

Legislative Assembly of Alberta

Title: **Thursday, April 25, 1991**

2:30 p.m.

Date: 91/04/25

[Mr. Speaker in the Chair]

head:

Prayers

MR. SPEAKER: Let us pray.

We give thanks to God for the rich heritage of this province as found in our people.

We pray that native-born Albertans and those who have come from other places may continue to work together to preserve and enlarge the precious heritage called Alberta.

Amen.

head:

Introduction of Bills

Bill 30

Securities Amendment Act, 1991

MR. ANDERSON: Mr. Speaker, I request leave to introduce Bill 30, the Securities Amendment Act, 1991.

The introduction of this Bill is one more step to enhance investor safeguards in our rapidly changing financial marketplace. The purpose of the Bill is twofold: first, to strengthen the enforcement powers of the Securities Commission in the interests of maintaining a secure and integral marketplace and, second, to extend the parameters of the Securities Act to include the regulation of futures trading in the province of Alberta.

[Leave granted; Bill 30 read a first time]

head:

Tabling Returns and Reports

MR. ISLEY: Mr. Speaker, I'm filing today with the Assembly the response to Written Question 180.

MRS. McCLELLAN: Mr. Speaker, I am filing with the Legislative Assembly the answers to written questions 307 and 308.

In addition, I would like to table the annual report for the Canada/Alberta soil conservation initiative, commonly referred to as CASCI, which covers the period from April 1, 1989, to March 31, 1990, and the 1990 Farming for the Future Progress Report.

MR. SPEAKER: The Minister of Recreation and Parks.

DR. WEST: Yes, Mr. Speaker. I would like to table four copies of an answer to Question 175.

head:

Introduction of Special Guests

MR. SPEAKER: It can't be. No special guests?
Recreation and Parks.

DR. WEST: Yes, Mr. Speaker. On behalf of the Member for Lloydminster, I am pleased to introduce to you and through you 58 students from the Holy Rosary school, here to look at parliamentary democracy in process. They are accompanied by their teachers Mr. Ray Politeski and Mr. Tim Brochu. They are seated in the public gallery, and I would ask that they stand and receive the warm welcome of this House.

MR. SPEAKER: Edmonton-Kingsway.

MR. McEACHERN: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and to the members of the Assembly 14 members of the Sunshine Club from the Prince Charles community league in my riding. They are accompanied, of course, by their leader, Thelma Hodges, and they are in the public gallery. I would request that they rise and receive the warm welcome of the Assembly.

MR. SHRAKE: Mr. Speaker, I'm really delighted today to introduce to you and through you to the members of the Legislature 41 of the most eager, finest students you'll find in this whole province, from Father Damien school. They're accompanied by their teacher Juanita Broderick. We've got quite a few from the school here. We've got two of the school aides, Mrs. Caroline Barnes and Mrs. Jan Mazur, we've got a volunteer, Bernice Williamson, and we've also got the librarian. They're sitting up in the members' gallery. I'd like them to rise and receive the warm traditional welcome of the Legislature.

head:

Statement by the Speaker

Brevity in Oral Question Period

MR. SPEAKER: Excuse me. Before we begin, the Chair has had representations from various parts of the House that indeed supplementary questions are being stretched out far too long. We've been attempting to cut off ministers who try to give supplementary information for ministers who've already spoken. Hopefully we can all try to cut down the time, because in the last number of days we've had six and seven and eight members being left in the wings. So I'm sure we'll have co-operation today.

Leader of the Opposition, please.

head:

Oral Question Period

Meat Packing Industry

MR. MARTIN: Mr. Speaker, my question is to the Minister of Economic Development and Trade. Albertans are well aware of the colossal mess the Conservatives have made of economic development in this province. The secret backroom deals to backstop failing companies have cost taxpayers hundreds and hundreds of millions of dollars to date. Their irresponsible and clumsy practice of throwing megadollars at certain favourite corporate friends has had another effect: it has completely skewed the market between companies who have received this corporate welfare and competitors who have not. I want to tell the minister that we've had a lot of complaints about this from the business community. Unfortunately, today Canada Packers Inc. announced that it will close its plants in Calgary and Lethbridge and that 500 workers will lose their jobs because of this very practice. My question to the minister is this: isn't it true that a major reason Canada Packers has closed its plants is that they are competing almost entirely with government subsidized corporations?

MR. ELZINGA: Mr. Speaker, no, that is not true. Again the leader of the New Democratic Party is incorrect. If he were to examine the record, and the record is very public, Canada Packers has accessed those same dollars through the nutritive processing agreement and the Alberta processing and marketing agreement, which fall under my colleague the Minister of Agriculture. They have accessed exactly the same funds that companies such as Cargill have accessed. What we wanted to do

was make sure that there was a further value-added component to the agricultural sector within the province of Alberta.

In addition to that, the hon. member is totally inaccurate as it relates to his lead-in to the question whereby he said that this province was a mess. The front pages of the newspapers today plus the major headline stories indicate that another major financial institution has indicated that Alberta is going to lead economic growth in all of Canada. Well, doggone it, we're happy that that is the case. Our economy is rated the best, and we're happy that we could play some small part in ensuring that Albertans have jobs and that this province continues to be in the forefront of economic growth.

MR. MARTIN: Tell that to Canada Packers and the 500 workers that got laid off today, Mr. Minister. You tell them that drivel, and see what they say.

Mr. Speaker, the point is that this government has created the whole mess in the red meat industry by, first of all, handing its good friend Peter Pocklington millions of dollars. Then it proceeded to fork over public dollars to every competitor of Canada Packers, including Lakeside Centennial and Cargill, the richest private corporation . . . [interjections]

Speaker's Ruling

Brevity in Oral Question Period

MR. SPEAKER: Order. [interjections] Order. I'm sorry; I think that we're well into the example, that we really ought to now ask the question. [interjections] Order on both sides, and let's have the question.

Meat Packing Industry

(continued)

MR. MARTIN: Well, Mr. Speaker, my question to this so-called free enterprise minister, this so-called free enterprise government: because he's such a shrewd business type, would he explain how a business can compete against its competitors if they are getting government subsidies?

2:40

MR. ELZINGA: Mr. Speaker, I just explained it to the hon. Leader of the New Democratic Party, and I am happy to explain it again. We had in place the Alberta processing and marketing agreement, from which Canada Packers has accessed funding. The hon. member should check the record to make sure his questions are correct prior to putting them. He's incorrect in that they haven't accessed it, because they have had money made available to them, as have other organizations within the further processing of our agricultural products. We want to make sure, and we have made sure, whereby now the processing of agricultural products is the largest manufacturer within the province of Alberta. We've been pleased with the outturn of those events whereby we could create a value-added industry within the province.

He suggests our involvement with Gainers. He should talk to the mayor of the city of Edmonton. The mayor has indicated to us on a consistent basis that she wants to see our involvement continued, because she wants to see those jobs maintained within the city of Edmonton. If he's saying something contrary to the mayor of the city of Edmonton, I would suggest that he sit down with her and work out their differences.

MR. MARTIN: Mr. Speaker, that's absolute nonsense. The point is: you've screwed up the market; now everybody's paying the . . .

Speaker's Ruling

Parliamentary Language

MR. SPEAKER: No, no. Hold it; hold it; hold it. Order. [interjections] Order. It's still "order" here. I'm sorry; we're still not using that phrase.

Let's have the question.

MR. MARTIN: He's created a total mess then, if that makes you feel better, Mr. Speaker.

MR. SPEAKER: Hon. member, I don't care whether I feel better or not. Actually, I feel terrific. Thank you for asking. Let's have the question.

Meat Packing Industry

(continued)

MR. MARTIN: Let me make it simple for this minister: he gave Cargill, the richest private corporation around, a \$4 million grant; Lakeside Centennial got a \$10 million ADC loan; \$5 million dollars, Centennial Food Corp. Go all the way through, Mr. Speaker.

MR. HORSMAN: Question. Question.

MR. MARTIN: The Deputy Premier's going to have a heart attack, Mr. Speaker. [interjections] Rush out and get an attendant, please.

My question is simply . . .

MR. SPEAKER: Order. All right. Enough. Let's have the question.

MR. MARTIN: Well, Mr. Speaker, if you can tone down the poor Deputy Premier; I'm worried about him.

My question to the minister is simply this. Take one of these examples, Cargill, again the richest private company on the continent. Can the minister explain why his government approved a \$4 million grant to a corporation like this and justify this to Canada Packers and the workers at Canada Packers?

MR. ELZINGA: Mr. Speaker, the hon. member should examine the record. If he examines the record, he will find that the value-added component within the province of Alberta is slightly in excess of the primary production as it relates to agriculture. We are involved with in excess of \$4 billion worth of value added as it relates to the agricultural community. The agricultural industry itself has suggested that we help those industries to make sure that they do have access to those facilities so that that value-added component can take place within the province. That's why we've done it.

One only has to examine what is taking place in other provinces whereby they have lost those packing industries. We've maintained them to a larger degree. I acknowledge, with a heck of a lot of regret, that there is a rationalization within this industry whereby greater efficiencies are going to have to be placed within our packing industry itself. We are going to do our level best, and we have done our level best as it relates to

job creation on an equal basis throughout all of this province.

It's interesting to note that the hon. member . . .

MR. SPEAKER: Thank you, hon. member. [interjection] Whoa, whoa. [interjection] Whoa, whoa, whoa, whoa.

Second main question, without debating what the first one was all about, please, Leader of the Opposition.

MR. MARTIN: I just want to say that I'm worried about the Deputy Premier, Mr. Speaker. He's going to have a heart attack.

Senior Citizens Programs

MR. MARTIN: My second question is not to the Deputy Premier but to the Premier. I want to continue the discussion about what I believe is a cruel attack by the cutback of benefits to our senior citizens from the last budget. From the callous statements of What's-a-hundred-dollars Kowalski to the flabbergasting perspective of the Premier, who seems to only know millionaire seniors, one thing is clear: this government has absolutely no idea what its attack on seniors will mean to most of the elderly in this province. From their own income table in their own discussion paper we notice that the average income of seniors is \$17,000, but more importantly the median income – that is; 50 percent of the seniors fall below this – is \$12,242 a year. Now, I want to ask the Premier this, and this is a Premier who finds it hard to live on \$120,000 a year: would he comment on these numbers for seniors and tell them what the rationale is for cutting benefits to seniors living on the edge of poverty?

MR. GETTY: My comment would be, Mr. Speaker, that we are increasing the dollars in the seniors programs in this budget, and we are making sure, by constant assessment, that we have the best programs for seniors in Canada.

MR. MARTIN: I can't believe how callous an answer that is, Mr. Speaker. Our phones are ringing off the hook complaining about this Premier, and he gives an answer like that. The 1989 poverty line for a single person in Edmonton or Calgary is \$13,511, and this government's own report reveals that 100,000 seniors live below that amount. I ask the Premier again: knowing those figures, how does he justify cutting \$22 million from these seniors in the last budget?

MR. GETTY: Well, Mr. Speaker, I guess we just have to keep educating the hon. member that the seniors programs in Alberta have had dollars increased. There are now close to \$1.2 billion going towards seniors programs in Alberta. The dollars are an increase this year.

MR. MARTIN: Mr. Speaker, I say to this Premier: stop the nonsense. There are cutbacks in benefits. The Premier knows that, and the seniors know it. I want him, instead of giving these answers, to recognize that a lot of these people are living at the poverty level. I want him to say to the seniors how he justifies these cuts when 100,000 people are below the poverty level, instead of handing us that drivel.

MR. GETTY: Again, Mr. Speaker, I've got to point out to the hon. Leader of the Opposition – and it's too bad that when he has a weak case, he usually ends up screaming and yelling, trying to cover up for the weakness of his position. Frankly, he knows,

all members of the Legislature know that in this year's budget seniors programs have been increased by some \$75 million to \$200 million. It's gone from slightly over a billion to almost \$1.2 billion. That is an increase. I know the Leader of the Opposition doesn't like it, but that's a fact.

MR. SPEAKER: Calgary-Buffalo.

Immigrants' Rights

MR. CHUMIR: Thank you, Mr. Speaker. We have a Solicitor General who last year called members of the Supreme Court of Canada old fogies, who didn't know who the Aryan Nations were, and who now shows contempt for the rule of law and our Charter of Rights by advocating guilt by association and has to either be re-educated, muzzled, or removed. Now, I don't know anybody who is happy about increasing youth gang violence and doesn't want to see tough penalties imposed for actual crimes of violence, gang or nongang related, after a fair trial. However, all thoughtful Albertans have to be shocked at the Solicitor General's suggestion that mere membership in certain youth gangs be reason enough for deportation; in effect, guilt by association. To the Solicitor General: I'm wondering whether the minister doesn't realize that punishment on the basis of who individuals associate with is a slippery slope that we have seen, that led to individuals being deported in this country and elsewhere on the basis of being members of labour unions . . .

MR. SPEAKER: Thank you, hon. member. [interjection] Thank you. [interjection] Sorry, hon. member.

MR. FOWLER: I have a great deal of difficulty, Mr. Speaker, knowing where the question was in that little tirade. However, I believe that the large majority of Albertans believe that immigrants should be welcomed into this country with open arms. It's likely the greatest country in the world for new Canadians to come to and make a new life. However, there are certain people in this country, including the Solicitor General of British Columbia, who have indicated that those who take out gang membership or become involved in gangs in which the gang's only involvement is in crime in all probability should not continue to warrant the right to live in this country and should be deported summarily. I agree.

2:50

MR. CHUMIR: Apparently we have a lost cause there, Mr. Speaker.

To the Premier: I'm wondering whether or not he is prepared to say whether the Solicitor General's views reflect the views of this government, and if not, will he clearly state to the people of this province that we're not going to support guilt by association?

MR. GETTY: Mr. Speaker, the supplementary question in no way relates to what the Solicitor General said. The Solicitor General was very clear with his comments.

