

## Legislative Assembly of Alberta

Title: **Wednesday, April 24, 2002**

**8:00 p.m.**

Date: 02/04/24

### head: **Committee of Supply**

[Mr. Tannas in the chair]

THE CHAIR: I'd like to call the Committee of Supply to order.

### head: **Main Estimates 2002-03**

#### **International and Intergovernmental Relations**

THE CHAIR: Before asking if there are any comments or questions to be offered with respect to these estimates, we'll call upon the hon. Minister of International and Intergovernmental Relations to make some comments if he would like.

MR. JONSON: Thank you, Mr. Chairman. Prior to beginning my introductory remarks with respect to the estimates for our department, I'd like to provide introductions of members of our department that are with us this evening. First of all, I would like to introduce our deputy minister, Mr. Gerry Bourdeau. He's accompanied by Wayne Clifford, assistant deputy minister for international relations; by Lori Sajjad, director, finance and administration; by Beryl Cullum, director, communications; by Daryl Hanak, director of trade policy; and by Paul Whittaker, director, intergovernmental affairs. As I will mention later, our department is a fairly modest-sized department, and you've just met 10 percent of our staff.

Mr. Chairman, I'm pleased to discuss the estimates for the Ministry of International and Intergovernmental Relations for the year 2002-2003 as it relates to its business plan. The mandate of our ministry is to provide leadership in the management of Alberta's international and intergovernmental relations. Much of our work is policy related and strategic and does not involve direct program delivery. IIR works co-operatively with frontline ministries to negotiate important agreements as well as is involved in planning conferences and missions for the Premier and other ministries.

IIR is a source of information and advice to departments on managing their relations with the key players in government and in industry and in society in general. We take the lead in trade negotiations, on national unity issues, and discussions at first ministers' meetings and Premiers' conferences. We take the lead as a department in strategizing and supporting those activities. The ministry also leads the development of governmentwide strategies and policies for Alberta's relations with international governments, organizations such as the World Trade Organization, and with federal, provincial, and territorial governments.

The ministry has three major goals this year. The first goal focuses on our relations within Canada: protecting "the interests of, and securing benefits for, Alberta . . . in a revitalized, united Canada." Mr. Chairman, federal/provincial relations have increased in importance as a result of the new security measures following the events of September 11. Also, prominent in our relations with Ottawa is the ongoing exploration of health care reform with the federal government. I would like to also indicate that there's been the ongoing very important matter of disputes resolution, and it would appear that as of today, under the leadership of our Premier, that particular matter has progressed markedly and seems to be resolved.

Mr. Chairman, the ministry's second goal is focused on "promoting the interests of, and securing benefits for, Alberta through strengthened international relations." We will be working with other

ministries and the private sector to develop with the United States an understanding that we in Alberta have many attributes as a secure and reliable supplier of energy.

The third goal for this ministry is supporting greater trade and investment that benefits Albertans. For example, Mr. Chairman, we are co-ordinating Alberta's participation in the World Trade Organization's negotiations promoting our market access objectives and advancing Alberta's positions on issues involving provincial jurisdiction such as the environment, labour, agriculture, business, and the overall field of regulations or services.

Mr. Chairman, these three goals support several overarching goals found in the government of Alberta's overall business plan.

The ministry is divided into three sections: Canadian intergovernmental relations, international relations, and trade policy. The Canadian intergovernmental relations section works with other government ministries to co-ordinate relations between the province and the federal government to ensure that Alberta's interests are promoted and protected as an equal partner in Canada. As you know, the Premier in this area takes a very strong leadership role with the Premiers of the other provinces and addresses issues with the facilitation of our department. Along with the disputes resolution issue that I just referred to and which seems to have been resolved favourably, the ministry also led in co-ordinating this matter with respect to the annual Premiers' Conference and was part of the negotiating team during federal/provincial discussions.

This section takes seriously its responsibility for ensuring that federal initiatives respect Alberta's constitutional roles and responsibilities, including federal activities in key areas such as I mentioned, health, and also in the area of social programs. This section will continue to work with other government departments to develop strategies and advice on a wide range of federal/provincial issues. It'll be working with Environment and Energy to refine Alberta's position on climate change and the Kyoto protocol. It will also concentrate efforts to develop a federal/provincial agreement outlining Alberta's participation in Canada's negotiation of a trilateral North American energy agreement. This section will continue to provide support to the Ministerial Task Force on Security, which plans and co-ordinates Alberta's security activities.

This task force has taken a number of actions since its inception. It has worked with the energy and utility industries to review security issues at key sites. It's built strong links between the RCMP, CSIS, and the private sector for responding to security issues. Retired RCMP assistant commissioner Mr. Don McDermid is now advising the province on security issues, and the province's emergency preparedness plan has been revived to ensure that we have the necessary emergency procedures and communication channels established and in place. IIR will continue to work with Municipal Affairs, disaster services, the Solicitor General's office, and other appropriate ministries to maintain and enhance the security of Albertans.

Mr. Chairman, as well, the Canadian intergovernmental relations section will continue providing strategic support to the Premier for his role in First Ministers' meetings, Premiers' conferences, and other federal/provincial meetings.

The international relations section works with other departments in Alberta and the Alberta government to strategically advance Alberta's international interests. The work of the international relations section will continue to focus on facilitating and maintaining relations between Alberta and the United States. This section has taken on added importance since the events of September 11, and we are working closely with the federal government and our American counterparts on matters such as a cross-border security.

This section will be developing strategic approaches for Alberta's

international relations to promote the province's interests and priorities to foreign decision-makers. We will be enhancing Alberta's profile in key international markets through the development of mutual relations, including Alberta's nine twinning relationships. Mr. Chairman, one new initiative is a joint project with the University of Alberta, here in Edmonton, to provide six-month training assignments for 30 managers from our Chinese sister province of Heilongjiang. New relations with the state of Alaska, the German state of Saxony, and Ukraine will also be a focus for this year. For example, the section is supporting the work of the Advisory Council on Alberta-Ukrainian Relations to enhance bilateral relations with Ukraine.

Also, I now turn to one of our major, major trading partners, and that is Japan. Mr. Chairman, recently I had the opportunity to visit Hokkaido and Tokyo as part of an invitation from the Japanese government. I was provided with an in-depth view of the Japanese economy and society and saw firsthand the value of Alberta's twinning relationship with Hokkaido. Japan is our largest trading partner outside of North America. The trade between us is \$3 billion Canadian a year.

8:10

This section also will be contributing to international development projects for emerging democracies such as Russia and South Africa in the area of governance, or how to establish effective management systems in their governments. Earlier this month we had a very successful session with a delegation traveling from South Africa following months of preparation and work by staff from this section.

The trade policy section works with Alberta ministries and other Canadian governments on provincial policies for both Canadian and international trade agreements such as the agreement on internal trade and the World Trade Organization. The section co-ordinates the province's involvement in national or international trade disputes. They work to advance trade opportunities for Albertans by working to remove barriers to trade. As well, they analyze our trade figures and the economic factors that affect trade. Mr. Chairman, in this year's business plan the goals of the trade policy section have been uncoupled from those within the Canadian intergovernmental relations and international relations sections and have been given greater prominence.

Our trade experts will continue working with their provincial and federal government colleagues to find a long-term, durable solution with the United States on the softwood lumber dispute, certainly an issue or a matter that has been one of the major files if not the major file during the last number of months. Mr. Chairman, as you know, the Alberta government is very concerned about the impact of the U.S. trade sanctions on the Alberta industry. In addition to working with our lawyers in the legal proceedings, the province has been participating in Canada/U.S. discussions to determine whether a long-term solution can be reached to end this dispute. Alberta's forest sector has been kept up to date on every decision point in the process and continues to support our approach to this issue.

While more progress has been made in the past six months on this issue than ever before, very, very significant differences still remain. Both sides do have a greater understanding of the areas of contention and what the expectations are for resolving this dispute once and for all, but there has been very little hard evidence so far that the U.S. industry coalition is becoming more flexible on the matter. If the United States wants to have provinces consider changes to forest management policies, then the United States must also be prepared to make commitments on market access. Mr. Chairman, we're not there yet with the U.S. industry coalition. Therefore, we continue Canada's litigation, and our approaches are avenues that are

available to us through the WTO and NAFTA review procedures.

While we work in co-operation with the federal government and the other provinces in developing agreements, let me be clear that the province actively represents and promotes our own provincial interests. Staff will also be continuing to work to ensure that Alberta's interests and priorities are truly represented during the newest round of World Trade Organization negotiations, especially as it applies to agriculture. The trade policy section will ensure a free flow of goods, services, capital, and labour within Canada. For example, Alberta will negotiate with the government in British Columbia to remove trade barriers between our provinces. Staff will also concentrate on completing negotiations on the energy chapter within Canada's agreement on internal trade.

Mr. Chairman, I would like now to move on to the topic of the ministry's budget and staffing levels. We are a small ministry in terms of staff and budget. The budget of \$6.08 million is virtually unchanged from the last fiscal year. This year Treasury Board asked us to reduce our budget by \$41,000. We also received a reallocation of \$21,000 to cover the cost increase for governmentwide financial reporting under a system known as Imagis. The net effect on our budget is a reduction of \$20,000 from the last fiscal year. This reduction will not affect the ministry's priorities or key initiatives. Any required funding has been taken from existing budgets. In terms of staffing our ministry has a complement of 53 staff. As part of the government reorganization we transferred one FTE to Aboriginal Affairs and Northern Development.

Mr. Chairman, finally, a brief outline on how we measure the ministry's performance. Since the ministry's outcomes are often long term or dependent on external factors, our data are difficult to present as quantitative examples. We solicit input from a variety of government ministries and other sources to help us measure how we're doing and how to identify areas in which we can improve. We measure our performance through client surveys, secondary economic and sociodemographic indicators, and through polling results. The ministry takes all of these measures and provides a detailed narrative record of our achievements and activities in documents such as our annual report. From time to time we also do assessments on key initiatives such as after the conclusion of major conferences, trade negotiations, and international missions. These documents help us track our progress in meeting our goals in both an effective and efficient manner.

