

**LEGISLATIVE ASSEMBLY OF ALBERTA****Title: Monday, June 27, 1988 8:00 p.m.**

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[The House resumed at 8 p.m.]

**head: GOVERNMENT BILLS AND ORDERS  
(Second Reading)**

[Mr. Speaker in the Chair]

**Bill 55****Child Welfare Amendment Act, 1988**

MRS. OSTERMAN: Mr. Speaker, it's with a great deal of pleasure that I move second reading of Bill 55, the Child Welfare Amendment Act, 1988. I would like to make a few comments. I know from discussion with a number of members that there's a great deal of interest in this Bill.

Let me first maybe make a few philosophical comments to set the tone for what I hope will be a good, solid debate, one that's based on objective information and not purely emotionalism. I'd like to say, Mr. Speaker, that over the course of the last two years plus, since I've been minister, there's been a fair amount of discussion out there in the public among a number of interest groups as well as amongst all of my colleagues in the House, opposition included, in terms of various provisions of the Child Welfare Act. Those areas, I think, are fairly well spoken to in the amendments that have been introduced here.

But specifically we're dealing with the private adoption area, we're dealing with the role of the Children's Guardian that will become the Children's Advocate, and we are dealing with a number of administrative and policy issues. I think, that in individual instances we hope will be very beneficial to the people that we serve. I think they can be best described as enhancing flexibility of services, avoiding more intrusive measures; for instance, in the applications to court and so on. Of course, we've had a number of legal amendments in terms of verbiage that were important and issues that it was the judgment of our staff and legal people needed to be addressed because of the Charter of Rights.

Mr. Speaker, in discussion with various groups on all of the areas that I have mentioned. I think that it is, first, important for me to note the interest and dedication of a number of people in the department, and I did want to mention our legislative planner, Bernd Walter. Mr. Walter has been an integral part of a committee that addressed the private adoption area, as well as working with so many groups who brought information forward, and in hopefully a reasonably clinical way was able to address the suggestions that were made, particularly dealing with the ramifications of those suggestions. Because I think that all of us, in looking at child welfare matters, I suppose it would be fair to say particularly have some difficulty in relating to the head and heart. So often the heart, well-intended, moves in a certain direction and in the longer term may not be in the best interests of the children in particular and the families of this province. It is with that in mind and also with in mind a statement that I believe to be true, and that is that there isn't anybody in this Legislature or outside or in anything I have read -- and I have read extensively so much information that relates to the whole area of

child welfare. There isn't anybody or any consensus that can speak to in a very precise and scientific way the direction that ought to be followed. So at very best we are using judgment that's based on some amount of study, academic information, and some amount of personal experience. That personal experience, of course, with families in this province and the workers who work with them plays a very vital role in framing any of the amendments that come forward.

Mr. Speaker, there are often times, as I listen to the spectrum of views and all the supporting information that can support any one view that is brought forward -- because I can assure you that every single view can be supported by some study, some experience, whatever. Every view. So out of all of that -- sometimes what I believe to be a grand social experiment that we have embarked on in the last 20 years in all of our heartfelt need to address the welfare of children in this province and a lot of other areas -- we come forward with the Child Welfare Act of just several years ago. Now, working with that piece of legislation, the experience that we've had, and the information that's come forward: all of that can be summed up in terms of the opinion that we've come to, the recommendations that we would make. That is now summed up in the amendments that you see before you.

So, Mr. Speaker, we'll first of all deal with the private adoption area. I think the main principle there, of course, is that we do believe the public ought to have the opportunity -- with all the appropriate safeguards for the children, whose best interests we want to serve -- to seek out the private adoption area. We think the interests of children -- and of course I think we should also talk about the kids who are having kids. It's very important to protect their interests as well. But the child must be first and foremost. We believe, as I've said before, that we've protected those interests by making sure, number one, that we had a good framework around the nonprofit adoption agencies, which will be allowed to operate it in this province.

Next, Mr. Speaker, we have the role of the Children's Guardian. There's nothing that more clearly represents the kind of dilemma we've been in than to, first of all, pass a piece of legislation that I think spelled out, in terms of all the discussion around it, the role we believed the Children's Guardian should play, but after having had that work through a number of processes, and particularly legal process, came to the conclusion that the legal interpretation was not what we saw for the role of the Children's Guardian. That role now will be played by a Children's Advocate. Of course, the guardianship responsibility will be revested with the Social Services department director of child welfare. We believe that with the type of free-hand advice and information and moral suasion that the Children's Advocate will be able to use in his or her role in speaking on behalf of the children in our care is going to be far more important for the children than the role the way it's presently being legally interpreted through the courts and so on.

Mr. Speaker, that has given us an opportunity as well to speak to the procedures that are in place, the role of the child welfare appeal panel in the matter of permanency planning for children. Surrounding all of that, of course, has been the issue of native children, because they are the largest group in the care of the Department of Social Services, and all of us understand that there is a whole host of very special matters to be addressed when we are permanency planning for native children.

Then, Mr. Speaker, we get into the area that I call procedural matters. There's certainly a number of specifics there that I think are very important. I just mention a few of them because

they are matters, in my view, of principle and not just purely administration. I think that in terms of our relationship with custodians of children, where we've always had to use a more formal mechanism in going to court and working with the Children's Guardian, we're going to be able to have agreements with those people and operate in the best interests of children without as many formal processes as were in place.

Looking at the children who have been in our care and those who still show special need at the age of 18, Mr. Speaker, it is our view in a number of cases that had we had the opportunity to still be so-called attached to that young person, we would have been able to provide, through care givers, foster parents, and so on, the type of additional support that would have better launched them into adulthood, because I think all of us realize that our own children going off at age 18 still have a need to be tied to a home base. So it is important for those care givers in some instances to have that extra time with children.

Mr. Speaker, we are also looking at access to children in care. We will be able to involve more directly a number of family members and others who have in the past expressed interest and have played a very important role in the lives of a particular child but have not been able to become a part of the formal process, particularly in dealing with matters that might eventually end up in court.

Another area, Mr. Speaker, speaks to where a child, we believe, has been abused. To the extent that a court would order it, we believe it is appropriate to move the offender from the residence as opposed to making that child feel like they are the guilty person and snatching them, in my view -- which is what I feel sometimes -- out of their home when in fact somebody else is probably responsible for the set of conditions that are in place. There are all sorts of safeguards, obviously, needed for that, because the public I know is concerned about the opportunities that those who might not exercise judgment that they believe to be appropriate or at least the public believes to be appropriate ... We would not do that without all of the safeguards.

Mr. Speaker, the other area that I think is very important is a broadening of the ability for additional family members and also, when it comes to native children, potentially the band to apply to the passive adoption registry to seek that reunification that is so often talked about. It has been our view that we would not have an active registry; we would not be searching out parents and children for those who have indicated a desire to be reunified, because we believe it is important for there to be an agreement on both sides. Of course, that's manifested by their application showing up on the passive registry. But there are others, significant others, who in our view, because of the kind of information that's come forward, should be entitled to register, and of course again there would be safeguards. Because whenever you open it up, there is a potential to lead to the disclosure of the relinquishing parents. In the former rules those people were guaranteed anonymity. I don't believe that you can take and make legislation retroactive and reach back into the lives of individuals. If they feel that's desirable, they will obviously put their name on the passive adoption registry.

Mr. Speaker, those are some of the highlights of the legislation. I think that to be speaking to specifics is more appropriate to the committee study because it is a fairly large Bill and it addresses a lot of areas. I will then have the opportunity to quickly go through and point out what is administrative. But I obviously would be very interested in the views of all of my colleagues, bearing in mind that this type of legislation poten-

tially reaches almost every single family in this province, some with a view that government should have no role in their lives and others with a view that government should be far more active. It is with that in mind that we have tried to achieve a balance. It has been done with consultation of the broadest of groups that in my view we could reach and, of course, with individuals as well.

The public of this province has responded very well in terms of the quiet discussions that the minister has had in almost every place imaginable and every type of meeting imaginable where the Child Welfare Act and its attendant problems, strengths, and weaknesses have been raised with me. So with that in mind, Mr. Speaker, I look forward to the comments of my colleagues.

MR. SPEAKER: Edmonton-Calder, followed by Edmonton-Gold Bar.

MSMJOLNESS: Thank you, Mr. Speaker. It's my pleasure this evening to have the opportunity to enter in on the debate on Bill 55, the Child Welfare Amendment Act, 1988. This Bill deals with two areas within the Child Welfare Act. The minister's already pointed out what those areas are, the first one being the office of the Children's Guardian, the second one being private adoption. I would like to deal with both of these areas separately this evening in my comments.

I would like to say, Mr. Speaker, that I appreciate the comments of the minister. I would like to begin by congratulating the minister for reinstating, in the amendments, the principle that any decisions or actions taken under the Child Welfare Act must be done "in the best interests of the child." I think this is a very significant statement and one that is regrettably absent in the current Child Welfare Act. I feel very strongly that in any legislation dealing with children, their well-being must be placed as a very top priority. I would have even liked to have seen children's rights put in the Child Welfare Act. Having said that, I recognize that this is only a statement and doesn't necessarily translate into action; nevertheless, I think it's a very essential principle, and I think it was a wise move on the part of the minister to have reinstated it in this Bill.

Also, the minister has gone into the procedural changes that are found within the Bill. Again, I think that some of them are very, very positive.

Mr. Speaker, in speaking to the portion of the Bill that deals with the Children's Guardian, it is my view that Bill 55 essentially strips the Children's Guardian of the powers that he has at present, his powers for making decisions on behalf of the children who are in care. Bill 55 changes the role of the Children's Guardian significantly. In this Bill he then becomes an advocate. The advocate's duties and functions are outlined in the Bill and are dramatically different from those of the Children's Guardian. The one area that I do have great difficulty with -- and I've already mentioned this to the minister -- is that the advocate isn't necessarily involved in a court hearing. I suppose we'll get into that in more detail in committee.

Now, I think all of us in this Assembly are familiar with some of the problems that were encountered with the office of the Children's Guardian and the various organizations and individuals within the province and, of course, not excluding the department in that. I think that in responding to these problems, the minister has virtually eliminated the role of the Children's Guardian as he presently functions and has functioned over the last couple of years. I feel that this is unfortunate. Although I feel that this government in recognizing that there were prob-

lems was acting to respond to those problems, I think they have thrown the baby out with the bathwater, if you wish, and I think that they have done it too quickly. I think we must recognize that the concept of the Children's Guardian was very unique to this province and certainly very unique to this country. I think it was a very innovative idea. It was brought in on July 1, 1985, under the new Child Welfare Act. I understand that it was the sad case of Richard Cardinal that brought this about, because his case, Mr. Speaker, illustrated that something must be done. Richard Cardinal was moved to many foster homes within the system. I'm sure we're all familiar with his case. I know that it not only happened to Richard Cardinal, but this kind of thing happens to many children that are in care within the department.

So the purpose of the Children's Guardian was to bring greater accountability into the child welfare system. It was meant that the Children's Guardian would be acting very similar to a natural parent. I think the concept was a very good one. There were problems; I think everyone's aware of that. I know that members of the Official Opposition received letters. We met with various groups, various individuals. We were even involved in a few of the cases. We received phone calls. So it was no secret that there were difficulties. I think any decision made on behalf of the child was a very emotional issue. The minister has pointed out that it is a judgment that has to be made, and especially when there are two differing opinions, I don't think anyone would argue that those opinions -- those people acting on behalf of the child would argue that they are doing what they feel is in the best interests of that child. So, Mr. Speaker, I recognize that there were problems, but I feel that the department should have attempted to iron some of those problems out before they virtually eliminated the role of the Children's Guardian.

I'd like to just talk about a few of those problems from my perspective and from my experience. First of all, Mr. Speaker, I think there's no doubt that there was conflict with the office of the Children's Guardian. There was conflict from within the department because essentially what we had was an outsider moving in to be a watchdog over those workers who already had responsibility over the children that were in care. These people were doing the best they could under the circumstances. Oftentimes they had high caseloads, and they were working under very stressful conditions. I think it's only human that there would be some resentment to that.

Someone pointed out to me that an analogy would be myself as a teacher in a classroom having the system that I worked for appoint someone to come into that classroom and decide if I was indeed meeting the needs of the children in that classroom. Then once they start criticizing what I'm doing or even take it further and start making decisions on my behalf, there could be some resentment that results from that. Notwithstanding the seriousness of some of the conflict, I think that efforts should have been made to try and sort out some of the problems that the office of the Children's Guardian was experiencing. I would also add, Mr. Speaker, that sometimes conflict isn't necessarily a bad thing and that some types of conflict can in fact be positive if it is going to make the system better for those kids that are in care.

Now, Mr. Speaker, we know, too, that some individuals and groups had some difficulty and were also in conflict with the office of the Children's Guardian. It was my experience that one of the problems was that they felt that the Children's Guardian wasn't accountable except to the courts, and to them that wasn't acceptable. One of the problems with that was that peo-

ple wishing to appeal a case would have to go to court, and they would be responsible for paying the court costs. This sometimes meant that a family would have to put out a lot of money. Now, that was a problem, and after giving this particular problem a lot of thought, I feel that one way we could have solved a little bit of the problem in this area would have been to make the Children's Guardian accountable to the appeal panel, which I feel should have had authority over the Children's Guardian. Then we wouldn't have had to see these cases go to court.

But having said that, I think that we would have to take a very strong look at the appeal panel and alter who exactly sits on that appeal panel. Now, I understand the concept of the appeal panel is to put lay people on there so that we get some kind of a balanced viewpoint and balanced decisions being made. But I think that we need to increase the native representation on that appeal panel because we do know, Mr. Speaker, that 40 per cent of all the children in care are native children and only one out of the seven appeal panel members is native. So I think this is one of the major weaknesses.

Another one is -- I was talking to a young fellow that has been through the system. He went through the system between the ages of 11 and 18 years old, so he's got a lot of experience in the system. I think these young people could provide some very important input into some of the decisions that the appeal panel makes. This particular young person belongs to an organization called the Association for Youth in Care. In his seven years in the system he went from different institutions. He was in psychiatric hospitals; he moved from detention centre to detention centre and various group homes. He indeed has a lot of knowledge, and I think this could be an improvement to the appeal board. I also would say, Mr. Speaker, that someone on the appeal panel should have experience in child development, because there again I think we could have an improvement. So I believe that if the appeal panel could be altered somewhat and have, perhaps, these people represented on it, the Children's Guardian in fact could be responsible to the appeal panel. I would like to say that I think this should have been tried before we came in with a Bill such as Bill 55 that would essentially limit or eliminate a lot of the responsibilities that the Children's Guardian now has. I think this would have been something very important to at least have tried.

