

## Legislative Assembly of Alberta

Title: **Wednesday, March 1, 2000**

**1:30 p.m.**

Date: 00/03/01

[The Speaker in the chair]

head: Prayers

THE SPEAKER: Hon. members, on this special day Alberta's Legislative Assembly will hear first reading of the First Nations Sacred Ceremonial Objects Repatriation Act.

I would ask that you now join me in the prayer. Creator, we humbly ask Your guidance as we turn our thoughts to the legacy of First Nations sacred ceremonial traditions. Grant us vision so that these sacred ceremonial objects can once again play their role in the living traditions of First Nations people today, and grant us understanding so that we make wise choices for the future. Amen.

I want to give thanks to Dr. Jack Ives, the manager of archeology and ethnology at the Provincial Museum of Alberta for assistance with the words of the prayer today.

Please be seated.

head: Introduction of Visitors

THE SPEAKER: The hon. the Premier.

MR. KLEIN: Thank you, Mr. Speaker. Before I introduce our distinguished guests, I would like to point out that you are an honorary chief of the Alexis First Nation with the name White Man with a Kind Heart.

Mr. Speaker, I am honoured to introduce to you and through you to all members of the Legislature a number of distinguished First Nations guests who have come to witness the introduction of a very significant piece of legislation entitled the First Nations Sacred Ceremonial Objects Repatriation Act.

Prior to entering the Legislature Chamber today, these guests were part of a First Nations ceremony in honour of this legislation. These distinguished guests are elders and chiefs representing three First Nations treaty areas in the aboriginal culture. Elders are highly respected as they provide their people with important counsel as to their traditional way of life.

Mr. Speaker, they are your special guests and are seated in your gallery. I would ask them to rise as I call out their names, and then once I've introduced them, I would ask all Members of this Legislative Assembly to give them the traditional warm welcome of the Assembly.

Frank Weaselhead, representing the Blood tribe; Martin Heavy Head, representing the Blood tribe; Leonard Bastien, representing the Peigan nation; Nelson Adams, representing the Paul band; Madge McCree, representing Swan River First Nation; Joe Willier, representing the Sucker Creek band; Harold Healy, representing the Blood tribe, and his wife, Joan; Mike Beaver, representing the Big Stone Cree nation; Kirby Bird, representing the Paul band; Allen Pard, representing the Peigan nation; Gabriel Meneen, representing the Tallcree band; Bennet Grey, representing the Whitefish Lake First Nation; Chief Wilson Bearhead, representing the Paul band; Chief Richard Davis, representing the Swan River First Nation. I would ask them to receive the warm welcome of this Legislature.

THE SPEAKER: The hon. Associate Minister of Forestry.

MR. CARDINAL: Thank you very much, Mr. Speaker. On behalf of my colleague Pearl and I, I'd like to say a few words in our own language today. [remarks in Cree]

I am honoured to be here along with our colleague Pearl Calahassen to participate in this most important ceremony. I thank our Premier and everyone that was involved in the development of this legislation. Thank you. [as submitted]

Mr. Speaker, I'm honoured also to introduce to you and through you to all members of the Legislature Chief Harry GoodRunning, Sunchild reserve; Chief Darcy Dixon, Bearspaw band; Chief Gerry Ermineskin, Ermineskin band; Chief Paul Chiniquay, Chiniki band; and other special guests representing treaties 6, 7, and 8 who are seated in the members' gallery. I thank them for being here on this special occasion of witnessing the introduction of a very significant piece of legislation and for being part of a native ceremony in honour of this legislation. I would ask them now to rise and receive the traditional warm welcome of the Assembly.

THE SPEAKER: Hon. members, there are other members of First Nations here, and I would ask them to rise as well. Chief Alexis and others, please rise and receive the warm welcome.

head: Presenting Petitions

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

MR. DOERKSEN: Thank you, Mr. Speaker. It's my pleasure to table a petition today on behalf of the members for Lacombe-Stettler, Rocky Mountain House, Ponoka-Rimbey, Innisfail-Sylvan Lake, Drumheller-Chinook, Olds-Didsbury-Three Hills, Red Deer-North, and Red Deer-South. The petition has 5,287 signatures and reads as follows.

We, the undersigned residents of Alberta reaffirm our support for the five basic principles upon which Medicare was built: accessibility, universality, portability, comprehensiveness and public administration. We urge the Government of Alberta to uphold the letter and spirit of these principles.

We also oppose two-tier health care and urge the government of Alberta to maintain an adequate system of public hospitals and to not permit the development of private hospitals in the province of Alberta.

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

MRS. O'NEILL: Thank you, Mr. Speaker. I wish to present a petition on behalf of the hon. Member for Stony Plain. Three hundred and fifty-one parents in his riding wish to urge the Legislative Assembly to intervene on behalf of the students at Meridian Heights school to "have the Parkland school division No. 70 review and reconsider the decision to amalgamate the French Immersion program."

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

DR. NICOL: Thank you, Mr. Speaker. It's a privilege of mine today to table a petition with 821 names on behalf of citizens from Lethbridge, Coleman, Blairmore, Fort Macleod, Milk River, Raymond, Coutts, and Taber asking the government to stop promoting private health care and to ensure that the public health care system is kept strong.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I, too, have a petition signed by 395 people in the Grande Prairie, Beaverlodge, Fort McMurray, Wembley, and Anzac areas. They are petitioning the

Legislative Assembly to “urge the government of Alberta to stop promoting private health care and undermining the public health care system.”

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

DR. PANNU: Thank you, Mr. Speaker. It's my pleasure to table a petition signed by 242 Albertans. They are requesting that this Legislative Assembly pass a bill “banning private for-profit hospitals in Alberta so that the integrity of the public, universal health care system may be maintained.” This brings the total number today to 1,115 signatures on this petition.

Thank you, Mr. Speaker.

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

MR. MacDONALD: Thank you, Mr. Speaker. I rise this afternoon to table a petition with over 1,000 signatures on it from the citizens of Edmonton-Gold Bar:

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

This petition has been gathered by many energetic seniors.

Thank you, Mr. Speaker.

1:40

head: Reading and Receiving Petitions

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

MS LEIBOVICI: Thank you, Mr. Speaker. I rise this afternoon to ask that the petition I presented yesterday 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.

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

MR. WHITE: Thank you, Mr. Speaker. I rise to ask that the petition I presented yesterday be read and received now.

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 Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. I rise to request that the petition standing on the Order Paper under my name now be read and received.

Thank you.

THE CLERK:

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

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

MR. BONNER: Thank you, Mr. Speaker. With your permission I ask that the petition I presented yesterday to the Legislative Assembly 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.

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

MS BLAKEMAN: Thank you, Mr. Speaker. I rise today to request that the petition I presented yesterday signed by a number of individuals from Cold Lake be now read and received.

Thank you.

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, too, would ask that the petition I presented the other day regarding 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.

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

DR. PANNU: Thank you, Mr. Speaker. I request that the petition I presented yesterday be now 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.

head: Introduction of Bills

THE SPEAKER: The hon. Associate Minister of Aboriginal Affairs.

## Bill 2

### First Nations Sacred Ceremonial Objects Repatriation Act

MS CALAHASEN: Mr. Speaker, otherwise known as the White Man with a Kind Heart, thank you very much. [remarks in Cree]

Mr. Speaker, I'm very proud and honoured to be asked by our Premier – I call him my chief – and supported by the elders of the aboriginal community and the leaders of the aboriginal community to rise today to move first reading of Bill 2, the First Nations Sacred Ceremonial Objects Repatriation Act.

I am very proud and thankful to the Creator for this opportunity to do the bidding requested of me. It's up to us as aboriginal people that we do the right thing, from elders to leaders. This bill is giving back what is rightfully ours, but we need to ensure we have processes in place, for this is truly significant for our own survival. [as submitted]

Mr. Speaker, this act does three very important things. First, it establishes some basic principles that will enable Alberta to

repatriate sacred ceremonial objects from government collections to First Nations communities.

Second, the act sets in motion a consultative process in which Alberta Community Development and Aboriginal Affairs will work with First Nations communities to learn how they would like to proceed with the treatment, loan, or repatriation of sacred ceremonial objects.

Finally, this legislation will amend the Glenbow-Alberta Institute Act so that 251 Blackfoot sacred ceremonial objects cared for by the Glenbow Museum can be repatriated to the Blood tribe, the Peigan nation, and the Siksika nation as per the Blackfoot agreement which was signed on January 14, 2000, at the Glenbow Museum.

Mr. Speaker, in this millennium, in the year 2000 we see a real change. This legislation is groundbreaking, the first anywhere in this country. I thank the Premier, who has led this province in ensuring that whatever happens the aboriginal people will get what is rightfully theirs. I think he deserves a big hand, and I would like to ask you, all our colleagues, to give him that hand. [applause] Colleagues, we should be very proud today, because as one elder said in Blackfoot when the repatriation was happening: when the pages of our bible are returned to us, aboriginal people can continue their healing and complete that healing, because when we take control of our own destiny by getting those pages back, only then will aboriginal people truly take their place in society.

I thank this Legislature, my colleagues, and especially my colleagues the Hon. Ralph Klein and Stan Woloshyn for all the work they did to ensure that whatever happens, we as aboriginal people can get back our sacred objects.

This is the first reading of Bill 2.

[Motion carried; Bill 2 read a first time]

THE SPEAKER: The hon. Government House Leader.

**Bill 12**  
**Appropriation (Supplementary Supply) Act, 2000**

MR. HANCOCK: Thank you, Mr. Speaker. I request leave to introduce Bill 12, the Appropriation (Supplementary Supply) Act, 2000. This being a money bill, Her Honour the Honourable the Lieutenant Governor, having been informed of the contents of this bill, recommends the same to the Assembly.

We have had occasion, Mr. Speaker, to discuss in Committee of Supply the details of the appropriation being requested. Suffice it to say for the purposes of introduction that it deals with supplementary supply to the departments of Community Development, Environment, Health and Wellness, and Justice.

[Motion carried; Bill 12 read a first time]

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

MRS. MacBETH: Mr. Speaker, I beg leave to introduce a bill, but before I do, I want to congratulate the government on bringing forward Bill 2, the First Nations Sacred Ceremonial Objects Repatriation Act. We on the side of the Official Opposition look forward to working with the government to ensure a speedy passage.

**Bill 207**  
**Provincial-Municipal Tax Sharing**  
**Calculation Act**

MRS. MacBETH: Mr. Speaker, I beg leave to introduce a bill being the Provincial-Municipal Tax Sharing Calculation Act.

This bill will put forward an option for consideration to move to more of a revenue-sharing model in our province as opposed to a children-of-the-province model with municipalities as has been too often the case.

Thank you, Mr. Speaker.

[Motion carried; Bill 207 read a first time]

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

1:50

**Bill 208**  
**Gaming and Liquor Amendment Act, 2000**

MRS. MacBETH: Thank you, Mr. Speaker. I beg leave to introduce a bill being the Gaming and Liquor Amendment Act, 2000.

Mr. Speaker, this bill was prepared with a good deal of help and reflects the valuable work done by the Member for Lacombe-Stettler in terms of embodying some of those recommendations into legislation.

Thank you.

[Motion carried; Bill 208 read a first time]

**Bill 209**  
**Employment Standards (Parental Leave)**  
**Amendment Act, 2000**

MR. CAO: I beg leave to introduce Bill 209, Employment Standards (Parental Leave) Amendment Act, 2000.

[Motion carried; Bill 209 read a first time]

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

**Bill 210**  
**Traffic Safety Amendment Act, 2000**

MRS. FORSYTH: Thank you, Mr. Speaker. I request leave to introduce a bill being the Traffic Safety Amendment Act, 2000.

The intent of Bill 210 is to give police officers increased legal authority in dealing with drivers whose blood alcohol content is within .05 to .08.

[Motion carried; Bill 210 read a first time]

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

**Bill 211**  
**Alberta Taxpayer Bill of Rights**

MR. SAPERS: Thank you, Mr. Speaker. I beg leave to introduce a bill being Bill 211, the Alberta Taxpayer Bill of Rights.

Mr. Speaker, the Alberta Taxpayer Bill of Rights will for the first time enshrine into law a set of principles for fair taxation and will prohibit the provincial government from raising the personal income tax, the flat tax as proposed, the fuel tax, the hotel room tax, the property tax, or any other prescribed tax of this government without first going to the people of this province and seeking specific permission. It's the first true taxpayer protection law that this province will enjoy, and I hope that colleagues on both sides of the Assembly will rush its passage.

[Motion carried; Bill 211 read a first time]

THE SPEAKER: The hon. Deputy Government House Leader.

**Bill 212**  
**Human Rights, Citizenship and Multiculturalism**  
**Amendment Act, 2000**

MR. HAVELOCK: Thank you, Mr. Speaker. If it's appropriate, I'd like to move on behalf of the hon. Member for Edmonton-Beverly-Clareview Bill 212, entitled the Human Rights, Citizenship and Multiculturalism Amendment Act, 2000.

[Motion carried; Bill 212 read a first time]

THE SPEAKER: The hon. Member for Calgary-Mountain View.

**Bill 213**  
**Farm Implement Amendment Act, 2000**

MR. HLADY: Yes. Thank you, Mr. Speaker. On behalf of the member for Olds-Didsbury-Three Hills I'd like to introduce Bill 213, the Farm Implement Amendment Act, 2000.

[Motion carried; Bill 213 read a first time]

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

**Bill 214**  
**Police (Special Constable Safety)**  
**Amendment Act, 2000**

MRS. GORDON: Thank you, Mr. Speaker. I beg leave to introduce a bill being Police (Special Constable Safety) Amendment Act, 2000.

This amendment act addresses specific safety issues relative to special constables.

[Motion carried; Bill 214 read a first time]

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

**Bill 215**  
**School (Early Childhood Education)**  
**Amendment Act, 2000**

DR. MASSEY: Thank you, Mr. Speaker. I request leave to introduce a bill being the School (Early Childhood Education) Amendment Act, 2000.

Mr. Speaker, this bill would make kindergarten part of the formal education system, would invite school boards to set K to 3 class size targets of 17 students, and would require screening of children to identify those at risk.

[Motion carried; Bill 215 read a first time]

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

**Bill 216**  
**Labour Statutes (Workers' Rights)**  
**Amendment Act, 2000**

DR. PANNU: Thank you, Mr. Speaker. I request leave to introduce Bill 216, known as Labour Statutes (Workers' Rights) Amendment Act, 2000.

Very briefly, Mr. Speaker, the purpose of Bill 216 is to extend the scope of labour statutes to commercial farms and ranches, provide prorated benefits to some part-time workers, enable the Labour Relations Board to facilitate first collective agreements, and make

reinstatement provisions more meaningful for striking or locked-out workers.

Thank you.

[Motion carried; Bill 216 read a first time]

DR. PANNU: Mr. Speaker, I would also like to take the opportunity to join with my colleagues in the Legislature to congratulate the First Nations peoples on the introduction of Bill 2. I think it's indeed a historic bill and a historic day for the introduction of this bill.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Highwood.

**Bill 217**  
**Public Highways Development Amendment Act, 2000**

MR. TANNAS: Thank you, Mr. Speaker. I request leave to introduce a bill being Public Highways Development Amendment Act, 2000.

Mr. Speaker, Bill 217 will strengthen the ability of the Department of Infrastructure to deal expeditiously with nonconforming advertising along our provincial highways.

[Motion carried; Bill 217 read a first time]

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

**Bill 218**  
**Insurance Statutes (Gender Premium Equity)**  
**Amendment Act, 2000**

MRS. O'NEILL: Thank you, Mr. Speaker. I request leave to introduce a bill being the Insurance Statutes (Gender Premium Equity) Amendment Act, 2000.

The intent of the bill is to ensure that no insurer provides automobile insurance with a premium that discriminates on the basis of gender.

[Motion carried; Bill 218 read a first time]

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

**Bill 219**  
**Blind Persons' Rights (Service Dogs)**  
**Amendment Act, 2000**

MR. LOUGHEED: Thank you, Mr. Speaker. I request leave to introduce a bill being the Blind Persons' Rights (Service Dogs) Amendment Act, 2000.

