

**LEGISLATIVE ASSEMBLY OF ALBERTA**

Title: **Thursday, June 23, 1988 2:30 p.m.**  
Date: 88/06/23

[The House met at 2:30 p.m.]

[Mr. Speaker in the Chair]

**PRAYERS**

MR. SPEAKER: Let us pray.

In our mind's eye let us see the awesome grandeur of the Rockies, the denseness of our forests, the fertility of our farmland, the splendours of our rivers, the richness of all our resources.

Then, O Lord, let us rededicate ourselves as wise stewards of such bounty on behalf of all Albertans.

Amen.

head: **PRESENTING REPORTS BY  
STANDING AND SPECIAL COMMITTEES**

MR. SCHUMACHER: Mr. Speaker, the committee on private Bills has had the following Bills under consideration and recommends that they be proceeded with: Bill Pr. 1, Royal Canadian Legion Alberta Property Act; Bill Pr. 3, Paul Mark and Cheryl-Lynne Mary Ibbotson Adoption Act; Bill Pr. 4, Warren S. Forest Bar Admission Act.

Also, Mr. Speaker, the committee on private Bills has further had the following Bills under consideration and recommends that they be proceeded with with certain amendments: Bill Pr. 2, Canada Olympic Park Transfer of Title Act; Bill Pr. 6, Old Sun Society Community College Act; Bill Pr. 8, Rosebud School of the Arts Act; Bill Pr. 12, Canadian Southern Baptist Seminary Act.

Mr. Speaker, the committee on private Bills has further had the following Bills under consideration and recommends that they not be proceeded with: Bill Pr. 5, Patricia, Alejandra and Marcello Becerra Adoption Act; Bill Pr. 9, Hungarian Cultural Society of Edmonton Act; Bill Pr. 13, German Canadian Club of Calgary Act; Bill Pr. 14, Austrian Canadian Society of Calgary Act; Bill Pr. 15, Polish Canadian Cultural Centre of Calgary Act.

I request the concurrence of the Assembly in these recommendations.

MR. SPEAKER: Does the Assembly concur in the report by the hon. Member for Drumheller?

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed?

SOME HON. MEMBERS: No.

MR. SPEAKER: Carried.

head: **NOTICES OF MOTIONS**

MR. YOUNG: Mr. Speaker, pursuant to Standing Order 21, I wish to give notice that I intend to move in Committee of the Whole that further consideration of any or all of the resolutions, clauses, sections, or titles of Bill 21, then before the committee, shall be the first business of the committee and shall not be further postponed.

head: **INTRODUCTION OF BILLS**

**Bill 262**  
**An Act to Amend the**  
**Individual's Rights Protection Act**

MS LAING: Mr. Speaker, I beg leave to introduce a Bill, being An Act to Amend the Individual's Rights Protection Act.

This Act would amend the present Act to include sexual orientation and mental disabilities as grounds not allowed for discrimination in accommodation, employment, membership in a union, and similar circumstances.

[Leave granted; Bill 262 read a first time]

head: **TABLING RETURNS AND REPORTS**

MR. GETTY: Mr. Speaker, I wish to table copies of the report of the Premier's Commission on Future Health Care for Albertans. This is the interim report from the commission. It's titled Caring and Commitment: Concerns of Nurses in the Hospital and Nursing Home System. While I'm tabling these copies, individual copies will be distributed to all members of the House.

head: **INTRODUCTION OF SPECIAL GUESTS**

MS LAING: Mr. Speaker, it is my pleasure today to introduce to you and through you to members of this Assembly, five members of the lesbian and gay community in Edmonton. This week marks the celebration of Gay and Lesbian Awareness Week in Edmonton, ending with Lesbian and Gay Pride Day on June 27. My guests are seated in the public gallery, and I would ask that they rise and receive the warm welcome of this Assembly.

MR. SPEAKER: The Member for Lethbridge-West.

MR. GOGO: Thank you, Mr. Speaker. Later today we'll be discussing a most important Bill, Bill 211, and we have some very special visitors with us today that I would like to introduce to members of the Assembly. From the group known as MERGE, the Movement for the Establishment of Real Gender Equality, and the Children's and Parents' Equality Society, and later today the Fathers Alberta Shared Parenting Association, we have some 66 members here to listen to that debate today, and they're seated in both galleries. I ask them now to rise and receive the welcome of members of this Assembly.

MR. GIBEAULT: Mr. Speaker, I'm pleased to introduce to you and to the other members of the Assembly this afternoon, 51 students from the grade 6 classes at St. Clement school in the riding of Edmonton-Mill Woods. They are accompanied by their teachers Leonard Tannas and Michael Engel. They're

seated in the public gallery, and I'd ask them to rise now and receive the very warm welcome of the House.

MR. SPEAKER: Edmonton-Belmont.

MR. SIGURDSON: Thank you, Mr. Speaker. It's a pleasure today for me to introduce to all members of the Assembly, 20 students from the McLeod school, which is located in the constituency of Edmonton-Belmont. They are accompanied by their teacher Miss Susan Kolbowicz and parents Mrs. Joan Pankiw and Mrs. Piccinin. They are also accompanied today by the parent of the teacher, Mr. Kolbowicz. I would ask that they all rise and receive the warm, traditional welcome of this Assembly.

head: **ORAL QUESTION PERIOD**

**Closure Motions on Bills 21 and 22**

MR. MARTIN: Mr. Speaker, to the Premier. When this government brought in closure on second reading of Bills 21 and 22, the Government House Leader said at that time that the reason for using the government majority to shut off debate was so that this Bill could move to committee. He said at the time that the opposition would have plenty of time to debate the fine points of the Bills when they go through a clause-by-clause study in committee. What hypocrisy. My question is to the Premier. Will the Premier indicate why this government has decided to undermine the integrity of its House leader and trample the rights of New Democrat MLAs in this Legislature by cutting off debate in committee stage before it's virtually started?

MR. GETTY: First of all, Mr. Speaker, we're not doing that. We are allowing the legislation to pass through the stages that are required in the Legislature. I should draw to the hon. member's attention there has been a considerable amount of time spent on this legislation, and a considerable amount of time will be.

MR. MARTIN: Mr. Speaker, this is so undemocratic and so hypocritical of this government. I say that in Bill 22 we had 18 government amendments passed. We had one day of debate. Is this Premier saying that that's adequate when we're dealing with two major Bills that affect working people directly? One debate at committee stage: that's adequate according to him?

MR. GETTY: Well, Mr. Speaker, obviously the House will be dealing with this matter for four or five hours today. That's longer than the government legislation in terms of the amendments took. Might I say, dealing with this legislation: here are the pages of debates on this Legislation in *Hansard*. Here are the pages, over 200 pages. This has been in the Legislature since April 15, when the legislation was tabled, and that was after two years of study. Then they had a lot of time; they had some 19 hours at second reading on these two Bills, 19 hours in which all their debate was intended to do was to stall. If they'd wanted to take some of that time and put it into committee, then they would have had an additional amount of time.

Now, after tonight, Mr. Speaker, there will be another 15 hours of discussion on this legislation. Frankly, if the hon. members wish to deal with legislation in a positive, responsible way, they will be treated in the same way by the government.

MR. MARTIN: Mr. Speaker, what absolute garbage. Bill 22 amendments were brought in on Monday, and we had one debate on it. One debate. I want to say to you: this legislation affects all working people, and really what it's doing -- the point that we're trying to make -- is tipping it over on the side of management. I say to the Premier isn't he being hypocritical to pretend that there was an opportunity to convince the House at the same time that he engaged in the exercise of shutting down? I remind him: he said we'd have all the time to debate this when we raised it in question period; now he's shutting down the House. What a hypocrite.

MR. GETTY: Mr. Speaker, the hon. member can use all the outrage, or whatever it is he's trying to manufacture over there, that he wishes. Here is the record in *Hansard*. All of these are pages of the debate. Now, whether they mismanaged their time -- that's their fault. I'm sorry. Because the House has spent a tremendous -- probably more than on any piece of legislation before in history, so the hon. member has only himself to blame.

MR. MARTIN: Mr. Speaker, this totally undemocratic government has grown arrogant. It can't stand opposition. That's the reality. The people of Alberta are watching the contempt that they hold with legislative democracy. My question is: what is the hurry here? These are major Bills. Is it because of the golf course, or is that there is some other hidden agenda that they want to get out of here? Tell us why we have to get out of here so quickly.

MR. GETTY: Well, Mr. Speaker, again he can feign all his righteous indignation that he wishes, because the record is here. The hurry? This started two years ago, two years of study. A Bill was put in a year ago to study, then again introduced, allowed to sit in the House for some weeks, then dealt with, and again the record is here. You can hardly stand there with a straight face and say you haven't had time to talk on this legislation, when it is thicker than the Edmonton phone book. I mean, what kind of nonsense, to get up here and try and act indignant after that kind of a record. If he was unable to manage his time correctly as a leader, that's his fault, not the government's.

MR. SPEAKER: Thank you.

Westlock-Sturgeon, supplementary.

MR. TAYLOR: Thank you, Mr. Speaker. It's hard to get angry watching the government commit suicide. Nevertheless, to the Premier. How could you possibly justify limiting debate to the representatives of at least 40 to 50 percent of the people of Alberta to 30, 35 hours that you're talking about when the minister and his friends took many times that, 100 times that in hours, to go around the world?

MR. GETTY: Well, Mr. Speaker, that was providing the base upon which we were able to deal in the House.

But I come back to the hon. member when he says we're limiting debate. There is the record. It'd be different if we were dealing with something like this. But no; this is thicker than the Edmonton phone book, and to say that that is limiting debate is just nonsense. The hon. members may try and act indignant if they like, but the record is there. If they just deal with legislation in a positive, responsible way, they'll find that we can proceed through the House in the regular ways. But if they want to merely stall and delay, then the government has to act respon-

sibly, because closure is as much of Parliament as the question period is. People in our democracy over the years developed this process for the one thing that you need that process for, and that's irresponsible opposition. That's what you need it for.

MR. SPEAKER: Second main question, Leader of the Opposition.

#### **Defence Research Establishment Suffield**

MR. MARTIN: It's another important issue, Mr. Speaker.

AN HON. MEMBER: Poor management.

MR. MARTIN: Poor management? We'll see about the management after, Mr. Speaker.

My question is, though, on a very serious matter to the Federal and Intergovernmental Affairs minister. On two recent occasions in this House the minister declared his support for testing of lethal nerve gases in southern Alberta and declared his confidence in the federal government's handling of the matter. Meanwhile, Mr. Speaker, the federal government has confirmed now an incident of May of 1986 in which two employees of the Suffield testing station were accidentally exposed to a deadly nerve gas. Fortunately, the two apparently recovered and are still employed at the Suffield station. My question is to the minister. With his consultation with the federal government will he advise whether the Alberta government was informed of this incident at the time, and if so what follow-up action was taken?

MR. HORSMAN: Mr. Speaker, the NDP asked the question in the House of Commons today of the Minister of National Defence, and the information was made available in that House. I haven't seen the answer that was given by the hon. Minister of National Defence, but I have been informed of the fact that the questions were asked in discussions with the acting chief of the Defence Research Establishment Suffield who has advised me of the circumstances of the incident, which took place within the controlled laboratory facility at Suffield and which required hospitalization of two employees overnight for observation only, and no ill effects were shown to have taken place.

At the same time, as a matter of precaution other employees were removed from the facility until such time as the matter could be properly and effectively dealt with, and I'm told that that in fact was done. At the time the incident did occur, no notice was given to my department that I am aware of, although it may have been communicated to the public safety division of the department for which my colleague the Minister of the Environment is responsible.

MR. MARTIN: Well, Mr. Speaker, I say to the minister: it's interesting that the government is prepared to allow their federal Conservative colleagues to keep Albertans in the dark about such a sensitive matter. I would have thought this minister would be aware of it, both in terms of his constituency plus his important role in Federal and Intergovernmental Affairs. But my question is a simple, straightforward one to this minister, now. In view of this happening, is the minister now prepared to frankly abandon his complacency with regard to the health and safety of Albertans in relation to the issue of testing of deadly nerve gases on the Suffield range?

MR. HORSMAN: Mr. Speaker, it is not a matter of being com-

placent. It is, however, a matter of relying on highly qualified, skilled scientists and technicians who are employed by the Department of National Defence and the Defence Research Establishment Suffield. That facility has been in place since the early 1940s. There have been thousands of people employed there. There have been thousands of tests carried out on that facility. Quite recently, in the last few years, the facility was used for the destruction of stored mustard gas, which had been in the hands of the Canadian Armed Forces and was destroyed on that particular base because it is equipped to handle this type of testing.

I should make it clear, and I want to make it perfectly clear, that we have indicated our support for the Defence Research Establishment, and I emphasize the word "defence" because it is defensive testing that is done. Unfortunately, it is known that there are countries in the world that have large stockpiles of nerve and chemical gases. The convention which is hopefully going to be agreed to in Geneva will result in a ban of this type of weapon. I would hope that that negotiation, which Canada is supporting fully and backing thoroughly in those discussions, will eventually be carried out. Our country is not stockpiling such weapons, and we hope that those who are will be dissuaded from doing so in the future.

MR. MARTIN: Well, Mr. Speaker, it's nice that the minister is concerned about the defence establishment. I would hope they'd be more concerned about the safety of people in southern Alberta at this particular time.

Mr. Speaker, Professor Mark Hollingsworth, an assistant professor of chemistry at the University of Alberta, has recently written an article entitled Public Health at Risk with Nerve Gas Tests at Suffield. I'd be prepared after question period to file three copies. His conclusions are frankly devastating. He says:

these releases constitute real and immediate public health threats to communities near the base, including Medicine Hat itself.