Also, I think, imperative to the success of the office of the Children's Guardian was that his office should be independent of the Department of Social Services. I think that if decisions are to be made in the best interests of the child, certainly the office of the Children's Guardian, who is making these decisions, should not be subjected to political agendas or be pressured by any individuals within the department. They should be independent of the department; I think this is very important. So this is another thing that I think could have been tried, Mr. Speaker, in an attempt to improve the system and iron out some of the conflict that was being experienced.

So again these are some suggestions that I think should have been tried before we essentially dismantled in Bill 55 the role of the Children's Guardian. I think it's very unfortunate that the government has brought in a Bill that so drastically changes the Children's Guardian's role so that his decision-making powers are virtually eliminated. Now again, Mr. Speaker, it's a very innovative concept, and of course there were some major concerns that developed throughout the two years that he was in place.

But again, you know, when children are being bounced around within the system -- I believe this has been known as the

drift factor, when children are bounced from group home to group home or whatever. I think some very serious problems arise for these children when this happens to them, one of them being a very low self-esteem. They do not learn how to trust people, because they have been bounced around. A number of other things happen to these children. So I am concerned that now there will be no one in place to really be a watchdog over the department to ensure that these children are treated and dealt with in a very responsible way. I'm not saying that the department doesn't act responsibly. I'm just saying that oftentimes it's very easy for these children to fall between the cracks, and then we end up with something as unfortunate as the Richard Cardinal case.

Mr. Speaker, I guess I'm a little bit distressed, too, that in Bill 55 we have no commitment to increase the number of child welfare workers so that they can get to know these kids better. I've heard from various sources that they have so many cases, they have so many children under their responsibility that oftentimes they don't get to know these children very well at all. From the young people's point of view, they feel this as well, that they learn not to trust their workers because they're changing or that they just don't spend the time with their workers. So they don't develop that trust that they should have. It seems to me that we are eliminating the watchdog of the system on behalf of these kids, and I think this is a serious mistake, and it's unfortunate as well.

Moving into the section on private adoption with Bill 55, to me this is the most controversial and objectionable part of the Bill. This portion of Bill 55 brings in regulation governing private adoption. Now, some people would argue that that's an improvement over the present system because currently we have no regulation governing private adoption. In a sense I suppose they are correct, but I have serious difficulty with the notion of private adoptions. Also, Mr. Speaker, this legislation is very weak. It's totally inadequate in some areas, and I'll be pointing those out in a few minutes. I think that any legislation dealing with children should place their well-being as the first priority. Now, the minister did mention in her opening remarks that she feels they have done this. I do not feel that this legislation places children's well-being as the first priority, and for that reason I think this Bill is a bad Bill. In fact, it's a dangerous piece of legislation. Because I do believe it will place some children at risk.

Mr. Speaker, there are various reasons why individuals get involved in private adoptions. It may be that they are a special interest group. We know they are operating right now, be it religious or ... There are many examples, I suppose, of special interest groups, religious being one of them. It could be that they're very well-meaning people getting involved in the adoption process so that they can attempt to improve the system so that it's more responsive to parents. I recognize that. I also know that there are individuals involved in the adoption process because they're interested in making a lot of money.

I happen to believe that the government system is an excellent one -- the one that we have in place right now -- but I do recognize that it does have some weaknesses. I believe that the weaknesses can be corrected within the system of the department. I'm not overly optimistic that we would have a commitment by this government to fix those weaknesses; nevertheless, I think improvements could be made.

I understand that there's a pilot project in place right now within the department that allows the birth mother to choose the family that she would like her baby to go to. She has a choice

of, I think, four families. This is something that hasn't been done in the past, and I think it's a positive move for the department to take.

One of the problems with going through the department, people tell me, is that "Well, there's such a long waiting list." I would submit that once private adoptions operate fully in this province, they too will experience waiting lists.

Now, I'd like to just explain why I object and have serious concern towards the privatization of adoption services in this province. Mr. Speaker, ordinarily I would strongly support non-profit community agencies delivering services to those in society who are in need of services as long as strong standards are developed and are put in place. But when it comes to adoption, I cannot accept the notion of privatization because when all the pros and cons are weighed and considered, I do not believe that the child's well-being is paramount in this, because I think that the child's needs can best be met through the public sector.

I recognize that there are indeed some very excellent agencies, but if we allow private adoptions, even if there were strong regulations -- which aren't evident in Bill 55 -- the first thing that happens is that you set up a competitive market. Whether there are fees and standards and whether those fees and standards are regulated or not, you still have a competitive market. In order that those agencies flourish and that they operate, they're going to have to have the babies. So we have competition for babies, and we have fees that are charged. I believe these children then become commodities. I think it's morally wrong, and in my view it is not in the best interests of the child. Even the parents that I have talked to who have gone through the private adoption process recognize that the child's health and safety are the most important in all of this.

Other concerns, Mr. Speaker, are that any private agency or special interest group will have limited numbers of homes that they will place those children in. Now, the department when they're dealing with adoption can place these children on a provinciewide basis, and placement through the private sector is very limited. So again, I don't think that is in the best interests of the child if placements are very limited.

Also, the department is not preoccupied with the fact that so much money has been paid by the adoptive parents. They act, I believe, first and foremost on behalf of the child.

Mr. Speaker, Bill 55 allows fees to be charged. I think this is morally wrong, and we set up a two-tier system when this is the case. Now, the Bill regulates fees, but all it says in the Bill is that they have to be reasonable. Now, what is a reasonable fee? I asked the minister this in question period back on June 15. I asked her: is a reasonable fee \$3,000 or \$5,000? \$10,000? What is a reasonable fee? She talked about a home study. But the Bill does not only allow home study fees to be charged; it allows medical services to be paid for as well as legal services, not to mention the fees allowed by adoption agencies. Nowhere in the Bill do we have a definition of what is reasonable. So I would hope that the minister in committee reading would be able to explain to this Assembly what she considers to be reasonable, because in my view any fee charged for the adoption of a child is unreasonable. I feel strongly about this because I believe that children then become a commodity and that a two-tier system develops. Because I'm not talking just about a \$10 fee; I'm talking about up to a \$5,000 fee, which is charged in the province right now.

I have heard the argument that any family that does not have money up front shouldn't be allowed to adopt because obviously they don't have the financial stability to be able to support that

child. I would say that that argument is totally unacceptable and that many parents don't have that kind of money up front when a child is born into their home. I also think, Mr. Speaker, that even though a family may have that kind of money, it doesn't necessarily make them a good home.

Now, one of the recommendations for private adoption contained in the 1986 report that was done for the department did not forbid fees, but they did state that Alberta Social Services -- and I quote -- "should consider establishing a mechanism which would minimize discrimination on the basis of financial ability." The minister in Bill 55 does not consider any mechanism for those who cannot afford to pay the fees for private adoption, Mr. Speaker. I'm sure she would probably argue that those who cannot pay the fees could always have access to adoption through the department, but I'd like to point out that over the years the department's involvement in adoption has decreased. In 1980, 54 percent of adoptions were private as compared to 46 percent through the department. But in 1984 private adoptions had risen to 63.7 percent, an increase of almost 10 percent, and the department had decreased almost 10 percent. So I am certain that eventually the department involvement in adoption will be limited to only special needs children, those children who are very hard to place, and options for those parents without that kind of money up front will indeed be limited.

Also, Mr. Speaker, I must say that there are parents out there who object to private adoptions because morally they feel it is wrong, and they will not have options eventually if they have to go through the department.

I would also like to point out some of the weaknesses in this legislation. Now, in principle Bill 55, I feel, is lacking terribly in terms of adequate regulation. If we look through the Bill, we will find that nowhere in the Bill does it call for any type of qualifications for those people working in adoption agencies. I think this is a serious flaw, because again we have to be considering what is in the child's best interest. In the 1986 report that was done they did recommend qualifications for people working in an agency, yet nowhere in this Bill is it to be found.

Again, Mr. Speaker, in 1986 the report recommended that Alberta Social Services should be responsible for the home assessment and that it should be paid for by Alberta Social Services. Now Bill 55 puts the responsibility of the home study on the private agency. I think this is clearly a conflict of interest between what is best for the child and whatever objective that certain agency has for placing that child. There is no requirement in Bill 55 for any preplacement home assessment. I think one of the most serious concerns with private adoption right now that's happening in the province is that many of the children are being placed in homes before there is any home assessment that has been done.

Mr. Speaker, I would remind the minister that she did assure this House in question period back in April that if something was not in the best interests of the child, it obviously would not happen in legislation. Well, the regulations in Bill 55 are extremely weak, and in some instances they're not even here. Again, there is no mention of staff qualifications. Now, in the report they recommended that anyone working in an adoption agency would have an MSW, with three years' related experience. That's totally absent in this Bill.

Bill 55 makes no mention of counseling for the relinquishing parent. The 1986 report recommended that Alberta Social Services pay for preplacement counseling to the relinquishing parents and that counseling be mandatory. Because it's quite obvious that if the agency is responsible for doing the counseling,

there could be pressure put on the birth mother to give up her baby. I mean, it's clearly a conflict of interest. But again, there's no mention of counseling in Bill 55.

I've already mentioned fees, and there is no regulation in here saying what is a reasonable fee. There are no guidelines in this. If we have to wait till regulations come out, so be it, but we don't have the regulations right now. We don't know what the limits will be on fees.

Bill 55 contains no prohibition in terms of advertising, something that was also recommended in the report done in 1986.

Mr. Speaker, there are major flaws in this Bill when it comes to the regulation of private adoption, and I think they're not only weak, but in many cases they're not even present in the Bill. So I do not believe that this Bill is in the best interests of the child, and I do believe that if we adopt this Bill as it stands, we will be indeed putting children at risk. Therefore, I would like to introduce an amendment to this Bill. The amendment would read: By striking out all of the words after the word "that" and substituting:

Bill 55, the Child Welfare Amendment Act, 1988, be not now read a second time but that it be read a second time this day six months hence.

MR. SPEAKER: The amendment is in order. Speaking to the amendment, Edmonton-Calder.

MSMJOLNESS: Thank you, Mr. Speaker. The reason I feel that this amendment is very important and that it's indeed in order is because I think that if we go back to the reasons why the minister has eliminated the role of the Children's Guardian ... I think we should reconsider that move because I do feel that the Children's Guardian does play a very, very significant role in the protection of all of the children that are in care. Certainly if we waited six months, perhaps the government would take the time to reconsider that move and try and iron out some of the difficulties that were present. Now, I recognize that it was a new concept and with any new concept there are going to be difficulties. As we go along, we have to try and make the necessary changes. Whether or not some of the suggestions I made this evening would be sufficient, would be adequate, I've no way of knowing until they are tried. But I think that at least we should make the effort to keep in place the very important role of the Children's Guardian.

MR. SPEAKER: Time for the member has expired. The members wishing to speak to the amendment, which is a very specifically worded amendment ... The discussion will be according to the words of the amendment.

Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Speaker. I'd like to rise in support of the amendment, which would have the effect of leaving this Bill on the Order Paper, would allow for greater public review, and at some time in the future, specifically six months, would then allow the minister to come back with better legislation.

It's interesting, Mr. Speaker, the evolution of child welfare legislation in this province. There have been all kinds of difficulties in this area over the years. There have been all kinds of inquiries at various times in the process to review what should or could be done to improve the Child Welfare Act. It culminated, as has been pointed out, with the new legislation a few years ago which at that time contained and still contains the very

unique role of the Children's Guardian. Now, this Bill envisions some changes to the guardian's role and creates a whole new role of a Children's Advocate. The relationship between the Children's Advocate and the department I don't believe has been fully examined by the public, and the six-month review would allow for the opportunity of those stakeholders in the system of this province to have a look at whether this role of the Children's Advocate is going to properly carry through the sorts of needs that were identified in previous studies and inquiries undertaken in this province.

The whole area of case review and case management identified by the director of the social welfare department at the University of Calgary in reviewing the Richard Cardinal case put a big emphasis on that important role that the Children's Guardian would play. It's not at all clear to me, Mr. Speaker, and I'm sure it's not clear to many others, whether this change and the amendments being brought forward are going to ensure that that same system stays in place, that that responsibility and authority will be properly protected under this new legislation. It would seem to me prudent to review these changes in the Act with the view of ensuring that the problems identified some years ago not be allowed to crop up again by this new structure the minister wants to put in place. So allowing this Bill to rest on the Order Paper for six months would provide for that kind of, I think, very appropriate review.

You know, it seems history does repeat itself. I've seen it happen here in this Legislature this session, and I think that in some ways, in some regards, this particular legislation in front of us could partially be described by a quote contained in the Cavanagh commission in 1983 in reporting on the board of inquiry that that hon. gentleman and two others undertook. What the board of review said was that it was complicated for them to reach conclusions about the operation of the department because it was being changed all the time they were going through the process of review. It said:

In many instances changes that were implemented were in reaction to criticism, particularly criticisms contained in the Ombudsman's reports. Unfortunately, some of these reactions were to eliminate the criticism and did not necessarily fit into any overall plan for child welfare in Alberta.

Well, Mr. Speaker, I get a sense that to some extent these amendments before us are to eliminate criticisms that have arisen in specific cases but do not necessarily fit into any overall plan for child welfare in Alberta. There are certain changes in wording to give the interest of the child the first priority as a way of reassuring people that these changes are not going to result in any harm to the system or the children in care or the children who might come into care. But I'm amazed to think there was any possibility that in the past the policy of the department, the legislation, or the actions of staff in the department were directed to anything other than the best interests of the child in Alberta.

So it would seem to me prudent not to give this Bill second reading but to allow it to sit in order that a review can take place of how these changes do in fact fit into an overall plan for the department. Because quite honestly, I believe that they are brought forward in reaction to certain specific criticisms and may not necessarily be the best model in reaction to those criticisms. Some of those criticisms may well be valid, Mr. Speaker, but we may in fact be setting up a system or a structure with these changes that does not make the department function any better but may be steps backward. That's my contention, and I think they could well be borne out.

But the important point is that what we do in this place is

good legislation. And this Bill being brought forward as it has been and not allowing the same kind of review that other Acts, particularly the Child Welfare Act in 1985 -- not allowing that public input ahead of the amendments being brought forward does not make for good legislation. This Bill could be improved if we were to allow the Bill and its provisions to be circulated amongst the major stakeholders for briefs to be resubmitted to the minister and to build on that kind of advice and wisdom that's out there.