It will amend the current Blind Persons' Rights Act to ensure that all persons with disabilities in Alberta will have the legal right to be accompanied by a service dog in public.

[Motion carried; Bill 219 read a first time]

**Bill 220**  
**Citizens' Initiative Act**

MR. DUCHARME: Mr. Speaker, I request leave to introduce Bill 220, being the Citizens' Initiative Act.

[Motion carried; Bill 220 read a first time]

**head: Tabling Returns and Reports**

MS EVANS: Mr. Speaker, today, in response to an hon. member's request yesterday, I provide five copies of the records management program which provides specific policies and procedures for the creation, handling, security and storage, and final disposition of child welfare records.

THE SPEAKER: The hon. Minister of Human Resources and Employment.

MR. DUNFORD: Thank you, Mr. Speaker. I'm pleased to table with the Assembly the annual reports for the College of Physicians and Surgeons of Alberta for the period of April 1, 1998, to March 31, 1999; the Alberta Dental Association for the period of January 1, 1998, to December 31, 1998; the Alberta Veterinary Medical Association 1999 annual report; and the College of Chiropractors of Alberta annual report for the year ending March 31, 1999.

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

MR. DICKSON: Thank you, Mr. Speaker. I'm delighted to be able to table this afternoon copies of the final report from the Calgary Multicultural Health Care Initiative entitled Building Bridges: Healthy Living for Calgary's Diverse Community.  
Thank you.

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

MR. MacDONALD: Thank you, Mr. Speaker. I would like to table for the information of members of the Assembly the document Auxiliary Nurses are Worth It: Because We Care. I received this document today on the AUPE information picket line at the University hospital.  
Thank you.

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

MR. SAPERS: Thank you, Mr. Speaker. I have the appropriate number of copies of two separate documents. One is the Capital health region Royal Alexandra/Glenrose site information sheet on LPNs. The other is a sheet prepared by the AUPE regional office for the information pickets held today at various health facilities around the province. It's information regarding the offer to the LPNs which would see that they would receive 62 cents over three years. I leave both copies for the Assembly.

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

DR. NICOL: Thank you, Mr. Speaker. I'd like to table five copies of the Chinook region health restructuring update from this February.

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

DR. PANNU: Thank you, Mr. Speaker. I'm pleased to table requisite copies of only two of the dozens of letters that my office is receiving every day on the health care issue. The first letter is from Mr. Terry Darbyson from Vegreville. He wants me to add his name to the list of Albertans who are opposed to the proposal of allowing regional health authorities to enter into contractual arrangements with private, for-profit hospitals.

The second letter is from Robert Lawrence from Calgary expressing the same sentiments as Mr. Darbyson.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Minister of Environment.

MR. MAR: Thank you, Mr. Speaker. I'd like to table the requisite number of copies of the environmental protection security fund annual report for the year ending 31 March 1999 in accordance with the Environmental Protection and Enhancement Act.

**head: Introduction of Guests**

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

MR. BONNER: Thank you very much, Mr. Speaker. I have two introductions today. The first group that I would like to introduce to you and through you to all members of the Legislative Assembly is 60 bright, young grade 6 students from St. Philip Catholic school. They're accompanied today by teachers Jerome Burghardt and Roger Millette as well as student teachers Carolyn Currie and Robert Hoppins and student helpers Mrs. Seigny and Mrs. DelMastro. They're seated in the public gallery. With your permission I would ask that they now rise and receive the traditional warm welcome of the House.

Also, I'd like to introduce to you and through you to Members of the Legislative Assembly Jimmy Ragsdale. Jimmy is seated in the public gallery, Mr. Speaker, and with your permission I would ask that he now rise and receive the traditional warm welcome of the House.

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

MR. MacDONALD: Thank you, Mr. Speaker. I would like to introduce to you and through you to all Members of the Legislative Assembly 29 hardworking, conscientious students in grade 6 at Waverley elementary school located in the Kenilworth neighbourhood of Edmonton-Gold Bar. They are accompanied today by their teacher, Paula Tessaro, and by parent volunteers Mrs. Laurie Harnack, Mrs. Sherry Wesson, Mrs. Brenda Gaunt, and Mrs. Cindy Dwyer; and also student teacher Mrs. Jenni Rubuliak. They are in the members' gallery, and I would ask them now to please rise and receive the warm and traditional welcome of the Assembly.

Thank you.

MR. DOERKSEN: Mr. Speaker, it's my pleasure to introduce to you and through you to members of the Assembly Jo Davis, Dorothy Corney, Elkmarr Schrag, Colleen Dennehy, Floyd Van Slyke, Shirley Thomas, Mary Nelson, Joan Hepburn, and Don Hepburn. They're here to witness the presentation of the petition and also to observe the proceedings of the House. I would ask them to rise and receive the warm greeting of the Assembly.

THE SPEAKER: The hon. Member for Wainwright.

MR. FISCHER: Thank you, Mr. Speaker. It is my pleasure to introduce to you and through you to the members of the Legislature 16 talented grades 5 and 6 students from the Amisk school in the Wainwright constituency. They are accompanied by teacher Hilary Gray and parents Mrs. Carol Anholt, Mrs. Bev. Holte, and Mrs. Shelley Drever. They are studying government. They are excited about their field trip, and they're excited to observe the proceedings of this House, especially this special day for the First Nations. They are seated in the members' gallery, and I'd ask them to rise and receive the warm welcome of this House.

MRS. FORSYTH: You save the best for last, Mr. Speaker. It's my

pleasure to introduce through you and to you two favourite constituents of mine, Heather and Neville Beck. Neville is celebrating his 60th birthday. I would ask Heather and Neville to rise and members to give them a warm welcome.

THE SPEAKER: Well, then, hon. Member for Calgary-Cross.

MRS. FRITZ: Thank you, Mr. Speaker. I'm pleased today to introduce to you and through you my dear friend who is visiting the Legislature, Mr. Harjit Rai. Mr. Rai is a very active member of the Sikh community, and he's also the recent past president of the southwest Sikh Society of Calgary. Mr. Rai is also a very strong Progressive Conservative, who I'm proud to say has been a hard-working member of my Calgary-Cross board for a number of years, on my executive. He's visiting today with his son-in-law Mr. Sekhon. They are seated in the public gallery, and I would ask that they both rise and receive the warm welcome of the Assembly.

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. Members of the Assembly have often heard me speak of the exceptional people who live in Edmonton-Centre, and today I am very pleased to introduce to you and through you to members of the Assembly one of those constituents. Barry Bigelow has been very active in the community. I first met him when he was here as a volunteer judge for the CFB heritage fair, but he has also worked with me on a community strategy on youth crime. I would ask Mr. Bigelow to please rise and accept the warm and traditional welcome of the Assembly.

THE SPEAKER: The hon. Member for Fort McMurray.

MR. BOUTILIER: Yes. Thank you, Mr. Speaker. As the last person to introduce visitors today, it is my pleasure to welcome all gallery visitors here, specifically Ellen and Paul Laursen and their two children, Alicia and Brittany. They endured the tablings today and unfortunately have left, but for *Hansard* they are here today.

Thank you very much.

2:10

head: Oral Question Period

#### Private Health Services

MRS. MacBETH: Mr. Speaker, the goal of this Premier and the special interests backing him is to bring in two-tiered, privatized health care into Alberta. The government is pulling out all the stops to bring in the Premier's privatization scheme: truth squads, newspaper ads, TV ads, radio spots, mail-outs, polls, focus groups, and, tomorrow, their Trojan horse bill to destroy health care. My question is to the Premier. Is the message of his propaganda campaign based on the focus groups, and is that why his government will not let Albertans see the truth in his doctored document?

MR. KLEIN: All the information that was asked for and all the information that was released was in accordance completely with the rules of the freedom of information legislation. Mr. Speaker, there is a process. If they're not satisfied with what they receive, there is a course of appeal.

Mr. Speaker, I would remind the hon. leader of the Liberal opposition that they know how to use FOIP legislation. They use it more than anyone else.

MR. DICKSON: Point of order.

MRS. MacBETH: Thank you, Mr. Speaker. Given that Albertans deserve to see who and how much they are paying, will this Premier table with the bill tomorrow the costs, the contracts, and the agencies that he is using in promoting his private hospitals communications plan?

MR. KLEIN: Mr. Speaker, this is a piece of legislation that needs to be communicated and communicated properly. The Liberals have been spending taxpayer dollars to spread a lot of malicious misinformation. Other groups and organizations have been spending hundreds of thousands of dollars to spread untruths related to this particular piece of legislation, so we want to make sure that we take sufficient steps to ensure that Albertans are well informed about this legislation, even to the point of taking the unprecedented step of mailing the bill out to every Alberta household.

MRS. MacBETH: No, Mr. Speaker, we haven't been trying to convince Albertans of anything. We've been listening to them.

Mr. Speaker, will this Premier tell Albertans just how many seniors will have to have their hip replacements or their cataract surgeries delayed because he's spending their health money on fancy advertising agencies instead of on our public hospital system?

MR. KLEIN: Mr. Speaker, that's one of the problems: our delays that we're experiencing right now in the health care system, our waiting lists for certain elective surgery procedures.

Mr. Speaker, yes, we want to get the facts out there. We want to get the facts out in an orderly, reasonable fashion. We want to engage Albertans in unemotional, reasonable debate on this particular issue, and we want to hear what Albertans say. All the information that we will be releasing pertaining to this bill, all of that information, is the bill itself and an explanation of the various components of the bill and what it will mean to Albertans.

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

MRS. MacBETH: Mr. Speaker, the real title – the real title – of tomorrow's bill is the private hospitals act, but the Premier and the special interests backing him just don't have the courage to tell Albertans the truth. Will this Premier admit that his Trojan horse bill tomorrow is a diversion and that his real agenda is contained in the communications plan hidden away in the Public Affairs Bureau?

MR. KLEIN: Mr. Speaker, we simply want to make sure that Albertans have the facts. The facts will be contained in the bill. That bill eventually and hopefully will become the law of this province. The title of the bill – and I can share this with the hon. member – is the health protection act. The health protection act. It is not a Trojan horse to shield anyone from anything. It is the health protection act, which has as its preamble absolute adherence to the fundamental principles of the Canada Health Act and spells out loud and clear that all you will need to access the publicly funded health care system in this province is your health care card.

MRS. MacBETH: Well, Mr. Speaker, his wordsmiths have been working overtime.

Mr. Speaker, will this Premier admit that there's no plan to gather real public opinion or changes that Albertans may have in mind and that, once introduced, this bill is signed, sealed, and delivered for the special interests backing the Premier and his party?

MR. KLEIN: Well, Mr. Speaker, I'm going to respond to that

question by asking a question, and I would like this hon. member to do the honourable thing and stand up and say who these so-called special interest people are. Who are they? I would like to know. You know, she's very vague on this particular issue just as she has been very vague on the bill itself. With one breath she says that there's a possibility she will support the bill. Now she's calling it the private hospitals bill when it is indeed the health protection act. She accuses this government of orchestrating a campaign. Yes, there is a campaign to get the facts out.

Mr. Speaker, I tabled in the Legislature an e-mail sent by one of the Liberal staffers to all Liberal MLAs encouraging them to get out there with their petitions and with this and that and to orchestrate a campaign. It has been a campaign, as I've said before, a campaign not of the truth but a campaign of malicious information. They're so good at it.

MRS. MacBETH: Mr. Speaker, given that health is too important for the spin and the glitz and Albertans won't be bought with their own money, will this Premier simply stand up, look Albertans in the eye, cut the spin, and admit that his Trojan horse bill is filled with private hospitals?

MR. KLEIN: I will look Albertans in the eye and say to all Albertans: you will have the opportunity to see the bill and to read it for yourselves unfettered, Mr. Speaker, not with a bunch of political rhetoric, the kind that comes from the Liberal opposition, not filled with malicious information, the kind of misinformation that is being spread by the Liberal Party, but the facts as contained in the bill. There is nothing more paramount, as I've said before, than a bill to be tabled in this Legislature that purports to become the law of this land. This is not about the kind of malicious information that they're spreading. This is about getting the facts out there in a true and truthful and straightforward manner.

MRS. MacBETH: Mr. Speaker, Albertans don't trust the Premier's private hospitals bill. And you know why? It's because no matter what his wordsmiths have crafted, no matter what that bill says, his private agenda is to open the door to private hospitals in this province so that they can make a profit at the taxpayers' expense. My questions are to the Premier. What happens when an operation in a private hospital goes wrong, when there are complications or infection? What happens when there are things that that private hospital can't deal with?

2:20

MR. KLEIN: Mr. Speaker, again, that is a good question. What happens now in an abortion clinic when something goes wrong? This hon. member knows all about therapeutic abortion clinics, because they were alive and well and actually a number of them were established under her watch. What happens? What I assume happens is that if something goes wrong, an ambulance is called, and the patient is then taken to a full-scale treatment hospital. That's what happens. [interjections] Well, I stand to be corrected. What happens now? Maybe the hon. Minister of Health and Wellness can respond. What happens now if something goes wrong in one of the 47 surgical clinics that are now operating? What happens? [interjections]

THE SPEAKER: Hon. Leader of the Official Opposition, would you carry on?

MRS. MacBETH: Mr. Speaker, the Premier knows the answer. They go back to the public system.

My second question is: who pays when a person has to go back to a large public hospital because of the complications of major surgery that a private hospital can't handle?

MR. KLEIN: Mr. Speaker, all procedures, minor, major – it doesn't matter what takes place in the health system today, all procedures, all treatments must conform with the standards and the guidelines and the very, very strict code of discipline set down by the College of Physicians and Surgeons. These are the people who know, not this hon. member. She is not a medical doctor and knows absolutely nothing about the health system as it pertains to the treatment of people, and I would add that she knows absolutely nothing about health policy.

MRS. MacBETH: As if.

Mr. Speaker, as this Premier may know, the state of California has just introduced legislation so that any complications in a private hospital are not allowed entrance to the public hospitals. Is that provision going to be in his private hospitals bill tomorrow?

MR. KLEIN: Mr. Speaker, the bill has yet to be tabled in this Legislature. I would advise the hon. members, as I advise everyone, to wait and see what the bill says. Surprise, surprise. She might even support it.

THE SPEAKER: The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Edmonton-Castle Downs.

DR. PANNU: Thank you, Mr. Speaker. Last night a CBC Calgary broadcast to a national audience revealed questionable practices taking place in existing Alberta day surgery clinics. The program suggested that some entrepreneurial doctors may be putting financial considerations ahead of the best interests of patients, yet the College of Physicians and Surgeons seems to be doing little or nothing about it. To the Premier: how can the government justify under its planned legislation going back to the dark ages by giving sole jurisdiction to the College of Physicians and Surgeons to accredit and monitor his proposed private, for-profit hospitals and excluding other health professions, such as nurses, from the process altogether?

MR. KLEIN: Well, Mr. Speaker, first of all, I take exception to the use of the phrase "private, for-profit hospitals." Secondly, I take great exception to his assessment of the ability and the expertise of the medical experts who make up the college. He is saying that these people as medical experts are not qualified? Would they rather see Raj Pannu, you know, in charge of determining what is right medically than a team of well-qualified and highly respected doctors? I find that statement to be quite astounding, that he would presume that the College of Physicians and Surgeons, probably one of the most highly respected organizations of any jurisdiction in this country, is not capable of adjudicating what is right and what is wrong relative to the delivery of medical procedures. I think he should apologize.

DR. PANNU: Thank you, Mr. Speaker. I hope the Premier stops focusing on Raj Pannu and starts answering questions.

As revealed last night by CBC, why is this government failing to properly monitor existing private clinics like the Gimbel Eye Centre before legalizing private, for-profit hospitals to do major surgeries?

MR. KLEIN: Well, Mr. Speaker, I didn't see all of the program. I saw part of the program. And I will have the hon. minister respond.

The CBC is one news outlet. The other day the hon. member

alluded to the *National Post* as being that awful right-wing newspaper. Do I take it from his question that the only news outlet that he abides by and believes in is the CBC? Is that where he gets all his information? I'm sure it's totally and absolutely unbiased. [interjections] Right.

Mr. Speaker, relative to the case in question I listened to the elderly gentleman, and he said: I've got no complaints; I was quite happy with the treatment I got.

