that others wish to address this issue, and I'm sure I'll have other opportunities to speak to this. It has been a very interesting discussion, and I look forward to what others will be bringing to the debate. Thank you for the opportunity.

THE ACTING SPEAKER: Before we proceed, could I have unanimous consent to revert to Introduction of Guests?

[Unanimous consent granted]

3:50

head: Introduction of Guests

(reversion)

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

MS LEIBOVICI: Thank you, Madam Speaker. It gives me great pleasure to introduce this afternoon three distinguished visitors that are here watching the proceedings in the Legislative Assembly. Earlier this month my family and myself along with the Associate Minister of Health and Wellness and a former colleague in the Legislative Assembly, Andrew Beniuk, had the occasion to celebrate the new year at the Vietnamese Buddhist temple. In the gallery this afternoon we have – and unfortunately I don't have your name written out here – the most reverend from the temple along with Hang Linh and Daniel Zierler\* to watch the proceedings in the Legislative Assembly. I would like to welcome you all. The temple is a beautiful and special place that I encourage all Members in the Legislative Assembly to visit. So welcome and thank you.

head: Public Bills and Orders Other than  
Government Bills and Orders

head: Second Reading

### Bill 202

### Marriage Amendment Act, 2000

(continued)

THE ACTING SPEAKER: The hon. Minister of International and Intergovernmental Relations.

MRS. McCLELLAN: Thank you very much, Madam Speaker. I am

pleased to rise today to speak in strong support of Bill 202, the Marriage Amendment Act, introduced by my hon. colleague from Red Deer-South. I think that the introduction of this bill and the debate around it underlines the importance of private members' bills and the opportunity to bring those bills forward and debate them in this Legislature, and I have always supported that process.

I have appreciated certainly the debate or the contributions, I might say, which is more to the point of this bill, because I think it has been contributions from first the member that introduced the bill and the Member for Calgary-Buffer. I'll have a couple of things that I just want to mention, and I probably will get some reaction either in the House or after or some illumination from the hon. member on a couple of points. I look forward to that, also to the comments from my colleague from Calgary-Foothills and the discussions that she had with the various communities in her area and, of course, the latest contribution from the Member for Edmonton-Centre.

Most Albertans I believe understand marriage to be the voluntary union for life of one man and one woman to the exclusion of all others. In fact, I think that's used in a number of ceremonies. I think in most marriages there is a mutual, sometimes tacit, sometimes intentionally deferred, sometimes unintentionally deferred, intent to have and to raise children. I think that this biological aspect essentially defines marriage as a heterosexual institution. In fact, in a survey of some thousand Canadians that was conducted I think by the Feedback Research Corporation in 1998, about 58 percent of those surveyed said that a family should be defined as a heterosexual pair, not simply as any pair or any group.

I think what's important in this discussion this afternoon is that this bill is about marriage. It's about the institution of marriage. It is not about benefits or the extension of benefits. Certainly in Canada marriage and divorce are a matter of federal jurisdiction. However, the solemnization and licensing of marriage are matters of provincial jurisdiction, and hence we should discuss those matters here today.

I believe that this bill protects the institution of marriage in Alberta as a fundamental building block of our society, and it will do that by protecting that institution and that activity for heterosexual couples. I believe on the question of who can marry whom that the Alberta government has been clear that it supports that concept, and I believe this government has made it clear that they would oppose any legal challenges to this status up to and including the use of the notwithstanding clause. Here I get into some risk with my colleague from Calgary-Buffer on speaking to the use of that clause, and I want to spend just a bit of time on that.

Sometimes this clause is called a legislative override, and really what it does in my simplistic layman's thoughts is allow a provincial government to declare a law as in force even if the courts say that law is in violation of the Canadian Charter of Rights and Freedoms. There has been a notwithstanding clause in the Alberta Bill of Rights since its passage in 1972, and it was the first piece of legislation that was introduced, I believe, by the newly elected Lougheed administration at that time. I think what that did was recognize the role – and I think it's a key role – that we as legislators have to play. We're here at the wish of the people to develop policy for the people, and I think that this fundamental, democratic rule should not be undermined by an appointed judiciary. Hence the use of this notwithstanding clause would be an extraordinary legislative action in my opinion, and I believe that the use of it must be rare. I believe that very strongly. I think the use of the notwithstanding clause should be subjected to the closest scrutiny of the people of this province.

But what is equally clear to me is that marriage is so fundamental

\*This spelling could not be verified at the time of publication.

and that there is such societal consensus that the protection of this institution would not require a referendum. This bill I believe focuses on marriage, who can and cannot get a marriage licence. As I indicated before, this bill is not about benefits or the extension of benefits. I think that's the subject for another discussion.

Now, I read section 2 of the Alberta Bill of Rights, and it's written, as usual, in plain language, but I want to read it into the record.

Every law of Alberta shall, unless it is expressly declared by an Act of the Legislature that it operates notwithstanding the Alberta Bill of Rights, be so construed and applied as not to abrogate, abridge or infringe or to authorize the abrogation, abridgment or infringement of any of the rights or freedoms herein recognized and declared.

Also, section 33 of the Canadian Charter of Rights and Freedoms contains the notwithstanding clause.

Now, I recall that its inclusion might be considered a compromise. I'm admitting something when I can recall some of this debate, but I recall that the Premiers – I believe it was Saskatchewan, Manitoba, and Alberta – argued that a charter was not needed and that an elected parliament should prevail over an appointed judiciary. I believe that was the argument at the time. But as a compromise it was agreed to include a charter of rights with a notwithstanding clause to ensure that legislators and not the courts would determine matters of public policy. This argument is fundamental to my support for the use of that clause in Bill 202.