Mr. Chairman, that concludes my remarks for the estimates for International and Intergovernmental Relations, and I await with anticipation comments and questions regarding the budget estimates.

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

MS CARLSON: Thank you, Mr. Chairman.

AN HON. MEMBER: Question.

MS CARLSON: It will be a long time before you get to ask the question on this one and even longer the more often you ask that early.

Mr. Chairman, happy to participate in the estimates of International and Intergovernmental Relations this evening. I'd like to acknowledge and thank all the staff that are here this evening. Certainly they do a very good job and answer any questions I have in a very timely fashion, and it's nice that I've gotten to know a few of them over the years because of the involvement in PNWER and their involvement in terms of organizing those delegations.

I'm hoping this evening, Mr. Minister, that we can have some casual chats about some issues. I find that more informative than

just running through a whole list of questions, although I will say that I don't think we'll be taking the full two hours this evening on this particular issue. [interjection] There's lots to deal with this evening. If you don't like that part, talk to your own House leader.

So on this ministry I've got some general comments and questions, and maybe I'll go to the specific questions first of all. You talked about, Mr. Minister, in your opening comments the various goals that you have within the ministry, one of them being particularly relations in Canada and "effective participation by Alberta in the Canadian federation." So I'm thinking that with regard to that, you're talking in part about the social union framework agreement. I also believe that this should be a joint commitment by the province and the feds with an undertaking to engage citizens in the participation in the roles, which I think is what you're getting at here. My biggest concern about this is: how are you engaging citizens in the governing process and moving toward decision-making, and what are you using for accountability measures, outcome-based measurement, and public reporting? Do you link those two specific programs? Could you answer that for me first?

MR. JONSON: Mr. Chairman, as hon. members know, there was a major issue that had been in the way of proceeding with the social union framework review, but now with the pending resolution – and I think it is resolved – of the disputes resolution mechanism pertaining to health, and also it would apply in the social union framework arena, I think all provinces, or at least all except perhaps one, have indicated by their action that the door is open to proceed with the superreview. That's just the lead-up to get to the answer, and that is that the design has not been completed in terms of how the consultation will proceed. There is a general commitment to contacting stakeholders. There is a general proposal to have that consultation at least be in the three major regions of Canada. But as far as the details and the specifics are concerned, those have not been finalized. However, I'm hopeful, and I think everybody is hopeful and expects that the discussion and the go-ahead for that will soon be taking place.

8:20

MS CARLSON: Thank you for that information, and if you could keep us updated on how that progresses, we'd certainly appreciate it.

In your opening comments you just touched on Kyoto for a moment. Could you tell us more specifically the participation your department has in setting policy direction on what Alberta is doing on climate change and Kyoto specifically and any direction or policy initiatives that you're working on in that regard?

MR. JONSON: Mr. Chairman, the further development of our policy as a government relative to the Kyoto accord and everything that's followed since is focused in terms of the subject matter with particularly the ministries of Energy and Environment. They, of course, under the leadership of our Premier will be the primary leaders in this regard in terms of developing our overall policy, which will be a government policy. Our role as a department would be to facilitate in terms of contacts and possibly how strategies might be developed, but we are not the line department with respect to this particular issue.

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

MS CARLSON: Thank you. Also, with regard to the G-8 summit, that I'm sure you've had some participation in, could you just expand on that for us?

MR. JONSON: Again, Mr. Chairman, I think the G-8 summit plan for Kananaskis Country is something that has broad importance and implications in terms of preparing for it for government overall. In terms of working out arrangements, I wouldn't perhaps want to put on the title of full negotiations, but in terms of, yes, negotiating arrangements, the Solicitor General's department and ours have been the lead departments working on these arrangements. Once the decision was made that it would be here in Alberta, of course our goal is to be doing everything we can to ensure that this will be a successful conference. We have worked with federal officials because this is a federal event. It is the overall responsibility of the federal government in terms of its preparation and carrying out, but our two departments have been very involved in making sure that the interests of Alberta and the various locations that are involved and all that sort of thing are being put together into a plan which is workable, acceptable, which respects the opportunity to have such a conference but also protects the interests of Albertans.

MS CARLSON: Thank you for those answers. I'd like to focus now a little bit on the business plan and specifically goal 1.1, where you talk about "effective participation by Alberta in the Canadian federation." I have three groups of questions. I'll ask them, and then you can hopefully answer with whatever you have at your fingertips and perhaps provide more information later on.

In terms of International and Intergovernmental Relations travel, to try and understand the trips that are taken and how you organize in your department with the Premier and the Public Affairs Bureau is really what I'm trying to get at in the first question. We see that in some jurisdictions there is no intergovernmental relations minister, and the responsibilities are all handled by the Public Affairs Bureau and then more directly by the Premier. So how often is it the case here in Alberta where the department is working as closely with the Premier as it does with you as a minister? Does your department just handle your travel, or do they work with the Premier on some of the trips that he does, particularly those that would be overseas? That's one question.

One of the strategies for the goal is in part "to enable Alberta to receive a fair share of federal funding." An item of contention that we talk about a lot in here has been the money that is received from the feds for health care. Can you just give us an update on what work has been done on this over the last while? Where are we today as far as the discussions go? That's the second question.

[Mr. Lougheed in the chair]

The third one is on infrastructure funding. Particularly, I'm concerned about municipalities. I would believe that this is the major role of Municipal Affairs. Do you have any role within your department to secure funding for the municipalities, especially on the major centres, Edmonton and Calgary, who are facing all kinds of strains on their abilities to move forward with work at this time? Do you do anything in terms of anticipating future needs as these two cities grow? If you could give us any kind of an overview on those three questions.

MR. JONSON: Mr. Chairman, first of all as it applies to the organizing of missions, the organizing of trips, we play a major role, I think it is fair to say, in facilitating, supporting, arranging, and providing our services to all departments in terms of international travel. When it comes to travel arrangements within the province, wherever needed we will co-ordinate. If there are several departments involved, we have our services available in terms of arrangements. As I think you can appreciate, if it is a matter of the Minister

of Human Resources and Employment wishing to go to a conference of other ministers, that is something that's arranged through the department, and we do not have any direct involvement with it except if there's some, you know, specific issue that we can support. In the area of international travel, particularly as it applies to missions which involve multiple departments and agencies and people, we do a great deal of that. In fact, that arranging is done through our department.

I think you referred to Kyoto; did you? No. You referred to the overall work that we do in terms of issues and where we've made some progress in terms of advancing our policies. I think one of the key ones that's outstanding right now is the whole area of the health and social transfers but particularly the funding – let's put it straight on the line – for health care. That's a major issue that we have with the federal government. It's a good example of where our department, of course led by the Premier's office and the Minister of Health and Wellness, continues to insist that we should have at least the restoration of what was the historic level of funding for health in this country from the federal government. So that would be an example in that particular area.

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

MR. MacDONALD: Thank you very much, Mr. Chairman. It's a pleasure to rise this evening and participate briefly in the budget estimates debate for the Department of International and Intergovernmental Relations. I, too, have a series of questions for the hon. minister. It is with keen interest that I recall that the minister stated that we have \$3 billion in annual trade with the country of Japan. As the Chinese economy expands at – not an aggressive rate; I think that's the wrong word – certainly an impressive rate, what role is the department planning to play in increasing our trade with the expanding Chinese economy?

8:30

In relation to the appointment of Don McDermid, retired from the Royal Canadian Mounted Police, as security adviser for this province, as I understand it, what role does this appointment play in the events that have occurred after the 9-11 bombing of the World Trade Centers in regard to protecting from terrorist attack not only our pipelines provincially but our refineries and petrochemical complexes? I can understand if for security reasons we would have to be discreet. However, the details on this appointment would be appreciated by this hon. member.

The trilateral North American energy agreement that is also being discussed would be to do with the trading of electricity and natural gas and petroleum, crude oil, as I understand it. What negotiations are going on within the department to ensure, as the Premier would say, that whether it's from the Northwest Territories or whether it's from Alaska, which the hon. minister noted, Albertans get their pound of flesh? In this case the flesh would be natural gas liquids from either the Northwest Territories, Yukon territory, or Alaska. What negotiations are going on to ensure that there is a supply of natural gas liquids for our petrochemical industry? I believe there was a quote that there will be a secure and reliable source of energy for America, and we are going to be the source of this security and this reliability. Now, Mr. Chairman, in relation to that, what guarantees are we going to have in this province? This is a very, very serious matter, not only in this term of the Legislature but certainly well into the future.

Now, the softwood lumber dispute is also an issue that I certainly would appreciate an update on. I understand that the hon. minister and his department have been in direct negotiations, have been part

of the negotiating team, have been part of the Alberta team. Correct me, please, if I'm wrong, but certainly in question period, as I recall, the hon. Member for Whitecourt-St. Anne directed a question to this minister in regards to the softwood lumber dispute. Certainly it's a key part of the department, managing disputes and defending Alberta's interests, and not only under the North American free trade agreement. The World Trade Organization has dealt with this issue in the past in Canada's favour. So I would like to know how that is going, if we're working co-operatively with other provinces, or are we following the lead of the government of British Columbia?

What sort of co-ordination and facilitation is going on between Alberta and Alaska in regard to resource development?

There are also strategies being developed to discover better ways to serve Alberta's needs and interests within the Canadian federation. If we could have an update on the reduction of overlap and the duplication between governments.

The reform of institutions, in particular the Senate. What sort of reform does the department have in mind? Senate reform has certainly been discussed on this side of the House, and it has been a very interesting discussion. Just exactly what sort of reform does the department have in mind? I would appreciate an update on that as well.

As we know, there has been significant interest, Mr. Chairman, in the Canada/Alberta labour market agreement since its initiation. It's almost five years of progress.

I note here that one strategy is to "promote federal-provincial solutions to redesign federal-provincial financial arrangements including the Canada Health and Social Transfer, Equalization and cost-sharing arrangements." What changes, if any, would the department be contemplating or studying regarding the Canada health and social transfer? I realize that this is not part of the hon. minister's department, the contentious issue of the claw-back regarding child benefits, but what exactly are we studying about the Canada health and social transfer?