I'll have the hon. minister respond.

### **Speaker's Ruling Questions about Media Reports**

THE SPEAKER: Well, first of all, hon. members, it seems to me that on several occasions now I've pointed out that the purpose of question period is not to verify something that was in some newspaper or some television program. I think I have access to something like 80 channels, and if the purpose of this question period in the province of Alberta is to verify everything that was said or not said on a particular program on a particular channel – the purpose of this is to deal with government policy, not to verify what was said on some TV program.

### **Private Health Services**

*(continued)*

DR. PANNU: Thank you, Mr. Speaker. I just want to say that I do respect Sharon Basaraba, who is a noted Alberta journalist.

My last question, Mr. Speaker: how can the government justify letting the College of Physicians and Surgeons monitor wanna-be private, for-private hospitals when the college doesn't seem to have the resources or the will to properly monitor existing private day-surgery clinics like the Gimbel Eye Centre?

MR. KLEIN: Mr. Speaker, the college has the very grave responsibility of monitoring the quality of medical health care as it is delivered in this province and indeed as it is delivered in every jurisdiction across this country. All provinces have a College of Physicians and Surgeons. These are people who are experts in their field. They're medical practitioners. They know better than anyone else what is right and what is wrong with respect to the delivery of medical services.

I'll have the hon. minister supplement.

MR. JONSON: If I might, Mr. Speaker, the thing that's important to add to the Premier's answer is that we have contacted the College of Physicians and Surgeons with respect to this alleged situation. In terms of resources we have been working with the Heritage Foundation for Medical Research. They have been assembling information with respect to the ongoing evolution of the treatments of various eye conditions, and that information, which of course is out of a foundation supported by the government, will be provided to the college so that they will have the most up-to-date best scientific information available when they review this particular case. The college and the support of Alberta Health and Wellness is there to investigate, to follow-up on any alleged violations, if that's the proper term, of this type. There is a process in place handled by very credible people on the basis of very credible evidence.

THE SPEAKER: The Member for Edmonton-Castle Downs, followed by the hon. Member for Edmonton-Meadowlark.

### **2:30 Housing for Victims of Family Violence**

MS PAUL: Thank you, Mr. Speaker. While touring a number of

women's shelters and speaking to social service agencies across the province over the last four months, the number one issue that has been continually brought to my attention is the difficulties families leaving shelters face with regard to reasonably priced housing. Social service payments are not sufficient to cover the costs to start up a new home in a decent accommodation. These families are being set up for financial failure. My questions are to the Minister of Community Development. What will the government do to address the financial crisis these families face upon leaving the shelters?

MR. WOLOSHTYN: Thank you, Mr. Speaker. The government has taken a leading role in working with people who are looking for what one I believe would refer to as transitional housing. We have a concern that these families and individuals who are in need the most have access to what you might call basic shelter.

There's a whole variety of community service resources available to families and individuals who need assistance. Community Development doesn't necessarily run them all, and I would ask the Minister of Human Resources and Employment to address some of the financial assistance and support services that are available through his department.

MR. DUNFORD: Well, thank you, Mr. Speaker. We try to address the problem in two ways. We have direct services to families in shelters but also income assistance to families in need. Now, under the direct service, intake workers will regularly visit families in the shelters. Of course, we're dealing with these clients in our offices right across the province whether or not they are in a shelter. Through agencies, actually here in Edmonton, we also help women move from abusive situations or shelters into their new homes. We class this as one of the innovative programs that has come with the welfare reform of previous ministers, and we think it's a proper thing and a right thing to do.

Of course, the financial benefits: they may apply, then, for payments under supports for independence, or the SFI program. Also, we do provide assistance in housing. It is this situation, hon. member and other members here in the House, that you may find of interest. This is a time when we will actually provide a damage deposit, and that is to help the family that is being abused. If we can't get the perpetrator out of the house and the family then has to leave, we'll help them move into new accommodation.

MS PAUL: Thank you, Mr. Speaker. I really wasn't talking about the abuser being taken out of the household. I was talking about financial crisis.

As these families are often financially forced to reside in substandard housing run by unscrupulous landlords, what will the government do to eradicate that problem?

MR. WOLOSHTYN: Thank you, Mr. Speaker. There are a few initiatives that are happening. I really hope that the unscrupulous landlord situation is not as widespread as some may think, but I don't really know.

What we've done to this point, we're again, if not the only province, one of the first provinces in Canada to come up with something called a government policy framework on homelessness, wherein we've defined the people. These would be the individuals who would come out of these situations, hon. member. We've put a definition on what we would consider to be folks who are homeless. These are basically individuals – children, youth, and families – who currently have no housing or are sheltered in emergency accommodations and will be out on the street at the end of the day,



if you will. We do recognize that in order to address this particularly complex problem, there are a wide range of needs that these families face in moving out of shelters.

There has to be a continuum of housing facilities which could address this particular instance, and there have to be support services. We need transitional housing; we need special-needs initiatives. There are programs that the hon. minister of human resources has referred to that are in place. What we are doing also: the federal government in December announced some initiatives, and we're trying to work co-operatively with them so that we could in fact end up addressing some of the problems that may be faced by these folks.

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

MS PAUL: Yes. Thank you, Mr. Speaker. To the same minister. My third question was going to deal with new initiatives that the government is going to implement to address affordable second-stage housing. I would emphasize the words "new initiatives," because what is in place now is not working.

MR. WOLOSCHYN: Mr. Speaker, I'd like to say that the people who were paying attention to the estimates would have noted that we have \$3 million a year over the next three years committed to supporting community-based initiatives to assist the homeless. That's a new program in there. As well, although the hon. member may say simply new programs, I think it's important to note that the department that I represent currently funds over 9,000 family and special-purpose housing units and provides grant funding to qualified applicants with an annual budget of 82 and a half million dollars. That is significant.

I'd also ask the Minister of Children's Services, who is in this area, to supplement.

THE SPEAKER: The hon. Member for Edmonton-Meadowlark, followed by the hon. Member for St. Albert.

### **Private Health Services**

*(continued)*

MS LEIBOVICI: Thank you, Mr. Speaker. You know, it's been said in here before, and I'll say it again: if it looks like a duck, walks like a duck, and quacks like a duck, it is a duck. The Premier said this afternoon that it's time to look at the facts, and here's one fact that we'd like to look at. The Premier's own handpicked blue-ribbon panel on Bill 37 said that a private health care facility or nonhospital surgical facility was in fact a private hospital. My questions are to the Premier. Can the Premier explain what the difference is now between a private, for-profit overnight surgical facility and a private, for-profit hospital?

MR. KLEIN: Mr. Speaker, again I would say to this hon. member: wait and see what the legislation says when it's tabled in the Legislative Assembly.

Mr. Speaker, I don't want to sound facetious on this particular matter, but if the hon. member wants to know what a hospital looks like, I would suggest that she go to the Royal Alex or University hospital or the Grey Nuns or Misericordia and see for herself what a hospital looks like. If she wants to know what a clinic looks like, I would suggest that maybe she go to the Morgentaler therapeutic abortion clinic or an eye surgery clinic, and she will see a clinic.

MS LEIBOVICI: Will the Premier's spin campaign be clear and honest with Albertans and say that this government's legislation is

going to allow contracting out with private, for-profit hospitals? It doesn't matter what you call them. An overnight clinic is a private, for-profit hospital.

MR. KLEIN: Mr. Speaker, wait and see what the legislation says relative to this particular issue. They're so caught up in definitions that they tend to forget – well, maybe they don't tend to forget. Maybe they are deliberately ignoring what we want to achieve. What we want to achieve are very strict and stringent regulations relative to contracting out by regional health authorities and, at the same time, provide some options to alleviate pain and suffering. That's what it's all about.

MS LEIBOVICI: Will the Premier admit that the only thing he wants to achieve is the allowance of private, for-profit hospitals in this province, and that what he needs is the propaganda machine to ensure that that product is sold in this province right now?

2:40

MR. KLEIN: Mr. Speaker, that is absolute nonsense. We want to do what is right in terms of addressing what has become not a provincial crisis but a national crisis relative to the delivery of health care and finding new and effective ways of delivering medically necessary services and still doing it within the publicly funded health care system as we know it today. That's what it's all about. Nothing more, nothing less.

THE SPEAKER: The hon. Member for St. Albert, followed by the hon. Member for Lethbridge-East.

### **Federal Transfer Payments**

MRS. O'NEILL: Thank you, Mr. Speaker. Albertans and indeed all Canadians were given the news in the federal budget this week that the federal government will be restoring or returning to the provinces some more money previously cut from the health and social transfer payments. The federal government claims it is restoring significant amounts of money to the provinces for health care. My question is to the Minister of Health and Wellness. Could the minister explain to this Assembly exactly how much the federal government has actually increased health transfers to the provinces?

MR. JONSON: Mr. Speaker, the federal government did provide some increase in the health and social transfer provision in the budget. It was announced as being, as I recall, \$2.5 billion over four years, and that will mean \$1 billion in the first year and then \$500 million in the next three years. Just to put it in context, that would be an amount of money that would provide for about six days of funding for the current Alberta health care system.

The point here though, Mr. Speaker, is that this is not by any means a restoration of the very, very significant reductions that were made by the federal government about the same time or shortly after they were endeavouring to balance their budget and took the pattern or example of Alberta. So while the money is welcome, it will amount to about \$100 million for Alberta in the coming year when we get the money, which I think is June, and we will certainly apply it as wisely as possible within our health care system, education system, and social programs. That is the situation with respect to the federal budget.

MRS. O'NEILL: Thank you, Mr. Speaker. My second question is again to the Minister of Health and Wellness. Could you please explain how Alberta will spend this additional money allocated for health?

MR. JONSON: Well, as I've indicated, Mr. Speaker, we will give considerable thought to the best areas in which to apply the health care portion in the provincial budget to the Health and Wellness program. Certainly we've highlighted before this Assembly and for Albertans our six-point plan with respect to our priorities in health care. The area of reducing waiting lists, the area of providing for frontline staffing, and the area of healthy aging, long-term care, and associated services would be at least three, I think, of the top considerations that we would be looking at when we know exactly when the money is going to be available and under what terms.

THE SPEAKER: The hon. Member for Lethbridge-East, followed by the hon. Member for West Yellowhead.

### **St. Michael's Long-term Care Centre**

DR. NICOL: Thank you, Mr. Speaker. Early last month the Chinook health region released an update for their business plan which would implement significant changes in the delivery of long-term care in Lethbridge. My questions are to the Minister of Health and Wellness. Mr. Minister, why did you put a hold on the implementation of this long-term plan and create uncertainty for St. Mike's and the families who are expecting to move into that new facility in May?

MR. JONSON: Well, Mr. Speaker, I think the hon. member would recall and certainly people in southern Alberta and particularly in Lethbridge would recall that there was a major dialogue, to put it in its constructive sense, over the decision to build the St. Michael's long-term care centre. Alberta Health and Wellness – it was Alberta Health then – worked very diligently with the participants down there to bring that project into becoming an actual in-the-ground project and now a building about to be opened.

The point here, though, that I think has to be understood by folks in the south – and I'm sure they do – and by the Assembly is that the agreement that was arrived at at the time that project was approved was for a new 200-plus-bed long-term care centre with long-term care type services within it. Now, as we come into the new year and we're in the position of being able to open the actual physical structure, the regional health authority feels that they want to change the program for that particular building to assisted living and some other programs, Mr. Speaker.

This is quite a dramatic proposal. It's one that I've had my officials journey to Lethbridge to discuss. It was their advice to me that we should put it on hold and get more answers and look very carefully at the legislative requirements of making this rather dramatic change in the designation of a facility. Therefore, I did indicate to the regional health authority that any action of this particular type should be put on hold. We have asked them a number of questions. We've asked them for information. I and my officials will be visiting Lethbridge in the fairly near future to follow up on this.

DR. NICOL: Thank you, Mr. Speaker. My supplemental is to the same minister. The families want to know: what are the standards for the level of registered nurse, licensed practical nurse, and personal care attendant staffing that are required in assisted-living situations? Will their loved ones have RN support 24 hours a day?

MR. JONSON: Well, Mr. Speaker, without wishing to alarm anybody in answering this question . . .

MRS. SLOAN: Don't worry; they're already alarmed.

MR. JONSON: I know you're alarmed already, but that's okay. I meant the people in Lethbridge.

Mr. Speaker, the assisted-living model or policy does not by definition provide for 24-hour care. Certainly there's the possibility that with creative thinking and planning there could be an assisted-living service established that would provide 24-hour attention to the residents. That's one thing that has to be looked at and examined. Long-term care, of course, by definition does provide the 24-hour coverage.

Then we have other matters to discuss with respect to the necessary staffing models and staffing ratios, which, as reported to me by my officials on the first visit, really need to be discussed more and clarified. So once again I have the same conclusion, and that is that we are aware of the situation, that we do want the best for the elderly people of the Chinook region, and we are following up on it with the health authority.

DR. NICOL: Thank you, Mr. Speaker. My final supplemental, again to the Minister of Health and Wellness, is: will it cost the families more because of user fees or different room charges under the assisted-living model?

MR. JONSON: Mr. Speaker, there is in long-term care, because that is what we are making the comparison to, a standard formula, a standard rate, a maximum charge per day. In the assisted-living model services – health services, home care, Meals on Wheels, all those types of services – can vary depending upon the needs of the individual, in terms of the services required by the individual. Yes, there is the ability to vary the charges in assisted living according to the package of services being provided by the health system.

THE SPEAKER: The hon. Member for West Yellowhead, followed by the hon. Member for Calgary-Buffalo.

2:50

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

MR. STRANG: Thank you, Mr. Speaker. There have been some claims made by some critics that the government's policy on delivery of surgical services will trigger certain clauses of the North American free trade agreement and will allow foreign corporations to take over the health care in this province. My question is to the Minister of International and Intergovernmental Relations. Will the government proposal on the delivery of surgical services pose any difficulty under NAFTA?

MRS. McCLELLAN: Mr. Speaker, I've spoken on this issue previously. I am confident that the government of Canada has negotiated under NAFTA a carve-out that protects public health in this province and in Canada. The policy statement does not provide American service providers with any automatic right to establish a clinic in Alberta. This is based strictly on a misreading of the NAFTA obligations. To try and clear that up and ensure that people had the information, I did table in the House about a week ago the actual reference with all of the sections referred to, and I invite hon. members to look at that.

It's interesting that NAFTA has been in place for 10 years, has proved to be a great benefit to this province, incidentally, and we have never had a challenge or a request under NAFTA, although private clinics have existed, funded by the public system, for many years. Mr. Speaker, I know that NAFTA does not challenge the government's sovereignty or ability to control who provides service in this province. I am confident, as I said, that the government of

Canada has negotiated a protection, a triple protection really, with the primary protection under the carve-out, that protects the health delivery system that we have in this province, that we will continue to have, and that we have in this country.

MR. STRANG: Thank you, Mr. Speaker. My first supplementary question is to the same minister. If we're protected under NAFTA, are there any concerns that the policy may leave us open to action by the World Trade Organization?

MRS. McCLELLAN: Mr. Speaker, some critics have given up on the NAFTA agreement. They've recognized that there is a carve-out, and now they're talking WTO. Let me tell you that there is no threat to Alberta's publicly funded health system posed by the World Trade Organization. First of all, the government of Canada, who is our negotiator, as I tried to explain last night, has made no commitments in health under the WTO or in the health services sector. Alberta has absolutely no obligations in the WTO in this area.

MR. STRANG: Thank you, Mr. Speaker. My second supplementary question is to the Minister of Health and Wellness. Some people are suggesting that if the private sector gets a foothold in Alberta, it will just be a matter of time before it expands into a two-tier health system. Will the government policy on delivery of surgical services open the door for large American care companies to move into Alberta?

MRS. McCLELLAN: Mr. Speaker, first of all, Albertans and their government won't let that happen. It's not what anyone wants, and it is certainly not what the policy statement that this government released last November indicates in any way. Under the policy statement as it's laid out, surgical clinics in this province would only be able to provide services if they were contracted by the regional health authorities. There will be limits in the legislation, and as the Premier indicated earlier today, the legislation will be in the House soon. I hope that some hon. members who have made some rather widespread statements on this will admit or at least suggest that they may have been mistaken when this legislation is here. [interjection] Well, I doubt it too.