4:00

Some notable people, former Premier Lougheed, described the notwithstanding clause as a balance between two competing interpretations of our democratic system, and those two interpretations are a British historic tradition of parliamentary supremacy and the American tradition of judicially enforced constitutional rights. It has been used in prior times in Canada sparingly and rightly so, but I believe having that notwithstanding clause in our Charter is a Canadian compromise, and I support that. I believe it allows us to protect human rights but also leave legislators room to maintain important collective social arrangements like marriage. Do we as legislators have the final say on important social issues? I believe, as I said earlier, that we are elected by the people to develop policy for the people, and I think we would not be elected long if our policies did not reflect the values and the wishes of the people who elect us. I think that is a given.

I want to just read in – I think I have a moment – one other paragraph that Peter Lougheed included in his 1998 paper *Why a Notwithstanding Clause*. That was the title.

If an important socio-economic initiative is being obstructed by a Charter interpretation over which reasonable people of good will might disagree, then it may be legitimate for a legislature or Parliament to invoke the override.

Madam Speaker, in my view marriage is one such important socioeconomic initiative, not only for the man and woman undertaking it but also for the society in which we live. Albertans are reasonable people. They are people of goodwill. They are also generally agreed that marriage is between a man and a woman. That is something that is deep and fundamental to us in this province. For this reason and others that I've outlined I am supporting fully Bill 202 to help ensure that the institution of marriage is maintained in Alberta as the foundation of family and society. I urge all members to support this bill, to protect this longstanding legal and religious and cultural tradition from challenge under the Charter.

Thank you, Madam Speaker.

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

MR. MELCHIN: Thank you, Madam Speaker. I am delighted to take some opportunity today to rise and speak to Bill 202, the Marriage Amendment Act, 2000, to speak to a few issues actually, first as to why I feel that this act is important. I certainly fully support my colleague from Red Deer-South for the introduction of this act. I'd like to speak as to why this act is important. Also, then I would like to address a few issues more to do with the reasons for why in our society and in all societies traditionally marriage has been enshrined in law and in traditions throughout the world in time, those areas of the definition of family, the public contract, the privileged status of marriage versus the rights, the preferred choice of the citizens of nations, certainly the question of standards versus tolerance, and finally the notwithstanding clause.

With this act, just even this week I had a constituent call me, in light of maybe confusion, with regards to federal legislation being introduced or changes in family laws not necessarily related to marriage, but there is quite a bit of confusion amongst people today with what constitutes a marriage. Despite that the definition hasn't changed, that it is between a man and a woman, there still is a need to help reclarify and reinforce that policy. It's precisely because the definition of marriage is being challenged – and I would say not necessarily before the courts today but certainly in public debate – that people are trying to define or otherwise assess that they could have benefits totally like unto or that they would, if preferenced, have the full status of the definition of marriage to include different relationships. It's precisely because of all the debate in the public and the change in family law that it's important to reclarify the position of the government today.

Our act has been silent, surprisingly enough – and maybe not surprisingly, as others have said – in that it has not included the definition of marriage to mean between a man and a woman. Therefore, certainly to facilitate courts in the future, to facilitate those in the Legislatures of the province in the future, better to have it expressly stated than, given the context of today, where the debate does continue to be brought forward.

For some of my speech today I will refer to quotes that I've taken from a few different individuals: Bruce Hafen, from the World Congress of Families, a speech that he gave in Prague, Czechoslovakia, in March of '97. I'm going to refer to some articles of Lynn Wardle, a paper that he did on the critical analysis of the constitutional claims, and a couple of quotes from William Gairdner on a paper that he developed on the topic of democracy.

Family law can regulate family life by answering two very different questions. So we could say that the first question is: should the law define the kind of relationships and moral commitments that qualify to be protected as families? Secondly, should the state be allowed to intervene in ongoing family life? Recent family law has been saying no to the first question and yes to the second. Thus the trend in most countries today is towards letting people decide for themselves how and when to form and dissolve marriages and parent/child ties.

The law imposes few moral commitments on these laissez-faire relationships, but it then encourages broad state intrusion when trying to bandage the wounds among the personal casualties within the family anarchy it has created. By giving higher priority to personal convenience than to family obligation, this legal approach undermines the family members' entire sense of commitment in belonging to each other. I consider that this pattern, actually established in trend, is backwards, that family law should first exert its authority to define the family and what society expects of marriage partners, parents and children.

Then on the second question, law should limit state authority so that it intervenes only in cases of real abuse in formal families in

order to nurture family members' long-term personal growth and stability.

A quote from Neal Maxwell said that we should concentrate on purifying the headwaters of family commitments rather than spending so much energy trying to control downstream pollution. We talk environmentally all the time today with respect to pollution in our streams and in our waters and talk about the treatment plants that we should put in place to ensure that our water quality is there. The same issue is probably more important today given the problems of today's family and the breakdown of many of our traditional families and the stability of the family unit. We ought to concentrate more on purifying the headwaters of what constitutes preparing people for defining the kinds of relationships and commitments that would be both privileged and protected as families.

4:10

The major change in family law has facilitated the change in marriage from being a permanent, familistic, social institution to a temporary contractual source of personal fulfillment. Unfortunately, when trouble comes, the party to a contractual marriage seeks happiness by walking away. They marry to obtain benefits and will stay only as long as they're receiving what they bargained for. But when trouble comes to a familistic marriage, the husband and wife work through it. They marry to give and to grow. Law cannot make people love each other, but it certainly can do much to encourage, more than it does now, our willingness even to obey the unenforceable. We need a legal model in which law unapologetically defines the family, marriage, and child/parent ties in a familistic entity that expresses community interests as well as individual needs. Then law should do all that it can to protect this formally structured family from premature intervention while encouraging spouses and parents to stay together when the trials of life do occur.

