

Legislative Assembly of Alberta

Title: Wednesday, April 24, 1996 1:30 p.m.
Date: 96/04/24
 [The Deputy Speaker in the Chair]

head: **Prayers**

THE DEPUTY SPEAKER: Let us pray.

Our Father, we thank You for our abundant blessings to our province and ourselves.

We ask You to ensure to us Your guidance and the will to follow it.

Amen.

Please be seated.

head: **Introduction of Visitors**

MRS. MIROSH: Mr. Speaker, I'm pleased today to introduce to you and through you to Members of the Assembly Mr. Paul Studer, who is the consul general for Switzerland residing in Vancouver. Mr. Studer is accompanied by Mr. Bruno Dobler, who is Switzerland's honorary consul in Edmonton. Mr. Studer was appointed consul general in October of 1995. We know that Switzerland is an important trade and investment partner for Alberta, and exports from Alberta to Switzerland total nearly \$11 million. There are many opportunities for joint ventures in the areas of biotechnology, telecommunications, instrumental and environmental technology. Seated in your gallery, Mr. Speaker, I would ask that the consul general and Bruno Dobler and the party please rise and receive the warm welcome from this Assembly.

head: **Presenting Reports by
 head: Standing and Special Committees**

THE DEPUTY SPEAKER: The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Speaker. The Standing Committee on Private Bills has had certain Bills under consideration and wishes to report as follows. The committee recommends that Bill Pr. 1, Alberta Wheat Pool Amendment Act, 1996, proceed with some amendments. The committee recommends that Bill Pr. 3, Evangel Bible College Act, proceed with amendment. The committee recommends that Bill Pr. 4, Bethesda Bible College Act, proceed with amendment. The committee recommends that Bill Pr. 5, Farmers' Union of Alberta Amendment Act, 1996, proceed with amendment. As part of this report I will be filing copies of the amendments proposed for these Bills.

Mr. Speaker, I request the concurrence of the Assembly in these recommendations.

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

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

The hon. Member for Lethbridge-West.

MR. DUNFORD: Thank you, Mr. Speaker. As chairman of the Standing Committee on the Alberta Heritage Savings Trust Fund Act and pursuant to Standing Order 52 I hereby would like to table four copies of the '95-96 committee report. Copies will be distributed to members after question period.

head: **Introduction of Bills**

THE DEPUTY SPEAKER: The hon. Minister of Justice.

Bill 44**Motor Vehicle Accident Claims Amendment Act, 1996**

MR. EVANS: Thank you, Mr. Speaker. I request leave to introduce Bill 44, the Motor Vehicle Accident Claims Amendment Act, 1996. This being a money Bill, his Honour the Honourable the Lieutenant Governor, having been informed of the contents of this Bill, recommends same to the Assembly.

The purpose of the Bill, Mr. Speaker, is to eliminate property damage coverage from under this Act and to also make some administrative changes to the Act.

[Leave granted; Bill 44 read a first time]

head: **Tabling Returns and Reports**

MR. KLEIN: Mr. Speaker, I wish to table on behalf of all my colleagues in the Legislative Assembly a letter to President Kuchma of Ukraine expressing our sincere sympathies to the people of Ukraine on this the 10th anniversary of the Chernobyl disaster.

THE DEPUTY SPEAKER: The hon. Minister of Community Development.

MR. MAR: Thank you, Mr. Speaker. I'd like to table two letters today. The first is to Canada's ringette team for winning the world ringette title with a 6-5 win over Finland, the defending champion. The victory earned Canada its third world title in four tournaments. This game went into overtime, with Edmonton's Jen Willan scoring the winning goal at the 2:15 mark. Team Canada has demonstrated the winning spirit, and they are certainly worthy ambassadors for our province.

The second letter is to the South Senators for winning the title at the Mac's Alberta Cup in Edmonton this past weekend. The tournament represents Alberta's best first-year bantam players, who attracted scouts from the Western Hockey League. Mr. Speaker, the South Senators pulled out a 1-nothing overtime win against the Northeast Panthers. We certainly wish all these young players continued success in their athletic achievements.

On a personal note, I think that the Calgary Flames could probably learn a thing or two about winning in overtime from these teams.

MRS. MIROSH: Mr. Speaker, on behalf of the Minister of Health I'd like to file with the Assembly two documents in regard to budget and financial assistance of the Capital health authority. The first is a letter from the provincial Auditor General to the chair of the authority giving the results of the review of the authority's budgetary system, which was commissioned by the authority.

The second, Mr. Speaker, is a document in a separate review by the firm KPMG, also commissioned by the authority. Both reports are favourable regarding the authority's record in maintaining access to services. They do, however, recommend some improvements in the financial budgetary process.

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

MS HANSON: Thank you, Mr. Speaker. I would like to table four copies of the Alberta Liberal principles on social policy. For the minister's interest, Liberals develop policy based on principles, which is clearly something he does not understand. Please note that these are properly photocopied, and there is no blank page.

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

MR. SAPERS: Thank you, Mr. Speaker. I'd like to table with the Assembly an information package forwarded to me by the Canadian Hemophilia Society, complete with a blood bag. It's a response to a public survey in which the Canadian Hemophilia Society notes that the public confidence in the Canadian blood system has dropped to an alarming level, and they have some suggestions on how that can be corrected. I note that the minister is attending a blood conference over the next couple of days.

head: **Introduction of Guests**

THE DEPUTY SPEAKER: The hon. Member for Little Bow.

MR. McFARLAND: Thank you, Mr. Speaker. It's been said that behind every good man there's a good woman. It's my pleasure to introduce to the members of the Assembly and to other guests today two fine women. One is a businesswoman in High River, and she's accompanied by her mother. The ladies' names are Mrs. Chris Tannas and Mrs. Agnes Mason. I believe Mrs. Mason's favourite son-in-law is sitting in the chair of our Speaker today, our Member for Highwood. So would Mrs. Mason and Mrs. Tannas please rise and receive the warm welcome of the Assembly.

DR. WEST: Mr. Speaker, I have the pleasure of introducing two tremendous groups here today. I've met with them. They're representative of our great youth in rural Alberta. They're from the constituency of Vermilion-Lloydminster. The first group are 43 students from the Kitscoty elementary school. They're here today with their teachers Mr. Kim Aitkin and Mrs. Eleanor Parr and parents Mr. Michael MacPhee, Mrs. Chris Dinkel, and Mrs. Theresa Herzog. They're split between the members' gallery and the public gallery, and I would ask that they rise and receive the warm welcome of this House.

I have a second group. I'm blessed today with having – well, I was going to say most of the youth of the constituency, but I can't say that in total. This is quite a group. The last group asked me questions better than what come across the floor, like how much I make, that sort of thing. But, at any rate, from the Mannville school . . . [interjections] I have to say that I explained fully how I made my money and what it was. That's more than we get some days in here. The Mannville school . . . [interjections] Mr. Speaker, this is taking a little longer than I expected.

We have 25 visitors from the Mannville school, a grade 6 class. They're accompanied by their teacher, Mrs. Melanie von Tettenborn, and parents Mrs. Brenda Walker and Mrs. Gail Hess. They are seated in the members' gallery, and I would ask that they stand and receive the traditional warm welcome of this House.

1:40

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

MR. SEKULIC: Thank you, Mr. Speaker. I'd like to introduce to you and through you to the Assembly 25 very special guests from Edmonton-Manning. My guests today are from the York school in Edmonton-Manning, and they are accompanied by teacher Mrs. Limoges and parent helpers Mrs. Sugiyam, Mrs. Miller, and Mrs. Stubbington. I believe they're seated in both galleries, and I'd ask them to rise and receive the warm welcome of the Assembly.

THE DEPUTY SPEAKER: The hon. Member for Lesser Slave Lake.

MS CALAHASEN: Thank you very much, Mr. Speaker. It gives me great pleasure today to introduce two very important people who are good friends of mine and are with us today. They hail from all areas of the province, and they've sort of scurried over here and there but now live in Edmonton. I'd like Jackie Houle and Kelly Whitford, who are in the members' gallery, to please stand and accept the warm welcome of the Assembly.

THE DEPUTY SPEAKER: The hon. Member for Lacombe-Stettler.

MRS. GORDON: Thank you. On behalf of and in conjunction with the hon. Member for Red Deer-South and the hon. Member for Red Deer-North I would like to introduce to you and through you 29 keen, enthusiastic seniors from Red Deer and area. They are accompanied today by tour director June Wade, seated in the public gallery. I would ask them to rise and receive the warm welcome of the Assembly.

head: **Ministerial Statements**

THE DEPUTY SPEAKER: The hon. Minister of Community Development.

10th Anniversary of Chernobyl Disaster

MR. MAR: Mr. Speaker, thank you. It's with profound sadness that today we commemorate April 26 as the 10th anniversary of the Chernobyl nuclear accident. Our hearts go out to the people of Ukraine, Belarus, and western Russia and to Albertans of Ukrainian heritage, who have seen their homeland ravaged.

The Chernobyl meltdown sent 50 tonnes of radioactive fallout over an area about one and a half times the size of Alberta. An area six times the size of Banff national park is still unsafe for human habitation. More than 300,000 people were evacuated. Another 3 million people live with the Chernobyl reality every day. Thousands have died; birth defects have doubled; thyroid cancers in children have increased tenfold; infectious diseases are rampant.

In true Alberta fashion the Ukrainian community, the medical community, and Albertans from across the province have rallied to help the innocent victims of Chernobyl. Twice a year the Ukrainian Commemorative Society sends goods to orphanages and hospitals in Ukraine. The Ukrainian Canadian Congress generously supports the Children of Chernobyl Canadian fund. This year it sponsored the Children of Chernobyl lottery. Many others have joined in a community of caring. In 1992 the world's largest aircraft, the Mriya, transported medical and other supplies donated in the greater Edmonton area.

The Chernobyl children's project, based at the University of Alberta, has set up a fully equipped medical laboratory in Kiev

along with a medical library and English-language medical training schools. Through the medical project, Osvita, 150 Canadian specialists have visited Ukraine to train doctors and other health care workers in modern methods of treating Chernobyl's legacy of disease. Maternal and child health care are priorities because it is the children who have suffered the most.

This year, Mr. Speaker, 500 children from Edmonton Ukrainian bilingual schools raised funds for medical equipment and supplies for the sick children of Ukraine. They will present this gift to medical project Osvita on Friday at Edmonton city hall during an anniversary program hosted by the Ukrainian Commemorative Society. The Canadian government has provided \$27 million in relief and nuclear safety projects and has pledged another \$6.5 million.

The world community is now looking at options for completely shutting down the Chernobyl nuclear reactors, but that will not end the danger. Even today, Mr. Speaker, Chernobyl threatens us as fires close to the reactors release even more contaminants into the air. The effects of this catastrophe will be felt for many generations in years to come.

I ask all hon. members to join in commemorating this anniversary, in expressing sympathy to the victims and support for the Albertans who are working to help them.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Mr. Speaker, thank you. I do join with the Minister of Community Development in offering sympathy to the victims of the Chernobyl disaster and in offering our support to the many Albertans who have, through what I would suggest is a typical response of the people of Alberta – when we find others of the world community in need, we in the community of Alberta respond with tremendous generosity to communities throughout the world. I join the minister in offering our support and thanks to the people of Alberta who have responded in this particular fashion.

Mr. Speaker, the 10th anniversary of the Chernobyl disaster is a time for us to recall probably the worst environmental disaster in the history of our world that was a man-made environmental disaster. What this incident does is remind us that even today we still live in the nuclear age. It reminds us of the devastating impact when we mishandle or mistreat an invention that has the capacity of annihilating all life. We have a responsibility to ensure the safe use and the safe handling of nuclear material throughout this planet, and we also have a responsibility to recover and control nuclear material that is no longer secure.

Mr. Speaker, I would close my comments by saying that for the sake of the children of Chernobyl and for the sake of our own children who offer their support to Chernobyl, we must accept this gravest of responsibilities.

head: **Oral Question Period**

THE DEPUTY SPEAKER: The Leader of Her Majesty's Loyal Opposition.

Gambling

MR. MITCHELL: Thank you, Mr. Speaker. Churches all over the province have responded positively to the Liberal position of limiting gambling activities in Alberta. They have told us that this

government is going much too far with video slot machines and with Las Vegas style casinos. Yet when a Medicine Hat church expressed its concerns about gambling to the Premier, the government sent them a copy of the Gordon report but neglected to answer any of the many specific concerns raised in their letter. Is the Premier so embarrassed by the government's addiction to gambling revenue that he can't even provide this church let alone other Albertans with any explanation as to why his government promotes gambling so aggressively?

MR. KLEIN: Mr. Speaker, I'll have the hon. minister responsible supplement my answer, but basically the Gordon report is a very good example vis-à-vis the government's policy as it relates to gambling in this province.

1:50

DR. WEST: Mr. Speaker, there are several things that must be corrected here. First, there are no Las Vegas style casinos in this province. The casinos in this province are highly regulated charitable casinos with a maximum of 50 VLTs and controlled table games. Second of all, the report that did come out, as the Premier has pointed out, did restrict the movement of future VLTs in this province. In fact, with the redistribution and the removal from the larger VLT areas, we are now down about 250 VLTs in the establishments than there were back six months ago. So I have to take issue with the comments that we're promoting this.

The third issue that came up here: a statement was made that we are actively promoting gambling. Nearly 85 to 90 percent of all the advertising that we were involved with, except the contracts that were left out there, have been removed out of the lottery business. We have a message from the Gordon report to end advertising of gaming in the province of Alberta.

MR. MITCHELL: Mr. Speaker, what response does the Premier have to this Medicine Hat church when they ask him, "Have you fully investigated the impact the gambling has on the quality of life?" or have you been "guided more by the potential increase in government revenues"?

MR. KLEIN: Mr. Speaker, I don't think it's entirely fair to say "government revenues." Certainly the government gets significant revenue from lotteries, through lotteries programs that include VLTs, but charities in this province, through the casinos and the bingo operations, are the exclusive beneficiaries of gambling dollars, not the government, as it relates to those casinos.

Mr. Speaker, yes, it has been investigated. It has been investigated through a thorough round of public consultations and public hearings spearheaded by the hon. Member for Lacombe-Stettler. The people of Alberta have spoken and spoken very loudly as to their feelings on how gambling should be handled in this province and what kinds of policies should be developed relative to gambling in this province.

MR. MITCHELL: What response does the Premier have to the comment made by this same Medicine Hat church that for compulsive gamblers increasing legal access "will increase the destructive effects of this addiction"?

MR. KLEIN: Mr. Speaker, the response is that we're trying to develop a policy that is deemed to be reasonable in this province not to expand gambling but certainly to create opportunities for charitable groups to raise money through various gambling

activities, including casinos and bingos. Relative to steps that are being taken vis-à-vis gambling abuse, I'll have the hon. minister supplement.

DR. WEST: Just to clarify again, Mr. Speaker, the term used was "increasing legal access." There has been no increase in legal access to gaming in the province of Alberta. Indeed, you can't access the VLTs because they're locked into class A licences, which you must be 18 to enter. In the lottery program itself the policy of the gaming commission is that nobody shall sell these tickets to people under 18. We're in a process right now of notifying the thousand-some outlets that if they do, then we will be removing that outlet if they continue, because we have some indication that sometimes younger people access them.

On the other note also, to clarify as a follow-up, the amount of money that comes to the province does come through VLTs, but the rest of it, through the lottery tickets as well as the \$750 million that's bet in charitable gaming, all goes back to the community or to charitable groups. The government does not take that internally. We only on the \$750 million take licensing fees from that. The rest of it either goes back to the winner, whether it's bingos or whether it's pull tickets or raffles, and the rest of that money from the charitable casinos and what have you goes back to volunteer groups and nonprofit groups. The \$125 million a year from the lottery tickets goes back out to every community and every program, from medical equipment – we spent \$7.9 million on medical equipment – to educational programs, to programs in each and every community in this province.

So I take issue that the total amount of gambling in this province is an addiction by government. It supplies a lot of good to our communities, and they have asked for it.

MR. MITCHELL: From zero to 5,700 VLTs since this Premier's been Premier would be an increase in access, I'd say, Mr. Speaker. Quite an accomplishment, quite a legacy.

Regional Health Authority Boundaries

MR. MITCHELL: Mr. Speaker, the reality that regional health authority boundaries were drawn up to suit political rather than health care needs is becoming very evident. Fractures in what the Minister of Health calls a seamless health care delivery system are happening as a result of frightened municipalities searching for health resources. Strathcona county is the first to make the plunge; they did it last night. But given the state of health care in this province, it is certain that they will not be the last. To the Premier: how can this government claim that there is a seamless delivery of health care when municipalities are vying for scarce services by jumping into other health care regions?