Mr. Speaker, the policy statement that was laid out on the delivery of surgical services sets out the criteria that would need to be considered. It is not who owns the building that is important under NAFTA or under WTO or to Albertans. It is the service that is provided. It is that it is an insured service and that it is funded by the public system. That is why there is no threat under trade obligations. Interestingly enough, although there have been some 40-odd private surgical clinics in this province for years, set up some time ago, there has never been a challenge by the Americans to the NAFTA obligations.

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

### Health Services for Immigrants

MR. DICKSON: Thanks very much, Mr. Speaker. Each year 7,000 new immigrants move to the city of Calgary, but they're not likely to get access to our public health care system in a timely way if they can't speak English. An impressive coalition of health care providers, community agencies, ethnocultural groups in Calgary have now produced their final report on what's needed to improve access to health care services in the city of Calgary, and I tabled the report an hour ago. My question this afternoon is to the hon.

Premier. Why is it that access to health care by new Canadians is not even identified as an issue in the three-year business plan of the Department of Health and Wellness?

MR. KLEIN: Mr. Speaker, our health care system in this country is universal, and it is accessible to all people who hold a health care card in Alberta. It's an Alberta health care card. I commend the organizations who are working with new Canadians to advise them as to how they access the health care system and to assist them in dealing with their difficulty with the English language, but again, I remind the hon. member that the Canada Health Act itself speaks to the fundamental principles of universality, accessibility, and comprehensiveness.

MR. DICKSON: Mr. Speaker, why is it that access to health care by new Canadians in the city of Calgary has not been identified as an issue in the Calgary regional health authority three-year plan, in the People First 1999-2002 plan, in the highlights of health services delivery, or in that transition business plan? Why would that be?

MR. KLEIN: Mr. Speaker, relative to the business plan for the Department of Health and Wellness I'll have the hon. minister respond.

MR. JONSON: First of all, Mr. Speaker, I think it is well acknowledged that the government of Alberta has a more thorough business planning and reporting process on what the initiatives are in the health care system and other departments as compared to any other province. Nevertheless, in the Calgary health care system there is provision, particularly with respect to the acute care side of health care, for translation services, for supports when needed. I'm not saying, however, that they could not be improved, that they could not be expanded further.

The other thing of course, Mr. Speaker, is that we do have an education system in Calgary which recognizes the multicultural nature of the city and provides information, provides advice and knowledge to people on the operation of government generally but on the health care system in particular. Further to that, I think that in all locations, be it Toronto, Calgary, Edmonton, or a rural part of Alberta, you do have people who can speak the language of origin, and they are usually the first people that are looked to for a linkup with the health care system or the education system.

MR. DICKSON: Mr. Speaker, my final question. Since I'm going to respectfully suggest that neither the Premier nor the health minister understands the urgency of this – and I go to the Minister of Health and Wellness specifically – how much longer are these Calgarians going to have to be denied timely access to public health care? When can we expect appropriate, targeted action?

MR. JONSON: If I might take the question, Mr. Premier.

First of all, these individuals are not being denied timely health care in Calgary. We fully appreciate the difficulty, the challenge perhaps to understanding the details of the health care system and whom to go to and when and so forth. We acknowledge that that can be worked on and improved, Mr. Speaker, but new Calgarians who are new Canadians are being cared for in Calgary.

3:00

MR. KLEIN: Mr. Speaker, I'm advised by one of my colleagues in government who is closely associated with this project that indeed it is offered at the Peter Lougheed hospital in Calgary. It raises multicultural awareness to eliminate the language and cultural

barriers that new Canadians face when accessing our health care system.

Mr. Speaker, I'd like to point out that funding for this program was provided by the Human Rights Commission and the multicultural education fund advisory committee, and I would like to thank the hon. Minister of Community Development for expressing his concern and having his department deal with this situation in a very, very human way.

head: Reading and Receiving Petitions

THE SPEAKER: Hon. members, in 30 seconds from now we'll call upon the first of seven members today to participate.

The hon. Member for West Yellowhead.

#### **Kevin Reid**

MR. STRANG: Thank you, Mr. Speaker. I rise today to recognize Edson athlete Kevin Reid, a snowshoer who recently competed in the Canadian Special Olympics Winter Games in Ottawa. Kevin began snowshoeing three years ago and has been coached by an Edson and area Special Olympics club volunteer, Marlene Miller. His first competition was in Calgary last year at the Alberta Special Olympics Winter Games. As a member of Team Alberta, Kevin very successfully competed with approximately 100 athletes. He won gold in the 800-metre event and silver in the four by 100-metre relay and bronze in the 400-metre event. I would like all members of the Assembly to join me today in extending our congratulations and best wishes to this West Yellowhead Special Olympian, Kevin Reid.

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

#### **Opponents of Private Hospitals**

MS LEIBOVICI: Thank you, Mr. Speaker. I would like to recognize the thousands of individuals that this government has to date ignored, those who have written, e-mailed, phoned, attended forums, and signed petitions to tell this government not to proceed with its plan to allow private, for-profit hospitals. These citizens have spent considerable time and energy researching the government's proposal and have come to the conclusion that public health care must be protected from this government. These people are not part of any special-interest groups but are individual Albertans who cross political party lines to protect our public health care system.

As MLAs we have all taken an oath to represent to the best of our abilities the wishes of our constituents. It is not only this government's responsibility but also each MLA's responsibility to listen and care about what their constituents are saying. It's now time for this government to respect the wishes of Albertans to maintain and protect our health care system. We should thank all those Albertans who are fighting for our public health care system.

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

#### **13th Alberta Winter Games**

MR. LOUGHEED: Thank you, Mr. Speaker. I'm privileged to rise today to bring recognition to the 3,500 Albertans who came forward to share their time, energy, and ideas to make the 13th Alberta Winter Games another Alberta success story. The games, which were held in Strathcona county in February, saw an entire community unite in the spirit of volunteerism and help co-ordinate, plan, and implement the games from start to finish. Each volunteer played an important role in offering young, developing Alberta athletes an

experience of a lifetime. From preparing meals to chaperoning athletes, each volunteer was an integral part in making the Alberta Winter Games a reality.

Volunteers are the backbone of such events as these, and I offer my compliments to the people of Strathcona county for a strong volunteer spirit. You have set a standard for other communities to follow. In recognition of their contribution to the 2000 Alberta Winter Games, I invite all members of the Assembly to join me in acknowledging the volunteers that helped make this event a success.

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

#### **Ukrainian Bilingual Program**

MR. BONNER: Thank you, Mr. Speaker. At city hall today I joined a number of Members of the Legislative Assembly in helping to celebrate the Ukrainian bilingual program's 25th anniversary. This is a remarkable program in several aspects, and after a quarter of a century it is very appropriate for us to celebrate its success and to reflect on the unique characteristics of the program.

To appreciate the success of this program, we need to look no further than to the over 4,000 graduates, many of whom have taken on leadership roles in virtually every walk of life. What is particularly remarkable about the Ukrainian bilingual program is the integration of language skills training into the broader context of culture. In doing so, the richness of language and the richness of culture are fused into an integral view of life. With this enriched experience early in life it is no wonder that so many graduates have gone on to lives of success and fulfillment. Today over 1,000 children follow in the footsteps of these graduates.

Congratulations to all those involved, and may the Ukrainian bilingual program continue to grow and enrich the lives of our children and our province. Thank you.

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

#### **Sherran Dermott**

MR. JOHNSON: Thank you, Mr. Speaker. I'm pleased to rise today to recognize a member of the Wetaskiwin-Camrose constituency, Ms Sherran Dermott of Ohaton. Ms Dermott was presented with a national rescue award at the annual lifesaving investiture ceremony by Her Honour Lois Hole, the Lieutenant Governor of Alberta, on Monday of this week.

Sherran acted with selfless heroism when she saved an eight-year-old boy from drowning in a swimming pool filled with melted snow. She crawled through a hole in the fence surrounding the pool and jumped in without consideration for her own safety. Young Stewart Kerr was very lucky someone like Sherran was close at hand, or the situation might have had a tragic end.

For Sherran Dermott's selfless and heroic deed I would like to honour her today. Thank you.

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

#### **Roy Hassan Jamha**

DR. PANNU: Thank you, Mr. Speaker. I rise today to recognize the many tireless contributions of a great Albertan, the late Roy Hassan Jamha. Roy was born on April 15, 1923, and passed away on February 20, 2000, at the age of 76. Roy was a warm and compassionate person working for the betterment of the poor and disadvantaged until the day he died. He was a major force in the CCF, the New Democratic Party, and Alberta's labour movement. He was a

New Democrat candidate in provincial and federal elections.

Roy's personal integrity, his dedication to his fellow human beings, his commitment to social change grounded in the values of social justice and fairness, and his practical idealism earned him deep respect among Albertans. Mr. Speaker, I wish to salute Roy's life and work, his many contributions to Alberta and Canada, and wish to convey on behalf of everyone in this House our condolences and sympathies to Roy's wife, Alice, and to his son and daughter-in-law, Douglas and Bonnie.

Thank you, Mr. Speaker.

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

### St. David's Day

MRS. LAING: Thank you, Mr. Speaker. Today, March 1, is St. David's Day. St. David is the patron saint of Wales. People of Welsh ancestry around the world celebrate this special day. The Welsh people have a great gift in the field of music. Several special instruments come from the Welsh tradition, including the lyre, the harp, and a form of the bagpipes. Wales is noted for the beautiful music of their world-famous choirs.

St. David, or Dewi Sant, as he is known in the Welsh language, was a Celtic monk, abbot, and bishop who lived in the sixth century. He was the archbishop of Wales and one of the early saints who helped spread Christianity among the pagan Celtic tribes of western Britain. There are many stories regarding St. David's life. It's said that he once raised a youth from the dead. It's claimed that he lived for over a hundred years and died around 589 AD. His last words to his followers included: be joyful and keep your faith and your creed; do the little things that you've seen me do and have heard about. "Do the little things" is now a well-known and treasured phrase in Wales and has proven to be an inspiration to many.

I ask the Assembly to join me today in wishing the hon. Minister of Government Services and Mrs. Grace Ballard and all other Albertans of Welsh ancestry a very special St. David's Day.

3:10

THE SPEAKER: The hon. Member for Calgary-Buffalo on a point of order.

### Point of Order

#### Factual Accuracy

MR. DICKSON: Thanks, Mr. Speaker. I'd cite as my authority Standing Order 23(1). I've always understood in the time that I've been a member of the Assembly that it's been a clear practice that when somebody stands up to say something that's not true or accurate and has been corrected, then they don't persist in republishing the matter that's inaccurate. That's certainly been my experience.

Now, what I refer to here is that in the exchange of the first set of questions with the Premier, he persisted in suggesting that the Freedom of Information and Protection of Privacy Act prevents him from sharing the information that was blanked out on the document. He talked about it on February 23. On February 24 he said: we're protecting the anonymity of focus group participants. He said it again on February 28.

Most recently, on February 22, there was some material that was brought to his attention to show that in fact the only three exceptions claimed are sections 21, 23, 26. Sections 23 and 26 are discretionary exceptions, "advice from officials" and "privileged information," and were used some 56 times. The only mandatory exception was section 21(1), used only three times. So out of all of the more than 50 blanked-out pages, they were discretionary exceptions, which

meant that the minister or the head of the public body is perfectly able to share that information. His hands are not tied, as the Premier indicates.

I know that the Premier takes pride in his flagship bill. I know he would want to not persist in republishing something that is just plain wrong, so I wanted to raise that as gently as I could, Mr. Speaker, and ensure that this inaccuracy is not further republished.

Thanks very much.

THE SPEAKER: The hon. Deputy Government House Leader.

MR. HAVELOCK: Thank you, Mr. Speaker. I'll be very brief. There is no point of order. The simple point the Premier is trying to make when he refers to the Freedom of Information and Protection of Privacy Act is that this government has complied with the provisions of the act, whether the government has exercised its discretion in disclosing information or not. We are bound by the terms of the act. We have acted in accordance with the terms of the act, and what the Premier is saying is entirely accurate. Therefore, there is no point of order.

In any event, this is a question of interpretation with respect to how the act applies to certain provisions. The Premier's perspective is consistent with this government's, and that is that we have complied with the provisions of the act.

THE SPEAKER: Well, this important debate on what the freedom of information act is all about is really quite timely at this point in the afternoon.

The Blues say the following. This is the response from the leader of the government.

Mr. Speaker, all the information that was asked for and all the information that was released was in accordance completely with the rules of the freedom of information legislation. Mr. Speaker, there is a process. If they're not satisfied with what they receive, there is a course of appeal. I would remind the hon. leader of the Liberal opposition that they know how to use FLIP legislation. They use it more than anyone else.

I've listened very attentively, and it seems to me that in essence it was a point of clarification. Much of this had to do with the discretionary versus the mandatory association with respect to it. I'll view this as another one of those many, many points of clarification that we seem to have.

Heaven forbid that one day there might even be an introduction of a piece of legislation in this House so that we'll actually have a reason for question period. We'll have something to talk about.

head: Orders of the Day

head: Written Questions

THE SPEAKER: The hon. Deputy Government House Leader.

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

[Motion carried]

head: Motions for Returns

MR. ZWOZDESKY: Once again, Mr. Speaker, following the notice that was given yesterday, I rise to move that motions for returns appearing on today's Order Paper now stand and retain their places also.

[Motion carried]

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

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

[Debate adjourned February 29: Mr. Fischer speaking]

THE SPEAKER: The hon. Member for Wainwright.

MR. FISCHER: Thank you, Mr. Speaker. We find ourselves at an interesting point in our history. On one hand, technology is showing us the limited possibilities there are in the agriculture industry, and on the other, corporate amalgamation and global economics are a harsh reality of this new century. So we're at a crossroads where a direction and a plan for the agriculture industry must be chosen, and that direction and plan must include a competitive opportunity in the world marketplace. Until some of this puzzle is solved, I would hesitate to limit expansion and take away one of the main tools used for the survival of both big and small producers. I look forward to the wisdom of the ag summit in June.

I wish to compliment the Member for Little Bow for bringing Bill 204 forward, because it's a serious issue for every member in this House and for all Albertans.

Thank you.

THE SPEAKER: The hon. Member for Lac La Biche-St. Paul.

MR. LANGEVIN: Thank you, Mr. Speaker, for the opportunity to talk about an issue that's important to Alberta's agricultural community. I would like to commend the Member for Little Bow for making many of the members of this House aware of the importance of this issue to Alberta farmers. I would also like to commend the sponsoring member for the intent of the bill: to help the small, independent farming operation in this province.

The objective is to preserve the family farm in Alberta, something I think we would all like to see. In the past few decades we have seen a decline across Canada in the number of family farm operations. The global economy and unpredictable weather conditions have taken their toll on the viability of independent family farms in this province. Adding to the condition, large corporate enterprise and communal farm operations have been able to outcompete the family farm by employing economies of scale in their own operation.

While in the global economy production efficiencies bred by competition are desirable, in rural Alberta this trend can lead to depopulation. What often results is a migration from rural areas to urban centres. This adds pressure to roads and infrastructure within the urban centres. In addition, Mr. Speaker, agricultural land is monopolized by a few multinationals and corporate farming enterprises to the exclusion of all others. Bill 204 attempts to address the issue by preventing this from happening.

The Alberta government recently released its economic development strategy, Get Ready Alberta. The strategy builds on the province's strength and sets bold targets for moving forward in science, research, education, and competing in the global marketplace, making Alberta the best place in the world to live and to work. We need to be ready to respond to trends in the global economy, where virtually anyone can market their products and expertise around the world and move quickly to get the best return for their investment and the dollars involved.

One of our goals is that Alberta internationally be recognized as a good place to invest and do business and that Alberta business

compete and succeed in the global marketplace. The Alberta government is continuing to maintain a competitive tax advantage in the province and to promote a positive business climate that attracts investment. This is the reason that Bill 204 raises such an important and timely issue.