With respect to the definition of man and woman, the heterosexual dimension of the relationship is at the very core of what makes marriage a unique union and is the reason why marriage is so valuable to individuals and to society. The concept of marriage is founded on the fact that the union of two persons of different gender creates a relationship of unique potential strength and potential value to society. The essence of marriage is the integration of a universe of gender differences profound and subtle, biological and cultural, psychological and genetic associated with sexual identity. Thus the definition of marriage as a cross-gender union is not merely a matter of arbitrary definition or semantic word play; it is fundamental to the concept and nature of marriage itself. I suspect it's for those kinds of reasons that our acts in the past have not defined marriage. We have understood, whether explicitly or implicitly, that marriage does define the heterosexual element.

I would like to speak secondly with regards to the public contract that is and has always been part of marriage. When we look at marriage, it hasn't traditionally been a private contract but very much a public act involving three parties: the man, the woman, and society itself, represented by the state. We might ask even today: should government be involved in the role of sanctifying marriage at all? Why not leave it to the church or other organizations? Should government even have a part to play in the sanctifying of marriage?

I will simply say that the public and the government are a significant and fundamental part of what marriage in society and its benefits are about. It's not simply a private voluntary contract, but it's much more of a social institution whose privileged legal status derives from it social as well as individual benefits, and thus government does have at its core a responsibility to sanction and approve and see that it's a public contract. This attitude enforces a

role of law in bridling human passions by establishing society's expectations about the commitments family members have one to another. Bridled love passionately nourishes families, while unbridled passion destroys families. Guests do come to a wedding for a reason.

Wendell Berry says that couples must not live for themselves alone; they must finally turn from their gaze at one another back toward the community. If they had only themselves to consider, one would need not marry, but they say their vows to the community as much as to one another, and the community gathers around them to hear and to wish them well on their behalf and on its own. Pledging themselves to one another until death, they are joined by this vow before the community as no law or contract could ever join them. If the community cannot protect this giving, it can protect nothing. Marriage joins them to one another, to forebears, to descendants, to the community, to Heaven and Earth. It is the fundamental connection without which nothing holds, and trust is its necessity.

It's precisely the public nature of marriage, society's great stake in the outcome and the offspring of each marriage, which distinguishes it from all other relationships and contracts. Marrying makes a public commitment that one accepts responsibility to the community and its values. Society itself must determine which relationships and commitments satisfy these social interests. For this reason, the law must enthrone lifelong, familistic, heterosexual marriage as a crucial element to both personal development and social stability.

Today much is asked with regards to rights and not necessarily easily, but arguments can always be advanced that rights should be part of different groups for a variety of reasons. Marriage was not enshrined necessarily because of a natural right but has always been part of an acknowledgment of the significant benefit that it is to society that it was granted special, privileged status. Law historically gave marriage a preferred position under inheritance tax, property laws, not only because marriage matters to the individual, but because it matters so much to society. To achieve this benefit, our laws have not only tolerated formal, heterosexual marriage; they have endorsed and sponsored it. It's precisely because of the privileged status that our laws form, not what one might argue with regards to rights but certainly because of the tremendous and most fundamental benefit that it plays to the stability of our society.

I'd like to also then speak a little bit about choice. We live very much in a country today where choice and the freedoms of our land have been enshrined. Maybe despite what some would define as the defining characteristic of our country – sometimes it is used as health – I would actually say that the defining characteristics of our country come from the freedoms and the liberties that we've enjoyed and that have provided the foundation for us to supply all that we might choose. It's literally these freedoms that have brought Canada to the greatness that it is.

The liberty that we enjoy is much more in place, though, because of our common-law traditions. We've had centuries of experience and a foundation of values through the common people in practising marriage. It hasn't been something that our society has invented. It has certainly been part of all societies, and this common-law tradition of ours has set great precedents in establishing customs, experience, and developing preferred practices. When we speak of changing or wanting to change anything like unto marriage or even family, we should not be too quick to ignore what common law has provided both in the foundation of law and in tradition and certainly in custom and practice. It's because of these that in our society we choose – it puts a binding force amongst the individuals; it puts a commitment to the man and the woman in marriage. It puts a commitment to ancestors, to descendants, and to neighbours. It's

precisely because of common law and the freedoms we enjoy that the voluntary association willingly allows us to bridle our passions in light of the responsibilities that we bear for the good of society and certainly for our own selves.

When we speak of freedoms, it's not so much the freedom to do whatever we want, but it's the ability to bind ourselves by choice. In business we do it by contract; in family we do it by marriage. It's these binding commitments, not necessarily to be able to be both single and married, that allow us the choice of being able to go one path or the other and to bind ourselves to the commitments of that choice.

4:20

We also speak somewhat of wanting to be I would say tolerant of many viewpoints. I wouldn't and no one would be in favour of expressing viewpoints that would by discrimination harm another person, but certainly there is an issue of having to decide what are the standards of our society versus what are those acts that we tolerate. Most people intuitively recognize that if the law endorses everything it tolerates, we will eventually tolerate everything and endorse nothing except tolerance itself. I would say that even the simplest moral standards automatically invite judgment enforced by stigma and above all emphasize not the equality of persons and their behaviours but their subtle differences and distinctions.

Today we are informed that this is not in the democratic spirit, that we should not speak of standards but of a diversity of values. Indeed, the democratic equation now insists that because all values are chosen by people of equal worth and rights, all values must be equal in rank. To insist otherwise is to impose your values on mine. However, neither the family nor society as a whole can survive as moral communities without the multitude of positive discriminations in the form of rewards and stigma required to defend some common conception of the good, which is the ongoing job of society to elaborate and articulate.