Now, the minister may well say to the Legislature that she receives briefs all the time, that in fact this legislation in front of us is a culmination of many individuals coming forward to her with their specific proposals for improvements. That may well be the case, Mr. Speaker, but it's one thing to have received input from interest groups, and it's another thing then to put those proposals back out into the public domain for others to review and bring forward their points of view. I think that's really the way that makes for the best process of developing good legislation. That's why I say that it would be important if this Legislature allowed this Bill to be subject to that kind of public review.

As well, Mr. Speaker, the proposals that the minister has received in the area of private adoptions, as an example, contain some very specific recommendations in order to safeguard the interests of the child and both the adopting parents and the natural parents. For example, there were suggestions made in the report -- again, done by a committee -- prepared by Dr. Hornick at the University of Calgary Faculty of Social Welfare and others on that committee.

MR. SPEAKER: Order please. With due respect, hon. member, the Chair has been giving latitude as to how much the member's been allowed to stray from the amendment. While one might be able to give one example, now we're getting on to two and three, and that really is a long way from what the amendment says. We're back into debate on the main issue.

MR. HAWKESWORTH: Thank you, Mr. Speaker.

Well, for example, there is a difference in the concept between the Department of Social Services contracting for services to a private agency or third-party intermediary -- that's one model -- for the involvement of private resources in the area of adoption, but that's entirely different from turning over that adoption to third-party interests. In the first case the department would retain full responsibility for the adoption, full control over that adoption; placements would be made according to department policies and standards. Yet in the proposal in front of us, Mr. Speaker, it's my contention that those kinds of safeguards have not been adopted in these recommendations before us.

So to use, first of all, the term "private adoptions" -- for the public out there it may mean all kinds of different things. It would be important to me to have us submit the Bill to the public and those groups and organizations and agencies out there just so that people begin to understand what the different models are, the different concepts. Because there may be a lot of people out there who agree with the concept of involving private agencies in adoption procedures if it's under the strict control of the department and done on a fee for service basis by the department itself, but that's a much different model from what I understand to be the case in this particular Bill. So for the sake of clarity amongst the public, to ensure that they understand what the contents of the Bill are and understand what the model is that the minister is placing before them and then be able to make

their comments based on that particular model, seems to me to be prudent, Mr. Speaker, and would advance this legislation to ensure that it is good legislation that does in fact protect the interests, particularly, of the child.

The whole area of whether legal fees should be subject to . . .

MR. SPEAKER: Sorry, hon. member; I must bring you back again. We're now into yet another example. In the opinion of the Chair, that's the debate that should take place when we come back to second reading of the main Bill, dealing with its principles. Again, speaking to the amendment, page 395 of *Erskine May* says that "debate should not range over the other words of the motion to which the amendment is not directed." So please come back to the six months' hoist. If you're about to wrap up your comments, good, and then we'll go on to another member.

MR. HAWKESWORTH: Thank you, Mr. Speaker.

I think it would be important, actually, to be able to consult with those who will have legal responsibility for these adoptions, to ensure that their concerns and questions are adequately addressed in the legislation under the model which the minister has presented before us. In order to do that, it would of course require that second reading of the Bill be postponed. There are other professionals, Mr. Speaker, who I believe have something to say to us about the qualifications of those who might be responsible for the counseling and the placements and the assessments. If we were to give this Bill a delay in second reading, it would allow for those professionals to make comment about the lack of standards in this particular Bill. It would also provide the opportunity for people to advise the Legislature to what extent standards should be contained in the regulations and to what extent they should be contained in the actual words of the Bill itself. It would provide the opportunity for the minister to perhaps attach draft regulations as well to the Bill in order to give it greater clarity and to give a broader range of information to those major stakeholders out there in our community. There is, Mr. Speaker, the important field of to what extent the nonprofit character of organizations should be safeguarded by the Bill. Those agencies who are presently out there could also give us in the Legislature some valuable input as to how they presently operate, how they would see themselves operating in the future. But none of these things could take place if this Bill were adopted in the next few days or the next few weeks. It would foreclose that opportunity for consultation with the public out there.

I think we've had two experiences in the last year, one in which in particular that input was valuable and led to better legislation and prevented government from making mistakes. That, of course, was the School Act that was tabled on the last day of the Legislature a year ago. It was improved as a result of not being given second reading or adopted by this Assembly last year, I believe that given the importance of these new sections to the Child Welfare Act and the major changes taking place in the role and responsibility of the Children's Guardian, the different mandate now being given to the Children's Advocate is sufficiently significant that it ought to receive further and wider public review. That would be accomplished if this amendment put forward by the Member for Edmonton-Calder were adopted by the Legislature this evening.

Thank you.

MR. SPEAKER: Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Speaker, I look forward to an opportunity to comment on this Bill and to speak more directly to the specifics, but I'll try to confine my remarks to the amendment. I believe the Bill has many good ideas in it, and I had anticipated supporting second reading because I understood that's what the government was intending tonight. However, I think from the present knowledge I have, the amendment is a good one and should be considered carefully. Perhaps the minister will comment on the amendment and tell me something different.

Mr. Speaker, we're talking about two groups of children who in very different ways are among the most vulnerable in our society: first of all, that group who come into care and custody because of certain circumstances, many of them tragic and many of them of longstanding and traumatic situations in their families. The second group is those from infancy onward who are the subject of adoption proceedings. Both of those render those groups of children very, very vulnerable. I'm conscious that in the government's document on Caring & Responsibility, which I so often in this House wave around, the government talks at length -- and I agree -- about the need to have good and close and constant, continuing consultation with community organizations. Mr. Speaker, the community has certain expectations from this piece of legislation and from the programs that will flow from it. It's very important, I believe, to have community support from the outset for what the minister is trying to do here. I think, therefore, it would be prudent and sensible and wise to set it over and allow for that public input.

[Mr. Deputy Speaker in the Chair]

My understanding of what has happened since the Bill was printed is that it was circulated with a letter and an invitation to many community organizations who were involved in this field of practice to submit their comments on it. A number of them have told me that there was no sort of time limit or suggestion in that that they had to be in. Upon calling the department, they were advised it was anticipated that it probably would be set over and there would be ample time for discussions with the minister or with others in the department or for them to get their submissions ready. Now, the minister has suggested in her earlier comments that she has heard from a great many of them, and she may have in fact. But I do know that others have not had time, have not been in a position because their time is very precious. They haven't been in a position to make their submissions, and they would like to do so.

Mr. Speaker, I believe that in issues of this kind of significance, we desperately need community confidence and support in the field. One way to turn it off and turn it away from us is to avoid their input and insight, and I'm sure the minister doesn't want that to occur. I think we will continue to need the community's intimate involvement in how this legislation is applied. I also believe we need the community's help in developing the kind of satisfactory regulations that will go along and form an important adjunct to the Bill.

So I hope the minister will comment on the amendment, because perhaps she has information I do not that will indicate the numbers of groups and who they are that she has heard from and that will be more convincing than the information I've had to date.

Mr. Speaker, I will support the amendment.

MR. DEPUTY SPEAKER: The hon. Member for

Edmonton-Kingsway.

MR. McEACHERN: Yes, Mr. Speaker. I wish to make a few comments about the amendment. The Member for Edmonton-Calder made a lot of good points about what is wrong with this Bill, and the idea of leaving it on the books for six months or so and bringing it back or bringing back a different Bill hopefully is a good one.

I might point out that the government has used this idea before. Last year the Mental Health Act, for example, was left over a year; The Police Act, Bill 60, Bill 59. You understand that Bill 59, of course, has come back in a much better form. I'm not saying it's perfect yet, and there are certainly some problems with it from our point of view, but the improvement is very considerable and it's because of the tremendous democratic outpouring from the people. In fact, it was an outcry, because Bill 59 was really rather strange.

While this Act maybe isn't quite so bad in some ways as Bill 59 was, nonetheless it does have some very serious flaws in it. The idea of leaving it on the books a little longer so the people of Alberta could have some time -- and there are a number of them that do not feel they've had time. The process of consultation -- I'm sure the minister can say she's had a certain amount of consultation with different groups and that sort of thing -- has not been sufficient.

In fact, the government has another Bill they're leaving on the Order Paper, I understand: Bill 56, the Credit Union Act. That Bill, by the way, had a very close parallel to what's in the present Bill. Bill 56 was released back on February 15 -- I keep saying "probably by mistake." although the Treasurer never really quite owned up to that. I noticed it was released one day, the next day he found out it was released, and then the next day he had his press conference to tell people about it. So I rather suspect he got caught by surprise and somebody mailed it out accidentally. Nonetheless, the idea was a great one, and I don't really see why he can't at this stage proceed with Bill 56 in a sense, because it's really essentially what was released on February 15 of this year, and there has been a fair amount of time. Yet here's a Bill that has some serious problems in it and the government seems to be determined to go straight ahead with it.

I suppose I shouldn't say that. The minister may very well react positively to this suggestion. It certainly would seem to me to be a democratic thing to not just put a Bill on the Order Paper and then leave it over for six months or a year, as has been done with some of the other Bills I mentioned, but to have second reading debated and then say: "Yeah. You know, there are some ideas there and some problems there that maybe we didn't think right through. Maybe there are some people out there that aren't quite with us. Maybe we should stop, after having given it a look in second reading, and let it stand on the Order Paper for six months." I don't think that would be seen as the government backing down or feeling intimidated by the opposition or anything like that. It would merely be seen as reacting to a democratic need and would make a certain amount of sense. Perhaps the mental health Bill we got this year, which was quite a lot better than the one we got last year, would have been even better yet had the Bill last year had a bit of debate in the House to kind of kick off the period of public discussion that followed over the year and resulted in a much better Bill this year than last year. So I don't think the minister should feel constrained, merely because we've got into second reading, to proceed with the Bill right through to the end, because there are

some provisions in it that are not good, and we certainly will have some amendments and some difficulty passing it through Committee of the Whole if she doesn't take notice of some of the ideas put forward by the Member for Edmonton-Calder, some of which I want to address myself on the main motion.

I just want to say that the idea of putting off the Bill for six months is probably the best idea, because I think the Bill is flawed enough that that's important. There is an alternative to that kind of approach, and the government might like to adopt this idea in some cases; that is, to put together an all-party committee to help do the preliminary work for Bills. I know it's something the Alberta government hasn't really done, but when you consider most of the 17 years or so they've been in power, there haven't been enough members in the opposition to really make a committee structure work very effectively or at least to cover some 60 Bills that seem to be brought in in each session. But now there are enough of us over here that we could work with government members on all-party committees. I don't mean the kind of, I was going to say charade, as it sometimes is in the standing committees. I mean a working committee that could hold hearings, put together some basic ideas, have a researcher to keep the records and set up the meetings and organize lobby groups to come in and meet with the committee, and do a proper job, much like the federal government is doing.

The federal parliamentary system was fast in the process of becoming bogged down totally, and it may get bogged down this summer for particular reasons because of particular Bills, but the fact is that at the federal level a lot of very good work is done by all parliamentary committees before the Bills ever hit the floor. While in the final analysis a group of opposition members may feel they have to sort of make a minority report and withdraw from support of the actual Bill that appears before the Assembly, depending on how the government decides to handle the information given to them by the committee, nonetheless that preliminary work, I think, has proved to be very valuable and some Bills have had better sailing through Parliament than they would have got otherwise. So I recommend that idea to the government -- if not in this instance, certainly for next time around -- in terms of redrafting this Bill so that next fall we would have a better Bill to work with. Certainly I know my colleagues would be willing to work in that manner.

So, Mr. Speaker, I think the amendment is a very good one and the government should pass the amendment and leave this Bill until six months hence.

MR. DEPUTY SPEAKER: Hon. Member for Edmonton-Avonmore.

MS LAING: Thank you, Mr. Speaker. I'd like to rise in support of this amendment also. At the outset I'd like to say there are some things in this Bill that I certainly support, and that is that in the preamble we take note as a top priority the best interests of children. I'm really glad to see that. That was an oversight or for some reason was left out in the Act we presently have in place. The Act that is presently being amended -- and I was around when it was being drafted -- brought in a most innovative and important idea in the office of the Children's Guardian.

MR. DEPUTY SPEAKER: Excuse me, hon. member. We're dealing with an amendment which is specifically that the Bill be read six months from now: the six-month hoist. The hon. member is dealing with second reading. Could you come back to



speak to the amendment before us?

MS LAING: Mr. Speaker, I was trying to indicate why I think we really, really have to re-evaluate the Bill that is before us, because it is deleting or weakening something that is very innovative and very powerful and a very useful thing in the present Act. That is why I want to bring forward the notion of the Children's Guardian, because it was an innovative action on the part of this government and is now being weakened. I think we have to have public input in terms of weakening that position. I saw it as serving very well many of the children of this province, the social workers of the province, families in this province. It may have had some errors and some bad implementation, but I think we have to be very careful. We need input from the public to assess what really went wrong with that office before we just throw it out and start with something anew. As I say, I was around when that Act was brought in, and it was an important and innovative Act. I think we must take time before we throw it out, so that we don't throw out the baby with the bathwater by bringing in something much weaker than what is embodied in the office of the Children's Guardian. So for that reason I would ask that we hold second reading of this Bill for six months until we've heard from the people in the community as to what they really think needs to be done with this office, rather than weakening it and taking away the very positive things it brought to protect the best interests of children.

The second reason I think we must take time to look at this Bill is that it deals with a whole new area that has not come under government scrutiny in the past, and that is the area of private adoption. We see that guidelines, rules are being brought into place, but I'm not sure they cover all the areas of private adoption, never mind whether or not we should be privatizing adoption. I'm not sure all the issues are being addressed in this Bill, and therefore I think we need to again take time to look at this Bill and say, "Have there been some oversights?" There were some oversights in the 1985 Bill, and I'm suggesting there are oversights in this Bill and we need time for the stakeholders, for the social workers, the community at large, prospective adoptive parents, the citizens of this province, to look very carefully at this Bill. And that's not possible in the kind of short notice we've had to look at this Bill. There has not been time to distribute it to the public -- to my constituents, for instance, who live here in Edmonton -- to get their feedback on it. So we have a whole set of new rules, regulations, statutes, that in fact we haven't had an opportunity to get public feedback on, and I think we need that.

I think we've seen that in the past other Bills that are contentious or not contentious -- there has been a willingness to put them on the Order Paper and have them stay there for six months or a year so we can hear what the public response is. That's what I'm calling for in this Bill, because it does get rid of something that was really innovative and, on the other hand, brings in a whole new area of legislation. So I would very much recommend support of this amendment.