Is the minister now saying that he's prepared to ignore this warning, or is he finally going to make some serious inquiries on this matter?

MR. HORSMAN: Mr. Speaker, I am obliged to the hon. Leader of the Opposition for having provided me with a copy of the article in question. I have indeed made inquiries with respect to the nature of the tests, and I have been informed by the acting chief of the Defence Research Establishment Suffield that he has copies of three scientific studies which are opposed in their conclusions to those cited by the hon. leader of the NDP just now. I will obtain copies of those and make them available to him as well.

I think it is important to note that I have been assured by the minister directly, by telephone conversation and by correspondence from the Department of National Defence, that the safety procedures that were followed met all necessary standards and that there are clearly steps taken whenever a live agent is to be tested, that all personnel are properly warned, notified, clothed and in every other way protected from any unfortunate accidents. I would point out that in fact the tests which led to the line of questioning earlier took place in 1986 and that there were no adverse effects demonstrated in any way as a result of those tests.

MR. MARTIN: Mr. Speaker, in all due respect to the minister, asking the defence establishment whether what they're doing is safe is a bit like asking the fox if he's adequately looking after

the chickens. What do you expect them to say?

But, Mr. Speaker, Professor Hollingsworth goes on to note that the life of deadly nerve gases in the quantities admitted to by the federal government is much greater than their ability to forecast the winds, and he says that there really is no long-term research on these nonlethal doses of nerve gases. My questions are very simple, straightforward. Rather than listening to the defence establishment, why is the minister prepared to be, I say, complacent and allow his constituents frankly to be used at this point as human guinea pigs for this type of research?

MR. HORSMAN: Well, that is absolutely a ludicrous suggestion. It is quite clear that our Armed Forces in this country are serving this country well and that the Defence Research Establishment is part of that whole process. I would remind the hon. member that he along with other members of his party have complained that we in this province are not receiving our fair share of the national defence spending. All one has to do is go back in *Hansard* to see the complaints that have been leveled at the government in question period and at other times. This is part of the defence of our country, and it is being done by highly trained, qualified scientists and technicians with excellent qualifications, who could go anywhere in the world and obtain employment because of their qualifications and standards. I would suggest that it is an unfair accusation to hurl at those people who are, of course, Canadians as well as the hon. member and I.

MR. SPEAKER: Thank you.

MR. TAYLOR: Mr. Speaker, to the minister. In view of the fact that there are at least two other military ranges in Alberta -- Primrose and Wainwright -- is the minister aware or, I guess, is it even possible that he was ever informed of their use of any of the nerve gases or poison gases in these other military ranges?

MR. HORSMAN: Defence Research Establishment testing is only carried out, according to the information provided to me -- and I believe it -- on the Defence Research Establishment Suffield. It's a specialized facility with highly trained and qualified staff and proper equipment buildings designed specifically for the purpose of carrying out defensive testing relative to chemical and other warfare, all of which, Mr. Speaker, I as a Canadian, as a human being in this world, deplore having as a necessity. But it is a necessity in view of the fact that there are nations in the world that have stockpiled large quantities of these noxious and horrible weapons, too horrible to contemplate. But we must defend ourselves.

MR. SPEAKER: Thank you.  
Calgary-North West.

DR. CASSIN: Thank you, Mr. Speaker. To the minister of intergovernmental affairs. Mr. Minister, during the First World War thousands of young Canadians lost their lives or were rendered respiratory invalids because of the use of mustard gas that we were not prepared for, so controlled testing is necessary. Can the minister tell us if there are any incidents of injuries to wildlife, particularly our birds in that area, which should be sensitive to this type of testing?

MR. HORSMAN: As I've indicated to the members of the Assembly before -- and I appreciate his thoughtful preface to his

question -- there was no damage to any wildlife or any human beings or any domesticated animals in the vicinity of these tests.

### French Language Rights

MR. TAYLOR: Mr. Speaker, the introduction yesterday of Bill 60 was a major disappointment to both the Francophone community and myself. I saw the introduction of Alberta's Languages Act as an opportunity for the province to gain so much from so many for so little. But unfortunately the Premier and his members have wasted this opportunity, as they have so many others in the past. To the Premier. Why has the government decided not to take advantage of the money made available to the province of Saskatchewan from the federal government, and also that may be available to us, to translate those laws which groups such as the Francophone Alberta community have requested? Why did we turn down the money?

MR. HORSMAN: Mr. Speaker, since I introduced the Bill and since it will be a matter of debate in which I will participate -- it was decided that section 110 of the North-West Territories Act, which had not been in use either in the North-West Territories Act or in Alberta for a century with respect to legislation, was really redundant in terms of its application, and that to engage in the lengthy process of deciding which statutes should be translated into French as opposed to which might not and so on would be unwarranted and unnecessary, given the nature of Alberta and the distinct nature of Alberta society.

MR. TAYLOR: Mr. Speaker, back to the Premier. As the Premier oft has to meet with Ottawa to do negotiations, does not the Premier believe that there was a great deal more to be gained by giving up literally nothing and translating these laws into French than to create the unpleasant atmosphere that he now has between Ottawa and Alberta?

MR. GETTY: Well, Mr. Speaker, it isn't a case of giving up something. But it is a case of standing up for somebody, and what our government is doing is representing the people of Alberta. We will continue to do that.

MR. TAYLOR: Surely, Mr. Speaker, the more we can bring to the bargaining table, the better chance of getting Senate reform, for instance. How is the Premier going to argue for Senate reform with eastern Canada when he wouldn't even translate the laws into French at no financial cost to the people of Alberta? Where is his negotiating ability?

MR. GETTY: Well, first of all, Mr. Speaker, this is not a matter of dollars and cents. Maybe to the hon. member it is, but this is a matter of this government representing the people of Alberta in the distinct society that we have in this province. If the hon. member can be bought, to allow something that Albertans feel very proud of, the way this province is -- if you can buy him for a few dollars, that's fine, but you can't do it for this government.

MR. TAYLOR: Mr. Speaker, I'm flabbergasted. It has to be a weak government that thinks they're giving up something by translating laws into French. This is what Canada's about, surely. How can he expect to go to the bargaining table after having supported Meech Lake and hope to make deals with the rest of the provinces of Canada and the Canadian people for rights for Albertans when he won't give up the niggardly little

measly bit of translating laws into French?

MR. GETTY: Well, Mr. Speaker, I come back to the hon. member's position that he's taken; that is, that somehow or other you sell out the way Albertans feel in some kind of a negotiating process. Well, we won't do that. If we feel there is something that should be done in Canada, we do it on its merits. We certainly don't look for those other things that the people of Alberta are proud of and stand up for and say, "Well, we'll sell this out in order to get that." We will not do it. I understand the hon. member's position; the Liberals would do that. We will not do it.

MR. SPEAKER: The hon. Member for Westlock-Sturgeon has exhausted his supplementaries. Athabasca-Lac La Biche, followed by Calgary-North West.

MR. PIQUETTE: To the Premier. Bill 101 is before the Supreme Court. If it is ruled unconstitutional in Quebec, whereby the Anglophone minorities are looking at making sure their rights are respected, are you going to be agreeing with Mr. Bourassa that he has the right to take away the Anglophone rights in Quebec, like you did here in Alberta for the Francophones?

MR. SPEAKER: I'm sorry, hon. member; the question's out of order because it's hypothetical, and it's also soliciting a question with regard to the linguistic issue.

DR. CASSIN: Mr. Speaker, to the Treasurer. The leader of the Liberal opposition suggested that the moneys coming from the federal House would not cost the people of Alberta any moneys. Perhaps the Treasurer could allude to the member where the federal government obtains its money? [interjections]

MR. SPEAKER: All right.

Main question, Member for Little Bow, followed by Calgary-Glenmore, Edmonton-Strathcona.

### **National Defence Contracts**

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Economic Development and Trade. It's with regards to Alberta companies' being able to secure defence contracts in the province. At the present time there are very few that are secured by Alberta companies, and I think our capacity is much greater in terms of capability. In order to qualify, Alberta companies must be certified by the federal government. Could the minister indicate how many companies are certified and capable of taking defence contracts at this time?

MR. SHABEN: Mr. Speaker, I'd have to take that question as notice because it would require us to determine the precise number of companies. But over the past few years there has been a growing interest by Alberta companies in accessing the potential business that is available as a result of contracts' being awarded by the federal government, and a number of companies have positioned themselves to respond to those opportunities. The hon. member is aware that the federal government has announced that over the next 15 years there will be a concerted effort to see that this business is distributed across this country. It's early in that process. I think some \$38 million in contracts have been awarded, and about 14 percent have been awarded to

western Canadian companies.

MR. R. SPEAKER: Supplementary to the minister, Mr. Speaker, in terms of his provincial responsibility. Could the minister indicate what the Alberta government is doing to enhance the position of Alberta companies so that they can secure more of the federal contracts relative to defence expenditures?

MR. SHABEN: Mr. Speaker, perhaps it'd be useful to use a specific as an example of Alberta government support. The federal government recently awarded a \$100 million contract to Frontec, which is an Edmonton-based company. We worked very closely with the company over about a two- or three-year period in order to assist them in their presentations to the federal government. That's one example where a company has achieved success. There is a number of other companies that we are working with in a similar manner, either through our department or through the Department of Technology, Research and Telecommunications, with the expectation that Alberta companies, because they have the capacity, will be successful in achieving contracts.

MR. R. SPEAKER: Mr. Speaker, to the minister. Could the minister indicate the type of assistance that's given? Is it in terms of financial assistance, or is it in terms of encouragement in putting themselves in position so that they can secure these defence contracts?

MR. SHABEN: Again, Mr. Speaker, perhaps a specific example might be useful. GSR, an Edmonton-based company, has received significant financial assistance, as has the Calgary-based company EDO. Other companies are well aware that our export loan guarantee program is available to Alberta-based companies to a maximum of \$5 million in order that they might service contracts that they've been successful in winning. In addition to that, we provide introductions to federal officials of Alberta companies in terms of advising federal officials of the capability of Alberta companies, and that is done without favour to one company or another but as a response to a request from Alberta-based companies.

MR. R. SPEAKER: Mr. Speaker, a final supplementary. It's with regards to preparation for certain projected federal defence spending. If you look at the 1985 white paper of the federal government, they indicate in there that in the next year or two or three years they hope to acquire a new main battle tank, which would mean billions of dollars of expenditure to replace the current one that's in use. My question to the minister. Does the minister take projects or objectives like that of the federal government and go out in a deliberate way and assist and prepare Alberta companies to try and meet the objectives of that type of contract?

MR. SHABEN: Mr. Speaker, my colleague the Minister of Technology, Research and Telecommunications may wish to supplement my answer, but we believe that the role of the government is to be catalytic and supportive, and we continue to adhere to that role in that companies take the lead in terms of identifying projects or areas in which they feel they have the capacity to respond, and then we will assist them as much as we can assist them in being capable of responding. But it is not our policy to take a position where Alberta says to a particular company, "We think you can do this, so you should go after it." Our

principal method of pursuing access to these contracts is by being supportive of the initiatives of Alberta companies.

MR. YOUNG: If I could just supplement the answer very briefly, Mr. Speaker. I would like to indicate to the hon. Member for Little Bow that very recently a very senior officer of the National Research Council has been out here and has met with me. The National Research Council in the area of technology has a program which is new, whereby they have identified two consultants in Alberta and are paying those consultants to co-ordinate certain relationships between the council and Alberta firms. This has to do with advanced technology in the area of not only Canadian but also where they perceived to be U.S. markets. We are looking at areas of providing components where we have some strength and the technology now and where we could develop that strength. I think it is a very important initiative and a very good one.

I might also add, Mr. Speaker, that I met with senior officers of the military establishment as well some months ago, having them look over our facilities in Alberta and explain to us the possibility of their purchases in Alberta not only of new material but for servicing certain of the equipment they now have.

MR. TAYLOR: Mr. Speaker, further to the aid that the provincial government sometimes guarantees to companies that are after defence contracts, and in particular maybe something like the grant to the Cardston munitions factory, does the government make any sort of audit or keep track of where these companies are selling their instruments of war or death-dealing activities and make sure that it doesn't end up in Guatemala or San Salvador or some other area, using the Alberta taxpayers' money?

MR. SHABEN: Mr. Speaker, I think the hon. member may have erred. The assistance provided to a munitions company was in Raymond, not in Cardston. The company is manufacturing small arms ammunition for police forces, and that's an entirely different matter than the hon. member has raised.

#### **Report of Commission on Future Health Care**

MRS. MIROSH: Mr. Speaker, to the Premier. I would like to commend the Premier for commissioning Lou Hyndman and his committee for this report and their promptness in producing this paper and addressing the concerns of nurses in hospitals and the nursing home system. I would like to ask the Premier when these recommendations would be implemented by the government.

MR. GETTY: Mr. Speaker, I thank the hon. member for raising this issue. The work of the commission on such an important matter and in such an urgent way has been -- my first look at this report -- very effective and excellent. The government will be dealing with the recommendations in here on a very quick-path, fast-track basis. I hope we'll be able to assess the recommendations and move on them shortly; I would hope in a matter of weeks.

MRS. MIROSH: Mr. Speaker, could the Premier please outline the government's position with regards to the AARN's concept of EP2000, which recommends and promotes the minimum registered nurses' requirement of having a university degree?

MR. GETTY: Well, Mr. Speaker, I must caution the hon. member that the government will want to respond to this report as a package rather than to individual recommendations within it, because I know that the commission wanted it looked at as a package as well.