MR. CHUMIR: I'm wondering whether or not the Premier is prepared to acknowledge that a large part of our problem is the abysmal absence of programs for disadvantaged youth in Alberta, both immigrant and nonimmigrant, and take some steps to bring some of those programs into being so that we don't have these problems in the future.

MR. GETTY: A large part of our problem is the lawyers that milk the system keeping people like Charles Ng in Canada. [interjections]

Speaker's Ruling Decorum

MR. SPEAKER: Hon. members, I'm sure it's springtime, because you sound like a swarm of bees humming away. But really we're wasting the time of your own members to get in; I don't care which political party you happen to be with. So now let's just stop the nonsense, and we'll get on with hearing the questions from all hon. members.

Calgary-Bow, followed by Edmonton-Strathcona.

AN HON. MEMBER: What about them?

MR. SPEAKER: Hon. member, I said all sides of the House. Perhaps your sound system is not working there. I'm sorry.

Calgary-Bow.

Senior Citizens Programs (continued)

MRS. B. LAING: Thank you, Mr. Speaker. My question is for the hon. Minister of Municipal Affairs. There is still a lot of confusion and concern among the seniors regarding the recent program changes in the budget. [interjections] Because of this confusion and distortion which now exists, much of which has been caused by the opposition members of this Legislature, my constituents would like to know, Mr. Minister, the truth about some of the other benefits enjoyed by Alberta seniors. One, has the property tax reduction . . . [interjections]

Speaker's Ruling Decorum

MR. SPEAKER: Order please. You might as well sit down. This is going nowhere.

MR. McINNIS: We're going nowhere.

MR. SPEAKER: Forgive me, hon. member. Edmonton-Jasper Place.

MR. McINNIS: I said "We're going nowhere."

MR. SPEAKER: Would you like to stand up? What does that mean?

MR. McINNIS: I for one member am getting tired of the kindergarten atmosphere around here. It seems to me that we need to get this thing going, get this moving.

MR. SPEAKER: I agree.

Perhaps now you'll be good enough to listen to the Member for Calgary-Bow, please.

Senior Citizens Programs (continued)

MRS. B. LAING: Thank you, Mr. Speaker. Mr. Minister, has the property tax reduction program been canceled along the line, and is it going to be income tested now?

MR. R. SPEAKER: Mr. Speaker, there are two programs that

run in tandem. One is the senior citizens' renter assistance program, where \$50 million has been in place for years and will remain in place. The other program for seniors citizens is called the property owner tax rebate of \$70 million. That will stay in place as well, as it has for years and years.

MR. SPEAKER: Calgary-Bow, please.

MRS. B. LAING: Thank you, Mr. Speaker. Mr. Minister, then what about the seniors rental grant? Is that going to be canceled in the future, in the next few years? We hear things that are projected into the future. Thank you.

MR. R. SPEAKER: Mr. Speaker, we have made no plans to cancel that program. The seniors of this province can be assured that their interests will be taken into full consideration at all times.

Immigrants' Rights (continued)

MR. CHIVERS: Mr. Speaker, my question is for the minister responsible for human rights. The Solicitor General this afternoon has confirmed his ill-conceived suggestion that landed immigrants suspected of associating with members of criminal gangs be summarily deported. His proposal raises serious questions and concerns in immigrant communities that they will be judged by a different standard of law, and it raises serious human rights issues. Does the minister support her colleague's suggestion, or does she acknowledge that it would be more appropriate, useful, and humane for this government to adopt other policies to discourage new Canadians from being drawn into a life of crime, such as improved English as a Second Language programs, employment equity for immigrants legislation, and increased funding for settlement services, instead of decreases as contained in the budget?

MS McCOY: Mr. Speaker, the questions that the hon. member has addressed actually cover across a number of portfolios. The Minister of Career Development and Employment, for example, has responsibility for settlement services. There are three or four departments who have responsibility in prime delivery of English as a Second Language. However, as Chair of the multiculturalism committee of cabinet I will say this: we are focusing very much on programs that are of direct assistance to those people who have recently moved to Alberta and who have in some cases not the skills of those of us who have been here for a long time. Speaking English is one of those. There is a very great focus from early childhood school all the way up to English as a Second Language in the workplace that we are focusing on. We continue to urge the federal government to increase its funding insofar as they have recently been withdrawing from that field, as they have withdrawn from so many others recently.

MR. CHIVERS: Mr. Speaker, the hon. minister hasn't disavowed her support for the matters addressed by the Solicitor General, but the Attorney General, to his credit, has expressed his support for the principles of fundamental justice. I would ask that he confirm in this Assembly that he does not support measures that ignore due process, the presumption of innocence, or the letter and spirit of the Charter of Rights.

MR. ROSTAD: Mr. Speaker, I can assure the hon. member that the Attorney General, as minister responsible for the administration of justice in this province, will ensure that the law is lived not only by the words but by the spirit and that if, in any instance, an immigrant or any citizen of Alberta comes before the courts, they'll be treated fairly and by the rule of law.

MR. SPEAKER: Westlock-Sturgeon.

Constitutional Reform

MR. TAYLOR: Thank you, Mr. Speaker. Yesterday this Premier held his constitutional flag high in the force of his own wind and said that he had already decided on the decentralization of Canada and that the people's input would be just a mere detail. He says that he's an Albertan first, but a lot of Canadians first out there are very worried today. Does the Premier agree with Premier Bourassa and the Belanger-Campeau commission when they say agriculture should be the exclusive prerogative of the provinces?

MR. GETTY: Mr. Speaker, as I pointed out yesterday and to the other Premiers, Alberta has a special select committee which will be going throughout our province getting input on matters of detail of our new constitutional package. That is one of those types of matters that we'll be listening to Albertans to hear what their views are.

MR. TAYLOR: Mr. Speaker, Alberta's largest industry, its biggest employer, is not a detail as far as the Constitution is concerned. What is the Premier going to tell those cattle producers who sell 40 percent of their beef to Quebec about the whole question of sabre rattling and that the provinces should be exclusively in charge of agricultural trade?

MR. GETTY: Mr. Speaker, I'm not sure, but I think the hon. member knows that agriculture is currently a shared responsibility between the federal government and the provinces. In the coming weeks and months as the Alberta special select committee travels throughout our province meeting with Albertans and getting grass-roots input into the Alberta constitutional package, it may well be that that will change our proposals to the federal government, representing the people of Alberta, that that matter will be dealt with.

In the meantime, Mr. Speaker, I want to make it absolutely clear that we are not getting into constitutional negotiations before the select committee reports.

3:00

MRS. GAGNON: So why would you say what you said yesterday?

MR. SPEAKER: Does the Chair recognize now that Calgary-McKnight wants to come into the speaking order at this point? Red Deer North, followed by Calgary-Forest Lawn.

Senior Citizens Programs (continued)

MR. DAY: Thank you, Mr. Speaker. My question is to the Acting Associate Minister of Family and Social Services. Two days ago in the Assembly some seniors from Red Deer in the gallery were confused by some deliberately misleading information about programs which was brought forward by the opposition. I'd like some clarification today by asking the acting

minister to spell it out very clearly, not just for Albertans but also for members of the opposition: has there been a change in health care premium policy for seniors?

MR. DINNING: Mr. Speaker, in order to clear up the confusion created by the opposition and to assure all Albertans, indeed, all seniors of this government's commitment to their well-being, the answer is no. There has been no change in this government's policy of providing nearly 270,000 Alberta seniors and their dependants with premium-free health care coverage, nor is there any contemplation of any such change in the policy.

MR. DAY: Unfortunately, Mr. Speaker, the seniors' anxiety because of these opposition misrepresentations goes even further. I'd like to ask the minister to clarify again, not for just for Albertans but for the irresponsible opposition. Would he tell us today: do seniors now have to pay Blue Cross premiums that were formerly premium free?

MR. DINNING: Mr. Speaker, the answer again is no. Let's make it perfectly clear that Blue Cross premiums will continue to be paid by the government, by the taxpayers of Alberta, on behalf of all 270,000 senior Albertans and their dependants.

MR. SPEAKER: Calgary-Forest Lawn.

Alert Disaster Services

MR. PASHAK: Thank you, Mr. Speaker. It's one matter for the government to provide loan guarantees for risky financial ventures; it's another to ensure that these loans are properly backstopped. A good example of the government's failure to protect the public interest in this regard is the loan guarantee which was made to Alert Disaster Services. This loan provided a barge as part of the Southern Alberta Institute of Technology's ill-fated Batam Island project. My question is to the Minister of Economic Development and Trade: given that a receiver has been appointed for Alert Disaster Services and that the government has paid out \$4 and a half million to the Canadian Imperial Bank of Commerce to honour the loan guarantee, will the minister now tell us what the taxpayer is likely to recover from the sale of the barge? Or is it the government's intention to sail the barge on Buffalo Lake as a tourist attraction?

MR. ELZINGA: Mr. Speaker, as much as I love to indulge in debate with the leader of the New Democratic Party and the hon. Member for Calgary-Forest Lawn, and recognizing that love, sometimes I respond on behalf of other ministers when I shouldn't. The hon. member should put that question to the Minister of Advanced Education, under whom that directly falls. The loan guarantee was offered to the Southern Alberta Institute of Technology because they wanted to have a training program put in place. So let me leave the hon. member with the assurance, acknowledging the absence of the Minister of Advanced Education, that we are presently doing our level best to recoup the taxpayers' investment in this company, recognizing that there were opportunities related to training and also opportunities for the sale of technologies that were developed within the province of Alberta. For that reason we involved ourselves with Alert Disaster. It's far too early to indicate what losses will be suffered. I should indicate again to the hon. member that it played a very important part in the sale of the technology that comes from the province of Alberta. That training barge is presently there, and I had an opportunity to

view it some months ago. We are hopeful that a sale will complete our transaction.

MR. PASHAK: Mr. Speaker, given that two private companies were smart enough to pull out of the Batam Island project early on and that the government knew that SAIT had no legal authority to be involved in this project in the first place, what, if anything, have the minister and this government learned from its involvement in this debacle, and what procedures are they taking to tighten up the process of granting these loans in the first place?

MR. ELZINGA: Mr. Speaker, let me just reinforce what I indicated earlier. I indicated to the hon. member that this fell directly under the Minister of Advanced Education, which he acknowledged himself by bringing SAIT into the question. He'd best put the question to him.

MR. SPEAKER: The Member for Edmonton-Calder.

Child Care Standards

MS MJOLSNESS: Thank you, Mr. Speaker. While this government doles out millions of dollars to failing companies, many families in Alberta are in desperate need of good quality out of school care for their children. Not surprisingly, and contrary to what the Premier said yesterday about standards in this province, Alberta is the only province which has absolutely no provincial standards or regulations in place for out of school care. To the Minister of Family and Social Services: given that children throughout Alberta are subjected to a wide variety of quality in out of school care, will the minister begin immediately to introduce provincial out of school care standards to ensure high quality for all Alberta children?

MR. OLDRING: I know that the members opposite seem to feel that it's up to the government to intrude into the lives of Albertans at every given opportunity and that parents aren't able to make appropriate decisions for their children. Mr. Speaker, I'd also point out to the member that she seems to feel that municipal governments aren't able to make those decisions in co-operation with parents. The member knows that we're in partnership through a program called FCSS in providing after school care throughout this province and that in some instances municipalities have taken it upon themselves to put standards and requirements in place. Again I would remind the member opposite that this minister and this government have a great deal of confidence and faith in parents being able to choose appropriate placements for their children. The member opposite might not think that's appropriate, but I do.

MS MJOLSNESS: This province continues to lag behind every other province in this country, but that's not surprising.

Mr. Speaker, in 1981 this government unofficially passed the responsibility for out of school care to municipalities and of course now funds it through FCSS. [interjections]

AN HON. MEMBER: Ask the question.

MS MJOLSNESS: You're nervous aren't you.

Speaker's Ruling Decorum

MR. SPEAKER: Order please. I know we all have great difficulty at times standing in this House to try to do what we're

doing, and the Chair well remembers being a nervous backbencher trying to stand up at any time to ask a question in this maelstrom known as question period. It's right to have the succinct supplementary, but we don't need to start calling "question" when only 15 seconds have passed. Let's at least try to have the thing happen. [interjections] Let's not all try to be sanctimonious about it either.

Edmonton-Calder, please.

Child Care Standards

(continued)

MS MJOLSNESS: Mr. Speaker, given that out of school care uses up a huge amount of FCSS funds in many municipalities, will the minister act on the recommendation of the intermunicipal task force on out of school care and fund out of school care separately and tie this funding to high quality of standards?

MR. OLDRING: Mr. Speaker, I think municipalities have done an exceptional job of establishing priorities in their municipalities. One of the things that this government recognizes is that there is a need for partnership. In that municipal governments, I believe, are amongst the closest level of government to the citizens of Alberta, they're able to establish local priorities, local initiatives on, I think, a very capable basis, and they're doing that right across this province.

The member has raised the issue of child care in this province lagging. Mr. Speaker, this province is not lagging; this province is leading. This province is the only province in Canada that actually has a surplus of day care spaces. I can tell you that the province of Ontario under an NDP government certainly hasn't met the demand for day care. I can tell you that the cost of day care is certainly a lot higher in Ontario than it is in Alberta. We know that in Alberta we have the most affordable day care in all of Canada with the exception of one province, and that's the province of New Brunswick, which is marginally less. So we are leaders when it comes to providing child care in this province, and we're going to continue to lead the way.

MR. SPEAKER: Calgary-North West.

3:10

Meat Packing Industry

(continued)

MR. BRUSEKER: Thank you. Mr. Speaker, just a few hours ago we learned that Canada Packers is closing its Calgary and Lethbridge slaughtering and packing plants. I guess we can consider this to be the fruits of this government's involvement in the red meat industry. My question is to either the former or the current Minister of Agriculture, whichever one wants to answer it.