MR. DEPUTY SPEAKER: Ready for the question? Hon. Member for Edmonton-Strathcona.

MR. WRIGHT: Mr. Speaker, I too agree with what has been said by members on this side with respect to this amendment, and it is particularly with reference to the office of the Children's Guardian. It is true there has been a difficulty that has arisen in practice; namely, the autonomy of the Children's Guar-

dian as it presently exists is such that it has come into conflicts with the decisions of the Family Court so it's hard to tell who should prevail and there is no control over the actions of the Children's Guardian. But I wonder whether the authorities, the department in particular that drafted the Bill, carefully considered the Peters case before proceeding with the Bill. I think it is impossible that that could be so, because the Peters case has only been known about two or three weeks.

That decision of Mr. Justice McDonald was a very creative decision which allowed the Children's Guardian to function as laid out in the existing legislation but at the same time produced a formula for making it compatible with decisions in the family court, applications for guardianship there. There's a sort of creative tension, if I can use a bit of a cliché, that was outlined by Mr. Justice McDonald in that case in which he required that the Children's Guardian exercise his or her jurisdiction but according to the principles of natural justice so that the foster parents, anyone affected by the decision -- the foster parents being, on the face of it, left out in the cold under the existing legislation -- would be notified of the reasons for the Children's Guardian actions so they could respond and put in evidence and so on. At the same time, the foster parents could make an application in the Provincial Court and put their evidence in, as could others, as could the Children's Guardian for that matter, and the family court could make a decision which the Children's Guardian in effect could override, I suppose, but would be bound to pay attention to and hear the evidence and so on.

Now, my impression, Mr. Speaker, is that this legislation has gone ahead without taking into account that decision and the whole pass it opened up to making the two systems compatible and gone the way of capitulating to the old status quo, in effect, and reducing the role of the Children's Guardian to a mere Children's Advocate. Maybe that's the way to go. Maybe. But my respectful submission is that we should take time to work out the consequences of this decision and see whether, in fact, it is necessary in the end to reduce the role of the Children's Guardian to the role that is adumbrated in this Act.

MR. DEPUTY SPEAKER: Are you ready for the question?

SOME HON. MEMBERS: Question.

MR. DEPUTY SPEAKER: All those in favour of the amendment to Bill 55, as moved by the hon. Member for Edmonton-Calder, please say aye,

SOME HON. MEMBERS: Aye,

MR. DEPUTY SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. DEPUTY SPEAKER: The amendment fails.

[Several members rose calling for a division. The division bell was rung]

[Mr. Speaker in the Chair]

[Eight minutes having elapsed, the House divided]

For the motion:

Barrett

Martin

Roberts

Gibeault	McEachern	Sigurdson
Hawkesworth	Mjolsness	Strong
Hewes	Piquette	Wright
Laing		

## Against the motion:

Adair	Gogo	Orman
Ady	Heron	Osterman
Bradley	Hyland	Pengelly
Brassard	Isley	Reid
Campbell	Johnston	Russell
Cassin	Jonson	Shaben
Cripps	McClellan	Shrake
Day	Mirosh	Sparrow
Dinning	Moore, M.	Stewart
Downey	Moore, R.	West
Drobot	Musgrove	Young
Elliott	Nelson	Zarusky
Fischer	Oldring	

Totals	Ayes - 13	Noes - 38
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[Motion on amendment lost]

MR. SPEAKER: Second reading. The Chair recognizes Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Speaker. I wish to speak briefly about some of the substance of this particular Bill which is of great interest to me. I want to thank the minister for bringing it forward and commend the department for the work they've done here. I think there are many things in the Bill that are supportable. I also think we should recognize that the Child Welfare Act is a relatively new and young Act itself. I think the department has seen the rapid changes in society and in some of the needs as a result of the application of that Act, and has responded with what I would consider relative speed.

MR. SPEAKER: Order in the House, please.

MRS. HEWES: Mr. Speaker, I think the response has been to the increasing incidence of stress in our family life and also the increasing incidence of family breakup, abuse, violence in young people, and other activities that are unacceptable behaviour in our communities and also of the differing needs for adoption as we change, our society changes, and our attitudes towards parenting change.

Mr. Speaker, I supported the amendment because I believe we do need extensive co-operation and collaboration with our community in order to make this particular Bill and the Child Welfare Act as a whole work. As I noted before, that is emphasized in the government's document on social policy, and I will keep telling us about that as often as I can because the government is the ...

MR. SPEAKER: Thank you, hon. member. We'll continue when the House settles down, please, so we can hear what's happening. Thank you.

MRS. HEWES: Thank you, Mr. Speaker. It's the government that wrote social policy, so I think it's up to me to make it come true by reminding them of it every opportunity I get.

The first part of the Act deals with the Children's Advocate.

I have agreed with this change from the Children's Guardian. I think it has been apparent for some time that the office of the Children's Guardian was not really working and functioning as had been hoped. The minister has indicated on a number of occasions in the House that there were changes being contemplated, and to be sure this Bill has put them in writing for us. I think the changes will be beneficial, but I do have some thoughts about it.

Mr. Speaker, I like the notion that the advocate has the capacity to advise the minister systemically; that is, the advocate's work will not be confined simply to working with individual children but, in fact, will have the opportunity to talk about the system and will therefore be able to predict trends and things that are happening in our communities that will be of immense use as we develop programs in the months and years ahead. So I like that very much. But I think, once again, that tells me how very important it is that we have some community input here, that it's extremely important that that advocate is able to report to the community. I would like the minister to comment about this.

While I agree with section 3 and section 4 that spell out the mandate of the advocate, Mr. Speaker, I think it's missing in a couple of things, and I would like to see that mandate extended. I would hope that the minister would consider the possibility of the advocate reporting not just through the ministry but to the Legislature as a whole. I believe the work of the advocate will be of extreme importance to community organizations. We are trying to put more and more of our support into the community so the work can be done there, and it seems to me that the advocate's ideas, the trends that are predicted through that office and through the research done in that office, would be of immense service as the community develops programs in collaboration with the department.

[Mr. Deputy Speaker in the Chair]

So I regret that that is missing here. While I understand the advocate prepares and submits reports to the minister respecting the advocate's duties and functions, that report should also be made to this Legislative Assembly and to the public of Alberta, because I believe it would be of great use. I hope there'll be some way we can amend the Act in order to accommodate that.

I also would like to see the potential in the Act, Mr. Speaker, for the advocate to take a case to the Ombudsman. While that doesn't appear to be impossible according to my reading of it, it doesn't appear to be written in. I would like to see the potential in the Act where the advocate, upon determining that circumstances required, could in fact take the case to the Alberta Ombudsman on behalf of the child involved. I don't have too much difficulty with that whole part of advocacy, if in fact those two things are built in. I believe that over time an advocate will be able to function in a more positive fashion in the whole area, the very sensitive area of native repatriation which has been very awkward and most unfortunate in some regards for the children involved and their families, and certainly the bands.

Mr. Speaker, just further to that, the Act doesn't spell out too much about citizen involvement with the advocacy function, about the possibility for citizen review boards. I would like to see that also structured into the operation, either through the Bill itself or through regulations. I think such review boards could quite properly have as part of their functioning personnel former consumers of the services or former families who have come in touch with the services.

Mr. Speaker, somehow this particular Bill is connected in my mind with the document on the separation, at least in the regional office, which I think is a pilot of the organization where income security function is separated from the child welfare functioning, and it's my belief that, in fact, this may work as an advantage. But I wonder if the minister would comment about the problem of separating the offices, because the whole child welfare function, I believe, needs to be tied in with income security, and I would hope we don't place them in two different physical branches. I think that adds to the difficulty of families who very often want or need to use both services, and also to workers who need the capacity for referral and opportunity to talk with others. Perhaps I am mistaken; perhaps that's never been intended, and I would hope the minister would comment. But it seems to me that as a result of the functions being separated, referrals and follow-up may, in fact, be better and be more efficient than they have.

Mr. Speaker, it's my understanding, and it's reinforced in this particular Bill, that the principle the government operates under in child welfare is: the least intrusive. That appears to have been a good idea and has served. But I am concerned, as I see some of the parts of this Bill, that perhaps if the system is going to come first, there's a possibility with that principle that system management may take priority over the needs of the individual child. I would hope that could not be the case and that we would build in safeguards against that.

I want to commend the minister and the department for writing in a number of different ways that the interests of the child will always take priority. That suits me and my belief in how we should be operating as a government in the interests of children. It's difficult, I'm sure, for a great many people to understand precisely what this means vis-à-vis the family of the child, and that the child must have prior consideration to the family. But I expect that this has been carefully thought out, and I see it as a positive move: that is, not the interests of the child versus the family but the interests of the child primary within the family context. I'm also pleased to see that in several places in the Bill, 12 years old is mentioned as the age when a child must be consulted before any action in regard to the child is taken. I think that's a very important detail. While we understand some children are more mature at 12 than others, I think you have to pick an age and go with that. I'm pleased that's in.

Mr. Speaker, another worry to me is that there appears in the Act to be more emphasis on protective circumstances, when the situation in a family and for a child may already have seriously deteriorated, than in preventive activities. I'd like to hear the minister's comments about that. It may be simply the way I'm reading the Act and may not be the intention, and I would hope it isn't.

Mr. Speaker, the policy manual I'm familiar with does not deal with neglect. Now, the Bill mentions neglect in several places and spells it out, and I have wondered if the manual will now be changed to make more clear what is intended in the Bill, that it will be described more clearly in the manual. Further, will the manual be changed to discuss and describe what early intervention will be and how it will occur?

Mr. Speaker, there's nothing in this Bill to clarify what least intrusive means, to go back to that principle, and it has occurred to me that a more proper description might be appropriate intervention rather than late intervention. I'm not sure that least intrusive really describes what we want to have happen here, because I am fearful that the management of the system may, in fact, take precedence, as I mentioned before.

Mr. Speaker, many of us have worried about foster parents who are now being asked to take more difficult cases. I know it's the government's and the department's intention wherever possible to place children in a home setting as opposed to an institutional setting, and while I don't disagree with that, I believe there are many children whose behaviour is such that foster parents need a great deal of support in order to manage them. I'm aware of advertisements in newspapers that request applications from foster parents in foster families who are prepared to take children who have some behavioural problems, and I think we must be sure that as we place these children the parents are given all the backup resources that are absolutely necessary, and I see no mention of that in the Bill.

Further, Mr. Speaker, the alternative of going to community groups and supplying resources to community groups to operate programs I think is the right direction, but there appears to me in the Bill and further to be no policy shift or any budget shift in that direction, and I'd hope for the minister's comments on that. If that is intended, why was that not written in as a policy shift in this particular amendment? I've had it expressed to me that one of the problems here is that in order to get a child the kind of care that is really required, sometimes community agencies are really driven to think about the need to have the child convicted in a court of an offence in order to get institutional care; that we are so compelled to place the child in the home setting that sometimes that works against the best interests of the child. In addition, Mr. Speaker, I would like to see, either in the manual or in the Bill itself, the specific criteria used for referrals and for follow-up.

If I can turn to the section on private adoption, I have felt for some years that private adoption has perhaps some positive alternatives for the birth mother, that it may, in fact, offer a great deal more openness and respect. I don't mean that as a criticism of the public adoption process, Mr. Speaker, but simply that there's a capacity in private adoptions for more flexibility, I believe, and it may offer more openness and more respect for the wishes and the choices of the birth mother. So I'm pleased to see that this part has been carefully addressed and also that the idea in the Bill appears to me to support the idea of private nonprofit as opposed to the possibility of commercial operations, with which I do not agree, in this field of practice.

Mr. Speaker, I cannot stress enough how important I believe it is that we develop quality standards and regulations and that these should extend to the potential fees to be charged in the private adoption field. I believe the public has a right to that kind of protection. Certainly the children and the birth parents have a right to that kind of protection, and hopefully the minister will tell us in what way the minister and the department intend to put such regulations into practice. We had the development of the generic standards a year or so ago, and these are useful, but in this case we need quite specific standards and regulations for the operation of these private adoption agencies and some clear understanding of how they will be accountable, how they will be monitored and dealt with, what penalties there will be, and if in fact the licence will be removed if they are not operating within the government's requirements. The idea of home studies in advance, I think, is one that needs to occur, and counseling to the birth parents and also to the adoptive parents.

I note with interest that the minister has a section in allowing the minister to give financial assistance to adopting parents in certain circumstances. Now, I take it that that is adopting parents where there is a child with some very special needs. That is not spelled out, and perhaps the minister will tell us about that.

Mr. Speaker, I can't stress enough the need to have a system that is very clear, very precise, because here again, as I mentioned before, this is a very vulnerable group that we're dealing with. Whether we're talking about the child or the birth parents, they are indeed vulnerable. I think it would be an outrage if, in fact, the fees were allowed to get to the point where we had two tiers of capacity to adopt children and exclude parents of more modest means from that benefit and the opportunity to provide a home for a child.

Mr. Speaker, again with interest I noted the section on the capacity for disclosure to find the birth parents after age 18, and since I am an adoptive parent and have gone through that most difficult process, I appreciate this. I think this is a very good idea and one that would resolve a lot of fears and a lot of anxieties on the part of both the adopted child and the adoptive parents. As I think about my own circumstances with a loved son and the anguish he went through and we went through attempting to find his birth mother, and his reasoning behind it, I believe this would be very reassuring to a mother giving up a child for adoption. Hopefully in developing regulations the requirement will be built in that the mother is informed at the time of surrendering the child that, in fact, she can register, and that at age 18 if the child, then an adult, has indeed made any overtures to find the birth mother, the minister can consider putting those two parties together. I also agree with the removal of the third party, which I think has been a source of real anxiety to many people. The idea of buying and selling babies, the idea of children as a commodity, needed to be taken out.

Finally, Mr. Speaker, I would just like to thank the minister for including in the Bill -- whatever section it is -- regarding the capacity to remove the alleged abuser from a home when a child suffers abuse or is thought to have suffered abuse and is removed from familiar circumstances, from a home, from the other parent if there is another one, from the same school surroundings, the same children. I think this would exacerbate the trauma which is already very tragic. I think this is a piece of legislation that is overdue, and I'm very pleased to see it in there. I would hope that it is well advertised and understood and put into use immediately, because I think that will serve us well.