MRS. MIROSH: Is the Premier aware of any of these major issues, if they were brought up during the nurses' strike and addressed by UNA when the bargaining process was occurring?

MR. GETTY: Mr. Speaker, I'm sure that these matters are all matters that nursing groups and individual nurses whom I met with raised during the strikes. So I believe this gives us the basis for fulfilling our commitment: that we want to have the nurses in Alberta feel good about their role in the health care system, and we're going to work with them to make sure that that is the case.

MR. SPEAKER: Edmonton-Centre, supplementary.

REV. ROBERTS: Yes, Mr. Speaker. Will the Premier commit himself to meeting with the United Nurses of Alberta and the Alberta Association of Registered Nurses, to get their specific feedback from these recommendations before government implements any of the recommendations?

MR. GETTY: Well, I can certainly assure the hon. member that the government will meet with any affected organizations regarding these recommendations.

MR. SPEAKER: Edmonton-Strathcona.

#### **Mouse Routine and Procedures**

MR. WRIGHT: Thank you, Mr. Speaker. My question is to the Government House Leader and concerns certain aspects of government accountability. I'm sure he will agree with all of us that the freedom of speech in this Assembly is perhaps our most fundamental privilege, and I would like to know -- on behalf of our lot, anyway -- the government principles on the use of closure at the committee stage of a Bill.

MR. YOUNG: Well, Mr. Speaker, there are provisions in the Standing Orders, and *Beauchesne* deals extensively with them, to assure that every member of the Legislature has an opportunity to speak in debate and to raise questions at the appropriate time, to put motions on the Order Paper. The Standing Orders and *Beauchesne* also have rules, which all members I think are familiar with, that apply in the instance where it is the government's decision that there has been undue delay by the process. While it has not in the past been common to have that kind of delay or those particular provisions exercised in this Assembly, it is fairly common in some other Assemblies. Obviously, when there is considered to be a filibuster or other delay, then the closure provisions are applied here as they would be in other instances. And we have had, in the judgment of the government, some illustration of undue delay.

MR. WRIGHT: Mr. Speaker, the minister's reply has a certain amount of sense to it on the face of it, but how can it apply to a committee stage of a Bill before the opposition has had a chance to file any of its amendments, which can only be filed at that stage of the Bill?

MR. YOUNG: Mr. Speaker, I'm not just sure how far this exchange is going to take us other than into debate, since obviously it's a matter of opinion. But, as the hon. Premier showed, there are already over 200 pages of *Hansard* dealing with the labour Bills at this point in time, and that suggests that there has been a considerable amount of discussion. If the discussion has been on the wrong portion now, in the view of the hon. member, that's a judgment that will obviously require a focus later when we begin dealing with the balance of the committee time on Bill 22 or Bill 21, to focus on a priority.

MR. WRIGHT: To change the area of accountability and to turn to debate in a more general sense, Mr. Speaker, would the House leader be prepared to remind his troops that it is not the custom of the House -- one of the unwritten rules, as distinct from the written ones -- to adjourn debate while there are still members ready and willing to speak before the time allotted is up, as happened last week?

MR. YOUNG: Well, Mr. Speaker, the hon. Member for Edmonton-Strathcona has raised a different question; that is, under the provisions of the Standing Orders which allow for private members' afternoon, that is up to the private members. Unless there is unanimous consent of the House, the government does not have any particular interest or influence in how the private members use that time. I can assure the hon. member that the government does not have, as part of its program, use for that time unless it is given by unanimous consent.

MR. WRIGHT: Turning to another area of accountability then, perhaps the Government House Leader would remind the ministers to see that the departmental reports that they must file are filed promptly instead of the average of a year or more that it takes at present.

MR. SPEAKER: What's that got to do with the main question?

MR. WRIGHT: It's on accountability, Mr. Speaker, in the responsibility of the House leader.

MR. SPEAKER: No. Well, that's pretty vague.  
House leader.

MR. YOUNG: Well, very, very briefly, Mr. Speaker, the provisions are quite clear as to when reports are supposed to be filed, and if the hon. member has a problem about which I'm not familiar, then I'd be happy if he would bring it to the government's attention. But otherwise, it's covered by statute.

MR. R. SPEAKER: Mr. Speaker, to the minister. Could the minister indicate what routine will be used in handling the amendments, in reference to the government ones? And there are the opposition ones; I think all three parties have amendments.

MR. SPEAKER: I'm sure the request could be made to the Government House Leader once we get through question period rather than take the time in question period, but if that's the way you want to spend your time, so be it.

MR. YOUNG: Mr. Speaker, very quickly so as not to take more time, it is my intention, with unanimous consent today, to provide such that any member of the Committee of the Whole

which would be studying those Bills may speak as many times as there is time for those members who wish to speak. Obviously, any amendments by anyone can be brought before the Committee of the Whole.

MR. SPEAKER: Vermilion-Viking, supplementary.

DR. WEST: Yes, Mr. Speaker. I'm not sure where to direct this supplemental, whether it's to yourself or whether it's to the Treasurer. But I would like to ask on behalf of some of my constituents in reference to closure if we could be informed of how much it costs to run the Legislative Assembly on a daily basis, as it relates to a fact of misuse of the time that isn't productive in this Assembly.

MR. SPEAKER: The question is out of order. No questions can be directed to the Chair. Therefore, Edmonton-Meadowlark, next main question.

### Sexually Transmitted Diseases

MR. MITCHELL: Thank you, Mr. Speaker. It is reported by the Provincial Lab of Public Health that in 1986 there were more than 11,000 cases in Alberta of sexually transmitted diseases involving chlamydia. This is a dreadful disease which although apparently symptomless can result in sterility and can affect newborn babies. To the Minister of Community and Occupational Health. Is the incidence of chlamydia increasing, or is this reported number the result of improved reporting procedures?

MR. DINNING: It's a case of both, Mr. Speaker.

MR. MITCHELL: To the minister. Are commercial private labs required to report and track individuals and partners diagnosed as being infected by this disease?

MR. DINNING: Mr. Speaker, any physician in the province of Alberta is required by law to inform the local medical officer of health of a patient of theirs who has a reportable sexually transmitted disease.

MR. MITCHELL: Will the minister be considering a procedure of routine testing for chlamydia, particularly for those people in high-risk groups?

MR. DINNING: Mr. Speaker, if the member is talking of mandatory testing, the answer is no.

MR. MITCHELL: I was not talking about mandatory testing, simply about including those in the medical procedures with doctors and so on.

Given that there is an increasing incidence of this disease in spite of whatever it is that the government is doing, could the minister please inform whether he is paying special attention to this particular disease and to taking steps that could reduce its incidence?

MR. SPEAKER: Time for question period has expired. Might we have unanimous consent to complete this series of questions?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried. Thank you.  
Hon. minister.

MR. DINNING: Mr. Speaker, the answer is quite categorically yes. We announced on April 7 this year a virtual doubling in the amount of funding that the government is providing to reproductive health in Alberta. At that time we announced that we would be increasing funding to all health units so that they would be able to deliver a sexuality education and counseling program within each health unit. As well, we announced additional funding that would provide for the expansion of clinics for birth control counseling and sexually transmitted disease screening in Fort McMurray, Red Deer, and Lethbridge. This is in addition to the existing clinics that we fund through the health units in Calgary and Edmonton.

MR. SPEAKER: Thank you. Time for question period has expired.

MR. SPEAKER: The Chair has been notified of one point of order; there's one bit of unfinished business from yesterday. The Chair wonders if the Leader of the Opposition wishes to make some comment with regard to some statement made yesterday in question period.

MR. MARTIN: Well, I didn't realize that "fraud" was unparliamentary, but I see "fraudulent" isn't. So I withdraw the word fraud, and I put in a parliamentary word called fraudulent, Mr. Speaker.

MR. SPEAKER: Point of order, Edmonton-Belmont.

MR. SIGURDSON: Yes, thank you, Mr. Speaker. During question period today the Premier in the exchange with the Leader of the Opposition said the word "irresponsible." Perhaps what he was doing was reflecting the attitude of how Albertans feel about the Bill and the use of closure on that Bill. However, *Beauchesne* 320(2) lists "irresponsible" as an unparliamentary term, and I would ask that that term be withdrawn.

MR. SPEAKER: Unfortunately, having checked the new edition, the member is indeed correct -- the use of the word "irresponsible." This is not a beer commercial, but having called for the Blues, I see that the phrase was used: "that's irresponsible opposition." Perhaps the hon. Premier might withdraw that word and, in light of the previous apology, think of some other way to rephrase it.

MR. GETTY: No, Mr. Speaker, I'd rather withdraw the word and not go through that little act that we saw on the other side.

MR. SPEAKER: Thank you.

#### ORDERS OF THE DAY

MR. YOUNG: Mr. Speaker, I would seek unanimous consent to give effect to a motion which would cover the point that was earlier mentioned in the question period with respect to the ability of members in the Committee of the Whole this evening. Could I have unanimous consent to make that motion?

MR. SPEAKER: All those in favour of such a motion, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. Carried unanimously. Thank you.

MR. YOUNG: Thank you.

Accordingly, Mr. Speaker, I would move that for the purposes of considering Bills 21 and 22 in Committee of the Whole, when those Bills are called, Standing Order 21 be relaxed only insofar as it relates to members' speaking only once to the Bill, allowing for members to speak more than once. All other rules under Standing Order 21 would apply. I would ask for support for that motion.

MR. SPEAKER: All those in favour, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. Let the record show it passed unanimously.

#### head: WRITTEN QUESTIONS

199. Mr. Taylor asked the government the following question: What is the total weekly number of gallons of water consumed by the reflecting pool, the fountain, and used in the watering of the lawns around the Legislature Building and grounds?

MR. ISLEY: I will accept the question and be filing the answer in the next few days.

MR. SPEAKER: Thank you, hon. minister.

202. Mr. Chumir asked the government the following question: What steps has the government of Alberta taken and what steps is it taking to access Canada Assistance Plan funds for shelters for battered women and their children?

MRS. OSTERMAN: Accepted.

MR. SPEAKER: Accepted by the Minister of Social Services.

203. Mr. Chumir asked the government the following question: What is the annual amount of funding received or anticipated from the government of Canada under the Canada Assistance Plan by the government of Alberta toward payment of the cost of providing shelters for women, and their children, who have been subjected to family violence, for the provincial government fiscal periods 1981-82 to 1987-88 inclusive? What is the amount paid by the province of Alberta for provisions of such shelters in each of the above fiscal periods?

MRS. OSTERMAN: Accepted.

205. Mr. Taylor asked the government the following question: Have Peter Pocklington, the Edmonton Oilers hockey club, or any related companies ever provided tickets to any government member in an official capacity for any Edmonton Oilers regular season or playoff hockey games from January 1, 1987, until and including May 26, 1988, and if so, when, to whom, and how many tickets were provided?

MR. YOUNG: Accepted.

MR. SPEAKER: Thank you.

206. Mr. R. Speaker asked the government the following question:

What is the total number of trainees/training positions for the 1987-88 fiscal year and to date, if available, for each of the following programs within the Department of Career Development and Employment:

- (1) Alberta training program,
- (2) Alberta wage subsidy program,
- (3) Alberta Environment employment program,
- (4) employment skills program, and
- (5) special placement work experience program?

MR. ORMAN: Accepted, Mr. Speaker.

#### head: MOTIONS FOR RETURNS

MR. YOUNG: Mr. Speaker, I would move that motions for a return 190, 197, and 204 stand and retain their position on the Order Paper.

MR. SPEAKER: Having heard the motion . . .

MR. McEACHERN: I would like to stand and disagree with that motion. [interjections] I think it is a debatable motion.

MR. SPEAKER: Yes, it is. [interjections]

MR. McEACHERN: Well, no. If I wait until it's voted on, it's too late. It is a debatable motion, and I disagree that 197 particularly but also the other two should stand and retain their place. The reason that I disagree, Mr. Speaker, is that it's a considerable time that this motion has been on the Order Paper, and it's the obvious intention of the government to wind down the session, evidenced by their bringing in the closure motions on the two major Bills before the Assembly.

The last motion that I had accepted was about a month ago, and I still haven't seen the results from that yet. So it's my opinion that we can't just accept that this should stand and retain its place on the Order Paper. The information I'm seeking here about Softco -- that is, 354713 Alberta Ltd. -- is information that should have been made available to this Assembly some time ago and we have seen nothing on it. In fact, I asked the Treasurer some questions on it in Public Accounts on Wednesday, and he said, "Well, there's a motion on the Order Paper." But I don't hear him answering in a positive sense that he intends to give me the information asked on the Order Paper. So I want to make my case as to why I think it's important that we get this information.

The company 354713 Alberta Ltd., commonly called Softco, is the company that was set up by the Alberta government to

take in the worst of the real estate properties from Heritage Trust and North West Trust. There was some \$290 million allocated for that purpose, or that was the book value of those properties. I see that according to the annual statement of North West Trust, some \$13 million more has been added to that, and there is a provision in here which allows the . . .

MR. SPEAKER: Order please, hon. member. Your comments may indeed continue with respect to the motion but not with regard to the components 190, 197, and 204. So it's a matter of dealing with the member's complaint about the thing but cannot get into the issue. Sorry.

MR. McEACHERN: Mr. Speaker, I guess it makes it a little difficult to make the case if you can't tell what it is about the corporation and what's missing and what we need to know.

MR. SPEAKER: Sorry, hon. member. That's . . .

MR. McEACHERN: Well, I'll try to pull it together a little closer then. If you have a government taking over the poorest and the worst of the real estate properties of two major corporations and committing . . .

MR. JOHNSTON: Point of order.