MR. SPEAKER: You can't ask the former.

MR. BRUSEKER: To the current Minister of Economic Development and Trade, then, with respect to the red meat industry: while some rationalization, of course, in the red meat industry is required, do this government and this minister believe that it should be not the firms that can compete in the open market but only those that get subsidized by this government that should be surviving in this marketplace today?

MR. ISLEY: Mr. Speaker, as my colleague the Minister of Economic Development and Trade pointed out rather clearly, there has been in place in this province for some time a program

called the Agricultural Processing and Marketing Agreement, for which various firms involved in secondary ag processing qualified under certain formulas. I would hardly call that a subsidy.

The hon. member did recognize, I think, in his opening remarks that rationalization is necessary in the beef sector. I would submit to all members that if rationalization hadn't taken place in the beef processing and slaughtering business in this province, it would probably all have slipped south of the line. I've indicated to this Assembly before that there is going to be some further rationalization in the meat processing sector, and while it's painful and affects certain employees in one area and maybe opens up new job opportunities in another, it's a necessary part of a maturing industry.

MR. BRUSEKER: Mr. Speaker, the Liberal opposition learned from officials at Canada Packers that it's unequal government involvement in the red meat industry that caused this company to make the decision to close down. So my supplementary to the minister, then, is: will the minister commit to stopping all ad hoc funding of the red meat industry, let them look after themselves, as the minister knows they've asked for themselves?

MR. ISLEY: Mr. Speaker, as the hon. Minister of Economic Development and Trade explained, Canada Packers was eligible for the program I described earlier, and they've used it in rather significant ways. They did not choose to use it in the meat packing industry. They used it in edible oils and those types of arms of their firm.

I think it's fair to say that I don't believe we have put ad hoc financing into this sector. We've put it in through programs. I think we stated very clearly on behalf of the Meat Packing Task Force of this government that once we put the commercial loan in place with Lakeside, that was the last major involvement in meat packing rationalization, unless someone was doing something in a significant way to enhance value adding in this province.

MR. SPEAKER: Calgary-McKnight.

Home Schooling

MRS. GAGNON: Thank you, Mr. Speaker. My question today is to the Minister of Education. A number of parents in Alberta for a variety of reasons have made the decision to provide their children with schooling at home. According to the School Act this is perfectly legitimate, and certain legal requirements are in place to assure supervision and quality. This supervision is to be provided by the local school district. Because I've heard a lot of concern about supervision being sporadic and uneven and about standards being lax, my question is: what assurance can the minister give this Assembly that all children in home schooling are receiving an adequate education?

MR. DINNING: Mr. Speaker, I'm not quite certain whether the hon. member is expressing her Liberal Party view that they are opposed to home schooling, that they are opposed to choice, opposed to parents making a choice as to where they want to have their children educated. I would invite the hon. member: if she is aware of a concern, of a child who is not getting a proper education, that she bring that to the attention of the Minister of Education.

MRS. GAGNON: Mr. Speaker, the minister knows that I am all for parental choice and always have been. What I would like

to know is if the minister would present a report in this Assembly, including basic test skills results and so on, so that we can dispel the fears that many have about home schooling.

MR. DINNING: Mr. Speaker, I know where the hon. member for Calgary-McKnight stands, but I also know that her party is opposed to allowing parents to make a choice for their children. We know where she stands, but she and her party are at odds with one another.

I would repeat that we have spelled out in the School Act provision whereby parents may make that choice and whereby funding goes to the school boards who are responsible for that child who is being educated in his or her home. That school board then has a responsibility to ensure that the child is getting an education and that the child and his home are visited from time to time by the teacher/consultant/home schooling person responsible. Again, if the hon. member knows of a child in this province who is not getting the education that he or she is rightfully entitled to, then it's incumbent upon the hon. member to provide that information to my office.

MR. SPEAKER: Grande Prairie.

Senior Citizens Programs

(continued)

DR. ELLIOTT: Thank you, Mr. Speaker. I, too, have a telephone that rings off the hook, particularly recently with the confusion that's out there in the form of reported news, not the good news but the distorted news, relative to the information going out about our seniors programs. I'd like to ask the Acting Associate Minister of Family and Social Services: are our Alberta seniors now going to be able to access updated benefits under the Aids to Daily Living program for diabetes and power wheelchairs, or do seniors have no access to these benefits?

MR. DINNING: Well, Mr. Speaker, again I know that the hon. Associate Minister of Family and Social Services would appreciate the question, and I want to again clear up the confusion and the fear that's been created by the opposition and to assure Alberta seniors of this government's commitment to them. The fact is that this government has quite properly reviewed the Alberta Aids to Daily Living program to ensure that more contemporary benefits are provided to better meet Albertans' needs. We have done that, and we've done it in such a way that the changes will be available to all Alberta citizens and will be of great benefit to our Alberta seniors. Some of the new benefits include power wheelchairs, ostomy supplies, mastectomy prostheses, suction therapy equipment, and something that many Albertans have been calling on us to do, and that is to ensure diabetic monitoring supplies. The Canadian Diabetes Association has been calling for this, and many Albertans across the province have been calling for this for years. This government has responded. We now have a program that's suitable for Albertans in the 1990s, and it meets their needs.

DR. ELLIOTT: Well Mr. Speaker, another place where confusion has been spread around is with respect to the following question: do seniors not get any dental or optometric benefits in Alberta now, as is the case in other provinces?

MR. DINNING: Mr. Speaker, Alberta seniors will continue to receive dental and optometric benefits, as they always have in the past. This is a unique program. When I look at Ontario,

when I look at British Columbia, when I look at Manitoba: those provinces do not provide the kinds of benefits for optometric and dental care that we in this province do. Yes, we are now asking seniors in Alberta to share 20 percent of the cost of this program, so this year Alberta seniors will be eligible for up to \$1,000 of free benefits under the dental and optometric plan.

MR. SPEAKER: Calgary-Glenmore, followed by Edmonton-Mill Woods.

3:20 International Development Aid

MRS. MIROSH: Mr. Speaker, thank you very much. I would like to take a moment to commend the Minister of Economic Development and Trade on his recent news release regarding the government's initiatives and contribution of \$100,000 to the Canadian Red Cross Society for relief and assistance to the people in the Persian Gulf. We talk about poverty in Alberta, but we all must realize that people in countries in other parts of the world are suffering beyond our imagination. While there is a cry for money to provide humanitarian assistance and protect victims of conflict, especially the Kurds, I'm concerned that the reports we are receiving are indicating that the packages are not getting to these people. How can the Minister of Economic Development and Trade assure this Assembly that the government's contribution will in fact reach these needy people?

MR. ELZINGA: Mr. Speaker, let me begin by paying tribute to all Members of this Legislative Assembly whereby a motion some time ago was passed unanimously indicating that we should further offer support to the Kurdish people, recognizing the difficult circumstances that do exist in the Persian Gulf. I had the opportunity, as the hon. member indicated, to announce jointly with the Red Cross that we are going to offer \$100,000 from the government of Alberta on behalf of the residents of the province of Alberta to this very worthy cause. We have full faith in the excellent work that the Red Cross does do, and I had an opportunity to pay tribute to their involvement as it relates specifically to this instance but also their involvement worldwide. We do have full faith that this money will go to those who are in need, recognizing the outstanding contribution the Red Cross has made on a consistent basis throughout the world.

MRS. MIROSH: Since the start of the Alberta program for international assistance, how much money has the Alberta government contributed to the nongovernment organization, or how does this compare to other provinces across Canada?

MR. ELZINGA: Mr. Speaker, since the Alberta agency was established in 1974, there have been contributions of some \$80 million. We're delighted that we can play a small role in a support way to what is traditionally a federal government obligation. We initiated this recognizing that it is a federal government obligation, but we wanted to supplement the generosity of Albertans by involving ourselves through the Alberta agency. We have contributed some \$80 million, and it is much, much more than any other province does do in Canada.

Speaker's Ruling Brevity in Oral Question Period

MR. SPEAKER: Today we were able to get three more questions in than yesterday. The Chair appreciates the fact that

most hon. members were much better and speedier at getting their supplementary questions out. It still, however, left five people waiting in the wings.

Before we deal with a point of order, might we revert to Introduction of Special Guests?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried. Thank you.
First, Calgary-Bow, then Edmonton-Kingsway.

head: Introduction of Special Guests (reversion)

MRS. B. LAING: Thank you, Mr. Speaker. It's my privilege to introduce to you and through you to this Assembly 60 very capable students from Queen Elizabeth high school in the constituency of Calgary-Bow. They are accompanied by their teachers Scott Buchanan and Gail Hicks. I would ask them now to stand and receive the warm welcome of this Assembly.

MR. SPEAKER: Edmonton-Kingsway.

MR. McEACHERN: Thank you, Mr. Speaker. It's my pleasure to introduce to you and to the members of the Assembly 13 students from the Coralwood junior academy in my riding. They are accompanied by their teachers Tony Reeves and Marilynn Nenninger. I believe they are in the public gallery. I ask them to rise and receive the warm welcome of the Assembly.

Point of Order Factual Accuracy

MR. SPEAKER: Point of order. Westlock-Sturgeon.

MR. TAYLOR: Thank you, Mr. Speaker. It's citation 410(5) in the parliamentary rules of *Beauchesne* with regard to the question the hon. Member for Red Deer-North directed to the acting minister for seniors. The acting minister for seniors came back with an answer on the Blue Cross saying that there'd been no change in premiums, but the acting minister forgot to mention that there'd been a great reduction in the coverage by Blue Cross for the same premium. [interjections] It's a point of misinformation.

MR. SPEAKER: Well, thank you, hon. member. You've just answered your own question with respect to the point of order. It is not.

Thank you.

head: Orders of the Day

head: Written Questions

MR. SPEAKER: Hon. members, if we could just keep it down, because it gets very complicated on Tuesdays and Thursdays trying to work through this process. Thank you.
Government House Leader.

MR. HORSMAN: Mr. Speaker, I move that the written questions appearing on the Order Paper stand and retain their places, except for 345, 346, 348, 350, and 355.

[Motion carried]

Health Care Insurance Payments

345. Mrs. Hewes asked the government the following question: What was the total cost spent by the Alberta health care insurance plan for the nonsurgical treatment of temporomandibular joint, TMJ, services for the periods April 1, 1988, to March 31, 1989; April 1, 1989, to March 31, 1990; and April 1, 1990, to March 31, 1991?

MR. HORSMAN: Accept 345.

MRS. HEWES: I'm sorry; we can't hear.

MR. HORSMAN: Accept.

MRS. HEWES: Thank you.

MR. SPEAKER: The Government House Leader says yes, accepted.

Safety Code

346. Mr. Bruseker asked the government the following question: Who are the members of the implementation committee for the proposed safety codes Act?

MR. HORSMAN: Accept.

FRE Pultrusions Inc.

348. Mr. Chumir asked the government the following question:
- (1) What are the terms and conditions of the \$962,000 in financing provided by the Department of Economic Development and Trade to FRE Pultrusions Inc. for the 1991-92 fiscal year, and
 - (2) what financial assistance has been provided to this company by the government previously and on what terms and conditions?

MR. HORSMAN: Reject.

Export Loan Guarantee Program

350. Mr. Chumir asked the government the following question: With respect to the \$15,582,000 provided under the export loan program as of March 31, 1990, who are the beneficiaries under the program, specifying each beneficiary by name and the amount provided?

MR. HORSMAN: Reject.

Agricultural Land

355. Mr. Taylor asked the government the following question:
- (1) How much class 1, class 2, and class 3 agricultural land in Alberta was taken out of agricultural production in each of the last three years, and
 - (2) what percentage of the land in each year was taken by
 - (a) residential development,
 - (b) industrial/commercial development, and
 - (c) highway construction and road allowances?

MR. HORSMAN: Reject.

head:

Motions for Returns

MR. HORSMAN: Mr. Speaker, I move that the motions for returns appearing on the Order Paper stand and retain their places, except for 197.

[Motion carried]

Syncrude Loan

197. On behalf of Mr. Chumir, Mrs. Hewes moved that an order of the Assembly do issue for a return showing the terms and conditions, including terms of repayment, of an \$85 million loan to Syncrude Canada Ltd. to help fund an engineering feasibility study conducted between 1986 and 1988 as part of a proposed \$4 billion expansion project.

MR. ORMAN: Mr. Speaker, I would like to take a moment and speak to the reasons why I believe we should reject Motion 197. The motion really deals with a matter that occurred prior to my term as Minister of Energy but, nonetheless, was an extremely important agreement that was entered into between the Syncrude partners and the government of Alberta. At that particular time, the Syncrude plant in Fort McMurray came to the government and made overtures that they would like to expand the Syncrude project. The first initiative, of course, that was required was that Syncrude Canada Ltd. would do an engineering study to assess the feasibility of the expansion of the Syncrude project. As all hon. members know, the Syncrude expansion is much the same as building a new plant in the Fort McMurray area. It is a very capital-intensive proposition.

Well, during those discussions and those negotiations, it was agreed that the province of Alberta would make a loan to the Syncrude partners to the extent of \$81 million. Now, Mr. Speaker, there were some very important connectors made to that loan, conditions under which the province of Alberta would extend the loan. Of course, the hon. Member for Calgary-Buffalo in his Motion 197 points out the fact that this loan – although his figure is somewhat inaccurate, it was in the range. I should also point out that part of the decision-making process that the government indulged in during that particular discussion really circled around the success of the Syncrude project. I should point out to all hon. members, as I have on previous occasions discussing this matter, that since 1980 the Syncrude project has delivered to the province of Alberta \$1.06 billion in revenue from the project.