Mr. Speaker, just finally: I did support the amendment from the Member for Edmonton-Calder. I have heard from a number of community groups who like some of the Bill, are worried about some of the Bill, some of the things that I have expressed here tonight. They believe they have not been sufficiently consulted, and they would have liked to have been. Just let me reiterate: I believe we very much need a commitment from our communities to make this thing work and to work in the way it will advantage children and families. Hopefully the minister will tell us tonight, and I'm sorry she hasn't to date told us, who has responded to the invitation for comments, what the kind of response has been -- I would have liked to have seen a kind of diagram of that response -- what the comments were, and how it would be intended to continue working with community agencies, because I believe they stand ready and willing to collaborate with the government in many parts of this if, in fact, we will open the whole operation and the functioning of this particular amendment to the community. I would hope the minister will comment on that before we take a vote on second reading of the Bill, which I will support, Mr. Speaker.

MR. DEPUTY SPEAKER:           Hon.       Member       for  
Edmonton-Avonmore.

MS LAING: Thank you, Mr. Speaker. I rise to speak to what I consider one of the most important pieces of legislation we have to address, and that is the Child Welfare Act which is written to protect the most vulnerable of the vulnerable in society.

I was really distressed, as I said earlier, when the present Child Welfare Act was proclaimed in 1985, and we discovered that "the best interests of children" was a phrase that was omitted from the preamble. In working under that Act many workers felt their hands were tied by a commitment to keeping families together and a commitment that was written into the Act. Children were not removed from abusive situations but remained at risk to harm because of this commitment to the family as a basic unit of society and a commitment to the least intrusive measures.

The other side of this same coin was when children were returned home too soon -- again a commitment to maintaining the family unit. So what we saw for many children was a series of apprehension, a returning to home, suffering more abuse, being reapprehended and placed in yet another foster home. This was very destructive for these children, and it was very destructive to their development of the ability to trust and to bond. Out of that came for many of these children feelings of powerlessness and despair, and certainly the very worst of cases hit the newspapers.

We saw not only discontinuity in terms of where "home" is, which was something many of these children experienced, but we also saw that they didn't have any sense of what the world was all about. Being taken from one home to another is for many of us like being put into a foreign country where we do not know the language, the customs, the expectations. So these children had no continuity in terms of their socialization. But there was another lack of continuity, and that lack of continuity was experienced because they had a series of social workers, so that there was no one they knew in an ongoing way who knew them in a personal way, no one who could advocate for them out of their experience and out of their needs. So these children were really, truly children adrift. I certainly remember one of the worst examples of this, which was the Richard Cardinal case: a young man who in 14 years in foster care was in more than 20 foster homes, and I would say he'd had probably close to that many social workers. So he was anchored nowhere in the world.

[Mr. Musgreave in the Chair]

I congratulate the minister on this commitment to the best interests of children. I think it's very important that we make that front and centre. I also welcome the initiatives of this Bill which allow more easily to remove from the home offenders who have abused children or mothers. I think those of us who have worked in the social services area have always felt: why is it that the children and the mothers, who are innocent, are dislocated? So I'm very glad to see this kind of commitment. But we need more than the commitment. We need the wherewithal to provide for the best interests of children. My concern is: no matter how progressive the legislation is, without the support systems, the presence of adequately trained staff and sufficient numbers of staff, the best of legislation is bound to fail and cannot possibly live up to its mandate. So while I hail the minister's commitment to the best interests of children in this legislation, I hope that she will follow through with the kinds of funds that are necessary to ensure that children can receive the best care that we can possibly give them.

The second main thrust of this Bill is in relation to the Children's Guardian, and it strips the present Children's Guardian as we know him of most of his power. This was, as I said, a most innovative and initiative step and one, I believe, that must be protected. I know that there were many problems with the Children's Guardian, but to me, in trying to assess what was going on, it was really unclear what the real problem was, whether it was the legislation that he operated under, the policies of the government, or the regulations of the department and whether, in fact, there was overzealous implementation of some of the policies. Or were decisions made by people that were too rigidly adhering to how they read the policies? Again, we have to say: what has gone wrong? Is it the system, the legislation, the policies? Is it the people that are implementing them? We have to be very careful that we do not blame the individuals implementing policy for the errors of the policy itself. So I think that is one of the great concerns that I had.

Again, one of the more prominent areas was in the area of native repatriation, and the actions of the office of the Children's Guardian are a subject of great concern. Again, this is an area that we have to say: what was really going on there? Was that an aberration in terms of how the Children's Guardian functioned in the overall child welfare system, or was it consistent with something that was wrong in that office itself? Was it the failure of one or two specific individuals, or was it the policy that was at error? I do not believe that the Children's Advocate, which in the new Act replaces the Children's Guardian, will carry through the original mandate of the Children's Guardian. I have spoken with a number of social workers who are very distressed with the proposed change. I, as a person who advocated for children, am also distressed by these changes. I believe that the changes needed to be made in terms of the reporting and the accountability of the Children's Guardian, but I believe we do need a guardian who can monitor the treatment of children and the kind of systems that are in place, who can look and see what is happening under the direction of the director of child welfare, and that there need to be avenues through which decisions and treatment can be challenged, modified, or overturned. I think that's really important and that there needs to be someone there who is like an ombudsman but one who is more accessible to the children in care, to the parents or the guardians of those children, and even social workers who see flaws in the system as it is being implemented or as it has been written.

The guardian's office, as I see it, must be somewhat independent of the department, but it must be well versed in the department policies and deeply committed to the best interests of children. It is always easy to say that some initiative has failed. It is more difficult to determine why it has failed, how it has failed, and even more difficult to find new ways of fulfilling the mandate of that original initiative. However, I would have hoped that would have happened in this case, that there would have been a clearer examination of that office. So I cannot support that section of the Bill which deletes the Children's Guardian. I do not believe that the Children's Advocate will be, under this legislation, able to adequately and effectively protect children in care.

The second issue of this Bill that I wish to address is the issue of private adoptions. I have serious concerns about this section, and I think one would have serious concerns about this section whether or not they support private adoptions. I, personally, do not support private adoptions, and I'm also someone who went through the adoption system some 20 years ago when I adopted my daughter. But under the present Act private adop-

tion is more or less wide open -- that is, the Act that is in place now -- and that really did mean that something had to be done, but I believe just doing something is not good enough. Again, what we put in place must serve the best interests of children. I do not believe that privatization of adoption is in the best interests of children. I don't believe it's the best way to deal with long waiting lists of adoptive parents. What I would have preferred to see is increased staffing in Social Services so that it could have been dealt with.

I am concerned that this Bill as it deals with private adoption means that those with money will be able to go to private adoption agencies and get babies or children and those who have not will have to go to Social Services. This Bill, it seems to me, will create considerable chaos and confusion in the whole area of adoption and children that are available for adoption, but as well, I'm afraid it will set up a two-tier system of adoption. I think we really must reconsider this Bill and create a more equitable and fair system.

But I have a number of specific concerns about what seem to be oversights in this Bill in the area of private adoption and the regulation of those adoptions. I believe that [prior assessments] must be done prior to placement of the child to determine the suitability of the home. It is unthinkable that a child would be placed without such a prior assessment. When a child is placed, bonding starts to occur, and then we have to say, "What happens to the child if that child has to be removed for reasons of maltreatment by the parents or lack of suitability or if the parents determine that they really can't cope with this child?" So I think that we have to insist on preplacement assessment so that they in a broad way -- and I know they can't do it in a really precise way -- can screen out unsuitable placements and determine the kind of match that we are looking for when we are placing children for adoption. We need to be able to screen out parents who have unrealistic expectations of children or parents who have a potential for abusing children. I think that's absolutely crucial.

We also have to recognize that research indicates that as things are now, 25 percent of adoptions break down. I recognize that many of these adoptions do not break down until adolescence, but there is some breakdown in the first few months after placement. This Bill I do not see in any way working to prevent this kind of breakdown in adoption and does not adequately provide for the child if the adoption does break down. I have to say: what will happen to the child if the adoption breaks down and the birth mother is nowhere to be found? Where are these children going? Who will pick them up? Will they then be turned over to Social Services and be less adoptable because they are older?

Again, I see no provision in this Bill for postplacement monitoring, never mind postplacement counseling, which I also think is important. So again, what happens if things go amiss, the people can't cope with the child? This is especially crucial, I believe, in the placement of older children. One hears of adopted children as well as natural children being neglected, harmed, and abused because of a poor fit or because of unfulfilled expectations. So again, how are we going to determine whether the adoption is working and be monitoring what is going on? The present Act, in terms of adoption, deals with a period of time in which there is monitoring, and I think this must be included in any adoption process, whether it is through Social Services or a private adoption. So I see this as a very worrying oversight in this Bill.

This Bill does not address the issues of trained, experienced.

and supervised staff in the adoption agencies. Qualifications are not stated. Again, what criteria does an agency have to meet to be licensed? A grave concern. And what things must go wrong if an agency is to lose its licence? Like, how awful do they have to be? What kinds of things do they have to do before their licence will be withdrawn? Everything being done, according to this Act, at the regional level by a regional director does not seem to me to guarantee a standard of service throughout the province. Although I don't support private adoptions, as I've said, if we have to have them, then there must be a guarantee of standard of service and a high level of accountability. I believe that these guarantees are missing from this Act, and I would very much oppose this Act going through without those guarantees being built in.

Thank you.

MR. ACTING DEPUTY SPEAKER: The Member for Athabasca-Lac La Biche.

MR. PIQUETTE: Thank you very much, Mr. Speaker. I'd like to start off this evening by indicating to the minister that one very significant improvement in Bill 55 is the statement that everything will be done "in the best interests of the child." This is now the principle and precedes all other considerations, a measure which was missing in the 1985 Bill, which is now a distinct improvement.

However, from there on I think there have been some steps backward made by the minister in drafting Bill 55. One is perhaps the step back in terms of taking away the role of the child guardian, which I think was a positive step in 1985, when the previous minister introduced that measure under the new welfare Act at that time, because it very much brought accountability into the child welfare system. This was basically a response to the Richard Cardinal case, which I have, as school principal, I guess, seen many examples of. Very often we found that without any one individual looking after the welfare of a child, they were very often forgotten in terms of the number of foster homes that a child was passed on to over the length of their stay as wards of the government. I believe that under the new Bill 55, as we're moving now to a child advocate as opposed to a child guardian, many of the powers of the child guardian will be stripped away. That, in my mind, is a step in the wrong direction.

There needs to be some correction, perhaps, in the role as defined or the powers of the child guardian. But to indicate that the child guardian's position or role was not in keeping with the best interests of a child, I believe, was very much overstated by some of the criticism we heard relating to the native child repatriation issue. If we are going to be judging the child guardian's position relating to those incidents, I think we could have made some changes within the role designation of the child guardian and not stripped away many of his powers.

I think one of the problems with the child guardian was that it was only accountable to the courts, and appeal courts could not overrule the child guardian's decision. Some groups like the Foster Parents Association felt this was not good enough. Foster parents wishing to adopt are responsible for paying their own court costs, and some of those accountability questions could have been changed by the minister, as opposed to stripping away most of the powers of, now called, the child advocate. Under the old Act there was no mechanism to review the child guardian's decision, and there was a lack of independence. A child guardian was under the jurisdiction of the Department of

Social Services. Some felt he was pressured to make political decisions and should be independent. The best interest of a child is subjective, resulting in opposition to decisions made by the child guardian. Now, under Bill 55 the child advocate no longer has decision-making power. He seems to fall under the regional directors. And before, for example, every child's record was sent from a district office to the child guardian's office automatically every three to six months; now the advocate has access to information only.

So I really think, as the Member for Edmonton-Calder by the amendment she introduced, that before we move ahead with Bill 55, we should be looking at the implications of the new child advocate as proposed by the minister and allow perhaps more input from various groups to take a look at the old Bill and the new Bill, to take a look at whether we have not perhaps eliminated many of the good points of the child guardian, and maybe based on the wrong reasons. I would be very opposed to the minister moving ahead with this, especially with the lack of consultation which has taken place relating to Bill 55.

But the area of the Bill which I find the most objection to is the private adoption. It's probably the most controversial and objectionable part of the Bill. We realize that the government did have to come across and set out regulations relating to private adoption. However, I believe the minister really has missed the point in the whole private adoption system. Yes, we had to have very much more stringent regulations related to private adoption, but what she has not addressed in Bill 55, Mr. Speaker, is the fact of criticism relating to the Social Services handling of adoption by the citizens of Alberta, because there was very little specialization by anyone in Social Services to ensure the kind of professionalism which was required in her own department. I believe that if the minister had looked at the fact -- if she had trained and put people to work full-time in the whole area of child adoption, we would not need to be opening up the doors to private adoption in this province.

I believe with private adoption that it's really open for abuse by commercial firms. Even though it seems to be supporting nonprofit associations or societies to be moving in the area of private adoption, it does not close the door on commercial types of private adoption. I can tell the minister, for example, of a friend of mine who not that long ago got involved with a private adoption service out of Calgary which is charging \$15,000 to process American-born babies from California, and the kind of lack of professionalism that firm exhibited. If that's the kind of thing we are not going to be addressing in Bill 55, then it's going to be in serious error.

[Mr. Deputy Speaker in the Chair]

One of the things that the minister I thought was moving ahead on, which I believe could have been on an experimental basis, before we allow the whole aspect of private adoption to be more or less licensed by this province, is that she could have tried a pilot. An individual spent almost a year writing up a contract for the government which would have put in place many of the recommendations as advocated by the Member for Edmonton-Calder, such as the need for making sure of precounseling of the birth mother and preassessment of adoptive parents and that there be ongoing counseling services provided for the adoptive parents after the adoption has taken place.

Now, I find it unbelievable that the minister, after having spent many thousands of dollars to have allowed the proposal to be written up, did not at least try a pilot on that whole plan. Be-

cause I thought that at least if we're going to be moving in terms of private adoption or setting up regulations governing it, we could have had an intermediate type of approach to the whole aspect of private adoption: number one, making sure we have professional staff on hand in Social Services, and number two, that we attempt some of the contracting out under the direction of the Department of Social Services, which would be supervising very closely any type of contracting-out pilot project the minister may have wanted to do here, to see if perhaps an interim type of proposal could have been advocated by the department. However, that proposal was not accepted by the minister or deputy minister.

Now we have a Bill here which goes a lot further, which looks at private adoption as an alternative for parents. And I guess for parents who have the money, they'll have a leg up on parents who don't. However, the trouble with that is that wealth is not a determinant of quality parenting. If we're going to be, in this system, relegating Social Services to handling the handicapped, ethnic minorities, and older children, we're going to be putting many of the parents who don't have the money to have a private adoption having to make the choice of adopting handicapped children, for example, and who do need more financial resources to provide the kinds of services those children need in homes. So I find it kind of hypocritical by the minister that this will set up that type of two-tier system of adoption: the ones who can afford it and the ones who can't. In fact, the ones who can't will be having a choice of adopting children that are probably much more costly to maintain in the home.