Agriculture is a major sector of growth and employment in our economy, and we must maintain this sector as a viable and productive part of the Alberta advantage. We do this by making sure that our production techniques are the best in the world, that our producers are efficient, and that agriculture remains a viable and productive industry in the province. We need to thoroughly address the issue of landownership in this province and to continue the viability and sustainability of the family farm. This issue is ideally suited to the upcoming ag summit, and I'm hopeful that the organizers will make it a priority to ensure that landownership is on the agenda.

3:20

I'd like to commend the Member for Little Bow for being bold enough to bring up an issue that can be so easily misunderstood. Our family farms are important here in Alberta, and we need to address the issues surrounding their preservation. A healthy agriculture industry means a healthy province. In addition, Alberta's farm industry is important to the whole country. Farm production is Alberta's largest renewable resource-based industry.

In 1998, the primary sector generated \$6.4 billion in farm cash receipts. This represents 21.7 percent of Canada's primary agricultural output. Alberta averaged 20 percent of Canada's primary output between 1989 and 1993. Secondary agricultural processing, including the food and beverage processing industry, is Alberta's largest manufacturing sector. Shipments set a new record for output in 1998 at \$7.5 billion in sales. Alberta now accounts for over 12 percent of Canadian food and beverage shipments, up from the 10 percent in the previous period of '89 to '93. As outlined in the 2000 budget, agrifood business offers significant potential for expansion ahead. This industry could grow to \$20 billion in value-added shipments and to \$10 billion in farm cash receipts by the year 2010.

One of the expressed goals of the ministry of agriculture is the "increased diversity of commodities, products and services." I imagine that one way of achieving this goal is to create an environment where the small farms, the family farm operators can continue to survive and thrive in this province. That is the intention of Bill 204, to help level the playing field for small farm operators. Consolidation of landholdings in the hands of fewer farm operators diminishes the diversity of Alberta's agricultural production.

Limiting landownership to 15 percent of any municipality would prevent huge regional monopolies. The idea of having massive foreign ownership of our agricultural production is a big concern to myself and to my constituents. We live in an era of globalism, and as such we relinquish some of our sovereignty at the whims of the global market. As we develop policies that set our course in the future, globalism is an issue that we must be mindful of. We have to be there to capitalize on the opportunity it brings as well as defend against the threats to our rich farm traditions.

As others have mentioned in this House, we are at a unique point in our history in this province. The most recent budget set the stage for unprecedented growth and prosperity in this province. The people of Alberta are now seeing a tremendous reward that comes from sound fiscal policies and good government. Our debt is being paid off, and our tax burden is being reduced. We have a growing high-tech industry, the oil sands development is giving a boost to every aspect of our economy, and we're leading the provinces in overall employment. Our agriculture industry is not faring nearly as

well as other key industries. There are a number of reasons why some of our farmers are struggling, perhaps too many to discuss in this debate.

Mr. Speaker, the upcoming agriculture summit should prove to be a great forum to discuss the issue of landownership in the province of Alberta. I'm hopeful that we can get some good discussion going about the issue and try to build some consensus. At the very least, consolidation of landownership should be recognized as a major challenge facing the farming industry in this province, especially the family farm.

Thank you, Mr. Speaker.

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

MRS. GORDON: Thank you, Mr. Speaker. I want to thank the Assembly for the opportunity to rise today and speak to Bill 204, sponsored by the Member for Little Bow. It's no secret to anyone in the Legislature today that Alberta's rural communities are in crisis. Of course there are a variety of reasons: one of these reasons was identified by the minister this week as he headed to Ottawa; we've seen a decline in the family farm; we've seen a decline in their commodity prices; and a number of other reasons.

The cards are stacked today against the Alberta farmer. The product of their work, the quantities we export have been cheapened by government policies in Europe. Large multinational corporations are creating a vertically integrated system of agricultural production, that squeezes out the independent farmers. Corporate farms also use competitive advantages to acquire land and slowly form regional monopolies that, again, squeeze out the family farm. If anyone wants to take a look at this, just look in various states in the U.S.

Alberta farmers are struggling against transportation issues and a bureaucratic federal government that seems unwilling to change. Add to this the challenge of struggling against the whims of Mother Nature and the world's economic climate, and you get a pretty clear picture of the tremendous challenge facing Alberta farmers today.

Mr. Speaker, I realize we can't do a great deal about what other countries are doing or what Mother Nature does. However, we do have control over the laws regarding the land, and Bill 204 attempts to address some of these concerns. What is the cost of inaction? What will happen should this government decide to not do anything to help create an environment where the much-talked-about Alberta advantage is available to farmers in the farming community?

Thankfully, Mr. Speaker, our government is listening. Unlike other governments, we aren't asking the farmers to chase to Ottawa themselves to ask for support. We have acted, as identified by the minister being down there today. Members like the hon. Member for Little Bow are doing a good job of ensuring that this government remembers those who have helped build this province. This Member for Little Bow also helps remind the members of the Assembly of the importance of farming and family farms. It's taken a lot of courage for this member to come forward with this proposal and withstand the barrage of criticism and personal attacks that have been flung his way.

I have constituents that are supportive of the hon. member's bill, and as such I have an obligation to speak to their concerns. This is not an easy issue to address. It's not an easy issue to talk about. It's not an easy issue to go public with, but it is a concern to many farmers, especially in this day and age. I really appreciate the hon. member's attempt to bring his concerns, his constituents' concerns to the floor of this Assembly.

What I have learned from some of my constituents is that they have great concerns with multinationals buying up land and property in my community and in my constituency. Landownership is a very,

very important part of farming. That being said, limiting landownership may not be the best solution at this time, but it is something that we need to talk about. It is one of the problems facing the independent farmer in this province, although right now the independent farmer has many, many problems.

I think we need to take a good, long, hard look at this problem and try to flesh out a more comprehensive approach to solving the problems in rural communities. The trend today, Mr. Speaker, toward integrated farming is one that threatens our existing agricultural industry. Integrated American companies as well as European companies come to Alberta and have the ability to buy tracts of land and limitless cattle. When corporations come to this province and set up shop, it's very hard to say what the end result will be. One result that is of great concern to some of my constituents is that these corporations tend to control price. When a million dollar outfit comes in with all the buying power they have, someone is going to lose. As agricultural resources and the market for agricultural products are gradually owned and operated by corporations, the small independent slowly loses his ability to determine his own destiny. He is now at the mercy of the larger corporation.

3:30

This issue, Mr. Speaker, is very complex. It's something that many countries around the world have struggled with and are struggling with. We need to take a good look at some of the things done in the U.S. and Europe and see if they apply to our situation in Alberta. We need to have an open mind. We need to explore all options. Before we jump in and limit landownership, we have to study this problem, talk to those who have seen what has happened firsthand, and look for solutions.

By establishing a policy that addresses the issue of land use, we would be one step closer to addressing the issues that face the agricultural industry as a whole. It's clear that this issue and others facing the agriculture community must be explored. It's absolutely essential that we put our best minds together and try to come up with a comprehensive plan to help address the needs of rural Alberta before it's too late.

Mr. Speaker, the coming agriculture summit is an ideal place to explore options for a comprehensive land-use policy, if needed, in this province. It would be a great medium for exchanging information and collecting information from all the stakeholders in the agriculture community. We could see in what part of the province this is a problem. I strongly believe this issue should be on the agenda of the agriculture summit. I believe that those are the people in the know, the people in the business, and the ones that should be talking about it. The more people we get involved in this discussion, the better the outcome. That's why I'm glad that I've had the opportunity to speak on behalf of some of my constituents and bring this issue before the House today. Most of my constituents who have phoned and identified that this is a problem and asked me to speak up regarding the hon. member's bill have been hog producers.

I think we need to have the debate, and I think industry has got to be part of the debate. In the end we might see that we can make a difference with some co-operation and some collaboration among stakeholders, that being the farm community.

I believe that our province's farmland may be one of our most precious resources in years to come. That's why it's so very, very important that we be good stewards of the land to ensure that young Albertans, young farmers will have the opportunity to benefit from this great resource. If we invest time and effort into trying to formulate a policy that is fair, that is equitable, and that has involved consultation with key stakeholders, our farmland could be protected for future generations, and as a result we will enjoy a huge return on that investment.

The world's population is growing every day. The day will come

when farmland is the most valuable commodity this province has to offer. This being said, that is so very, very true in some countries around the world. Farmland is indeed at a premium, and very few anymore can farm. We want to ensure that farmland stays a valuable commodity. This province has to ensure that.

Our farmland needs to be here long after the conventional oil has been tapped and a number of other resources. The best way for us to capitalize on this, to ensure that the agriculture industry is strong and diverse, that the independent farmer is still part of the mix – we must have a discussion regarding land. We must ensure that the independent farm operation can remain viable in the future. The independent farm operation, farming families, and farm communities basically make up a large, large part of rural Alberta.

The agriculture industry is changing. New technologies and new challenges are changing the way we do things. New technology enables us to do more with less. Vertical integrations in the industry have found new efficiencies and are revolutionizing the food production industry. We find ourselves at an interesting point in our history on many fronts. On the one hand, technology is showing us the limitless possibilities that can be done and can be seen and can be considered in the agriculture industry. On the other hand, the very heart of agriculture, the land, could be up for grabs and for stakes. It's a huge reality that must be talked about as we enter this new century. I have no idea, Mr. Speaker and hon. members, what would be the outcome of these talks, but I think it's time we have them.

So we're at a point where we can make a stand and choose the direction that the agriculture industry in the province will take. I strongly believe we should make good on this opportunity because it well could affect everyone in this province for a long time to come.

I stand behind the hon. member but suggest that the principles involved in his bill go to the agriculture summit, where the agricultural community can discuss and debate the merits accordingly.

Thank you.

THE SPEAKER: The hon. Member for Livingstone-Macleod.

MR. COUTTS: Thank you, Mr. Speaker. It's a pleasure to rise today to address Bill 204, the Agricultural and Recreational Land Ownership Amendment Act, in second reading. As an MLA for a rural community I would like to thank the hon. Member for Little Bow for bringing forward an interesting concept to try and address a very important issue today for all rural members, indeed for all members of this Assembly, as well as for our agricultural community and our rural communities' viability in general.

Today, Mr. Speaker, the agricultural communities of our province and of Canada are at a crossroads. Every day farmers, particularly grain farmers, face many real and severe problems, problems stemming from fluctuating commodity prices, inclement weather, high input costs, and regular commodity transportation. It's not easy to remain on a farm these days. With our cities booming as a result of unprecedented economic growth and new and exciting job opportunities for many Albertans, it is very tempting for many young people in smaller communities to leave their rural roots and uncertain futures behind them for new lives in the city. I have seen it happen in my constituency too many times. Although I applaud and encourage my friends to take advantage of the many opportunities that await them in the city, it is always sad to see families that have been your neighbours for generations leave.

[The Deputy Speaker in the chair]

Many of the farmers that have chosen to stay have had to take

drastic steps to continue to earn a living. Many have sold off their assets, including their land and their equipment, just to stay afloat. Others have had to diversify their farm operations to include ranching or other agriculture-related opportunities such as trucking, greenhouse operations, llama, elk, and buffalo ranching. Some others still go into country vacations and bed-and-breakfasts or tourism initiatives. Still, entire farm families have had to take second jobs in nearby towns and cities or contract out their services to other farmers in the area. Thankfully, this diversification has helped some, but it has hurt others as well. Many farmers have gone deeper into debt in an effort to get out of the red.

Mr. Speaker, people commonly refer to this phenomenon that rural communities are experiencing as the farm crisis. However, I'm not sure if that statement is entirely accurate, because one out of every three jobs in Alberta today is dependent on the agriculture sector. From the farmer in the field to the person working in the supermarket in downtown Calgary, Red Deer, or Edmonton, the so-called farm crisis affects everyone.

However, I'm not sure if the full extent of the problem is really appreciated by Canadians as a whole. While more than 1 million Canadians derive their living from fertile land, we have yet to be able to engage in a full-scale debate on the value of the food production in our province and the value of rural communities and farmers as they support their local service community.

So, Mr. Speaker, I commend the hon. Member for Little Bow for raising this important issue. Bill 204 may be one way to solve the current problems farmers in Alberta face. The debate may involve the principles of Bill 204, but it may and should extend itself into something more positive, maybe right-to-farm legislation.

3:40

As a Conservative and, more importantly, as an Albertan I recognize the right that each and every Alberta resident has to own property. Mr. Speaker, the right to own property and to make a living at that property is a fundamental belief and guiding principle of our government. Any legislation that seeks to limit the right of an Albertan to own his or her own property might send the wrong message not only to entrepreneurs who see Alberta as a prime location to set up a business but to any Albertan who sees our government as a defender of the rights of individuals and property.

Limiting the ownership of land also poses other problems. As I mentioned earlier, in our current agricultural economic climate the only way to survive as a farmer is to increase the size of your operation. If we close off the only avenue farmers have to build a viable operation, what does that say about our government's commitment to farmers? I want to point out that our government has been a leader in our country for farmer-friendly policies for some time now. Programs like the farm income disaster program and the crop insurance program administered by the Agriculture Financial Services Corporation have supplemented the incomes of farmers suffering disastrous income declines as a result of low commodity prices or weather-related crop damage. But any farmer will tell you – and they have told me in my constituency – that the last thing he or she wants to do is earn their living through annual government handouts. Moreover these policies, while necessary, cannot begin to solve the real farming problem in Canada.

Mr. Speaker, farmers and ranchers as primary producers are price takers, not price makers. Farmers in my constituency continually raise the issue of commodity prices as the number one reason why they're having problems making ends meet. Many of them continually single out the Canadian Wheat Board as a major hindrance to their well-being. This out-of-date monopoly has put tremendous pressure on grain farmers of Alberta, British Columbia, Saskatche-



wan, and Manitoba by forcing them to sell at a price the Wheat Board sets. Oddly, while farmers in Ontario and Quebec are able to operate their own provincial marketing boards or don't participate in one at all, Ottawa maintains strict control over the marketing of wheat in western Canada. The farmers have said to me: give me the opportunity to market my product at a fair price, and things will get better; I will get out of your way.

Farmers also face problems dealing with the increased costs of running a farm. Every year new and better fertilizers, seed, fuel, feed for animals, parts and upkeep for machinery, and maintenance for buildings have to be covered by decreasing profits from the sale of goods. It is important to recognize, Mr. Speaker, that farmers really know how difficult it is to keep their input costs from rising.

Mr. Speaker, I can assure all the farmers in Alberta that their provincial government is very concerned about the real problems and the farm prices, and we're acting on their concerns. This spring our government is holding Ag Summit 2000. Ag summit is a broad-based consultation of all participants in the agriculture sector to address industry concerns and find ways to strengthen our agriculture sector. Many MLAs will be holding consultations and meetings in their constituencies and will be reporting their findings to an ag summit wrap-up in June. I have already solicited opinions from the many farmers in my constituency, and I certainly invite additional input from my constituents. Our government will also continue to lobby for the reduction and the elimination of trade barriers that hurt Alberta farmers; in other words, make the market available to them at lower costs.

As we enter the new millennium and near the centennial of our great province, it is important to recognize the important role that farming has played in Alberta's development. Farming is part of our history, but it is also a part of our future. I share with my colleague for Little Bow the desire to find a long-term solution for our agriculture industry. We must do it with the co-operation of the farming and ranching communities, and I hope that the farming and ranching community of Livingstone-Macleod will be part of that.

Bill 204 is one way to go, but there are others, and a greater discussion should take place. I hope we can work together on all and any solutions that will benefit Alberta farmers.

Thank you very much.

THE DEPUTY SPEAKER: The Minister of Government Services.

MRS. NELSON: Thank you very much, Mr. Speaker, and thank you for the opportunity to rise and speak to Bill 204, the Agricultural and Recreational Land Ownership Amendment Act, sponsored by the Member for Little Bow. This statute actually falls under the responsibility of the ministry that I've been put in charge of in conjunction with the foreign ownership of land regulations.

Mr. Speaker, I'd first of all like to thank our members who have risen in this House to speak to this bill. They have done a tremendous job articulating some of the important issues that are there for rural Albertans. While they may be issues that directly affect rural Albertans, they actually directly affect all Albertans because agriculture and our rural communities are the lifeblood of this province and have been from day one.