Mr. Speaker, I had the opportunity to be an executive assistant to the Minister of Mines and Minerals when this agreement was negotiated in the middle '70s. I can remember parties represented in this House today suggesting that this was a giveaway, that it was not worth while, that we'd never see any return on our investment, that governments should ignore oil sands development because really it wasn't necessary; we were long in conventional crude oil supply and there was no necessity to bring on a capital-intensive, expensive operation such as Syncrude. Well, Mr. Speaker, I make that point because it is quite relevant to the motion, and that point is that we have received in excess of \$1 billion in royalty alone. To distinguish, that is separate and apart from our 16, 17 percent interest that Alberta Oil Sands Equity holds in the Syncrude project. The value of that in the books of the Heritage Savings Trust Fund is – I don't recall specifically – in the range of about \$400 million to \$500 million.

3:30

MR. WEISS: Plus 5,000-odd jobs.

MR. ORMAN: Mr. Speaker, the Member for Fort McMurray, the minister of career development, brings out my next point. That is that with a capital-intensive operation such as Syncrude, such as the proposed expansion, the loan that was made to Syncrude to generate the engineering study on this expansion delivers thousands and thousands of jobs. I represent a constituency in southern Alberta. Oil sands development sends a ripple as an economic generator to my constituency of Calgary-Montrose, quite a fair distance away from Fort McMurray. I can also say that it sends a ripple effect to Sarnia, to steel-producing areas of Ontario. Other provinces in this country benefit significantly.

Now, the jobs aside, Mr. Speaker, the oil sands development in this province contained a great deal of foresight when it was conceived in the early 1970s. The purpose of supporting the Syncrude project was to bring on oil sands production in the late 1980s and the early 1990s to make up the difference between the decline in conventional crude oil and the potential that oil sands development brings to this province of Alberta.

I've indicated the royalties that have been paid to this province; quite significant. That does not include, Mr. Speaker, the royalties delivered by the Suncor project. The minister of career development just this afternoon convened a meeting with myself and the Minister of the Environment to talk about the Suncor project. It, too, has delivered royalties at the same level as the Syncrude project.

Mr. Speaker, back to the production profile. Today we are seeing a decline in conventional crude oil. We are losing about 1 and a half to 2 percent a year. Of our 1.3 million barrels a day of oil, synthetic crude oil makes up about 230,000 to 250,000 barrels a day. So what was predicted in the early '70s, the vision that was contained in our oil sands development policy in the early '70s, projecting into the future to the early 1990s, that oil sands development must be poised to replace conventional crude oil, has really happened. We are living the vision of oil sands development developed in the early 1970s.

Now, this brings me back to the motion that the Member for Calgary-*Buffalo* brings forward. Unfortunately, the tone and intent of this motion really show the ignorance of the Member for Calgary-*Buffalo*. I'm glad to see he is here for this motion, Mr. Speaker, because in his constituency in Calgary he, too, will feel the ripple effect of oil sands development. This is not northern Alberta, nor is it just the Edmonton area. This has major impacts.

The loan that was extended to the Syncrude partners was to continue the vision of oil sands development; that is, to increase the capacity of the Syncrude project so that one day I can stand up in this Legislature or the next Minister of Energy can stand up in this Legislature and say that Syncrude has delivered \$2 billion in revenue to the province of Alberta from oil sands development. That is why we extended the loan to Syncrude: because we are continuing to further the vision that was established in the early '70s, and it is still a fundamental principle of this government's oil sands development.

Mr. Speaker, the other aspect of the expansion was to deal with a concern that all members in this Legislature have and that is to do with the environmental issues. We cannot improve too much on the environmental aspects of oil sands development. We must continue to the greatest extent possible to improve the environmental impact that oil sands development has, and I believe that we have done that. We have in place

very significant and stringent legislation that must be followed by oil sands development in this province.

One thing that happens from time to time, and it's been a focus of the discussion, questions in this Legislature, debate over the last week or so has been the role of government in economic development. Mr. Speaker, I am not unlike many of my colleagues on this side of the Legislature; that is, we would prefer that government not have to get involved in economic development, that the private sector should prevail. Let me say that at the same time we cannot stand by when the capital or the direction is not being taken by the private sector or the capital is not available to continue economic development in this province. That is what has happened in oil sands development.

Mr. Speaker, there would not be a Syncrude plant today, there will not be an OSLO project, and there will be no further expansions of Syncrude without the support of the government. I am fairly certain of that, and the reason I'm certain of that doesn't necessarily have to do with the basic economics of an oil sands project as it does with the size of the capital required. We have a country of 23 million, 24 million, 25 million people. We are long on natural resources, but we do not have the capital nor do we have the economic strength to direct \$4 billion to \$5 billion to oil sands development in this province. Because of good management of the heritage fund and of the economy over the years we have been able to accumulate wealth through natural resource development that we then can redirect into upgrading our resources, and that is what's happened with oil sands development. That's what's happened with Syncrude, that's what we're contemplating with the OSLO project, and that's why we made a loan to the Syncrude partners to look at the prospects of expanding the capacity of the Syncrude project and continue to take advantage of natural resource development.

Mr. Speaker, with regard to the specifics of the loan, part of the request made by the Member for Calgary-*Buffalo*, we extended a loan of about \$81 million to Syncrude. Now, I mentioned earlier on in my remarks that this loan had some conditions attached to it. There were a number of conditions, but the one that I want to speak to specifically and is really in response to the motion is that the loan was made on two prime conditions. The first condition was that if the Syncrude project expansion went ahead, if the OSLO owners did their engineering as they did and they made a decision to expand the project to increase oil sands production in this province, then that loan would be repayable and it would be repayable out of production from the expansion project. Specifically, we would receive 30 percent of the profits attributed to the expansion of the Syncrude project.

Now, at the same time that this was occurring, the OSLO owners, who are many of the same people that are involved in the Syncrude project, were considering another project rather than the expansion. If you're talking about a \$2 billion expansion or a \$4 billion to \$5 billion new plant, it doesn't take a rocket scientist to know that both projects, just from a capacity of dollars required, could not go ahead at the same time. So the decision of the Syncrude partners was, instead of pursuing the expansion of Syncrude, to pursue building a new plant.

3:40

Now, that does not mean to say that a time will not come in the future when Syncrude will indeed expand their project, but the resources and the focus today is building the OSLO project. Mr. Speaker, if we are unfortunate to see the OSLO project not proceed, I would daresay that the owners would then be back

dusting off the engineering study on the shelf – the \$81 million loan that we gave them was a part of that study – and they would be pursuing the possibility of expanding Syncrude.

I should say that the other aspect of Motion 197 put on the floor by the Member for Calgary-Buffalo deals with a request for the information. Well, Mr. Speaker, as I indicated earlier in my remarks, it would be preferable if government was not required to be involved in the expansion of the economy, no matter what it is. Whether it's forestry, whether it's for small business, whether it's for agriculture, whether it's for economic development or oil sands development, it would be quite preferable that government doesn't get involved, and that is really the position that our government has taken.

I should say as an editorial comment that when we do get involved and we have met our policy objective, then we draw the conclusion that it is time to withdraw from that particular investment. That is what our intention is with Syncrude. If we get the return that we feel is valuable for our investment into Syncrude through our Alberta Oil Sands Equity, we will consider selling it if the value offered is right. I should also say, Mr. Speaker, that we are not selling our royalty. Our royalty interests are not for sale, so we will continue to get our royalties.

Back to the issue on information. I want to say to the hon. Member for Calgary-Buffalo and all hon. members that when governments – and I said it's unfortunate; it's not preferable that governments are involved in an economic way in the expansion of the economy. But it is required from time to time that we must enter into agreements, and it is agreements that are not unlike a private-sector company with a private-sector company. That is, the terms negotiated between the two parties are just that: terms negotiated between the two parties. It is a deal that is made between one party and the other to establish a commercial relationship to move forward with, Mr. Speaker. Now, there are a number of reasons why it is not advisable, and I know that the hon. member knows it. The hon. member himself is in business. He may represent shareholders or investments, and I'm not sure that they would be satisfied if he stood up and tabled publicly all of the commercial relationships he has with his partners. Maybe it is. We do have rules in the Legislature on disclosure, but we don't have rules that we must define the commercial relationships that have been negotiated in those business arrangements. For that particular reason, it is important that there is a certain element of confidentiality associated with business relationships. It is not unlike the relationship that, say, the Minister of Family and Social Services has in terms of relationships with his clientele.

MR. McEACHERN: Nonsense.

MR. ORMAN: Now, a perfect example, Mr. Speaker, of disclosing. [interjections]

Speaker's Ruling Decorum

MR. SPEAKER: Excuse me, hon. minister.

Come on. You know Standing Orders just as well as anyone else, but just to make certain.

[The] Speaker shall preserve order and decorum and shall decide questions of order.

And 13(4):

When a member is speaking, no person shall . . . interrupt that member, except to raise a point of order.

I take it from your mumblings and grumbings that I'll be looking forward to hearing from Edmonton-Kingsway and

Edmonton-Jasper Place sometime in the near future when we're discussing this, after the minister gets a chance to make his comments. [interjection] Hon. member, the minister still has the floor.

Debate Continued

MR. ORMAN: Thank you, Mr. Speaker. I was making a point, and I think it's very important, that commercial relationships negotiated between, say, the Minister of Energy and Syncrude and the confidentiality necessary are not unlike the confidential relationship that the Minister of Family and Social Services has with his clientele. That is, for people who are social assistance recipients there is a certain element of confidentiality required. In many cases it's the name of the individual. Now, we know what happened with the NDP government in Ontario. The Minister of Health had to resign for revealing one of the Minister of Health's clientele. So the relationship is not specious. In dispatching our responsibilities as ministers of the Crown, we must preserve the integrity of the relationship.

Now, if, for instance, the Syncrude partners wished to reveal publicly that the terms and conditions of the loan did not affect their commercial relationship with their shareholders, or if it effected some sort of a disadvantage to them with their competitors, then they would make that information available. Mr. Speaker, we have a responsibility as a government to maintain a certain element of confidentiality and to respect relationships that are entered into under the conditions that are established. In this particular case it's clear to me that the request outlined in Motion 197 by the Member for Calgary-Buffalo clearly would breach a principle of understanding between the partners and the government of Alberta.

Now, Mr. Speaker, I know what the hon. member's going to jump up and say. He's going to jump up and say that everyone has the right to know all the information. I know that he wouldn't take that stand if he was standing in a court on a civil liberties case. I know that he'd be taking the other side of the issue, but certainly the politics of this Assembly would suggest that it's convenient for him to make this argument.

Governments are judged by their conduct on a regular basis by their constituents and particularly at the polls. Mr. Speaker, I daresay that the relationship that this government's established with Syncrude, the commitment we've had to oil sands development, the negotiation that we entered into under this expansion project with Syncrude in my mind clearly would be judged very favourably by the people of Alberta. I know it's judged favourably by the people of Fort McMurray, because it's continually impressed upon me by the Member for Fort McMurray and the Minister of Career Development and Employment how important it is to further along oil sands development. As Minister of Energy it is becoming clearer and clearer to me that the development of oil sands is very important to the future revenue generation for the people of Alberta, and I will continue to enter into agreements. Certainly my colleagues on the government side are made aware of those agreements, because that's part of our responsibility. No one minister runs out and makes a deal without his colleagues being aware of it, particularly one of this magnitude.

Mr. Speaker, for those reasons I think it's important to continue on our course of economic development, continue our strategy on oil sands development, and continue to further interest in oil sands development. If that means from time to time entering into commercial agreements with the private sector, so be it. When we do and if we do, it will be under the generally accepted principles of the business community, and

that is that the deal between you and me is confidential. There are terms that cannot be made available for the reasons that I've indicated.

So, Mr. Speaker, for those reasons I would urge all members of the Assembly to reject Motion 197.

3:50

MR. SPEAKER: Calgary-Forest Lawn.

MR. PASHAK: Thank you, Mr. Speaker. I'd like to begin by saying that I agree with most of what the Minister of Energy had to say in response to this motion. I'm not sure that he built a complete case for voting against it and not supporting it, however. Certainly there is some more information that could be made available to the public that wouldn't destroy business confidentiality, I would think. In particular I agree with the minister when he says that we really have to give our full attention to developing heavy oil and the tar sands resource of this province, because as the minister pointed out, our conventional oil is in a serious state of decline, perhaps as much as 5 percent a year. You can make various estimates about how long the life of our conventional oil resource is; some experts set it at 30 years, 35 years. A lot, of course, depends on what kind of exploration and development activity goes on. In any event, given that we have an older industry that's in a state of decline, it's absolutely essential that the government does get behind and support heavy oil and especially tar sands development.

[Mr. Deputy Speaker in the Chair]

Having said that, I think that back in 1986 when these arrangements were entered into, or at least discussion on these arrangements began, the government probably did the right thing. There was a need to begin looking at and supporting the expansion, I think, of Syncrude at that time. I'm not privy to all the information that the minister would have, so I'm not going to try to second-guess the decision the government made at that time. However, it does point out a few things. If the government's going to tie up a significant amount of money, like \$81 million, in a project of this kind, perhaps there should be some greater indication that the project is likely to proceed before we invest this. The minister said he is going stick to his present course and current strategies. They may want to reconsider the course and the strategies in light of what's happened with the \$81 million.

One of the things that I'm not really clear about from reading the statement in the public accounts with respect to this contingency, and I listened very carefully to what the minister was saying: what the future holds with respect to this \$81 million advance. If the project proceeds, for example, is there a possibility that in the future the province could be reimbursed for the \$81 million? I'm not clear about that, and some comment on that would have been helpful to me in terms of the decision I would make to vote on this issue.

The other area that I'm somewhat concerned about in terms of what the minister had to say was a suggestion that they were going to sell off their shares in Syncrude. I can understand very well the government wanting to deal with the situation of massive debt that it has entered into, and one way to do that, I think, would be to sell off resources that the province owns. I mean, that's one way of dealing with the debt, but it seems to me that a general principle that should apply there is: only sell off those resources for which we're earning a lower rate of return than we're paying interest on the debt. Syncrude has

brought us a very good return, as the minister has pointed out, and it holds out the promises of continuing to do that for the years to come. So I would question whether or not, especially when we're looking at the strategic importance of tar sands developments for the future viability of this province, we'd want to begin to move out of Syncrude at this point in time.