So it appears to me that the government would just as soon have adoptions handled privately. It's trying to reduce its role to placing only those children which are hard to place: the handicapped, the minorities, and the older children. Basically, that should not be the sole role of her department, because the role of her department is to make sure that there's equal access to adoption by all parents in this province. This will very much negate that equal opportunity of choices by parents.

Finally, what I would want the minister here, in terms of making sure that she proceeds very slowly with this Bill -- the other concern, that the Department of Social Services conduct and pay for home assessment on nonrelative as well as relative adoptions, must be a condition of her Bill and must be incorporated with any kind of adoption procedure in order to make sure that the birth mother and the adoptive parents receive all the preassessment and counseling they do require to make sure that we have a happy home with adopted children.

MR. DEPUTY SPEAKER: Hon. Member for Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Speaker. I'd like to add a few comments to the very important debate on a very important Bill tonight in the Legislature.

I'd first of all like to say, as others have, that the fact that the best interests of the child are now going to be explicitly stated as the paramount objective of the legislation is a good step to be taken. I presumed or assumed all along that that's what the purpose of the Child Welfare Act was originally, and the policy of the department. Nonetheless, I guess it is better to at least be explicit about such things. It may lead to greater accountability of government policy in the future when specific policies and funding decisions and so on prevent the department from carrying out that mandate from time to time. So it's another means of in the future providing greater accountability, and I think

that's to be commended.

Now, the next major provision or principle of the Act, Mr. Speaker, has to do with the creation of a new position, I guess, in view of criticism and problems that have arisen over the performance of the Children's Guardian under the existing Act. It's unfortunate, I think, that to some extent the government is backing away as far as they are in this very innovative position. I know that there were some difficulties. One criticism was that there was no clear mechanism to review the guardian's decisions. Somebody, I think, asked the question of who was going to protect children from the Children's Guardian. Although I don't know that that was in the vast majority of cases an appropriate question, it still occurred to me that the Children's Guardian was responsible to the minister and to the deputy minister, and if the minister and the deputy minister were unhappy with the policies as they were being implemented by the Children's Guardian, there are administrative actions that a minister and a deputy minister can take if someone is not following the department policy.

So there are all kinds of ways of dealing with problems or perceived problems if, in fact, they existed. I'm not sure that they did, but nonetheless, a new position is being created. And I'm concerned, Mr. Speaker, that this Children's Advocate is going to be viewed as replacing a major role that the Children's Guardian presently plays, that of an advocacy and ombudsman role in the department. First of all, the Act doesn't require the minister to appoint a Children's Guardian; it simply says that the minister may appoint a Children's Advocate. I presume that if the minister may, then the minister also may not appoint a Children's Advocate. And it would seem to me that if we're serious about it, we should make it clear in the legislation that it's expected that this position will in fact be created.

Then I see that in terms of the provisions of the Act and the principles behind the Children's Advocate, Mr. Speaker, that individual is to advise the minister on matters relating to the welfare and interests of children. It is to prepare and submit annual reports to the minister. Everything within the provisions of this Act are for the Children's Advocate to do things for the minister and report to the minister. I don't know whether that's intended to be through the department or not, but nevertheless, if this person is intended to be an advocate and to be an ombudsman within the system, then why don't we look to the model provided by the Alberta Ombudsman, and that is to make this individual responsible to the Legislature?

Indeed, one of the major criticisms of the Children's Guardian was that when the office was created, this individual was to have an arm's-length relationship with the Social Services department and child welfare staff. But in the implementation there was no separation of guardianship from service delivery, and so for many who looked at the Children's Guardian, they saw it as serving the bureaucracy and not necessarily children. Well, Mr. Speaker, there is no separation here in this legislation from this position from that of the minister. In fact, these annual reports don't even have to be submitted by the minister to the Legislature. So there's no indirect reporting relationship of this individual to the Legislature. In terms of the model of an ombudsman this model in front of us certainly does not come close to matching that model. This is an important point, Mr. Speaker, because this individual is "to perform additional duties" that might be assigned to them, "represent the rights [and] interests . . . of children," "investigate complaints or concerns that come to [the minister's] attention."

Mr. Speaker, there are at least three Ombudsman's reports

that I could find that related to cases under the Department of Social Services, specifically children's welfare. There was, first of all, the Westfield Diagnostic and Treatment Centre, prepared by the provincial Ombudsman in November of 1979, almost 10 years ago, resulting from complaints that were made public about the so-called thinking rooms that were used at the Westfield centre. The Ombudsman was called in to investigate. There was the report into the northwest Alberta treatment program, also brought to the public's attention back in 1981. The Ombudsman investigated it and prepared a report which was tabled for the Legislature. That was the Northern Regional Treatment Residence. Members of the Legislature here today will probably still remember the controversy over the behaviour modification treatments at that centre, feeding dog food laced with Tabasco sauce to a child in care, investigated by the Ombudsman. There was another report of the Ombudsman in regard to the suicide of an individual under care of the department, at the request of either the department or one of the members of the family of that individual. Three instances where the Ombudsman looked into people who were under care of the department and tabled reports which were public. They're available.

Now the question is, Mr. Speaker, in the future, when these kinds of problems arise, will it be the Ombudsman who will be required or have the authority or responsibility to investigate those concerns, or will it be the Children's Advocate? It's not an academic question; it's a very real one because the matter will then either be part of the public domain eventually or part of the minister's private domain, over which no one outside of the minister or the department will have input. It's an important question as to which of those two individuals will be required to investigate complaints under this Act so it's one that ought to be sorted out. It'd be better if at least the model of the Children's Advocate were to follow that of the Ombudsman in the reporting relationship to the Legislature so that at least the final result in terms of reporting would be the same and there wouldn't be a potential conflict over jurisdiction.

Mr. Speaker, when it comes to private adoptions, I don't know what in particular the concerns are that the minister is trying to respond to. First of all, perhaps it's the fact that there's absence of any kind of provisions regarding private adoptions and some have said it may be better to have permissive regulations and rules governing private adoptions than to have none at all. But even if one were to accept that the model which the minister has advocated here in this Bill doesn't answer many of the very most important policy issues that private adoptions raise.

One that I would like to put on the record as I think in the future it will provide lots of difficulty has to do with potential conflicts of interest. The most obvious one would occur in an area where an agency that is responsible for adoptive placements may also be responsible for counseling the natural parent who is giving up the child. In that instance, even if it is a non-profit agency, the major source of the agency's income to provide its mandate and the ability to function as an organization will come from fees which are going to be charged to the prospective adoptive parents. Now, in whose interest ought that agency to be acting as well as the child's? Where is that child's best interest? Is it with the natural parents or with the adopting parents? Given that this agency is receiving its fees from the parents who wish to adopt there is a potential conflict of interest in terms of that agency acting in relation to the parent who is giving up the child.

There's the concern, of course, over the long waiting list that we have at the present time. Mr. Speaker, much of the reason for a long wait for adopting children has to do with the fact that there are a lot more prospective parents who want to adopt than there are children who are being given up for adoption. So the question is: in the future, when you have all these agencies searching on behalf of all these different parents in the province, it could lead to a situation where a lot of agencies are working to find parents for the same limited number of children. There could then be a situation where these agencies, by being in competition with each other, will be offering a variety of inducements that would encourage a mother to give up her child to a particular agency.

[Mr. Speaker in the Chair]

As well, in terms of attracting parents potentially -- it may be potential -- an agency may make all kinds of promises to a prospective adoptive set of parents or paint an unfair picture of what it can provide to them. So I don't think the whole area of potential conflicts of interest when you start introducing the kind of model the minister is introducing has been adequately considered. It's also a concern, Mr. Speaker, that the private agencies may end up handling all the easier-to-place children, and the public agency will then be left with the children with special needs so that in effect we end up with a two-tier system of public and private adoptions throughout the province. The whole area of counseling, to the best of my knowledge, Mr. Speaker, hasn't been adequately addressed in this legislation. Counseling for the parents, or the mom who is giving up her child, and postadoption counseling are areas that need to be spelled out in the Act much better than they are at present.

Mr. Speaker, the minister has received a number of reports about the framework of a private adoption system, and a whole series of recommendations have been made to her. She has also received some recommendations from others who don't agree with the advice and a number of the conclusions that have been presented to her. One of the areas is the whole area of non-profit. Simply because an agency is nonprofit doesn't mean that they would be immune from exploiting parents or abusing this relationship. I'm sure that for most who might be in the field at present they act professionally, and that may not at present be a problem. But unless there are strict standards put in place. Mr. Speaker, and policies and regulations, it could be that this will become attractive to those who do not have a high professional stature or concern and may not act in the best interests of the child or the parents.

Mr. Speaker, I don't know what reference has been made in the Bill -- I couldn't find any in my perusal of it -- that has to do with the qualifications of those who act in this field. It would seem to me, given the recommendations the minister has received, that standards would have to be carefully implemented, and some minimum standards were recommended. To not have any standards at all is moving in entirely the wrong direction.

Mr. Speaker, I'm very concerned about the difference between a public agency having full responsibility for adoptions and then contracting with third-party or private-sector groups and agencies to carry out the mandate of the department. That, of course, is one model which allows private community agencies to play a role within the system, and that might also be a very positive and a good role for them to play. But it's a long way from that sort of model to one in which agencies can make



all these contracts on behalf of parents and kids. And there is very little direct involvement from the public sector, from the public agency, either in the way of reviewing those decisions or in setting out standards and minimum requirements for those agencies that do that work.

So, Mr. Speaker, all the way around I think the minister has really undertaken something here that's going to create problems in the future. It's inadequate, the model which she's adopted, both for the Children's Advocate as well as for the rules and regulations governing private adoptions. I'm sorry that she's chosen to do that, because there obviously was a need. The Act was silent in the whole area of private adoptions in particular. It was an opportunity she's missed, I think, to really put in place a system that will adequately protect the interests of the children. I don't believe that this Bill adequately does that, particularly in the area of private adoptions. But, as well, the whole concept of a Children's Advocate, I believe, misses the boat and fails to build on the experience that we learned from the Children's Guardian.

I'm sorry that such an important Bill, despite its promise, is not adequate in so many different ways.

MR. SPEAKER: Edmonton-Kingsway.

MR. McEACHERN: Thank you, Mr. Speaker. I do wish to add my voice to that of my colleagues, although not in quite so much detail, you may be glad to hear. I do want to say that the minister has, of course, as my colleague said, enunciated a very important basic principle, that all the actions in the adoption field must be geared for the well-being of the child, and I wholeheartedly accept that and endorse that idea. The government did that also in Bill 27, the education Bill, and I commend them for that recognition because for too many centuries, I guess one might say, children and wives have tended to be considered chattels of men, and it's time we got away from that. I think we're working hard in our society now to get away from it, from the point of view of women. They're fighting for their equal rights and are, we hope, in the long run going to achieve them. In fact, I wish it would be in the short run. But it's only recently that we've started to talk about children's rights at the United Nations. It's now starting to become an accepted idea, and I'm glad to see that the government is being progressive in enunciating that very important principle in both this Bill and Bill 27.

I have to say, however, Mr. Speaker, that I have some reservations about whether they've pulled it off when you get into the details of the Bill. My colleagues have done an excellent job of talking about the problems of the Children's Guardian and with the adoption policies, the private adoptions being allowed. The education Bill also has some problems with pulling it off, I think. They enunciate, of course, right after the rights of children, the rights of parents . . .

MR. SPEAKER: Hon. member, we'll come to that.

MR. McEACHERN: Just as a contrast, Mr. Speaker, or perhaps as parallel -- perhaps I'll put it that way. And only a couple of very quick points, that the education Bill does not quite live up to its billing, because I think that in the long run it's also going to allow too many private . . .

MR. SPEAKER: Order please, hon. member. We don't have an education Bill in this House. We have a School Act, and this

is not the Act we are dealing with. Let's deal with this Act only please.

MR. McEACHERN: Well, Mr. Speaker, it did seem like a reasonable comparison to make.

MR. SPEAKER: The Chair didn't think so.

MR. McEACHERN: Yes, I gathered that.

Mr. Speaker, then I will move on to just saying that the Children's Guardian being stripped of his powers is a mistake in the Bill. The idea of having a Children's Guardian, I gather, goes back to the idea of protecting children's rights after the rather extraordinary Richard Cardinal case, as has been mentioned.

I would like to say that I worked at the Youth Development Centre for three years in the early '70s, and in fact, when it first started, brought the boys from Bowden in and threw them in with the girls from the AIG, along with a bunch of new staff and said: "Here, you guys. Sort yourselves out." I remember a couple of cases from there that indicated the difficulty of children that moved from one foster parent home to another, and in some cases in between, anyway, and ultimately as 15- or 16-year-olds ending up in another institution. I remember a couple of children, a boy and a girl, that each went through something like nine and 11 foster homes and a number of institutions in between, and the difficulties that caused for them. So I think that Richard Cardinal was far from being alone, I guess is what I'm saying. I don't think either of them ended up committing suicide, but I'm certain they had a lot of problems as adults that were a result of very difficult times with the foster parenting problems we seem to face in this province.

On the Children's Guardian thing, then, I would just like to say, without reiterating all the points made by my colleagues, that it seems to me the government has missed the chance to develop the Children's Guardian into a really strong advocate of the rights of children. I think we should start using that expression and start talking about the rights of the children. It's something we've got to get used to. Young people should not have fewer rights. I know we don't expect five-year-olds to vote. Nonetheless, we've got to think in terms of some fundamental and basic rights for children in this society. It's an attitude and a direction that we need to develop.

On the private adoption thing, I do have a few points I want to make. It seems to me that Social Services could, if they want, run an excellent system themselves, that there is no need to have private agencies involved in adoptions. Even if you're talking about nonprofit groups, they end up having to have some reason for their existence and will find themselves in competition with other groups for children. It will inevitably lead to competition for children. So you end up with a system that in effect has a cost for the adoptive parents and somebody fighting over those dollars. Anyway you look at it, there are those fees, whether they be reasonable or not. Whatever "reasonable" means, you still come down to the question of how much, and in some sense you have to think of it as being a buying and selling of children and the development of a two-tier system.

A point I would like to make about the qualification of staff for adopting agencies: there doesn't seem to be any. If you think about it, Mr. Speaker, that really doesn't make much sense. We're prepared to say that some child in grade 6 must have a teacher that has at least four years of university for qualifications, yet somebody who has the final say in the placement of a two-month-old baby or a two-week-old baby hope-

fully is going to place that in a home that will last it for the rest of its life. The choosing of parents for a child: the person that's doing that doesn't have to have any particular qualifications. They just seem to have to be in the right place at the right time, and they've got that responsibility, and it wouldn't seem an awful lot of backup help in deciding.