MR. KLEIN: Mr. Speaker, first of all, to clarify the leader of the Liberal opposition's opening remark that VLTs went from zero to whatever it was – 5,600 – since I've been the Premier is absolutely false. I mean, it is simply not true. I'm not saying that he's lying; I'm saying that he is making a very serious falsehood. There were VLTs in this province in various bars and other establishments long before I was the Premier. I just wanted to clarify that.

Mr. Speaker, in politics, to answer the question, nothing is carved in stone, and obviously the county council as it affects Sherwood Park in particular voted that that region or that area would more appropriately be served by the Capital regional health authority. I think I pointed out to the hon. member representing

that constituency – and I pondered whether or not the people of Sherwood Park go to the hospital in Fort Saskatchewan or do they mostly utilize the health care facilities in the city of Edmonton? Perhaps the hon. member can offer some clarification. I suspect that most of the people in Sherwood Park use the facilities available in Edmonton. Therefore, it might make some sense, since they access those facilities and most of the people use those facilities, that they become part of that region, and that's what council decided last night.

MR. MITCHELL: Mr. Speaker, if there was some kind of plan in this health care restructuring, why wouldn't the Premier have known that the people of Sherwood Park tend to use Edmonton hospitals before he drew up the boundaries which the people of Sherwood Park aren't happy with?

MR. KLEIN: The answer to that is quite simple. When the boundaries were being drafted initially, the people of Sherwood Park thought that they could be better served by Lakeland regional health authority. As things evolve and realities start to take shape, obviously at least the collective body representing that area now thinks it would be better served by the Capital regional health authority.

MR. MITCHELL: Rather than continue with these pathetic attempts to justify what he's done with these boundaries, will the Premier now acknowledge that disparities exist between regions and work to create health care regions that actually meet the health needs of Albertans?

MR. KLEIN: Mr. Speaker, as it relates to the administration of health and indeed the delivery of health, we're in a process or we're in a stage or a mode of evaluation and examining the restructuring that has taken place. When you look at what has happened, especially with respect to the administration of health in this province, it has really been quite phenomenal. To take over 200 separate health jurisdictions in this province and reconstruct those authorities and those boards and agencies into 17 districts offering a one-window approach in itself has been a phenomenal undertaking – a phenomenal undertaking. And, yes, when you undertake something of this magnitude, it isn't going to be perfect. Nothing in this world is perfect. What you do is you go through the fundamental restructuring, you get the basics in place. Then you monitor; then you evaluate. If you can do some fixing, well, at least now we have the flexibility to do that. Mr. Speaker, the way it was before, we had no flexibility at all to deal with a very, very serious problem of overlapping, duplication, overadministration. Now we do.

2:00

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

MRS. ABDURAHMAN: Thank you, Mr. Speaker. As we clearly stated yesterday, Strathcona county council voted in favour of joining the already cash-strapped Capital health authority. Now we're hearing that the municipal district of Sturgeon may request that health services covered by the Lakeland region be moved to the Aspen region. Now, my question is to the Premier. Is it the policy of your government that the municipalities are the ones that will redraw the regional health care boundaries of this province? Is that what you're saying?

MR. KLEIN: Mr. Speaker, that is not what we're saying, but certainly municipal authorities, municipal governments have a responsibility and indeed a duty to express the wishes of their constituents. I take it that that's all the Strathcona county council was doing when it voted yesterday: expressing the views and the wishes of their constituents. That's what democracy is all about.

THE DEPUTY SPEAKER: First supplemental, Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Okay. Mr. Speaker, based on where the Premier is coming from, I want to ask you now: in the absence of a clearly stated, population-based funding model, how will you now allocate funding to the half empty region of Lakeland? What about what's left behind? Who's addressing that?

MR. KLEIN: Population-based funding is under review now, and as I mentioned in this Legislative Assembly a few days ago, a definite proposal, a proposal that meets the needs of not just the regions that the hon. member is talking about but all the regions, will be brought forward to certainly this government and perhaps to the Legislative Assembly because I would imagine, as we go into that form of funding, that laws will have to be changed to bring into place the effective legislation.

MRS. ABDURAHMAN: My final supplemental is to the minister for child and family services. Are you now going to redraw the child welfare regional boundaries when the changes to the health care boundaries take place, Mr. Minister?

MR. CARDINAL: That's a good question, Mr. Speaker, and the process to review and restructure the boundaries is in the legislation. So we'll have to have a look at it automatically.

THE DEPUTY SPEAKER: The hon. Member for Innisfail-Sylvan Lake.

Federal Ban on MMT

MR. SEVERTSON: Thank you, Mr. Speaker. The federal Minister of the Environment recently announced his intention to reintroduce legislation banning the gasoline additive MMT from fuel in Canada. My question to the minister of the environment is: can the minister advise the House whether Alberta is in support of the federal government's Bill to ban the import and interprovincial trade of the gasoline additive MMT?

THE DEPUTY SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. Not only Alberta but the majority of provinces across the country, including Quebec, are opposed to this move by the federal government. We sent a letter urging the federal government not to proceed with the ban on MMT some time back. It's very interesting. There have been no studies that clearly indicate that there's a benefit to the environment by banning MMT. As a matter of fact, in the United States the environmental regulatory service made a move to ban MMT, and the industries took the environmental regulatory service to court. In fact, the court determined that there was no gain to the environment by banning MMT. Therefore, they ruled that they could not go ahead with that ban in the U.S.

THE DEPUTY SPEAKER: Innisfail-Sylvan Lake, first supplemental.

MR. SEVERTSON: Thank you, Mr. Speaker. To the same minister: can he explain why Alberta's opposed to this legislation when the federal government says that this legislation will deliver \$30 billion in health benefits?

MR. LUND: Well, Mr. Speaker, that preamble is a little bit misleading, because in fact the federal government has conducted three tests that clearly show that there is no health risk to the use of manganese in the formulation of fuel. The \$30 billion number comes from a study that was commissioned by the CCME in which it was identified that there was a possibility of a \$30 billion savings to the health care system over a 20-year period, but 95 percent of that \$30 billion was to come from the reduction of sulphur in the fuel formulations of gasoline and diesel fuels. Well, it's interesting to note that Alberta has the lowest sulphur content in Canada in its gasoline and diesel fuel.

THE DEPUTY SPEAKER: Final supplemental, Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Speaker. My final supplemental to the same minister: can the minister advise the House what the removal of MMT would mean to the health of Alberta's environment and economy?

MR. LUND: Well, Mr. Speaker, as I said earlier, there has been no indication or no scientific backing to suggest that there would be an improvement in the environment by banning MMT. As a matter of fact, there is a risk. If there were some other substances to be used, like an increase in benzene, which is one of the most carcinogenic substances that we can use, that in fact could increase the health risk. There's some talk about enhancing the octane rating by using things like methanol and ethanol. Well, if you take the complete life cycle of those products, in fact you would be increasing the amount of CO₂ that would be emitted to the atmosphere. So in fact by banning MMT, we could be actually harming the environment, depending on the formulations that are used.

Now, as far as the economic impact, I would ask the Minister of Energy to supplement.

MRS. BLACK: Mr. Speaker, I'm pleased to supplement the answer. Remember that MMT is added to the fuel streams to bring up the octane levels for automobiles. If in fact that is removed, then there's a major retrofit that would have to take place at our refineries to change the reformer capacity at the refinery.

That impact, Mr. Speaker, could have in our early estimation anywhere from \$100 million to \$120 million with an annual cost of roughly another \$15 million when there has been no proven benefit on the environmental side to justify this kind of a move. So we would hope that the message that will go down to the federal minister of environmental protection is: please consult first before you make this kind of move.

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

Heart Transplants

MR. SAPERS: Thank you, Mr. Speaker. Kristy Plotsky is a 13-year-old Medicine Hat girl with two rare and fatal heart ailments. Now, Kristy requires a lifesaving heart transplant and is currently on the waiting list at the University of Alberta hospital. Her parents want to double Kristy's chances of receiving a heart transplant by placing her on a second waiting list in the United States. The Alberta heart transplant program has said that they will take Kristy off their list if Kristy is placed on the United States list. My questions today are for the Premier. Given that there is absolutely no question about whether or not Kristy needs a heart transplant, will the Premier please advise as to why she cannot be placed on both lists at the same time?

2:10

MR. KLEIN: Well, again, Mr. Speaker, I'm only going on the advice of the Minister of Health, who advises me that the Out-of-Province Supplementary Assistance Committee, which I assume is a medical committee, reviews the capabilities of our medical programs and the specific needs of each individual patient. If an individual patient for some reason could not be served effectively by our program, the committee certainly would recommend double listing. In this case, as I'm given to understand, the committee has recommended to the minister that indeed the facilities available, particularly the U of A hospital here in Edmonton, are capable of serving the needs of this young lady.

THE DEPUTY SPEAKER: Edmonton-Glenora, first supplemental.

MR. SAPERS: Thank you, Mr. Speaker. It's precisely that committee and those guidelines that I'm questioning.

Given, Mr. Premier, that Kristy's doctor has said that she will die if she has to wait long for a heart in Alberta, doesn't the Premier agree, based on what he just read, that it is consistent with government policy and the correct thing to do to have Kristy placed on both lists?

MR. KLEIN: Mr. Speaker, I'm certainly not familiar with all the details of the case, but you're asking me to question the advice and the recommendations of a very specialized committee that has been set up to examine precisely these kinds of situations. I will take the member's question under notice and discuss it with the minister upon her return.

THE DEPUTY SPEAKER: Final supplemental, Edmonton-Glenora.

MR. SAPERS: Thank you, and thank you for that commitment, Mr. Premier.

Mr. Premier, while you're undergoing that review with the minister and with the out-of-province committee, would you please make a determination and then inform this Assembly as to how long a wait a patient like Kristy must endure before this Premier and his Minister of Health agree that Kristy or other patients in her circumstances can be placed on the United States list.

MR. KLEIN: It's a really good question, Mr. Speaker. I don't know what the answer is because I don't know precisely what the policy of the Out-of-Province Supplementary Assistance Committee is relative to the waiting time. That's one of the points I'll discuss with the minister upon her return.

THE DEPUTY SPEAKER: The hon. Member for Peace River.

Young Offenders

MR. FRIEDEL: Thank you, Mr. Speaker. My questions are to the Minister of Justice. During the past few days there have been reports of young offenders not paying court-imposed fines – I believe the quote was an average of 24 defaults per month – along with an implication that the defaulted payments are not pursued simply because young offenders seem to have some type of immunity from prosecution. In view of the increasing concern that we're too lax in demanding some accountability from young people who commit crimes, can the minister advise us whether these reports are accurate or the statistics quoted are accurate?

THE DEPUTY SPEAKER: The hon. Minister of Justice and Attorney General.

MR. EVANS: Thanks, Mr. Speaker. Personally I don't know whether those statistics are correct, but I'll check with my department and see whether they were the ones that provided these statistics. Twenty-four per month, when you consider the number of traffic tickets and other tickets that would be meted out to youth in the province of Alberta, other penalties in our courts that would have a fine attached to them, seems actually quite low when you take that into account. Hon. member, I think it's probably more than 24 per month, if you want to know the truth.

In terms of what that means to the system and whether they're getting off scot free, I don't think that is the case. Under our young offenders legislation there is the ability to charge again with failure to deal with a disposition in a way that it's been set out by the courts, so that's a deterrent in and of itself. There's also the ability under some of our provincial legislation to prohibit the renewal of drivers' licences and to prohibit registration of vehicles. So I think there are recourses. The question is whether we're being as effective as we can. It's an ongoing process. We'll continue to look at it to make sure that the dispositions of courts are being lived up to.

THE DEPUTY SPEAKER: The hon. Member for Peace River.

MR. FRIEDEL: Yes, Mr. Speaker. Again to the Minister of Justice: does the newly announced crime strategy include any significant improvements to the young offender enforcement measures?

MR. EVANS: Well, Mr. Speaker, I would say that with respect to both young offenders and adult offenders the answer is yes. What we are trying to do is focus our attention on serious and violent crime and to make our community safer. What we do is track the individuals from the point of investigation through prosecution into our corrections facilities and also under community supervision and put more of our resources into those who are a continuing risk to society.

Now, the flip side of that is alternative measures for those who are low risk, less serious, and nonviolent offenders. The purpose of having those kinds of measures is not to let them off scot free, Mr. Speaker, but rather to ensure that they will have a meaningful payback to society through community supervision. They're doing community service work, and I think that's a good way of diverting the criminals who are in that lower end and putting them back into society as contributing members.

THE DEPUTY SPEAKER: Save some for the final supplemental. Peace River.

MR. FRIEDEL: Yes, Mr. Speaker. Once again to the same minister: considering that the provinces administer significant portions of even federal criminal cases, how much latitude do we have in placing enforcement emphasis on infractions of areas of provincial priority?

MR. EVANS: Well, Mr. Speaker, as hon. members would know, the federal government creates the criminal law, but we administer it. That does give us some authority to prioritize within the context of the Criminal Code and other federal legislation how we want to enforce. Quite frankly, that's how we came up with the strategy with police organizations in the province, the RCMP and municipal police forces, focusing our attention on serious and violent crime. We have that ability, and we're going to continue to do that so that we can focus on those matters that are most important to Albertans.

Speaker's Ruling Decorum

THE DEPUTY SPEAKER: Hon. members, we seem to have some confusion in the minds of some members that are near and dear to me who think they're at a hockey game and can shout instructions and encouragement and gratuitous comments and second guesses. The Chair is quite willing to call the shots as the Speaker is able to either see them or hear them without the extra advice that we're receiving from this quarter.

The other item that I might mention while standing is that several of the ministers are replying to questions in such a soft tone that the hearing of the Speaker is indeed challenged.

With that, we'll call upon the hon. Member for Calgary-North West.

Public Opinion Poll Results

MR. BRUSEKER: Thank you, Mr. Speaker. [interjection] Yeah, usually I'm not accused of being too quiet; that's for sure.

Polling is done at numerous levels throughout the province on a regular basis. Frequently the published results show only that side of the story that the government would like the public to see, and the rest is discreetly ignored. Now, a poll done by the Member for Calgary-Varsity on the Internet, however, shows that there's a somewhat different story than the usual good-news tale that the government puts forward. So my first question is to the Premier. Since the questionnaire put forward by the member on the Internet shows that only 25 percent of respondents believe that health care reforms will lead to a quality, affordable, and accessible health care system – that's from the question – and 70 percent ranked health care as one of their top three concerns, will the Premier now reassess the massive restructuring that's under way right now on the Alberta health care system.

2:20

MR. KLEIN: That is precisely what we are doing. I wouldn't use the word "reassess," because a number of things have been done absolutely right, the result of restructuring and providing a one-window approach and reducing the amount of overlapping and duplication in the system and reducing the amount of administration in the system, Mr. Speaker. But indeed we are monitoring, and we're in a stage of re-evaluation and in a stage of looking at areas where perhaps mistakes have been made. At least with our costs under control and our expenditures under control and having

rationalized health care fundamentally and basically, we're now able to look at this renovation and say okay; it's not just quite perfect here, so let's make some changes. We have that flexibility.

Mr. Speaker, the worse part of this is behind us now. We have gone through the restructuring. Now it's like a renovated home, and we can say okay; well, it wasn't quite perfect there, but we can go back and we can fix it.

One of the situations that's now coming to the forefront is the whole situation of the Lakeland boundary as it relates to the Capital regional health authority, but we can look at that. That is not huge; that is not going to . . .

MRS. ABDURAHMAN: What about Aspen?

MR. KLEIN: Mr. Speaker, this is International Noise Awareness Day, and I would ask you to ask the hon. Member for Clover Bar-Fort Saskatchewan to be aware of that. Maybe that's why everyone is speaking so softly today.

Mr. Speaker, we are in that stage of re-evaluation, and thank God we now have the flexibility and the resources really to go back and do the minor, minor repairs that might be needed.

MR. BRUSEKER: Well, they're not really happy with that. Let me try something else.

Since in question 2, by the way, only one-third of respondents said that they felt the economy had improved over the last little while, why aren't government spin doctors saying something that the people of Alberta don't see for themselves?

MR. KLEIN: Government spin doctors aren't saying anything. The people of Alberta are saying a lot about what this government . . . [interjections] Well, first of all, Mr. Speaker, if you want to get into polling, I would challenge the Liberals to do a little bit of their own polling and find out in the big picture where they stand. In the big picture they would have a hard time finding where they stand because it's so low.

MR. BRUSEKER: Murray, I think he's saying that he doesn't like your poll.