Having said that, Mr. Speaker, I think I will wait to hear the concluding remarks by the Member for Calgary-Buffalo before I make my decision as to which way I'm going to vote.

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Kingsway.

MR. McEACHERN: Yes, Mr. Speaker. I wish to add a few comments to this debate. While the minister may have talked about the development of oil sands in a reasonable manner and the Member for Calgary-Forest Lawn has added some points about the need for an orderly development of our heavy oil and our oil sands, that's all very fine, but he still didn't own up to the fact that the \$81 million is probably down the tube and should be put into the loss column of the economic adventures of this government. He tried to pass it off as Syncrude requested the loan for this expansion, but of course he later admitted that Syncrude is made up of a partnership of which the government is a partner. So it was kind of an incestuous request, if you ask me. Fair enough; I just point that out.

The minister also talked about what a good deal Syncrude was, and I agree it's come through with a lot of dollars, because the price of oil has gone up considerably since it was first put in. One might point out that we jumped from a fairly small project like GCOS to a very large Syncrude project, so it was a very big and incredible investment. In fact, the taxpayers of this province put up almost all of the money for the project. The oil companies that put in their \$600 million – two of them, I believe, did – and \$200 million from Cities Service got tax write-offs for their investment in it, so it was the taxpayers of this country that put all the money into the Syncrude project. The Alberta government built them a power plant and a pipeline to add to their investment in it. The Ontario government threw a little money in. The private-enterprise partners did not put any of their own money into that project, and yet they got a pile of money out of it. You know, there are many other sides to this project.

The next thing they planned was the Alsands project, which was probably too big a leap in terms of size for anybody to swallow given the economics of the tar sands development of its day and finally died although not because this government had enough sense to see it. They were still willing to throw in something like \$5 billion just before the '82 election on the hope that somebody would go ahead with it. Anyway, the oil companies had enough sense to see that the \$14 billion project, which had started out as a \$4 billion, was not a viable one. So I don't think we've seen an orderly development of the oil sands and the tar sands out of this government. We should have had a more gradual growth and development of the oil sands, not this one major big project in the mid '70s and then nothing since.

We're now talking about the OSLO project, which may or may not get off the ground because of the economics of it. The deregulation and leaving the oil industry totally to the hands of OPEC and the big sisters isn't exactly a way to inspire confidence that we're going to have the price on a barrel of oil to make it worth continuing to develop the tar sands. When Saudi Arabia can stick a pipe in the ground and get oil out, a light crude that is exceptionally good, at the price they can, the

government is not really developing a policy for this country that allows Canada to get behind Alberta and build on the heavy oil and the upgrading of the tar sands in an orderly way that we can count on and in a stable sort of manner.

Now I'm going to come to the motion more specifically, about asking for information. Since when is it wrong to ask for information? Does that mean that one is somehow against everything that Syncrude has done or stood for or the development of the oil sands? All we're asking is that the government come clean and admit what they're doing. For the minister to try to tie the confidentiality with Syncrude to the confidentiality of the minister of social services dealing with a social services recipient is like saying that the Syncrude partners are on welfare. I guess maybe that's true, eh?

It was Grant Notley who wondered why it is that when we give some money to somebody that really needs it, we call it welfare; sort of sneer mostly about it and say, "How come we've got to give you welfare?" When you give money to a farmer because he just has had a total crop disaster or something, we tend to call it a subsidy – another dirty word – always sort of complaining that we have to subsidize farmers. It's the general attitude of a lot of people anyway, certainly not the attitude of myself. When we give money to Imperial Oil, let's say, because they're the driving force behind Syncrude, because they don't need it and because it's so clear they don't need it, we have to find some nice word, and we call it an "incentive grant." Then we keep it all secret.

Syncrude has not come through with the kind of information about what they're doing and what they're not doing and what the dollar values are and how they're splitting it with the government. Sure we're partners in the business, but the government makes no annual statement of the profits and losses other than just sort of a global figure. We don't get a breakdown. We don't know what's going on with the Syncrude project in a detailed way, and the government is a major partner in Syncrude. For heaven's sake, if the government doesn't have the courage to release the figures, then they should be turfed out of office so that we can put in a government that does make deals with businesses where the businesses are prepared to have the information made public. There is no reason in the world that we shouldn't know what's going on. This confidentiality kick that you guys are on is just a way to help you run a secretive government; that's all. That's what you've been doing, and that's what you'll continue to do until the people of Alberta get tired enough of you to throw you out. I suggest that's going to happen in the not too distant future.

4:00

The other point the minister wanted to make was that this government doesn't really want to get involved in the economy but, you know, times were really tough and they had to and they're not afraid to step in and get involved in the economy. Look, the time has long gone when governments can stay out of the economy. I mean, if you want to go back to about 1820 or something, they could, more or less, but even then probably the only economy there really was was the Crown or something. We have three levels of government in this country. A lot of money circulates through those governments in taxes that are collected. Infrastructures are built, there are schools built, there's social services: governments do get involved in the economy. Okay? So I wish we would put to rest the idea that a government can operate in a manner that leaves it not involved in the economy. It's not possible. Governments are involved in the economy in a major, major way.

So the question really is: how are they involved and for whose benefit are they involved? It's supposed to be to the benefit of all the people. The Tory government seems to be mainly concerned about getting involved in the economy to the benefit of their corporate friends. That's the essential problem. It isn't a question of should you or should you not get involved in the economy. It's how you get involved in the economy and whom do you benefit by being involved in the economy. It's time the government woke up and realized that. Every election they send off brochures saying: the government is going to get out of the economy; we believe in private enterprise; government shouldn't be involved in the economy. Nobody has been more involved in the economy than this government and nobody will be more involved in the economy than this government, but it's how you get involved in the economy that is the problem. You've done far too much trying to pick the winners with the ad hoc programs. That's been the major problem, and the major thrust of our debate in the House over the last week or two.

What you need to do if you're going to get involved in the economy is make sure that the involvement is necessary and agreed to by the people who are concerned and interested in that particular thing, and the taxpayers. It's a partnership with the taxpayers, don't forget, if you're going to use their dollars. So you have to set up some criteria, set up some rules, and set up some arm's-length arrangements so that the program can be carried out. A lot of your program funding that you have isn't all that bad. Some of it isn't all that good and we could make some improvements on some of it, but your ad hoc program of trying to pick individual winners is nonsense of course. In the oil industry some of the projects because of their size may need specific cabinet approval and involvement as in the OSLO project or as in the Syncrude project. I'm not complaining with the method there, but certainly this business of trying to pick winners in ordinary or middle sized companies has got this government in a lot of trouble.

The final point I want to make, then, is just back to the question about information. There is no reason in the world that Syncrude and the government of this province shouldn't make that information available to the people of this province. It is our money after all. You've just spent \$81 million, and as far as we know in terms of what it accomplished – because there's been so little information forthcoming about how it was used and what the terms were and how it was agreed upon that the government should put \$81 million of taxpayers' money into that expansion – it was money down the tube; it was just money thrown away by this government. The expansion has not gone ahead. The same partners have decided: oh no, OSLO would be a better project. What happened to the \$81 million and the plans for the expansion? We've had no explanation, and I think the people deserve an explanation.

MR. DEPUTY SPEAKER: Is the Assembly ready for the question?

Oh, the hon. Member for Edmonton-Mill Woods. Sorry.

MR. GIBEAULT: Yes, Mr. Speaker. I do want to get in a few comments in support of Motion for a Return 197 because the Minister of Energy has just put towards the Assembly here that confidentiality is the problem we have here and that we can't release this confidential information. He pointed to the incident of the Minister of Health in Ontario who resigned over having inadvertently released some confidential information from a file, but, you know, it's an interesting double standard with this government. When the minister of Workers' Compensation

releases information from an injured worker's file intentionally and maliciously, that's okay, but when we ask for some information from this government involving millions of dollars, some \$85 million of loans to Syncrude, the big problem is: this is confidential, this is secret, we can't give it.

I think, Mr. Speaker, we've got to have one sort of standard of integrity. If information is confidential, it should be confidential across the board and ministers ought to resign if they release confidential information, but when it's this kind of information where corporations are getting millions of dollars of tax money, certainly we have a right to get that information.

I call on all members to support this motion for a return.

MR. DEPUTY SPEAKER: The hon. Member for Calgary-Buffalo.

MR. CHUMIR: Thank you, Mr. Speaker. That was a somewhat interesting response of the minister there, reminiscent of the Orwellian tradition of *Nineteen Eighty-Four*, where I requested certain information and got a speech from the minister with respect to the merits of heavy oil and tar sands operations in this province. Well, the issue is not one of merits at this particular point in time. The issue is one of whether or not the people of this province should know the terms upon which government financing is granted.

Let me say briefly, however, in terms of the merits that yes, I do have a major question about the manner in which taxpayers in this province have been carrying expenses and pushing projects that the private sector doesn't want to participate in in any meaningful way, and this is one of those. Why should the province be paying this sum of money when you have some of the very largest corporations in North America not willing to take the risk and advance that type of review itself?

We keep going back to the justification of what a success Syncrude was, but I refer to the history of that development going back to 1974, in which the project was being pushed by the private sector itself with very little government participation. It was only when Atlantic Richfield dropped out that some government participation came in to make it feasible, yet with leadership on the part of the private sector. What we're seeing in recent years since that particular point of time are projects which are being pushed by government money rather than the government facilitating projects that the private sector has some degree of enthusiasm for. That, Mr. Speaker, is the formula that we're seeing with respect to OSLO, and I think it smacks of the formula that we see in respect of this \$81 million loan. That is a formula for economic disaster unless, as Dirty Harry would say, we feel lucky.

One can't help but note that from 1973 to 1985, with the rise in the price of energy, this government came to believe it was composed, from the front benches to the back benches, of economic geniuses. It's reminiscent of the stock market definition of a genius as any purchaser in a rising market. It's easy to fool yourself when prices are going up and times are good that it's your brilliance which is the source of our wealth. Well, the reality is that it was not the brilliance of this government. We're now seeing, in terms of the way in which this money has been spent in the last five years when times were difficult, how easy it is to lose money: not the government's money but the taxpayers' money.

So it's hard to believe that the government would refuse this request for information, Mr. Speaker, hard to believe in the sense that this is not the usual request for a document. We're not wasting our breath on that. Of course, we want the

document, but we know that that would be foolish. I had thought that perhaps we would get the terms and conditions of this particular loan since it's hard to see any reasonable basis or any argument that could be made with a straight face which would deny it.

However, we find that is the case. We have here a morsel of information, a tidbit. We have a loan which is repayable if there's expansion, but we don't know whether or not this is perpetual, how long that goes, whether or not there's any time limit. We don't have any explanation as to why. If my memory is correct, the public accounts refer to the amount owing as \$85 million instead of \$81 million, and we don't know how much, if any, the companies were required to contribute in respect of these particular studies or if, as we presume in the absence of any statement to the contrary, it was total government push or largess in that particular instance.

4:10

It's so obviously nonsense, Mr. Speaker, to hear the government state that there is harm to businesses, commercial confidentiality, relating to the disclosure of this type of information. Companies of this nature, companies which get public assistance, realize full well that there is an obligation, a public dimension, a duty in fact to account for public moneys, and they would have no problems with disclosures of this type of thing. We're not dealing with private information, personal information, medical information: the types of information the minister alluded to. We're dealing with business information that public companies are used to disclosing. There would be no breach of understanding with the partners in disclosing these things; rather there would be a comportment with the duty of the government and of the minister to taxpayers and to the democratic process. Indeed, as I talk to business in example after example, they are becoming more cognizant of the degree to which this government is hiding information and more critical. Indeed, it was only last night at the Canadian Petroleum Association dinner where we were discussing this Syncrude loan, and there were comments about how strange it was that the details wouldn't be disclosed, not to mention how was it that \$81 million could be spent on feasibility studies of this nature with very little reporting to the province of Alberta. Another \$20 million and you've got a Saddledome.

I've had similar types of comments with respect to the nondisclosure of financial data with respect to the Kananaskis golf course. The principals in that particular case expressed surprise to me, disgruntlement indeed, that they were put into the position of embarrassment by the refusal of the government to disclose information. In fact, what we're finding is that business and companies are quite prepared to have this stuff disclosed, but they're reluctant to do so because they know it will displease the government which is the source of the largess. So it's the government that's out of step, not business in this particular instance.

I would ask the House, certainly not with a straight face, knowing the predilection of the government in these matters – I would ask them in any event, for the record, to support this motion.

MR. DEPUTY SPEAKER: Is the Assembly ready for the question on Motion for a Return 197?

HON. MEMBERS: Agreed.

[Motion lost]

head: Motions Other than Government Motions**Worksite Safety**

209. Moved by Mr. Gibeault:

Be it resolved that the Legislative Assembly urge the government to implement joint worksite health and safety committees

- (1) to assure workers' rights to know the hazards they are dealing with,
- (2) to enable participation of workers in the development and implementation of safety procedures, programs, and standards, and
- (3) to permit workers the opportunity to refuse to do any unsafe work without suffering prejudice or penalty.

MR. GIBEAULT: Thank you, Mr. Speaker. I'm bringing Motion 209 forward because we have a serious problem in the province of Alberta with some 60,000 accident claims being filed every year. If you consider that a lot of the accidents don't go reported – they may be of a more minor nature, still considerable but perhaps not requiring employers to submit claims with the Workers' Compensation Board – there are probably over 100,000 accidents in the province of Alberta: 100,000 workers who are injured while doing their job for their employers. Those 100,000 people have families, and so they are affected as well very often, especially in the more serious accidents.

