

Legislative Assembly of Alberta

Title: **Monday, March 14, 2005**

8:00 p.m.

Date: 05/03/15

[Mr. Shariff in the chair]

The Acting Speaker: Please be seated.

You have an introduction of guests?

Mr. Eggen: Yes. I would like to seek unanimous consent to briefly revert to introductions, please.

[Unanimous consent granted]

head: **Introduction of Guests**

The Acting Speaker: The hon. Member for Edmonton-Calder.

Mr. Eggen: Thank you, Mr. Speaker. I'm most pleased to rise and introduce to you and through you to the Assembly a group of young New Democrats who have joined us this evening to view the proceedings. They are members of the New Democrat club from the University of Alberta and the newly formed New Democrat club at Grant MacEwan College. First of all, from the University of Alberta I have Roland Schmidt, Scott McAnish, Andrea Ennis, and Tahnis Cunningham. From the Grant MacEwan New Democrat club I have Barry DeFord, Chris Harwood, Geneva Harwood, Katie Van Tighem, Patrick Lau, and from our own caucus tonight Anand Sharma. Could I please have them rise and get the warm traditional welcome from the House.

Thank you.

The Acting Speaker: The hon. Member for Edmonton-Riverview.

Dr. Taft: Thank you, Mr. Speaker. It's my privilege to introduce to you and through you to all members of the Assembly a group of guests tonight. They do volunteer work at the Cross Cancer Institute, which is in my constituency but serves people across the province and, indeed, from beyond. Among their work is work in the cafeteria, the gift shop; they help in the rooms. They also operate the Edmonton Mennonite Guest Home, right across the street from the Cross Cancer Institute. They're here this evening on a tour of the Legislature and to watch us in our discussions for as long as they are welcome. They're welcome to until the bitter end if they want, but I can't imagine they'll stay that long. Anyway, I'll ask them to rise as I read their names: Elmer Esau, Joann Esau, Melinda Wiebe, Adriana Unruh, Verna Hershberger, Hildy Fehr, Sherri Koehn, Bethany Ensz, Lenora Penner, and Jerry Penner. I would ask all of you to give them a warm welcome, please.

Thank you.

head: **Motions Other than Government Motions**

The Acting Speaker: The hon. Member for Edmonton-Ellerslie.

Elimination of Library Card Fees in Tribute to Dr. Lois E. Hole

502. Mr. Agnihotri moved:

Be it resolved that the Legislative Assembly urge the government to eliminate fees for library cards in all public libraries in tribute to the late the Hon. Dr. Lois E. Hole to honour her belief in the importance of literacy and in the principle that access to libraries should be free for all Albertans.

Mr. Agnihotri: Thank you, Mr. Speaker. The libraries are the basic services to all walks of life. It's an investment in building intellectual resources and also a cornerstone of a democratic society.

Lois Hole was a strong supporter of public libraries. Because of this, this government has proposed the development of an Alberta-wide digital library in the name of Lois Hole. The government has also created the Lois Hole humanities and social sciences scholarship for postsecondary students. However, on a number of occasions she expressed her view that public libraries' membership should be free.

Most recently at a library event in Banff in July 2004 she said, "Giving free library memberships to all members of the community is a wonderful idea, and like you, I believe it should become standard practice throughout Alberta." In this centennial year let us reaffirm in legislation the principle that was embodied in Alberta's very first Public Libraries Act in 1907. That act stated clearly: "All libraries and reading rooms established under this Act shall be open to the public free of all charges."

Public libraries started out in the early years of this province's existence as open-door institutions, free to all Albertans, but in recent years, starting in the late '80s, public library after public library across this province has introduced annual membership fees in order to generate funds. As a consequence, today in Alberta every major public library, with only two exceptions, charges an annual membership fee that Albertans must pay if they want to borrow books. In this practice of charging residents a fee to belong to their local public library, Alberta is alone in North America with the sole exception of Quebec. Everywhere else in North America public libraries are free to the local residents, whose taxes support the libraries' existence.

Public libraries are a municipally based service. Municipalities contribute 80 per cent of the funds, provinces about 10 to 11 per cent, and the rest through user fees and other sources. Ninety-two per cent of the head librarians in Alberta agreed with the principle of free public libraries but said that they would need some form of revenue replacement before they could eliminate the fees. To replace this funding, it appears the easiest way to do this would be to increase the provincial funding portion for public libraries from the existing level of 10 to 11 per cent to an adjusted level in order to replace the lost revenue.

Over the last two decades provincial funding for public libraries has been far from generous. From 1986 to 2002 the library operating grant funding formula was \$4.04 per capita, and today it's \$4.29 per capita to determine their grants. This province should increase its share of the funding formula to increase the funding available to public libraries and compensate municipalities for the lost revenue from charging a fee for library cards.

Mr. Speaker, if the access to a well-funded public library is vital to all Albertans – and surely all of us believe it is – then we in this room must take our share of the responsibility. For less than \$4 million a year the province could increase library operating grants so as to compensate most libraries for the loss of membership fee revenues. This is a very, very small investment with huge returns on its effect upon the lives of Albertans.

When the Edmonton public library introduced \$10 fees in 1994, enrolment immediately dropped significantly. Even now, 11 years later, despite new libraries and population growth library enrolment has not recovered.

Our late Lieutenant Governor, Lois Hole, was a passionate supporter of democracy, literacy, community, and lifelong learning. She correctly saw public libraries as both a manifestation of and source for these values and believed strongly that public libraries should be free for all Albertans as they are elsewhere. It would be

ironic indeed if, when the new Lois Hole library opens its door later this year, patrons have to pay to obtain a borrower's card.

8:10

The death of Lois Hole was a great loss to this province. She was an excellent Lieutenant Governor, an outstanding Albertan, and an exceptionally warm and caring person. We have lost her, but we can take this opportunity to pay tribute to her and to enshrine the values for which she stood in the legislation of this province. Our province has the resources that enable us to provide excellent funding to our public libraries to assure both their viability and their accessibility.

I propose that a very appropriate lasting tribute to this remarkable human being, Lois Hole, would be an endowment in her name to provide ongoing funding to support the annual provision of a free library card to every Albertan. This motion promotes fundamental values that were dear to Lois Hole and which, I am sure, all members of this House support. The values that underlie the existence of public libraries are the very values that public libraries support; namely democracy, literacy, community, lifelong learning. This is our opportunity to honour a great Albertan. Let us adopt this motion and eliminate library cards throughout Alberta as a tribute to Lois Hole.

Thank you very much.

The Acting Speaker: The hon. Member for Calgary-Nose Hill.

Dr. Brown: Thank you, Mr. Speaker. I do applaud the Member for Edmonton-Ellerslie for the worthy objectives of his motion, which are particularly the recognition of the late Lieutenant Governor and also the encouragement of public library usage.

However, I do not believe that the motion achieves the objectives for several reasons. First of all, by seeking to impose a blanket prohibition across the province, we would be making a significant intrusion into the authority of the local decision-making bodies whether they be municipalities or the library boards. My own view has always been that the authority is best vested in the local government and the local governing bodies, where they're closer to the people that they are affecting.

Secondly, while the fees charged are relatively modest, they do provide some resources for the library system, and in so doing, by depriving the libraries of those specific resources, we are in effect depriving them of the resources they need to fulfill the very objective which my learned friend has sought to achieve.

Thirdly, there may be valid reasons beyond the actual monetary payment for charging a fee for the issuance of that card. Particularly, I'm thinking of the ability of the library system to keep up a current list of the users of the system and to keep the addresses current and to make sure that those people that are actually on their lists are the current users of the library system.