MR. SPEAKER: Point of order. The Chair recognizes the Provincial Treasurer.

MR. JOHNSTON: Mr. Speaker, with respect to the anticipation as to the answer, the member is suggesting we're not going to answer the question. That clearly is out of order with respect to debate. I'd imagine it would be entirely appropriate to raise the question as to why the government has not responded, as to what it will do. But to lead the debate beyond that, Mr. Speaker, is inappropriate and not covered by the motion.

MR. SPEAKER: That is indeed correct. The hon. member has been warned before. The hon. member is warned once again. If we get to three times, the right to speak will be taken away. Hon. member, the motion is that these stand and take their place. That's all.

MR. McEACHERN: Well, I guess I would just say there was no assurance from the minister that he intended to answer the question. There is no assurance from the government that these will come before the House so that I get to make the case as to why my motion is there. So it leaves me no choice but to stand up when the House leader says he wants them to retain their place on the Order Paper. But to get in at that stage of the debate . . . I don't really see why I should be crimped in what I can say as to the urgency of the fact that we should know this information merely because I'm not allowed . . .

MR. SPEAKER: Thank you, hon. member. Do other members wish to speak to the motion before the House? Thank you. Edmonlon-Meadowlark.

MR. MITCHELL: Thank you. Mr. Speaker.

MR. McEACHERN: A point of order, Mr. Speaker.

MR. SPEAKER: What is the point of order, hon. member?

MR. McEACHERN: You said I would be ruled out of order if I went back to speaking about the details of the corporation. I had not got back to the details of the corporation. I was still arguing the procedural point when you ruled me out of order, which does not fit with your original intention.

MR. SPEAKER: The Chair will listen for a few more minutes to what the Member for Edmonton-Kingsway has to say with regard to the motion, pure and simple.

MR. McEACHERN: Okay. The point I was making was that we have no guarantee this government will bring forward this motion to the Assembly so I can get into those details. Therefore, the only recourse I have is to object to his saying that they should stand and retain their place on the Order Paper. The session is fast winding down. We may have one more Thursday, we may have two more Thursdays, and we have no guarantee that this will ever come before the Assembly or that we'll get a positive response from the minister. He was on his feet a minute ago. He could have assured us that he intends to give that information, rather than standing up on a point of order and trying to say that I don't have the right to make my case. So, Mr. Speaker, this is the only chance I get to have my case. I think your ruling that I can't get into the reasons why it's important that we have that information is rather unfair, quite frankly.

MR. SPEAKER: Thank you. That is now a challenge of the Chair. You've now lost your right to speak.  
Member for Edmonton-Meadowlark.

MR. MITCHELL: Thank you, Mr. Speaker. I rise to defend the interests of my colleague from Calgary-Buffalo, who has requested Motion for a Return 204. I, like the Member for Edmonton-Kingsway, do have a tremendous sense of concern about the delays and the apparent lack of urgency this government places upon responding to what can only be determined to be reasonable and fair requests for information that should be public but at the same time is not available or accessible to members of the public, is not available or accessible to members of the opposition parties in this Legislature, and there is no recourse to achieve or to obtain that information through access-to-information legislation, which is sorely missed and underlined in its absence by the reluctance of this government to answer questions and to respond to motions for returns such as 204, which my . . .

MR. SPEAKER: With due respect, hon. member, it's not a matter . . . We're dealing with motions for returns, not questions on the Order Paper. The hon. member tells anyone else in the House that all those have been cleared up today, so it's strictly with motions for returns.

MR. MITCHELL: Thank you, Mr. Speaker. I appreciate that.  
This is not an isolated incident or technique. It's not as though we are only suffering from a reluctance to respond at all to these kinds of motions for returns. There are other techniques which apparently are being utilized by the government. For example, it was never indicated to me in response to one of my motions for returns that the government had even accepted it; they simply filed their response. The response said -- which was filed officially and appropriately in the library today -- "We are not going to respond." I would like to point out to the Minister of Career Development and Employment that that is cyni-

cal politics and underlines the kind of tired government his government is indulging in and can only be expected from a minister who would bring to this House a lottery Bill which is completely and utterly unacceptable . . .

MR. SPEAKER: Now, please.

MR. YOUNG: Point of order. That's entirely irrelevant to this. It's very irrelevant, Mr. Speaker, to this particular debate. Not only is it irrelevant; the hon. member is treading on some pretty thin ice in reflecting a judgment he's making on a procedure that was perfectly appropriate in the Assembly according to the rules.

MR. JOHNSTON: Point of order, Mr. Speaker. As I said before, what we have here is a clear misdirection of the time of the House under the anticipation sections, because of course what is happening here is that both speakers have anticipated the move of the government. That clearly is simply prolonging the debate on this question.

It should also be a matter of note, Mr. Speaker, that this motion for a return has not been forestalled, that in fact this motion has only recently shown up on the Order paper, approximately a week or so ago. Surely, in terms of reasonable processes, the government should have some time to look at the tricky wording which normally is reflected in this motion and to see if, in fact, it is possible for the government to properly respond to the question. That's the normal process. The member knows it, and that's the way we have proceeded and the way we will proceed, Mr. Speaker.

MR. SPEAKER: On the point of order. [interjection] In a moment.

MR. MITCHELL: Thank you very much, Mr. Speaker.

MR. SPEAKER: The Chair hasn't recognized the hon. member yet. The Chair recognizes Westlock-Sturgeon, followed by Edmonton-Meadowlark.

MR. TAYLOR: Sorry. It's not on the point of order.

MR. SPEAKER: Thank you.  
Now, Edmonton-Meadowlark on the point of order.

MR. MITCHELL: I'd like to respond to the hon. Treasurer, to his statement that a week or so is consistent with general procedure. It may be consistent with general procedure in this Legislature, but if the minister would refer himself to *Beauchesne*, it is very clearly stated in *Beauchesne* that in fact in the Mother Parliament, the British Parliament, it is generally accepted and almost always adhered to that answers and responses to motions for returns will be filed in Parliament within one week after their presentation.

MR. SPEAKER: Thank you, hon. member; nevertheless, the precedent of this House is what determines what transpires.

Now back to the motion for a few moments, the motion before the House as proposed by the Government House Leader with regard to motions for returns, please.

MR. MITCHELL: Thank you, Mr. Speaker. I completed my presentation on this particular motion.

MR. TAYLOR: Mr. Speaker, if I may speak on behalf of my colleague for Question 190, which has been on the Order Paper for quite a while, I think I can make an argument along the lines of what, say, the parliamentary procedure is, and that is on the motion itself. This is a motion for a return in respect to something that, as mentioned by the Leader of the Opposition the other day, has been anticipated by the public for some years, let alone months, as far as the project of the upgrader is concerned.

What I'm concerned about, Mr. Speaker -- and my colleague from Calgary-Buffalo is -- is that indeed there is quite a little expertise on this side of the House on the whole question of negotiating and the question of upgraders. If these documents were filed, it's quite possible the opposition and people in Alberta, particularly the opposition, could get this project off the ground. In other words, by refusing to share the documents with the House, they've in effect maybe consigned to obscurity the possibility of a project taking off that could be by some minor changes. After all, the government has not all the wisdom on this, particularly in oil and gas. So all we're arguing here is that if they get it out now, as soon as possible, I can't guarantee anything, but I will put my mind to work on it -- and, I'm sure, the Member for Calgary Buffalo. Let's say that collectively I think we have probably more oil experience than the whole House together on the other side, and we might be able to do something that is good for the taxpayers in general. This is why we'd like to see this motion answered. Because it is important. It's a very important project for the people of Alberta, and it's just possible they're staggering around like a bunch of hogs chasing an acorn under a blanket and we could help them.

MR. SPEAKER: Thank you. On the motion. Those in favour of the motion by the Government House Leader with regard to motions for returns 190, 197, and 204 standing and retaining their place on the Order Paper.

Those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. SPEAKER: The motion carries.

200. Rev. Roberts moved that an order of the Assembly do issue for a return showing copies of those documents showing

- (1) the contention of the Alberta Council on Aging that there are no wellness clinics for seniors in Alberta to be incorrect, and
- (2) the contention of the Minister of Community and Occupational Health, made at page 1492 of *Alberta Hansard*, that "there are some 350 well-seniors clinics conducted each and every month in this province" to be correct.

[Motion carried]

#### head: MOTIONS OTHER THAN GOVERNMENT MOTIONS

221. Moved by Mr. Clegg:

Be it resolved that the Legislative Assembly urge the

government to establish a policy that will protect the rural landowners' use of potable groundwater in areas where groundwater is desired by industry for enhanced recovery of oil.

MR. CLEGG: Mr. Speaker, I was wondering for quite a while whether we were going to get at this motion again today. It was on the order sheet last session and it's been on for a long time, because we've been giving the opposition all kinds of time to speak on all the Bills. So I'm very pleased to be here.

I'd just like to make a few remarks before I get into the absolute purpose of the Bill, and that is that when we talk about water in Alberta, I get very excited. You know, it's our main resource in the province. Many times we talk about the oil and gas industry, and certainly that's an important industry, but without water a lot of us in Alberta are in trouble. Certainly with the dry spell we went through here the last two or three months and over the winter, there were a lot of us concerned about the shortage of water. I'm sure that every member in this House is really concerned with the groundwater and the surface water in Alberta.

Now, the purpose of this motion is to try and explain the absolute purpose of it and a little bit of the history of the oil industry and the use of groundwater. Over the last few years the development of the oil and gas industry has resulted in new technological advances to enhance oil recovery not only for heavy oil deposits but also for conventional tap pools of oil. One such method is injection of water into oil-bearing geological formations. The injected water travels through the strata, flushing the oil from the porous rock formation and enabling increased or enhanced recovery of crude oil. Due to the large quantities of water employed in this method of enhanced recovery, concern has evolved where water is drawn from an aquifer for industrial injection purposes. An aquifer is a geological formation containing water, and I might say it's a very hard thing to get a handle on the amount of water in that.

[Mr. Musgreave in the Chair]

The motion calls for rural landowners' potable water supply to be protected from serious depletions through excessive draw-downs of the natural water table. Mr. Speaker, in the mid-1980s various rural groups in the province were very concerned about this aquifer water supply or pools under the ground, or whatever you want to call it. Many associations -- and I think of the Cattle Commission and of towns and villages, all the planning commissions around this province, the Alberta Association of Municipal Districts and Counties, Unifarm, and many more farm organizations -- were very concerned about the supply of groundwater and its depletion.

There were two main concerns about the groundwater. The first was a possible depletion and the negative impact to existing domestic use, municipal and agricultural use; and the second was the potential restriction on future groundwater requirements for expanded needs to the agriculture industry and municipal supplies.

Up to this point in time. Alberta Environment maintained that it assured that the oil industry was operating the water source wells in all cases without unreasonable negative impact to domestic, agriculture, or municipal supplies. Monitoring of the underground water levels was employed as required by the licences or permits issued for water extraction and injection. Occasionally corrective measures such as reduced pumping

rates or terminations of the licences and permits were required by the department. In 1985, then, the hon. Fred Bradley, who was the Minister of Agriculture at the time . . .

AN HON. MEMBER: Environment.

MR. CLEGG: What did I say?

AN HON. MEMBER: Agriculture.

MR. CLEGG: Oh, sorry. . . . Environment at the time, directed development of a new water allocation policy for oil field injections. This was in response to the concerns of many associations I have mentioned before, and the first interim policy was drafted and presented in late 1985. Rural groups and petroleum industry interest groups reviewed this draft: the petroleum groups, the Independent Petroleum Association of Canada, the Canadian Petroleum Association, and the Alberta Chamber of Resources. The industry interest groups and the rural and agriculture interest groups had agreed on a formula for sharing the groundwater resources. The policy has now been refined and is currently in draft 10. This document has been examined and refined by an advisory committee made up of the Alberta Water Resources Commission, the Farmers' Advocate, the Department of Agriculture, the Alberta Association of MDs and Counties, the Alberta Cattle Commission, the Energy Resources Conservation Board, the independent resources conservation board, the Canadian Petroleum Association, and other groups as well. These bodies have jointly recommended this document to the government. The Alberta Association of Municipal Districts and Counties in the spring of 1987 endorsed this interim policy by a very large majority.

The policy has a variety of safeguards built into it, such as severe limitations on quantity withdrawals, time limit restrictions, monitoring available to public scrutiny, and evaluation of the nonwater, surface water and nonpotable groundwater alternatives. The Environment department believes that the new policy will substantially reduce the conflict over the use of potable groundwater. Oil industry requirements for water are assessed as declining in many areas of the province as oil production declines, thus reducing the conflict over potable water.

Now, I have some concerns with this. In the Peace River country, where I happen to come from, they have lobbied to be excluded from any policy and that there should be a total ban on potable water. Well, I agree with all my voters to a big degree, but I can't agree with them on this one. I believe we can get a firm policy that will meet their needs. I'm sure nobody here wants to leave a lot of oil in the ground that can't be taken out because of the lack of water. When we consider, if we get a proper policy, then we can achieve our goal as rural landowners and also for the oil industry, they can certainly be looked after at the same time.

The statute of the interim policy is currently in the hands of the minister for his personal assessment, and he is still reviewing it.