The question we have to ask ourselves, Mr. Speaker, is: what can we do to try to make some improvement on this horrendous rate of carnage in the workplaces of Alberta?

Mr. Speaker, I'm proposing with this resolution that we call upon the government to implement worksite health and safety committees all over the province, because there is a feeling out in workplaces around this province that workers can't count on the government to do much for them in terms of occupational health and safety. We could go over a long list of accident examples or problems. We had the shameful example of Alberta Recoveries & Rentals, the lead poisoning incidents where they had repeated visits by Occupational Health and Safety staff still not resolving a problem. Even the minister himself got involved in it eventually. That resulted in several of those workers contracting lead poisoning and even their children. So the question of hazardous workplaces in the province is becoming increasingly predominant, and more and more there are new chemicals in workplaces that didn't exist two, five, or 10 years ago. So there's more of a concern about health and safety in the workplaces.

There have been some initiatives such as WHMIS, the workplace hazardous materials information system, which have made some progress in that area, but much more needs to be done, because in addition to these hazardous materials there are new occupational hazards and conditions that exist in the workplaces. In our assembly line industries in the province, agricultural processing – chicken processing plants, meat processing plants – and so on, many workers have developed repetitive stress injury syndromes while working on the assembly lines in conditions that involve water and cold conditions that develop arthritis and so on. Many of those that I know in my own constituency who have tried to put in claims for repetitive injury syndrome and the onset of arthritis because of those kinds of conditions have had a great deal of difficulty getting those claims accepted by Workers' Compensation in the province of Alberta.

In addition, Mr. Speaker, we have to consider the modern office of today with the increasing emphasis on data processing and word processing. Computers at workstations are very common, and a lot of office employees who in the past might not have been thought to work in a dangerous or hazardous work environment are now being exposed, again, to injuries of repetitive stress, repetitive injury syndrome disorders. They're repeating the same kinds of key strokes and functions repeatedly and stressing particular muscles, tendons, tissues, and so on on a repeated basis that leads to pain and eventual disablement in many cases. So the contemporary office also needs a lot of work. There has been some leadership shown, unfortunately not in Alberta in this area but in other jurisdictions. For example, the city of San Francisco recently passed a regulation to protect office workers in that particular jurisdiction and provide for health and safety procedures to protect them, to ensure that they have reasonable breaks from data processing kinds of work, that they have ergonomically sound workstations, that their keyboards are in positions that don't cause undue stress on their wrists, that their chairs provide back support, and so on.

We don't have anything like that. In fact, in the province of Alberta since this minister has become the Minister of Occupational Health and Safety, we haven't had a single new health and safety regulation implemented in this province except for one minor amendment to the radiation regulation. How many years has that been, Mr. Speaker? We're not getting any leadership from the minister, so I think there's a feeling now among workers that they'd like to take more responsibility for their own health and safety in the workplace. Even when the NDP forms the next government in this province, we will still be advocating that policy because it's our belief that you do involve the workers in the workplace, that you do consult with workers, and that you do involve them in giving them real power, real influence to stop unsafe work conditions and to shut an operation down until an employer makes corrections. They don't have that kind of authority now.

[Mr. Jonson in the Chair]

Now, it might have been a while since some of the members in the government have been to school, but those of us who are a little younger might remember that even recently there's not much in high school that's taught to you about occupational health and safety, about hazards in workplaces, about the kinds of problems people may find in different workplaces or what Workers' Compensation is supposed to provide for them as a worker if they are injured or disabled on the job. So you end up with a lot of people, Mr. Speaker, who go from high school or even from technical school or college or university into the workplace without any preparation really or very much sense of some of the things they should be aware of to protect their own health and safety and well-being in the workplace and the kinds of remedial measures that could be taken. So there is an important role, I would suggest, for an educational component as well. I trust the Minister of Education is listening to these comments.

4:20

As well, there is the necessity for having committees of workers themselves with employers at workplaces around the province to review on a regular basis the working conditions in their particular office or plant or industrial facility to ensure that there are not threats to the workers in that location, whether it be an immediate and imminent threat – machinery or chemicals

and so on – or a threat that takes place over a longer term: asbestos exposure, coal dust exposure, the kinds of repetitive stress injury syndromes I talked about in a modern office, on the assembly line, and so on.

Mr. Speaker, that's what we're talking about. We want to have an environment, a mentality in the province of the Alberta that empowers workers, that gives them some control over their own workplace, that makes sure that they know their rights under the Occupational Health and Safety Act and regulations, as limited as those are. For example, we're supposed to have the right to refuse unsafe work in this province. I would challenge the minister or anybody else in this Assembly to tell me when was the last time a worker who refused dangerous work was able, without some support from the department of Occupational Health and Safety, to do so without retribution from their employer, because I know of cases where the opposite is the exact situation.

We're talking, Mr. Speaker, about trying to ensure that workers know their rights under the law and understand the hazards they may be dealing with. Often these kinds of situations are dealt with by collective agreement procedures. Health and safety committees are established by collective agreements for the employees and workers in this province who are fortunate enough to be in a unionized work environment, but we have to recognize that the majority of workers in this province unfortunately don't have the protection of a union or a collective agreement from which they can additionally get some support for ensuring the health and safety of their workplace. That's why we're looking at this particular motion before us today.

Under section 9 of the Occupational Health and Safety Act there's a provision for dealing with unsafe tools and appliances on a worksite. I know constituents who have come to me and have told me of accidents they have suffered in the oil patch, as an example, and places they have worked on rigs and so on for years that have never seen an Occupational Health and Safety inspector. I know this has been brought to the minister's attention, and apparently at one meeting he said: why should they be inspected? Well, Mr. Speaker, I just got through telling everyone that we had some 60,000 injuries in this province. Surely that requires a much more dedicated and effective response to the problem that is before us.

Mr. Speaker, at the meeting of the Workers' Compensation Board with members of the Legislature the other evening I looked at a graph that was prepared by Occupational Health and Safety detailing the annual lost-time claim rates between 1980 and '89, and I suppose this is probably a good example of that old adage: "There are . . . lies, damned lies, and statistics." This chart, for example, told us that in 1980 there were 7.4 lost-time claims per 100-man years in the province of Alberta. The impression at the time, I think, was left that we're making some progress, and that it's now down to about 4.9 lost-time claims per 100-man years in 1989. That's a reduction of about a third from where it was in 1980. What was not said was that most of that improvement has come between 1980 and '83, and yet between 1983 and '89 we have averaged about 5.1 lost-time claim rates for a period of seven years. In other words, we haven't made any progress really worth mentioning in a seven-year period.

Mr. Speaker, the current situation is totally unacceptable, and I would liken it in many ways to some of the areas of concern that are becoming increasingly considered and thought of by people in our society. I refer, for example, to the social unacceptability of drunk driving, of family violence, and so on. I think the time has come that we've got to take the same kind

of approach to health and safety in the workplace: that it is not acceptable for employers to have workplaces that jeopardize the health and safety of their workers; that's not to be condoned. It's not acceptable. We want the government to take their responsibility for regulation and for enforcement of those regulations, and I don't accept for a moment that the government is doing that. We've got to press for that. But we also, through this motion, want to involve workers in a co-operative effort to empower them as well to have more responsibility in ensuring that they do not have to compromise their health and safety and the health and safety and economic livelihood of their family by being exposed unnecessarily to hazardous workplace conditions.

Mr. Speaker, I want to call on all members of the Assembly to support Motion 209. Thank you.

MR. ACTING DEPUTY SPEAKER: Do I hear the call for the question?

AN HON. MEMBER: Question.

MR. ACTING DEPUTY SPEAKER: Hon. minister of Occupational Health and Safety.

MR. TRYNCHY: Mr. Speaker, it looks like we don't have much time for this, and I have a number . . . [interjection]

MR. ACTING DEPUTY SPEAKER: Please proceed.

MR. TRYNCHY: Aren't they brilliant, Mr. Speaker? In the time we have left I'll only get started, but that I will do.

I read the resolution. No one can argue what's on the resolution, but you have to wonder why it's here, because as you go through it – and let me do it step by step: "Be it resolved that the Legislative Assembly urge the government to implement joint worksite health and safety committees." Well, we're doing that, Mr. Speaker. I don't know where he's mentioning it. Where does he want it done? Does he want it done in government departments or every workplace or where? Does he want it mandatory or voluntary?

Let me just give you a few examples. I mailed out to some 65,000 worksites a document I wanted a response to from employers and employees and also from the hon. Member for Edmonton-Mill Woods, who, till this date, has never responded. I asked the question: should we have voluntary or mandatory worksite committees?

I've said in my statement to the industry, to all the workplaces: "Unfortunately, there are not enough health and safety committees in Alberta workplaces." We only have 110 worksites that are legally designated. We have some 2,000-plus that are voluntary. Mr. Speaker, we got some responses back, and 100 percent of the responses agreed with a committee, some type of a committee, but 60 percent of those responding were against a mandatory committee and 40 percent were in favour of a mandatory committee.

So, Mr. Speaker, no one will argue with committees. I, through my travels in my last two years, wherever I've gone, whoever I've talked to – workers, industry – have recommended that they implement these committees on a voluntary basis, and in most cases they have those committees in place. Where they haven't, they've asked me why and those kinds of things. We give them some information, and they're putting them in place.

We have one of the best workplace health and safety records in the country, but in my mind that's still not good enough. So

there are possibly two ways to go, as I mentioned in my document to the industry. One was to continue to try to encourage them on a voluntary basis; the other was to place mandatory legislation across the province. I as this government listen to the people of Alberta. When you get a response back that 60 percent say, "Don't make it mandatory; we'd like to put it in place but let it be voluntary," we have to listen.

Mr. Speaker, due to the hour I beg leave to adjourn debate.

MR. ACTING DEPUTY SPEAKER: All those in favour of the motion to adjourn debate, please say aye.

HON. MEMBERS: Aye.

MR. ACTING DEPUTY SPEAKER: Those opposed, please say no. Carried.

head: **Public Bills and Orders Other than**
 head: **Government Bills and Orders**
 head: **Second Reading**
 4:30

Bill 205
Children's Access Rights Enforcement Act

MR. EVANS: Thank you very much. Mr. Speaker, I'm very pleased today to have an opportunity to rise and move second reading for Bill 205, the Children's Access Rights Enforcement Act.

Mr. Speaker, this Bill focuses on both process and remedies to ensure that the best interests of the children of this province are protected in cases of family breakup. The cost to society, the cost to families, both immediate and extended families, in marriage breakups, are extreme. The intent of this Bill is to try to in some productive way minimize those impacts and to ensure that the children of this province who face a situation where their parents have gone their separate ways will have an opportunity to grow up well adjusted and to be productive citizens of the province of Alberta.

Of course, Mr. Speaker, the issue and this Bill itself have both created quite a substantial amount of interest throughout the province, and I'm very pleased today in my initial comments to indicate that a number of organizations, both provincial and local, are represented in both the members' and the public galleries today. I understand that we have representation from the Canadian Council for Family Rights; the Children's and Parents' Equality Society, otherwise known as CAPE; the Movement for the Establishment of Real Gender Equality, otherwise known as MERGE; the Fathers Alberta Shared Parenting Association; and the Canadian Grandparents' Rights Association. Quite a substantial number of organizations, again indicating the amount of interest in this particular issue.

I would, before I move on to a more comprehensive review of the Bill, like to compliment the Member for Redwater-Andrew for his Motion 207 which was recently debated in this House, the prime focus of that motion being to in a way attempt to stabilize families, to give families and particularly children something to anchor themselves on in this fast-paced world by attempting to ensure that grandparents would have access to their grandchildren in cases of family breakup. I commend the member for this initiative. It is focused, in the same way that this Bill is focused, on the children of families in this province where those families have broken up. It is an attempt to ensure that those children do become productive members of our society by growing up in the least emotionally disruptive situation that we can accomplish in this Legislative Assembly.

I would also like to compliment our Minister of Advanced Education, the Hon. John Gogo, who originally brought this Bill into the House during his time as the MLA for Lethbridge-West before his appointment to Executive Council. As he was appointed to Executive Council, this Bill was transferred over to my sponsorship. Virtually since my election I have championed the cause, with the active support of the hon. Member for Lethbridge-West. He continues to support this Bill. I would like to remind hon. members that the Bill was debated some three years ago, in June 1988, by the hon. Member for Lethbridge-West, and three years later we have had no progress in this matter. I think it is well time that we review the matter again and take a very constructive view of the advantages that are indicated in the Bill.

Well, Mr. Speaker, what does the Bill accomplish? First of all, it amends both the Provincial Court Act and the Domestic Relations Act so that both our provincial court and our Court of Queen's Bench are empowered to enforce access orders quickly and efficiently. Many of the people who are in our galleries today recognize full well the time and the cost and therefore the anxiety that is a result of the current process for attempting to enforce access rights.

Mr. Speaker, the Bill does not create rights. We must be perfectly clear about this. We are not attempting to outline new rights in Alberta; we are merely attempting to enhance the process for interpreting those rights and for enforcing those rights. We want to be sure that in cases where a noncustodial parent has an existing order of the court, whether that be a provincial court or a Court of Queen's Bench, which provides for access on specific days and at specific times, but that access is wrongfully denied – in other words, where there is no justification for denial of the access. The Bill recognizes that even though there is this order, there may be times when for serious and legitimate reasons access should be denied. For example, if there are reasonable grounds for believing that a child would suffer physical or emotional harm from an abusive parent, or if the noncustodial parent has a history of either failing to exercise access rights or of contravening some of the material terms of an access order, then access should be denied. But, in the normal case, once an access order has been granted by the courts, that access should be enforced and should be recognized and allowed by the custodial parent.