Fourthly, by paying a modest fee, the library users may actually be empowered to have a sense of ownership of that library system. They may value the privilege of library membership more, and in fact they may be encouraged to use the library system even more than they would have otherwise.

For those reasons, Mr. Speaker, I am prepared to oppose the motion, and I ask my learned colleagues to do likewise.

The Acting Speaker: The hon. Member for Edmonton-Meadowlark.

Mr. Tougas: Thank you, Mr. Speaker. I'd like to speak in support of the motion of my colleague from Edmonton-Ellerslie.

You know, the amount of money we're talking about for library fees is not a lot. In Edmonton it's \$12, I believe, and an additional

\$8 for other family members. So to anyone in this building right now it's not a lot of money, but unfortunately there are a lot of Albertans, a lot of Edmontonians to whom that is reason enough not to buy a library card.

If you start to lose people because of the fee attached, you're losing the people who most desperately need a library. These would be the people who can't afford books or who count on libraries' magazine and newspaper collections to keep up with the world. Libraries provide CDs and even DVDs these days. Now, it's a shame in a province with the riches of Alberta that we would be underfunding libraries to the point where libraries feel compelled to raise additional revenues from memberships.

Of course, it is optional for libraries to charge fees. Now, this is kind of a sneaky way around the underfunding of libraries. You don't give them enough money, and then you give them the option of charging user fees. Of course, most libraries will take the opportunity to charge for memberships because they need the money. So it's hardly fair to say, "Gee, it's your choice, so don't blame us" if the libraries charge fees. That's like putting a cookie jar in front of a hungry child and telling them that they have the option of having a cookie.

It's discouraging to see that Alberta is one of only two provinces and states in all of North America that allow library fees. It's maybe understandable for a have-not province or some of the poorer U.S. states to do this, but it's just not right for a province that is awash in cash and one that is about to pour billions more into postsecondary education to nickel and dime Alberta library users.

Mr. Speaker, this motion does not break the bank. It does not set a precedent that will result in other organizations coming cap in hand to the government for money. It's a relatively inexpensive gesture of support to encourage reading and education. I support it fully, and I hope that my colleagues in the House will support it as well.

Thank you.

The Acting Speaker: Standing Order 29. Any questions?

The hon. Minister of Environment.

Mr. Boutilier: Thank you, Mr. Speaker. I'd like to share with the members of this Assembly my first experience as an elected official at the municipal level, which actually goes back to when I'd just graduated from university in Boston, Harvard. I came back to become mayor of Fort McMurray. I was the youngest mayor, I think, in the entire country at the time.

The issue was the library. I want to share with you the experience where at the time the municipality was looking at how we could deal with things. When we were looking at libraries, we found out that everyone had to pay a \$5 fee. At that point the library board, which I sat on as mayor, discovered that in actual fact the public policy that was in place was trying to accommodate not the minority but the majority. What we observed was that 99 per cent of the people that were coming into our library were wearing be it a Sun Ice jacket or they were doing very well, yet our policy said that no matter what your income level was, you still had to pay \$5 for the membership.

The position of the council of the day was that we didn't even think that they should have to pay the \$5. Yet for those who could well afford it, what responsibility did they have in caring for those less fortunate who could not afford it? At the time the headline the next day was: only the rich would be able to pay. But that wasn't the case at all. It was about what our responsibility was, those who could well afford a library fee. By the way, I might add, what great value you got for \$5. If it's free, I don't know if people appreciate it.

The actual library board in Fort McMurray raised the fee from \$5 to, in actual fact, \$20. You know what? For that person who couldn't afford it under the policy before, now they didn't have to pay a cent because for those who could well afford the fee, the public policy was in place to care for those who were less fortunate. I only impart to you today that, as much as the headline in the newspaper was, "Only the rich can read," from a public policy perspective we have to make sure that we make public policy that can serve the majority so that we can even do a better job serving the minority who cannot afford the actual fee.

As mayor it was really frustrating, to say the least, because it truly is a municipal responsibility, but we formulated a policy where those who were paying the \$5 had no objection to paying more to care for those who did not have the opportunity to pay for it. I want to say today that our public policy remains in place. It is strong. People are caring for those who can't afford it, and at the same time we have a public policy that can accommodate so many people. Not only that. We've been able to strengthen the interest in the library for those who are able to pay that \$5 and the additional fee that went into it, and I can say without fear of contradiction today, Mr. Speaker, that our library is even stronger for it in terms of embracing those who were willing to pay for good value.

So I only say today that we moved forward, and we were able to develop a public policy that even served all of our citizens, those who could afford it but also those who could not. It really, truly says that something that is free is not valued. Ultimately, we were able to develop a policy that says that by paying, we're showing that we care for those less fortunate.

Thank you, Mr. Speaker.

8:20

The Acting Speaker: The hon. Member for Edmonton-Calder.

Mr. Eggen: Thank you, Mr. Speaker. I would like to speak in favour of the motion and perhaps just a couple of comments in regard to the hon. Minister of Environment's arguments. With all due respect, you know, on this idea that if something is free, it's not going to be respected or valued somehow, I think it's difficult to put a value on that.

I think we can see some very obvious numbers, though, say from the Edmonton public library. When they had to impose this \$10 fee in 1994, they were expecting approximately \$1.5 million in revenue from that thing that they had to do. You know, they were very reluctant to impose this. It was only as a result of severe provincial and municipal cutbacks that this had to take place. They were expecting \$1.5 million in revenue. They only received half of that, which is \$750,000.

Now, to say that it's free – of course, we're all paying through our taxation system. Perhaps, you know, the hon. minister making this comment about \$5 or \$20 is a good argument for a larger argument, Mr. Speaker, about progressive taxation, which is: what should we be paying for libraries in this province in the first place? Right? A properly funded provincial library system paid by taxpayers is indeed what we did have for most of the history of this province as well as what we're asking for here today.

As this Assembly well knows, the late Lois Hole was a very ardent supporter of literacy and learning, and supporting libraries was certainly one of her most cherished goals. As the hon. Member for Edmonton-Ellerslie mentioned, I think this would be a very appropriate legacy for her name as well as to restore a basic need that we have in our society to fulfill barrier-free knowledge and to promote literacy as well.

Removing library fees would allow everyone access to libraries. Libraries are based on the democratic right, Mr. Speaker, of all

citizens to have access to knowledge, barrier-free access, as the Edmonton public library states in their constitution.

As the members of this Assembly are no doubt aware as well, the public library in Banff is a good example of how removing the fee structure allows for a great deal more public access to libraries. They removed their \$10 fee, I believe, a couple of years ago, and within a month they had a 40 per cent increase in usage as well as a 60 per cent increase in their circulation rate. Mr. Speaker, this is what libraries are made for: for the books to be used and for people to be reading them.

Although a \$10 or \$12 library fee may seem like a small price to pay to most Albertans – right? – in fact, it does act as a deterrent. This is very similar to other fee structures introduced by this government, Mr. Speaker. Although it may seem like a small amount of money, really it's a question of embarrassment for feeling that you have to ask for something that otherwise, you know, you're entitled to as a citizen of the city or of the province. The Edmonton library policy is that if somebody asks, then they will waive the fee, but you can imagine what it's like to be in the lineup in a public place and saying that you can't afford \$12. You know, it's hardly a way to make yourself feel valued in this society. Why should people be doing this in the first place? These libraries are set up for education. This government has put in place this valuing of education for the new Alberta century. Well, this would be a most appropriate way to show that commitment to that value.