Such an important decision should not be left for somebody that has no particular qualifications. For heaven's sake, if you're going to get a driver's licence, you've got to have some qualifications, and if you're going to take a driver training course, the driver that's teaching the training course would have to have some qualifications. Yet we allow people to make this important decision without any. Of course, people that sell insurance have to have some kind of qualifications and a licence, or if you want to sell real estate or if you want to make trailers in Alberta and sell them, you have to have some kind of licensing and meet some standards. Yet we can put babies into a home with no standards whatsoever. So this Bill is certainly not adequate in this direction.

There seem to be no requirements for home assessment and no mention of counseling or follow-up for long-term monitoring of children once they're placed. So, Mr. Speaker, I just say to the government -- and I hope the minister will answer some of the points we've raised tonight. Nobody else on the other side has chosen to rebut any of our concerns or arguments that we have made that this Bill is not adequate, and I would certainly hope the minister would come and give us an idea of why she wants to press ahead with this Bill in spite of some of the very serious problems we find with it. The Bill starts off with a very important and basic principle that is a correct one, and we on this side could support that principle if we didn't feel that the Bill does not bear out that principle, that when you get into the details of it, you find that the problems with the Children's Guardian indicate that the minister doesn't really have it together on that issue.

MR. SPEAKER: Order please.

MR. McEACHERN: When you look at the private adoption section, again you find that the minister doesn't really have it together. In fact, I'd like to say that when I first came in tonight, I hadn't really intended that I would necessarily get in on this debate. But I listened carefully to the minister and found what she had to say rather innocuous and rather mushy, and it didn't really tell us very much. So I hope that when she comes back, she will have some very clear ... Now, the minister is a very strong-minded person and usually takes very strong and clear positions on many issues. I hope she will come back in here and do that for us and tell us, if we are in error, where we are in error in our thinking.

But what did make me decide that I wanted to get in and back my colleagues on this debate was listening to the Member for Edmonton-Caldwell who got up and raised some very fundamental and very serious problems with this Bill, and they have been echoed and elaborated and expanded by other members of our caucus. I think that somebody on the other side -- if this is to be a democracy that we have rather than just being outvoted by the silent majority -- should get up and tell us where we err, if we err. If they can't do that, then they should postpone the further debate on this Bill until the fall when we've had some time for input from other people throughout the province ...

MR. SPEAKER: Thank you, hon. member. We've spoken to

the amendment.

MR. McEACHERN: Yes, I realize that.

So I would suggest that at this stage we not give second reading to this Bill.

HON. MEMBERS: Question.

[Motion carried; Bill 55 read a second time]

#### head: **GOVERNMENT BILLS AND ORDERS** (Third Reading)

##### **Bill 28** **Police Act**

MR. YOUNG: Mr. Speaker, on behalf of my colleague the Solicitor General I move Bill 28.

[Motion carried; Bill 28 read a third time]

##### **Bill 21** **Employment Standards Code**

SOME HON. MEMBERS: Question.

MR. SPEAKER: The Member for St. Albert, at third reading.

MR. STRONG: Thank you, Mr. Speaker. I find it odd that the minister wouldn't have a few words to say to us tonight about Bill 21, the Employment Standards Code, but I guess I note that the minister didn't say too much about it in second reading or Committee of the Whole. I guess he found that he couldn't defend what was a shoddy piece of legislation.

When this process started some two years ago with a review of the employment standards legislation and the labour legislation in the province of Alberta, I had some optimism at that time that what we were going to see in the Legislative Assembly in this province were two pieces of labour legislation that certainly would put us on the leading edge of all provincial jurisdictions, major jurisdictions, in this province when it came to labour legislation that we could be proud of. Certainly when you look at Bill 21, the Employment Standards Code, as proposed by the government and this minister, it certainly is sadly lacking in many areas.

Again, when the final report of the Labour Legislation Review Committee came out in February of 1987, I almost convinced myself that this minister and this government were indeed going to do something for working Albertans. I'd almost convinced myself, fooled myself into believing that. But not quite, Mr. Speaker.

What we see before us in Bill 21, the new Employment Standards Code, is certainly a shoddy piece of legislation, a piece of work that this government and this minister should be ashamed of. Certainly I've said that before, but I just can't help myself; I have to repeat it. Even the minister, when he attended at the public hearings, certainly appeared to be sympathetic and listening and caring and demonstrating some commitment to the people of the province of Alberta. Certainly some of the stories that the minister heard along with his committee were heart-wrenching stories about the abuses that many employees in the province of Alberta had suffered for two, three, four years, and they had some hope that this minister and this government

would address the inequities and the unfairness out there in the labour market.

But again we look at hundreds of thousands of dollars later, world tours to bring back expertise in labour legislation, labour relations to the province of Alberta, and what did we get? A shoddy piece of legislation, Bill 21, which certainly doesn't do much for working people in the province of Alberta, certainly doesn't do much to demonstrate the fairness and equity that was promised by this government and this minister in labour legislation and employment standards legislation in the province of Alberta: sadly lacking, failed to measure up totally to the expectations of Albertans.

Mr. Speaker, I've talked to many of my constituents, many Albertans right across this province, who feel betrayed . . .

MR. SPEAKER: Order please. with due respect, hon. member, to quote from *Erskine May* . . . At third reading we're not in a position to be hearing about any trips around the world and so forth, because on page 577 of *Erskine May*:

Debate on third reading . . . is more restricted than at the earlier stage, being limited to the contents of the bill.

So hopefully all members will take that very carefully into consideration. The Chair certainly will.

St. Albert.

MR. STRONG: Thank you for correcting me. Mr. Speaker, but I just couldn't help myself, to say that Albertans did indeed feel betrayed by this minister and this government when it came to labour legislation.

Again, Mr. Speaker, if you look at the final report of the Labour Legislation Review Committee, we can look at general. . .

MR. SPEAKER: Thank you, hon. member; we'll come back to the contents of the Bill, not the final report. Thank you.

MR. STRONG: Well, I guess that's the problem, Mr. Speaker, because the contents of the Bill certainly don't reflect the final report of the Labour Legislation Review Committee that was put out by this minister and his committee, his hand-picked committee. That is the problem. Because certainly the legislation should have reflected, should have reflected totally, some of the recommendations that this minister and his committee had made for working Albertans. That was fairness, equity, level playing field, 21st century, and it's almost totally absent.

But we can look again at that report and look at some of the failings of this minister and this government in regards to some of the specifics. I'll go back to the report. Employers and employer. . .

MR. SPEAKER: Thank you, hon. member. I'm sure the member knows this Bill inside out, and the Chair is quite willing to listen to all the comments the Member for St. Albert wants to make about what is in the Bill and what is not. But by the quotation from *Erskine May* it must come back to the contents of the Bill. Let's try again.

MR. STRONG: Well, let's look at the contents of the Bill, and let's start right from the preamble, the economic flavour that the minister injected into the labour legislation he calls Bill 21, the Employment Standards Code. Again, I said "economic flavour," Mr. Speaker, because in the preamble, in the first whereas of that preamble we have labour legislation that recog-

nizes "competitive world-wide market" economies. How ridiculous. Nonsense. Again, for the benefit of the minister, who obviously wasn't listening in second reading or Committee of the Whole, obviously not looking at any of the amendments, certainly still doesn't understand that labour legislation is a set of rules for employers and employees to follow, a set of rules that the minister should know should not interfere in the process between employees and employers . . . When this government inflicts economic flavours almost like chocolate ice cream cones on working Albertans, then certainly the Bill has to fail.

We can go on to "common interest" in the preamble. There's no common interest. We were looking at statutes, labour legislation that would clearly delineate the rights of employers and the rights of employees. That hasn't happened. Another failing of the minister: a failing to recognize that he was going to bring in labour legislation responsive to the needs of working Albertans. That certainly didn't happen in the preamble.

We can move on in the Bill, Mr. Speaker. How any government could consider themselves progressive, fair, and equitable when they bring back the eight general holidays that we've seen in our labour legislation for quite a number of years and not recognize that those other provinces in Canada have nine general holidays . . . British Columbia, nine general holidays; Saskatchewan, nine general holidays; the Northwest Territories, nine general holidays; the Yukon, nine general holidays -- why even the federal government has nine general holidays. And this minister can stand and attempt to defend this shoddy piece of literature that we have before us. Certainly he didn't recognize any fairness and any equity. How the Liberal Party could vote against this is beyond me as well. But you look at it. Look at it: Boxing Day and the August civic holiday. This is like the grinch who stole Christmas, and this is supposed to be progressive labour legislation. I'd remind the minister that this legislation applies mainly for those who do not have a collective agreement, those who are not fortunate enough to work under a collective agreement. You would have thought that this minister and this government could have done a better job for those working Albertans than what we see before us in this employment standards legislation the minister calls Bill 21.

We can go on down to look at the definition of "Minister." The minister isn't even the Minister of Labour anymore. What the minister is is a member of the Executive Council "charged by." Is he so embarrassed that he won't even admit that he's the Minister of Labour? Or are we perhaps not going to have a Minister of Labour in the province of Alberta? I guess we don't have one now, so what would the difference be? Not much, Mr. Speaker, certainly not much.

Again, we can go through this minister's Bill and look at the definition of "wage." This minister couldn't even get the definition of wages right, because certainly there's a lot more to wages than just dollars. There's all those benefits. And this minister promised, when he was going around in his public hearings, in his report, that benefits were going to be recognized as part of wages. But do we see that in the legislation that's before us for third reading? No, we sure don't. They're not there, even to the minister going down in his legislations but not including entitlements, doing away with all the benefits that Albertans certainly should enjoy as part of their wages. The minister failed to recognize that in his Bill.

Mr. Speaker, we can go into the communication section of the minister's Bill. Where does this minister recognize employees in the communication process? Where does this minister recognize any input from employees in the workplace?

MR. SPEAKER: Order in the House, please.

MR. STRONG: He certainly doesn't recognize it, because you can look at what the minister touted as one of his highly new and progressive things as communication, where the minister is the only one who can dictate what the communication process is going to be -- totally absent any input from employees because the minister is the only one that can appoint to advisory boards, worksite councils. And I'm certain that if this minister appoints to those boards and to those advisory councils, he is not going to appoint anybody who is going to take the side of the working Albertan other than to snivel up to management. That's the type of individual that I foresee being put by this minister on those boards. So when we go through this whole communication process that this minister has been kind enough to put in his Bill, it is absolutely meaningless, Mr. Speaker, totally and absolutely meaningless.

We can go on in this minister's Bill. And part of the problem with the minister's Bill is this, Mr. Speaker. When we get into this Bill, legislation that was supposed to be very easy to read, easy to understand, in plain and simple English, is just totally absent because of all of the regulations that this Lieutenant Governor can make to totally destroy anything that's in this Bill. Is that fair, Mr. Speaker? Certainly it's not fair. We know it's not fair. We've been trying to say that and certainly not trying to waste the time of this Assembly on something that I consider should be done in the province of Alberta, and that's bring fair and decent labour legislation to working Albertans. But obviously this government and this minister just failed to listen, failed to even read. But I guess that's understandable too, Mr. Speaker, because certainly the process was unbelievable, but the results were even more unbelievable: totally unfair. Legislated unfairness.

Let's go on in the Bill again. Here's another one that the minister said, "Oh, this is going to be great," and what it's com-mordy referred to is plant closure notification. But I'm certain, Mr. Speaker, that this government's very familiar with closure. Not plant closure, though. Well, what do we find here? Again, another shoddy piece of workmanship where the minister's turned around and said, "Well, there's going to be four weeks' written notification on plant closures." The only thing is: is that notice going to go to those employees, or is this minister just going to sit on it?

What I find also very offensive in this particular piece of the legislation is (c), where "it would be unreasonable under the circumstances for the employer to give the notice referred to" above. I mean, what's the point? What is the point of putting this nice, fair section in the proposed Bill 21, the Employment Standards Code, when, really, what does it mean? It means absolutely nothing. Mr. Speaker, absolutely nothing. Again, when are we going to get labour legislation in the province of Alberta that demonstrates some fairness and some equity to those Albertans forced to work under this minimal piece of legislation that really doesn't do the job for them? Because of all of the abilities to write regulations to cover almost any circumstance that this government and this minister want to come up with, to allow any employer to do whatever they want, work whatever hours they want -- where it basically isn't policed, basically not policed at all. Sure, we can tell. We can tell quite fine.

To go on further in the minister's shoddy piece of workmanship that we have in front of us here, even to the notice of reduction in wages. Well, the minister even recognized where an employer has the ability to turn around and give notice to reduce an

employee's wages. But the minister's been kind and benevolent. Certainly he has. Now, all those people have to do is give one pay period's notification, Mr. Speaker, before terminating or cutting in half those people's wages. Is that fair and equitable labour legislation? Again, I think not. What it's called is a constructive dismissal segment to this minister's legislation, because who in their right mind is going to say to their employer, "Well, yes, Mr. Employer, if I was making \$10 an hour and you cut my wages back to \$5 an hour, I'm going to stay here." Well, I don't think that's going to happen. I think that employer is probably going to go out and get a job pumping gas for \$7 an hour and leave. So certainly it's nothing more than a constructive dismissal section in this proposed labour legislation, Employment Standards Code, that does working Albertans out of what they're entitled to, and that is to negotiate themselves with their employer, to turn around and try and set up something that is fair and equitable, not just automatic that, well, yesterday you were working for \$10; two weeks from now or one week from now you're going to be working for \$5 an hour. Certainly I don't think that's fair and progressive, Mr. Speaker, and I don't think you do either. But what can you do?

We can go on with this shoddy piece of workmanship, Mr. Speaker. Let's go on to hours of work: 44 hours still recognized in our Employment Standards Code. Well, isn't that progressive? Alberta is the only province in western Canada that still has a 44-hour workweek, a six-day workweek, where this minister still has been kind enough to let Albertans work six days a week, five eight-hour days Monday to Friday and one four-hour day on Saturday for straight-time rates of pay.

ANHON. MEMBER: That's Albertans helping Albertans.

MR. STRONG: Yes. I guess it is Albertans helping Albertans, Mr. Speaker. But who are they helping? Are they helping working people in the province of Alberta. Mr. Speaker? Certainly not. You look at all the other jurisdictions in Canada; 40-hour workweeks in every other province in western Canada: Manitoba, Saskatchewan, British Columbia. This minister took labour legislation, our Employment Standards Code, wanting to be first as Alberta, and unfortunately just didn't cut it. Mr. Speaker.