The third question: since 79 percent of respondents think the total number of MLAs should be reduced by 10 percent, when is the Premier going to introduce that good Liberal policy in the Legislature, in this House?

MR. KLEIN: Well, Mr. Speaker, we're going through a difficult enough time as it is in redefining the existing boundaries as those boundaries pertain to the 83 constituencies now in existence. I have said – and I've said this publicly, and I would gladly send the Liberals a copy of the speech to the annual convention, which was attended by something like 1,900 dedicated and loyal Progressive Conservatives – that this is something we can look at after the next election. We would be very happy to participate with the Liberal opposition after the next election to do precisely that kind of review.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Montrose.

International Baccalaureate Program

MR. PHAM: Thank you, Mr. Speaker. In Calgary there are only two schools that offer the IB program, and Western Canada is one

of them. Last month one of my constituents applied to this school, and he was rejected because he did not live within the boundaries of the school and the school was full. My question today is to the Minister of Education. Can you please explain the benefits of the IB program and the cost per student associated with it?

MR. JONSON: Mr. Speaker, the international baccalaureate program, which I understand the hon. member is referring to, is a program which is designed for students with particularly high research abilities, the ability to do independent study, and of course of generally high academic standing. It is very well regarded internationally as a program for gifted students and students interested in this type of study.

As far as the cost of the program is concerned, I cannot give specifics, because each jurisdiction that is a member of the international baccalaureate organization would probably arrange it somewhat differently, but there are some costs associated with membership in the international baccalaureate association, I think it's called. There could possibly be significant additional costs if there is a deliberate decision to keep the pupil/teacher ratio down to I think a lower required number. So there are some additional costs associated usually with offering this specialized program, but it is a very highly regarded program.

THE DEPUTY SPEAKER: First supplemental, Calgary-Montrose.

MR. PHAM: Thank you, Mr. Speaker. My second question is to the same minister. Is it fair for the school to reject my constituent's application based on where he lives despite his excellent academic achievements?

MR. JONSON: Well, Mr. Speaker, it is . . .

THE DEPUTY SPEAKER: We seem to have a lively discussion going on here between House leaders. Could you engage in that outside the House and let the Minister of Education respond to the question?

MR. JONSON: Mr. Speaker, the international baccalaureate is an enhancement of the required program for high school graduation in this province, and therefore it is logical that it may be limited in terms of the enrollment. I would think that there must be some policy or some criteria in place that is authorized by the school and I would assume also by the school board for selection and if need be limiting the numbers of students accepted.

What I don't know and I think the hon. member is saying to me are all the criteria that are involved. It would be possible, yes, for a school jurisdiction to set criteria for entry into that program, and that of course would exclude some students that just would not qualify if there were many applicants. I would not want to comment on the fairness of the policy unless I know all the characteristics of it, and I will ask about that.

THE DEPUTY SPEAKER: Final supplemental, Calgary-Montrose.

MR. PHAM: Thank you, Mr. Speaker. My final question is to the same minister. What can you do to ensure that the students who live in northeast Calgary will have the same level of access to the IB program as a student who lives somewhere else in the city?

MR. JONSON: Mr. Speaker, as I just indicated, I'm certainly prepared to inquire into whether or not they do have a policy and if that policy's been developed in the proper way as far as the Calgary board of education is concerned, but in terms of commenting on their policy and whether there is anything wrong with it that I would want to suggest be changed, I would not want to judge that at this time without knowing more facts with respect to the case.

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

Child Welfare

MS HANSON: Thank you, Mr. Speaker. The latest evidence from northern Alberta proves that the rush to shove child welfare services down to the communities is coming off the rails. Volunteers tell us of lack of supplies, of having to beg for information, and, worst of all, of a prevailing sense that their work is unimportant because the government has its own agenda. Communities like Valleyview, Slave Lake, Fairview have had so many volunteers resign that the government has had to step in and help reorganize the working groups. My questions are to the Minister of Family and Social Services. Mr. Minister, how can you expect volunteers who are already overburdened to do this job when you can't supply them with paper? One working group was told to go to the school to get some paper.

MR. COLLINGWOOD: You've got paper, Mike.

2:30

MR. CARDINAL: I have lots of paper. Social policy.

Well, Mr. Speaker, I'm glad that after getting after the Liberals for three years, they've finally filed their social policy in the House today, and it'll tie in of course to this question because I assume that if I take the content of their social policy, we won't have any more problems in Alberta. I'm looking forward to that.

In relation to the issue of the communities the member mentioned in northern Alberta, the welfare caseload including the child welfare caseload has reduced drastically, especially in rural northern Alberta. That shows that the program is working.

I've indicated before, Mr. Speaker, that we've increased the budget by 21 percent, up to \$197 million for child welfare. We've added more staff. I've always said that we've never, never been in a better position in Alberta in designing programs for children. We have the financial resources there; we have human resources, the ability to plan. For once, the community has the opportunity to participate in planning and designing programs based on local needs. I don't really know what the member is talking about when she tells me that there are not enough financial resources.

MS HANSON: The thing is that the groups can't work without resources, Mr. Minister.

Mr. Minister, why have working groups in isolated areas had to go begging to the government for information, not only other resources, in the same way as you do to welfare clients?

MR. CARDINAL: I don't believe that this department has been in a better position than it is under this government, Mr. Speaker. When we reformed the welfare system, we restructured the system so the money went to the high-needs areas. We had a \$1.7 billion budget back in '92-93. That is down to \$1.3 billion. In addition

to that, it allowed us to move \$178 million to persons with disabilities, children's services. That is our plan.

In relation to that specific issue, I don't really know where the member is coming from, because her question does not make sense, Mr. Speaker.

MS HANSON: Mr. Minister, I'm coming from the people of the Fairview and Valleyview communities.

My last question to the minister is: will you please slow down the process? For the sake of the children, will you listen to the volunteers who are telling you that the time lines are too short?

MR. CARDINAL: Mr. Speaker, I've always said that we can be very innovative, that we have the time for once to design good programs. I've always said that there is flexibility. There have to be targets, though, target time lines to encourage some activities to take place. That's all we've done.

To clear up the issue on the three questions today, I'd just like to share with the Assembly, Mr. Speaker, a letter that was sent to the hon. member. This letter came from one of the members from the committees, and it's directed to the member. It says:

We shared our conviction that the current initiative was a once-in-a-lifetime opportunity to really make a difference for children. So many past initiatives have died, and so many people in [the] community have joined in this one, that I fear deferral of the enabling legislation will kill this initiative "forever". The opportunity to make a difference will not be in your or my lifetime.

That was addressed to this member, and she shared her conviction with this particular person who is a member of one of those committees she's addressing.

THE DEPUTY SPEAKER: The hon. Member for Sherwood Park.

Northern River Basins Study

MR. COLLINGWOOD: Thank you, Mr. Speaker. The northern river basin study held a meeting last night in Edmonton and reported on the health of the Peace, Athabasca, and Slave rivers' drainage systems. In this study scientists found that various areas were suffering from what they identified as hot spots. The hottest of the hot spots, the area that is in the poorest condition, is the Smoky and Wapiti rivers south of Grande Prairie. My question to the Minister of Environmental Protection: given the findings of the northern river basins study that was presented last night, will the minister agree that no new discharges will be allowed into this river system now?

THE DEPUTY SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. The northern river basins study is an extremely important study to this government and to future development in northern Alberta. It's been going on for some number of years now, and we're really looking forward to the conclusions that are going to be delivered to us sometime early in June.

The hon. member's absolutely right that there have been some hot spots identified. I think there are four of them, and certainly the area that the hon. member just mentioned is one of those.

It's very interesting to look at what is being proposed as far as a pulp mill with Grande Alberta Paper. The fact is that that mill

that is being proposed would be a closed loop system, which means that it wouldn't have a discharge. So the fact is that the impact on the Smoky, Wapiti rivers would be minimal or nonexistent as far as putting another development in the area.

So as far as committing that there will be no more discharge into those rivers, Mr. Speaker, I think that we have to see what exactly the recommendations of the report are and see what the scientific background is. Certainly there's always a lot of speculation and there's a lot of hype and a lot of perception, but we are going to be basing our decisions on the scientific knowledge that will be garnered from those studies.

THE DEPUTY SPEAKER: First supplemental, Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. The meeting last night was the scientific presentation of the information.

Now, Mr. Speaker, given that answer, what impact will the information that was presented last night have on the minister's decision as to whether to approve the Grande Alberta paper mill, not the pulp mill but the paper mill, which will discharge effluent into this river system?

MR. LUND: Mr. Speaker, right now what we are doing is looking at the fibre supply for the development at Grande Prairie. You have to remember that this project will be subject to very stringent environmental assessment. It will have to go through the NRCB, and the decisions will be made in due course. If the determination is made that in fact there is fibre available and that the flow of the fibre is something that can be supported by the communities involved, then we will make a decision as far as moving ahead to the next process, which is the final approval as it goes through the NRCB, and that's when the final decisions will be made.

THE DEPUTY SPEAKER: Final supplemental, Sherwood Park.

MR. COLLINGWOOD: Yes. Thank you, Mr. Speaker. Well, given that this process is carrying on, would the minister agree, given the evidence that was presented last evening, that the appropriate thing to do would be to hold a moratorium on all new developments on this river system until it has recovered?

MR. LUND: Well, Mr. Speaker, I don't want to have to go back and repeat everything that I said, but certainly I think that as far as putting a moratorium on moving ahead, the final decisions and what has to be done relative to the effluent that would happen with a development in Grande Prairie have to go through the whole process. So to get into that process immediately, I don't see where that would have any kind of a detrimental effect on the study. Certainly once the study has been released, we will be looking at the scientific knowledge that has been gained through those studies, and that scientific information will of course play a major role when the project comes before the NRCB if in fact it were to move along to that point.

THE DEPUTY SPEAKER: The time for question period is now expired. May we have agreement to briefly revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? Carried.

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

THE DEPUTY SPEAKER: The Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to the rest of the Assembly a constituent of mine from Leduc, Mr. Leo Stenzel. Mr. Stenzel has shared a wealth of information with me and stops at my office frequently. He has been my educator in the chelation world. I appreciate that, and not to detract from the other ladies and gentlemen in the stands on that particular aspect, that subject has been dear to Leo, and he shared it with me. So I would ask Mr. Stenzel to please stand and receive the warm welcome of the Assembly this afternoon.

2:40

MR. BRASSARD: Mr. Speaker, it gives me a great deal of pleasure to introduce to you and to members of this Assembly a number of citizens, who are here from all across Alberta, keenly interested in Bill 209. I would ask that they would stand and receive the warm welcome of this Assembly.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Shaw.

MR. HAVELOCK: Well, thank you, Mr. Speaker. Perhaps my thunder has been stolen by the hon. Member for Olds-Didsbury, but I, too, have two constituents here today. We have Colonel Carsted and his wife, Helen, who have been following the debate on Bill 209 and certainly offering this member a lot of advice along the way. I appreciate them coming up to hear the debate, and I'd like the Assembly to recognize their presence.

Thank you.

head: **Orders of the Day**

head: **Written Questions**

MRS. BLACK: Mr. Speaker, I move that written questions appearing on today's Order Paper stand and retain their places with the exception of questions 189, 192, 193, and 194.

[Motion carried]

Timber Hauling Permits

Q189. Mr. Van Binsbergen moved that the following question be accepted:

How many inspections of logging trucks were carried out between January 1 and February 29, 1996, within the periods 8 a.m. to 4 p.m., 4 p.m. to midnight, and midnight to 8 a.m. to check for the new timber hauling permits introduced on January 1, 1996, how many infringements were recorded, and how many charges were laid with respect to vehicles apprehended in each time period?

THE DEPUTY SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. Because the wording the hon. member put on the Order Paper creates a lot of difficulty, I find it necessary that we make some amendments. First of all, the necessity to delete "January 1," as it appears, and substitute "January 3," because in fact that's when the permit system

started. Then also, because there isn't a complete breakdown – as a matter of fact, only about a 60 to 70 percent breakdown – in the time intervals that the hon. member asks for, we find it necessary to make some amendments there. So I trust that the hon. member will agree with these amendments, because it will allow us to provide the information as near as we have it. So with the amendments the question will now read:

For those inspections where a time period was recorded, how many logging truck inspections were carried out between January 3 and February 29, 1996, within the periods 8 a.m. to 4 p.m., 4 p.m. to midnight, and midnight to 8 a.m. to check for the new timber hauling permits introduced January 3, 1996, how many infringements were recorded, and how many penalties were recommended with respect to vehicles apprehended in each time period? For those inspections where a time period was not recorded, what was the total number of logging truck inspections carried out and how many infringements were recorded and how many penalties were recommended?

Mr. Speaker, with those amendments we will move acceptance of this question.

THE DEPUTY SPEAKER: The hon. Member for Sherwood Park on the amendment.

MR. COLLINGWOOD: Thank you, Mr. Speaker. On the amendments. I think the minister has made an effort to try and resolve some of the difficulties with the wording of Written Question 189. For myself, the only difficulty I have with the amendment is – and I'll mention to the hon. member that I'll accept and vote in favour of the amendment that's put forward. But my concern is that the minister is suggesting or stating to us in the amendment that he can't indicate to us how many charges were laid while we go through those sorts of administrative changes of January 1 versus January 3, time periods recorded, and so on.

Now, the minister has indicated that there are some where a time period is recorded and there are some where the time period is not recorded. That seems somewhat strange to me, Mr. Speaker, and suggests to me that the system needs some work. One would expect that there would have been a time record of when that inspection took place for every vehicle that went through. The minister is going to tell us the total number of logging truck inspections that were carried out, but he hasn't indicated why, in the system that he set up, there is not in every circumstance a time period that has been recorded for when that inspection was carried out.

The minister has changed the wording "how many charges were laid" to "how many penalties were recommended". Well, Mr. Speaker, recommending a penalty and laying a charge are very, very different things. Once again the minister is not indicating to this Assembly or to the people of Alberta the process that his department is going through in dealing with infractions if charges need to be laid. It's a serious issue. If charges need to be laid, then charges need to be laid. It's rather fluffy for the government to say penalties recommended as opposed to saying charges laid.

We continually, Mr. Speaker, see in this Assembly this minister and other ministers and the government in general saying one thing about recognizing the seriousness of a situation and then responding with something far less than an aggressive approach that makes a statement about this government's commitment to serious issues. You know, this issue has been on the mind of the minister for a long time, and it's been on the mind of the media for a long time. It seems that this story just never goes away; you

know, with the number of logging trucks that we have on our road. The minister and the government use all of their rhetoric to say how important this issue is and then can't even tell us whether charges were laid. All he can do is tell us how many penalties were recommended. Well, that's as hollow as it gets.

So I make those comments and am obviously somewhat critical of the minister's amendment for those specific reasons. We'll accept the amendment and will accept the written question and obtain the information the minister is prepared to provide to us under this written question, but it's clearly been diluted. Clearly the minister, by making the change that he's making, is not responding appropriately to this serious issue.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for West Yellowhead.

2:50

MR. VAN BINSBERGEN: Mr. Speaker, speaking to the amendment, I'm sort of in agreement with what the minister is proposing in his amendment. I can see that if no time has been recorded, it's going to be very difficult to answer my question. But as the Member for Sherwood Park pointed out, why has the time not been recorded? Is the minister suggesting that every once in a while the date is perhaps not even recorded? You know, if you record the date, why not record the time? It seems to me the two things go hand in hand generally.

On the matter of the recommendation of penalties, the Member for Sherwood Park has already commented. It doesn't make any sense to me either, if indeed there are to be any teeth in the policy that the minister has implemented in instituting these permits. I'd like to remind the House that they were instituted last fall, I think it was, in response to the suspicion that a lot of timber was leaving the province that might have been stolen from Crown land. If it turns out that there aren't that many teeth in the permit policy, then I think we have to take another look at it.

MRS. HEWES: Mr. Speaker, this amendment virtually emasculates the question. It's useless.

AN HON. MEMBER: It's fluffy.

MRS. HEWES: It's more than fluffy. Fluffy is much too kind a term, Mr. Speaker. It's certainly frivolous. I mean, this nonsense about taking out "charges were laid"; that's the very essence. We need to know: were charges laid? What is being substituted is "penalties were recommended". What penalties? We don't know whether they were ever applied. This is a nice little, neat little move. I think when looked at carefully, it in fact is not an appropriate amendment because it changes the nature of the motion. It does not deal with the motion, it does not allow the motion or the intent of the motion to stand, but it is a substantive change to what the written question is asking for.

Mr. Speaker, I simply can't support this amendment. I think it's ridiculous.