According to an organization here in this province, one out of every three adults in this province has reading skills that limit their ability to deal with written material they encounter every day. One in seven adults in Alberta are at the very lowest literacy level and have serious difficulty reading printed materials. One of the consequences of Alberta's poor literacy rate is low levels of participation in postsecondary education. I would venture to say as well, Mr. Speaker, that it's part of our problem with our participation rate in voting in the provincial and federal elections.

The key to a successful library bill, I believe, is to make it impossible, in fact, for libraries across this province to charge a service fee and to make sure that libraries receive adequate funding. There are two things that must happen here, Mr. Speaker. First of all, we must get rid of the library fee that's put into each place around this province and, number two, put the funding back that was taken away more than 10 years ago in this province.

The late Hon. Lois Hole once said that librarians are the secret masters of the world, in a sense; at the very least, [they] wield great power. But unlike many of those who wield political power, librarians are not afraid to share their power, to freely give away the knowledge that makes them powerful.

Indeed, powerful words.

Only Alberta and parts of Quebec charge to use public libraries. As part of this new Alberta century let's make knowledge and technology available to all here in this province, Mr. Speaker.

Thank you.

The Acting Speaker: The hon. Member for Battle River-Wainwright, followed by the hon. Member for Calgary-Mountain View.

An Hon. Member: A question under 29(2).

The Acting Speaker: I'm sorry. It doesn't apply in these motions. My mistake the first time.

Go ahead.

Mr. Griffiths: Thank you, Mr. Speaker, for the opportunity to rise and join second reading debate on Motion 502, which proposes to eliminate library card fees across the province. Access to the wealth

of resources a library has to offer is very important to having a well-educated and forward-thinking society. As the late Lois E. Hole said,

books are the gateway to a better tomorrow, for books challenge us to use our minds, to find better ways of conducting ourselves and managing the great problems of human existence . . . Libraries are the cornerstones of civil society, of the liberal democracy that we've come to cherish.

Now, Mr. Speaker, she was an amazing woman, and she will be missed by all of us, and I can't think of a better person to honour in any way, shape, or form, but I'm concerned about whether or not this is the proper way to do it. Accessing books in a library shouldn't be dependent on an individual's income. Correct. This system also rings very true for our health care system, where any Albertan receives the best health care delivery regardless of their annual income.

Services, whether they be library, educational, or health related, are not free, however. They are paid for by the hard-working taxpayers of Alberta. We must get past the myth of free services anywhere. Unless you don't pay taxes, you are paying for the services, just not directly. It is not such a scary idea for individuals who can afford it to help directly fund the services they utilize through a very small yearly fee.

Library boards use card fees to generate approximately \$3 million each year to help recover costs associated with individuals borrowing materials, obtaining items through interlibrary loans, and basic information services. The people who are using these services are being asked to pay a very nominal fee to help with some of the costs that are incurred by using the services. I know that some members of this House try to demonize the term "user fee," Mr. Speaker, but I think the average Albertan doesn't mind paying a very minimal fee for accessing and using the great resources our libraries have to offer.

When I say a minimal fee, it really is minimal. The fees in both Edmonton and Calgary are a very reasonable \$12 for adults to help support the services they are utilizing, and the costs are comparable in rural Alberta. I understand that for some individuals and families a fee of any amount is a financial deterrent to using the library, but it's clearly stated by both the Edmonton and Calgary public boards that the card fee will be waived for those individuals who are unable to afford the fees, and I know that most rural library associations do the exact same thing. Those who can pay pay, and those who cannot afford to pay don't usually have to.

I think that any member in this House would agree that it's reasonable to have individual Albertans purchase their own books when they go to a local bookstore, so it's not a stretch to have an individual pay just a single dollar a month if they can afford it to access thousands upon thousands of books in addition to the great services our libraries provide on top of that. Those Albertans who utilize the great resources and services our libraries offer acknowledge that their use of the library materials puts additional wear and tear on the materials, that need to eventually be replaced. It is very reasonable to assume that those individuals who use libraries chip in a little extra to help replace and maintain the resources.

8:30

The members opposite seem to think individual Albertans don't want to take responsibility and help fund the services that they particularly use. I, however, along with my colleagues, believe that Albertans appreciate having the lowest personal income taxes in Canada and they don't really mind taking personal responsibility for the services they use.

Library boards have been permitted to charge fees for library cards since the 1930s, and I can't even seem to recall the fees for

library cards ever being a barrier for an individual from utilizing our great libraries across the province. I've never received a single call from anyone in my constituency on that issue especially since Alberta's library boards are so willing to accommodate low-income individuals by waiving the library card fees for those people who are unable to pay. The only barrier I see with this motion is one that will prevent libraries from being able to have the choice on how to best serve their communities, to charge people who can afford to pay to add extra resources into the library system.

Mr. Speaker, I have a difficult time supporting this motion because it removes personal responsibility from individuals who use library services and will just hide the actual costs of using libraries in individuals' personal income taxes. We already have the mechanisms in place to ensure that low-income individuals in this province will continue to not have to concern themselves with paying a library card fee.

I do applaud the member on his motion and his desire to honour the Honourable late Lois Hole for her contributions to this province, but I do have to say that I believe this is the wrong way to do it, and I don't support this motion.

The Acting Speaker: The hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you, Mr. Speaker. I, too, want to express my support for this bill and quote again the Honourable Lois Hole in her comments about literacy. She said:

Without true literacy, democracy itself becomes impossible; the real battle of the 21st century, I believe, will be between those who would use ignorance to serve their own greed, and those who selflessly open the doors of knowledge to anyone who cares to listen.

By building a culture that venerates the principles of literacy, we may yet save ourselves from a grim future of literary haves and have-nots.

Mr. Speaker, I think access to knowledge in this knowledge age is a human right, it's an access also to health, and it's an issue of equity. Many of us here don't use libraries because we have access to the Internet, where we have, indeed, access through that vehicle to most of the books in the world. I for one have taken this for granted, and I recognize that many people find a barrier to go to an institution where they feel they will be charged even if they have that option. This access to free library services will provide people an opportunity to inform themselves, to acknowledge their human rights, to find their own sense of power in a culture that is so dominated by knowledge and expertise. There should be no barriers for people in this knowledge culture, and it should not be based on any ability to pay or a perceived barrier to pay. Those most in need clearly are those who are most excluded here.

From a health perspective knowledge accessible through libraries allows people to understand themselves, their world, their community resources for health more fully. It helps support through the contributions of those who can pay – and taxation has provided that facility – to make available to all dignity, opportunities for health, and for democracy.

Lois Hole would be proud to be honoured by this renewal of access beyond people's ability to pay, and I hope all members of this Legislature will support this bill. Thank you, Mr. Speaker.

The Acting Speaker: The hon. Minister of Education.

Mr. Zwodzesky: Thank you, Mr. Speaker. I want to begin by commending the Member for Edmonton-Ellerslie for bringing forward this motion in a relatively clever way. It's a very noble and

very proper idea. I don't think anyone here would argue either side of that because he's very skillfully combined two elements of greatness in this one motion. One, of course, is the great success of our public libraries throughout this province, and the second, of course, is the greatness of the late Lois Hole. It's very cleverly done how one element is crafted and couched with the other, but I think we need to separate those two streams for purposes of not getting too emotionally attached to the central issue here.

The late and very Honourable Lois Hole was a friend to many in this Assembly and to many outside the Assembly as well. I shared a tremendous friendship with her for some 30 years. I think that in the last three years alone I probably spoke with her or met with her something in the order of 200 times – that is no exaggeration; that is a fact – because I had the pleasure of being responsible for public libraries, and I know that libraries were her number one topic along with the arts and gardening and education and a number of other issues. When we got speaking about libraries, we talked about some of the important things that libraries stand for in our communities.