I'd just like to take a few minutes here to see what other jurisdictions do throughout western Canada and the federal government -- the federal jurisdiction under the Constitution Act. The provincial governments are generally responsible for ensuring potable community water supplies, and the federal government has specific responsibilities for areas under its jurisdiction, such as international and interprovincial carriers, federal lands and installations, and Indian reserves. In British Columbia

groundwater is not licensed or regulated by the Water Act, plus there is no legislation covering water well drillers. The provincial government advises that groundwater protection may be a local concern -- a municipal concern, I might add. In Saskatchewan the Water Corporation Act is the legislation used to regulate the use of surface water. The Ground Water Conservation Act and regulations are used to regulate the use of groundwater in Saskatchewan. Saskatchewan's Energy and Mines is the licensing agency for exploration and drilling related to all. If a domestic user's water source is impaired or affected by oil recovery, the Saskatchewan Water Corp. and/or Saskatchewan Energy and Mines may get involved as a result of a complaint from any domestic or agricultural user. The Saskatchewan Water Corp. has had the occasional concern, and the oil company involved has taken steps to correct the problem.

In Manitoba there are very few source wells for oil injection recovery, and saline water is used for injections and is usually drawn from a depth of 1,000 feet. A water table check is carried out by Water Resources before extraction commences.

The current drought situation in western Canada has highlighted the precious need for good quality water. As you all probably realize, the province of Alberta has approximately 1 percent of its total surface area covered by water. The majority of this water is in northern Alberta, and it flows to the north-northeast, away from the populated areas of Alberta. This places a great reliance on groundwater as a regular supply for many uses.

Now, I'd like to spend a couple of minutes or three to give a few comments on the interim policy that was drafted. I said earlier that late in 1985 the first interim policy was drafted by the department and subsequently presented to and reviewed by the rural interest groups. Through the process of consultation and discussion, the agriculture and industrial groups have agreed on a formula for sharing the groundwater source. A variety of safeguards have been built into the new policy, such as more severe limitations on quantity withdrawals, time limit restrictions, monitoring being available to public scrutiny, and evaluation of the nonwater, surface water and nonpotable groundwater. An advisory board was set up, and I've named many of those before, so certainly I'm not going to mention them again.

But there is a clear need for the province to continue to allocate some potable groundwater for oil field injection purposes. At the present time several hundred million dollars of revenue are generated annually through the recovery of oil. This benefits all Albertans. In many future projects, potable groundwater will continue to be the only viable alternative which can be used to recover this valuable resource. Also, provincial legislation as contained in the Water Resources Act provides for and supports the use of groundwater for all uses, including industrial use. Through the process of consultation and discussion, the agriculture and industrial interest groups have agreed on a formula for sharing the groundwater resources.

The principle of the allocation of water in the province of Alberta is based on a number of factors. The preferential order of water use as identified in the Water Resources Act is:

- (i) domestic purposes;
- (ii) municipal purposes;
- (iii) irrigation and other agricultural purposes;
- (iv) industrial purposes;
- (v) water power purposes;
- (vi) other like purposes.

An applicant who proposes to use potable water for oil field injection purposes will be restricted to one-half of the long-term

yield of a given aquifer in the immediate vicinity of the well. This will be enforced by limiting the withdrawal as measured 150 metres from the source to 35 percent during the first year of operation and up to 50 percent for the remaining years if, in fact, it proves that it hasn't drawn down the aquifer.

An operator must monitor the approved water source well, the observation wells, and the designated domestic and agricultural water source wells to ensure local residents have timely access to monitoring data. Monitoring stations will be available for everyone's inspection. Time and frequency of visits must be reasonable. In fairness to the industrial users and for safety reasons, an individual wishing to visit a monitoring site should contact the permit holder's office to make necessary arrangements.

It should be noted that the drawdown in the vicinity of a source will take the form of a cone, although there may be a 50 percent drawdown 150 metres from the well, if you go a short distance or maybe within a mile of that well, then the drawdown may -- and of course every well is different -- only be about a 10 percent drawdown, and 90 percent of the aquifer will be available for other uses. All initial approvals will be limited to the one-year period; the first extension of five years will be issued when, in fact, the well has been tested to be safe to draw down the 50 percent. Future annual extensions will automatically be granted for a five-year period when the above conditions are met. When technical data submitted in support of an application for a licence to use potable groundwater indicates the water can be used without unreasonable negative impact on wells and nearby groundwater users or on the 'aquifer' itself, it is feasible to issue an approval . . .

MR. GIBEAULT: Mr. Speaker, a point of order.

MR. ACTING DEPUTY SPEAKER: Point of order.

MR. GIBEAULT: I wonder if we could clarify what the member is talking about. He mentions the word 'aquifier,' and in my *Concise Oxford Dictionary* there's no such word. Is he referring, in fact to aquifer?

MR. ACTING DEPUTY SPEAKER: Now that we've had the lesson in grammar, maybe the hon. member can resume debating.

MR. CLEGG: I'm sorry, Mr. Speaker, I'm not a schoolteacher. I do apologize. I kept 'aquifier.' I'll go back to school after I retire from this job, and I'm sure the hon. Member for Edmonton-Mill Woods would be the guy I would go to. I do apologize for that word.

Anyway, Mr. Speaker, I'm excited when I talk about water, whether it be groundwater or whether it's surface water. I think we in Alberta have got to be very careful how we manage our water. You know, let's just take a minute on surface water, because it's absolutely as important as groundwater is. I only know of one way to manage the surface water in this province: by having dams or reservoirs and storage or something in that form of storage. Certainly if anybody could tell me how we can manage surface water unless we do those things . . . I know some members of this Legislature, without naming any names, are always against any storage of water. But personally, I think that if we do have storage in the province for surface water, then we will, in fact have a control of how we manage that water.

In closing, Mr. Speaker, I look forward for other members'

comments on this very important subject and I will listen very closely.

Thank you, Mr. Speaker.

MR. ACTING DEPUTY SPEAKER: Member for Westlock-Sturgeon.

MR. TAYLOR: Thank you, Mr. Speaker. I first want to compliment the Member for Dunvegan for bringing this very important issue up to the House. I had planned to put it in one of the motions that I was going to put forward, and he beat me to it. I, like him, share a great concern as to whether or not we're planning the use of our fresh water or potable water, subsurface water, subsurface potable water, I guess if you want to call it: the aquifers -- or 'aquifiers' for the NDP. It doesn't matter; anything that will put a fire out.

The question is that it is necessary to bring it up, and particularly maybe the government will listen more if it's from the back bench, because the government has shown a rather unhappy aptitude to feel like all governments that have been in too long, regardless of political faith, an unhappy aptitude to think that they're the sole fount of wisdom. It's really nice to hear one of the disciples in that broad band, or one voice in that *Hallelujah Chorus*, that is taking a break and trying to bring the government down to reality.

Certainly the central part -- and I speak as a geologist that's had much to do with water around the world; unfortunately, I found more nonpotable water than I have potable water, or oil -- of most of our continents, whether it's Africa in the southern part of the Sahel or the northern parts of Argentina where they're dried out or in central Eurasia, Afghanistan, and in the steppes of Russia, we have a water problem, and central North America the same. The huge aquifer in the States called Ogallala, named after a great Sioux warrior, that sends water to southern Colorado and down to Texas and over to California is now going dry, and they're very concerned about where they'll get water. Because even the farmers themselves that the hon. Member for Dunvegan is beating the drum for are not often that cognizant of the value of preserving aquifers of water, in that the government has no real system of controlling withdrawal of water from aquifers for irrigation purposes. I don't think there's any question that water for domestic purposes -- and maybe even going a step further, for watering cattle -- should take precedence over those that want to use the water for sprinklers and irrigation.

Unfortunately, we haven't got an accurate enough method yet of volumetric analysis of the water use of a reservoir to determine how long it takes to replenish a water reservoir, how much to keep pressure up. It's not enough to mention, as the hon. Member for Dunvegan said, that if the drawdown on a particular area doesn't extend more than half a mile or a mile away, there's nothing to be concerned about. A reservoir that's drawn down too fast will cause a movement of water at maybe a higher velocity than normal, and consequently, with the higher velocity, bring into it salts that wouldn't normally dissolve or normally come out and you can convert some aquifers by withdrawing water from it too fast from a potable to a non-potable source. So it's not just sufficient Mr. Speaker, to measure an amount of water in a reservoir. If you accelerate the rate of withdrawal from that reservoir, you very well might change a potable water reservoir to a nonpotable.

I'm very concerned that the government here pays very little or no attention to the whole question of preserving water. They

mention, of course, and as the Member for Dunvegan pointed out, the order is domestic, municipal, agricultural, and industrial. Well, municipal and domestic -- and there's no better word for it than just keeping people. But keeping people alive with water also means something else: it means that unless the agricultural is in third place -- and properly in third place if we start out today -- it can get shoved in that third place way down in the order if we do not watch our domestic and municipal development.

The idea we have in Alberta of putting an industry wherever the industry wants to locate -- and it may bring in a hundred, a thousand, two thousand direct employees -- has to be looked at very, very carefully, because, as you say, the municipal and domestic rate takes precedence. So if you put a big plant into Lethbridge or Bow Island or Red Deer or High River, you automatically -- although you say, "Oh, maybe it's not using that much water; maybe all it is is an office building and a headquarters," the fact is that once the people are there, their water use takes precedence over agriculture, and consequently, agriculture, although it still ranks in third spot, is a very distant third spot.

It's very important to control population growth and settlement in Alberta. I know some people -- they go: "Well that's shades of Siberia. We're going to move everybody up to the camps of the Athabasca and Peace rivers." Well, having spent a great deal of time in both those areas when I first started my family in Peace River, I could assure the people of the south it's a very pleasant area to live. As a matter of fact, the people might be even more cultured than those south of Edmonton. But the fact of the matter is that we have done little or nothing to encourage new industry, new population growth, to locate on our Athabasca and Peace River drainages, and therefore leave the aquifers of the south, as Wyoming, Colorado, Denver, Phoenix, southern California, all these areas, are now finding: they wish they'd diverted a lot of their so-called growth into other areas.

Now, the second part I'd like to touch on is that this government shows absolutely no understanding of the area. For instance, when they will approve a Cargill plant out of High River that is going to withdraw water from the Cargill aquifer and then announce, as the Minister of Environment did in a couple of question periods in the House -- I have a suspicion that I launched the investigation, because at first I got blank amazement on his face, and a couple of weeks later he then mentioned that oh well, they were testing the aquifers down there. When I brought it up a third time: we're still testing the aquifers. I'd be very, very curious to know whether or not the huge volumes of water that Cargill will need to keep that plant going will jeopardize High River as a municipality and the farmers around that area. Because to announce a plant and prepare to finance it -- do everything else -- before you've even checked whether there's enough water there, sounds like putting the cart before the horse or putting things backwards.

[Mr. Speaker in the Chair]

We have also in the south some examples of very good free enterprise and responsible management. Spruce Meadows, which is run by the Southern family and one of the outstanding jewels in equestrian sports around the world -- in fact ranked by many as number one; it was up to 160 to 200 head of horses -- instead of continuing to draw water from the aquifers in the Spruce Meadows area, realizing they were drawing it down

quite a little, are taking water now from the city of Calgary, which in turn gets the surface water from the Bow River. There's one consolation about taking surface water: you can tell whether you're exhausting it or not. But it's an example that people maybe should be encouraged, like Spruce Meadows, to use surface waters and to reserve our potable subsurface waters, indeed, for the future in agriculture and whatever we need in domestic. Because we have a very good chance that once our aquifers have started to go down, they're not easily replenished, and certainly people aren't very easily moved.

Lastly, I would like to touch on, Mr. Speaker, that this government seems to be asleep at the draw. I have been in what they call secondary recovery projects around the world for water which is forced down the ground to push the oil up the other side. Of course, once potable water goes down and goes through a formation and comes back, even if you take the water back out of the oil, it is usually very, very hard to make it potable again; it's almost impossible. Yet we have lots of non-potable water under the plains here. We have huge aquifers. An aquifer, for instance, called Winnipegosis is probably one of the largest sources of water in the world. It runs all the way from the Rockies through to the bottom of Manitoba in varying depths from 10,000 feet to as shallow as 3,000 feet. But it's always hundreds of feet thick -- tremendous amounts of water. Of course, it's nonpotable, but that is what we should be asking the oil industry or any industry: when they need water, let them drill the wells. I've had to do it in Saskatchewan, and I'm thinking of another area in the western desert of Egypt where I operated on. Certainly if you even got caught putting one barrel of fresh water in an oil well, you'd probably get hung up by the thumbs or at least get a complimentary invitation to go over and see Khomeini as to what he would do to you.

But the point is that we are not treating with the amount of respect we should -- and I compliment the Member for Dunvegan for bringing it out -- the subsurface potable waters of this province, and we are launching projects without even thinking as to what the long-term harm will be.

Thank you very much, Mr. Speaker.

MR. SPEAKER: The Member for Edmonton-Glengarry.

MR. YOUNIE: Thank you, Mr. Speaker. I'm delighted to say a few words on this, and hopefully I'll leave enough time for the other member indicating her desire to speak. I think this is a very valuable motion, seeking to create policies that would protect a farmer's right not only to a supply of groundwater but to a supply of quality groundwater, and I think it's very important that we look at both aspects of the motion. One is that farmers have the right to the access of potable groundwater, and the other, that it be potable, that it be good quality groundwater.

I've run into one aspect of that. The conflict between the oil industry's desire to use groundwater and farmers' desire to have a good supply of groundwater for their farming and family needs involved the case of a Brooks area farmer who came to me with the facts of a very longstanding dispute with the Water Resources Commission and his complaint that a neighbour was pumping the aquifer on which he relied through a dugout through a small impoundment into a larger impoundment and then selling it to oil and gas companies in the area. It was so depleted that his well no longer reached the groundwater. It had been lowered to that extent. He'd had 10 years of runaround under existing policies trying to get some branch of government to protect his access to the groundwater. So I certainly think the

government needs to be improving its policies in terms of protecting the farmer's supply and access to groundwater.