THE DEPUTY SPEAKER: The Member for Edmonton-Ellerslie on the amendment.

MS CARLSON: Yes, Mr. Speaker. I would like the minister to stand up and tell us if this means that in fact there were absolutely no charges laid. If that's true, with all those logs from Alberta running out of this province into another one – and we know there

were infractions; there were many of them – that in fact there were absolutely no charges ever laid, I want to know that before we vote on this amendment.

[Motion as amended carried]

Treaty Indians

Q192. Dr. Nicol moved that the following question be accepted: As of December 31, 1995, how many treaty Indians were employed by the government, and how many were members of a recognized Alberta band?

MR. CARDINAL: Mr. Speaker, I accept Question 192.

[Motion carried]

Gaming and Liquor Commission Amalgamation

Q193. Mr. Wickman moved that the following question be accepted:

How much was paid out in severance to each of the previous board members and senior officials who were released when the Alberta Liquor Control Board, Alberta Lotteries, Alberta lotteries and gaming, the Alberta Gaming Commission, and the gaming control branch were amalgamated into the Alberta Gaming and Liquor Commission?

THE DEPUTY SPEAKER: The hon. Minister of Transportation and Utilities.

DR. WEST: Yes. I reject this question, Mr. Speaker. These are personnel records of individuals that cannot be brought forward into the House.

MR. WICKMAN: Mr. Speaker, let me respond to that. Certainly I recognize that it's a matter that can be touchy in terms of providing potential embarrassment to the government. There are certain types of information they prefer not to disclose, and I always get a bit suspicious as to why they don't want to disclose that information.

On the one hand, we've had instances in the past where the Premier has stood up and demanded that paid positions, that those salaries be released, and it was an embarrassment to some of those individuals. Nevertheless, despite that embarrassment it was the right thing to do. We are talking about taxpayers' dollars. We are talking about a province that states it favours freedom of information. Here's an opportunity for the minister to demonstrate that he in fact believes in freedom of information, that he in fact concurs when the Premier stands up and calls for the release of the salaries of people who are appointed to some very high-paying positions. So this to me is a double standard, and I'm quite frankly stunned that the minister, who would normally answer questions, chooses not to answer this question.

[Motion lost]

Community Facility Enhancement Program 2

Q194. Mr. Wickman moved that the following question be accepted:

What community facility enhancement program 2, CFEP 2, grants were approved that required the minister respon-

sible for lotteries to exercise discretion since the application did not fit the original policies for eligibility, and what was the rationale for a CFEP 2 grant to these applicants?

DR. WEST: Mr. Speaker, again I reject this question under certain grounds. First of all, if there are individual CFEP applications that the member wishes to discuss specifically, he can go to Public Accounts when this department comes before Public Accounts, or you can look them up individually and bring those cases that you want to know the details of specifically to me. So you have ample opportunity in other areas to get this information.

As well, it might be deemed that this was a wide-open question that had some hypothetical rhetoric in it. You question the minister responsible as to which ones he used his discretion on since it did not fit the original policies. We have guidelines, and I certainly will be sending this hon. member the new guidelines for CFEP 3 under the policy. I'll send you all the parameters that are there and the ones that were in your constituency.

As far as saying that the minister took certain discretions on certain applications and wanting me to set those numbers out here out of thousands that were approved outside the policy, I think it makes this question redundant, because it would allege that there was something underhanded in discretionary approvals of certain CFEP grants. That is in this case not the truth, so I'm rejecting this question, as it's not appropriate.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Gold Bar. On this question?

MRS. HEWES: Yes, Mr. Speaker. I think it's important that there is an answer to this question, a written answer with some understanding about discretion. Contrary to the minister's comments, I believe discretion has been used in the past regarding CFEP grants and that it may be entirely appropriate. I think what we need to know is: what are the criteria for that?

I'm reminded about the most recent questions and answers in this House regarding a CFEP application – from a school council, I believe it was, in Calgary for computers – which resulted in a CFEP grant of \$85,000 to that school. Now, this may all be entirely appropriate, but with \$85,000 to a school, I would want to be sure that in fact it was a school council and not the school itself, because I have a school in my riding, Mr. Speaker, that's appealing to parents to ante up funds for computers. If a school can apply for a CFEP grant and if the minister has discretion in that regard, then I believe we should know.

The other part of it is that my understanding was that CFEP grants before given had to be matched, and that in this case, in the case of the Calgary school council, in fact all they had was a plan to raise \$85,000, that there were no dollars or limited dollars available. Again, we need to know how and when – I mean, I need to know for my own constituency applications, Mr. Speaker, how and when does the minister adjust these rules? What criteria should I expect, then, if a school or a school council in my riding wants to apply for computers? Because exactly the same thing has arisen.

The other thing I want to know, Mr. Speaker, is how long it is between the time a request is made for a CFEP grant and an answer is given. For instance, we note in this morning's news that there was a CFEP grant made to a senior citizens' organization in Redwater or Morinville.

3:00

AN HON. MEMBER: Redwater.

MRS. HEWES: Redwater I think it was. Probably entirely deserving, Mr. Speaker, but I understand the application was made over two years ago and hasn't been answered until conveniently – well, conveniently just this week. The member here was present, and I think that's grand. I'm glad for the seniors that they got it. But what criteria then – does the minister have the discretion to say: "Not this year, seniors. Not this month, seniors, but next year." These are the kinds of details that I believe every member of this House should have access to, because good organizations in my constituency have applied and have received CFEP grants.

If there is a system of rules and a checklist that says here's where the minister may use discretion, fine with me, but I need to know those as well so that my constituency has access to exactly the same opportunities as every other one in this province. So I would beg the minister to reconsider his answer and just let us know.

DR. WEST: A point of clarification, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Minister of Transportation and Utilities rising on a point of order for clarification.

Point of Order Clarification

DR. WEST: A point of clarification. There was an insinuation that an application in Redwater had been hanging around for two years. The insinuation was that it was just approved for convenience. I have something I will table with the Assembly here today to give a cross section of the chronological events that took place. The application wasn't fitting into the guidelines and had to be updated, and it took nearly two years for the organization to prove the viability of the project. It had nothing to do with a decision coming from the minister. It had to do with the policy and the guidelines, with it going back and back and back and saying to get more information to prove this.

MRS. HEWES: That's what we need to know, Mr. Minister.

DR. WEST: Well, I just didn't want you – because you've been going around trying to lay an insinuation that there was some impropriety.

THE DEPUTY SPEAKER: You've tabled the document.

Any further discussion on 194? On the point of clarification, Edmonton-Gold Bar?

MRS. HEWES: Well, Mr. Speaker, I made no insinuations whatsoever. [interjections] I never used the word. I simply asked for some understanding of whether there was a system in place where the minister could use his ability to say – and the minister has answered me – that this application was incorrect in its first form, and it was sent back. That's the correct answer. I made no implications, and I frankly am shaken that the minister would even think I was capable of that.

THE DEPUTY SPEAKER: I think the point of clarification has been resolved in the sense that a document has been tabled and the hon. member has noted that she intended no insinuation, and none, therefore, need to be taken.

Debate Continued

THE DEPUTY SPEAKER: Hon. member, have you concluded your discussion on Question 194?

MRS. HEWES: Yes, I have. Thank you, Mr. Speaker.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I'm also amazed that the minister of transportation – maybe I should be shocked and appalled – would insinuate that the hon. Member – and indeed she is an honourable member – for Edmonton-Gold Bar would ever insinuate anything, other than to try and get at what the truth is. Unfortunately, this minister does have the tendency, whenever things get a little hot, to say, “Well, there's an insinuation that something is going on,” when in reality all we're trying to do is get at the truth.

Now, I think 194, like 193, is a very important question, and I have no . . .

THE DEPUTY SPEAKER: Hon. member, which written question are you on? You mentioned 193 and 194. We're on 194; right?

MS LEIBOVICI: We're on 194. I said that 194 is very much like 193, that what it appeals to is the openness of this government. And by this government rejecting both 193, which deals with patronage appointments by the government – and we are now not able to see what the severance payments are to those people who were patronage appointments. Question 194 is also patronage. It is patronage. The lottery funds in the past have been used to get votes, and I think that's well known throughout this province. That is not a secret. What we are asking for is to find out what are the criteria, what are the policies for eligibility.

Now, we had a case just two weeks ago with the Member for Calgary-McCall. Did the Member for Calgary-McCall follow the applications? Did the applications indicate that computers were in fact to be given out under lottery grants? Because if they are, then what is the Minister of Education doing in saying that computers are going to be paid for out of the Department of Education?

MR. DUNFORD: Read the application. It's right there. You're just wasting time.

MS LEIBOVICI: The Member for Lethbridge-West is quick to talk from his seat, but let's hear what your spin on it is, hon. member.

MR. DUNFORD: You're wasting time. Let's get to Bill 209. You're wasting time.

MS LEIBOVICI: Now, if the member wishes to enter into debate, I more than welcome him to stand up on his feet when I sit down and try to explain what this is all about.

The reality is that if computers are to be given out under CFEP grants, then each and every one of us should be told that that is the case. Each and every one of us should be told what the other areas are in which discretion has been applied so that when we are going to our community groups, when we are going to our schools, when we are going to any of our other nonprofit organizations, they in fact would be able to follow those guide-

lines, those discretionary guidelines. If it's set in stone, then it should be set in stone not only for members of the opposition but also for members on the government side, especially members such as the Member for Calgary-McCall.

Now, what I think a lot of people look at in terms of the CFEP grants is that they do good. There is a reason for them being there, and there is a reason that community groups need to apply for the CFEP grants. But if they are just to be a slush fund on behalf of the government, if they are just to be a fund where only government MLAs can hand out the cheques . . . [interjections] I can go and I can ask each one of my members on the benches here . . .

MRS. BLACK: A point of order, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Deputy Government House Leader is rising on a point of order.

**Point of Order
Imputing Motives**

MRS. BLACK: Mr. Speaker, 23(h). The hon. member is imputing motives and making allegations that CFEPs only apply to the government side of the House. I can tell you that since 1989 I have spent more time working in opposition constituencies with their community leagues and their people to help them with CFEPs because their members have rejected this program from day one. I'm sick and tired of having to do your work because you will not accept this program, and there's a point of order on the allegation. I can think of a lot of things to do with my time other than look after Liberal ridings. [interjections]

THE DEPUTY SPEAKER: Hon. minister, have you finished with your point of order? I rose because there was so much noise that I could no longer hear you.

MRS. BLACK: Well, Mr. Speaker, no, I haven't finished. I've heard this nonsense since 1989 in this House about CFEP grants, and I can tell you, working in the city of Calgary and throughout this province with communities on these grants, that these people over on the side opposite have made these allegations and then every time have come back and whined and cried and sniveled and said, “This is a Tory slush fund.” You're sadly mistaken. Our responsibility on this side of this House is to serve the entire province of Alberta, whether it's a Conservative riding or not, and I resent the allegation. Because they refuse to do the work in their ridings, which we pick up, then they accuse us of a Tory slush fund, and I'm fed up with it.

3:10

THE DEPUTY SPEAKER: Edmonton-Meadowlark on the point of order.

MS LEIBOVICI: Definitely, Mr. Speaker, there has never been an insinuation that this side does not support CFEP grants. What I said was that those grants are used by the government, because if I ask each and every member on this side of the House how many cheques have been handed out, there has only been one. Though there are cheques that have been given and you, hon. minister who are on your feet, may have come into an opposition riding, they are seen as dollars to be given by the government in order to win votes. They are used as a slush fund.

MRS. BLACK: A point of order, Mr. Speaker.

THE DEPUTY SPEAKER: We don't have points of order on points of order.

I think we have at least addressed the clarification as to whether or not the term "patronage" was appropriately dealt with. The hon. Deputy Government House Leader has risen and given her point of view, and the hon. Member for Edmonton-Meadowlark has given her point of view. It truly is a debating point. Although it has been acknowledged that there isn't a difference in the amount of money, it's the nature in which the money is somehow received, and that's the point.

Would we continue on now with Written Question 194?

Debate Continued

MS LEIBOVICI: Thank you for that very clear understanding of what the issue is, even though the hon. Minister of Energy has tried to cloud that issue. The reality is that we wouldn't be having this discussion had the hon. minister of transportation and lotteries stood up and accepted the motion, had the hon. minister stood up and said yes, we recognize that in certain circumstances on both sides of the House there may have to be discretion utilized in approving a CFEP grant, and yes, within the guidelines provided it is okay to use that discretion. I think most Albertans would want to know how the dollars are being utilized, and what we're asking is: what are the grounds for discretion, to which groups has that discretion been afforded, and can other groups then use those discretionary grounds to apply for grants?

The most recent example we've had in this House is an \$85,000 grant to the Member for Calgary-McCall, whose school had applied for computers. I think that is an extremely reasonable request and motion that the hon. minister of transportation should have accepted. His rationale for nonacceptance – sorry – doesn't wash it. The rationale was that, well, there are thousands of applications. Well, I would hope that the department would be able to keep track of where the money's going and why the money is going there. Whether there are thousands is irrelevant. The department should have those records and should be able to justify each and every project as to why the dollars were given. That is the argument that I am making, and I hope that the hon. members on the government side realize that these are public dollars that we are talking about, just as it was public dollars that were used to pay those individuals on the Alberta Gaming Commission, the Alberta lotteries commission, the Alberta Liquor Control Board. That was public dollars used to pay patronage appointments, and the public needs to know where those dollars have gone to, what the severance payments were for those individuals as well as what the discretionary programs are that are allowed under CFEP to ensure fairness across the province. Whether you live in an opposition riding or whether you live in a government-held riding. It shouldn't make a difference to the people of Alberta.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Vegreville-Viking.

MR. STELMACH: Well, thank you, Mr. Speaker. I'd just like to clarify a few comments made by the hon. member across. She mentioned that the opposition members weren't aware of the guidelines. Well, I think Albertans know very clearly the guidelines . . .

MS LEIBOVICI: Point of order, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Meadowlark is rising on a point of order, which is presumably clarification.

Point of Order Clarification

MS LEIBOVICI: Standing Orders 23(h), (i), and (j). I never implied that I didn't know what the guidelines are. What I said was that I didn't know what the discretionary guidelines were because those are kept under wraps by the minister of transportation.

Thank you.

THE DEPUTY SPEAKER: Hon. member, on the point of order.

MR. STELMACH: Mr. Speaker, in reply to the point of order, there are no discretionary guidelines. There are guidelines for the applications for community enhancement grants, period. So there is no point of order.

THE DEPUTY SPEAKER: I think we're going to have a debate on discretionary guidelines that are not avowed by anyone. That really becomes an interesting exercise. We are on Question 194, and I think we're getting caught up on little words. They're important to the individuals, I'm sure, but I wonder if we could just continue on the question at hand, which is Written Question 194. I'm not sure that we can get into a long debate about discretionary guidelines that are apparently not in existence.

Vegreville-Viking, on the point.

MR. STELMACH: Well, thank you, Mr. Speaker, for that very astute ruling.

Debate Continued

MR. STELMACH: There was another point made with respect to the guidelines for the community enhancement program. With respect to the Redwater situation and speaking about patronage, the only reason that the seniors were unable to obtain the grant when they first applied was because of patronage. The MLA for the constituency was appointed Senator, and that left the seniors without anybody to discuss the proposed project. That's why they had approached the MLA for Vegreville-Viking and also the minister, and they got it approved. Now the program is under way.

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

MR. HENRY: Thank you very much, Mr. Speaker. All I can say today is that Don Getty and the Don Getty government of 1986 to 1993 would be proud of this government today because this government is acting in exactly the same way that that government acted, in that they're refusing to provide information about their decisions, about how their decisions are made.

Just a bit of history, Mr. Speaker. This issue about the Calgary-McCall CFEP grant to the school was raised in this Legislature, and the minister provided an answer which he either knew then or knew later was an incomplete answer when he said that the grant fell within the guidelines. It wasn't until I raised the issue again about using CFEP grants a week and a half later that the minister stood up and said: oh, we have to have some discretion. These were his words: 2 to 3 percent of the grants

that he gives are outside the guidelines, and he has to have some discretion.

Well, Mr. Speaker, I'll accept that the minister didn't realize when the first question was asked that that particular grant was given outside of the guidelines and that he did have to use his discretion on 2 to 3 percent, that on 2 or 3 percent of the grants he used his own discretion and went outside the guidelines. But it's a legitimate role for the opposition then to ask: "Okay; what sorts of grants are outside the guidelines? How many more?" I mean, is this government using lottery funds to buy more briefcases? Is that what they're doing? That's what happened in 1989 you'll remember, Mr. Minister.