So the question "Shall we have family at the centre of a good society?" hangs on our prior decision whether we want to encourage virtue in citizens, whether to argue for standards and the social hierarchy this entails or merely just personal values. Policy will naturally follow accordingly. It's not to mean that we don't tolerate, in the sense that we're compassionate toward the ideas and views of others, but it is of prime importance in law to establish what society views is of the good and to establish better practices for better outcomes. For this, all law will have to establish one set of standards or another.

In that regard, I bring you back to marriage; that is, marriage that has both by public contract, by privilege, by choice, by definition, and by intuition set the standard of what constitutes one man and one woman being married. When we try to then be sympathetic to others of other viewpoints and other forms of relationships to make them like unto marriage, it does not mean that tolerance is such that society in having to choose its standards should be changed but that certainly we would not harm those of other differing viewpoints.

I would also like to speak just a little bit with regards to the notwithstanding clause that's in here and whether this really adds to the powers that we might ask. It certainly is argued that the notwithstanding clause, in which sections it may apply, may not have the powers in the end to do what we might ask. As other members have suggested, there are no challenges before the courts at this time. However, the notwithstanding clause does put in place the express policy of the government with regards to letting the public know with clarity, and certainly those that might want to interpret for whatever reason, the express purpose and will of society with regards to marriage, that we do much more than just be silent on the matter.

I'm pleased that we take the approach to send the signals that this is an institution that needs work. It is an institution that has found more failure in recent decades than in past. It is an institution where if we put more time to headwaters, we might resolve further problems of pollution downstream. To this end, I support Bill 202.

Thank you.

MR. DAY: Madam Speaker, in the few minutes allotted to this discussion, I will try and briefly summarize what I think to be the position of my constituents on this, also a position which I share. In looking at the actual bill, I think I'm hearing support for that from some in the House on all sides of the political spectrum. Nobody can say that they want to not support marriage. From that there are concerns, however, that are flowing forward.

The reason marriage, of course, has always had a position of honour down through the centuries is because we in society have recognized that two people form a bond with the original intent, at least in most cases, of being for life – we know it doesn't always work out that way, but that's been the original intent, anyway, down through the ages – and then in that bond take on the responsibility of procreation, not just of procreation but in fact of raising, educating, making sure, and determining that the health and well-being of those children is secured and that they move on to be responsible members of society. That's a fairly comprehensive task, one that takes no small amount of resource – physical, emotional, spiritual, and financial, I might add – but one which human beings down through the centuries and the eons have said in the long run is probably worth it. At least that's the determination of most of us as parents, and I'm glad my parents felt it was a worthwhile exercise also.

In doing that, at different times in society different countries or jurisdictions have also accorded some benefit to that in a tangible financial way. It might be a tax benefit, or it might just be a place of honour in the village square, but there's always been something accorded to that very significant task of procreation and not just passing on the physical heredity of which we are a part but in fact passing on to civilization, one generation to another, that which makes a civilization strong.

Now, throughout time also there have been varying degrees of other types of adult relationships which people choose to become a part of. There have been varying degrees of tolerance for other types of relationships down through civilization, ranging from a lot of tolerance to very little tolerance. I think in today's society it can be safely said that there's a high degree of tolerance for people making other choices of partners, be it life partners or short-term partners or mid-term partners. I think there's a high degree of tolerance for people's choices. The question comes down to according the benefits that have normally been left for the heterosexual married relationship.

Here are two questions I think we have to face. Number one, Madam Speaker: when the majority of our citizens want the system as it is, do we have the mandate as legislators to change it without having our citizens being the ones to say in a very significant way that it should be changed? The second one is that there's no defining – and I know that some people are talking about other types of relationships. Leave the definition of marriage as it is. Most people agree with that, maybe even the Liberals here. Leave it as it is, but allow the tax-supported benefits of different types of relationships to be accrued to others.

There's a concern that's raised there. Number one, is it affordable that we can give tax support and that businesses would be forced to give financial support to a variety of other relationships? It does not just stop at a two person, same-sex relationship. There are many

types of relationships that we face today that people make the choice of. We hear about them all the time. In my own constituency – and I've talked about this in the Legislature – I was asked by somebody who had two wives. He was from another country, but he had two wives, and he wanted me to lobby to change the law to accommodate that so there could be tax-supported benefits. I said: I'm sorry; I don't have a mandate from my citizens to do that.

The concern there is that if you take in all the variety of arrangements. I just read in a newspaper publication about two women, same sex, who had a surrogate husband/father provide the semen for the impregnation of one of them. Then they would raise the child, but the surrogate father would live with them, also with his female friend, and they would be a family in their definition. Now, if that's their choice, that is absolutely up to them in a tolerant society. But do we accrue tax-supported benefits to that?

That's the question that we have to answer before we move into changing definitions, and to simply pass more legislation which says that all other forms can be accommodated – I think we need this discussion. The concern is that we can't afford every other form imaginable. What about two men living together for years? They may not be in fact homosexual, just friends, but they have a commitment to stay together. Do we accrue to them tax benefits? How many and to what variety of forms?

4:30

Then the concern here – and I'm going as quickly as I can – is that if you allow a variety of other forms, eventually there will always be one relationship somewhere that's not included in the list. They will then challenge in legislation their ability to be funded, and if the challenge is lost in court and the courts say that everybody has to be funded, every relationship or none, then a government may well say: we can't afford it all, so even the marriage relationship as presently defined will no longer have any tax support. That is not a far-flung situation, because we have a challenge to the widow/widower pension that we have right now. What we're saying to widows and widowers who are over 55 is that if you are left at that age because of death . . .

MRS. McCLELLAN: You've got 10 minutes.