I think it's important to point out, Mr. Speaker, that our publicly run libraries have something in the order of 36,000 community-based programs throughout Alberta, which includes reading clubs and story time clubs and courses on various subjects from photography to resumé writing to what have you. In fact, almost half of our libraries serve communities of under 1,200 in population, where they are important information centres. So we are all, on all sides of the House, very supportive of our public libraries.

In fact, it would interest members here to know that in a typical year 30 million items can be borrowed or exchanged amongst the various libraries or borrowed and used or whatever. That's a phenomenal amount of usage amongst our libraries, and it's not just restricted to library borrowings but usership in general. As our population grows, so does the pressure grow on our libraries. I see libraries as being very innovative, very creative in how they're meeting the increased demand to share the treasures that they have. So Albertans are provided with first-class access to information in many different forms.

It's also important to note that in some provinces libraries cannot charge for cards, but they do charge for other services that sometimes we don't focus in on; for example, fees for interlibrary loans, video, online databases, audio materials, and so on. However, since 1930 libraries, according to the Libraries Act, have had the right to charge a fee. Not all libraries do that, obviously, but we need to allow those libraries at the local level the ability to make whatever decisions they want. So there's no argument about the importance of libraries. Now, the second great element, of course, is Her Honour the late Lois Hole, who came from a very strong rural background. She was a trustee, she was a chancellor of our University of Alberta, an award winning author of at least six gardening books that I'm aware of, a director of the Farm Credit Corporation, honorary chair for the 27th congress on criminal justice and for the children's millennium fund, and the list would go on for another half hour if I were to read it all. In 2003 she founded the Lois Hole library legacy program, so we see these two elements now coming together.

In fact, the Lieutenant Governor of Alberta arts award program was also established during her tenure, and I was very pleased through Community Development when I was in charge to have provided a \$1 million grant in support of that awards program as part of our Alberta 2005 centennial partnership, so our centennial is woven inextricably into all of this as well.

I should point out to the members, particularly the new ones, that we have had many centennial legacy grant projects given around and to library causes. For example, the Claresholm library received a

significant grant under the centennial program. The Beaverlodge public library also did. The Edmonton Strathcona branch library did. The Hinton municipal library received \$580,000. Taber and district public library received \$500,000. Vegreville public library received another \$500,000. We also funded the Lieutenant Governor's walkway at Erin Ridge Park in St. Albert. That was a quarter of a million dollars. When Her Honour passed away, she knew about these projects that were out there and she knew what we had done. Not to forget, of course, the Lois Hole pavilion, the hospital pavilion at the Royal Alex, which we were there to unveil a few months ago.

We have also established other forms of recognition. For example, the province just recently added three more programs to honour Her Honour: the Lois Hole humanities and social sciences scholarship, the Lois Hole digital library, and the Lois Hole garden at the Legislature. I know that those are important projects to focus in on because they talk about the other great element.

8:40

Let me just conclude, then, by saying that while I support the thrust and the gist of where this member is coming from, I think rather than supporting the motion as it's worded, I would rather see some significant increases be made as soon as possible to the per capita rate for public libraries and also some increases to our library system boards. These are initiatives that I have worked on for the past couple of years, and budgets pending and dollars pending, maybe one day we'll be able to see those significant increases because those are the kind of increases that would maximize those boards' abilities to provide the kind of programming that they're after.

This motion in and of itself won't quite do that. In fact, according to a 2004 survey carried out by the Department of Community Development, 75 per cent – 75 per cent, Mr. Speaker – of the respondents either agreed or strongly agreed that libraries should be able to charge. In fact, they said that they should charge library card fees, and those fees range anywhere from \$2 a year up to about \$30 in the maximum case per year.

So if we sort of harness the debate and focus around what's important in this matter, we would agree that the recognition it offers to Her Honour is a noble gesture. We would agree that we should do whatever we can to attract more resources for the libraries, but waiving fees for library user cards won't do it, Mr. Speaker.

I've spent a number of years in this area, and I'm a passionate library user, as my record will indicate, and I'm so sorry that I'm not able to support this motion as it is currently worded. Thank you.

The Acting Speaker: The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Highwood.

Mr. MacDonald: Thank you, Mr. Speaker. It's a pleasure to join the debate on Motion 502 tonight, the elimination of charging fees for library cards as a tribute to the late Lieutenant Governor Lois Hole. Certainly, there have been a lot of discussions as we have debated this motion. I, too, would like to thank the hon. Member for Edmonton-Ellerslie for bringing this forward. I think it's an excellent idea, it has merit, and it's time we certainly support it.

There is no doubt that at this time we can afford this. If we look at the last time the Alberta Liberals were in power, Alberta's first Public Libraries Act in 1907 decreed that all libraries "shall be open to the public free of all charges." I'm sure that the hon. Member for Edmonton-Riverview is going to continue with those ideas and make sure that everyone, regardless of income, does not have to check their pockets before they go into a public library, Mr. Speaker.

That's what this is all about. The late Lieutenant Governor would be supportive, just as she was supportive not only of public libraries but public education.

It is true that the late Lieutenant Governor was passionate about public libraries but also was passionate about public schools. She stood up occasion after occasion and spoke out for public schools, unlike this government and the current Minister of Education and the current Minister of Infrastructure, who are content to see good public schools closed against the wishes of the citizens in the surrounding communities. That's wrong. That is totally wrong.

Now, other hon. Members of this Legislative Assembly talk, quote, if it is free, it is not valued, end of quote. Well, does that also apply to airplane rides on the government's fleet? Certainly, that has been abused in the past. Let's stick a user fee on that, see how much the government members like it. I can't believe that they would advocate – the hon. Member for Edmonton-Calder was talking about this earlier in his remarks, Mr. Speaker: if it's free, it is not valued. Well, that certainly applies to a lot of things other than library cards. Perhaps, if there was a user fee of maybe \$50 or \$100 or \$200 on these airplanes, then they would be in the hangar a lot more often and people would be taking commercial aircraft and maybe saving money in another manner and we could afford with little effort to finance Motion 502 by the hon. member.

An Hon. Member: A lot of them don't work when they get on an airplane.

Mr. MacDonald: Now, many people, hon. member, in the business community, whether they travel economy class or first class, get their work done from an airline seat just as well as we get our work done from this seat. So you don't have to travel on a government plane to get work done. That's just not correct, hon. member.

Now, the elimination of library fees. Full access to public libraries and promoting universal literacy, as I said, were passions of the late Lieutenant Governor. I would urge all members of this Assembly at this time to support this motion. We have the money. The amount of money that will be spent to support this motion is money well spent. If we have to cut back in other areas, I'm certain we can do it – we've done this before – but libraries should be accessible to everyone.

Hon. members of this Assembly, there's no access fee for us to go downstairs and utilize that wonderful library, so why should not the citizens of this province enjoy the same privileges that we do?

Thank you very much.

The Acting Speaker: The hon. Member for Highwood, followed by the hon. Member for Edmonton-Glenora.

Mr. Groeneveld: Thank you, Mr. Speaker. It is with great pleasure that I rise to speak to Motion 502 this evening. I would like to thank the hon. Member for Edmonton-Ellerslie for bringing forward this motion.

Mr. Speaker, this motion proposes that the government prevent libraries from charging a fee to individuals obtaining a library card. I believe that this motion has the potential to deprive libraries of a much relied upon source of revenue.

I share the hon. member's desire to recognize in a special way the unique and lasting contribution that Dr. Lois Hole made to our province. Dr. Hole had a passion for reading and learning, Mr. Speaker. She felt that libraries were an important source for communities and wanted to instill in all of us a love of reading. I acknowledge that libraries are important to lifelong learning. I am committed to encouraging her sentiment within Alberta and am

pleased to hear the government outline its plans to create a new digital library at the University of Calgary in her memory. The creation of a new digital library is an appropriate way to honour the memory of our late Lieutenant Governor.