I'd like to mention briefly some of the remedies that are contemplated by this Bill. One is a compensatory access order which would have to be accomplished within a 12-month period of the date of the order and, Mr. Speaker, for a time not exceeding the access time wrongfully denied. The focus would be on the parties, the custodial and the noncustodial parents, agreeing to the compensatory access. If that could not be accomplished, then the compensatory access would be accomplished by order. The Bill also contemplates reimbursement by the courts for any reasonable expenses which are incurred by reason of denial of access. It also contemplates the granting of an order providing that the respondent, the custodial parent, give security for the performance of obligations of the order. Those types of remedies would only come into play if the courts were convinced by the evidence that there was a likelihood that the order would not be obeyed.

Probably as important as any of the provisions of this Bill is the provision dealing with the appointment of a mediator to mediate between the parties, to bring the parties together so that the children will not suffer any further from the discord between husband and wife. The Bill provides that if one of the parties wishes to have mediation and the court is of the opinion that the

request is made in good faith, mediation would be entered into. I feel, Mr. Speaker, that the evidence of the success of mediation in this province and elsewhere in Canada is very clear. The success rates are amazing, and this is a very important component of this legislative package.

I'd like to speak about some of the factors that I believe recommend the process that's contemplated in the Bill. The first is simplicity of process, by filing an application, service of that application on the custodial parent with no affidavits in the normal case, and an appearance in court with oral evidence given to the court. The parties can thereby more readily represent themselves and, as well, have much quicker access to the courts.

Many of those who are in attendance today in your galleries, Mr. Speaker, have specific examples in their own families of the time, the expense, and the emotional agony of the existing court process where affidavit upon affidavit, interim application upon interim application is made to the courts without success, with much delay of time and the consequent reduction in economic power of the parties, which has a direct negative bearing on the children, but even more so, the emotional strain on the parties, both custodial parent and noncustodial parent, and the impact that that has on the children of those families.

4:40

The process that's contemplated in the Bill, Mr. Speaker, is also a timely process. It contemplates that a hearing would be brought before the court within 10 days from the date of service of the application upon the respondent and that any application would have to be made within 30 days of the alleged denial of access. The intention of both of those time frames is to ensure that the parties do get before the courts readily, that they are received by the courts readily, that by having a 30-day requirement there is no delay tactic involved in the process, and that the noncustodial parent would not choose at some substantially later time to use an alleged denial of access to get back at the custodial parent.

I would like briefly, Mr. Speaker, to talk about what I consider to be a companion piece of legislation in this province that has had immense success and has been a benefit to custodial parents and certainly to children in the province of Alberta. That's the Maintenance Enforcement Act, which was brought forward by this government in 1986. At the time, maintenance awards which had been granted by the court were substantially in arrears in this province. I am told that as a result of the maintenance enforcement program some 61 and a half percent of maintenance enforcement orders are now being successfully collected. I am also told that although some 89 percent of noncustodial parents have court orders granting access, some 82 percent of those same noncustodial parents have been denied access to one degree or the other.

As I said, the legislation that's contemplated in this Bill is therefore complementary to the maintenance enforcement legislation. The one, the maintenance enforcement legislation, deals with the physical needs of the children of families faced with the trauma of family breakup, whereas the Bill before the Legislature today deals with the emotional needs of those same children. I believe, quite frankly, that the 61.5 percent success rate now being accomplished through the maintenance enforcement program would likely rise substantially if Bill 205 were made into the law of the land, because again there are numerous situations – and I am not justifying this in any way, shape, or form – where as a result of an inability to access children where an order has been granted, noncustodial parents who are subject

to a maintenance award are refusing to make those maintenance payments. I believe if we could ensure that access rights are achieved, many of those same parents would voluntarily make their payments through the maintenance enforcement program.

Mr. Speaker, I want to make something as clear as possible today. This is not a man versus woman, woman versus man issue, and this Bill is not intended to address a man versus woman or woman versus man issue. It is clearly an issue of trying to ensure that the children of this province have the best possible opportunity to access their parents in those appropriate cases – and I daresay those are the majority of cases – where albeit there is a marriage breakdown, both parents are loving parents and wish the very best for their children, but due to the animosity between the parties on the breakup, the children unwittingly sometimes, and sometimes advertently, become pawns. As more and more women become members of the work force on a full-time basis, we will see that joint custody and in fact custody being granted to the husband will become much more the norm and not the exception. Therefore, we will have in the future many more women who will be making applications for access to their children and feeling the frustration that is felt now by so many men in the province of Alberta.

I would also like to look at relationships which occur after the breakup of families. Obviously, if a father becomes involved with and marries or establishes a long-term relationship with another woman, that relationship is negatively impacted if father is unsuccessful in attempting to access his children. Therefore, from that example, again women are impacted in a negative way by a process which is clearly not working in many circumstances in this province.

I'm sure that the Member for Edmonton-Gold Bar, because we have chatted about this before, will ask, if she has an opportunity to speak today, about why this Bill does not extend beyond mothers and fathers. I would like to make it clear to members, as I've said in my opening remarks, about how supportive I am of Motion 207 from the Member for Redwater-Andrew. But, again, the intent of this Bill is to deal with court orders and to try to enforce those court orders, to make those court orders more readily accountable.

Court orders generally in this area are granted with our jurisdiction, our legislation, to fathers and mothers. There are very few circumstances where court orders are granted to grandparents. Now, if the legislation should change in the future and grandparents are awarded more responsibilities and more access to their grandchildren, which I think would be a positive move, Mr. Speaker, then there could be amendments to the Bill. But I don't think it would reflect the reality of the day with respect to grandparents if there were specific provisions dealing with grandparents in this Bill.

What can we accomplish, Mr. Speaker, by passage of this Bill? Well, I think we can accomplish one very significant benefit to this province, and that is that children who come from families where there has been a breakup are much more likely to grow up well adjusted, to be productive citizens, goal oriented citizens, if they have the opportunity to have free and unencumbered access to both of their parents. Again I am presuming that both parents are loving, responsible, and interested parents, and I would say with great conviction that I believe that is clearly the majority of cases in marriage breakdown. We must continue to look carefully at what is in the best interest of the children in this province.

4:50

The costs to society of antisocial behaviour, of continued marriage breakdowns in the next generation as a result of marriage breakdown and a lack of role models, both mother and father, is evident in our society today. This Bill has the opportunity to try to address that issue, to try to focus on the reality of the day, and to give an alternative so that both mothers and fathers can approach the court, ask for a remedy which is prompt, which is efficient, and which is inexpensive, and through that process bring the reality of the day, with children being unable to access both of their parents, to the forefront and remedy it so that society, I believe in general, will benefit.

As my time is winding to a close, Mr. Speaker, I would appreciate your indulgence in just briefly quoting from a judgment of Madam Justice Marguerite Trussler in the province of Alberta in a case called Tremblay in 1987. This was a case where, as a result of repeated refusals by the custodial parent to grant access to the noncustodial parent, Madam Justice Trussler actually made an order changing the custody and granting the custody to the noncustodial parent. May I just repeat her words briefly, Mr. Speaker?

The Court can also find a custodial parent in contempt of Court and fine the custodial parent or send the custodial parent to jail. However, neither of these alternatives does anything to further the development of a relationship between the non-custodial parent and the child. The child can still be convinced by the development of a relationship [which is] extremely difficult. Faced with such odds, I expect many non-custodial parents give up trying to see their children because they are disheartened by the difficulties in establishing a relationship or do not have the financial resources to persevere through the Courts in an attempt to develop a relationship with their children.

We can prevent that, Mr. Speaker. We can do something proactively to give those parents who are denied access without just and reasonable cause a method to approach the courts to have their issues addressed and to ensure that the children of this province have that access to both of their parents. I am sure that if hon. members carefully review this legislative package, they will see the merits of it. I encourage them to do so, and I encourage them to vote in favour of Bill 205.

Thank you.

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

MRS. HEWES: Thank you, Mr. Speaker. I think every one of us in this House has had representations made to us from parents on both sides of this most difficult problem. I welcome this Bill before us today. It is very similar to the one that was put forward some years ago, and in the interim we still have not been able to come to grips with this most critical problem.

Mr. Speaker, all of us here are concerned about the rights of children and know that we must keep, in all of our decisions, the child at the centre and the best interests of the child at the centre of our decision-making and planning. Children in these circumstances are often in jeopardy, and the incidence, unfortunately, of the circumstances appears to be increasing. In separation and divorce there's often bitterness and residual conflict, with the resulting exploitation of the child or children who are involved. It's our intent, I think, in this House to reduce any disruption that flows to the child. Those disruptions already present from separation and divorce are usually exacerbated by court battles, reporting, the costs, and the difficulties that ensue.

Mr. Speaker, my only wish is that the Bill went further than it does and touched some other matters. I suggested that the last time we discussed this particular Bill. I do appreciate the attempts of the mover in putting the Bill before us to simplify and speed up the process because, as we know, time is money, and the stress time that's involved in these most emotional and difficult matters certainly inflames the scene further. We all understand that circumstances change, and where an order has been granted and access is not achieved, if the cause is limited, then either way the order may need to be varied and changed.

Mr. Speaker, unfortunately, the rate of parental separation or divorce has increased very dramatically since the late '50s and more than doubled in Alberta between 1972 and '85. Nearly 4,500 divorce actions affected at least one child. On a per capita basis Alberta has a disproportionately high divorce rate affecting children. There is no legislation which requires a judicial award of sole custody, and the principle that children under seven years should be with the mother is one that was struck down as a rule of law in 1984 in Alberta. Notwithstanding these factors, sole custody is awarded in approximately 95 percent of Alberta divorce cases, and access is awarded to the noncustodial parent in 98 percent of such cases.

Mr. Speaker, I understand that this Bill amends the current legislation of the Provincial Court Act and of the Domestic Relations Act of Alberta, attempting to correct the lack of enforcement in the Domestic Relations Act by adding a new section, 56.1(1). It provides for a court hearing, and if access is found to have been wrongfully denied, several remedies are open to the court, including compensatory time, reimbursement for expenses incurred, security for future performance, and referral for mediation. It is the last one that has the most interest for me and is the one which I think has the most potential for resolution of problems of either mischief or wrongful denial.

Mr. Speaker, a deficiency in the Bill that I see is that it applies only to orders which specify access at specific times and on specific days. The mover has not spoken to the reasons for that. Actually, few orders of access are made on such specific terms. A more practical description is "reasonable access," which in itself allows for various interpretations, I recognize, but it also allows the parties more flexibility in arranging times and conditions. I think it's more important as circumstances change. As the child ages, as the relationships of the separated or divorced parents change, rigid visiting times may not be appropriate. Children have grown older; an allowance must be made for various peer activities, which are usually centred in the neighbourhood of the custodial parent.

In access disputes the first matter that has to be proven is that in fact access has been improperly denied, and the complainant's allegations alone I don't believe to be sufficient. The evidence of the parties is bound to be contradictory. The father, for example, may claim he's been wrongfully deprived. The mother may contend that the refusal was justified. That, in my experience, has usually been the case.

5:00

Subsection (6) of this Bill lists the justifiable excuses. It may take a lot of court time and costs to the parties to determine this basic issue even before the matter of remedies can be considered. If improper denial of access is proven, the Bill provides little by way of a long-term solution to the parties, apart from a referral for mediation. There is no provision for varying the order or updating its terms. The parties will presumably have to continue to operate under the existing order, the terms of

which may already be outdated and have been proven to be unworkable.

Mr. Speaker, I think our concern with it is that it has some limitations in its application. Being restricted to a narrow type of order, proof of wrongful denial of access could lead to a lengthy trial in itself. The party could still be left with an unworkable order; it doesn't necessarily improve that. The likelihood of increased bitterness resulting from the legal contest and costs may even be more harmful.

Every order of access has the potential for disagreement. I think our challenge here in the House is to provide a procedure which lessens rather than aggravates the bitterness and controversy. Resolving access disputes is probably one of the most difficult problems that a court has to face, and there are no easy answers. I think we all know that. This is because the cases are overwrought and filled with emotion, the issues being less legal than emotional.

Mr. Speaker, our caucus would like to see a procedure where persons with access disputes are automatically referred for mediation. The legal costs of pursuing a custody or access dispute are horrendous, often leaving the parties more embittered than they were before with what must be an imposed solution. Our proposed mediation would strive to have the parties involved work on finding their own terms and agreeing to them, because an imposed solution, in my mind, is really no solution. Forcing compliance doesn't solve the basic problems or make the order more workable.

We don't endorse enforcement for enforcement's sake in the Liberal caucus, because often the existing order is inappropriate, and initially it was a compromise arrangement and has proven that it doesn't work. It's true, Mr. Speaker, that the public has a hardened attitude, I think, towards defaulters of any kind on both sides of one of these disputes. This is often reflected in the legal system. We've heard from many people in the judicial system that it doesn't do a very good job of handling personal problems, nor can we expect it to.

Further, Mr. Speaker, I think it's difficult to know where the answers really lie, but once the family relationship breaks down, anything that's left seems to be second best. In the meantime, we believe it's incumbent on us in the Legislature and the courts to lessen the bitterness wherever we can, recognizing that the compromise that may be reached is only as good as the intentions of the parties involved. Perhaps some of these conflicts will never be resolved until the children are old enough to make independent choices on their own.

[Mr. Deputy Speaker in the Chair]

What needs to be done now, we believe, is to protect children from being the centre of parental bitterness. No doubt there are going to be disaffected citizens in the province who think these problems can be solved simply by enforcing an order, but I don't believe human nature is really like that. When parents try to enforce their rights, it's sometimes in total disregard of their responsibilities to the children.

Mr. Speaker, I want to give my guarded and qualified support to this Bill today, recognizing that it was introduced first under the member for Lethbridge's stewardship and now the Member for Banff-Cochrane. I'm glad to see that members of the government are determined to keep promoting this important issue affecting family life, but I am somewhat disappointed that the concerns and criticisms that we mentioned the last time, as well as others that have been heard by the community and noncustodial parents, have not really been truly reflected in this

Bill. No substantive changes appear to have been made since it was first introduced in the House. So I do support it in principle, but I want to make it clear that my support is guarded and that I would like very much to work with members opposite, in the government, to pool our resources and our creativity and see if we can come to a Bill that will address the concerns of everyone involved in this most emotional issue.