[Mr. Tannas in the chair]

Mr. Chairman, certainly I was going to mention the Kananaskis summit that's going to occur in the summer. However, I believe my colleague from Edmonton-Ellerslie has already discussed this with the minister, and I will not go there in my line of questioning.

If the hon. minister could answer those questions, I would be at this time very grateful. Thank you.

MR. JONSON: Mr. Chairman, I would like to just address two or three of the key items raised by the member, and I would certainly undertake to provide detailed answers on others.

I do want to first of all very briefly respond to the comments with respect to Japan versus China, as I understood the comments. In my opening remarks, Mr. Chairman, I used the example of Japan because I'd had recent contact, in fact a visit to Japan. I thought it was kind of relevant that I use that as an example, and the fact is that it is our major Asian trading partner. But I would draw to the attention of the committee that under the leadership of the Premier and other ministers that have been involved in prior months and years and also members of the overall Assembly, there have been many visits and contacts and twinning arrangements and other initiatives with China. It's recognized by the province very fully that this is a tremendous potential market and it has to be given priority. It is being given priority in terms of international relations and international trade.

8:40

The second point I wanted to make is that I think there are a number of specifics that could be outlined with respect to the overall financial arrangements pertaining to health care. But the one point that is paramount in the position taken by the Premier and by the Minister of Health and Wellness is that at the bare minimum the federal government should be restoring percentagewise the amount of money that they have traditionally provided to the provinces in Canada, and there is much that can be elaborated on there.

The final point I wanted to make is that with respect to the SUFA, or the social union framework agreement, there is much more to that agreement to be worked on than just the matter of health care, Mr. Chairman. Part of that process, as I've said, is to raise issues that the provinces have but also to listen and become part of a constructive consultation process to come up with findings.

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

MR. MacDONALD: Yes. Thank you, Mr. Chairman. I have one additional question at this time for the hon. minister. I would like to know what role the Department of International and Intergovernmental Relations is playing in the negotiations between the Federal Energy Regulatory Commission and an organization called Regional Transmission Organization West, or RTO West, in relation to the export of electricity from Alberta and the construction of transmission lines that are going to facilitate the exporting of electricity. Is this an effort between the hon. minister's department and the Minister of Energy, or is it taking place in silos, with each department discussing this separately?

Thank you.

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

DR. MASSEY: Thank you, Mr. Chairman. I'm pleased to get an opportunity to ask some questions about the International and Intergovernmental Relations estimates this evening. My questions won't be quite as lofty as my colleagues who preceded me but will be more specific to the estimates that appear on page 315.

There are really only a few line items in the department, five on page 315, and they all fall of course under program 1. For one of these the funding is staying the same; that's 1.0.1, minister's office. One is increasing: 1.0.2, corporate services. The rest of the items, 1.0.3, 1.0.4, 1.0.5, are decreasing in funding, and given that the last three are the ones that actually provide the services, it's rather an interesting display.

One question I have is about full-time equivalents. Why is there a discrepancy between the number of full-time equivalents listed on page 311 of the 2001-2002 budget, where they're listed as 54, and this year's budget, which shows a budget amount for that same year for 53. Is it a typo, or have we actually lost a body between budgets, Mr. Minister?

The second question I have is also about the full-time equivalents. In 2000-2001 there were 58 FTEs working in IIR, but four of them were transferred to the Alberta Corporate Service Centre. Then in this year's budget we see that for the fiscal year 2001-2002 the forecast amount spent on item 1.0.2, corporate services, actually increased 2 percent and is now going to increase in this budget by another 8 percent from that forecast amount. In other words, we're seeing an increase of \$159,000, or 10 percent, from what was budgeted last year, and at the same time other areas in the department are seeing cuts, and it raises some questions.

One of the other general questions: are there outstanding vacan-

cies in the department for positions in the department right now, and what is the impact upon the department of those vacancies? They're looking forward to a loss of four FTEs for corporate services. Why are we seeing a growing increase in the budget for corporate services? There must be some other activities going on. One of the things that we noticed in looking at program 1 is that there are no performance measures for the ministry as you would see, for instance, I think in the New Zealand business plans, where there are performance measures in terms of turnaround times for correspondence and similar kinds of measures. I wondered if they have been considered by the department.

In 2000-2001, when there was a staff of 100, the support services budget was \$2.387 million, and now it's \$1.753 million for a full-time equivalent staff of 53. So the budget for support services dropped only 36 percent while the number of staff has dropped 89 percent. Is there an explanation for that difference? One would expect – and I'd appreciate a comment from the minister – that the government's push for concentration of services in the Alberta Corporate Service Centre would eventually result in lower costs, and that doesn't seem to be the case. I wonder if there have been some comparisons made by the minister in terms of the cost for support services for the department now compared to when it had its own internal staff providing the service and before the four FTEs were transferred. The question is: is there a difference in costs?

On page 273 of the business plan it states that "IIR works with the Alberta Corporate Service Centre to achieve efficiencies in the Ministry's administrative services." I guess the question is: have those efficiencies been achieved? If yes is the answer, could we be apprized of what they are?

The budget for corporate services is increasing 10 percent while that of international relations, trade policy, and Canadian intergovernmental relations is dropping 6.8, 3.4, and 2.4 percent respectively. I guess the question is: why is the budget for corporate services increasing at the expense of the others, and could we have some insight into how and why that priority was established?

One of the other differences from some of the other plans that we've had before us in previous years and this year, Mr. Chairman, is that in the line items there is no item for the deputy minister's office. I guess the question is: why?

I think those are some of the detailed questions I had about program 1. I realize that they are detailed questions, and the minister won't likely have those answers at his fingertips tonight, but any kind of general comments he'd have I would appreciate.

MR. JONSON: I'm just rising, Mr. Chairman, to indicate that I agree with the member across the way that this will certainly be more effectively addressed by my undertaking to provide written answers to your detailed questions. I did want to assure him, however, that the one staff member is not lost.

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

8:50

MS CARLSON: Thank you, Mr. Chairman. And thank you, Mr. Minister. We wouldn't like to misplace any of the staff.

My next question on this department, Mr. Minister, is referring to goal 2.2 on page 268, where you talk about "a strategic approach to Alberta's international relations that effectively promote the province's interests and priorities to foreign, governmental, decision makers." Here you talk about co-ordinating provincial missions, but what I'm interested in is that the department also co-ordinates interpretation and translation services for the Alberta government. So a two-part question. One, is there a cost to the department for

this, and should it not be a line item in the budget that we can identify? The other part of the question is a question that both the Member for Edmonton-Centre and I are quite interested in: do you provide local translation services? We have a need in our constituencies occasionally for translations and have quite a time trying to get things translated. So we're wondering if there's an internal function within your department as well for that.

MR. JONSON: Mr. Chairman, we do not have within our department a translation unit. We work with protocol and with the resources that are available through the Public Affairs Bureau – I think that is the proper title – to utilize those resources as needed, and we have their support when dignitaries visit who do not speak English or French. We're not the site of the translation centre.

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

MS CARLSON: Thank you. My next question is generally with regard to twinning, which is still under goal 2, goal 2.3, where you talk about active bilateral relations, including twinning. Mr. Minister, are there any limits or goals for twinings? I'm particularly interested in whether or not you've established any internal quantitative or qualitative kinds of measures for the effectiveness of the relationships. It's not that we're saying that we want any of them to end. In fact, the theory sounds really good, but shouldn't we be trying to determine what sort of an impact they have on our economy, political relations, and culture? You talked about tremendous potential market opportunities, but I'm looking for something that's a little more outcome based with measurements linked to specific programs and long-term strategies, more in line with what the Auditor General has been asking generally in all of his comments on departments. Twinning is great. If it's just a PR exercise, tell us, but if we've got something measurable and quantifiable, I'd like to know.

MR. JONSON: Mr. Chairman, we will provide a detailed response to the hon. member's question, but I would like to make, I think, a couple of comments by way of answer. First of all, we do very carefully assess our twinning arrangements, our initiatives that we support through other departments and through government generally. Yes, we can provide measures or performance indicators via, for instance, the department of economic development and trade, the hon. Mr. Norris' department. That's where you would see the results or the statistics that are quantifiable. We look towards, for instance, China and Japan as key trading partners with a tremendous amount of potential, and that's one of the outcomes that we plan to achieve there.

The main point that I wanted to get to is that another goal of our missions and our twinning arrangements and so forth is to also help with the very basic matter of developing good democratic institutions and the democratic process on a workable basis, both politically and administratively in some countries. That is why we have worked with the funding of CIDA to have our project going in Mpumalanga. It is why we are planning to put more priority on Ukraine in terms of both the whole area of trade and also the area of being supportive, assisting with the governance change. So those are two examples of the different kinds of goals we might be pursuing. We'll answer the more detailed part of your question.

MS CARLSON: I very much appreciate that answer.

Still on the international markets, under goal 2, I would like to do some more follow-up. We wrote to the minister asking about the

role and ministerial responsibility for trade offices back in February, and I don't think I've received an answer. I can't find one anywhere. So we'd like to repeat the question if we can. The question then was if you could advise us why the trade offices fall under Economic Development and not your ministry. I'm just trying to understand the relationships between the ministries. I see you as a more umbrella kind of ministry, providing support to other ministries, so particularly in that regard I think that trade offices, because they cover a number of jurisdictions, might also fall under your department rather than Economic Development. If you could give us some background on how the decision was made to put them under Economic Development and when that happened. To me it seems that their very nature should be the responsibility, then, of your department. You're already responsible for trade policy, and it would seem natural that the trade offices would be a part of that. So there's some piece there that I'm missing.

When we think about the number of trade missions that there were in the past year – and you've talked about your input in terms of organizing them – we see a number of ministers going as well as the Premier but not you. It seems unusual that you wouldn't have gone specifically to Texas and California and then on to Japan and China and Russia and Europe, because while economic and business matters were the main focus, trade policy is one of your key sections. So we would like some information on why you don't go in these cases. You'd think we wouldn't want you to spend the money, but I think there's a real role there for a ministry such as yours to be involved in trade. So if you could talk about that.