The Minister of Energy sits there, and she was one of the recipients of those briefcases when we were cutting back on education, when the government was cutting back. In 1987 when the government cut back 3 percent to health care, education, and social welfare, the Minister of Energy was one of the government members who was a recipient of a hundred-and-some-odd-dollar briefcase courtesy of the lottery fund. It was only because of the astuteness of the hon. Member for Edmonton-Rutherford that that even came to light, that we even found that out. The government wouldn't release information and the government wouldn't tell the public what they were doing with their money and were just looking after their friends. Goodness knows, Mr. Speaker, how many other little freebies and little giveaways were done behind closed doors.

3:20

MRS. BLACK: A point of order, Mr. Speaker: 23(h), allegations.

THE DEPUTY SPEAKER: The hon. minister is rising on a point of order.

Point of Order Allegations against Members

MRS. BLACK: The hon. member has thrown a lot of things out here.

THE DEPUTY SPEAKER: Twenty-three (h)?

MRS. BLACK: Twenty-three (h), (i), and (j). He's made allegations not only over here to all members of this side of the House, but very clearly, first of all, I was not a member of the Legislature in 1987, when you were talking about the purported cuts.

Secondly, in 1989, when I was elected, I assumed the responsibility of serving this province, and I'm taking great exception to the fact that we have had to service opposition ridings. In the first place, they were NDP and Liberal ridings, and now it's strictly Liberal ridings. I really find it very difficult when this hon. member starts throwing accusations across when the members of this side of the House have had to service their ridings and their communities because they have refused to participate in this program. Except today they stand up and say: we want to deliver cheques. Well, do the work and deliver the cheques and have a nice day, folks.

MR. HENRY: On the point of order, Mr. Speaker, I offer apologies to the minister in terms of the cuts in 1987 because indeed she wasn't a member of this Legislature, although there are other members that were members of the government at the time. But my comments about the briefcases stand.

Just to set the record straight, if we want to go on to another

point of order, I have as a member participated in CFEP in terms of, number one, providing information, when I can get it from the government, to community groups in my constituency, and number two, assisting community groups – and I can provide a list to this Legislature – in reviewing applications, in assisting with the development of applications, and providing the government with information in the form of either recommendations or additional information that would help the government make those decisions. So I don't believe there is a point of order here.

THE DEPUTY SPEAKER: Well, I think the point of order, although it was confined to 23(h), which is that a member shall be called to order when he "makes allegations against another member," alleging that the hon. Deputy House Leader was a member of the government in 1987 – I think both sides have agreed that that's not a true statement, and that's been acknowledged. The other things, about who works hard and who works harder and where, are extra to the debate. I wonder if we could return to 194 and move forward.

Edmonton-Centre.

Debate Continued

MR. HENRY: Thank you. To 194. Specifically, when the minister of transportation responsible for lotteries stood up in this Legislature and said, "Yes, there are guidelines for CFEP grants, but in 2 to 3 percent of those grants, I have to use some discretion and give grants that are outside the guidelines," I want to know what that means. Does that mean we give grants to projects in other provinces? Does that mean we give grants to projects that don't have the matching funds? Does that mean we give grants to for-profit commercial organizations, not nonprofit? When the minister stands up in this Legislature and acknowledges a statement only after being questioned by the opposition and being pressured to provide an answer, when he acknowledges that he goes outside of the guidelines, outside of the policy for 2 to 3 percent of the grants, the public has a right to know when and how he goes outside of those policies.

Question 194 simply asks: which grants were approved that were outside of the policy, as acknowledged by the minister, and what was the rationale? Perhaps there are some very good reasons. Perhaps there are some excellent reasons. Perhaps it would be useful for all Albertans and members of the opposition and the government members to know under what circumstances the minister would consider a special case.

We all know that when we sit here, we make policies, we try to work on legislation, and we try to come up with what works. We all know that nothing covers every situation all the time, and certain kinds of things fall through the cracks. The Minister of Education will sit there and know that there are some times when a board of education or the minister in fact has to intervene because something falls through – there's not quite a policy that covers everything – and make a special case or make a special allowance or develop a particular policy. In my riding the Minister of Health has done that specifically. The Minister of Municipal Affairs has done that in my constituency.

But when the minister of transportation says that he does that as a matter of course for 2 to 3 percent of a \$75 million three-year budget, then we're talking 2 million plus dollars here, 2 million plus dollars for which the government is not willing to acknowledge what kinds of special circumstances. We don't know whether we're talking about a hundred grants at \$20,000 each; we don't know whether we're talking about one grant of \$2 million.

I mean, there's a cap in terms of how much an organization can get from CFEP. In this case has the minister simply ignored that cap and given an organization that's a commercial enterprise a million dollars without matching? This is a fair question. If the minister and the government members on that side refuse to provide this information to the public of Alberta, then they leave themselves open for those kinds of accusations, because they refuse to provide open information.

Again, in summary, the government of 1986 to 1993 is alive and well in the province of Alberta and sitting right across there. This is the same old government operating the same old way, keeping information secret and ensuring that they don't believe they are accountable to the citizens of Alberta.

Thank you.

THE DEPUTY SPEAKER: The hon. Minister of Environmental Protection, followed by Edmonton-Ellerslie.

MR. LUND: Thank you, Mr. Speaker. I hadn't intended to get into this debate today, but in listening to all the rhetoric, it urged me to get up and make a few comments.

Mr. Speaker, you know, really what's going on here today I find very, very discouraging. We have in the Assembly today a number of people that are here for a specific purpose, and that is to be here when the hon. Member for Olds-Didsbury presents his Bill, Bill 209. So what are they doing? They are grandstanding and preventing these people from observing that procedure.

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

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Glenora rising on a point of order.

Point of Order Relevance

MR. SAPERS: Yes, Mr. Speaker: relevance, in *Beauchesne*. You have admonished members of the Assembly a couple of times to try to speak to Question 194. The Minister of Environmental Protection has the audacity to stand in the Assembly and criticize members of the opposition for wanting to elicit information from the government. He knows full well that we don't control the agenda. We're anxious to go to Bill 209. Certainly asking for public information to make this government accountable is not grandstanding; it's called being responsible. If the Government House Leader would agree to adjourn this now and we'll come right back to it, I am sure there would be agreement from this side of the House. We could proceed with 209 and then come back, but without that assurance we wouldn't do it. And I want that minister to retract his comments and his accusations.

THE DEPUTY SPEAKER: You're going to speak further to your point of order? I don't think that we have more of relevance or unavowed motives. What we have is a continuing debate, hopefully on 194. Hon. member, either side that suggests the other side is grandstanding need only look in mirrors to see that both sides are equally capable of it. What we're trying to bring to bear here is what's cogent to Written Question 194.

So I'd invite the Minister of Environmental Protection to continue to discuss the merits or lack thereof of Written Question 194.

MS LEIBOVICI: Point of order.

THE DEPUTY SPEAKER: On a point of order you can't have a point of order. The Chair has just made its ruling.

The Minister of Environmental Protection.

MR. LUND: Well, thank you, Mr. Speaker, for that ruling. Certainly I appreciate your ruling. Yes, both sides are capable of grandstanding; however, we are not exercising that capability right now.

MS LEIBOVICI: A point of order.

3:30

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Meadowlark is rising on a point of order.

Point of Order Imputing Motives

MS LEIBOVICI: Twenty-three (h), (i), and (j). The hon. minister has imputed that our motives are anything but honourable. On this side of the House we have suggested a motion for adjournment, which needs unanimous consent from both sides of the House, so we can go and discuss Bill 209 for the individuals that are in the balcony. I can say with safe assurance that this side of the House will say yes to that motion.

Thank you.

THE DEPUTY SPEAKER: The hon. member will know that we have an order of procedure, and part of that is Written Questions, to deal with that, and Motions for Returns. Following that, we have a Bill before us in the House, Bill 203, before the other one comes. So there is a process that's laid out for us, and that's where we're at.

The hon. minister of environment on 194.

Debate Continued

MR. LUND: Thank you, Mr. Speaker. On Question 194. The fact is that if the opposition really wanted this information, they could get it under freedom of information. A Bill that was passed by this Assembly, by this government will allow them to get all of the applications and also the information that surrounds those applications. So, quite clearly, what they're asking the government on this side to do is their research. Their research: that's what they're asking this government to do. They get millions of dollars to do research. I think we should reject this question and move on so that we can get through with these. And quit grandstanding.

MS LEIBOVICI: Mr. Speaker, I move to adjourn debate on Question 194 so that we can move on to the Bills of the day and come back to it. I move to adjourn debate on Question 194 so that we can carry on with Bill 209. We have visitors in the gallery, and they want to hear the debate.

THE DEPUTY SPEAKER: The Chair is not certain that such a motion – certainly to adjourn the debate and then to tie it to some other course of action is a separate matter. So if you're just wishing to adjourn debate on 194, then would you make that motion.

MS LEIBOVICI: Yes, Mr. Speaker. I move to adjourn debate on Question 194.

THE DEPUTY SPEAKER: Okay. The hon. Member for Edmonton-Ellerslie has moved that we adjourn debate on Written Question 194. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Defeated.
So we'll continue then.

MS CARLSON: In that case, Mr. Speaker, I would like to speak to this question. The minister of the environment stated that he was disappointed. Well, we on this side of the House are also disappointed because the minister of transportation has refused to be accountable on this issue, and this is an issue which affects many, many people in all communities throughout this province. Simply to be nonaccountable on CFEP grants is not acceptable.

Now, we have asked several questions around the \$85,000 that was made available to a school in Calgary-McCall. The minister of transportation stated that that school has got two years to repay that \$85,000, to in fact match the grant they are going to be getting from CFEP. Well, I know the parent advisory councils in my constituency clearly want to know that that's going to be a rule that applies to them too. They have always operated under the mandate that they had to have the matching funds up front before they could get the moneys from the grant. Well, if those rules have changed, then I think they should make those new rules available to people on both sides of the House. If there's some discretionary power of the minister to be able to act on those rules, then he needs to let everyone in the province know that.

My second question to the minister then is: what if Calgary-McCall does not come up with the \$85,000 in two years? Do they have to repay the money? Is the government going to repossess their computers? So how is that going to be done? Can they apply for another CFEP grant? Maybe that's what the process is going to be. Well, I think that parent councils need to know those facts. They need to know that the people who are applying for the money and getting it today with the promise of paying it tomorrow have the resources and the ability to do so, and if not, what is the government going to do to underwrite those grants? I think those are very good questions that the minister should be answering before we can carry forward with this question.

Just with regard to the discussion from the Minister of Energy in terms of MLAs not doing their work to help their constituents with CFEP grants, well, I take that as a personal affront. There have been two occasions in my constituency to become involved with organizations that are applying for grants. One, in fact, got the money. I'll tell you one thing: it sure wasn't me handing that cheque out to those people. It was a good member of this party who handed out that cheque, and their candidate in my area was there accompanying that person. So while we do the work, while we push through the process, while we make sure that the grant applications are properly put forward, it's certainly not us who are handing out the cheques in our constituencies.

SOME HON. MEMBERS: Question.

THE DEPUTY SPEAKER: Are you ready for the question?
The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Mr. Speaker, to close debate . . .

MRS. MIROSH: Stop talking, you guys.

MS LEIBOVICI: You rejected the motion for adjournment. Why should we stop talking? If he has something to say, he has a right to say it. If you want to get up, get up.

THE DEPUTY SPEAKER: Order. The Chair has recognized Edmonton-Rutherford. We do not need a debate on that issue, Edmonton-Meadowlark and hon. minister.
Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Speaker. I'll make this relatively short. There has been an attempt by this side of the House to adjourn debate to allow the people that have followed the debate – some of them have been here on four or five occasions watching Bill 209. We've got to show a degree of respect. So I will keep my comments short, and it is the concluding remarks.

Mr. Speaker, we are talking in terms of discretion. I see that the Member for Barrhead-Westlock is here. The Member for Barrhead-Westlock will very well remember how in past years this particular caucus has pushed for discretion. With all due respect, again, to the member sitting there, I recall us questioning the discretion when moneys were spent on briefcases, when money was spent on a trip to Japan, when money was spent on sweaters for MLAs. This was all under so-called discretion. It was under discretion.

Question 194 deals with discretion. Mr. Speaker, so that government members fully remember how this question came about, how this motion came about on the Order Paper, it was the minister responsible for lotteries who rose in this House and stated very, very clearly that there is a certain percentage of CFEP dollars that fall between the cracks, that don't meet the criteria, whatever, so good discretion is used. All we want is simply to know how much discretion, when discretion is used, what projects have been approved under discretion, how they didn't meet the so-called criteria. We are just looking for answers to legitimate questions being asked by us.

The Deputy Government House Leader can stand up and say that she's heard this since 1989. Certainly she has heard this since 1989, but it's been heard since 1989 because of this type of activity. As soon as the minister rejects a question like 194, it arouses the suspicion of the opposition. What are they trying to hide? Why won't you answer? What could there possibly be that would prevent you from answering this question, unless there was something there that would be an embarrassment to the government?

Mr. Speaker, it is obvious that the minister doesn't intend to answer this question. He didn't answer Question 193. I must say that it is unusual for the minister of lotteries, who will normally be so frank when it comes to answering questions. To have two in a row like that, bang, bang, really does catch me off guard because I anticipated, quite frankly, that he would answer both questions. So I'm now really, really wondering just why.

On that note, Mr. Speaker, I'll conclude and call the question.

[Motion lost]

head: **Motions for Returns**

MRS. BLACK: Mr. Speaker, I move that motions for returns appearing on today's Order Paper stand and retain their places with the exception of 190 and 191.

[Motion carried]

Standing Policy Committees

M190. Mr. Van Binsbergen moved that an order of the Assembly do issue for a return showing a list of all fees and expenses paid to each chairperson of each subcommittee set up under government standing policy committees during 1995.

MRS. BLACK: Mr. Speaker, I'm pleased to accept Motion 190.

[Motion carried]

3:40 **Deputy Minister of Health**

M191. Ms Carlson moved on behalf of Mr. Sapers that an order of the Assembly do issue for a return showing copies of all documentation disclosing the amount paid by the Department of Health for any moving expenses incurred by Jane Fulton or by the department on behalf of Jane Fulton pursuant to the public service regulations, chapter C, during the period March 1, 1995, to March 15, 1996.

MRS. BLACK: Mr. Speaker, on behalf of the Minister of Health the government will be accepting Motion 191.

[Motion carried]

THE DEPUTY SPEAKER: The Chair has heard from a number of members in the course of debate that we would like to move the arrangement this afternoon and instead of beginning with Committee of the Whole on Bill 203, we would go with 209. We have a problem with Standing Orders, but if that's agreeable with everybody, then we would move to third reading on Bill 209.

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? Carried.

head: **Public Bills and Orders Other than
head: Government Bills and Orders
head: Third Reading**

**Bill 209
Medical Profession Amendment Act, 1996**

THE DEPUTY SPEAKER: We need to have it moved in order to do anything.

The hon. Member for Olds-Didsbury.

MR. BRASSARD: I move third reading of Bill 209, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Speaker. I move that the motion for third reading of Bill 209, the Medical Profession Amendment Act, 1996, be amended by deleting all of the words

after the word "that" and substituting the following:

Bill 209, the Medical Profession Amendment Act, 1996, be not now read a third time but be recommitted to the Committee of the Whole for consideration for no longer than 120 minutes to enable the committee to consider amendments to sections 2 and 3 of the Bill and that after the committee reports, Bill 209 be the first matter of business considered by the Assembly under Public Bills and Orders Other than Government Bills and Orders.

Thank you.

THE DEPUTY SPEAKER: On the motion, the hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Speaker. On the motion to refer the matter back to committee, let me say that I'm extremely disappointed that this particular motion would come forward at this time, with no prior consultation with this side of this House. I'm not sure there's been any consultation with the people that have so faithfully come out here to watch it, to now see this setback, to see the thing referred back and start a process that could end up taking another four or five weeks by the time we go through the various stages and sit in there hour after hour, the frustration of waiting for this thing to be finalized. Why would this not have been considered in the original Bill? We had the opportunity for second reading. We had the opportunity for Committee of the Whole, third reading. In all my years that I've been here, since 1989, I have not seen a similar incident to this. It behooves me to ask what would cause the government at this stage, in third reading, to bring forward this particular motion to refer it back to committee for some amendments.