The issue of landownership is a very important issue for all of us to review as Albertans, and I would like to agree with the Member for Wainwright when he suggested that we need to develop a long-term policy that sets the course for Alberta's agriculture industry for the next 50 to 100 years. The reality today is that the farm operations are getting bigger, and the traditional methods of transportation, distribution, and marketing of agricultural products are slowly fading away. Change is happening.

Bill 204 speaks for many Albertans who are worried that our farmlands are being monopolized, and the bill has served the very good purpose of bringing the dialogue and discussion into this Legislature. I believe it's long overdue.

However, I must say that the objective of the Agricultural and Recreational Land Ownership Act itself is to limit the acquisition of nonurban lands, both cultivated and noncultivated, by foreigners and foreign entities. I believe that the objective of Bill 204 appears to limit the taking, acquisition, or holding of cultivated land by both foreigners and Canadian citizens. So I think we have a bit of a conflict between the objectives of the two acts: one, the original act, and the other, the amendment of the act. Once we get into the area of foreign ownership, we have other statutes that must be brought into the arena of dialogue before we can move forward.

I agree with the hon. members who have spoken before me, Mr. Speaker. I think that dialogue must take place, and there's a tremendous opportunity with the upcoming agriculture summit to draw the players together and sit down and talk about this issue, talk about it as Albertans. Where do we want to go? What do we want to see happen with our very precious lands? How is it going to fit into the agriculture of the future? Keeping in mind that this is the lifeblood of our province, our agricultural community, I would ask the organizers of that summit to seriously look at making that dialogue and discussion a part of that summit process so that we can hear from the grass roots, so we can hear from the people of Alberta to find out what they truly believe is important for the future in agriculture.

Because of some of the concerns I've raised, because of the dialogue that I think is necessary, and because I believe there has to be more work done on the bill, Mr. Speaker, I would like to put forward an amendment to the bill. I gather the amendment is being circulated.

THE DEPUTY SPEAKER: Let's just take a moment.

MRS. NELSON: Thank you, Mr. Speaker. I believe the amendment has been circulated to all hon. members, but I will read it into the record. I'd like to move that the motion for second reading of Bill 204, Agricultural and Recreational Land Ownership Amendment Act, 2000, be amended by deleting all the words after "that" and substituting the following:

Bill 204, Agricultural and Recreational Land Ownership Amendment Act, 2000, be not now read a second time but that it be read a second time this day six months hence.

3:50

THE DEPUTY SPEAKER: This is what's known as a hoist amendment, and it'll be called amendment A1.

The hon. Member for Calgary-Buffalo.

MR. DICKSON: On the amendment only, because I had spoken at second reading on the bill. I'd just like to say, Mr. Speaker, how disappointed I am to see this amendment brought in at this time. We heard all of these excellent speeches that have been spoken, at least on the face of it, with great passion and great conviction, and dollars to doughnuts when it comes time to vote, we're going to see each one of those speakers line up to support this.

I think, Mr. Speaker, that this amendment should be defeated. I think we should deal with this bill on its merits. I would expect that all of those people in rural Alberta that we've been hearing from about those concerns and those issues would want to see matters addressed and dealt with squarely in this Chamber. This is supposed to be a place for determination and decisions, not a place for waffling, indecision, and buck-passing. When I see this kind of amendment, that's exactly what it is.

I didn't share the view, for example, of the Member for Lacombe-Stettler, but I respected the conviction in her speech. When I heard the comments of the mover of the amendment, up to the point she moved it, I thought she obviously believes very strongly about what she says, but the reason proffered for the amendment is shamelessly transparent, Mr. Speaker. There's no good reason to do it other than political reasons that we can speculate about, but my suggestion to all members is that we defeat this and get on with the debate.

Thanks very much, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Lacombe-Stettler, on the amendment.

MRS. GORDON: On the amendment. I don't know, hon. Member for Calgary-Buffalo. Do you know what assumption does? I stood up in this Assembly talking on behalf of my constituents, many of whom are hog producers that are very, very concerned about landownership. However, they are the people in the know. They are the experts. They are the farming community. I think it is a wonderful, wonderful idea that we hoist this bill so that the Agriculture Summit 2000 with all of the stakeholders present can deal with this issue. They are the experts. They are the experts. I don't like it when someone assumes what my intentions are, because my intentions were good.

Those people that have talked to me want to have the debate take place. I don't think this is the best arena. The best arena is where the people in the know will be, and that's at the agriculture summit this year, the new millennium, where a number of issues will be discussed, one being exactly what happened with the federal government this week, to bypass Alberta but give dollars to Saskatchewan and Manitoba. This is one more thing that the farming community wants to talk about. They don't want me to talk about it without their input. I want their input looked at and talked about at the agriculture summit.

I support this amendment.

THE DEPUTY SPEAKER: The hon. Member for Livingstone-Macleod on the amendment.

MR. COUTTS: Well, thank you very much, Mr. Speaker. I would also like to speak to the amendment. We're getting a sense from the opposition that this is a delay for some obvious reasons. It's too bad that we didn't hear too much on this bill coming from the Official Opposition other than one speaker. A number of speakers from this side of the House have stood up for their rural communities and pointed out the problems that we do have in the farming industry today. Not only did they show their support for the hon. member and his concern for what's happening with land use today; they also gave a number of instances of solutions, solutions that came only from this side of the House and absolutely no solutions from the other side of the House.

Now, some of these solutions should be discussed, definitely discussed, at the agriculture summit – this hoist would allow that type of conversation to happen – by the industry players that are going to be at the agriculture summit. I'm hoping that those industry players take a look at the *Hansard* and take a look at some of the solutions and at some of the problems that were pointed out by members from our side of the House, members that are really, really concerned about rural Alberta, about the viability of our small communities in rural Alberta, and take a look at the people that stood up in the debate on this Bill 204 and made those kinds of suggestions happen. They didn't happen from the opposition's side. They only happened from the government's side.

So, Mr. Speaker, I urge all members of the Assembly, particularly the Conservative members, to stand up for this bill and to stand up for rural Alberta and to stand up for farmers and the agricultural industry that has some difficulties but is so viable in this province today. Stand up for farmers.

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

MRS. SLOAN: I'll be pleased to stand up for farmers.

Thank you, Mr. Speaker. I have several remarks to make with respect to the hoist motion this afternoon, and I will speak with some authority, having had a rural upbringing and being the daughter of a farmer. The problem this government finds itself in is that it has not got the political courage to confront the issues facing farmers and our rural communities today. I would ask you: how many agriculture summits, consultations, meetings has this government conducted in its term of office? How many times have we gone around this province?

Do you know what I would say this afternoon, Mr. Speaker? Farmers are sick and tired of telling their elected representatives about their problems. They want the leadership in their government to take on the issues that they are facing every day, whether they're facing it in the fields, in the bank manager's office, or at their kitchen table when they see their operations going down the drain.

The reality is that we don't have the leadership in this House, in this government to do it, and that is exhibited by the fact that we're going to hold another summit on the issue and that we're going to hoist a bill. I may not have agreed with its intent or the arguments made to support it, but at least it brought it to the floor of the Legislature to debate, and that is not something we've seen from the cabinet of this government. This is a bill that was sponsored by a private member.

The reality is that that issue about food production becoming corporately controlled or the majority of our rural land being held by corporations is not going to go away and it's not going to get smaller while we sit around a summit table. That issue has been growing for years, and regrettably we have not seen the initiative, the courage, the leadership in this province to take it on.

Now, there are all kinds of implications. We see monopolies, and it's not just monopolies in hog producing. Fertilizer, the additive companies, the companies that have an interest in modification and genetic manipulation – it is huge, and every day that we sit here or we sit in a summit somewhere else those companies have their act together and are strategizing about how they might further their market share in our agricultural communities.

4:00

Mr. Speaker, I don't agree with the hoist motion. I may not have agreed with the primary arguments made for the bill, and quite frankly I believe the type of framework we should have been looking at in this province for our rural communities needed to be much, much broader than what this bill proposed. But that would have taken government initiative, and this government has not had the ability, for whatever reason, to do that.

Now, this is the challenge that I put before the members of this Assembly. We have to answer the question: what do we value more? The future of our rural communities or our political future? It is the root of that question that's causing the immobility, if you will, the paralysis within this Legislature. We're too concerned about what? It doesn't matter what your partisan position is. This can apply to any member regardless of their political affiliation. If

you value your political affiliation more than you value the strength and spirit of our rural communities or our urban communities, we will find ourselves paralyzed to challenge it.

Now, we had a very lively discussion last night about WTO, NAFTA, and all the trade agreements. This government has been going to those negotiations along with the federal government, and agriculture is impacted by those agreements along with all of the big service sectors. Health care is impacted. Agriculture is impacted. Telecommunications is impacted. Resources is impacted. We don't see information being shared by this government on those negotiations and the commitments being made at those tables. There are proposals and submissions being prepared now by staff in intergovernmental affairs in an advisory capacity to the negotiations that are going to commence in September. We have not had a discussion about that in this Assembly.

To hoist a bill, in my opinion – I mean, you should call it a hot potato motion, because really what it is is just a mechanism to try and toss it somewhere else. Toss it out to the back. The reality is that we need to talk in this province and in this Legislature about the health implications of food production and landownership. That's why I'm speaking against the hoist. We need to speak about the health implications of food production becoming corporately controlled and landownership predominately being corporately owned. We need to talk about the municipal implications and the regulatory implications. We need to talk about community impacts and the impacts to the schools, businesses, and hospitals in those communities, the environmental impacts and, perhaps least of all, Mr. Speaker, the electoral and population impacts when you see rural communities dying because family-based or single-operator-based farms cannot compete.

So I oppose the motion, and I look forward to the day when there will be some political leadership in this province to actually bring forward a comprehensive plan for the future of our rural communities in Alberta.

Thank you.

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

MR. McFARLAND: Thank you, Mr. Speaker. As the sponsor of the bill I have a couple of comments that I would like to make. The first is to thank those that stood up and spoke on behalf of their constituents in support of the bill.

The second thing that I would like to make reference to in speaking to the hoist motion is that as the sponsor I do endorse and support the whole idea of this discussion taking place in a forum that's more comfortable to the constituents who have the most interest, a vested interest, the most investment and who would feel far more comfortable making their views known in a surrounding that's more amenable to those kinds of discussions rather than here in a political forum, where there always seem to be reasons why you can't do something.

Mr. Speaker, I do appreciate the comments that the Member for Edmonton-Riverview made. I do. I understand her background, and I, too, am in awe that people aren't more concerned about the future of small communities. I would like to remind her that the preface of the bill when I started wasn't about the immediate farm crisis, the immediate cash flow. I agree that that is an issue, but I was looking at the long-term solution. I think people have to be comfortable in a bigger forum, those that are involved, to be able to freely speak their comments, make their views known without having fears of repercussions from the media. Some of the negative comments that came back to me during interviews reflected basically the very same issue that the Member for Calgary-*Buffalo* brought up, and I don't

want this discussion to focus strictly around the one-issue item that Calgary-*Buffalo* referred to.

Mr. Speaker, I would like to thank the Minister of Government Services for making the suggestion that this be referred to the ag summit so that there's a bigger discussion undertaken by all parties involved. I would really like to take this opportunity to encourage every one of those constituents throughout Alberta, whether they have indicated to us that they're in support or not, to go to the ag summit if this is where it's going, make their views known. It can be a very fruitful debate, I'm sure.

Thank you, Mr. Speaker.

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

MR. JACQUES: Thank you, Mr. Speaker. On the amendment. I noticed that you gave great latitude to some of the members who were speaking to the amendment, and I was not going to until I heard the remarks from the Member for Edmonton-Riverview. I'm very concerned with regard to the comments that were made regarding the amendment on the basis – first of all, she made kind of a very distinct difference between the, quote, private members within this Legislature and, quote, the government and somehow was trying to make a connection between the reasoned amendment and the government action.

Furthermore, Mr. Speaker, it was interesting to note that she listed a long list of issues which should be debated concerning the whole issue around agriculture and our rural communities and said on the one hand that she was not prepared to support the amendment but on the other hand was calling for action to deal with some of the very litany of issues that she identified. Then she said that the summit in some way was not a forum for particularly the agricultural community to discuss those issues that she has identified pursuant to and including the very issue that the member brought up with regard to Bill 204. I mean, there's a complete contradiction in terms of the rationale that was put forward: on the one hand to say that an agricultural summit is not a place to deal with it and on the other hand to support a conclusion on her behalf that the bill should be defeated to begin with. It's a roundabout way. It would be interesting to see those notes in a rural community and the interpretation that might be applied to them.

With that, Mr. Speaker, I just want to offer my support to this excellent reasoned amendment. Thank you.

MR. PASZKOWSKI: Mr. Speaker, I too want to speak in support of this amendment. I quite frankly am a little shocked that anyone would suggest that solutions can be better developed within this particular building than they can be within the community itself. It seems to me that we as government have been very involved in the consultative process with any industry before we do any constructive changes, and in this particular case denying the agricultural community the opportunity for input, denying the opportunity that's coming forward as far as the development of this summit is concerned I think would be very, very tardy on behalf of our government and irresponsible.

I can reflect back to the year 1992, when there was the last agriculture summit. There was a statement made that this government has had a lot of agriculture summits. The last one was in 1992, and at that time it was evident that the whole structure of agriculture was going to have to change. The agricultural community met and came forward with some very dramatic recommendations, recommendations that had never been heard of before, as to process of agriculture, and indeed ultimately those changes were implemented.

4:10

Today in this very year, the year 2000, the Alberta agricultural industry has a growth factor of 4 percent, which in troubled times is a fairly significant number. When we look at our neighbour whose growth factor is something like minus 46 percent and another neighbour whose growth factor this coming year was minus 24 percent, it seems to me that the agricultural industry made some very good decisions back in 1992 that allowed this industry to continue to grow in Alberta in a very organized manner.

We can refer to the decision that was just made – and the hon. Member for Lacombe-Stettler just made that reference too – a decision that indeed was just made excluding Alberta Agriculture from the disaster program that supposedly is going to be funded by the federal government. There was no consultation. There was no discussion with the agricultural community. It was a decision that was made in a building such as this by elected officials such as this, and it's very, very unfortunate. The ultimate discussion has to go back to the agricultural community, and that's what the amendment is allowing for, and consequently we really want to respect this amendment and what it stands for.

I want to make reference also to the very recent discussions regarding the GMO products. When I was involved with the Canola Council back in the late '70s and early '80s, when indeed the discussion was taking place, there were concerns raised about the industry and the dangers of insecticides and pesticides. At that time, there was a decision made about how we were going to deal with the threats of insecticides and pesticides on our food. Ultimately, the decision was made to work with genetically modified product. In a meeting in Montreal about a month ago there was a decision made that each country can make their own decision regarding GMO products, a wonderful, wonderful trade barrier that we're now going to have to deal with, a trade barrier that's going to affect agriculture in a very negative way for the productive countries that we have, which include Canada, and it's very, very unfortunate.

I think that under the circumstances the agricultural community can make the right decisions. I have the fullest faith in our agricultural community that they will make the right decisions. I strongly believe that the agricultural community should have the right to participate and to make that decision. To deny that opportunity, as is suggested, is not the way that this government operates.

SOME HON. MEMBERS: Question

THE DEPUTY SPEAKER: Ready for the question.

I would just remind the hon. minister that it is a private member's public bill, not a government bill.

[The voice vote indicated that the motion carried]

[Several members rose calling for a division. The division bell was rung at 4:14 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Broda	Gordon	Nelson
Burgener	Graham	Paszkowski
Cao	Hancock	Pham
Cardinal	Havelock	Renner
Clegg	Hierath	Severtson

Coutts	Hlady	Strang
Doerksen	Jacques	Tannas
Ducharme	Johnson	Tarchuk
Dunford	Jonson	Taylor
Fischer	Klapstein	Thurber
Forsyth	Laing	Woloshyn
Friedel	Langevin	Zwozdesky
Fritz	McFarland	

Against the motion:

Carlson	Leibovici	Wickman
Dickson	Sloan	

Totals:	For – 38	Against – 5
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[Motion on amendment A1 carried]

THE SPEAKER: Bill 204 now disappears from the Order Paper.

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

head: Committee of the Whole

[Mr. Tannas in the chair]

THE CHAIRMAN: I'll call the Committee of the Whole to order.