THE CHAIR: The hon. minister. No? Okay.

MS CARLSON: Will you provide some information about that sometime in the future, on why you don't go on those ones?

MR. JONSON: Well, certainly. We undertake to answer all questions.

MS CARLSON: Okay. That's good.

MR. JONSON: Mr. Chairman, I think I indicated that we would answer all questions in writing that aren't answered orally.

MS CARLSON: Now I would like to move on to goal 3, then, where you talk about expanded Canadian internal trade liberalization, promoting the free flow of goods and services. You talked a little bit about that in your opening comments, but I'd like to focus on money for a moment if we can. Certainly one of the challenges is the difference between the ability that the province has to raise funds versus the federal government and the costs of services in jurisdictions the province is responsible for versus what the federal government is responsible for. So the same as we would ask a question in question period about where municipalities go to get the money, we see that provinces also seem to be challenged in finding the money to support everything that they're responsible for. What role does your department take in this, and specifically how does the department approach the pressure to trade off jurisdictions for financial assistance from the feds? What about trading off in provincial jurisdictions in the interest of international trade? So could you give some overall comments on that for me?

9:00

THE CHAIR: The hon. Member for Edmonton-Highlands.

MR. MASON: Thanks very much, Mr. Chairman. I'm pleased to

rise to speak to the estimates of the Department of International and Intergovernmental Relations, and I appreciate the minister's presence here to answer questions and respond to points as well as the officials of his department. I'd like to thank them for their role and their work.

I think there is no government that more clearly defines the political differences between the New Democrats and the Conservatives than the one in which this department is involved. I'd just like to set out a number of those points. The ministry's business plan talks about its support of a strong Canada, and we couldn't agree more with that, Mr. Chairman. We think that that's a very essential goal and one that our party very, very strongly supports. On the other hand, what we think is also necessary is a set of policies that support a strong Canada, and that also includes policies that support a strong federal government with a role in setting national policies and national programs and in protecting Canadian independence, particularly protecting Canadian independence from American domination in a number of spheres.

It's very difficult in our view to maintain the independence of Canada in a cultural sense, in education, in health care, in any other way if in fact we become increasingly dependent on the Americans in the economic sector. The growing economic penetration of our country by the United States under the auspices of the North American free trade agreement is ultimately going to undermine, weaken, and eventually destroy true Canadian independence. So we believe that a strong federal government is essential to do that, and we believe that there should be strong national programs. In particular we would point to medicare as a national program that needs to be maintained and needs to be supported by not only the federal government but by provincial governments and all Canadians.

We certainly are in agreement with the objective of trying to force the federal government to restore the levels of funding that it had previously set when it established the medicare program across Canada. The levels of funding that the federal government now provides are simply in our view a minimum required to maintain some sort of federal control or some sort of federal influence in the health care sector. We would support any efforts by this government to get the government of Canada to restore funding for medicare programs and health care generally to the level that it undertook when it got adherence from the provinces for a national health care program.

Now, it's interesting that the Member for Edmonton-Gold Bar raised the question of Senate reform. Certainly New Democrats have been one of the earliest proponents of Senate reform in the country, long before Mr. Manning and the Reform Party came along. We had the clearest, most logical, and most radical proposal for the reform of the Canadian Senate, and that is its complete abolition. That continues to be our position. It is the most useless institution that exists in this country. It is nothing but patronage writ large. It is used by this federal government, but also I might point out by the last Conservative federal government as well, as a tool of patronage and political influence that is second to none in the democratic countries of the world.

Now, I know that it's very popular to talk about a triple E Senate, an elected Senate, one that all the provinces have equality in, but I would caution against simply trying to import American democratic ideas and expecting them to work for Canada. I think that the provincial governments in the Canadian federation have sufficient power to represent very well the interests of the provinces. There is no need of a Senate, elected or otherwise, equal or otherwise, to do that. We simply ought to have a system where people are elected, a unicameral system that would represent the people based on

population. I might add that our party has taken the position that we ought to have a proportional representation system in this country, and I would urge the minister and the government to consider that point of view, that would allow people to vote for the party of their choice and would apportion seats more democratically and that is based upon the percentage of seats based upon the percentage of people voting for a particular party.

We have very, very strong distortions throughout Canada with the current system, and it's evident also in this Chamber, where it's clear that the Conservative Party in the last election received I think for the first time in some time an actual majority of the votes cast, but they have significantly more representation in this Chamber than the percentage of people who actually voted for that party. Of course, we in our party are significantly underrepresented. We ought to have about three times the number of seats that we have if it was according to the percentage of people that supported our party. I think that the Liberal opposition would have a significant increase in their representation as well. Obviously, the present political system is somewhat less than democratic when it comes to representing the true wishes of the people. So I think that that's something that the government and the minister ought to consider putting forward when he talks to his friends.

AN HON. MEMBER: Maybe you should take away the Mace.

MR. MASON: The hon. member talks about the Mace. As long as you don't attempt to wield it when you lose a vote or lose a point of order, I think that we can keep the Mace. It's the Senate and the current representation by constituency that we ought to be taking a look at.

Now, I'd like to know what positions the department is taking in conversations with the federal government with respect to issues of changes to the Constitution of Canada, particularly any mention of the question of the Senate, any question of the status of the province of Quebec. I would like to know in particular on the question of health care what role the department has played in getting the referee for medicare that the Premier has been working so hard on.

Now, another area where there's a very, very marked difference between the policies of this government and the policies of our party has to do with economic relations with the United States. It's clear that this government is rushing into the embrace of the American economy without stopping to think about the consequences of doing that. While they talk about their concern about the softwood lumber, there seems to be a lack of recognition that the actual economic relationship with the United States is extremely one-sided. When it works to Canada's advantage, as it occasionally does but not nearly enough, the Americans are quick to insist that free trade go by the boards. They're the first ones, when it's to their disadvantage, to throw out all the rules and throw out all the principles that we have apparently agreed upon and punish Canada and punish Canadian businesses for being more efficient and for outcompeting American businesses. So when it comes right down to it, when it's to the advantage of the United States to be internationalist in its trade, it does so. When it's to their disadvantage, they're the first to become protectionist.

9:10

I think that the government of Alberta should be speaking up more strongly to try and do something about this. We have leverage in this province and we have leverage in Canada that should be used. It shouldn't just be lip service: oh, we'll go and litigate because the relationship isn't working out, and we still have a long way to go. I appreciate diplomatic language, Mr. Chairman, I really do, but I

think that the government, starting with the Premier on down, has to be a lot stronger on the softwood lumber dispute with the United States. We need to be looking at the weapons in our arsenal to retaliate against the Americans for their one-sided and undemocratic attack on Canadian industry. I see the government just taking a backseat as if it was a routine matter. Well, it's not a routine matter, and we think that the government should get off its hind quarters and on its feet and start fighting for the softwood lumber industry in this country, in this province. We ought to be careful about extending and deepening our economic relationship and our economic dependence on the United States until there are mechanisms in place that can provide for greater protection for Canada and ensure that the economic relationship is in fact considerably more equal than it is now.

The other point that I wanted to raise is the whole question of free trade and negotiations on the GATS, GATS being the general agreement on trade in services inside the World Trade Organization. It is a very serious concern. I had conversations with and attended meetings of the Council of Canadians on this and tried to inform myself as much as I could on some of the issues around the negotiation of free trade agreements and particularly the GATS.

One of the very, very strong concerns that we have is that decisions that affect the national sovereignty of countries are made by unelected tribunals of bureaucrats who meet in private, without any public transparency around their decisions. These can have very significant effects on existing trade relationships and indeed many other things besides simply trade. It gets into the whole area of cultural industries. It gets into the kinds of structures you have for your agricultural marketing. It gets into things like your health care system and so on. For example, Canada lost the auto pact with the United States, thinking that it was protected, but it was completely taken away by tribunals, and it formed a key part of the economic relationship Canada had with the United States. The people of Canada were not consulted on that. They had no choice because the government of Canada, supported by provincial governments like this one, have negotiated away our sovereignty. They have negotiated away our sovereignty.

I'll give you an example. There's currently a case – I don't know if it's been resolved in the last couple of months – brought by one of the big American courier companies complaining that our national postal system, Canada Post, is unfair competition to their right to come into this country and do business, give parcels and letters and so on. Now, there are probably lots of people in this Assembly who think that that's just fine. Well, I happen to think that we have a right as a country to establish our national institutions and that they ought not to be torpedoed by unelected bureaucrats sitting somewhere with no public accountability. The effect of these trade deals on Canadian sovereignty is very severe and potentially devastating to our whole structure of national institutions. I'd like to know from the minister if they are having any input from or participation with the federal government with respect to Canada's position on negotiating the GATS, and I would particularly like to know if the government is raising questions like protecting municipal water systems from offshore private competition.

What is being done to ensure that allowing private health care in this province – and particularly private health care has been raised by the Member for Edmonton-Strathcona, the leader of our party, on the Calgary organization that's setting up a private authorized surgical overnight facility and whether or not there is any risk to our health care system wherein we would have to allow American health care companies into this province in an unlimited way as a result of the things that the government did or didn't do with respect to foreign ownership of HRC.

I'd like to know about whether or not the government is talking to the federal government about our position on genetically engineered food and whether or not we will be required to allow any genetically engineered food or agriculture products, seeds and so on, into this province and give up the right to have some say over that.

American educational institutions: whether or not there are any steps being taken to protect Alberta from the incursion of private educational institutions from the United States.

Whether or not it's of any concern to the government whether or not we should be permitted to refuse to do business with countries that have a very bad human rights record. That's one of the things that may in fact be on the table in those discussions. I think it's very important that we retain the right to make judgments about countries' human rights records before we do business with them.

Those are my comments and questions, Mr. Chairman. I think it's probably fair to say that the perspective of the New Democratic Party is strongly at variance with the Progressive Conservative Party on many of these questions. Nevertheless, I would be very interested in the minister's response to all or part of my concerns and any of the questions that I've raised which he feels he can answer.

Thank you.