**Speaker's Ruling
Private Members' Bills**

THE DEPUTY SPEAKER: The Chair would make one comment with regard to the comments being made by Edmonton-Rutherford. For all members and those in the gallery, these are public Bills. They're not put forward by the government; they're put forward by private members. Thus we call it private members' public Bills. So it isn't a side or another side; it is proposed by a specific member. In this case we have Bill 209. It is supported and proposed by the hon. Member for Olds-Didsbury. I don't think that it's within our ambit to comment about it being an opposition Bill or a government Bill. It is clearly a private member's public Bill. Hopefully, that clarifies a little bit of where we're at. It's certainly a legitimate motion to revert to Committee of the Whole, whether that be private members, which it is in this case, or something else.

Anyway, I will let the debate continue.

Debate Continued

MR. WOLOSCHYN: On the wisdom of going back to committee, Mr. Speaker, there were some concerns expressed on the content of the Bill and even, I believe, documents tabled in the House yesterday by the opposition members with respect to the Bill. To debate whether or not we should go in committee to look at these amendments is rather meaningless. The only way that the content of the Bill can properly be amended is in committee. What we are trying to do here is to expedite the matter this afternoon, go into committee, present the amendments. If they're desirable and I think supported by all members of this House, regardless of which side we sit on, we vote and proceed back into third reading, get the Bill through and on its way. I think, hon. members, that the best thing we could do is not debate the

wisdom of going back into committee but support that and have a look at what we're doing with the Bill, please.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Question.

THE DEPUTY SPEAKER: Are we ready for the question?

The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: I rise to speak in favour of the motion, but I want to make it quite clear that I find it most disturbing that it cannot be managed within the private member domain of the caucus of the Conservative government. There's no way you can avoid that. Every private member is dependent on support from their colleagues, whether they sit on that side of the House or this side of the House. I find it disappointing that you couldn't get your act together. This Bill means a lot to a lot of people, and I support the mover in bringing this Bill before this House.

I also want to point out, Mr. Speaker, that this is a move that can be made to make all private members in this House that don't support this motion look bad. I would like to suggest that if it was a private member from this side of the House, I would question whether this even would get the light of day. I'm going to set that aside, the partisan part of politics, but I want everybody to know in Alberta that if this was an Official Opposition private member's Bill, I don't think we'd be getting that kind of support over there.

Mr. Speaker, with those comments, I will support this very unusual motion to refer it back to Committee of the Whole so that we can deal with amendments at that stage.

Thank you, Mr. Speaker.

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

MRS. HEWES: Mr. Speaker, thank you. The Member for Clover Bar-Fort Saskatchewan I think has made some very important comments about this amendment. I don't have any major difficulty in supporting the amendment, but I'd really like to know why. For the life of me I cannot understand why the person who moved the amendment hasn't shown me what it is that is going to now be presented in committee that wasn't presented before. I would think that in asking us to support this, the very least the member might have said is: I needed to go back to committee so that I can do this. If that had happened, I think I would probably be quite satisfied, but I don't see any point now in sending it back to committee unless I have some knowledge of why we're doing that. Why can't somebody just tell me? Is this a big secret? I think the people who are concerned about it would like to know as well. Can't somebody, please, just tell me what it is you're going to do?

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

MR. HENRY: Thank you very much, Mr. Speaker. I'm going to make some brief comments and ask a couple of questions that might be able to be answered by yourself or by the mover of the Bill. I come from the perspective that in terms of Bill 209, I have expressed public support for the Bill, and I am aware that there are some suggestions that there's been intense lobbying. I've been the subject of intense lobbying from a variety of different sources

with regard to whether I should support this Bill or, frankly, not support it in its current form.

This is a highly unusual mechanism for private members' public Bills, and I don't recall in my seven years of hanging around this building that that's been done before in that period. However, I will stand to be corrected. It would have helped matters, I believe – and I'm offering some advice to the hon. Member for Olds-Didsbury – if opposition members, as no doubt government members in caucus were, had been consulted and had been given the nature of the amendment. There have been three different contradictory amendments, frankly, suggested to me by outside groups, and if I knew which one, then it would help me in my deliberations.

3:50

I would look to the Chair for a response for direction, if I may. If this motion were to pass, it's my understanding that we would then move to Committee of the Whole. We would then deal with whatever amendments any member at that time might have, and we would have up to 120 minutes which would have to be accommodated during private members' day, which would be the remainder of today and close to an hour next Tuesday and then Wednesday afternoon. The question that I would ask if the mover or the Chair can give direction on: when would this Bill then come back for third reading? Would it then be first on the agenda for third reading, or would we do it again . . .

MRS. BLACK: Today.

MR. HENRY: The Deputy Government House Leader is saying today, and I'm surprised she's doing that because this is private members' day, not government day, and she's providing advice in terms of the agenda here for private members' day. Assuming the full 120 minutes are taken in debate in Committee of the Whole, then my question to the Chair is: when on the Order Paper would this come back for third reading? Would it be first on the agenda for third reading?

Thank you.

MR. BRASSARD: I'd just like to make a few comments, Mr. Speaker, since it's the Bill that I've been taking forward. We are limited to certain procedures in this House. The procedure we're taking today is clearly identified in Standing Orders. Committee stage can be moved back and forth anytime, and we're doing that.

Private members' Bills have enjoyed a lot of firsts, Mr. Speaker. We've adjourned private members' Bills for the first time ever. We hoisted a private member's Bill to a specific day. First time ever. It is a learning experience.

Let me just talk about the Bill itself. It has been extremely complicated and controversial. In light of developments, I have had a sober second look at this and have come to an agreement. I would like to address that in the form of an amendment, and I can't do that in any way except by getting it back into committee stage. We've wasted 15 minutes talking about whether we should do exactly that. Well, I'd like to get on with it and get it back to committee again so that we can take a look at the amendments that I'm proposing.

MR. HENRY: Point of order, Mr. Speaker.

THE DEPUTY SPEAKER: A point of order, Edmonton-Centre.

**Point of Order
Imputing Motives**

MR. HENRY: Standing Orders 23(h), (i), and (j). The hon. member suggested that we've wasted time and imputed motives here. The time wasted is in the hon. member not doing his homework prior to introducing this Bill. Let the record show that.

THE DEPUTY SPEAKER: Hon. members, I think if we could leave our sensitivities at the door and get on with things. I'm sure that if the hon. member was imputing something to Edmonton-Centre, he would gladly withdraw it. I think his plea was for us to get on with it. If everyone is in agreement, are you ready for the question?

HON. MEMBERS: Question.

THE DEPUTY SPEAKER: The question's been called. We have before us an amendment for third reading of Bill 209.

Bill 209, the Medical Profession Amendment Act, 1996, be now read a third time but be recommitted to the Committee of the Whole for consideration for no longer than 120 minutes to enable the committee to consider amendments to sections 2 and 3 of the Bill and that after the committee reports, Bill 209 be the first matter of business considered by the Assembly under Public Bills and Orders Other than Government Bills and Orders.

I think that's answered a number of the questions that were asked.

This has been moved by the hon. Member for Innisfail-Sylvan Lake. All those in support of this amendment, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no. Carried, let it be noted unanimously.

head: **Public Bills and Orders Other than
head: Government Bills and Orders
head: Committee of the Whole**

[Mr. Clegg in the Chair]

THE DEPUTY CHAIRMAN: Could we have the committee come to order, please. If you want to talk to somebody, sit beside them and don't stand.

**Bill 209
Medical Profession Amendment Act, 1996**

THE DEPUTY CHAIRMAN: I would call on the Member for Olds-Didsbury.

MR. BRASSARD: Thank you, Mr. Chairman. I think it's no surprise to anyone for me to say that there's been a lot of controversy around the passage of this Bill. The controversy has primarily been driven by the College of Physicians and Surgeons, whom we rely on to make absolutely certain that the medical practice in this province is safe and does exactly what it's supposed to do because most of us really are not in a position to understand medical terms or conditions.

The portion of Bill 209 that the college has expressed the most concern with is that which places the entire burden of proof for the benefits or risk of complementary medicine on the College of Physicians and Surgeons, and I have to admit, Mr. Chairman, that that was my initiative. That is not in any similar legislation

anywhere else, but I guess in my own naive way I wanted to be able to point to someone and say, "You are responsible." The college itself felt that it should be just the reverse.

I think, Mr. Chairman, that when we looked at the bylaws that the college proposed, they were so biased and one-sided that I felt that what we had to do was make absolutely certain that the college was going to be held responsible and not impose some double standard on those physicians that are practising complementary medicine, even though they're not posing any greater risk to the patient than the prevailing treatment or disease itself.

I suppose it can be argued that such cannot be said for many of our traditional or orthodox treatments such as chemotherapy, bypass surgery, drug therapy, and so on. I could name a number that I think pose a greater risk than the individual is already at, but that's not what we're talking about in complementary medicine. So, Mr. Chairman, while the college very clearly wants to place the entire onus or burden of proof to make absolutely certain that the treatment does not put the patient at risk, I felt it should be the college. I think we've reached a fair compromise by returning to that policy that was recommended actually by the Chelation Association, Mr. Chairman.

4:00

Accordingly, I'm recommending a compromise which in no way compromises the integrity of the Bill. I intend to remove the words "by the College." That's all; the three words. This Bill would then now read:

A registered practitioner shall not be found guilty of unbecoming conduct or be found to be incapable or unfit to practice medicine or osteopathy solely on the basis that the registered practitioner employs a therapy that is non-traditional or departs from the prevailing medical practices, unless it can be demonstrated that the therapy has a safety risk for that patient unreasonably greater than the prevailing treatment.

I make one further amendment, and it's in conjunction with that. I would like to add right after "Proclamation." Section 3, Mr. Chairman, is amended by adding "but not later than October 1, 1996." I'm asking that this Bill be implemented at the absolute latest by October 1, 1996, instead of leaving it out there. I've had the amendments passed out, and I would ask for the support of this Assembly.

THE DEPUTY CHAIRMAN: Hon. Member for Olds-Didsbury, while the amendment is being passed out, could you clarify to the Chair if you want one single amendment, or do you want amendments A1 and A2 to sections 2 and 3?

MR. BRASSARD: I would ask that these amendments be considered together, Mr. Chairman, and passed accordingly.

THE DEPUTY CHAIRMAN: Thank you.

Have you all got the amendments now? Just another 30 seconds.

It's clearly the decision of the mover and the Chair has agreed that there will be just one amendment. There won't be an amendment A2. We will take them as amendment A1.

The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Chairman. I rise to speak in favour of the amendments, but I do have a question, through the Chair, that I would like to ask the mover of the Bill and the amendments. I certainly don't have difficulty with striking out "by the College." I would suggest that even in the

traditional sense of medical treatment, there indeed are intrusive treatments taking place today that don't have the degree of what you might term "safety" or that can cause further health problems, but that doesn't disallow that physician to give that treatment.

I could use a couple of examples where you may not necessarily have a cancer but you have a chemotherapy treatment for the illness that you have. Knowing that the chemotherapy could result in a cancer does not prevent the physician from in actual fact prescribing that chemotherapy. I made my comments with regards to this when I was speaking to the Bill previously at second reading, that indeed this is the circumstance with one of my family members.

You know, it's ironic that we're debating this Bill today. She was supposed to be on chemotherapy for a limited time of two years, and her two years are up, but they don't want to take her off chemotherapy until they've done all the appropriate tests, and because of the restructuring of health care, she hasn't been able to access that testing as soon as the two years were up. So she's been continuing to take chemotherapy, that we know can result in a cancer. We haven't stopped the chemotherapy because you want to ensure that her life is protected, although you know that it can result in another illness. So I certainly don't have a problem with removing the words "by the College." I felt that possibly we had gone too far, and the mover has accepted that he probably was trying to find someone that he could hold responsible.

Having said that, I'd like to ask the question: will there be any regulations that accompany this Bill when it is proclaimed? I think it's important that we ensure that there is some form of consumer protection. I'm wondering if you've addressed that with Parliamentary Counsel, with your colleagues within your own caucus.

So with those comments and questions, Mr. Chairman.

MR. BRASSARD: Just to answer that question: yes, we did talk about that, but in fairness all of my discussions with the college indicate that they are in line with the intent of the Bill. I think that, in fairness, I would like to give them the opportunity to draw up their bylaws and have a look at them prior to October 1, 1996. If necessary, we would be quite prepared to put the regulations into law.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Rutherford.

AN HON. MEMBER: Calgary-Shaw.

MR. HAVELOCK: It goes back and forth.

THE DEPUTY CHAIRMAN: Exactly, but you're on this side.

The hon. Member for Edmonton-Rutherford.

Point of Order

Speaking Order

MR. HAVELOCK: Point of order, Mr. Chairman. Are you going to have the hon. Member for Olds-Didsbury simply respond to questions, which precludes any member from the government addressing this issue this afternoon?

MR. HENRY: On the point of order, Mr. Chairman. There are no sides here. This is private members' day. Mr. Chairman told

us very clearly that there isn't a government side and an opposition side, and the hon. member should know that.

THE DEPUTY CHAIRMAN: Hon. members, I can assure you all that you will get time to talk and I will be absolutely fair.

The hon. Member for Edmonton-Rutherford.

Debate Continued

MR. WICKMAN: Mr. Chairman, before I make my remarks, I'd like you to respond as to whether you're going to restrict my comments specifically to the amendments or if you'll allow me to broaden out a bit. [interjections] He's not listening? [interjections]

THE DEPUTY CHAIRMAN: Order. The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Mr. Chairman, I'd asked a question as to whether you're restricting the comments specifically to the amendments or if I'm allowed to expand and talk generally on the Bill.

THE DEPUTY CHAIRMAN: No, hon. member. Your comments have to be within the amendments that are on the table.

MR. WICKMAN: Then I'll withhold speaking until third reading, Mr. Chairman.

THE DEPUTY CHAIRMAN: The hon. Member for Calgary-Shaw.

MR. HAVELOCK: Well, thank you, Mr. Chairman.

MRS. ABDURAHMAN: Now, don't throw a temper tantrum.

MR. HAVELOCK: No, I won't have a temper tantrum.

I'd like to begin by stating that since the first day I've known the hon. Member for Olds-Didsbury – in fact, I have a lot of fond memories of my first caucus, and we've talked about that. I have a great deal of respect for him. However, I don't believe I'm going to be able to support this amendment.

I am concerned that removing the wording renders the issue ambiguous as to who is responsible for determining whether the proposed treatment is a threat to public safety. I do not wish to leave the issue, quite frankly, entirely within the discretion of the College of Physicians and Surgeons through the drafting of professional bylaws. That view I believe is particularly relevant in light of the concerns expressed by the alternative therapy practitioners with respect to these suggested guidelines which were recently circulated to all members of this House.

Mr. Chairman, consequently, not having before me sufficient assurances that the bylaws will be reasonable, I am forced to vote against the amendment. Again, though, that should not in any way be interpreted as a criticism of the efforts or the integrity of the hon. member bringing this forward. Quite frankly, it's a criticism of the way in which the college has handled this issue. I prefer the wording as it is.

Thank you.

4:10

THE DEPUTY CHAIRMAN: The hon. Member for Leduc.

MR. KIRKLAND: Thanks, Mr. Chairman. For the sake of brevity and seeing that other members want to comment, I would ask the hon. Member for Olds-Didsbury – by removing “by the College,” it strikes me that we have created a vacuum. I apologize. You were responding to the Member for Clover Bar-Fort Saskatchewan. You may have answered this question, and I may have missed the response. By taking that out, as the Member for Calgary-Shaw has indicated, we seem to have a void, or a vacuum, there. Who ultimately would carry that responsibility to ensure that there is not a safety risk? I didn't hear your clarification in your comments, and I would appreciate that as you address some of the other questions.

THE DEPUTY CHAIRMAN: The hon. Member for Peace River.

MR. FRIEDEL: Thanks, Mr. Chairman. I have to echo the comments of my colleague for Olds-Didsbury that this Bill has been controversial, to say the least. I've been very supportive of the Bill and continue to be. If this amendment in any way helps to move the Bill forward and particularly if it helps to eliminate the confrontation that has arisen with the College of Physicians and Surgeons, I'm willing to support it. I don't think we need an ongoing squabble to make the Bill unworkable, particularly if that squabble were to carry on into its actual enactment and then the process of making it work in the future.

So long as we don't water down the full intent of the Bill, I think we should proceed. It's taken too long to get this issue to this point; we shouldn't lose it over a debate on semantics. I think that if we can cure that problem, if we can get it moving forward, we should do what is necessary. I believe the member who proposed the Bill has considered all the options and feels that it doesn't detract from the original intent. I think we should get on with it and make sure that it works.