MR. DAY: How does that work?

MRS. McCLELLAN: Well, I just checked. Trust me. I don't want you to talk so fast. I can't keep up. My ears are getting lost.

MR. DAY: That present situation is now working its way through the system, and the challenge there is this, Madam Speaker. If somebody who is not a widow or not a widower but is over 55 feels that they, too, should have tax-supported benefits the same as a widow or widower and is successful in their challenge and should the courts determine that the government is discriminating and causes the government to write in the legislation to also accommodate everybody over 55 who's in a tough financial situation to be accorded that pension, the government of the day, possibly this one, might look at the financial implications of that and say: you know, we can't cover everybody, so we will cancel the widow/widower program. I'm saying that could be a possible outcome.

So there's where we have the concerns of those which are the majority, who feel that for centuries civilization and society has felt there should be some special benefit accorded to marriage as presently defined, the time-tested definition, and that moving away from that would actually result in these recognized places of benefit being dissolved either through court action or a variety of challenges.

It is not, Madam Speaker, a case of people who want to support

the heterosexual definition being intolerant, being not loving, being disrespectful of other people's choices. It is plainly and simply a matter that we don't have the mandate, as I see it, from our citizens to change this centuries-old definition, nor do we have the mandate, without a full discussion, to stand up and say that we will set up a directory and every other kind of relationship that you can imagine can then qualify.

I know and I understand, for instance, that two males having a same-sex relationship is a definition that some people are wanting to be accommodated in terms of being recognized for tax-funded support. I appreciate that, but how can those two people, those two males in a same-sex relationship, let's say, turn and say to my constituent who has two wives and wants taxpayers' support for really a *menage a trois*, "No, you don't qualify."? What gives them that right to make that distinction? How could anybody in this House with two friends who are living together, have lived together for years and the only thing they haven't done is actually have sex, say to them, if you're moving beyond the present time-tested, centuries-old definition, "No, you don't qualify; you can't have taxpayer-supported benefits."? How can we make those distinctions once we begin to move beyond the present distinction which society is supporting?

I appreciate the fact that there's been good discussion on this today, and I do hope the message goes out that everybody here, certainly that I have listened to and had the opportunity to hear, has done this in a respectful manner and I think in a caring and loving and tolerant manner in saying that whatever choice people choose to make among adults, let them do that, and let them not be dishonoured for doing that. But when we get into changing the definitions and moving into legislation, it opens up ramifications and implications which need serious consideration. We can't simply move ahead and do these changes without a full understanding of what we're saying and what we're approving.

I appreciate the Member for Red Deer-South bringing this forward. It is interesting, in the venue in which we live and move and operate today, that when somebody talks about this type of thing, they do so at some risk and even face some levels of scorn. It's been a fascinating thing to watch, but I appreciate the fact that that hasn't happened in this Assembly today and that as we continue to speak about these things and as people continue to write and report about them, it not be done in the language of the pejorative but in the language of a serious discussion about something which has been beneficial to the human race for centuries and about which we should be very serious if we consider its alteration.

Thank you, Madam Speaker.

[Two members rose]

THE ACTING SPEAKER: I actually did see the hon. Member for Cypress-Medicine Hat first.

DR. TAYLOR: Thank you, Madam Speaker. I'll keep my comments brief, so hopefully we can get to the hon. Minister of Justice shortly.

I as well just want to congratulate the Member for Red Deer-South for bringing this bill forward. I think that if it passes, it marks an important step in what this Legislature says about marriage, the importance of marriage to our society. You know and we all know as we move down this path that marriage is fundamentally important to children, children having a mother and dad in a relationship. I mean, you can talk to almost any schoolteacher and see in the schools the results of broken marriages, broken families, family decline. We see it in the court systems. We see it everywhere in our society.

What we need to do as a government and what all members of the Legislature need to do is to provide ways of supporting and strengthening families. I believe that a bill like this does exactly that. It takes the decision out of the hands of the court to arbitrarily say to Albertans that marriage consists of something different than a heterosexual couple. If that were to happen, then we have in this bill the notwithstanding clause, which certainly could be used and would be used in this case.

So I think it's very worth while. I think it points out again the strength of families. I think there's too much in our society that has broken down families, that places stress on families. I believe it's fundamental. I believe the family is fundamental to our society, fundamental to the strength of our society. If we do not have healthy families, we will not have a healthy society, and I think that is clear from everything that is happening in our society today. So I am pleased to be able to support this bill.

I once again congratulate the member for having the courage to bring this bill forward, and I hope that all members of this House stand and vote unanimously to support this bill.

Thank you.

THE ACTING SPEAKER: The hon. Minister of Justice.

MR. HANCOCK: Thank you, Madam Speaker. I want to speak briefly as well to this bill just to explain to the House and to people why I think we should not be supporting the bill. First of all, I'd like to say that I endorse and agree with the principles set out in the preamble. I believe that marriage is a very, very important institution in our society and that marriage as a union between man and woman is something that doesn't need the force of legislative law to carry it forward. It's an institution, a religious institution. It's a faith institution. It's something that we take to ourselves without the government, either federal or provincial, intruding in our right to do so and intruding in our definition. It's very clear in the common law of this country, without any need of legislative sanction, that marriage is between man and woman.

The problem I have with this act really is threefold. First of all, the question of how you break up a marriage comes under federal law and federal jurisdiction. I have always been a very strong believer that Legislatures and Parliament should stick to their areas of jurisdiction. If there is a jurisdiction for defining marriage, I think that jurisdiction is very clearly in the federal House and not in the provincial House. So I would have to speak against this bill simply because bringing a definition of marriage into the provincial Marriage Act I think would offend that constitutional custom.