MR. JONSON: Mr. Chairman, I would like to acknowledge the wide-ranging description of New Democratic Party philosophy and policy. While I could elaborate at some length on the differences between that particular political philosophy and that of the Progressive Conservative Party of Alberta, I will not. I think there were, among the various philosophical proposals put forward, two or three things I'd just like to focus on very quickly.

As the IIR department we recognize that we have a constitutional democracy in Canada, which is established under a constitution, and we work on that basis. For instance, if we take the example that was used with respect to health care, if the hon. member wishes to check, he will find that in sections 91 and 92 of the BNA Act there is quite clear reference to the division of powers and to the fact that health care comes under the jurisdiction of the provinces. That is the context within which we work, Mr. Chairman, in terms of our overall policies. I think the success of the government in this province and the fact that we have such a great country of Canada is the fact that as imperfect as it might be in the eyes of many people or specific people or parties, it has and is still working. Not that it can't be improved, but right now we are not in the position, certainly not as a department, where we are promoting constitutional change. We are working within the context of the Alberta and Canadian structures that do exist for the benefit of this province, and we also feel it follows from that that this will be of overall benefit to Canadians.

9:20

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

MS CARLSON: Thank you, Mr. Chairman. We just have a few more questions that we'll put on the record and then look forward to the minister's answers at some time in the future. I'd like to talk about the cross-ministry initiatives for a moment. You talk about four priority policy cross-ministry initiatives, and we would like you to provide some more information on the children and youth initiative and the health sustainability initiative. What we would like specifically to know is the role that IRR plays in them. Are you coordinating policy or also providing input and alternatives and policy options?

Then under the heading of Maintenance Initiatives the department mentions "Alberta's International Strategy." Can you tell us what that is specifically? We'd like its vision and its goal and the plans for its achievement and how you're benchmarking success there.



Also, you're responsible for the Ministerial Task Force on Security. We don't see a line item for the cost of this in the budget. Can you tell us how much has been spent so far since 9-11 and how much more is expected to be spent? How long do you expect it to exist for, and are there some defined goals and an expected time line for achieving them? We've certainly felt the effects of the Solicitor General's efforts in the Assembly, but what is your ministry doing in that regard?

Then in terms of the international governance office we would like to know what deadlines there are for posting reports on trips abroad. We seem to have some problems in getting access to them.

So with those questions, Mr. Chairman, we would conclude our remarks and call for the question.

THE CHAIR: Are you ready for the question on the estimates of International and Intergovernmental Relations?

HON. MEMBERS: Agreed.

Agreed to:  
Operating Expense \$6,084,000

THE CHAIR: Shall the vote be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE CHAIR: Opposed? Carried.

The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Chairman. I'd move that the committee rise and report the estimates of International and Intergovernmental Relations and beg leave to sit again.

[Motion carried]

[The Deputy Speaker in the chair]

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

MR. LOUGHEED: Mr. Speaker, the Committee of Supply has had under consideration certain resolutions, reports as follows, and requests leave to sit again.

Resolved that a sum not exceeding the following be granted to Her Majesty for the fiscal year ending March 31, 2003, for the following department.

International and Intergovernmental Relations: operating expense, \$6,084,000.

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

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

head: **Private Bills**

**Second Reading**

**Bill Pr. 1**

**Synod of the Diocese of Edmonton  
Amendment Act, 2002**

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

MR. MASKELL: Thank you, Mr. Speaker. I move second reading of Bill Pr. 1, Synod of the Diocese of Edmonton Amendment Act, 2002.

Just before I continue, I want to explain what the Diocese of Edmonton is in terms of geography, because there was some question: is it the city of Edmonton? There are three dioceses in Alberta: the Calgary diocese, southern Alberta; the Edmonton diocese, which is central Alberta; and the Athabasca diocese in the north.

The bill has three parts in it. There will be a name change from the Church of England to the Anglican Church. The changes also will make the act gender-neutral. Finally, the trust funds of the Synod of the Diocese of Edmonton "shall be invested in accordance with sections 3 to 8 of the Trustee Act as amended from time to time."

Thank you, Mr. Speaker.

[Motion carried; Bill Pr. 1 read a second time]

head: **Government Bills and Orders  
Committee of the Whole**

[Mr. Tannas in the chair]

THE CHAIR: The Committee of the Whole is called to order.

**Bill 6**

**Student Financial Assistance Act**

THE CHAIR: Are there any comments, questions, or amendments to be offered with respect to this act?

[The clauses of Bill 6 agreed to]

[Title and preamble agreed to]

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

HON. MEMBERS: Agreed.

THE CHAIR: Opposed? Carried.

head: **Private Bills**

**Committee of the Whole**

**Bill Pr. 1**

**Synod of the Diocese of Edmonton  
Amendment Act, 2002**

THE CHAIR: Are there any comments, questions, or amendments to be offered with respect to this bill?

[The clauses of Bill Pr. 1 agreed to]

[Title and preamble agreed to]

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

HON. MEMBERS: Agreed.

THE CHAIR: Opposed? Carried.

The hon. Government House Leader.

9:30

MR. HANCOCK: Thank you, Mr. Chairman. I'd move that the committee rise and report Bill Pr. 1 and Bill 6.

[Motion carried]

[The Deputy Speaker in the chair]

MR. LOUGHEED: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following: Bill 6, Bill Pr. 1.

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

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

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

**Bill 24**  
**Child Welfare Amendment Act, 2002 (No. 2)**

[Adjourned debate April 17: Mr. Cardinal]

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

DR. MASSEY: Thank you, Mr. Speaker. I appreciate the opportunity to speak to Bill 24, the Child Welfare Amendment Act, 2002 (No. 2). It's rather a deceiving piece of legislation. It's rather brief. It amounts to only a few lines in substance, but I think the impact of the bill is very important, and the premises that the bill is built upon I think are very, very questionable.

I think the history of Bill 24 is worth recounting at this stage of the examination of the bill as we try to look at the principles that are important. The Child Welfare Act contains a provision that requires the filing of a case plan by the director of child welfare within 30 days of a guardianship order being granted by the court regarding a child. So the director of child welfare or the department is obligated to put forward a care plan, a plan that says: "We need a temporary guardianship order. This is what we intend to do in terms of returning the youngster to his or her family. This is how we're going to ensure that the youngster is safe and secure. These are the actions that we believe must be taken and that we're going to help expedite in terms of getting that youngster back to his or her home or placement." The plan outlines, as I said, the care of the child and the services that the family will draw upon during the time that the child is in the care of the director in the order.

Now, that provision aside, case plans were frequently not filed. They just were not filed. In November of 1999 the Provincial Court dismissed an application made by the director to review a temporary guardianship order where a case plan had not been filed and replace it with a permanent guardianship order. A later decision stated that rather than review the existing order, the director had to make a direct application for permanent guardianship without relying on the finding that a child was in need of protective services under the temporary guardianship order. So the act allows the director also to proceed with an application to keep children in care, but the onus would be higher: to prove the need for a permanent order where a case plan had not been filed. What the court said was that there are provisions in the act to gain permanent guardianship orders, but if you don't file a case plan with the TGO, the temporary order, then the bar is going to be higher for you when you try to make your case.

The decision to allow the direct applications to proceed was appealed by parents of two families that were in similar situations,

and the Court of Queen's Bench determined that the director could proceed with the applications for permanent orders as an alternative process that was permitted by the act. The parents again appealed, and that case was heard by the Court of Appeal on September 7, 2001, and the director argued that the problem had now been fixed and that the case plans were being filed. Again in March 2002 the Court of Appeal's reasons were released. The court dismissed the parents' appeal, noting that the director could proceed with applications for permanent guardianship orders using the alternative procedure that's available to the director. However, the court also stated that the failure to file a case plan within 30 days, as set out by the act, would result in those temporary guardianship orders affected being void.

What happened was that a whole number of cases – the number is approximately 600 – where care plans had not been filed were going to be made void by the courts. The director of child welfare applied on March 22, 2002, to the Court of Appeal to suspend the operation of that judgment. So the director went back to the court and said: this is going to make all of these orders invalid; we're going to have 600 children or youth where the orders have been nullified; will you please delay it? I think the delay they asked for was until the beginning of December of this year.

The application was heard on April 3, 2002, and counsel for the director argued that an additional nine months should be provided to comply with the legislation. In part this was requested because the director had identified approximately 600 existing temporary orders in which case plans had not been filed, as the law required. Counsels for the parents argued that the director had time since the initial decision in 1999 to ensure that they were complying with the law and filing case plans. In addition, the families that were affected by these orders would have no notice that the director had not complied with the law in dealing with their children, and the Court of Appeal reserved its decision.

It gets a little convoluted, Mr. Speaker. On April 15 of this year the government introduced the legislation that we have before us this evening to amend the provisions of the current Child Welfare Act. This act specifically states that failure to file a case plan no longer invalidates the temporary guardianship order in question. What they're attempting to do with this act is to retroactively take care of the 600 case plans that were not filed, as they should have been, in the court. Rather, such orders made before February 21, 2002, are deemed to be valid from the date they are granted regardless of the court's decision on the filing of a plan.

So it doesn't matter what the court says. By this act we're going to say that they have been filed or that it doesn't matter. Further, a director is deemed to have complied with the legislation if a case plan is filed before or within 30 days of the coming into force of the new provisions. This would apply to all orders granted before February 21, 2002. So really what it is is a bill that is to get the government off the hook, the department in particular, for not filing those care plans for the children.

9:40

This week, on April 23, the Alberta Court of Appeal rendered its decision on the application for additional time to comply with the legislation, and the application that the government sought was denied on the basis of questions regarding the authority of the court to suspend what was the court's interpretation of existing law. In the judgment the court stated, "There has been no explanation given as to why there has been such extended and extensive non-compliance with the Act." Further, the court noted that many families affected had no notice of the defect in the orders regarding their children and that the director had ample opportunity to correct the repeated failure to file plans as required. In closing, the court stated:

These are not circumstances in which the Court ought to facilitate ongoing non-compliance by the Director with requirements that were imposed on him by the Legislature in order to address specific concerns about the care of Alberta's children.