This new library will help bring Alberta's libraries into our province's second century. As we move forward, Mr. Speaker, digital resources are becoming more and more important to our way of life. Data can now be stored on CDs and DVDs as opposed to microfilm and microfiche. Data in digital form enjoys a greater longevity and can be stored in a much more compact and accessible format.

Building a new library provides a constant reminder of all that Dr. Hole held dear. This new Alberta-wide library provides students and faculty with access, regardless of their location, to all the resources held in our postsecondary institutions' libraries. This new library will remind the people of the legacy Dr. Hole left to Alberta in ways a library card cannot.

Mr. Speaker, perhaps in bringing forward this motion, the hon. member is concerned that library card fees limit the ability of people to access libraries. Libraries are considered by most to be a public good, the result of which has been the extensive subsidization of libraries in all jurisdictions across the country. It is important that all Albertans have access to libraries, as libraries benefit society in ways that cannot be underestimated. The cost of library cards is minimal. However, this cost helps the libraries raise small amounts of own-source revenue that assists the library in offering some of its important functions.

As the sponsoring member for this motion is from Edmonton, he may be aware of the Edmonton public library. Any Edmonton resident can go to a local library and get a library card for only \$12, and those under the age of 18 are given library cards without charge. In addition to being able to access the library's collection at all 16 locations, an individual is automatically granted an Alberta library card, which gives the user access to interlibrary loan material from most Alberta libraries.

8:50

In addition, Mr. Speaker, a program is available for people with low incomes. Library card fees are waived by the Edmonton public library for those individuals who cannot afford it. Given that the fee for a library card is minimal, I cannot see how the fee could be conceived of as being unaffordable. Twelve dollars, if my math is correct, works out to \$1 a month. That cost is only paid by those who can afford to pay it.

Mr. Speaker, \$12 is equivalent to renting two videos, purchasing three gourmet coffees, or borrowing one softcover novel and is less than the admission to most movie theatres. Going to the library is one of the cheapest forms of entertainment available in this city. I can think of nowhere else where you can go and borrow as many videos, CDs, DVDs, or books as you want for only \$12. Furthermore, the cost of an individual's library membership card is not based on his or her usage of the library. Most other entertainment services are priced on a per-use basis. However, libraries, being a public good, benefit from having a flat fee. Charging a flat user fee means that use is not discouraged as it does not cost to borrow more, the more they use the library.

This cost is not exuberant nor is it prohibitive, Mr. Speaker. It is important that children are exposed to libraries so that they can develop a love of reading at a young age. This love of reading will help them blossom into intelligent young adults with a desire to be lifelong readers and learners. Currently, children are exempt from paying library fees in Edmonton.

Her Honour was particularly concerned with helping Albertans. Therefore, when this House gives consideration to honouring Dr.

Lois Hole, we must attempt to understand which action will have the largest impact. Given that the fees charged for library cards are not prohibitive to users, I would believe that the creation of a new and modern library will be of greater benefit to Albertans in the long run than free library cards would be. The creation of a digital library will leave a lasting footprint on Alberta's library system. This is the type of project that will have the impact of literacy that Her Honour desired to see in Alberta. This library will ensure that Albertans have access to the most advanced resources and that these important resources from our first century can be enjoyed and accessed throughout our second century.

While I applaud the hon. Member for Edmonton-Ellerslie for his understanding of the importance of libraries, I would suggest that if he truly wanted to honour the legacy of Dr. Lois Hole, he support the government in its endeavours to create a digital library. This House should not agree to this motion, Mr. Speaker, as it will not enhance Albertans' ability to access libraries, and it will reduce an important source of funding to Alberta's libraries. I believe the member has honourable intentions in bringing forward this motion but has failed to think of the unintended consequences that such an action may have. Given the importance of libraries to our society, I do not feel that we can run the risk of reducing their funding without the realization of a corresponding benefit.

Thank you, Mr. Speaker.

The Acting Speaker: The hon. Member for Edmonton-Glenora, followed by the hon. Member for Lac La Biche-St. Paul.

Dr. B. Miller: Thank you, Mr. Speaker. I think it's a privilege for me to rise and speak about this topic, and I think people are having selective memory about Her Honour Lois Hole and what she stood for. Speech after speech she connected the two themes of education and poverty. I've heard many of the speeches, and in one speech that she recently gave at a banquet of the Mahatma Gandhi Foundation for World Peace, at which she received an award in the name of Gandhi and Martin Luther King Jr., she talked about poverty. She said:

I cannot help but mourn all the progress the human race has lost to poverty. How many brilliant young minds are withering this very moment because of malnutrition or lack of access to education . . .

The truth is, the poor people of this earth need our help. And since it is our children who have the potential to build a better tomorrow, part of our help must come in the form of investment in education.

Then she quoted from one of her personal heroes, Nelson Mandela, who once said:

Education is the great engine of personal development. It is through education that the daughter of a peasant can become a doctor, that a son of a mineworker can become the head of the mine, that a child of farm workers can become the president of a great nation. It is what we make out of what we have, not what we are given, that separates one person from another.

Lois went on and just said this, and I end with this quote.

This quote [of Nelson Mandela] is a great inspiration for me, and reinforces my determination to support public education and public libraries here in Canada and in all the corners of the globe.

Mr. Speaker, I knew Lois Hole quite well also, and I invited her to participate in an organization we formed in the city of Edmonton called the Quality of Life Commission. For a number of years we gathered stories from people living in poverty, and one story I remember quite distinctly was about a young, single father with two children. He was on social assistance, and he had to walk miles to attend a job training course here in the inner city because he couldn't afford to buy a bus pass. He couldn't afford to feed his own

children. He couldn't afford the \$12 for a library card. He said to us that all he could do with his children was simply walk by museums and other public institutions where there were user fees because he couldn't afford them. So the issues of affordability and accessibility to libraries are issues that Lois Hole would have been concerned about. I think that this proposal, this motion is truly a motion that honours the memory of Lois Hole.

Why should a person experience the indignity of having to go into a library and beg for a library card? Of course, in Edmonton the public libraries, if you do not have adequate income, waive the cost of the library card, but why should a person have to go through the indignity of having to beg for a library card? We should enable all Albertans to participate fully as citizens in this province and be able to go to a public library and read the books and participate.

So, Mr. Speaker, I urge all members of this Assembly to support this motion. Thank you.

The Acting Speaker: The hon. Member for Lac La Biche-St. Paul.

Mr. Danyluk: Thank you very much, Mr. Speaker. It gives me great pleasure to join in the debate on Motion 502 this evening. It is an interesting motion, and I appreciate the opportunity to share some of my thoughts. I think that we would be hard-pressed to find any member in the Legislature who would not at some point in their life have used a public library to find information or for entertainment or for research of some kind.

I want to say that when the discussion comes to the Hon. Lieutenant Governor Lois Hole, I had the privilege of serving with Lois on the school board for many years and have known her for a lot of my political life. We became very close friends, and at no time did she ever mention to me that she felt it was unnecessary to have fees. We talked extensively about her passion for education, her passion for reading, her passion for learning, and her passion especially for libraries. Mr. Speaker, I don't know of any individual that dedicated her life to libraries more than Lois Hole. I again repeat to you that I at no time heard her say that she believed that for individuals that used libraries it was important that they had free access.

I can speak of rural Alberta, and presently we are in a situation where the government does support municipalities for library operations. We are very fortunate in rural Alberta to have a network of library systems that operate very effectively and efficiently and allow access to those libraries with minimal or no cost to the patrons that use them.