I'd also point out that the Marriage Act we have provincially is really sort of like criminal law. I hate to align marriage with criminal law, but it is in a way the right to legislate marriage. The right to legislate criminal law is federal; the operation of it is provincial. So we have a Marriage Act which provides for the giving of licences, the procedures in which we would create a civil marriage, and adding a definition of marriage into that act really has no force or effect. It doesn't do anything other than allow us to have this very important debate, which is, I think, necessary in society, to talk about what marriage is and what our fundamental values are. It doesn't do anything for the law. I think we have to be careful when we're bringing forward laws and regulations to do things which are meaningful in the context of the law.

4:40

I know that I'm quickly going to run out of time, so I'll just end by saying that the third concern I have with the act is the use of the notwithstanding clause. It's my firm belief that the notwithstanding

clause should be used carefully and specifically because we're dealing with the concept of individual rights. I'm a firm believer that we are all as individuals born with rights. We have all the rights that might be accorded a person. I think that's a fundamental Conservative philosophy. Government by legislating intrudes on our rights as an individual, and it should only intrude on our rights as an individual when it's absolutely necessary for the better functioning of society.

We have developed institutions over time, religious institutions such as marriage, which are very, very important institutions. Those are things that we come to voluntarily as a matter of faith, as a matter of belief, and as a matter of how we see ourselves in a society. But governments should not be involved, in my view, in dealing with my rights as an individual, either giving me rights or purporting to give me rights, because I don't believe government can give anybody rights. I think we start with a full bundle of rights and certainly should not be involved in taking away rights. I hear some pounding from the opposition, but they won't like what I have to say next.

I believe that when you start to define rights that people have, you don't give people more rights. You actually detract from the rights they already have by putting definitions around them. So I'm very concerned about the operations of charters of rights and the corollary of that, the operations of notwithstanding clauses, and I don't think they should be used on a global basis. I think they should be used on a very specific basis and only when it's very clear that a fundamental concept that we want to protect for society's benefit is being challenged.

I'll go back to where I started. I believe fundamentally in the concept of marriage. I believe it goes without saying in legislation that marriage is between a man and a woman. I don't believe that adding this preamble, all the principles of which I agree fundamentally with, adding these principles to the Marriage Act adds anything to the written law of Alberta, because in fact the Marriage Act doesn't deal with the concept of marriage. It deals with the solemnization of marriage. It deals with the process and the forms. Adding the definition doesn't add anything to our law, because first of all the law again very clearly deals simply with the methods of solemnization. Dealing with the notwithstanding clause I think does something on a global basis which should be done more particularly and more specifically on a case-by-case basis.

For those reasons I would encourage people not to vote for this bill, even, in doing so, when we strongly stand in favour of the institution of marriage in our society.

THE ACTING SPEAKER: The hon. Member for Red Deer-South to close debate.

MR. DOERKSEN: Thank you, Madam Speaker. I'll just make a few comments in closing. I appreciate the work and the debate this afternoon and the various positions that have been taken. It's been a good discussion. I do also want to put on record and thank Jennifer Peterson for all her work and help on the research for this, and I wanted to make sure I noted that before I forgot.

With respect to the Justice minister's comments, it's always dangerous to disagree with a lawyer when you're not a lawyer. Also, referring to the case that the Member for Calgary-Buffalo referred to earlier, the Layland case, this was a provincial challenge on the basis of solemnization. So for the Justice minister to suggest that this would only apply to a federal jurisdiction – clearly it's not, because it was challenged under provincial legislation. While the ruling was upheld that the couple would not obtain a marriage licence in that case, there was a dissenting opinion which does reflect very much the mind-set that the definition of marriage is very

much open to challenge in our court system. It hasn't happened yet, and the reason for the use of the notwithstanding clause at this point is to say at a time before that challenge takes place that we will put into legislation our policy that we have put forward to make it quite clear and to make a statement about the value that we place on marriage.

So, Madam Speaker, with that I will close my comments and assume we'll have more debate when it passes at second reading. Thank you.

[The voice vote indicated that the motion carried]

[Several members rose calling for a division. The division bell was rung at 4:46 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[Mrs. Gordon in the chair]

For the motion:

Amery	Hlady	Nelson
Broda	Jacques	Paszkowski
Burgener	Johnson	Renner
Cao	Jonson	Shariff
Clegg	Klapstein	Stevens
Coutts	Kryczka	Strang
Day	Laing	Tannas
Doerksen	Langevin	Taylor
Ducharme	Lougheed	Thurber
Evans	Lund	West
Forsyth	McClellan	Woloshyn
Friedel	McFarland	Yankowsky
Haley	Melchin	Zwozdesky
Herard		

Against the motion:

Blakeman	Leibovici	Olsen
Bonner	MacDonald	Sapers
Dickson	Magnus	White
Hancock	Nicol	

Totals: For - 40 Against - 11

[Motion carried; Bill 202 read a second time]

THE ACTING SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Madam Speaker. I seek unanimous consent of the Assembly to waive Standing Order 73(1) to accommodate second reading of Bill 204 on the same day as its introduction.

[Unanimous consent granted]

5:00

**Bill 204**  
**Agricultural and Recreational Land**  
**Ownership Amendment Act, 2000**

THE ACTING SPEAKER: The hon. Member for Little Bow.

MR. McFARLAND: Thank you, Madam Speaker. Bill 204 is the result of the thoughts and ideas of many Albertans. For many years people have expressed a concern over the future of our agricultural businesses, our rural communities, and our next generation of young Alberta farmers.

There appears to be three problems in the farm community today.