[Mr. Musgrave in the Chair]

What about the other provinces in Canada? Why would this minister not listen to some fairness and equity when it came to a five-day workweek, eight hours a day? Even the Yukon's got a 40-hour workweek. Even the federal government's got a 40-hour workweek. Five major jurisdictions in Canada with 40-hour workweeks, and this minister is trying to create the illusion of wanting to be fair? Obviously, Mr. Speaker, this minister wasn't listening, wasn't listening at all, to any of those Albertans who took of their time to go and tell those heart-wrenching stories in front of this minister and his colleagues at the public hearings of the Labour Legislation Review Committee. He couldn't have been listening, must have just been there nodding his head, smiling, looking attentive while he was sleeping. What did he do? Absolutely nothing for Albertans.

This minister gets up, Mr. Speaker, and starts bragging in the press, bragging here about turning around and saying, "Yes, employees are entitled to a half hour break in a five-hour shift." I thought that was progressive. Certainly I thought it was progressive until I read Bill 21 and found out that, gee, it wasn't as

progressive as I thought it was, because, again, he slipped some more things in here. If you look at part (b), it says: well, they don't get a half hour break in a five-hour work period if "the Director issues a permit authorizing an exemption from this section." Is that fairness? Is that equity? I would imagine this minister is going to have a whole backroom filled with regulations to do employees out of a half hour break in a five-hour shift; unpaid, I might add, Mr. Speaker. Is that the fairness and equity promised by this government? Certainly not.

We can go on. Same section here: they don't have to get a half hour break in a five-hour work period, under (c), if "a regulation permits an exemption from this section." Is that progressive? Is that the equity, the fairness, the level playing field that was promised Albertans, Mr. Speaker? Certainly not in my view. Where are we going, Mr. Minister, to fairness and equity, to a level playing field? Or are we going backwards? Certainly, in my view, this legislation, this shabby piece of legislation, puts us back about 100 years in what should be right and fair.

We can go on further, Mr. Speaker, in this section. It wasn't good enough that the director could issue a permit. It wasn't good enough that we could make a regulation. Here's the final crowning glory, and this is under (e). "It is not reasonable for the employee to take a rest period." My goodness, where are we going? That has the effect, along with the two other sections, of totally eliminating any meaningful legislation for working Albertans, because those three sections totally eliminate there being any meaning or any fairness in this particular section of this minister's and this government's 21st century, new and improved labour legislation. What a joke.

We can go on, Mr. Speaker. Hours of work: I covered that to some extent. But you'd think this minister when he brought this labour legislation forth would at least have had the integrity to bring labour legislation in front of this Assembly that was written in clear and simple English, English that we could all understand, English that would have said that there are five eight-hour days in the province of Alberta, not six.

MR. ACTING DEPUTY SPEAKER: Order please. I wonder if the hon. members would allow the Member for St. Albert to continue the debate.

MR. STRONG: There are a few that don't have the courage to stand in the Assembly and speak in favour of this shoddy piece of workmanship, Mr. Speaker, and rather than standing on their feet working for Albertans, having a commitment to Albertans, would rather sit in the corner and make stupid remarks about something they know absolutely nothing about. But I guess that's why we have Bill 21, our new and improved Employment Standards Code, in front of us. Because it's obvious that they don't know too much about labour legislation or being fair to working Albertans. And I might add that that's probably about 95 percent of the population of this province, 95 percent of them who at one time in their lives are going to be employees. Why even we're employees; we get paid. Mind you, I guess we do have the ability to increase our paycheques right here. We can vote on it ourselves rather than have a third party do it for us, which would probably be more fair. You know my views on that.

Let's go on in this shoddy piece. Minimum wage. The same government when they brought this legislation in went through on minimum wage and finally after seven years increased the minimum wage. The only thing that they didn't really advertise

was that it wasn't going to be effective until September 1 this year. That's after all those students and all those university kids went out and worked all summer. If the employer could get them for cheap, well, that was good because the minimum wage didn't go up till September 1 anyway, Mr. Speaker. Wasn't that nice of the minister?

Yet when we look at those public hearings where this minimum wage was discussed, what did they say? That there was going to be a mechanism established, enshrined in the statute, to take a look every year on an ongoing basis, a mechanism to increase that minimum wage rather than Albertans sitting back and waiting for seven years for there to be an increase in the lowest minimum wage in Canada. And we still enjoy the privilege, not a very honourable one, of having the lowest minimum wage in this country. But I guess that's an achievement for those members opposite, because they like to be first. Well, they're first in the lowest minimum wage, still, in this country. Where is that mechanism to take the look at . . . Take a look. Take a look. Where is that mechanism to increase the minimum wage? Totally absent. Because, again, instead of having legislation that we can view and read in clear, simple English, what do we find? Well, the Lieutenant Governor in Council can establish regulations to cover it. So I guess it will be another seven or eight years before Albertans see an increase in the minimum wage in the province of Alberta. Another year.

You look at the deemed trust provisions, Mr. Speaker. The minister, you know, talked it up about this one. Simply great; we're going to do something for Albertans. Again, the only thing he forgot in his deemed trust provisions is that he didn't cover benefits. Now, why would he do that? Why would he do that? It's unfortunate he's not here, but I hope he's listening because I'd certainly like an answer to those questions and many of the questions that I raised when I went through Bill 21, our new and improved Employment Standards Code.

But, Mr. Speaker, enough said. I have an amendment to propose to third reading of Bill 21. I've got copies; we can get somebody to take them up to you. I'd like to read it into the record. The amendment that I propose is simply this. That we strike out all the words after the word "that" and substitute:

Bill 21, Employment Standards Code, be recommitted to the Committee of the Whole to enable the committee to consider adding a new section to the Bill which would ensure the provision of benefits enjoyed full-time workers to part-time workers on a pro rata basis.

MR. ACTING DEPUTY SPEAKER: The amendment appears to be in order, hon. member.

MR. STRONG: Thank you, Mr. Speaker. Speaking to the amendment. Where is this minister coming from? He can't even create the illusion of being fair, because one of the main cornerstones of what he proposed in his final report of the Labour Legislation Review Committee was to examine benefits for part-time workers. I'll quote right in his report, major specific concern -- major specific concern, Mr. Speaker:

That changes are needed to ensure that standards for, and benefits available to, full time workers are fairly pro-rated for those working on a regular part-time basis.

[Mr. Speaker in the Chair]

Again the minister totally failed in what he advanced as being fairness and equity for Albertans. The fairness and equity that part-time workers expected out of this government and this

Minister of Labour, Mr. Speaker, was some honesty and some integrity. Certainly if the minister indicated that that was going to be the proposal proposed in his new and improved employment standards legislation, they would have found something that indeed said, "prorated benefits for regular part-time employees."

What did they find, Mr. Speaker?

MR. SPEAKER: Thank you, hon. member. Thank you.  
Edmonton-Belmont, on the amendment.

MR. SIGURDSON: Thank you, Mr. Speaker. I rise to support the amendment proposed by the hon. Member for St. Albert because I believe it is important that we go back to committee stage and look at the section that's proposed. That would be to consider giving benefits to those workers who happen at the current point to work on a part-time basis and do not enjoy any benefits that full-time workers enjoy. It's not that the opposition is asking for the part-time workers to enjoy the full package of benefits. We want the same benefits for part-time workers on a pro rata basis.

Now, I recall not all that long ago when we were concerned about checkerboard shopping laws in our province that the government was going around saying that each municipality must choose whether or not it wanted to have wide open Sunday shopping without any restriction. I remember one of the arguments that was made by a number of government members at the time was that it was going to create an increase in employment. Now, at that time, Mr. Speaker, what we were going through was an increase in the unemployment rates in our province, and therefore many government members were looking for almost any method that would increase the employment levels in our province. Sunday shopping was sort of the panacea. It was that which was going to cure all of our employment evils and all of our unemployment ills.

[Mr. Deputy Speaker in the Chair]

I recall again in the opposition -- then the opposition was but four members: two from the New Democrat Official Opposition, and two from the Representative Party. What they were then saying was, no, Sunday shopping was not going to increase the number of full-time jobs. It would increase the number of part-time jobs, but those who happened to be employed in that part-time cycle were not going to receive the benefits that their full-time working colleagues received. Where's the fairness in that? Well, time has proven that small opposition to be correct. Even at that time, when it was a small opposition, there was a study that was done -- I believe it was by the British government -- that showed that once they had opened up wide open shopping, seven days a week, employment levels went up but only for part-time workers not for full-time workers. So what we have is a new group, a new category of workers in Alberta. Well, they're not just in Alberta; they're in every province in our country. But we have to address the problems the Alberta work force faces. The problem the Alberta work force faces is that they have not the security, not the pleasure of security, and not the pleasure of those benefits that their full-time working colleagues enjoy.

Now, Mr. Speaker, I think in a way it's regrettable that we have to move an amendment again at third reading stage. Because this amendment was specifically contained in the package of amendments that had been given to all members of this As-

sembly by the New Democrat Official Opposition for consideration at committee stage. Once again, because of actions by the government members supporting Standing Order, I think, 21 or 23, we find ourselves having to address this amendment at third reading stage. Now, again, Mr. Speaker, I say that's unfortunate, as I said this afternoon, because if it were in committee study, if we were able to take a look at the detailed consideration committee stage affords us, we would be able to use all kinds of examples from all over our province to address this very important concern. We would be able to bring in information and cite specific studies. If that didn't work, we would be able to speak time and time again trying to show the government the effect such a provision would have in the Employment Standards Code.

Now, what's happening is that through actions that are certainly contained in Standing Orders -- there's no doubt about that provision being in Standing Orders. I'm not allowed, I guess ... From this afternoon I was cautioned that I can't say certain words, but there is provision in Standing Orders that permits certain activities to happen. So here we are at third reading stage proposing amendments that afford each of us one half hour to speak, that or thereabouts, on the specific amendments that instruct that certain considerations go back to committee stage. At committee stage we could have addressed, as I said, the topic a number of times, hoping against hope, I suppose, that government members would get involved and tell us where specifically this particular amendment is wrong. That's not going to happen. Well, I suppose government members could actually stand up and spend their period of time addressing that very point in third reading stage, but the probability is that it won't happen.

Mr. Speaker, this is an important consideration. There are too many members of our work force today that do fall into that part-time category even though they may work a full week. There are many individuals who are considered permanent part-time, and their work week is structured around certain needs of the employer. That's fine. That's all well and good. But why should they not enjoy the benefits?

I have one constituent I am well aware of. This constituent has worked in a job for, I believe, about seven or eight years, and she's always been on a permanent part-time basis. She's working sometimes well over 40 hours a week, yet she does not enjoy the same entitlements that her permanent full-time colleagues receive. That's just outrageous. She is as productive as the full-time colleague. I would hazard to guess, knowing the individual, that she's perhaps even more productive. So why isn't she allowed to get these benefits that other members of the work force are entitled to at the same worksite? It's not as though she's working at a different worksite. She's working at the same place, alongside individuals that just happen to have a different title, a different classification. Yet because she's in that category that's called part-time, regardless of the fact that she's putting in 40 hours a week many weeks, she's called part-time, so she doesn't get the benefits.

Does her family have fewer cavities because she's on part-time? Do they have fewer medical expenses because she's on part-time? No, they don't. Does she get reduced rent because she's considered part-time and doesn't get the benefits? Not at all. She pays the same rate to the dentist as the kid next door that has cavities. She pays the same rate to the landlord. She pays the same rate for medical expenses, because she doesn't get the benefits.

I think that if we want to be taking labour legislation just into the next decade, it's not too much to ask that we just take a

small, tiny step forward. Surely to goodness if we can just get into the 1990s -- let's not even worry with this government about getting into the next century, but let's get into the next decade. Surely to goodness there is room enough at this stage, at third reading, to send this consideration to be recommitted to Committee of the Whole to consider this provision that would give part-time employees the same benefits enjoyed by full-time workers on a pro rata basis. I don't think that's too much to ask. Mr. Speaker. I think that's the direction that fair-minded members want to take this legislation towards.

Thank you.

MR. DEPUTY SPEAKER: Hon. Minister of Labour.

DR. REID: Mr. Speaker, having listened to many of these points now on exactly the same matter at second reading, in committee, and now at third reading, I think perhaps I should once more restate what has been said before in relation to this item of benefits for part-time workers. First of all, the hon. members are forgetting that there are two kinds of part-time workers. There are those who work a regular shift two or three days a week or a half shift five days a week or whatever it may be. Even for those it is difficult enough to prorate the benefits. I've already explained that in things like pensions it is rather easy because it can be related to gross income at the end of the year. Indeed, those are the provisions in the private pensions Bill for those who earn more than one-third of the maximum CPP earnings. There is indeed for pensions the requirement that part-time workers now either get the identical plan or an equivalent plan to that which is provided for the full-time workers.

[Mr. Speaker in the Chair]

When one starts talking about dental plans, as hon. members have on the opposition bench, it's rather more difficult, first of all, to find an insurance company that will prorate the benefits. One has to remember that in some dental plans there is coverage for the items in the schedule and the charges that the dentists may make, up to certain limits. To prorate those is rather difficult when one might have a whole multitude of differing num-

bers of hours of work on a regular basis, and indeed the insurance companies might be quite unwilling to take on the administrative load that is involved. It would be relatively simple if it were, say, exactly half time, either on the basis of two and half days a week or four hours a day. It gets more difficult with some of the other fractions.

But. Mr. Speaker, there is the much greater difficulty that applies with what might be called irregular part-time, where someone works five hours one week and 23 and half hours the next week and 17 hours the following week and, because things are busy in the immediate pre-Christmas rush, may indeed work more than 44 hours a week for one week. The administrative problems that would be involved if one were to write the legislation that the hon. members are suggesting -- I've heard so many objections to the reasonable exemptions that are included in Bill 21 where there are benefits -- that the list of exceptions and exemptions and provisions for difficulties would be much longer than the section itself and would probably render it more or less meaningless.

There is provision in Bill 21 for regulations, where practical, to apply across the board or to fractions of the work force, and it is in that area of the Bill that probably more can be achieved for the part-time worker than by putting in a provision by a section that would have a long, long list of exemptions, out of necessity.

Mr. Speaker, I think at this time I'd like to adjourn debate on Bill 21.

MR. SPEAKER: Thank you. There's a motion by the minister to adjourn debate. 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.

[At 11:41 p.m. the House adjourned to Tuesday at 2:30 p.m.]