We also have . . .

9:00

The Acting Speaker: I hesitate to interrupt the hon. Member for Lac La Biche-St. Paul, but the time limit for consideration of this item of business has concluded.

Hon. members, before we proceed with the next item of business, may we briefly revert to Introduction of Guests?

[Unanimous consent granted]

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

Mr. Danyluk: Thank you very much, Mr. Speaker. It is my pleasure to introduce to you and through you to members of this Assembly two representatives from the Alberta Institute of Agrologists. Agrologists are scientists who provide scientific services in environmental protection and agriculture production. Representing the Alberta Institute of Agrologists, which boasts over 1,500 members, are incoming president Mr. Dave Lloyd, and Mr. Ken

Davies, the executive director and registrar. Also, from the Department of Human Resources and Employment Mr. Adrian Pritchard, the manager of professions and occupations. As you see, they have risen, and maybe I could ask everybody together to give them the warm applause of this Assembly.

Thank you very much.

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

Bill 17
Agrology Profession Act

The Acting Speaker: The hon. Member for Lac La Biche-St. Paul.

Mr. Danyluk: Thank you, Mr. Speaker. I'm pleased to rise today to move second reading of Bill 17, the Agrology Profession Act.

I would like to acknowledge the significant contribution of the Alberta Institute of Agrologists, which has worked closely with the staff of Human Resources and Employment to develop this new legislation. The membership of the Alberta Institute of Agrologists strongly supports the provisions contained in this bill. In addition, stakeholders from government, private industry, other professional associations, academic institutions also support this proposed legislation.

The Agrology Profession Act will repeal and replace the current Agrologists Act with new legislation that provides for greater public accountability, transparency, and equity in the governance of Alberta's agrology profession. The act follows other professional statutes, notably the Regulated Forestry Profession Act, in making the agrology profession's governing legislation consistent with Alberta government policy regarding the self-regulation of professional associations.

As I mentioned before, Mr. Speaker, there are over 1,500 professional agrologists in Alberta who provide professional services in agriculture and in the environmental sector, which are vital to our Alberta's economy. This act was developed to enhance the quality of agrology services in the province by improving the regulation and professional standards of Alberta's agrologists. Ensuring the highest standards of agrology practice contributes to the protection of Alberta's environment as well as the protection of agricultural land, crops, and livestock.

The Agrology Profession Act is modelled on administrative registration, continuing competence, professional conduct, business arrangement, title protection, regulatory and by-law provisions of the Regulated Forestry Profession Act.

I would like to go over some of the key highlights in this legislation, Mr. Speaker. An important part of this legislation is that it strengthens the role of the Alberta Institute of Agrologists. This professional organization ensures that its members are qualified and competent to provide knowledge and advice on agriculture, food, and associated natural resources. The act specifies the requirements of an annual report and increased public membership as well as the composition role, responsibilities, and delegating powers of the institute's governing council, registrar, committees, and tribunals. The act also specifies the institute's application and registration requirements, including the mandatory registration of those persons who meet the institute's academic, professional, and experience requirements.

The act strengthens the professional conduct of the institution members by specifying the requirements for complaint investigation, hearings, and appeals, the use of alternate resolution processes, and the procedures relating to decision and disposition of records. The act also requires that the institution comply with record retention

requirements of the Personal Information Protection Act to ensure personal privacy. It also follows other professional legislation in allowing complaints to be referred to the office of the Ombudsman.

The act also specifies the protected titles, words, and abbreviations which may only be used by the institution members. There are also penalties and injunctions associated with the illegal use of such titles, words, and abbreviations. When you see the letters in quotations "PAG" behind a name, you know that you are hiring or working with an agrologist who meets the highest standards of professionalism.

Another positive aspect of the legislation is that it allows for the establishment of subcategories of institution memberships such as the agrology technologist. This is important because it enables these individuals to become institute members and make a positive contribution to its activities.

In conclusion, the Agrology Profession Act establishes clear accountability requirements and provides authority for the Alberta agrology profession. It responds to the public expectations for more transparent and consistent professional legislation, and it strengthens a profession that provides important services to Alberta.

Thank you very much, Mr. Speaker, and I would like to move adjournment of this debate.

[Motion to adjourn debate carried]

Bill 4
Alberta Science and Research Authority
Amendment Act, 2005

The Acting Speaker: The hon. Minister of Innovation and Science.

Mr. Doerksen: Thank you, Mr. Speaker. I rise today to move second reading of Bill 4, the Alberta Science and Research Authority Amendment Act, 2005.

This amendment act follows up on the commitment in the 2004 Speech from the Throne allowing for the establishment of an information and communication technology institute as well as a life sciences institute. ICT and the life sciences are important components of the province's innovation agenda and are critical to our future prosperity and quality of life.

We already have three successful research institutes operating in the province. These are the Alberta Agricultural Research Institute, the Alberta Energy Research Institute, and the Alberta Forestry Research Institute. The proposed institutes will mirror the operating structure of these organizations and facilitate increased collaboration on shared research agendas. We have seen excellent results come out of the existing research institutes; for example, the strategic focus for investments in each of the institutes, the Agricultural Funding Consortium, the initiation of joint initiatives like bioenergy and blended fibre research and development as well as EnergyINet.

It is important that we maintain specific expertise in key areas like agriculture, energy, and forestry, but it is also important that we look to expand our capacity by establishing research institutes that focus on research and development that cuts across sectors and require multiple-disciplinary teams to find solutions. By establishing research institutes in ICT and life sciences, we can expect to bring more collaboration to our common innovation agenda and to find more cross-sector opportunities.

9:10

A life sciences institute will show a further commitment to fulfilling the life sciences strategy that was approved by government in March 2003. We will focus on such areas as bioproducts, which includes bioenergy, biochemicals, and biomaterials. It also focuses

on health innovations, including BSE and prion science. It'll focus on sustainable resource management in water, climate change, biodiversities, and sustainable production on the land. As well, it will focus on the platform technologies including genomics, nanotechnology, and bioinformatics.

It will provide direction for the province as we look to build our capacity and our capability in this important sector. An ICT institute will provide necessary leadership and co-ordination to further our ICT strategy, and it will drive the implementation of that strategy. It will also build on previous government investments in iCORE, which of course is the Informatics Circle of Research Excellence, and the Alberta SuperNet as well as postsecondary education opportunities in ICT. It will focus on areas such as leading the development of a focused strategic plan for ICT, it will develop and implement R and D and commercialization programs consistent with that plan, and it will work with other provincial research institutions to ensure that that plan fits within a provincial, national, and international context. Lastly, it will focus on attracting world-class ICT researchers to Alberta.

Significant opportunities exist for the province in ICT and the life sciences, and establishing research institutes to provide strategic advice and direction is a logical and necessary step. This is important legislation to ensure our future economic prosperity and quality of life, and I encourage the Assembly to provide their support for this bill.

Mr. Speaker, I am pleased to move second reading of Bill 4.

The Acting Speaker: The hon. Member for Edmonton-McClung.

Mr. Elsalhy: Thank you, Mr. Speaker. To begin, while we as the Official Opposition do not disagree with the proposed amendments to the Alberta Science and Research Authority Amendment Act, I want to briefly comment on the following issues. First, I would like to highlight the fact that both the Alberta information and communications technology institute and the Alberta life sciences institute have significant public policy implications and can have a profound effect on people's lives in areas like modes of service delivery as in government, education, and health and privacy and security issues, commercialization potential, applicability, and so on. Therefore, I strongly urge this government to remember that what drives us all here is what makes life easier, healthier, and more enjoyable for all Albertans, and that research has to be geared to and directed towards this outcome.