One is immediate, and that is the input costs and cash returns. The second, a medium-term problem, is the large land holdings in some of our municipalities and counties. The third is a long-term problem: what does the future look like, and who will hold our land? There is a real fear in rural Alberta that the land producing the primary product from a finite land resource base will be owned or controlled by a few very large operators or corporations. Bill 204 does not attempt to address the first concern. It does reflect the views expressed for many years about the mid- and long-term problems that many see on the horizon.

Let me begin, Madam Speaker, by making it very clear that this bill is not, as some media reports have portrayed, a thinly veiled disguise to attack one religious group. There is no attempt on my part to deny anyone anywhere in Alberta anytime the freedom to practise or worship in a religion of their choice.

I would like to thank those Albertans who have contacted my office supporting this bill and the concept of creating level fields of competition in the pursuit of agriculture. To date over 90 percent of the letters, phone calls, and faxes that I've received are in support of the bill.

Bill 204, the Agricultural and Recreational Land Ownership Amendment Act, 2000, would propose a reasonable restriction on the amount of deeded arable land that could be owned in any one of the 66 municipal districts or counties in Alberta. This ownership would be limited to 15 percent of the total arable acres in the municipality or county by any individual, by any corporation, or by any religious group. In my research for this bill individual or corporate ownership in any municipality did not exceed this 15 percent guideline. The intent of this legislation is to promote independent production by the family farm as we know it today, to promote small businesses in our noncity communities, not to hinder corporate operations, including religious groups.

It is a fact that the number of independent farms in Alberta has decreased over the past 40 years. Those independent farms have helped form the backbone of Alberta's economy and culture. Ever since the very early 1900s settlers from the U.S., England, Ireland, Scotland, Wales, and those settlers from Europe moved to Alberta to create our communities. Without them our cities wouldn't exist today.

Farming has become more than a way of life. It's become a big business. The infrastructure, our schools, rural hospitals, post offices, stores, and dealerships rely on the farm. However, I feel we're at a crossroads, Madam Speaker. Consolidations of large land holdings in many parts of the province put these communities and services at risk. Many people have asked me if monopolies or oligopolies are just around the corner. Do we as legislators not have the duty to lay out the road map for our next generation? Free enterprise is a great idea and laudable. But in order to compete, don't the rules of competition have to be the same? I submit that today the starting line has already been moved ahead for the largest operators. Remember, the 15 percent restriction that this bill proposes would not limit the remaining 85 percent of the land that could be bought, sold, or owned by any individual or corporation.

Should we as legislators not be concerned about the potential for multinational companies to own everything from primary production to processing the final product? Do we endorse total ownership from gate to plate in communities that could ultimately be controlled by a handful of corporations? Would the consumer be the beneficiary of an oligopolistic system or of a monopoly? Is there justification to say that there can be reasonable controls on foreign ownership, as there exists today in the prairie provinces, Quebec, P.E.I., as well as the U.S. states, and to not have a reasonable control on Canadian or Alberta-based corporations?

We do compete in a global economy. That's true. However, we already select who those producers will be if they're non-Canadian. Nebraska, Kansas, Iowa, Minnesota, and South Dakota already limit corporate ownership in some form or they regulate production. It would appear that they have reacted to the danger of a corporation controlling the primary source of their processed product well in advance.

May I offer for thought to you, Madam Speaker, and to my fellow colleagues in the Legislature some of the ideas that have been expressed to me from residents throughout Alberta. The first question was: will government respond before it's too late to state very clearly if their policies will protect this resource ownership? In light of a nonsubsidy era of free enterprise competition, will all legislators, regardless of political allegiances, let our next generation of rural communities, small businesses, and farms know they're important enough to be maintained and encouraged to continue? As I stated before, my statistical research showed no individual land holdings anywhere near the 15 percent restriction in Alberta. Similarly, although there are some large corporate farms involving equity shareholders across the province, it does not appear that these operations control anywhere near 15 percent of the arable land.

Madam Speaker, may I remind my colleagues that the average municipal district and county in the southern part of Alberta is composed of between 800,000 and one million acres. Fifteen percent of this land base, as proposed in Bill 204, equates to more than 200 sections of land. That's more than 800 quarter sections that could be controlled by any individual, any corporation, or any religious group. It is significant to note that of all of the individual operators and corporations that make up 53,000 farm operations today, there are 162 arms of one church that controls in excess of 1.6 million acres.

I believe it's important to discuss some facts with respect to religious groups. There are those who feel that anytime the subject is raised, it is based on a lack of understanding, a lack of tolerance. It would appear that those same people who demand tolerance and understanding are intolerant themselves when it comes to looking internally at the individual operation. Madam Speaker, Bill 204 would apply to every farming operation regardless of business status.

As I indicated before, there is only one church in Alberta today that approaches the 15 percent, and that's the Hutterian Brethren Church, which was incorporated by a special act of Parliament in 1951. This was and is still today an important act to recognize their freedom to worship, their freedom to be members of their church and follow through with their religion.

It's also important to note Justice Mahoney's comments in the decision Hutterian Brethren Church of Wilson versus the Queen:

Nothing in its objects expressly contemplates that corporation . . . that corporation being the church, Madam Speaker, . . . engaging in any business and, in particular, the business of farming.

There is a fundamental difference that should be remembered and is too often forgotten: religion and commercial farming are not one and the same. Currently in Alberta the Hutterian Brethren Church has 162 arms of the church incorporated as charitable, not-for-profit organizations. The same Justice Mahoney stated that these charitable, not-for-profit organizations, one, are not natural persons, nor does paying income tax affect the ability of an individual in this church to practise their religion; two,

In addition, the evidence establishes that the plaintiff's religious activities, as distinct from its commercial activities, are almost exclusively internal.