I think, however, we have another problem that is brought up in the motion but is not addressed, and that is making sure that supply of water remains potable. So I have here an amendment. I will provide copies and read it into the record. That is:

By adding at the end of [the motion]:

", and where the quality of that water may be imperiled by the opening, maintenance, or expansion of landfill waste disposal sites."

So we must not only seek to make sure industry doesn't use up all the water but also make sure the water that is left there is not made nonpotable by the industrial activities in terms of waste disposal or by municipal waste disposal. I think that's an aspect of the motion that has to be dealt with.

The Member for Vegreville has on a couple of occasions in the Legislature brought up the problems of potable groundwater in the Duvernay area, and the problem they have with waste disposal that wasn't properly planned and wasn't carefully done and has consequently deprived people in that rural area of a good supply of potable groundwater. So I think that is a very important point to look at.

We have, as well, in a rural area not too far from the main population of Edmonton, the proposal for the Aurum dump site, and I have brought it up in the Legislature and said that that groundwater could possibly be made unfit for people in the area by that dump site to use as potable water. I've asked the minister to guarantee that, in fact, that dump site would be very, very carefully scrutinized environmentally and that the proper studies would be done to gauge groundwater activity, groundwater movement, because sources of information I've had said that there is a lot of groundwater activity in the area and that, in fact, underground streams move -- for underground streams -- at a very quick rate through that area and any problems with sealing of the dump will lead to serious groundwater pollution. The minister has passed the buck and said it's up to the Board of Health of the city of Edmonton to decide whether or not it's needed.

DR. REID: Mr. Speaker, on a point of order.

MR. SPEAKER: A point of order.

DR. REID: I would wonder if the amendment, which is just coming to me, is in order, as the motion put forward by the Member for Dunvegan has to do with the depletion of the volume in an aquifer by withdrawal for industrial purposes. The amendment appears to be more associated with contamination of the existing volumes of water, and I wonder if it is in actual fact a valid amendment to the motion put forward by the Member for Dunvegan.

MR. YOUNIE: On the point of order, Mr. Speaker. First of all, the motion does also mention that it should be "potable," that it should be safe groundwater. So I think it's in order on that ground. To make sure of that, in fact I did run it by Parliamentary Counsel, and it was initialed as being in order, so I felt confident in suggesting it on those grounds.

But I do believe a very important aspect of the motion is that the groundwater farmers have not only be sufficient in quantity but in quality. I did want to raise the point, and hopefully in brief enough order that other members might get to speak to it.

MR. SPEAKER: Perhaps we could just pause for a moment.

The Chair had looked at the amendment earlier as well as in this past few moments, and while it does take us in a slightly different direction, nevertheless, the Chair will have to rule that the matter is in order.

The member now will be confined to the wording of the amendment

MR. YOUNIE: Thank you very much, Mr. Speaker, and I will, I promise, be brief. My purpose in moving this amendment is to try to stress how important it is that farmers have that quality supply of potable water, and how in a couple of the rural areas not too far from the city of Edmonton in one case it has been imperiled and there is a problem, and in the other case we see a situation developing which I believe will very much imperil it. So I would very much stress that

In fact, I've written to the medical officer of health in the city of Edmonton urging him to request the Minister of the Environment do a full environmental impact assessment of the Aurum dump site to make sure that if my fears are founded, that will not be used as a dump site, and if my fears are unfounded, there will be scientific and reliable evidence to prove it. I think that certainly should be the basis on which any project of that sort would go ahead.

So I firmly believe we have to look at both sides of this motion: the quality and the quantity of water; that the supply be adequate for needs, and that it be safe for consumption. And I think the amendment does that.

Thank you.

MR. SPEAKER: To the amendment, Member for Vegreville.

MR. FOX: Thank you, Mr. Speaker. I'd like to speak in favour of the amendment to the motion as moved by the Member for Edmonton-Glengarry because I, too, think it very important that we deal not only with the quantity of water available to rural Albertans but the quality. The wording of the motion is fairly specific. It deals with some operations that go on on a regular basis around the province that have the potential to imperil or lower the quality of potable ground water as used by rural residents.

I was just dealing this afternoon with a concern from people out in the Two Hills area. There are plans for a regional landfill waste disposal site, and some of the people who live very close to that proposed new site are concerned that the activities of that landfill will somehow jeopardize the quality of their groundwater. Now, I know the department has some procedures in place which are supposed to guarantee that that doesn't happen. They regularly test some sample wells that are within the landfill site in an effort to determine if there's any infiltration into the groundwater from the dump site, but I think people need to have a greater assurance than that. I know that a couple of landowners, in particular Allan Kupchanko and Dennis Kowalchuk, are suggesting that the government ought to sample the water in adjacent landowners' wells and then test those as well, rather than just testing the well sites within the waste disposal site. If they were to conduct testing prior to the construction of a landfill site to determine what the background water quality is and then test those wells on an ongoing and regular basis, I think then the people would have some assurance that the quality of their water is being protected and not going to be jeopardized by the operation of the landfill site.

There are many examples of this sort of thing out in rural

Alberta. The village of Hairy Hill, for an example, is located right beside a waste disposal site. It's a disposal well, Mr. Speaker, a natural gas well that's been abandoned for some time and used for the last number of years as a disposal site for waste water. As you know, much of the natural gas that's sucked out of the ground is mixed with water and a sort of sludge-like material. That'll be extracted from the gas, and it has to be disposed of somewhere. So they'll come and put it down this disposal well. It's at the top of the hill. The village is on the hill, going down from that disposal site, and people are concerned that the quality of their water is being jeopardized by the operation of that disposal site. I think that there again it would be prudent of the Department of the Environment to test on a regular basis any wells that are in regular use and that are adjacent to disposal sites, be it well disposal sites or just garbage disposal sites.

I support the amendment to the motion with that in mind, and look forward to the vote being put.

MR. SPEAKER: Member for Dunvegan, speaking to the amendment.

MR. CLEGG: Well, thank you, Mr. Speaker. I'm not really going to speak against this amendment. Mr. Speaker, I don't want to question your decision, but when we start talking about landfill sites, we are in a totally different perspective. You know, if we get into landfill sites or waste disposal sites, then under the department of community health the health units get involved and the health inspectors, and anybody that's going to make a landfill site, then they've got to prove to that health unit that, in fact, this is a safe site. I happened to be involved in an area where a person spent \$75,000 of his own private money to prove that it was a safe site, and the developer, in many cases -- although I know this government does help municipalities with these studies, there are some private landfill sites or proposed ones.

When I brought this motion . . .

MR. SPEAKER: Order please, hon. member. Thank you.

Four-thirty has arrived, and under Standing Order 8(3) it's now time to call.

head: **PUBLIC BILLS AND ORDERS  
OTHER THAN  
GOVERNMENT BILLS AND ORDERS  
(Second Reading)**

**Bill 211  
Children's Access Rights Enforcement Act**

MR. GOGO: Thank you very much, Mr. Speaker. I'm pleased and honoured today to move second reading of Bill 211, the Children's Access Rights Enforcement Act.

Mr. Speaker, I believe this Bill has been a long time in coming. It's representing today many, many people in Alberta who have wanted to see justice being done to a matter that has not, certainly in their eyes, been done for many, many years. I would hope that hon. members would seriously consider not only the arguments in favour of the Bill but of course, the Bill itself.

Mr. Speaker and hon. members, I would like to ask you to consider the following questions either as a parent, as many of you are, or as a grandparent, as I know many of you are. Just

visualize for a moment if you will. You have two children ages six and seven. You've never missed kissing them good-night when they went to bed. You've never missed having breakfast with them in the morning before they went to school. You've never missed taking them to Sunday school, perhaps teaching them at Sunday school, or taking them to church. Or knowing how important their birthday is or how important Christmas is and how happy it makes them: you've never missed those things. Then here in the 20th century in the great proud province of Alberta, suddenly you never see them again. I just ask you to visualize that because that is what is happening today to over 50,000 Albertans.

Now, my question is, Mr. Speaker, to hon. members: what would you do? Well, I can tell you that there are tens of thousands of people who have reached their wits' end in this province because they don't know what to do. They've used up their resources, they've mortgaged their homes, they've spent \$20,000, \$30,000, \$40,000 in our justice system that we as legislators make, and they're at their wits' end. Now, I'm asking you, hon. members, how you would feel. You're mature adults. You wouldn't be here unless you were over 18. But how do the kids feel? How do you think those six and seven year olds feel who are exposed to that?

Hon. members, did you know that in just the past 20 years alone one in every two divorce cases in Canada has involved children? That's over 600,000 children in this country, kids of divorced parents. Many of them to this day have not had the opportunity of seeing their parents, either one of them, or their parents seeing them. In Alberta today, Mr. Speaker, in 1986, with marriage breakdown, which is running at a pretty high level, as hon. members know -- one out of three, depending where you live; two out of three in other areas -- 88 percent of all custody awards go to the mother, not the father. And that's what I want to talk about today, about the so-called custodial parent and the noncustodial parent. Sounds like a jail system, Mr. Speaker, but they're the words that are used. I can hear a youngster now, saying, "Oh, I'm with my custodial parent but I'd love to be with my noncustodial parent." Imagine a youngster saying that and indeed that's what some of them are saying today in the school system.

Mr. Speaker, it's simply not normal, in my opinion, for youngsters not to be involved with the very people who created them. It's not normal, but it happens. And with it happening, it creates a whole host of problems that I'd like to describe now. This started about three years ago with me as the MLA for Lethbridge-West with a 35-year-old father coming to see me, a mature man who'd had a good job, with a very responsible position in the city of Lethbridge, sitting there crying uncontrollably because he had exhausted \$25,000 -- he'd gone through the system for three years, simply to have the courts enforce what the court had ordered -- to no avail. He was at his wit's end. I referred him to the Samaritans. And for hon. members who don't know what the Samaritans are, they save, in my opinion, in Lethbridge alone 300 suicides a year.

Now, Mr. Speaker, for whatever reason the marriage breakdown -- and that's not what we're debating today -- a divorce occurs, and three things generally happen. Whether you have money or not it seems to happen. You end up in court; the court hears the case; the court makes a settlement in three areas, called court orders. Number one: maintenance or support. That's spelled out in dollars, based supposedly upon affordability; that's the court's decision. Secondly, if there are children involved, a custody order. As I've already mentioned,

those children are awarded to one of their parents, in 88 percent of the cases to the mother. Invariably within the same court order there's an access order, or visiting rights, given to the non-custodial parent -- invariably. The wording might not be what we all want, but it's there.

How does this happen? Well, in our great society we recognize the courts as the ultimate authority oddly enough. We're the ones -- we're the highest court in the province, and we make the laws, but we recognize them as the ultimate authority. And we put in motion a system of litigation where we pit a lawyer against another lawyer under the only system we know: it's called winning and losing. There's only one winner in a court, which means there's got to be a loser. It's like a nomination or an election. Only too often, Mr. Speaker, it's the kids who are the losers, not the parents -- too often. I won't argue for a moment that the court always decides in the best interest of the child. I'm not here to criticize the court. If the court is wise, they seek advice of psychologists, of social workers, of many other people in arriving at their decision. I don't want to quarrel with their decision; that's a matter for another day, if an hon. member has the courage to criticize a court. So far it sounds all right. But what happens?

Well, now the horror story begins. You see, Mr. Speaker, the way it was -- and it's nice to talk, for some of us, about the way it was. In Lethbridge, Alberta, you were ordered to pay \$200 a month support or maintenance. You paid it to the local court. It went into the court; the court cleared the cheque and paid it to the custodial parent. Everything was fine. But you see, if you didn't get to visit your kids, because that was part and parcel of the court order, you were a little late with your cheque. Because the people in the court were human, they explained, "Well, Mrs. Smith, you know, Mr. Smith said he couldn't see the kids, and maybe that's the reason the cheque's not here." And that seemed to work for a long time until, of course, somebody thought, "We've got to straighten this out; these late payments are not satisfactory." So we created this maintenance enforcement program, this strong arm of government under the Attorney General that has powers greater than Revenue Canada, as many who have had wages garnisheed can testify. And things changed. The horror stories really began.

[Mr. R. Moore in the Chair]

Now, I've met, Mr. Speaker, with many groups. They're seated in the galleries today: a group from MERGE, a group from CAPE, Fathers Alberta. Child Find in Alberta deals with abducted children. Some 125 children were abducted last year because the orders of the court weren't enforced. So here we have a situation where invariably 88 percent of the time it's the father that's ordered to pay maintenance. That's fine; that's a responsibility he created and should honour. The mother is awarded custody; there's no quarrel about that. But comes the access, Mr. Speaker: the father shows up at the time and the place, and there are no children. And what does he do? He doesn't phone the maintenance enforcement program and have the police descend upon him or garnisheed his wages. No, he has to apply to the court. He has to get on the court calendar. He has to find \$1,500 to \$2,500 to get there. He does it again and again, trying to simply get the court to enforce its own order.

And what happens, Mr. Speaker? What happens? Nothing happens in the majority of cases. In the capital city of Edmonton if you get a parking ticket and don't pay it, what hap-

pens? You get a summons. If you don't honour that, what happens? I'll tell you what happens -- hon. members are aware -- they end up in jail. That's contempt of court, because once that warrant is signed, it's applied. Yet it doesn't work with access to a man's own children. Why doesn't it happen? Well, again I don't want to be critical of our judges, but the courts can only do really one of three things: reprimand the custodial parent for not granting access; secondly, fine them; thirdly, put them in jail. Well, no judge apparently wants to fine them or put them in jail, so what happens? It's slid over and slid over and slid over. So today we have people sitting in our galleries who've spent five and 10 and 15 years and their life savings simply trying to see their own children under laws that we make, and they can't do it. I suggest to you, Mr. Speaker, surely that is justice denied.