If this amendment is meant to streamline the operation and expand the scope of the Alberta Science and Research Authority to benefit the people of this province, then we're for it, and we will support this initiative. However, it is still necessary to emphasize that this government insists on excluding arts, humanities, and social sciences, and that's possibly because it perceives them not to have immediate market value. By contrast, the Alberta Liberal platform in 2004 advocated funding for these areas through the surplus revenues.

Also, the fact that the three existing research institutes – namely, the Agricultural Research Institute, the Energy Research Institute, and the Forestry Research Institute – have failed to consistently provide publicly accessible annual reports is disturbing. Such reports may be provided to the minister as per the legislation, but that's not adequate in this day and age, Mr. Speaker. The public should be able to access this information freely, timely, and efficiently. It shouldn't cost the ministry much to post these reports on its website, for example.

Lastly, there is also a concern that all board members of these institutes are appointed by the minister. Appointing officials seems

to be the preference of this government today. At least one of these board members must be an MLA, and the chair of each of these institutes must also be an MLA. These are clearly patronage appointments, Mr. Speaker. What are the chances that an opposition MLA would be invited to join one of these boards? Highly unlikely. These appointments are political in nature, and these individuals may not be the best candidates for that job.

So, to conclude, the Official Opposition agrees in principle with adding the two institutes under ASRA, but we want to ensure more transparency and accountability. The Official Opposition is not here to complain and whine. We're willing to work with the minister if he can assure us that these amendments are useful to Martha and Henry and that they are beneficial to the average Albertan, not to a select group of stakeholders or certain industries which stand to gain from cheap, government subsidized, market-targeted research initiatives.

Thank you.

The Acting Speaker: The hon. Minister of Innovation and Science to close debate.

Mr. Doerksen: Thank you, Mr. Speaker. I was just starting to look at the website for the Alberta Agricultural Research Institute, and it provides a wealth of information that the hon. member was just requesting. The same information would be there for the other institutes as well, but I will take the opportunity and read his comments and at committee provide some further comments of clarification.

[Motion carried; Bill 4 read a second time]

Bill 5

Family Law Amendment Act, 2005

The Acting Speaker: The hon. Minister of Justice and Attorney General.

Mr. Stevens: Thanks very much, Mr. Speaker. It's my pleasure to rise this evening to move Bill 5, the Family Law Amendment Act, 2005, for second reading.

The Family Law Amendment Act makes several changes to strengthen the Family Law Act before it is proclaimed on October 1, 2005. Overall, the amendments fall into three categories. First, amendments have been made to joint guardianship provisions of the Family Law Act so that mothers and fathers are given a more equal opportunity to be guardians of their children; second, the amendments clarify the powers and responsibilities of persons who are guardians of their children; and third, there are a number of minor housekeeping amendments to correct small errors and oversights. I will speak to each of these in turn.

Section 5 of the amendment act amends section 20 of the Family Law Act. Once proclaimed, the Family Law Act will repeal and replace the Domestic Relations Act. The joint guardianship provisions of the Family Law Act are modelled after the joint guardianship provisions of the Domestic Relations Act. Every child needs to have a guardian until the child reaches the age of majority. The current provisions provide that the mother is always the guardian of a child. The father is a guardian only if he is married to the mother or if he lives with the mother for 12 consecutive months during which time the child was born. In other words, the current provisions say that the mother and father are joint guardians of their children if there's a sufficient relationship between the parents. If there is not a sufficient relationship, there is a default to the mother

as the sole guardian of the child. If the father is not automatically a guardian, he can apply to the court to be appointed as a guardian.

The Domestic Relations Act provisions have been criticized by the Court of Queen's Bench of Alberta for failing to treat fathers and mothers equally in their ability to be the guardians of their children automatically and so are contrary to the Charter of Rights and Freedoms. The amendment to section 20 of the Family Law Act will treat fathers and mothers more equally in terms of who is automatically a guardian of the children.

The current relationship provisions for acquiring guardianship are contained in subsection (2). Subsection (2) says that the mother and the father are both the guardians of the child where the parents are married, cohabited with each other for 12 months during which time the child was born, or are adult interdependent partners at the time of the child's birth. The major change to the relationship provisions is the addition of adult interdependent partnerships to the list of relationships. Where any of these relationships exist, both the mother and father will automatically be guardians of their children. Most parents will fall into one of these categories. However, subsection (3) changes the default provisions where there is not a relationship between the mother and father. Instead of defaulting to the mother as sole guardian, the law will default to both parents until the child acquires a usual residence with one or both parents. At that point, the parent or parents with whom the child usually resides will become the guardian or guardians.

9:20

Subsection (1) allows the court to make an order or the parents to enter into an agreement which would be different than the legislation would otherwise provide.

Subsection (4) provides that if a child has resided with a parent for a year, that parent continues to be a guardian even if the child no longer resides with that parent. By defaulting to both parents until usual residence is established, either parent is able to make important medical decisions.

I'd like to reiterate that most parents will automatically be guardians by virtue of the relationship provisions of the legislation. What the amendment does is create a level playing field for parents where both the mother and father have an interest in being involved in their child's life and are willing to assume that responsibility.

For fathers in short-term relationships who may not want to be a guardian, the usual residency provisions will allow the mother to become the child's sole guardian without difficulty. If the father does wish to be a guardian, the parents can enter into an agreement regarding guardianship powers.

The amendments to section 20 are consistent with the principle that both parents should be encouraged to take an interest in and responsibility for their children and that collaboration between parents in raising their children is usually in the best interests of the children, and they address the Charter equality concerns in the clearest possible fashion.

Section 6 of the amendment act amends section 21 of the Family Law Act. Currently the Family Law Act lists the responsibilities and powers of guardians together in subsection 21(5). The intention of the legislation is that guardians have certain responsibilities that are mandatory and that they have a number of powers that may be exercised in order to fulfill their responsibilities. To ensure that the difference between powers and responsibilities is sufficiently clear in the legislation, the proposed amendment separates the two.

Responsibilities will now be found in subsection (5). Powers will now be found in subsection (6). Currently the exercise of powers is to be done in a manner consistent with the evolving capacity of the child. That remains unchanged, although this is now placed in its

own subsection (7). Simply put, this means that a guardian is expected to treat an infant differently than a five year old, a five year old differently than a 12 year old, and so on.

Also, as is currently the case, subsections 21(2) and (4) do not apply to decisions of child welfare directors. The right to be consulted about decisions, for example, is inconsistent with the Child, Youth and Family Enhancement Act. The Child, Youth and Family Enhancement Act, rather than the Family Law Act, governs the rights of parents and guardians whose children are in care, and that remains unchanged.

The remaining amendments are housekeeping amendments that correct small errors and oversights in the original wording of the Family Law Act. I'll go through each of those briefly.

Section 2 amends section 1(o). A respondent will now mean a person against whom proceedings are brought under this act rather than a person who answers a response to an application under this part. Under the current definition a person would have to respond to an application to be a respondent, and that needed to be clarified.

Section 3 amends section 3(2)(a). This adds section 10 to the list of sections over which the provincial court does not have jurisdiction. The provincial court does not currently have jurisdiction for constitutional reasons over section 9, which is the ability to make the declaration of parentage for all purposes. Section 10 allows the court to confirm, set aside, or make a new declaration where there is new evidence. If the provincial court does not have jurisdiction over section 9, it should not have jurisdiction over section 10.

Section 3 amends section 3(2)(b) by repealing clause (b). This subsection currently prevents the provincial court from making trusteeship orders under the Family Law Act for constitutional reasons. Since all of the trusteeship provisions of the Family Law Act were repealed by proclamation of the new *Minors' Property Act*, this subsection is no longer required.