## Bill 202

### Marriage Amendment Act, 2000

THE CHAIRMAN: Are there any comments, questions, amendments to be offered with regard to this bill? I'll call upon the hon. Member for Red Deer-South. No?

The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Chairman. It's a pleasure for me to have this opportunity to discuss some of the issues related to Bill 202. I was somewhat disappointed that the rules of the House are such that I never had an opportunity to contribute my comments during second reading of this bill. As you well know, because it's a private member's bill there is a limited amount of time available for members to debate a bill, and the time had expired before I had an opportunity to voice my comments. So I'm going to take this opportunity in the committee stage of the bill to discuss, perhaps, some of which should have been brought up in second reading, but I ask the indulgence of the chair in that matter.

Mr. Chairman, I support the principle of this bill. As a matter of fact, it's a matter of record. One only needs to check *Hansard* to note that I voted in support of this bill at second reading because I do support the principle of this bill. The purpose, as I understand it, is to ensure that we protect the institution of marriage in the province of Alberta and that the institution of marriage, as it is now, continues well into the future to be a union between a man and a woman. To that, I doff my cap to the Member for Red Deer-South because I support him. I believe him to be an honourable member. I support the principle which he is trying to achieve by the introduction of this bill.

4:30

That being said, Mr. Chairman, I do now recognize that I see some deficiencies in the bill, because I don't think that this bill will in fact achieve what it is that the member is trying to achieve. The bill will, as I see it – and let me preface my remarks by saying that I am not a lawyer, so some of the legal intricacies, particularly when

it gets into the whole issue of constitutional law, are certainly beyond my expertise. But I do see myself to be a somewhat logical individual, so the argument that I would like to bring forward is based probably more on logic than it is on law.

I don't think the bill in its present form can achieve what the member is hoping to achieve. The reason I say that is that when you look at the bill – and I've spent a good deal of time thinking about this bill. The preamble that's added to the Alberta Marriage Act I have absolutely no objection to. I think it does in fact reinforce what the member is trying to accomplish through this bill, but the definition that is included in the act, adding a definition of marriage to the Alberta Marriage Act – the bill reads, in fact, that “‘marriage’ means a marriage between a man and a woman.” Well, to me that's akin to defining “horse” as a horse with four legs. How can you define something using the same word as you're trying to define?

Mr. Chairman, with the greatest respect to the member, I suspect that the reason the member has used this wording in the bill is because he himself recognized the constitutional difficulties that would come about if we in fact tried to define marriage in provincial legislation because, as has already been pointed out by the Minister of Justice, the institution of marriage falls under federal jurisdiction. The Alberta Marriage Act, which we are here to amend today, does not deal with the institution of marriage; it deals with the regulation of marriage. The reference to marriage that is contained repeatedly within the Marriage Act is using the definition that comes from federal legislation. So how can we in the Legislature of Alberta purport to be able to bring something about that is clearly under the jurisdiction of the federal government?

The other concern I have is that the member then goes on in this bill to introduce the notwithstanding clause. The member says that notwithstanding the provisions of the Canadian Charter of Rights and Freedoms and the Constitution Act, this bill will operate. Well, again I applaud the member for bringing this forward. I certainly support what it is that he's trying to do, but, again with the greatest respect, my logic would indicate that it doesn't do us any good to pass legislation in this House that is notwithstanding the Charter of Rights. Presumably the member is trying to protect against a decision that might or might not happen at the court level, but to put pre-emptive action in place not knowing what that decision is doesn't make a whole lot of sense to me. If, for example, the federal government were to change their definition of marriage in the federal legislation, this bill would do absolutely nothing to protect the institution of marriage in Alberta because we would be using their changed definition.

Frankly, I don't think this bill accomplishes what it sets out to do. I think the bill is somewhat meaningless, and for that reason I have been giving a lot of thought to whether or not we should support this bill. The fact of the matter is that this is and ends up being very much a feel-good bill. Every one of us can go back to our constituents and say: I voted for a bill that is going to protect the institution of marriage and ensure that marriage is recognized in the province of Alberta as a union between a man and a woman, but the fact of the matter is that it doesn't do that. Logic would indicate that it doesn't do that. It certainly sends a signal that that is the intent of this Legislature, but frankly that has been a stated policy of the government for quite some time. The Premier as much as a year ago indicated that the government would protect the institution of marriage between a man and a woman and would do so if there were any threat to that basic principle, but until we know what the threat is, Mr. Chairman, I think it's impossible for us to deal with it pre-emptively.

So I have a dilemma on my hands. I can go back to my constituents and tell them I supported a bill that purports to do something

which I don't believe it actually does, or I can go back to my constituents and say that I voted against a bill that purports to protect the institution of marriage and ensure that it remains something between a man and a woman. That puts me in a very difficult position, because by voting against this bill, in no way does it mean that I do not support the principle of the bill.

In fact, I did vote for the principle of the bill, but I feel it necessary for me to vote against this bill not because I don't support the principle but because I truly don't believe that the bill will accomplish what it sets out to do. I don't think this is the right way to deal with this issue, and for that reason, Mr. Chairman, I am going to find myself voting against the bill at committee stage, not because I don't agree with the bill but because I don't believe the bill will accomplish what the member wants to accomplish.

Thank you very much, Mr. Chairman.

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

MRS. SLOAN: Good afternoon. Thank you, Mr. Chairman. I'm pleased to rise this afternoon and speak to Bill 202 at committee. I think the intentions of the hon. member that sponsored the bill are respectful and supportable. It's an interesting proposal, if you will, for us in this Assembly to create some type of legislative framework around how marriages might be defined or applied in Alberta, and preparing for the debate on this bill got me to thinking about a whole variety of different ways that marriages are defined not only in Canada but in all the different cultures that are now part of our Canadian culture.

The institution of marriage can be enacted in a variety of different ways. In some cultures it's not arranged by the two parties that are to be married. It's arranged by elders or by parents. Considerations might be given to the father's social standing, political standing, the size of the dowry, the age of the bride, the ability of the bride to conceive, all of these different things. In our country the institution of marriage, as has been referenced in earlier debate on this bill at second reading, is a legalized institution between two people. But if we think about marriage strictly in a psychological or emotional context, Mr. Chairman, marriage is recognizing an emotion that exists between two people, that emotion predominately being the emotion of love.

4:40

I found it of interest in reading the debate offered by the sponsoring member and by previous members in the Assembly that the acknowledgment of the part that emotion plays in initiating marriage was never mentioned. Even the word, if I read the debates thoroughly, I don't believe was mentioned. Well, if the sponsor doesn't believe that love is an emotion, then maybe he can share with the Assembly what it actually is. In any event, I would suggest that love is the tie that binds marriages, and for the most part when you hear people talk about why their marriages didn't work, they will speak about the fact that they don't love one another anymore, that they haven't been able to resolve their differences, et cetera, et cetera.

We're faced with a reality in this country and in this province where approximately half of our traditional marriages are ending in divorce. That's not a statistic that any of us, I would suggest, is particularly happy about, but it's also not a statistic that we're in a position to do a great deal about.

I thought it might be of interest or of use to look to the Scriptures, particularly with respect to how they define love as being the underpinning or the initiating component of marriage. I'm going to cite from 1 Corinthians 13 this afternoon.

Love is very patient and kind, never jealous or envious, never boastful or proud, never haughty or selfish or rude. Love does not demand its own way. It is not irritable or touchy. It does not hold grudges and will hardly even notice when others do it wrong.

This particular citation, Mr. Chairman, is often read at marriage ceremonies, and that is why I believe it's particularly relevant.

If you love someone, you will be loyal . . . no matter what the cost. You will always believe . . . always expect the best . . . and always stand your ground.

All the special gifts and powers from God will someday come to an end, but love goes on forever. Someday prophecy and speaking in unknown languages and special knowledge – these gifts will disappear.

Now we know so little, even with our special gifts, and the preaching of those most gifted is still so poor.

That's a significant piece of the scriptures: "the preaching of those most gifted is still so poor."

But when we have been made perfect and complete, then the need for these inadequate special gifts will come to end, and they will disappear.

Now, one of the things that's interesting in this definition, Mr. Chairman, is that it doesn't restrict the application of love. It doesn't say that it can only be applied to a particular gender, and I think that's one of the roots of what we're attempting to debate in the context of Bill 202, that somehow the legal ability to have your love for someone recognized should only be accessible in certain circumstances. In referencing how love is defined and how it's enacted, the Scriptures don't place those restrictions on its applications.

I also took note of the statements made by the Minister of Justice, the MLA for Edmonton-Whitemud, and wanted to reference them yet another time during our debate this afternoon. He basically had three issues or three problems with the bill. The first one was that in fact the bill was redundant because this is a matter of federal jurisdiction. He indicated that he'd always been a very strong believer that Legislatures and Parliaments should stick to their areas of jurisdiction, and I think that's relevant advice this afternoon.

He cited an additional concern relative to the use of the notwithstanding clause. That is something that we've had cause to debate in this Legislature previously, Mr. Chairman, the infatuation, if you will, of this government for using that clause to get them out of political binds. We saw the attempt made with the sterilization bill to do that, to use the notwithstanding clause to get them out of a political bind. The Minister of Justice reminded his caucus colleagues with the statement 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.

He cited it as a fundamental Conservative philosophy. Well, in a democratic society I would hope that it is the majority's philosophy in the elected House.

Mr. Chairman, we have a bill before us. As I said at the onset, I think the intent is well meaning, but as it's formulated, it is somewhat irrelevant and technically could not even be able to be applied legally.

I read the sponsoring member's remarks with respect to all of the social literature that exists relative to families. I don't think anyone this afternoon is disputing those findings, but the reality is that engaging the Legislature in this type of action is not feasible and doesn't accomplish the intent that the hon. member was seeking.

That is not just something that applies to the issue of how marriages are defined. There are many issues. We spoke about the complexity of the issues in agriculture and the fact that we have not been able to effectively engage the Legislature in acting on those matters, Mr. Chairman.

The other whole difficulty with this type of proposal is that I tend to be very action orientated, and I don't see that making this type of legislated definition, if you will, would really contribute to strengthening our families, whether they be, as we might traditionally define them, heterosexual relationships or those families that are comprised of a homosexual relationship. This bill is not going to technically offer any strength to the environment our families exist in.

We have problems of family dysfunction. There's no disputing that in this province. They're rooted in alcohol, rooted in divorce, rooted in violence, and much of that has to do with the parents encountering those same types of problems in their childhood and not having the mechanisms, the programs, the counseling, the supports to address it. So they go on to marry and to have children, and the same types of problems exhibit themselves in the next generation. I would like to see us debate a bill that would do something to address some of those root issues. With due respect to the sponsoring member, this type of proposal is just not going to do it.

4:50

I suppose it's one of those things where it can be said that it looks good on paper, but in terms of meaning it doesn't have a lot of application. Certainly, though, there are those who would feel some sense of additional security to know that the Legislature had in fact debated and potentially passed this type of bill, but do we exist as a Legislature to debate and enact bills of symbolism? Well, I suppose you could say that in effect we are, because later today or perhaps tomorrow we're going to be debating a bill about the emblems of Alberta, and there's no question that symbolism is important.

At this particular point in time, given the other issues that are on the legislative agenda – the private health care proposal, the impending legislation, the crisis in agriculture – these kinds of initiatives don't really offer a great deal in terms of resolution of those problems. Somehow, Mr. Chairman, while they may serve some isolated purposes, they're not going to change the face of public policy or public programs, and that's primarily where my opposition to Bill 202 rests. It's symbolic. It satisfies a certain desire or need within perhaps the sponsoring member's constituency and certainly other constituencies in the province, but it will not serve to act and address the issues that are eroding marriages in this province. That's really what I'm more orientated to look for in this Assembly and in future debates in this House.

With those remarks I will take my seat. Thank you.

THE CHAIRMAN: The hon. Member for Peace-River.

MR. FRIEDEL: Thank you, Mr. Chairman. I'd like to first of all offer my support for Bill 202 and take a moment to express the importance of the institution of marriage to both individual Albertans and to our society as a whole.

First of all, I want to say that I believe it's a duty and a responsibility of legislators to be mindful of the values of our greater communities when we make decisions in here. If it does nothing else, Mr. Chairman, this bill reminds us of that responsibility. I think all too often we misinterpret the pressures of special interest groups as general public sentiment simply because they're vocal. In reality, I believe that decisions made this way often just water down meaningful community values. I think sometimes we have to look beyond political correctness and stand up for what we believe is right.

Mr. Chairman, this bill gives us the opportunity to do just that, to stand up for the values of the traditional family and to recognize that

the vast majority of our constituents feel the same way. It is one thing to be tolerant of those who have different values than we do – and we should be tolerant – but it is another to allow majority wishes to destroy long-accepted values.

Since the beginning of modern society a marriage describes the commitment of a man and a woman to each other. This doesn't mean that there cannot be other types of commitments or other kinds of arrangements, but I believe it's fair to say that if it is another kind of arrangement, then it should be called by another name. There's probably all kinds of evidence out there that proves that children benefit most from living in an environment with both a mother and a father. I believe this is as nature provided, and we don't even have to get into the religious or the community value thing there, but it doesn't mean that every situation involving a traditional family works out perfectly either. In fact, very few things do, and most people in here I'm sure can attest to that.

The perfection or the workability or the other alternatives are not what are in question. Again, I believe these may describe other situations, but they shouldn't have any bearing on the definition that we're talking about. There have also been some suggestions that this bill might have little effect if the federal government changes its legislation. Since the advent of the Charter, Canada has witnessed the confusion between political and moral liberties, with the Supreme Court frequently equating moral liberty with political liberty. Whether we risk federal legislation overriding our decision or not, I think this is a good opportunity for us to take a stand on what we believe, and also it's an opportunity for us to speak for our communities and their values.

So with that, Mr. Chairman, I'm pleased to speak for and to vote for Bill 202, and I encourage others in this Assembly to do the same.

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

DR. PANNU: Thank you, Mr. Chairman. I rise to speak on Bill 202, which I find a rather offensive piece of legislation that passes the test of neither legality nor morality. First of all, Bill 202 represents an unacceptable intrusion in the jurisdiction of the federal government. Under the Constitution of Canada legislative power over marriage and divorce rests with the federal government, not the provinces. The Alberta government historically has insisted that the federal government respect the Constitution and not make intrusions into areas that are within the provincial jurisdiction. If Alberta's call for the federal government to respect provincial jurisdiction is to have any credibility, this Legislature should not be passing legislation that is within the purview of the federal government and federal government alone.

I note that the Minister of Justice has, albeit courageously, opposed Bill 202 because he, too, believes that it represents an unwarranted intrusion into matters properly within the jurisdiction of the federal government and federal Parliament. I wonder where the minister of intergovernmental relations stands on the issue of jurisdiction. Has she consulted with her federal counterpart? The likelihood that Bill 202 intrudes upon the jurisdiction of the federal government should be sufficient reason to defeat this bill at the committee stage.

The second reason that Bill 202 should be defeated is the provocative way in which it invokes the use of the notwithstanding clause to shield it from the challenges on human rights grounds. This overlooks the fact that the courts could strike down this bill on the grounds that it offends the division of powers under the Constitution Act. If this were to take place, the bill could not even be saved by the use of the notwithstanding clause. The fact that Bill 202 sailed through second reading in this Legislature last week shows that this

government and the government caucus have learned nothing from the public uproar following the introduction of Bill 26 two years ago.

Under Bill 26 the government attempted to use the notwithstanding clause to limit the lawsuits by victims of forced sterilization. Apparently the roar of Albertans did not help them to learn from the past as we are presented with Bill 202, the Marriage Amendment Act. There are those in the cabinet who have the Premier's ear who believe that this step will close the door forever to same-sex marriages. One would really hope that this very destructive and offensive bill is not being put forward to placate and pacify a few. Indeed, it would offend many, many Albertans to a terrible degree, and this time their roar will be definite.

5:00

This government on this issue of the equality of those in more than same-sex relationships likes to talk about doors and fences. Instead of shutting doors and building fences, this Assembly should be opening doors and building bridges.