THE DEPUTY CHAIRMAN: The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Chairman. I would like to speak in favour of the amendment. If I could take members back a little bit to my experience dealing with the College of Physicians and Surgeons and, frankly, all health professionals. As all members are aware, I was given the distinction of chairing the Health Workforce Rebalancing Committee. I first became aware of this particular issue when we had presentations to our committee from the proponents of chelation therapy as well as some of the other alternative care providers. Probably the most succinct presentation that we had came from the proponents of chelation therapy, and in that presentation they pointed out to us that there was an agreement that had been reached known as the Helsinki agreement. Frankly, Mr. Chairman, by the implementation of this amendment, the Bill will in fact concur with that Helsinki agreement.

The mover of the motion indicated that the words “by the College” were his own words and that he had felt them necessary. I frankly had some discomfort with the Bill the way that it was written with the reference to “by the College.” I think the intent of the Bill is one that I agree with and have agreed with all along, but to put the onus specifically on the college I think has potential to create some problems.

We have an accord that has been signed by a number of health organizations throughout the world. This brings our legislation

into concurrence with that accord. I would encourage all members to support the amendment to the Bill.

THE DEPUTY CHAIRMAN: Would hon. members have a seat, please. If you want to talk, sit down.

MR. VAN BINSBERGEN: Mr. Chairman, I'm speaking to the amendment. Quite frankly, I'm a little ambivalent about this amendment; it kind of leaves too many questions unanswered. When we look at the first part of the amendment, the change to section 2, to take away the words “by the College” – before, while those words were still in there, the responsibility of course clearly had been established, and it was with the college to prove that the treatment might be riskier than the traditional treatments. Now there's nothing there. So now are we to assume that the responsibility is shared by a whole host of organizations? Is it possible that in the drafting of the bylaws by the college, all of a sudden we find that responsibility rests on the shoulders of the physician who is using the nontraditional treatment? All these things are possible, it seems to me, by leaving this so wide open. That would put the whole thing back again.

On the other hand, I'm very much mindful of this urge on the part of everybody to get on with the Bill. The fact that the Member for Olds-Didsbury has assured us that the chelation society is in agreement with this amendment kind of sways me that perhaps I should vote for it.

One more item though. I've consistently supported this Bill: at second reading, Committee of the Whole, and I intend to do so at third reading. I think all members on this side of the House, if I may use that term in connection with a private member's Bill, felt the same way and spoke the same way. Therefore, I want the sponsor to know that we would have appreciated some consultation, considering we were all onside on this, rather than all of a sudden being subjected to this change. Nevertheless, Mr. Chairman, I'd like to hear from the sponsor where the responsibility lies. That still is not clear to me.

Section 3, the change to that one: the amendment makes eminent sense. I'd like to know then: does that mean that upon proclamation any of these nontraditional treatments are going to be covered by Alberta Health?

MR. BRASSARD: I'll speak to the last issue first. Whether or not treatment is covered under the terms of health care insurance is not a part of this Bill and never has been and should not be interpreted as such.

I would like to address the concern that was addressed by my friend for Leduc, whose opinion I respect and whose concern I respect as well. Removing the words “by the College” in no way compromises the integrity of this Bill. As a matter of fact, Mr. Chairman, it puts it on the same basis as every other orthodox and traditional procedure that is evaluated now in existing medicine. It's implicit in the Act that the college has not only the right but the responsibility to respond to a concern, and that would hold true in the case of complementary medicine as well as orthodox or traditional medicine. So we have not taken anything away.

Certainly I wasn't prepared to place the entire onus on the practising physicians and put them at the sole discretion of the college. By simply removing “by the College,” now the college would respond to a concern or a complaint in the same manner as they would respond to a complaint under orthodox or traditional treatment. The physician under this Bill would be entirely free to

practise complementary medicine. I have to make that abundantly clear: this will in no way restrict the physician from practising complementary medicine. Quite the opposite, Mr. Chairman.

With those comments, I would call for the question.

[Motion on amendment A1 carried]

4:20

THE DEPUTY CHAIRMAN: Shall the Bill be reported?

HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed, if any? Carried.

MRS. BLACK: Mr. Chairman, I move that the committee now rise and report.

[Motion carried]

[Mr. Clegg in the Chair]

THE ACTING SPEAKER: The hon. Member for Calgary-Egmont.

MR. HERARD: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration a certain Bill. The committee reports the following with some amendments: Bill 209. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

THE ACTING SPEAKER: Thank you, hon. member.
All those in favour of the report?

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed, if any? Carried.

head: **Public Bills and Orders Other than**
head: **Government Bills and Orders**
head: **Third Reading**
Bill 209
Medical Profession Amendment Act, 1996
(continued)

THE ACTING SPEAKER: The hon. Member for Olds-Didsbury.

MR. BRASSARD: Thank you, Mr. Speaker. When I began debate at second reading of Bill 209, I said that this was a very simple Bill with tremendous implications, and I meant exactly that. The amendment that we're proposing here today has significant implications for those wishing to access complementary medicine and to exercise a choice in the selection of the treatment that they will access through their medical practitioner.

I would remind everyone that we are amending the Medical Profession Act, so we're not talking about opening the door to a whole bunch of charlatans in this. We are talking about the disciplinary portion of the Medical Profession Act, and we're dealing with qualified, registered medical practitioners. The ability to enable that practitioner to supply a wide range of treatment, as opposed to just what is traditional or orthodox, is going to mean a tremendous amount to an awful lot of people, Mr. Speaker.

I would like to thank everyone who has spoken in support of

this Bill. The Member for Calgary-Shaw earlier spoke against it, but I do know that he was speaking against the college and their involvement, not on the intent of this Bill. I know for a fact – and I don't want to put words in his mouth – that he supports this. In fact, I would remind everyone that this Bill was passed unanimously at second reading, and I'm asking for that kind of support at third reading.

Thank you, Mr. Speaker.

THE ACTING SPEAKER: The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Speaker. I'll keep my comments again relatively short so that Bill 209 can kind of be put to bed and finalized today and the people that have taken an interest in it can leave knowing that their wishes have been met.

AN HON. MEMBER: Thank you, Percy.

MR. WICKMAN: You're quite welcome.

Mr. Speaker, after the election in 1989 one of the first issues brought to my attention was the question of chelation. I recall people starting to lobby me back then and being given a videotape that I watched and then keeping an eye on this whole issue of chelation and what it was about. I remember a program on CBC that was fairly skeptical. The college, of course, was skeptical, and some newspaper articles were skeptical. So I was a bit skeptical as a result too, and I wondered whether people were making the right decision, those that chose at that time to go to B.C. or go to the States for their treatment because they could not get any treatment here in Alberta.

I remember one day when I was in the Southgate Shopping Centre and ran into a fellow, Wilf, and his wife, Kathy. I'm not sure if they're here today. They're from Leduc. I've known Wilf for years. Wilf was telling me about his mother having gone to B.C. for a number of treatments of chelation and how now she was bouncing around like a spring chicken. He said that before that, she could hardly walk, but now she was bouncing around like a spring chicken, enjoying life. So I said: but what about the dangers; what about the risk; according to what I've heard, she could maybe die in five years. He said: well, she would sooner have five good years than 15 bad years of living, and that's the choice she's made. Mr. Speaker, that's the key: the word "choice."

Throughout life we're always faced with that question of choice. People choose to smoke. It's their choice if they want to smoke. Despite the warnings and the danger that smoking could cause, people take that risk because they get some enjoyment, some benefit out of it. Others choose to eat foods that are not recommended. That's a choice they make. Mr. Speaker, when we have people that want to make the choice to get a treatment even though there are those that may claim there is an element of risk, they make that choice because they figure it's going to benefit them in terms of the number of years they have left and they want to make the most out of them.

Mr. Speaker, in respect for choice, that all of us seem to respect so much in this House, really there is no hesitation to support Bill 209. Bill 209 doesn't ask for Alberta health care or Blue Cross to cover the cost of the treatment. It simply legitimizes what people at one time had to go to B.C. or the United States for. There are some doctors here in Alberta that have given chelation treatments despite the warnings and that, but this

simply allows that choice not only in that particular area but other critical areas of medicine as well where those individuals choose to take a treatment that the college or other so-called experts may claim contains certain risks.

So I wholeheartedly support Bill 209. I would hope that Bill 209 receives the support of most members of this House so that it can be put to rest, so that it can be proclaimed before October 1 of this year, and then this matter will have been dealt with in the fashion it should have been.

I want to make a note of particularly commending the Member for Olds-Didsbury, who has so doggedly pursued this matter. He hasn't let it lie. There have been attempts in the past by opposition members, but the member has stuck it out and has seen it through. For that, Member for Olds-Didsbury, I thank you, for pursuing the issue, and I commend you for doing it.

Thank you.

THE ACTING SPEAKER: The hon. Member for Calgary-Shaw.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I do hope that the Member for Olds-Didsbury will be vigilant in ensuring that the College of Physicians and Surgeons honours the intent of this Bill. If such is not the case, certainly we always have the option of bringing this legislation back and amending it, if necessary. I will support the Bill as amended because quite frankly it is preferable to the status quo, although again, as I indicated earlier, I would have preferred the Bill as originally drafted. Nevertheless, again I'd like to thank the member for his efforts, and let's get on with it.

Thank you.

THE ACTING SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. Very briefly. I, too, am speaking in support of this Bill at third reading, Bill 209, and I too would like to once again commend the Member for Olds-Didsbury, the sponsor, for pursuing this, as Edmonton-Rutherford said, so doggedly, with the doggedness of a gopher, I might add.

I've indicated some reservations about the first amendment, and not having had a chance to check that out very thoroughly, I'm just relying on the assurances of the sponsor that the intent of the Bill is preserved and letting it go at that. I want to assure members of the House that over 100 constituents of mine in West Yellowhead will be ecstatic to know that this Bill has finally passed.

Thank you very much.

4:30

THE ACTING SPEAKER: The hon. Member for Calgary-Currie.

MRS. BURGNER: Thank you, Mr. Speaker. I have held off on my comments throughout the debate on this Bill for the process to unfold. I'd like to just speak briefly for a moment as chairman of the Seniors Advisory Council for the province of Alberta. I'd like to acknowledge today the presence of a number of seniors in our community who have taken the time to follow this process in the Legislative Assembly and those who have also taken the time to write and phone in great numbers.

I just wanted to articulate one of the issues that we see before us. The process has been new and it has been exciting, but quite clearly in the area of health care reform the debate has often been

focused on cuts. It's been focused on acute care centres, and it's been focused on treatment. Mr. Speaker, I think today what is most appropriate, as has been mentioned, is that the focus is now on choice and options and wellness, having citizens in this province have the opportunity to take some of the responsibility and initiative of their own health needs personally.

I do commend the Member for Olds-Didsbury for his persistence in dealing with this issue. I know we had some difficulty a little earlier in the House dealing with the amendment with respect to the College of Physicians and Surgeons, but quite frankly, Mr. Speaker, if we do not have the collaboration of the medical profession as we move forward on this, this initiative would have some real difficulties in its implementation. I think it behooves us all to continue to prod that profession to look at some of the initiatives and issues that are out there and to also reflect on the fact that we have thousands and thousands of Albertans, some of whom are represented today, who do feel that they should have a say in their own health care. So I wanted to just respond.

The advisory council has been very supportive of the initiatives of complementary medicine, of chelation therapy, that was mentioned earlier, and there are hundreds of other treatments for seniors, who as we know access more of the health care system as they go through the aging process. This particular piece of legislation has been a very collaborative process not only between the Members of the Legislative Assembly but the various professions, including the legal profession, Professions and Occupations, and Health Workforce Rebalancing. It's been a very, very collaborative process. I think in the end we have a piece of legislation that will serve our seniors and their health needs well but also will set a model for all Albertans to take responsibility for their own health.

I'd like to commend the Member for Olds-Didsbury, and I'll be supporting the Bill at third reading.

THE ACTING SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. I have all along strongly supported the intention of this particular Bill mainly because it would enable thousands of Albertans to access chelation treatment in an unfettered or unhindered environment.

As I listened to the debate on the amendment, I expressed my concern about where the ultimate responsibility would fall. The hon. member provided some comfort to that particular component, and if I was to see the definition of a registered practitioner, that in fact would have clarified it for me.

I think I listened to the Member for Calgary-Shaw indicate that not only does the college require close scrutiny to ensure that the intent is captured; I would suggest that we have to watch this – and I would call it an exercise – with some of the practitioners in the province as well. Now, with due respect to the majority, probably about 98 percent of the practitioners of this province, if they operate at a professional level, that is becoming to the provision of health care in the province of Alberta. However, I do believe that there's a small percentage, and we will have to watch how this new Bill implicates or encourages them perhaps to move into some questionable practices. So I would offer a caution to one and all.

It's a step in the right direction. It has been a long time coming. I would hate to see the discussion lost at this particular point. We all know how hard the Member for Olds-Didsbury has worked to bring it to this particular stage. We know how long some of the seniors in this province of Alberta have struggled to

receive treatment, particularly in the chelation world. I introduced one of my constituents this afternoon, Mr. Leo Stenzel, who is very much an educator. Mrs. Neiman of Leduc also has spent a lot of time in my office, indicating that there is great benefit to this particular Bill.

I think everybody in this Assembly, be they in the gallery or on the floor, would indicate that word of mouth is probably the best means of advertising and the one that would bring us to trusting the purchaser of some sort of service. These members, who are the best salesmen for this particular treatment called chelation, are here today. They're living proof. Their testimony is that this is a very, very acceptable and worthwhile aspect. Certainly I will support the Bill so that in fact they may continue to receive that, and I would say that I'm an ardent supporter of it.

The Member for Calgary-Currie made some very profound comments about not being afraid to step forth and explore some alternative medicines in the changing world, in the changing health care mosaic we have in Alberta. Certainly I think this is a window that would encourage more, perhaps, to have a look at some of the other alternatives and options available to Albertans.

So I would offer my support to the Bill, and I would ask all members to give it due consideration. It's been a long time coming, and if it had been invoked sometime ago, perhaps we might have had more of our seniors with us here today.

MRS. BLACK: Mr. Speaker, I too would just like to offer my congratulations to the hon. Member for Olds-Didsbury for bringing this Bill forward. I did have an opportunity to speak earlier on in the presentation of the Bill, and I agree that this is long overdue. I did indicate the importance to my own personal family of the different alternative types of medicine that have been used, and I feel very comfortable with the fact that I can stand up and say that I do believe that some of them are here today because of the opportunity to have participated in chelation therapy.

I am comfortable with the support in this Legislature of this piece of legislation that we will all be watchdogs to see if anything untoward starts to appear insofar as practice and that we will be very diligent in coming back if that is the case. I think with the support on both sides of this House to see this piece of legislation go forward, we can go back to our own constituents and talk to the hundreds of people that have made presentations to all of us and feel very comfortable that we've dealt with something that was well overdue in a fashion, I believe, in this House that is cooperation, something that we don't often see on a number of Bills coming forward.

[Mr. Herard in the Chair]

I do want to thank the hon. Member for Olds-Didsbury for doing this because I also agree that it's long overdue. Anyone that hasn't seen the videos I think should borrow them and have a look at them, because it's just a real insight of how life and quality of life can be. So I thank you, as well, for bringing this forward.

THE ACTING SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. I also just want to take this opportunity to commend the Member for Olds-Didsbury. This was a very controversial Bill in my community. I had presentations on all sides of the issue trying to convince me to

support it, not to support it. At one time I had to express a real concern about whether or not the burden that was being placed on the College of Physicians and Surgeons to deal with the proof of harm from an alternative therapy would justify the Bill. I think that the amendments and the presentations that have been made, the clarifications that have been made now make it very obvious that this is a Bill worth supporting.

It also opens up another interesting proposition that was addressed to me last weekend at a powwow in Lethbridge. One of the medicine women there came up and talked about how she was working with a physician and was trying to practise some of the native medicines in conjunction with this physician. So this is another alternative treatment that may now be made available to some of the patients of these doctors who want to work with the native medicine people.

So I think this is a really good step forward, and I can tell the people in my community now that I'm going to support this Bill. Thank you.

4:40

THE ACTING SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. I, too, want to take this opportunity to congratulate the hon. Member for Olds-Didsbury for his persistence and for bringing this forward. I have all along supported the opportunity for choices. As we traveled around the province on the Health Workforce Rebalancing Committee, we heard time and time again about how important this was to folks, and in the short time that I served as chair of the community services committee dealing with health issues, many people approached us on the issue of chelation therapy. I have many witnesses in my own constituency to the benefits of this procedure. So I think it's long overdue. I'm very anxious that we move forward with the Bill, and it would be great if we could have unanimous consent to the Bill in the House today.