So the courts were anything but sympathetic to the director and to the Department of Children's Services.

If I can go back further, Mr. Speaker, the history of the child care plans arose out of a judgment – I believe it was in the mid-80s – by Cavanagh. I'm sorry; I don't know the details. It was a recommendation that arose and was adopted by the government. That recommendation was that with every temporary guardianship order there would be a care plan submitted to the court. At that time, it was seen as a remedy to a problem that existed. It's in legislation. It's part of the act. It's part of what the government agreed to. It seems quite incredible that we have reached this particular point and the plans have been treated in such a cavalier fashion by the department. One has to ask why. Why would the plans, which point to the direction and the kinds of remedies and the kinds of services that a child is going to receive while in temporary guardianship, be dismissed as nonessential? Why did it become practice – it must have become practice – not to routinely file them? Why did that happen?

There are other documents that try to give some of the reasons. One of the reasons put forward is that there are inadequate resources in the department, that with the many demands on the department and their personnel this piece of paperwork fell by the wayside, and that may be true. Nevertheless, it is a legal requirement and one that's been ignored. We don't have any assurance. For instance, if you look at the Children's Advocate report, where some of the children there, some of the youth there didn't even know that a plan existed for their cases, you wonder if there really were plans prepared for the children in question.

In sort of trying to bring it all together, Mr. Speaker, it's been a real, real failure by the department to follow the legislation, their own legislation, and then to come to the Legislature with this amendment, which in essence says: "Well, you know, let's just forget about it. We'll say that they all were filed or that it doesn't matter." I think it's too important for that to happen. It talks about how families can look to the government for assurance that the children that they take into their care are going to be dealt with.

For families it has to be very distressing, because of all people they would be interested in being part of or at least knowing the details of what was being planned by the department for their children. I think it's really an unfortunate set of events that brings us to what we have today. I'm not quite sure what the solution is, but I don't think the solution is Bill 24 and the kinds of amendments that are included in Bill 24. It seems almost incredible that it would be here.

It also, I think, is a piece of legislation that is wide open to challenge should it be passed by the Legislature. I would make a plea to the minister and to the department to take a look at the situation and review the legislation we have in front of us and to ascertain if there aren't alternate actions that could be taken that just don't nullify and walk away from the problem the way that Bill 24 does. I'm not sure how much more I could say about it.

There's a great deal of information, Mr. Speaker. There are a couple of court cases. In one case the department went in front of the courts and said: yes, we'll be in compliance, there will be care plans provided for all children, and they'll be filed with the courts. In the next case they come back and present an affidavit saying: well, no, we aren't in compliance, and we don't think we can be. I'm not sure of the wording of it but a reversal of what they had done in the first case. To say that it was mishandled I think is a real

understatement. One of the judge's comments was that there's no assurance even from the department that their plans will be filed in the future. They haven't even gone to that extent, that they're going to promise in the future that their plans will be filed. So it's a very unsatisfactory state of affairs.

There's got to be a better solution than Bill 24, and I would strongly, strongly urge the minister to rethink this before we get too much further along in the legislation and consideration of the kinds of things that are included in Bill 24, including retroactive legislation. We know that the government has little stomach for that kind of legislation, has had some experiences in the past, and they haven't all been positive. But more importantly I think the obligation is to put in place care plans that youngsters deserve and that were seen as a remedy for problems that plagued the system in the past.

I think with those comments, Mr. Speaker, I'll conclude. Thank you.

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

MR. MacDONALD: Thank you very much, Mr. Speaker. In reviewing Bill 24, one would have to certainly be concerned about children that are receiving temporary care. Now, there has been not only during this session but in past sessions as well considerable concern regarding the Child Welfare Act, and all that is noted in *Hansard* not only for members of this Assembly but for Albertans.

When one considers exactly what has happened here – and I believe the hon. Member for Edmonton-Mill Woods stated that there are over 600 files that may be affected by this. In light of what has gone on in the past, whether it's in Grande Prairie or whether it's the unfortunate case that occurred this past winter in Slave Lake and ended in disaster in Thunder Bay, this, for this hon. member, raises a lot of questions regarding the entire child welfare system. Why would the ministry loosen the requirements for directors who are taking guardianship of children, Mr. Speaker? Again, why is the government enabling directors to not simply bother filing a plan for the care of a child? This plan, I'm going to talk about that in a minute. The plan for the care of the child is quite important, and it's recognized as quite important. I just don't understand how these 600-plus files possibly could have been missed.

9:50

Now, why again has the ministry made this rule applicable only to the temporary guardianship orders made prior to the 21st of February? Is it because there were a number of temporary guardianship orders made before this date that do not fulfill the requirement? [interjection] Six hundred files. Perhaps there are a lot more. If the hon. Minister of Justice wants to participate in the debate this evening, I certainly would welcome his view on this issue.

Whenever we think that the government is permitting the late filing of plans of care for children – again there's this large number of files, as has been reported. When we look at this plan of care, we should consider the statement of – I believe it is a matter that was discussed in provincial court, and the judge in question would be Judge Franklin. Judge Franklin stated:

Guardians and children have a right to know that after the Temporary Guardianship Order is made, the Director has committed to the provision of services geared to the return of the child to the home. Guardians are entitled to have some input into the services which will be provided. Guardians may approach the subject differently before an application for temporary guardianship, than after one has been granted.

Now, to file a plan of care was determined to be substantive. In

what way would there be requirements of the act? With the Child Welfare Act there are many matters that have to be considered. Mr. Speaker, the family is described as

the basic unit of society and its well-being should be supported and preserved;

(b) the interests of a child should be recognized and protected;

(c) the family has the right to the least invasion of its privacy and interference with its freedoms that is compatible with its own interest, the interest of the individual family members and [of course] society.

Now, given that and given the fact that

the family is responsible for the care and supervision of its children and every child should have an opportunity to be a wanted and valued member of the family and, to that end

(i) if protective services are necessary to assist the family in providing for the care of a child, those services should be supplied to the family insofar as it is reasonably practicable to do so in order to support the family unit and to prevent the need to remove the child from the family.

These are very important.

However, Mr. Speaker, "any decision concerning the removal of a child from the child's family should take into account"

(i) the benefits to the child of maintaining, wherever possible, the child's . . . cultural, social, and religious heritage,

(ii) the benefits to the child of stability and continuity of care and relationships,

(iii) the risks to the child if the child remains with the family, is removed from the family or is returned to the family, and

(iv) the merits of allowing the child to remain with the family compared to the merits of removing the child from the family.

Now, if there is to be a TGO, a temporary guardianship order, the director may apply – and this is under section 29 – in the prescribed form for a temporary guardianship order. The criteria here: naturally "the child is in need of protective services" and "the survival, security or development of the child cannot be adequately protected" if the child remains with this guardian, but it cannot be anticipated that within a reasonable time the child may be returned to the custody of his or her guardian.

Now, when is the plan going to the written plan of care? Certainly written plans of care that are designed to assist children, whether this child in this case is temporarily in the system – this Assembly has dealt with this matter before. It is my interpretation that it was certainly in favour of providing plans of care, and it should be noted that

even the temporary removal of a child from a family is a severe invasion of rights which should be tempered by a plan showing how the state will care for the child and what the family must do to regain custody.

That cannot be emphasized enough, Mr. Speaker.

Now, it goes on to say:

A statutory caseplan, which is a court document, not merely an administrative document compiled by the child welfare authorities for their internal use only, is intended to ensure that there is an articulated caseplan in place and that everyone affected by it, including the child's own guardians, and the children if of a sufficient age, is aware of its contents. It is to be filed with the court, which is in effect its publication to the limited audience, the court and the parties to the case, who are entitled to the record.

Here we are, and it has been summed up very well by the hon. Member for Edmonton-Mill Woods. It is viewed that the requirement for a plan is an important tool in advancing the purpose of the act. Now, why wasn't this done? Certainly if there was no plan for care – and in this case it has to do with the temporary guardianship orders.

10:00

In conclusion, in light of this bill I again would have to express a

lot of doubt about the specific management of this department. Mr. Speaker, this bill, Bill 24, is trying to validate temporary guardianship orders made before February 21. Regardless of whether there's one or whether there are 600 or 640 at February 21 of this year, even those that failed to include a plan for the care of a child, it's unacceptable. It's certainly been outlined in court decisions, regardless of the level of court and regardless of the age of the child that's involved.

To look at this legislation, it is unfortunately a snapshot of our child welfare system in this province at this time, and I am astonished at this. I would encourage the hon. minister and members of this House to work diligently to try to improve that system, not only for the children but for the parents, for entire families, for the grandparents even, who have at many times expressed a great deal of frustration with this entire system. This act certainly does not provide this member with any confidence in that system, unfortunately.

Thank you, Mr. Speaker.

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

MS CARLSON: Thank you, Mr. Speaker. I'm quite happy to be able to speak to Bill 24, the Child Welfare Amendment Act, 2002 (No. 2) this evening. However, I'm not quite so happy at the way this bill was presented to us by the minister and by other people in her department and with the subsequent feedback that we got from other parties when we went to check the bill out. It's been the habit of this session particularly to move through bills at second reading particularly quickly and often at third reading if it looks like there's nothing really substantive jumping out at us in the legislation.

At first glance this bill didn't look like too much. It's a one-page bill really. Our critic for Children's Services and child welfare in particular, the Member for Edmonton-Mill Woods, was in contact with the minister about this particular bill. She went to some lengths to walk over here in the Assembly and speak to him about it, saying: don't worry; don't worry; it's just a very small kind of bill, just changes the temporary guardianship orders; it's no big deal; it's housekeeping; we can just pass it through the Assembly quite quickly. We were quite prepared to do that and had made arrangements to do so. Then, lo and behold, we start to hear from family law lawyers who have been dealing with this issue for any number of years. They found out that the bill was coming up for debate and were quite concerned that it should get speedy passage through this Assembly, Mr. Speaker, for some of the reasons we have already heard from my hon. colleagues this evening. I certainly want to add my voice to their particular concerns.