On Wednesday, March 11, 1998, the Premier responded to questions in this House about the use of the notwithstanding clause by saying that "if the notwithstanding clause is ever contemplated, [again] indeed, there will be a tremendous amount of open and honest and public discussion" before it is invoked. He also said that the government would give the use of the notwithstanding provision much more serious thought because "the seriousness and the power of this particular clause became [crystal] clear" to his caucus. Where, then, does the Premier stand on the issue of the notwithstanding clause in section 1.1 of Bill 202? Where is the open and honest discussion on its use before this bill is allowed to become law?

To add insult to injury, this bill is being proposed at a time when the government has failed to address the need to bring provincial legislation into compliance with the May 1999 Supreme Court decision in *M. versus H.* The federal government, along with most Canadian provinces, are moving rapidly to ensure that those involved in same-sex relationships have equal legal status to opposite common couples. What is Alberta doing? Unfortunately we are moving in the opposite direction by making amendments to legislation like the Domestic Relations Act to entrench discrimination against same-sex couples. This is wrong.

The New Democrats have recommended the following in the past and remind the House of these yet again. Same-sex couples should be given the same legal status as opposite-sex couples living in a common-law relationship.

Discrimination against same-sex couples in Alberta statutes should be eliminated. The Employment Pension Plans Act should be amended to provide spouses in same-sex relationships with the same pension benefits as are currently available to heterosexual couples. The Alberta government should move immediately on the nondiscriminatory basis to make any necessary changes to extend employment benefits to the same-sex partners of its employees. Legislation, regulation, and policies governing the adoption and fostering of children should be changed to eliminate discrimination against same-sex couples.

Adding further insult to injury is the bill's preamble, that states that without marriage "there would be neither civilization nor progress." To me there is no civilization without all members of society being granted equal rights and obligations. Does this bill mean that same-sex couples seeking the legal recognition of marriage are not part of civilization and, further, are only second-class citizens? Does seeking the legal recognition of marriage disqualify them as Canadians? The denial of these rights to use such

words as natural, moral, normal, traditional, proper is an insult to Albertans. To use the notwithstanding clause on this issue is damaging to our democracy. Many gay and lesbian adults are in marriage-like relationships. Many, including many of my constituents and many who are my friends and colleagues, subscribe to a life-long commitment despite the lack of legal recognition of their relationships.

I just want to add, Mr. Chairman, that I myself have been married to my wife for the last 40 years. We just celebrated our 40th anniversary last week. I know where I stand on this issue, but I have no reason to take away the rights of other Albertans who want to make different choices. Beyond the usual discrimination of having to remain invisible, threats of violence, or lost jobs, they now have Bill 202 wishing to further strip them of their rights as Albertans, as Canadians, and as human beings.

To this point in time those involved in same-sex relationships have focused on ensuring that they have the same legal status as common-law couples of the opposite sex. As a society we have to face the question of public recognition of these relationships in the same way that the relationships of opposite-sex couples are publicly recognized through marriage. When that time comes, I hope we'll be able to address this with understanding, compassion, and generosity.

To conclude, Mr. Chairman, New Democrats both federally and provincially have long opposed discrimination and affirmed the importance of basic human rights. New Democrats believe there is no justifiable reason to discriminate against persons with same-sex orientation and to exclude them from equal rights and obligations imposed by law. Everyone has the right to be judged on the integrity of their character and beliefs, not on the basis of personal characteristics, including their sexual orientation. Efforts to ensure the legal equality of persons with same-sex orientation are no different than earlier efforts to ensure the equality of women and to end discrimination based on race or other characteristics.

Thank you, Mr. Chairman.

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

MR. DICKSON: Thank you very much, Mr. Chairman. I have listened with considerable interest to the variety of perspectives and commentary that we've heard with respect to the bill in front of us. I just wanted to start off by summing up the position that I had set out at second reading and then proceed to move an amendment, which I think is being distributed to members.

MR. DOERKSEN: You haven't moved it yet?

MR. DICKSON: No, I haven't moved it yet. The enthusiasm of the sponsor of the bill is remarkable, Mr. Chairman. I thought maybe he was seconding the comments I was making as I spoke, and I'd appreciate that as well.

Mr. Chairman, in any event, the concern that we have had – certainly I know from talking to members of my caucus that I think there's a very strong sense that we understand that marriage means one man and one woman, and we respect that. We don't think it's our job as legislators to start going around telling people that now "husband and wife" is going to mean something different or "spouse" is going to mean something different or that "marriage" should mean something different. What we have focused on always and consistently has been that it's about the nature of the legal relationship. It's about the equality in terms of rights and remedies.

That's what we've tried to establish, and that's why we developed the model we did that we put forward last spring, that we advanced to be used in Bill 12, the Domestic Relations Amendment Act. We

also proffered it to be used in terms of the Insurance Statutes Amendment Act, and we've talked about the employee benefits act as well. It's all been cases where you could take that model, so what we say is that you don't have to change the definition of "marriage." What you ought to do is be able to recognize that two adult Albertans should be able to enter into a relationship, a long-term, mutually supportive relationship. They should be able by a simple agreement to ensure that certain legal remedies and rights accrue to that relationship. That continues to be my position.

You know, I've sat here carefully, and I'm not sure I've heard anybody challenge the value of marriage as an institution or its historical roots and historical underpinnings in any way. I've heard a lot of concern around the notwithstanding clause, and that's section 5 in the bill.

I'd just go back and say that, you know, the notwithstanding clause, section 33 of the Charter of Rights and Freedoms, is the big gun. It's the howitzer. Before you bring it out, you want to make sure you really see the enemy over the hill. In fact, this is in the bill for – it's a prophylactic use. I mean, this is to head something off that may or may not happen.

You'll remember, Mr. Chairman, that I and I think some others and I think the Minister of Justice pointed out that the definition of marriage is not currently – there's no court opinion anywhere in Canada that I'm aware of, no court opinion that says marriage should be anything other than what the Member for Red Deer-South and the Member for Calgary-Buffalo think it is. There's no imminent threat, and I am adamant in my conviction that you don't pull a howitzer out of the garage, that you don't bring out that extraordinary remedy to deprive men and women of rights unless it's absolutely essential. The threat can't be an apprehended, vague threat. It has to be an immediate, imminent threat. That does not exist now, and nothing that the Member for Red Deer-South has said suggests, in my view, that that threat is here.

5:10

Mr. Chairman, I think that while virtually everybody who has spoken to it agrees with section 2 and section 4, there's a lot of concern and discomfort around section 5. I disassociate myself with the comments of the Minister of Justice, with his concerns about the use of the notwithstanding clause.

So with that and not wanting to keep our colleague from Red Deer on tenterhooks any longer, I formally move the amendment that "Bill 202 be amended by striking out section 5." That's the section that deals with the notwithstanding clause, and that's the most offensive part of the bill. I know that there are other members who want to make comments on it. I've moved the amendment, and I may have some other commentary before we ultimately vote on my amendment.

Thanks very much, Mr. Chairman.

THE CHAIRMAN: For the benefit of the committee, this will be called amendment A1.

We have a point of order. The hon. Member for Red Deer-South.

#### **Point of Order Admissibility of Amendments**

MR. DOERKSEN: Mr. Chairman, I wish to draw your attention to *Beauchesne* 689, where it states:

(1) A committee is bound by the decision of the House, given on second reading, in favour of the principle of the bill, and should not, therefore, amend the bill in a manner destructive of this principle.

Under 698 it says that "an amendment which is out of order on any of the following grounds cannot be put from the chair." I read subsection (5). It says:



An amendment which is equivalent to a negative of the bill, or which would reverse the principle of the bill as agreed to at second reading stage is not admissible.

I would further like to refer you to *Erskine May*. The best I can do there is page 491 where it talks about “inadmissible amendments.” It says that “the question on an amendment which is out of order on any of the following grounds cannot be proposed from the Chair.” Subsection (5) there says:

An amendment which is equivalent to a negative of the bill, or which would reverse the principle of the bill as agreed to on the second reading, is not admissible.

I want to read the next sentence because this is important with respect to the bill before us:

Where the scope of a bill is very restricted, the extent to which it may be amended at all may thus be severely limited.

Mr. Chairman, I guess the challenge I have to you is to argue that in fact this amendment strikes down the principle of the bill. I would like to make that case, because the bill itself is a very simple bill. It's very short. It was quite clear in second reading and even listening to the debate that we've just heard that the notwithstanding clause as a protection of the definition of marriage is an integral part of the bill before us today. Hence, the particular amendment before us would in effect change the entire principle of the bill.

In reviewing the speeches, in my opening I used the comment that “the use of the notwithstanding clause is deliberate in the drafting of this bill.” The Member for Calgary-Buffalo spent probably two-thirds of his time referencing the notwithstanding clause. The Minister of Government Services affirmed the agreement to the use of the notwithstanding clause in her speech. The Member for Edmonton-Centre also spoke to the notwithstanding clause. The Minister of International and Intergovernmental Relations devoted almost her entire speech to the notwithstanding clause, and the Minister of Innovation and Science referenced it as well, as did the Minister of Justice. So, Mr. Chairman, in view of the mind of the Assembly at second reading, I don't think that you can put forth an argument that suggests that the House did not understand the concept of the bill, the definition, and the fact that it was being protected by the use of the notwithstanding clause in the Charter.

I can go on, Mr. Chairman, if you want, to continue to prove my case, because a lot of the comments that have come up have said that this isn't within the jurisdiction of the provincial government. So on the one hand they want to have their cake and eat it too. They want to argue both sides against the middle.

If you look at “Is marriage under attack,” I refer to the case that the hon. Member for Calgary-Buffalo referred to, the Layland case, where the applicants, who were both male and cohabiting in a sexual relationship, applied for a marriage licence. They argued that the limitation preventing the same sex from marrying violated their equality rights under the Charter of Rights and Freedoms. Now, the court held that the application should be dismissed, but the point I want to make is the dissenting opinion, because there were two judges in favour and a dissenting judge, which clearly pointed out that there is an accepted currency among individuals, judges in this case, that suggests in fact that restricting marriage to heterosexual couples infringes on the applicants' Charter rights.

I think that if you read that case and you read through those comments, it is my view that in fact the definition of marriage is subject to a Charter challenge. It's not before the courts right now, but we're putting it in as a pre-emptive kind of arrangement.

So, Mr. Chairman, I would ask that you rule the amendment out of order.

THE CHAIRMAN: On the point of order, Calgary-Buffalo.

MR. DICKSON: On the point of order, Mr. Chairman.

THE CHAIRMAN: Perhaps the chair might do a little intervening. We're running out of time, not in terms of what's allowed at this stage but in time in view of the hour. Because this is private members' public bills committee stage, we might stop at 27 minutes past, regardless of where we're at, so that we can rise and report progress and get the report in. Is that agreeable?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Okay.

With that in mind, then, Calgary-Buffalo.

MR. DICKSON: Mr. Chairman, a couple of observations. The first one is that this bill, in my respectful opinion, has two elements to it. It has a single substantive element, and it has a procedural element, but the two are actually quite separate.

The substantive amendment is one which defines marriage, and on the substantive amendment, as I suggested before, I think everybody agrees. I have heard no disagreement. I agree that marriage means a husband and a wife, a man and a woman. So if you had to say what the bill is about, I'd say that the substantive part is the definition of what constitutes a marriage.

Now, there's a procedural thing that is tagged on, which is section 5, but the use of the notwithstanding clause is a process issue. It's not a substantive issue. The whole purpose of the notwithstanding clause reference is to give effect and try and protect the substantive part. Now, I can't achieve . . . Mr. Chairman, I normally wouldn't worry about your attention so much, but because it's a point of order, I want to make sure you're with me.

I was saying that my point is that the substantive part of the bill is to define marriage and ensure that it is a man and a woman. Why would I want to vote against that part? I support that substantive part of the bill. What I have a problem with is the procedural element in the bill, and that's section 5.

You can take the procedural element out. If my amendment were to be successful, Mr. Chairman, we would still be left with what I wanted.

AN HON. MEMBER: Citation.

MR. DICKSON: I'm responding to a point of order. It's not typical for the responder to have to cite authority, hon. member.

Mr. Chairman, the proposition I'd make is this. I cannot achieve the same thing by voting against the bill, and the reason is this. I want to declare my support for marriage being one man and one woman. That's the substantive part of the bill. There are people who are confusing – the Member for Calgary-Fish Creek and perhaps the mover from Red Deer-South are running together the procedural element and the substantive element, but they're wholly collateral. The bill could stand quite nicely on its own if there were no section 5, and the argument, in fact, from the Minister of Justice, this member, some others is that section 5 isn't needed. It's not required. It's wholly severable.

5:20

This is described, Mr. Chairman, as the Marriage Amendment Act, not as the notwithstanding act. It's the Marriage Amendment Act, and that's the substantive part that I support. I don't want to be denied my chance to be able to support the substantive part just because I don't like the procedural part. I think they're wholly

collateral. I don't disagree with the authorities, but I'd just say that they're wholly inapplicable on the facts here.

The last thing I'd say is that the member raising the point of order has made much of what's been said. Well, the determination of whether an amendment is appropriate has nothing to do with what people say in debate. You have to determine whether the amendment is appropriate within the four corners of the bill in front of us, and looking at that, I think the analysis I've offered before is accurate and determinative.

Thanks very much, Mr. Chairman.

THE CHAIRMAN: Any other comments on the point of order?

SOME HON. MEMBERS: Question.

THE CHAIRMAN: There's not a question. There's a point of order for the chair to rule on. The hon. Member for Calgary-Buffalo has moved an amendment today, amendment A-1, to Bill 202 which would strike out section 5 of this bill, the portion of the bill which is the notwithstanding clause. The sponsor of the bill, the hon. Member for Red Deer-South, who has raised the point of order, of course objects on the grounds that the amendment runs contrary to the principle of the bill. The chair would like to thank both hon. members who participated in this debate for their submissions.

There is not really any argument about the general principles that are to be applied, as has been pointed out. Reference can be found in *Erskine May* and in *Beauchesne*. In *Erskine May*—hon. member, one reason we had a little trouble finding it is that you have a different edition than we have. We have the more up to date and had to find it in other pages.

Anyway, on page 526 *Erskine May* states that an amendment which is the

negative of the bill, or which would reverse the principle of the bill as agreed to on the second reading, is not admissible.

The chair would further note a similar reference in Griffith and Ryle's book *Parliament: Functions, Practices and Procedures* at page 232, where they say of amendments that might conflict with the principles of the bill as agreed to on second reading: they "often pose thorny problems for the chairman of a committee on a controversial bill."

In this case, it seems clear to the chair that the proposed amendment does not constitute a negative to the bill. On the thorny issue of whether the proposed amendment runs contrary to the principle of the bill, it seems to the chair that the principle might be found in the previous sections of the bill about the definition of marriage. The notwithstanding clause, although a very significant and important clause, does not in any way affect the definition of marriage so far as the bill is concerned.

The notwithstanding clause serves to insulate the bill from certain constitutional challenges. If this section could not be amended, it might set an unfortunate precedent in limiting amendments. In cases like this, it would seem that the best option is to leave it to this committee whether or not to ultimately accept or reject the amendment.

As *Beauchesne* states in paragraph 688:

The function of a committee on a bill is to go through the text . . . with a view to making such amendments in it as may seem likely to render it more generally acceptable.

In this case the chair rules that the amendment proposed would not be destructive of the principle and may proceed. Whether it be adopted or not is up to this committee. The committee will decide the merits of this amendment.

MR. DICKSON: I'd like to adjourn debate at this time, Mr. Chairman.

[Motion to adjourn debate carried]

THE CHAIRMAN: The hon. Deputy Government House Leader.

MR. HAVELOCK: Thank you, Mr. Chairman. I move that the committee do now rise and report progress.

[Motion to report progress on Bill 202 carried]

[The Deputy Speaker in the chair]

MR. HERARD: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports progress on Bill 202. I wish to table all copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

The hon. Deputy Government House Leader.

MR. HAVELOCK: Thank you, Mr. Speaker. I move that we call it 5:30 and that we reconvene this evening at 8 o'clock in Committee of Supply.

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

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Carried. Accordingly the House stands adjourned until 8 this evening in Committee of Supply.

[The Assembly adjourned at 5:27 p.m.]