5:10

So contrary, Madam Speaker, to the method that this particular group incorporates under the Companies Act in Alberta, their sole

purpose is to promote their religion for the general betterment of the general public community. The Chief Justice indicated that almost all their activities were "almost exclusively internal." Justice Pratte in the same decision made the observation that the evidence shows that the business of farming for profit – not not for profit but for profit – was the appellant's main activity and most of its resources were used to buy farmland and agricultural equipment.

Madam Speaker, I don't bring these comments to the Legislature to provoke members of this church. I do so to state for the record that unless my research is wrong, this is the only church, the only charitable, not-for-profit corporation in Alberta, that wants religious freedom but is also the single largest farming unit in Alberta, that is also approaching closer than any one of the other groups the 15 percent limitation in one of the 66 municipalities, that I propose in Bill 204.

Albertans question the fairness in this method of incorporation as truly being charitable, not for profit. If there's no advantage to setting up a religious commercial business operation in this manner, Madam Speaker, do we as legislators not have the obligation to encourage all farm operations and small business to similarly incorporate?

Madam Speaker, those of us who were raised and live in small communities shouldn't have to apologize for wanting to maintain the viability of our lifeblood. I will also submit that our independent producers in Alberta are the most efficient when it comes to a gross output per capita comparison. If every producer in Alberta was only producing enough food to sustain ourselves and our families, there would be hundreds and hundreds of thousands of producers. The fact is that every producer is responsible to provide abundant, low-return, quality, safe food for mankind throughout the world. We do so with pride and without referring to our individual, ethnic, cultural, or religious backgrounds. We practise as individual producers our own religious beliefs and cultural or ethnic practices without the benefit of special provisions in law or policy.

Education is an important component of our well-being and our communities as well. We have a public education system that includes the Catholic faith available to our young people. These students receive 100 percent provincial student funding across the board. Throughout the province we also have funding for supporters of private or independent schools. I'm sure that many of us have been in the independent schools and talked to people of the Christian faiths that have their own schools within the counties and MDs from which we come. Their supporters build their own schools, provide busing, power, utilities, and other amenities. These schools receive 60 percent of the public level of funding.

In recent years we have witnessed communities with public schools losing high school programs, junior high programs. We've also seen school grades combined in an attempt and an effort to maintain the public community schools as a service for our rural Albertans.

Ironically we also have a parallel private school system being funded at the 100 percent level on many of the 162 charitable, not-for-profit arms of the church. Is this, Madam Speaker, an attack on one religious group? I believe this is a concession above and beyond reason in today's society. As this particular organization continues to grow, we will witness further pressure on our smaller schools. We'll continue to see the erosion of small businesses in our communities. It goes without saying that it's not the fault of any one religious group, any one corporation, or any one large individual landholder. It is a fact that our farms, especially the farms that we've come to know and call family farms, aren't truly what they were 40 years ago. They have become larger, more efficient, and they're fighting to be sustained.

Will it continue to be equal opportunity for educational opportunity for Albertans or disproportionate funding levels for one unique single group of people whose children are for the most part removed from formal education on their 15th birthday? A reasonable limitation on land ownership would help support the preservation of educational facilities in Small Town, Alberta.

Madam Speaker, that was the text of a prepared statement that I had, but I also wanted to assure everyone here that the issue that I've heard from people from Caslan to Milk River, Alberta, and as recently as Arizona indicates the same thing: we shouldn't be afraid to make a statement in defence of our smaller communities, of our businesses. We should be concerned about the potential for large consolidation of land holdings. We should be concerned about the potential for the monopolies that seem to be waiting to take over.

As you know, we've got the livestock feeding capital of Canada in our riding. Madam Speaker, that livestock feeding capital is controlled by a few very large operators, but many of the people in the surrounding district are also fearful of the day that the large multinational corporations, the Cargills, the IBPs, take over the feeding industry in Alberta.

They're also concerned over the potential that we have now with potato production in Alberta. Accordingly, in Idaho, H.R. Simplot has virtual control on 75 percent of the land and the production of potatoes. P.E.I. has put in a type of legislation to protect the producers from being taken over by the large processing plants. So when I made a fair bit of reference to, Madam Speaker, in this case a religious group, it's by no means limited. It has to do with the preservation of our agricultural independence for production.

I believe, Madam Speaker, that people don't want to hear the terms our way of life, our cultural values, or our family farm, so I'm not going to dwell on those, but I will indicate that many of the constituents have been kind enough to express a very similar train of thought not just to myself but to some of my colleagues. I know it's

a very uncomfortable position that I've taken, but I feel that as an MLA representing constituents, not just in our riding but across the province, who have been able or unable to bring the matter up for discussion anywhere that I'm aware of for the past number of years, it is also my duty to inform this Legislature and to make their wishes known, because if we continue to quietly put our heads in the sand and not discuss what people feel is a very, very long-term serious issue, then we won't have served the public well.

Madam Speaker, I know my biggest concern is the future generation and what this province will look like in the next generation or two. We've got many young people that would love to be able to farm, but they can't compete with the capital purchasing power of large corporate groups, and I guess that's part of free enterprise. But by the same token, when our average age on the farm is approaching 57 or 58 years of age, I don't think there's a great opportunity sitting there waiting for our young people to take that giant investment in competing on the world market with capital purchase prices that far outstrip the rate of return.

5:20

Madam Speaker, given the hour and the length of my speech already, I want to thank everyone for their kind consideration in listening to my comments. I want to assure everyone again that I only have the best interests of agriculture and rural communities at heart. I will say to the Hutterian Brethren Church of Canada that I am not after their operation. I am concerned as much about their children as I am about any other children.

I would like to move that we adjourn debate.

[Motion to adjourn debate carried]

[The Assembly adjourned at 5:21 p.m.]