But let's ignore the people in the galleries for a moment. Let's ignore the parents, because that's not my concern near as much as it's the children. What about the kids, Mr. Speaker? Well, I've met with school teachers who've told me that youngsters who were outstanding students overnight have become grade D students: totally upset, not able to learn, suddenly needing a doctor all the time. When the teachers looked into it, Mr. Speaker, the reason has been the marriage breakdown, the divorce action, and no father in the family even though the court has ordered it. Now, some people think that's justice because the legal system says it's all right.

Mr. Speaker, I don't believe it's the lawyer's problem. You hire a lawyer to represent you; he's to win. That's his job or her job: to win. If he or she doesn't win, you perhaps don't hire them again. You may even argue about the fee. Well, heaven knows, you can never get away with arguing about it. It's not the court system. Then whose fault is it? I think it's the legislators' fault. It's ours. We are the ones who make laws, whether at this level or the government of Canada level. This is the highest court in this province, and I think this is where the solution can be. I submit that there are tens of thousands of parents and kids in this province waiting for us to solve this problem.

Now, if I had my druthers, if I as the MLA for Lethbridge-West had my druthers, I would love to see mediation and conciliation. I'd like to see these harmonious resolutions to the problems without going to the court. I'd love to see us avoid a very expensive system whereby we can see our own children. I'd love to see a system where we don't have a kid being traded off against an automobile in a property settlement, where a kid's a pawn in this game called custody. But I submit to you, Mr. Speaker, that when a man is hungry, he doesn't worry about growing a garden; he worries about eating.

We see here today people who have been denied access year after year after year in spite of the court orders. Mr. Speaker, I'm suggesting that it's time it was to change, and it has to change. Because when a parent and a youngster want to be together so badly that it hurts -- it hurt when that 35-year old cried uncontrollably in my office because he was at his wit's end in this so-called just society. He couldn't afford another \$2,000 to get in through the door of the court while at the same time, the maintenance enforcement program doesn't cost a dime because it's toll free, and you can have the strong arm of the law descend upon you to collect. I sense, Mr. Speaker, and I'm sure hon. members -- I would hope hon. members -- would agree that it's time we had some equality.

All these people want is for us to enforce the law as it exists today on the books. That's the reason for this Bill that's before

us today, Bill 211. It's not the best Bill. It deals with the Court of Queen's Bench. Perhaps it should be the family court division in Alberta. I don't care. I don't care what we do as long as we help resolve the problem for these tens of thousands of people who have been denied fair justice.

The Bill says, Mr. Speaker -- and I'll quickly go through it because I'm very keen on hearing what other hon. members have to suggest -- that where the custodial parent has refused access contrary to the order of the court, the following could apply, and I refer hon. members to page 2 of the Bill. There's got to be some incentive for the custodial parent to obey the law. Today they do it with impunity. There's a documented case right here: \$45,000 this man has paid over ten years; he's dying of a broken heart in a Calgary hospital. It took his life savings. If we'd had this Bill, Mr. Speaker, with some incentive for the custodial parent to honour the law, he may not be there today.

It says that where a custodial parent has caused the noncustodial parent to incur costs -- for example, I have four constituents drive from Lethbridge to Edmonton to see their children. The four I'm talking about are people who are having difficulties. They arrive here; there are no kids. They phone the police. The police say, "We can't do anything." They drive back to Lethbridge and phone their MLA. If that is not contempt of court on behalf of the custodial parent, I don't know what is. So there's provision here whereby the custodial parent would have to help defray that cost. I see some hon. members smirking. They probably think it's all right. Don't get me upset.

Secondly, they're required in this Bill to provide some type of security so they don't do it time and time again. The gist of this Bill, however, is that if a parent is refused lawful access to their child, they can go into a court in this province within three days of it occurring and give oral evidence, not having to have affidavits filed or represented by lawyers, but go before a judge and say: "Your Honour, there's the court order saying I'm entitled to see my children. These are the dates upon which I went and there was no one there. And your Honour, I firmly request that you enforce the order of the court within three days." That's there: both oral evidence and the fact you can get in the door.

Mr. Speaker, the latter half of the Bill -- because I'm going to hear arguments to the contrary, about abusive parents, about those who, when they come, abuse the children. Well, there are grounds for the custodial parent refusing access in the Bill. If you've been granted access and you're supposed to be there every month for the past six months and haven't shown up, that's pretty good grounds for denying access I think. If there's reason to believe you'll be harmful to the child, I think that's a pretty good defence for denying access. If an applicant hasn't satisfied the conditions as set down, I think that's pretty good grounds as well.

So I simply want to say, and I want to conclude and hear other hon. members, that if we feel that the strength of our province and the strength of our country -- and I haven't even mentioned grandparents, and they have no rights whatsoever -- if we feel that the strength of our system is seeing that our youngsters are exposed to both parents and by doing that they'll grow up to be better citizens, if we want these people to respect the laws that we pass in this province, then we as legislators in the highest court in this province, I think, should take some action, Mr. Speaker, if we believe in justice. For that reason I think the time to pass this Bill is right now.

Thank you very much, Mr. Speaker.

MR. MUSGREAVE: Mr. Speaker, it's with great difficulty that I get engaged in this debate, particularly after hearing the hon. Member for Lethbridge-West. However, I would like to say a few words.

First of all, today happens to be my wedding anniversary day. I'm fortunate enough that 46 years ago my wife and I took a great trip from the city of Ottawa to the city of Montreal on our honeymoon. Now we have four children married, and two grandchildren, and we had one child in the divorce courts; fortunately, there were no children involved. I'd suggest that my experience was a fortunate one. Our marriage has had the stresses and strains of those years, but I don't think they're anything near what young people are faced with today, and it's reflected in our very, very high divorce rate. My feeling is that one of our difficulties is that if we had more emphasis before marriage on education and matters of finance and family planning and career plans, perhaps the divorce rate would be lower.

But I know that many young people face a different -- and difficult and disturbing -- world than people of my generation faced. First of all, the pill has given women a new freedom. Legalized abortion has stopped the back-street abortion clinics. There's been a very significant change in social standards, and a good example is the tremendous decline in church membership in Canada. Less than 20 percent of Canadians go to church with any degree of regularity. The social pressures are very different and damaging. We have advertising of the good life, the good times, and there's not always the concern about responsibility to family and family members. The economic pressures are great: high inflation rates, high interest rates, high everything, including expectations and demands of society.

While people like me may feel that the ideal situation is a mother at home raising children on a one-parent income, any MLA, and particularly any MLA living in a city, knows that that ideal situation is not available to many of our people today. For whatever reason, almost 60 percent of married women are working. They're under great strain, as well as those hundreds of parents raising children alone. That is why, Mr. Speaker, this Bill is very important. Many people are hurting. Children are being used as objects of coercion. Fathers are given minimal visiting rights when what they want is an opportunity to be parents, not just visitors. Children are not properly clothed or fed or given the chance to be with their other parent or with grandparents.

Mr. Speaker, I'd like to just outline a few heartfelt comments from some of my constituents. First, two of them are a result of a constituency survey that I did earlier this year. Obviously, I'm not going to name the people. The first one said:

What is the provincial government going to do about enforcing joint custody of our children after marriage breakup? What and when is the government going to bring in enforced access to noncustodial parents, the same as [the maintenance enforcement program]?

Another one. A person who raises the issue of Bill 211 brought in by the hon. member says:

Are you aware of how many people in Alberta would be affected by Bill 211? Is it likely that the issues raised in Bill 211 could be addressed by a government Bill rather than a private member's Bill? RSVP.

The constituent wrote a short note to me, and this should interest all MLAs, particularly when they send out brochures with questions in them. He says:

Just when you think you've identified all the major disputes -- labour versus management, investors versus the trust company, French versus English, pro-life versus pro-choice -- then someone like me points out a dispute so common, so everyday, so

expected, that we all too often overlook it. I mean the dispute between parents in divorce; namely, "What about the kids?" Well, Mr. Musgreave, what does the PC government think and feel about these kids?

I've had some phone calls as a result of some news articles on Bill 211. This one constituent said he strongly supports the Bill. He says that access custody orders are archaic in Alberta, and that unless the mother is a drug addict or a murderer, it is assumed that she is the best care giver.

Another person with two children, under a home study program right now. He estimates that by the time the study is completed and all the court fees and the professional fees are paid, it will cost him at least \$25,000 before the joint custody is determined. And he says: what about those people that don't have \$25,000 to do this sort of thing?

Or another one who is divorced and has two children that he cannot see. He wants to know just what the court is going to do, because he is so frustrated and obviously he lacks the money to be able to ensure that the enforcement is carried out.

And here's another one. This was a comment from a grandmother. She's seen the children arrive at the house hungry or sick or ill clothed, never gets the chance to visit with the parents, and the grandparents are not even considered.

So, Mr. Speaker, what I've been telling my constituents -- first of all, I'm telling them I'm going to send them copies of *Hansard* today. But more important than this is that they make sure that they speak to their MLAs, that they write to their MLAs. I'm very pleased to see that the Minister of Community and Occupational Health is here listening to this debate, because I think this is a great opportunity for us as private members to send a very strong message to the government that this indeed is a grievous situation, and it's most important that we alleviate distress in whatever way we can to help the children particularly that suffer from the lack of access by parents.

Thank you.

MR. ACTING DEPUTY SPEAKER: The hon. Member for Edmonton-Avonmore.

MS LAING: Thank you, Mr. Speaker. I rise to speak to this Bill. It deals with a most sensitive, complex, and painful human dilemma, and that is: what happens when interpersonal relationships break down?

When the hon. member first introduced this Bill last November, I started to investigate the issue, because I didn't realize that there was such a problem as he had indicated. In order to investigate it, because I believe it is a very complex matter, I spoke to family court workers and lawyers; I spoke with people from the institute of the family, from the Canadian Bar Association; I spoke with social workers, psychologists, custodial and noncustodial parents, and grandparents who had been denied access. I also attended forums and corresponded with parents' rights groups, because I believe we have to know every side of an issue. In addition, I researched it in terms of what is in the literature and what is in legislation in other jurisdictions. So I speak today out of the information that I gathered during that period of time.

[Mr. Musgreave in the Chair]

Before I address the specific issue of the Bill, I believe I would like to put forward three fundamental principles that I would hold to. One of the principles that I hold to is that every

child has a right to be loved and cared for by both nurturing parents, whether or not those two parents are living together, and that they have a right to see and be nurtured by loving grandparents, aunts and uncles, cousins, and other extended family members. I think that's a fundamental right of children.

Every child, I believe, also has a right to be protected from abusive people and abusive situations. This is clearly articulated in the Child Welfare Act, and I believe we must pay heed to that principle.

The third principle that underlies what I have to say, and this comes from my experience in the courts in custody cases, is that the courts have proven to be singularly ineffective in solving and healing problems arising out of the breakdown of human relationships. I would suggest that the adversarial process that we see in the courts may exacerbate such problems.

In addition, court action is extremely costly. I remember when the new Child Welfare Act, which is presently to be amended, first came out I spoke with people from the Department of Social Services because I was involved as a neutral third party in many disputes. I used to say that there should be and there must be a better way, both in terms of the pain caused and the cost. That is what I am saying today. In a time when we are so concerned about families, in a public way now -- and I believe most of us have always been very concerned about keeping families healthy and strong. I think this Bill does nothing to strengthen families and may reduce the possibility of healing families that are joined in the sharing of caring for children and joined in their mutual concern for the welfare of these children, even though those family members do not all live together.

I am also very concerned that the discussion or debate will degenerate into a men versus women or fathers' rights versus feminists' confrontation and that the needs and rights of children will be forgotten. When I hear someone say, as I have often heard and as I heard today, that women get custody in 88 percent of cases and that person then does not go on to say that this is because the men did not apply for custody and that in cases where men do apply for custody, they are successful in 50 to 65 percent of the cases, I am very concerned that the person making those statements is trying to pit men against women. I would hope that someday custody would as a general rule go to the person who has been most involved in the care giving role with the children and that such issues could be resolved in a constructive and co-operative way which recognizes in the truest sense the best interests of children. Children are not property or pawns to be used in a power struggle.

In the context of these principles, then, I would address this Bill. I believe, firstly, that this Bill is unworkable, unfair, and could deny due process to custodial parents. The second thing that I believe about this Bill is that it may fail to adequately protect children and may fail to honour our commitment to their best interests. Thirdly, I believe this Bill is inappropriate and may exacerbate an already painful adversarial system.

I would now like to address these concerns in order. Mr. Speaker, there is no doubt that we have a problem of wrongful denial of access. I have spoken with men and women and grandparents whose stories fill me with great sadness. But I don't think the remedies proposed in this Bill would work, and I think we must seek alternatives. The reason I think the remedies of this Bill won't work is, first as a Legislature we cannot tell a court system how it will be or shall be run. Secondly, this Bill will only apply to orders under the Domestic Relations Act. Most orders come out of divorce court or family court, and in some of the cases that I have talked to, there were

no orders in existence. Thirdly, having worked in the courts, I have seen how busy judges and courtroom staff are, as well as the difficulty of getting courtroom space. In fact, a case that I was involved in stretched out over nine months to get 26 days of testimony in, including sitting at night and Saturday. So I do not think that the courts will be able to respond to the demands that this Bill might make.