Section 4 amends section 8(1)(d). Section 8 establishes the circumstances in which a male is presumed to be the father of a child. The language of section 8 is being changed to reflect a similar change to the language that is going to be used in section 20(2)(d), which is the relationship subsection establishing automatic guardianship. Section 7 amends section 23(7) by striking out "section 24" and substituting "section 25." This speaks for itself. The wrong section number was inadvertently used.

Section 8 repeals section 51(6). Section 51(6) repeats section 51(5) and is, therefore, redundant and is being repealed.

Section 9 amends section 66(3)(a) by adding "or" after "sum." Currently the section allows a court to make an order for a lump-sum payment periodically which does not make sense as these are intended to be alternative orders. The amendment will allow the court to order a lump-sum payment or periodic payments.

Section 10 amends section 77(4)(a) by striking out "as" and substituting "including those." The current language would require the child support guidelines which are being developed by regulation to identify all the possible changes of circumstance that could justify a variation order. We just want to be able to specify some circumstances that would justify variation. We do not want the regulations to be the exclusive source of circumstances that would justify variation.

Section 11 amends section 87(c) by adding "judgment, finding or declaration" after "order." The intent of this section is to allow one court to admit into evidence findings made by another court, and we felt that just using the word "order" was not broad enough.

Section 12 amends section 107 by adding a regulatory power to allow the Lieutenant Governor in Council to define "party" for the purposes of the act. Section 1 provides that "party" will be defined in the regulations but that power was accidentally left off the list of regulatory powers in section 107.

Section 13(a) amends section 108(5) by striking out “terminated” and substituting “set aside.” This subsection allows the Parentage and Maintenance Act order to be dealt with under the Family Law Act. Terminating an order is not available under the Family Law Act. The correct remedy is setting aside an order. This amendment corrects the language used.

Section 13(b) amends section 108(7) by striking out reference to “access enforcement order under this Act” and substituting “enforcement order made under Division 4 of Part 2.” This amendment corrects the language used since enforcement orders under the Family Law Act are not called access enforcement orders.

Mr. Speaker, this gives an overview of Bill 5. As I’ve indicated, it amends several points in the Family Law Act so that when we proclaim it, it will be clear and easier to implement. It’s a huge undertaking to revise family law in Alberta, and we want to ensure that we do it right.

I would encourage all members of this Assembly to support the bill. Thank you.

The Acting Speaker: The hon. Member for Edmonton-Glenora.

Dr. B. Miller: Thank you, Mr. Speaker. I rise to speak on Bill 5, Family Law Amendment Act, 2005, presented by the hon. Minister of Justice. We would agree with almost everything he has said. There are lots of housekeeping changes put forward in the rewriting of this act, which is very helpful in clarifying language. I’m not going to follow and mirror the journey that our hon. minister has . . .

An Hon. Member: Thank you.

Dr. B. Miller: You’re welcome.

Most of it’s quite acceptable. But I just wanted to speak for a few minutes about the central core of the bill. The purpose of the amendment is to correct the inequality between the mother and the father in respect to guardianship. Of course, the rationale for such equalization is that differential treatment between mothers and fathers is contrary to the equality provisions of the Canadian Charter of Rights and Freedoms, so this is something that we ought to do.

The most important change is to section 20, which in its present form assumes that the mother is always the guardian of the child, and the father is recognized as the guardian only under certain circumstances. So this is, of course, a serious question. When is a father or a mother recognized as the guardian of a child? I think that all would agree that really the test for guardianship is the best interests of the child. The law should enable the recognition of guardianship in the best interests of the child. I have no doubt that that is the motivation behind this bill: to recognize the best interests of the child and to recognize the quality of a mother and a father.

9:30

So in the proposed rewriting of section 20, “the mother and the father of a child are both the guardians of the child where,” then there follows a list of categories defining the grounds for the recognition of guardianship and the principle of equality is honoured. In general, the mother and father of the child are both guardians where the parents are married or living together, cohabiting. If they are not married or cohabiting, if they’ve separated, then the parent with whom the child resides is the sole guardian, or both parents are guardians where the child resides with each of them for “equivalent periods of time.”

I assume that when we go into Committee of the Whole, we’ll get to debate some of these points. This particular point about “equivalent periods of time” I’m not sure about. If one of the parents is

working in the far north and is only home a quarter of the time, does the parent lose his or her eligibility as a guardian? It seems that there might be a problem there. I realize that the development of these definitions and rules is driven by actual court cases, so it’s important to make these changes. The bottom line is the nurture and care and love for the child – that’s what’s important – and our courts, I think, should have the flexibility to assess a variety of possible arrangements in respect to guardianship in order to ensure that the child is really cared for. That’s what’s important.

Let me add that there is one interesting element here that I’m sure the government members haven’t thought about, or maybe they’ve thought about it but don’t want to think about it, and that is: what will be the implication of the legislation before the House of Commons on same-sex marriage when that becomes law?

Now, Ontario anticipated this and went ahead and changed the language of 85 statutes, removing all gender-specific language. It seems to me that Alberta will have to do the same thing eventually, so maybe we should anticipate that and begin to work on that now because among the many family arrangements that are recognized and should be recognized in our society, same-sex relationships should be recognized too. They are relationships that involve guardianship and the nurture of children. So apart from adoption issues it seems to me that two women living together should be recognized as guardians as much as two men living together raising children.

Well, the amendment of section 21 – this is the last thing I’ll say – separating out the responsibilities of parents in respect of the child from the powers that a guardian may exercise is quite fine. It looks good, but I’m not sure what difference it makes to fix it up this way. But I really like the content there, the content that all parents in Alberta should become aware that there are responsibilities and, indeed, there are powers in the exercise of being parents.

There is an addition of subsection (7). I agree with the intention of this, that guardians should exercise their parental powers of daily decision-making “in a manner consistent with the evolving capacity of the child.” I’m not sure exactly what this means. The minister talked a little bit about that. Secondly, I don’t know how it would ever be enforced, unless there’s going to be a proposal that we should all have parenting courses, which is probably a good idea. Certainly parents have a lot to learn about raising a child, and we have to make decisions in relationship to the evolving capacity of children.

I guess my final comment is just that it’s difficult to interpret a bill like this when it all is coming out of court experience, and it’s difficult to understand the rationale behind specific clauses here. In general, it’s a good amendment, so we support it, Mr. Speaker.

The Acting Speaker: The hon. Minister of Justice and Attorney General to close debate.

Mr. Stevens: Thanks, Mr. Speaker. First of all, I’d like to thank the hon. member for his general support of the amendment. A brief comment regarding guardianship in situations where only one of the two parties who would be parents is either the mother or the father. Under the Family Law Act we’re talking about mothers and fathers. It makes little difference whether you’re talking about an opposite-sex or same-sex situation as it relates to parents who wish to be guardians. If there is a situation where only one of the parties is a mother or a father of the child in question, then it is necessary for either would-be parent to adopt. In that particular case the guardianship provisions flow from the adoption, and that particular situation and the rights and obligations, if you will, are found under the adoption legislation here in Alberta. They’re not found under the

Family Law Act. So that is where one looks to find the answer to that particular question.

I would now call the question, Mr. Speaker.

[Motion carried; Bill 5 read a second time]

The Acting Speaker: The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Speaker, and thank you to all members for a very enlightening evening of good and thorough debate. That being the case, I would move that the House now stand adjourned until 1:30 p.m. tomorrow.

[Motion carried; at 9:37 p.m. the Assembly adjourned to Tuesday at 1:30 p.m.]