We've seen in this session particularly that child welfare is a huge issue in this province. It would be our position that that department is not well run at this time, that it is quite likely underfunded, undermanaged, and that children are underrepresented, Mr. Speaker. This bill just takes us another step on that path in terms of the underrepresentation of children, particularly those children who need to be in care for whatever reasons.

I find that particularly offensive, that when this government decides to take responsibility for children – I think they do so weighing the considerable costs that are associated with taking a child into care. I'm not talking about financial cost in this regard; I'm talking about the impact on the child of those kinds of changes. It's unfortunate that when they weigh all those costs and decide to go forward with taking children into care, they aren't prepared to do the follow-up, and that's what this bill specifically speaks to.

Even worse than that, Mr. Speaker, Bill 24 is an attempt by this

government to put itself above the law, and we see that specifically outlined in the bill on page 1. So in second reading, when we speak to the principle of the bill, I have to say that I am fundamentally opposed to the principle of this particular bill, which is to put itself above the law. Why do they do that? How do they do that? The government is introducing this bill because it has failed to ensure that its own laws are followed.

My colleague from Edmonton-Mill Woods led us through the historical chronology of what has happened on this bill and the inability for whatever reason – staff shortages, funding shortages, inability to complete the plans for care, inability to have the staff that are trained to put the plans in place, inability to recognize that those plans are necessary – for these children that are being taken into care to be able to maximize their potential down the road. Any or all of those reasons contribute to why we see this bill before us this evening, and I want the minister responsible for this to stand in this Assembly and explain why these duties have been neglected. I don't want to see a fast passage of this bill through this Assembly. I want her to stand here and tell us why these plans for care were not filed. Were not filed on how many cases, Mr. Speaker? Over 600 cases. Over 600 cases of children taken into care in this province where this government completely disregarded the law and refused to or could not or would not put plans for care into place, and that is an abysmal record.

We're talking about children who are fragile, children who have had huge negative impacts on their lives. Who do they turn to? The government. Who lets them down? The government. This is basically these children's last resort to get into a system that will help prepare them for the world and even allow them to grow up in a safe and friendly environment, and the government deliberately fails to follow through on a step that they not only committed to do but that they were ordered to do by the courts.

So, Mr. Speaker, what do we see them doing now? Trying to weasel their way out of that commitment. How does that happen when we see section 31(3) of the Child Welfare Act requiring that a plan for care be filed within 30 days after a child is put under temporary guardianship order? Then this plan sets out what services are to be provided for the child and also very importantly how the child is to be reunited with his or her family.

Now, for all of us who have worked with children who are in care for whatever reason, we know that what the child really wants is to be reunited with their family. What do we want as a society? For those children to be in a safe and loving environment that they can grow in. So how do you take these kids who have been taken away from their families, obviously for serious reasons, and take them through that transition phase and then reunite them with their families if you don't have a plan? That's exactly what the government has failed to provide. Even worse than failing to provide that in all of these cases, Mr. Speaker, what we're talking about is that they're now going to introduce a bill that says that they are above the law and they don't have to go back and file those plans. That is quite shocking, to see that that's happening.

What we saw on March 4 is the Court of Queen's Bench ruling that temporary guardianship orders for three children were rendered null and void due to the failure of the director of child welfare to file case plans. Three kids, no plans, even though they were directly ordered to do so. The director applied to suspend that judgment. Why? Why couldn't they just put the plans in place for these kids? What's the missing component in the department that they couldn't do that or wouldn't do it? That's a question we need to have answered before this bill can pass; that's for sure.

On April 3 the court heard the application. On April 23 the application was overturned, and the original decision to overturn the

temporary guardianship orders held. And good for the courts, to have done so.

10:10

So what do we see on today's date, Mr. Speaker? We see the introduction of a bill that will say: "Oh, well, that's all in the past and it doesn't matter anymore. We don't have to provide those plans. We get a clean slate, and we can just do what we want." This government knows that this particular ruling is just the tip of the iceberg in this case. That failure to file case plans has invalidated two temporary guardianship orders so far. There are potentially 600 additional children whose situations could cause the government legal embarrassment, and they should be embarrassed. Not only embarrassed; they should be ashamed of their behaviour in this regard, and we expect some accountability on this particular issue.

That's why we saw this bill introduced on April 15, and now today we see it up for debate the first time. Had we not got the heads-up on this issue very early this morning from lawyers in this city, it would have passed very quickly through this Assembly because we would've taken the minister's word for it that this was just a minor bill that didn't have any serious consequences. In fact, for those 600 children and for children in the future it has significant consequences, Mr. Speaker, significant consequences that could affect them for the rest of their lives.

If this is passed, this bill will legalize all temporary guardianship orders made before February 21 even if no case plan was filed. So this has the government trying to put themselves above the law and in fact above the very law that they put it.

If we take a look at what it says here, in section 2 the following is added after section 31:

Temporary guardianship orders valid

31.1(1) Despite any decision of any court, a temporary guardianship order for which a plan for the care of the child has not been filed in accordance with section 31(3) is deemed to be valid from the date the order was made.

This government has the nerve to say "despite any decision by any court." What gives them the right to put themselves above court decisions? I think that's a question that we need answered.

Then they also talk about late filing of plans.

31.2(1) Despite section 31(3), if a director files with the Court a plan for the care of a child before or within 30 days after the coming into force of this section, the director is deemed to have filed the plan in accordance with section 31(3).

In part (2) of that "subsection (1) applies only to plans filed in respect of temporary guardianship orders made before February 21, 2002."

So this is probably the most shameful bill I've seen in this Assembly, Mr. Speaker, and I expect the minister to explain to us why she thinks she can get away with this.

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

Hon. Member for Edmonton-Highlands, you've been recognized. Do you wish to speak?

MR. MASON: Well, I was going to ask the hon. member some questions. Are we still doing that?

THE DEPUTY SPEAKER: Yes, we are, hon. member. We've had the two speakers; haven't we? Yes, Edmonton-Highlands, on the questions.

MR. MASON: I would like to ask the hon. member if she could

outline for us in a little bit more detail what the government ought to have done and what kinds of things the government should be doing in order to show that it is clearly accountable for its actions.

THE DEPUTY SPEAKER: The hon. member.

MS CARLSON: Thank you, Mr. Speaker. I am certainly happy to respond to that particular question. Clearly what the government should have done is kept with the letter of the law and filed the plans for the care of these children. What happens to these kids in the time that they have been taken out of the families and then how they get reintroduced and how in many cases, as is required, they are monitored for whatever time is required for them to be fully integrated in a safe manner is significant, Mr. Speaker. So that's what the government should have done for all of these 600 kids.

What they also have to do is ensure that there are plans for all of those kids right now. So all 600 outstanding, the ones that they went to court on to have the plans suspended, they all need to be put in place immediately, whatever resources it takes. This government is going to be facing a billion dollar surplus this year. Spend some money on kids, where they should be spending money.

THE DEPUTY SPEAKER: Edmonton-Highlands.

MR. MASON: Thank you, Mr. Speaker. I would like to follow up and ask the hon. member another question. You know, the hon. member certainly knows how to play slow-pitch when it comes to question period, but I would like to ask the hon. member if she doesn't think that the government has actually broken the law. Shouldn't there be some consequences for the government breaking the law?

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

MS CARLSON: Thank you for that question. Certainly I do believe that the government has broken the law in this particular instance and that there should clearly be consequences, and I'm sure that that's going to be the subject of debate for some time.

It was interesting to see that the Minister of Human Resources and Employment said: let's give her another hammer so she can hit us over the head again. You know, if that's what it takes to get them to listen, then that's what we're going to have to do, Mr. Speaker. I would like him to also stand up and answer a question for us or make a comment now, if he would, because he's also allowed to do that during this question-and-answer period, and tell us if he's got it yet and if he will go to the minister and lobby for the proper resources to be put in place so that these plans can be put in place and so that these children, who are, as the minister would often say, the most fragile children in the province, are given some support from the government, which is where they expect to get that support.

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

MR. MASON: Thank you, Mr. Speaker. I'd like to ask the hon. Member for Edmonton-Ellerslie if she feels that there is a connection between the government not preparing or filing the care plans for the children and some of the very, very tragic circumstances that have transpired in this department.

MS CARLSON: Well, Mr. Speaker, I think that's a very interesting question. My gut reaction to that would be . . . [interjections] Well,

isn't that what I hear you guys say? Let it be recorded that there's a lot of laughter in the Assembly right now, Mr. Speaker. [interjection] I don't think I need more practice, because I'm quite prepared to answer the questions in an honest and open fashion, so while the minister of health would like to enter into this debate by heckling and not necessarily by legitimately responding to the bill, I am quite legitimately responding to the questions from my colleague.

Definitely, my gut reaction is that there could be some link, and certainly I would hope that inquiries into the recent deaths of children in this province would address that point. I don't know at this particular stage whether or not there were case plans that were supposed to have been filed for those children in care that have recently died, but I'm sure there were. [interjections] It really is appalling that the front bench is so amused at this particular exchange.

THE DEPUTY SPEAKER: We're out of time on the questions.

The hon. Member for Edmonton-Highlands now giving his speech.

MR. MASON: Thank you very much, Mr. Speaker. I appreciate that, and I'm very pleased to stand here and talk about Bill 24, such a short bill. It's so short, yet it is so full of irony and so full of pathos and so full of a lot of things.

Mr. Speaker, I want to concur with some of the hon. members who have spoken about this bill that it is in fact a retroactive attempt to make legal a serious omission on the part of the Department of Children's Services and the minister and the ministers that may have been involved before the current minister took that position. I think that it's a tragedy.

10:20

Before I continue on this bill, I want to indicate that I think that given the importance of this issue and many of the things that have happened, the tragic events that have happened around Children's Services in the last period of time – even in the time that this session of the Legislature has been sitting, there have been a number of cases and some real tragedies, and for every tragedy there must be dozens and dozens of cases that don't get that far but involve real long-term harm to the child.