But then we have to look at the people involved in this process. If the custodial parent does not have sufficient funds, she will have to apply for a legal aid lawyer to be represented, and that takes time. If, in fact, the people involved have lawyers and want to bring in social workers and doctors and professionals, we know that they are all very busy and that it is maybe very difficult for them to clear their calendars so that they can get into court. Some custodial parents may not be able to get time off from work to appear in court. Others I have heard of live in remote areas without public transportation and even in some cases without roads, so they would not be able to get to a court in a central region in three days. To deny a person time to get legal counsel or to arrange to be in a court, I believe, would be denial of due process to the custodial parent.

This Bill, in addition, seems to be founded on the presumption of guilt on the part of the custodial parent. That is, the presumption is that the custodial parent is wrongfully denying access, that the custodial parent is mean, spiteful, a vindictive person, and that the noncustodial parent has done nothing wrong and is being seriously wronged. I do not believe that any court action should be founded on such a presumption. Indeed, the opposite presumption is the rule in most courts of law. In addition, although this Bill calls for penalties against a custodial parent who may wrongfully deny access, it does not as the Ontario Bill does, provide remedies for the custodial parent when the noncustodial parent is using the courts to harass.

This Bill does not take into account in the remedies part of the Bill the fact that mothers -- for the most part mothers -- have had greatly reduced economic status as a result of the divorce, and the remedies could prove prohibitive for a mother who feels she must deny access. This brings me to my second argument against the Bill, and that is the protection and concern about the best interests of children. Most custody cases, up to 95 percent are settled more or less amicably, and life proceeds with varying degrees of goodwill. I'm truly shocked when I hear that so many people have difficulty; that's not been my experience. However, as I see it a problem arises when the process of ending a relationship has not been completed and healing has not occurred. One of the partners is still very angry and bitter about what happened.

In these cases the custodial parent may use the children to punish the noncustodial parent for past perceived wrongs or for not paying child support or for any number of reasons, maybe for just having gotten on with his or her life. So when the noncustodial parent comes on Friday afternoon to pick up the children, the children are gone. Or when the noncustodial parent goes to the airport to meet the children, the pager calls and says that the children are not coming. Such use of children to punish, through denial of access, is wrong, and we must act to correct that wrong.

On the other hand, some custodial parents who themselves or whose children have experienced violence, be it physical, sexual, or emotional abuse, at the hands of the noncustodial spouse or have seen that person break up the house and injure pets have good reason for denying access, although the noncustodial parent would disagree and deny that. I have spoken to

women who are afraid to leave a violent abusive partner because they fear he would have unsupervised access and would harm the children. I have heard such concerns from shelter workers, from therapists of victims of incest and when I talk with therapists who work with offenders, I have heard them raise the very same concerns. I recently heard of a child of seven who begged for a gun to kill herself when custody was granted to the abuser. The abuser still has custody, and the child is still being abused.

People who work with these children know that the criminal court system is unable to deal with the abuse of children under the age of 10 or 12. We know that divorce court judges often do not have the evidence of abuse before them or discount anything that has not been confirmed by a criminal court conviction. Many battered women just want to get out and do not want to have to deal with the batterer because it is dangerous to do so or they are too ashamed to tell why they are leaving. In Court of Queen's Bench several years ago a battered woman was shot by her estranged husband, and that scares every woman who has been threatened or battered.

In talking to noncustodial parents, many who have called me, I am often touched deeply by their pain and helplessness, and I feel helpless in the present system. In other cases, however, I hear angry, hostile men who are angry at battered women's shelters who shelter and help their wives. These men hold such shelters responsible for their wife and children being gone, and they will go to the ends of the earth to regain the power and control over their wives and children.

That Mr. Speaker, brings me to my third point and that is that this Bill would institute procedures that are inappropriate to the problems and may in fact worsen the problems that we face. We cannot legislate harmony in human relationships. What we can try to do is determine and deal with underlying causes of disharmony and to address and heal these causes. Many times in this Assembly I hear problems framed in the terms of a football game, terms like "level playing field." Well, human relationships are not a football game. When we pit one side against the other and the stronger, the more powerful, the more clever are the ones that win the prize, we are doing violence to human beings.

Too often what I have seen in court is like that: us versus them, him versus her, clever lawyers manipulating witnesses through clever cross-examinations. It is one of the most destructive and most painful processes I have ever witnessed. And to determine what? Who wins? I have seen judges struggle with conflicting evidence from experts and from people from all sides, and I've seen them trying to sift out what is truth so that they can make a positive and helpful decision. I never ever envied a judge that I appeared before.

Mr. Speaker, we need to use what we have in place, and we need to go on and create a better system. We could take the money it would take to create the court resources that this Bill would require, and we could fund other things. We could fund marriage counseling and parenting courses and treatment programs for violent people and alcohol treatment programs, so that we could work to prevent the breakup of marriages. We could fund mediation and conciliation services, which exist only in Edmonton and which have been recently cut back very seriously. We could fund such services so that they are available and a part of divorce processes as are required. We could look at child custody and access issues prior to determining property settlements and maintenance payments.

Mr. Speaker, I am really distressed when maintenance and

access are linked in any way. I think it is absolutely wrong. If we determined access prior to maintenance settlements, we would see that these two issues are not linked. One does not buy or sell a child for or with maintenance and property settlements. We must look to what is in the best interests of children. We could provide conciliation services, if access orders are not being honoured, to help to heal the parents involved. In listening to counselors and mediation workers and parents embroiled in this conflict, I have heard almost unanimously that the problem is the unresolved relationship between the parents and that the lack of resolution is harmful not only to the parents but to the children involved. These conflicts are painful and destructive for children, and enforcing court orders will not heal that pain. Most jurisdictions will not enforce access in cases in which such a poisonous relationship exists between the parents; nor do I think they should.

What we need to do, I believe, is intervene to defuse the power struggle that we see in these cases. I have heard many noncustodial fathers acknowledge that it is a power struggle, that the custodial mother is really showing him who's boss, and these men have said to me that if they can somehow step out of the struggle, they get more access. For some fathers, it's a power struggle too. He says things like, "The state forces me to pay, and therefore the state should force her to give me access." I don't agree with that. Whether or not he can pay or does pay should not be a criterion as to whether or not a father has access. That is not right. Fathers that love and care for their children, just as mothers who love and care for their children, should be able to parent them no matter what their financial circumstances are.

A further solution that I would offer is -- it is my understanding from the police that if a court order is carefully worded, if a custodial parent denies access, then the noncustodial parent can have a lawyer lay the information with the police, who will subpoena the custodial parent to appear before a judge for a hearing for determination of the facts and application of a penalty, if it's appropriate. This has happened, because I spoke with a woman who was fined \$600 for denying access, and she said, "I'll never do that again."

I would suggest that such a judge would be charged with determining if the denial is unreasonable or if there are legitimate grounds for concern. If the former is the case -- that is, the denial is unreasonable -- then I would suggest the judge could place the parent on probation and mandate that parent into mediation or counseling to ensure that access is given and that the dynamic for denying access is resolved. If there is cause for concern for the safety and well-being of the children, the judge could then order that there be an investigation by experienced personnel, such as Social Services personnel, or perhaps a referee or friend of the court could be appointed to aid the court in determining the facts of the matter.

Mr. Speaker, in a time of increasing numbers of divorces, we need to seek creative and innovative solutions, solutions that are sensitive to the complexity of human relationships, the reality of family life and the society we live in. I think we need to educate people about the need for strong family relationships, whether or not all family members live together, and that those relationships need to include, as I said earlier, grandparents and aunts and uncles. I think we need to educate all people of the need for children to continue to have relationships with both parents and their grandparents and that harm is done to children if they are used as pawns between warring parents.

I think we need to also create a society that views children as

human beings, not the property of parents. We must create a society that in every instance where children are concerned looks to the best interests of children. No parent who loves his or her child will use that child to hurt the other parent or other people. Laws will not change that abusive behaviour. Hopefully we can use the present system more effectively and put in place more resources to ensure that children are not victims or pawns at a time of divorce and that they will indeed receive ongoing, loving support from those people that are most dear to them.

Thank you.

MR. DINNING: Mr. Speaker, I rise as the MLA for Calgary-Shaw to add my support to Bill 211, put forward today by my colleague the hon. Member for Lethbridge-West. I want to commend the hon. Member for Lethbridge-West for bringing forward this important Bill and for making an effective presentation which, I believe, speaks very much to the heart of the issue.

I also want to convey my congratulations to you, Mr. Speaker, on this your 46th wedding anniversary and that you and your good wife should enjoy as many more years together. [applause]

I rise, Mr. Speaker, because this is an issue that has been debated regularly at some 14 town hall meetings that I've held in my constituency in the last 20 months. It continues to concern me deeply, as it has at all of those meetings and on the various occasions where I've met with individuals who share these concerns, that any parent who doesn't have legal custody of their child but has access to that child should in any way be denied regular access to that child. I think of mothers and fathers and children and families and friends and grandparents and aunts and uncles who have to suffer the trauma and stress of marital breakup. It's bad enough before, during, and after that breakup, but to compound that problem by withdrawing access for illegitimate or frivolous reasons truly is unacceptable. It's a tragedy, because, as all hon. members have said today, the children become pawns in a custody game of push me, pull you that parents seem destined to engage in.

I have to reluctantly accept Mr. Speaker, that this is not a perfect world. I came from a family of two loving parents and two brothers. We were a very close family unit, and this problem wasn't even conceived of in those days. Today I'm very fortunate to have a family, a fairly close family, I think, of a fabulous wife and three wonderful daughters, and I can't fathom this happening to my family. But I know and realize from personal experience with other members of my family and many friends who are going through this tragedy of marital breakup, of family breakdown that that is the real world.

For our Legislature or for our courts to in any way be able to tolerate or support this denied access for illegitimate or frivolous reasons is something that I as a member of the Legislature certainly cannot accept. That is why I believe the Bill put forward today by my colleague from Lethbridge-West is part of a solution.

I have to comment on the comments made by the Member for Edmonton-Avonmore. I was a little worried that she was going to sit down perhaps six minutes earlier, because she was, as usual, mired and wallowing in the problem rather than providing us with a solution. But she did provide solutions, and she did suggest that there was a need for more counseling, for stronger emphasis on working with children who suffer through that family breakup, for more attention to counseling of couples

who are in the throes of divorce or who are unable to work under the pressures and the strains of marriage, of living together and living in this society.

I believe that a number of the things she suggested are important preventive measures that, yes, we can do more of. Yes, we are doing some of that today. I think of the family and community support services program, which I as a minister am able to present to this Legislature for funding each and every year. I'm proud of the tremendous programs that some 250 municipalities in this province put on that go some distance, part way, to supporting the family and supporting the family environment and keeping families together and helping those families to cope with the strain and the pressures. But I believe, Mr. Speaker, that the hon. Member for Edmonton-Avonmore is perhaps too critical and in criticizing Bill 211 is not willing to recognize that it is an important part of the solution.

I feel that the hon. Member for Lethbridge-West has brought us a solution that is workable. I'm not going to go through the details of the Bill, as the Member for Lethbridge-West did, but the access that is offered and the conditions of access that are laid out in the Bill I believe are excellent and ones that we as a government should be supporting. I also agree that the Member for Lethbridge-West is proposing that there are serious and legitimate reasons why access should be denied. I believe that he has presented a very fair and balanced approach, a very fair and balanced solution to a very tragic societal issue, and I would ask all hon. members to support the Bill.

MR. ACTING DEPUTY SPEAKER: The Hon. Member for Edmonton-Gold Bar.

MRS. HEWES: Mr. Speaker, thank you. I'm conscious that there's very little time here. I do want to thank the hon. Member for Lethbridge-West for bringing this very important matter forward. I appreciate his putting it before the House. Certainly it's complicated, and it cannot be simply solved. I appreciate the Bill that has been placed before us, but I don't believe it goes quite far enough. I would like, with respect and humility, to suggest that there are some other additions that perhaps we could make that would improve upon what it is that he is attempting to do here. I think we could as a result create something useful for Alberta families.

Like most families, my family, although we believe it's a good one, has not been immune from this kind of thing. Also, in my work I have frequently dealt with people who have suffered.

In my view, Mr. Speaker, there are a few principles. First of all, the child must be placed first in all of your thinking and

planning. The second is that all children have a right to love and safety. The other, which the Member for Edmonton-Avonmore commented on, is that court orders are seldom satisfactory in trying to resolve circumstances where there are children in custody quarrels where the divorce follows an abusive relationship, whether it is emotionally abusive or physically abusive or both.

Mr. Speaker, I would hope that the member, in putting the matter before us, doesn't suggest that maintenance enforcement should in any way be discontinued or downgraded, because I think that has been helpful and useful.

MR. ACTING DEPUTY SPEAKER: The Chair hesitates to interrupt the hon. member, but I think it is time that the House adjourn debate. Would the hon. member so move?

MRS. HEWES: Mr. Speaker, with regret I'll adjourn the debate.

MR. ACTING DEPUTY SPEAKER: It's been moved by the hon. Member for Edmonton-Gold Bar that debate be adjourned on this motion. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. ACTING DEPUTY SPEAKER: Opposed?

AN HON. MEMBER: No.

MR. ACTING DEPUTY SPEAKER: Carried.  
Hon. Deputy Government House Leader.

MRS. CRIPPS: Mr. Speaker, it's the intention of the government to have the House reconvene in Committee of the Whole on Bill 22. Accordingly, I move that when the House adjourns, it assemble in committee at 8 p.m.

MR. ACTING DEPUTY SPEAKER: Having heard the motion by the hon. Deputy Government House Leader, does the Assembly agree?

HON. MEMBERS: Agreed.

MR. ACTING DEPUTY SPEAKER: Opposed? The motion is carried.

[The House recessed at 5:29 p.m.]