I'm aware of the proposal, Mr. Speaker, that was suggested by the Shared Parenting Association that a committee could be established to solicit and review reform legislation which may be drafted by the Institute of Law Research and Reform, Faculty of Law, at the University of Alberta. It might take months or longer to do it, but this is such an important and significant matter that I believe we should set such a process to begin to function. I would suggest it should have a lawyer, a psychologist, a social science professional, and team support staff from the government could be supplied, and special interest groups be encouraged to make their thoughts about it known. I think perhaps the Minister of Family and Social Services could be the sponsor of such a program.

Further, Mr. Speaker, I would very much like to see the government organize a conference with workshops, possibly on Family Day weekend – we never seem to be too sure what to do with that one – to provide input to this committee from the public, including the professional community and those people who are most intimately involved in these kinds of very difficult and sensitive matters.

Mr. Speaker, I'm giving my support to the Bill, hoping that as we move along and work more together, we may be able to provide something more comprehensive through the role of mediation, which I believe would assist parents immensely if, prior to having to appear in court, they could be referred to try to resolve their problems themselves. Only this way do I believe a workable solution can be arrived at and not through an imposed solution.

With that, I'll hope that other members of the Legislature will support this, and perhaps it may even come to a vote today.

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

MS M. LAING: Thank you, Mr. Speaker. I'd like to correct a few false impressions that seem to be flying around. I've had a number of phone calls from people saying that if I would only support this Bill, it would go to the vote today and be passed. In fact, this is a nongovernment Bill. It is brought forward as part of nongovernment days, which allows only one hour for debate. That means that for complicated and complex situations, the debate around legislation that would have an effect on resolving those situations needs more time than one hour, and I would suggest that people understand that I find this a very serious and difficult matter and that to provide for one hour of debate is simply insufficient to deal with the complexity of the issue. I would like to put to rest the notion that I, in possibly opposing or bringing forth alternate views to this Bill, am somehow blocking it.

I would like to also respond to a couple of the comments of the member bringing forward the Bill. In fact, only 31 percent of maintenance enforcement orders are completely successful, 68 percent have some degree of arrears, and one-third total arrears. But I think it is totally wrong, totally wrong, to link access and maintenance. You do not buy the right to see your children.

Mr. Speaker, we know that there is much interest of people around this Bill. I would like to introduce at this point in time

a member of a children's rights activist group who is in the visitors' gallery, who is here to ensure that what is proposed, and what is, is in fact in the interests of children.

5:10

Mr. Speaker, this Bill talks about what we talked about last year, the fact that children after divorce should not be cut off from loving relationships with parents, grandparents, siblings, and other people important to them. I would fully support that. It is wrong to sever loving, nurturing relationships arbitrarily or for capricious reasons. We all know that it is parents that divorce and that children of these parents are not by the act of divorce to be parceled up and delivered to one or other of the parents like so much property. We need to be sensitive to the needs of children, but so much of the rhetoric around the issue of access enforcement, although couched in terms of the best interests of the children, still reveals a property view of children and a failure to understand the devastating impact of protracted disputes and court battles between divorcing parents. Access issues that would be the subject matter of this Bill will be in many cases these kinds of destructive and protracted disputes.

The question must be asked: how do we protect children? I would suggest by working to reduce hostility, to heal the parents caught in the process, and to address the real issues that underlie the denial of access. Mr. Speaker, this Bill does address the issue of denial of access in a more constructive way than the preceding Bill, 211, introduced in 1988. I have had, as we all have had, calls from desperate noncustodial parents who have been denied access, men and women both, and our hearts ache for them. But we've all had calls from angry noncustodial parents denied access who blame women's shelter staff for turning their wives against them and who fault the government for enforcing maintenance but not enforcing access, as if you pay for your child and the right to see your child like you buy a commodity. Our hearts tremble in fear for the safety of their wives and children, especially on this day, today, April 25, when we read in the *Journal* about a battered woman being killed by her husband after she had left a shelter, and she had two small children.

Mr. Speaker, we've had calls from desperate custodial parents who tell of their children clinging to them when the noncustodial parent comes to pick them up, and from the custodial parents who fear their children will be subjected to the kind of abuse that preceded the divorce, and our hearts are filled with fear and powerlessness. When addressing this problem, we can only know that the courts are singularly unsuccessful in resolving human interpersonal conflict. Indeed, the courts often exacerbate such problems because the system is adversarial and sets up a winners and losers dynamic, and children are not prizes to be won by the most affluent, clever, and/or convincing lawyer/parent team. Justice requires more than that.

What is to be done? What is to be done to remedy legitimate claims of wrongful denial? First, let us look at the magnitude of this problem. In 1988 a federally commissioned study in four Canadian cities revealed that noncustodial parents do not report denial of access to be even a small problem. I think some of the so-called parents' rights groups' figures are often theoretical projections. In reality, according to this study, sporadic and undependable exercise of access was reported by custodial parents to be a frequent difficulty. I would surmise that unfulfilled promises by noncustodial parents to exercise access often precedes what is subsequently perceived by noncustodial parents as wrongful denial of access. I am happy to see that this Bill recognizes that, because custodial parents may resort to the

denial of access after countless experiences of comforting devastated children when daddy or mommy did not appear as scheduled. I am glad to see that we have finally had this acknowledged in this legislation. I am concerned, however, that we are proposing legislation to deal with what may well be a very small number of cases, especially in view of the fact that this Act appears not to apply to the Divorce Act, which is already bound by the friendly parent rule under which Madam Justice Trussler made her ruling.

Nevertheless, the pain is very real for those people caught in this situation. My understanding is that most disputes can be and are solved through counseling, conciliation, and mediation. I am concerned that legislation, if enacted, would encourage people to bypass the more constructive processes just mentioned, processes that would help individuals deal with the real issues: power and anger, loss and grief, and the need to remain connected, although destructively, with an ex-spouse. Legislation embracing this principle may be necessary, but it must only be offered as a final step when all else has failed and in the context of our understanding of what it is like for children to be in a war zone in which they are the vehicle for the dispute.

I would suggest that dollars would be much better spent setting up and maintaining programs involving counseling and mediation for divorcing couples. At the present time we have only one, inadequately staffed, conciliation service. We must also be aware of the fact, however, that in some cases the noncustodial parent and in other cases, unfortunately, the custodial parent are so threatening and so dangerous that conciliation workers refuse to work with them, and I've had calls from those people too. This reality must give us cause for reflection. The whole issue of access and access enforcement is complicated and cause for great concern. This Bill is also cause for concern because there is an underlying assumption of wrongdoing by custodial parents and an underlying assumption that noncustodial parents do no wrong. For instance, there is no provision to protect custodial parents from being harassed by noncustodial parents who want to use the courts to keep bringing them back to court, and, Mr. Speaker, I have prepared an amendment that could be considered for a future draft of this Bill.

Mr. Speaker, to this Bill itself. In these days that we struggle with the issues around gender, an attempt is often made to ignore issues of gender, to maintain an air of impartiality and neutrality, to pretend that there is no difference between men's reality and women's reality. This Bill reflects this stance. However, in 1991 in Alberta, women are not politically, economically, or socially equal to men. If there was equality, 50 percent of the members of this Chamber would be women. We would have 42 instead of 13 women in this Chamber. Our commissions and our boards would reflect gender parity. [interjections] Listen, and then you will understand. [interjections]

MR. DEPUTY SPEAKER: Order please.

MS M. LAING: Thus, our laws and our institutions fail to reflect women's reality. Canada's Supreme Court Justice Bertha Wilson and Justice McLachlin have both commented on gender bias in our laws, in the application of our laws, and in the dispensation of justice. A study by the Manitoba Association of Women and the Law has documented these biases in civil and criminal courts, including divorce court, and it makes for most interesting reading that I would recommend to the hon. member bringing forward this Bill. Mr. Speaker, as long as women earn

65 cents for every dollar that a man earns, women do not have economic equality, and that has a direct impact on this Bill.

As long as the economic status of women and children is decreased by 70 percent and the economic status of men is increased by 42 percent upon divorce, we must have laws and remedies that take into account that inequality. This Bill most assuredly does not do that. As long as women's concerns are held to be secondary, as long as women are subjected to violence in their homes, in the workplace, and on the streets, women do not have equality. One in four women is battered by her male partner. We hear much about the frequency of female violence, but there is a profound difference between a 170-pound man being hit by the open hand of a 120-pound woman as compared to the 120-pound woman being punched by the fist of a 170-pound man. Size and muscle structure mean many men laugh if women attack them, while many women fear death in the face of the man's attack.

5:20

[Mr. Speaker in the Chair]

Mr. Speaker, these must be considerations. Our courts have been until very recently unable to respond to women's reality in cases of violence in the home, treating the women who killed abusive husbands on the same basis as the murder of a man by a man. One in four women is sexually assaulted, half of them before the age of 18, often by a parental figure.

SOME HON. MEMBERS: Relevance.

MS M. LAING: I'm getting to them, Mr. Speaker.

Mr. Speaker, 90 percent of women in the paid labour force experience sexual harassment. Women do not have equality, and our society has not yet learned to understand the pervasiveness and the impact of that inequality, especially when they're writing laws. Our divorce courts, wherein custody and access are determined, have been shockingly insensitive to the need to protect children. Indeed, we hear that most children are in the custody of mothers. It seems unfair when you look at it, but in fact in cases where fathers apply for custody, in 60 percent of the cases they get custody.

What is extremely worrying about the court system is that when women, mothers, allege sexual abuse, they lose custody of their children in the vast majority of cases, as if sexual abuse only occurs in intact families. The problem is society's denial of the sexual and physical and emotional abuse that occurs in the home, such that women in shelters are counseled about the choices they face. If they bring forward the allegations of abuse, they are at serious risk of losing custody of their children. If they do not raise the issue of violence, the abusive partner will gain unsupervised access. What, I ask the hon. members, are women to do? Some go underground, and some of them defy access orders. This Bill places them in extra jeopardy because they have acted in the best interests of their children.

Any Bill that would seek access enforcement must be able to address the issue of violence in the relationship or the factors that may not have received attention in the determination of custody and access. Mr. Speaker, Rix Rogers, who did a federal study on child sexual abuse, has said that these allegations must be evaluated on the basis of a balance of probabilities test before making access orders and that the stronger criminal court test of proof beyond reasonable doubt must not be applied or the courts will fail to protect children, and we will see that our

courts and the judiciary and the justice system will be the Mount Cashels of the future.

Mr. Speaker, the recent killing of the woman that I spoke of earlier and the permanent injury of an estranged wife is strong evidence of our failure to protect victims of violence in the home. Five children in the past five years, in the five years since I have been elected, died at the hands of abusive parents while exercising enforced access, and that we must take into account. The custodial parents' alarm and fear have been for too long unheard by the judiciary. Any Bill that seeks to legislate enforcement of access must face this reality.

Mr. Speaker, time lines in this Bill fail to recognize custodial parents' realities. Often the custodial parent is caring for children, working in the paid labour force, caring for the home, and living in poverty. Therefore, time lines must provide time to seek out legal aid and find a lawyer to bring forward the case in order that that person's reasons for denying access get a full hearing.

Mr. Speaker, I have talked about the loss of economic status suffered by divorced women. I have often heard it stated that they are so lucky; they can get legal aid to aid their legal struggles. Well, I would suggest that it is much more pleasant to be living at an economic level where you can afford to pay your lawyer than to be living at a level where you require legal aid assistance, which, by the way, you're expected to pay back.

I think the stipulation that evidence will be oral is helpful in reducing both time and costs, including costly hearings for discovery. The principle of requiring a custodial parent to reimburse costs and posting security fails totally to take into account women's inequality. It is extremely unfair to assume a relationship of equality when none exists, and it can only perpetuate injustice.

Mr. Speaker, this Bill details a number of reasons for rightfully denying access, and I welcome that. I think there have been some reasons for legitimately denying access that have been left out, including the illness of the child as well as the noncustodial parent being under the influence of drugs or alcohol.

Our hearts ache for parents that are wrongfully or capriciously denied access, and I have heard from so many of them. What are the remedies? Firstly, we need a system that adequately addresses the issue of violence in the family so that access orders do not force custodial parents to place their children in situations of risk, of harm, including injury and death. We need a judiciary educated. We need an end to the denial of the reality of sexual and physical abuse as well as the emotional violence in these homes. So, number one, let's have access orders that do not force custodial parents to hold them in contempt. For as long as the courts fail to put the well-being of children as an ultimate test of custody and access, children will be at risk.

I would suggest that there be consideration of the primary care giver in granting custody. Mr. Speaker, this I believe would greatly reduce the incidence of denial of access cases, and then we would deal with the ones that are serious and legitimate. Then we have to focus on mediation and conciliation and educating parents, because no parent who uses a child to pay back or punish an ex-spouse, no parent who uses a child as a pawn in an unresolved power struggle, no parent who uses a child to hang on to an ex-spouse loves that child. That parent violates our understanding of parenting and loving, and we must seek to remedy that. We must provide the resources . . .

MR. SPEAKER: Forgive me, hon. member. Perhaps you'd be kind enough to adjourn debate. So moved.

Those in favour of the motion to adjourn debate, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. The motion carries.

According to my official watch, we still have one minute before 5:30. Government House Leader.

MR. HORSMAN: Mr. Speaker, I move that when the members assemble this evening, they do so in Committee of Supply and

that the Assembly stand adjourned until such time as the Committee of Supply rises and reports.

MR. SPEAKER: Having heard the motion, those in favour, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. The motion carries.

[The Assembly adjourned at 5:30 p.m.]