So I'm concerned, as we're dealing with this bill and the opposition members have spoken one after another, that there hasn't been participation on this bill from the government side. I really wouldn't want to draw the wrong conclusion from that, Mr. Speaker, but some might draw the conclusion that the government would just like to expedite the bill in order to really quickly and tidily deal with a fairly serious problem, not just a problem of the government and its accountability but a problem that affects the most vulnerable members of our society.

So I would really hope that we would get some participation from the government side on this bill and that the question of the failure of the government to act in accordance with its own laws could be adequately explained not just to us in the opposition but to all members and to all citizens of Alberta. That's really something that I think is very consistent with the principle of ministerial accountability, which is a very, very important part of our democratic tradition, an essential part of our democratic tradition and one that I think we ignore at our peril.

Now, this act validates the temporary guardianship orders which were made before February 21, 2002, even those that failed to include a plan for the care of the child, and it validates the temporary guardianship orders for which the plan of care was filed too late. So I think that there are a number of things that the government should

respond to. For example, why would the government loosen the requirements for directors who are taking the guardianship of children? Why is the government enabling directors to not bother filing a plan for the care of the child? Why has the ministry made this rule applicable only to temporary guardianship orders made prior to February 21, 2002? Is it because there were a number of temporary guardianship orders made before this date that do not fulfill the requirement of having a plan for the care of the child?

Now, in 31.1(2) it says that subsection (1) applies only to plans filed in respect of "temporary guardianship orders made before February 21, 2002." Why is the government permitting the late filing of plans of care for children? Is it simply because a large number of these plans haven't yet been filed? If that's the case, this bill is simply covering up for work that hasn't been done either because child welfare workers are too busy to do it or because the ministry hasn't enforced its own policies.

Mr. Speaker, I think that the government owes the children in its care more than Bill 24. It owes them a fuller explanation of what's gone wrong, what the government plans to do about it, and it owes them the resources to provide adequately for their needs in order to prevent the kinds of tragedies that are becoming far, far too commonplace. One tragedy involving a child in government care is one too many, and I think that the quick and dirty response to this issue by this government through Bill 24, that's now before us, is not adequate. It's not an adequate response, and the people of Alberta deserve a better answer. In fact, the children of Alberta deserve a comprehensive solution to the problems that have plagued the department.

Bill 24 does not offer that, Mr. Speaker, so in all good conscience I cannot stand here in the house and support it, and I hope that other members opposite will have the courage and the conviction to do the same.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Minister of Justice.

MR. HANCOCK: Thank you, Mr. Speaker. Before we conclude debate on second reading of this bill, I think it is appropriate to respond to and address some of the issues that have been raised tonight by members opposite. It's not often in this House, I say – and obviously that's an opinion – that a bill is brought forward which affords the opposition an opportunity and a platform to criticize with some degree of value what's happening in government. The Child Welfare Amendment Act, 2002 (No. 2) is clearly an act which is being brought forward to correct a problem. That's clear on the face of it. We make no bones about it; there is a problem.

The problem is that in a recent court case it was determined in a situation where there was a temporary guardianship order under the Child Welfare Act, section 31, where there had been a temporary guardianship order and a plan not filed, as required under subsection (4), that that temporary guardianship order was null and void. As a result of that ruling, there are a number of cases in this province of children who have been apprehended under a temporary guardianship order in which the status of those children and the status of the orders and the renewals of the orders and the ongoing treatment plans and those sorts of situations are unclear at best.

In considering how to best deal with a very unfortunate circumstance where the practice for whatever reason has developed so that in a number of cases those orders were not filed within the 30-day time frame, for whatever reason we arrived at that stage – and I do anticipate that the minister will speak to that at some time during debate in third reading – we now are in a position where we have a number of situations where temporary guardianships have been

outstanding, and the problem exists as to what you do about it. You cannot necessarily go back and fix it just by filing a plan. Clearly that's not available to the child welfare authorities and the workers to fix that problem, but the problem does need to be fixed because there are children in need of care.

So in considering how to fix that, then, the next best thing is to go back and say: okay; there was a problem; that problem is going to be corrected. I heard a number of members opposite refer to: why February 21, 2002? Well, obviously, you're not going to say that forever going forward, the provisions of section 31 can be ignored and that those orders don't need to be filed. Obviously, those orders need to be filed. The treatment plans need to be filed. So it's absolutely essential to keep that section in there to make sure that the people who are dealing with this issue and with these children are doing it on an appropriate basis as we go forward, but we also have to deal with the problems that exist and fix those problems.

10:30

Many of the comments that have been made may well be valid in terms of a situation as to whether we should be in the position we're in or not, but the reality is that we're in the position. Those children do need to be in care, the orders do need to be valid, the ongoing program does need to be in place, and there do need to be programs filed, and in order to regularize this, we need to pass Bill 24. It's as simple as that. It may not be nice. It's been referred to as a quick fix; I don't think a quick fix is in order. But it's not simply a matter of going back and redoing all the things that were done in a number of cases over the past couple of years and saying that that will work, because it won't. You can't make perfect what hasn't happened in the past simply by doing that. So in considering what is the best way to deal with this existing problem, it's asking for this temporary fix, if you will, of the section to allow those situations to be regularized so that the children in care can continue to be dealt with in an appropriate and legal manner.

Many questions have been raised about the bill. It's a very short bill, but there's no subterfuge about what this bill is about. It's clear. It's in the public domain. There was a court case. The judge ruled that if you didn't meet with the sections of the act which provided for a treatment plan to be filed within 30 days, the temporary order was null and void, and that can't be fixed short of, in our estimation, correcting those at law that are outstanding and making sure that it doesn't happen again.

So Bill 24, while it's not the nicest piece of legislation that's come before the House and the reasons for it coming before the House are difficult, is necessary legislation, and I would ask the House to support it.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Highlands to ask a question.

MR. MASON: Yes, please, Mr. Speaker. The minister in his comments talked about the reason for the bill, and he said that certain things had not happened that ought to have happened, to use his words, "for whatever reason." I think that one of the things we would like to know on this side is: what was the reason?

MR. HANCOCK: Well, that's not within my area of competence to detail for the hon. member. What I was trying to do tonight in debate – there were questions raised as to why the bill was coming forward and what the principles of the bill are – is that essentially I'm explaining that in terms of the principle of the bill it is to rectify a situation that can't in our estimation be rectified in any other manner. The reasons why the situation has to be rectified may well

be good questions for the minister, and I'm sure the hon. member will at the appropriate time ask the minister those questions.

We will have debate on this in Committee of the Whole. We'll have debate on this in third reading. But we're in second reading. We're talking about the principle of the bill. I've been responding to issues that have been raised in debate with respect to why the bill is being brought forward, and it's very clear on the face of it. There's no subterfuge. None of the accusations that have been made about what's being hidden in this bill are in fact a reality. There's nothing being hidden in the bill. It's plain on the face of it. There's a problem that needs to be corrected. This is the best way to correct it, and it's a temporary thing with the time limitation of February 21, 2002, so as we go forward, this type of correction hopefully will not be needed.

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

DR. MASSEY: Thank you. I appreciate the minister's attempts to explain what had happened, but I don't think it suffices. I'd like to know from the minister what other solutions were considered and rejected and why. I think the question "Why did it happen?" is really an important question, and we need that explanation from the department. For my part I'd like to know what those other solutions were, and I still have the feeling that there must be a better way than the bill that we have before us. I realize that the minister can't answer for the Minister of Children's Services, and I'll await the opportunity for her to respond.

MR. HANCOCK: Well, I think the hon. member asks some important questions about what the other options were. I will just say very briefly that the options have been reviewed, and if there were ways that could be followed prudently and reasonably to put back in place the temporary guardianship orders and to deal with these on an ongoing manner short of bringing forward legislation, I can assure you that would have been my recommendation. But having reviewed the legalities of the matter, we could not be certain that any other way of fixing the problem would in fact fix the problem, would not be subject to additional challenge, and that's not in the best interests of the children being served. For whatever reason this problem exists, the resources that are available are best served going directly to the children, not dealing with court actions to try and fix the problems or try and determine whether the fix is an appropriate fix. So having examined the options, it makes sense to recognize that there was a problem, to fix the problem at law, and to move forward and make sure it doesn't happen again.

THE DEPUTY SPEAKER: I think, hon. members, that's the end of the questions. Oh, that's the end of his. All right, then. I've got two people. Edmonton-Ellerslie, followed by Edmonton-Highlands.

MS CARLSON: Mr. Minister, will you postpone the vote at second reading until we get some answers from the minister on the outstanding questions?

MR. HANCOCK: No, Mr. Speaker. There are lots of questions and

time for questions and answers in Committee of the Whole and a good opportunity for back-and-forth in Committee of the Whole and going over the detail of the bill. I think that the House will be afforded the time to do that, and those are appropriate questions to be asked.

I might note that many of the answers are already in the comments on second reading in the opening debate, where it was clearly set out that what happened was that over a time the formality of filing the plan in many cases was not followed even though there may have been plans in place. There was a practice built up, rightly or wrongly – and the court has determined that it's wrongly – and it needs to be fixed. We acknowledge that. So this bill will fix the practice from the past that is now determined to be inappropriate and make sure, going forward, that we deal with it appropriately.

THE DEPUTY SPEAKER: The hon. Minister of Sustainable Resource Development to close debate?

[The voice vote indicated that the motion for second reading carried]

[Several members rose calling for a division. The division bell was rung at 10:38 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Amery	Graham	Mar
Calahasen	Graydon	Marz
Cao	Hancock	Maskell
Cardinal	Hlady	McClellan
Danyluk	Horner	Melchin
DeLong	Jablonski	Oberg
Doerksen	Jacobs	Pham
Ducharme	Knight	Smith
Dunford	Kryczka	Strang
Fritz	Lougheed	Yankowsky
Goudreau	Magnus	Zwozdesky

10:50

Against the motion:

Carlson	Mason	Massey
MacDonald		

Totals:	For – 33	Against – 4
---------	----------	-------------

[Motion carried; Bill 24 read a second time]

THE DEPUTY SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. I move that we adjourn until 1:30 p.m. tomorrow.

[Motion carried; at 10:52 p.m. the Assembly adjourned to Thursday at 1:30 p.m.]