MS LEIBOVICI: I, too, would like to add my words of support to this particular Bill. I had also supported the member's previous motion on chelation therapy. I would like to extend my congratulations to the member as well as to all Members in this Legislative Assembly. Indeed, we can work together for the common good of individuals in Alberta, and I think this is one example of us doing that.

So, once again, thank you very much for this Bill, and you will have my support.

MR. BRASSARD: The magical time when we come to our final debate on this Bill, Mr. Speaker. Without presuming any of the outcome, I would just like to simply state that nothing such as a Bill like this develops on its own. It takes an awful lot of collaborative effort on behalf of a lot of people. I agree with the comments that were made that we can and should work closely together on these issues. I would like to thank not only those members who have spoken in support of the Bill but those who have held back so that we could bring this to a vote but who do support the Bill and in many ways have given me that support.

So with those few comments, I'd like to call the question, Mr. Speaker.

THE ACTING SPEAKER: The hon. Member for Olds-Didsbury has moved third reading of Bill 209, Medical Profession Amendment Act, 1996. All those in favour of third reading of Bill 209, please say aye.

HON. MEMBERS: Aye.

THE ACTING SPEAKER: Those opposed? Carried, let the record show unanimously.

[Bill 209 read a third time]

head: **Public Bills and Orders Other than**
 head: **Government Bills and Orders**
 head: **Committee of the Whole**
(continued)

[Mr. Clegg in the Chair]

THE DEPUTY CHAIRMAN: Hon. members, could we have the committee back to order, please.

Point of Order
Private Members' Bills

THE DEPUTY CHAIRMAN: Yesterday, April 23, when the Committee of the Whole was debating amendments to Bill 203, the hon. Member for Medicine Hat raised a point of order regarding Standing Order 8(5)(a)(ii), which indicates that the amount of debate time that is allowed in Committee of the Whole on a Bill other than a government Bill is limited to 120 minutes. The hon. member is concerned that if the committee doesn't deal with the amendments presently being considered before the time prescribed by Standing Order 8(5)(a)(ii) has elapsed, then other members who may have amendments to be introduced won't have the opportunity to do that.

The Chairman should advise the committee that it is a fundamental principle of parliamentary debate that there can only be one question or motion at one time. When an amendment is under consideration by the committee, only a subamendment can be considered until the amendment is decided upon. Of course, a motion to rise and report would be in order at any time. Accordingly, the amendments that the committee is presently considering must be dealt with before any further amendments may be introduced. It is in order, however, for there to be subamendments to the amendments being considered. The only advice the Chair can offer members to deal with the amendments differently is that the committee may wish to decide if there should be a limit on consideration of the amendments. That would have to have unanimous consent. It is not the role of the Chair to curtail debate on its own initiatives.

Bill 203
Family Dispute Resolution Act

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Beverly-Belmont.

MR. YANKOWSKY: Thank you, Mr. Chairman. Just to follow up . . .

MRS. HEWES: Are we dealing with the amendments together or one at a time?

THE DEPUTY CHAIRMAN: Hon. Member for Edmonton-Gold Bar, we are dealing with the amendments. We have agreed as a committee that you can discuss any amendment on the floor in your debate. However, when the amendments come to the floor for a vote, they have to be done separately.

The hon. Member for Edmonton-Beverly-Belmont.

MR. YANKOWSKY: Thank you again, Mr. Chairman. As I was saying, just to follow up on the comments from the hon. Member for Calgary-Buffalo, who was the last speaker when we adjourned the Bill yesterday. The member went on and on again about things like unequal treatment, about how Edmonton is being given preferential treatment because of this pilot project. I think I answered this question twice for him: there's no preferential treatment; it's just a pilot project.

Then he went on about home study and who was going to do the home study. Well, it's very clear that if a judge orders a home study, there are certainly qualified people that will be doing the home study. He got stuck on that I had said it would be a social worker. Well, sometimes social workers do do it, but most of the time they don't.

I must give the Member for Calgary-Buffalo some credit in that he actually clarified that we are not mandating mediation.

He went on further to talk regarding private disputes and the director of child welfare and so on. Again, I had answered that a number of times.

Then he brought up the subject of fees again. It's like we're stuck on a merry-go-round that we can't shut off or lost in a traffic circle or something. I have answered all of these questions I think at least twice. There's no need to pursue this any further.

With that, Mr. Chairman, I would like to call the question on the Bill 203 amendments.

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

4:50

MRS. HEWES: Mr. Chairman, I have to speak in opposition to some of these amendments that have been put forward. While the thought in the Bill is one that I believe has merit – and I spoke to that at second reading – I believe the numbers of amendments and the substantive nature of the amendments tell us that the legislation is seriously flawed. I would have thought that rather than submitting amendments, the Bill itself would be pulled and reworked and made into a logical Bill that could be supported. Otherwise, I think it needs to be defeated, and that's unfortunate because I'm sure a lot of work has gone into it.

Mr. Chairman, at second reading I spoke to the mandatory nature of the Bill itself and my concern that when you force people to do something, they don't necessarily do it, and the ones who have the most reason to access this kind of mediation are not going to benefit from it at all.

I would just like to draw the attention of the committee to the correspondence that we have had from the Canadian Bar Association, the Alberta branch, family law section, northern, in relation to this whole Bill. I believe their suggestions have tremendous merit, Mr. Chairman, and certainly should have been addressed in the amendments that the member who sponsored this Bill has brought forward. Mr. Chairman, the Canadian Bar Association letter I hope has been circulated. Is that correct? Has it been circulated to all members? I'll be glad to table a copy. I think it would be helpful to all members to have a look at it, because their assessment, their analysis of the Bill is very thorough and I think very objective and very helpful as well.

Mr. Chairman, they state in their letter that lawyers who are practising in divorce cases “already refer clients to mediation.” Therefore, they see this as being a duplication or unnecessary. They, too, are concerned that the mandatory nature of it, which is not clear, would not be workable. Mr. Chairman, they tell us that they are opposed to the Bill, and they give to this House six

reasons. They also give us some help and some direction. If we are determined to pass the Bill in spite of what they have said, there are some things that need to be changed, and these, with regret, are not dealt with comprehensively by the amendments that we have before us today.

They tell us in their first comment why they don't support the Bill, that it will add to the "already overly technical and burdensome process for litigants." There's no question that it will. Now, that had not occurred to me when I supported it in principle, yet I take their advice very seriously.

Further, Mr. Chairman, they speak to the potential that this is not constitutional, that in fact it "may be ultra vires," that "in section 91 of the Constitution Act . . . marriage and divorce are federal powers," and the association is challenging whether or not we in fact can pass this kind of legislation. I haven't heard the member speak to that issue, which I think is a very serious one and one that this House should consider very carefully.

Third, they are concerned about "the effect of discriminating among Albertans;" that is, the notion that it allows for "the Lieutenant Governor in Council to make regulations designating the judicial centres in Alberta at which Section 2 applies." One or two of the amendments in fact deal modestly with this but do not deal with it in a fashion that would satisfy the bar.

Mr. Chairman, they are concerned that it is discriminatory in the sense that likely it will only be "residents of Calgary, Edmonton, Red Deer and neighbouring communities who will be required to attend the mediation screening" and that "those in rural communities will have superior access to our Courts." I think that when the Bar Association draws that to our attention, it begs the question of why the amendments don't deal with the precise problem that they describe.

Further they go on to say:

While we believe that most people should be encouraged to attend mediation, we do not agree that all people in a geographic area [designated by the Lieutenant Governor in Council] should be forced to attend mediation orientation.

Then they tell us, Mr. Chairman, some of the instances where mediation would be inappropriate and in fact could carry some risk or some dangers with it. They list "where one party has been emotionally or physically abused" as a for instance of where it would be entirely inappropriate to have mandatory or forced mediation.

They go on further to say: why should mediation be forced on those who already have an agreement and have already secured an agreement? It would be unnecessary to force mediation on those.

Now, these are the issues, that I've described so far, that the Canadian Bar Association has concerned itself with, which the amendments before us are not concerned with.

Mr. Chairman, the next issue they raise is the costs, and I raised this one as well at second reading. It's not clear to me where those costs are going to be assigned. Perhaps I've missed this in the sponsor's comments to it, but the Bar Association is worried about that as well.

Their final one is that they are worried about "delays for litigants" and "no assurances that the mediation screening . . . will be offered frequently" to sufficiently ensure that there won't be a long backlog.

They go on in this document to describe not only the reasons for not supporting this Bill – they categorically say they do not support the Bill – but some of the things that need to be dealt with if in fact this House is determined to go through with second or third reading of the Bill. They question the fundamental part of it: what is the purpose of the Bill? Mr. Chairman, they ask, "Is

it to force mediation?" stating that "the wording of the Bill itself is ambiguous." They have also reviewed the *Hansard* debate and suggest that in our *Hansard* debate "forced mediation is not in fact contemplated," but there it is in the Bill, and it has not been dealt with by the amendments. So if in fact the Bill is being amended to require mediation, or if it is currently intended to require it, they need to comment further on this, and I think the member could avail himself of some advice from this association.

Mr. Chairman, they reiterate that

the Divorce Act already imposes a duty upon solicitors to discuss with clients the "advisability of negotiating the matters . . . subject of a support order or a custody order."

That is already available to and a requirement of solicitors, that they "inform the spouse of the mediation facilities" so that they are well informed about what they can access, and further that "most solicitors familiar with family law will . . . suggest or encourage mediation in non-divorce family causes as well."

5:00

Mr. Chairman, they are concerned that both parties – let me see if I can read this correctly:

. . . it would also be possible (and likely less expensive) to cure this [problem] by having the Clerk of the Court provide to both parties a written package on mediation with each Summons.

I think that's an eminently practical and sensible suggestion, and it could go to all Alberta litigants as opposed to just those in the urban centres that I've dealt with before that would have access through the Bill that's before us today and the amendments.

Mr. Chairman, the Bar Association speaks to a problem in this Bill that I have described in a number of other Bills before the House, and that is the absence of our knowledge or understanding of the regulations. It is very difficult for me to support, except in principle, unless I see the regulations and see how the Bill will be applied. I think that has been a trend we have seen in the last two sessions of the Legislature that is of major concern to me. I think there has to be a lot more given to us so that we understand the definitions and these are not left to regulations, because those can be changed, as we know, at the urging or – I was going to say whim. That's perhaps not the right word. But a minister can change those through an order in council, and I think many of these should be known before we are asked to vote on the Bill itself. This would refer as well to amendment A, where "private dispute" is a term that in my view is not well described or understood.

The association speaks again to delays and concerns about that. Finally in their letter they speak once more to too much left to regulations. They end, Mr. Chairman, describing the fact that they know that there's a pilot project happening. As we have said, it seems far more sensible to us to pull this Bill until the pilot project has been completed and evaluated, at which point I think the Bill would be infinitely more appropriate. Perhaps by then we would have a better understanding of the working arrangements and be able to draft a piece of legislation that would be passed by all sides of the House. As it stands, I don't think that's going to happen.

I have another piece of correspondence, Mr. Chairman, from Marjorie Bowker, who is a retired judge of the Provincial Court of Alberta and known to many of the members of the Legislature. When this Bill first came out, I sent it to her to have her analysis and commentary on it, and I would be happy to share that as well with members of the House. I find it very helpful and very revealing. Mrs. Bowker, first of all, says, "I am wondering if such a Bill is necessary, or even desirable – in view of programs"

that are operating successfully now and which she believes we should allow "to evolve without formalized legislation," and which in another part of her letter she asks that we continue to support.

[Mr. Herard in the Chair]

Mr. Chairman, she has difficulty with the notion, which is not amended, that in "section 2(1), a clerk, at the commencement . . . must direct the parties to attend a `mediation screening and orientation.'" She says that for two reasons: it's an inappropriate function "for an administrative official"; secondly, "it could be seen as creating an obstruction or legal barrier to divorce," which again, as I've stated before in the other piece of correspondence from the Bar Association, is a federal matter, and this Bill might well be unconstitutional if we attempt to pass it.

She goes on to describe the programs that have been developed over the years through the family conciliation service. Mrs. Bowker herself initiated this conciliation project in 1972. It was a first in Canada. It was done with the aid of a federal grant, and it has been widely copied not only in this country but in other parts of the world and has been a very successful program. She says two of these have relevance to Bill 203. One is called Parenting after Separation. What is the other one called? If I can find it. She describes to us, Mr. Chairman . . .

MR. ZWOZDESKY: Custody mediation.

MRS. HEWES: Custody mediation. There it is. Thank you, Member for Edmonton-Avonmore; that's helpful.

Mr. Chairman, she says that it has received a lot of publicity and has been promoted and supported by two departments of government in the province, the Justice department and social services department, and perhaps these ministers would comment on Judge Bowker's correspondence to us in that regard. Further, in February of this year the two ministers of these departments ordered that the program be made mandatory for divorcing couples with children. Up to this time, attendance at the program has been voluntary. The program operates as an information program strictly, two sessions of three hours each dealing with various aspects of divorce and resulting parenting, and questions are answered.

Bill 203, Judge Bowker states, goes further than mere information. It mandates mediation screening, which she believes to be premature at this stage and, in her opinion, improper. Mrs. Bowker goes on further to say that the program should continue as it is, as an information session, and not become complicated by Bill 203, and she prefers that and says it has worked well as a voluntary program.

The other section that she refers to in her letter to me, Mr. Chairman, the other program, is called the custody mediation program. Developed by the same family conciliation service that Mrs. Bowker started, it has been operating for over 10 years with couples referred mainly by lawyers, and it has now gained approval from most of the justices of the Court of Queen's Bench, which handles divorces. Mrs. Bowker I think speaks to the success of both of these programs and the absence of a necessity for something to replace them, and I would hope that the mover of this Bill would give serious consideration to her comments. I take her advice very seriously. I think it's well considered.

Mr. Chairman, Mrs. Bowker also attests to the difficulties of this being a constitutional Bill and whether or not it is acceptable

or beyond the power of the province and perhaps could in fact be challenged and declared unconstitutional. I think that is something that the member should certainly consider and consider very carefully before we proceed any further with it.

Mr. Chairman, the amendments themselves – in some cases I have some real difficulty. The first one I've already spoken to, amendment A. I think "private dispute" is confusing and needs far more clarification. I think amendment B, 6(a) of that section is unacceptable to me and to this caucus because it creates two classes of Albertans. It's a section that allows for a judicial description of what part of the province is to be under this Bill.

Thanks, Mr. Chairman.

5:10

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Beverly-Belmont.

MR. YANKOWSKY: Thank you, Mr. Chairman. I see we're still lost in that traffic circle or stuck on that merry-go-round of the same questions coming back. First of all, I'd like to address the Bar Association letter, and the Judge Bowker letter is very much the same. The Bar Association, first of all, in their letter at the very start in fact come right out and say that they're partisan. They are trying to protect their turf here, because this could be a loss of revenue for lawyers. Secondly, they have not seen the amendments. All of what they're saying there is taken from the original Bill. They have not seen the amendments. So again, what they are saying there is totally out of sync because they have not seen the amendments.

As far as not being constitutional, Alberta can make laws respecting custody, access, and maintenance that do not conflict with the Divorce Act. This does not conflict with the Divorce Act. Alberta can make laws concerning how maintenance, custody, and access issues are to be determined outside divorce proceedings: again, fully constitutional. So that addresses both the Bar Association and Bowker.

Again the member went on regarding discrimination of Albertans and regarding the Lieutenant Governor in Council making regulations which will discriminate. That is totally ludicrous, to say the least. Now, the member is listening to the Bar Association; she has a letter from Judge Bowker. But how about listening to someone that is really out there doing something? That is the Madam Justice that is conducting this pilot program at the present time, and here is the report for February: all kinds of testimonials about how well the program is working and many people in here saying that it must be mandatory in order for it to work. This is what it's all about. You have to have it mandatory. That is not mandatory mediation; it is just mandatory attendance at a course for those couples, those parties, that are involved in a custody/access dispute. So that kind of says it all here. It's frontline stuff, it's from people that are attending the course, and it's coming firsthand.

I think those are all the comments I want to make. Again, I want to say that both of these letters the members opposite are quoting, from the Bar Association and Marjorie Bowker – they're all pre; they have not seen the amendments.

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Chairman. When I first saw the Bill, I thought I'd look forward to supporting it because I thought it was a Bill that was intended to make families stronger and, as such, would be worthy of the support of this House. But as we

read the Bill when it was presented and now that we have this rather extensive list of amendments, it's abundantly clear that the amendments don't deserve our support, nor does the Bill. It's poorly crafted, and it's certainly not well thought through. In spite of the Member for Edmonton-Beverly-Belmont's objections to the Bar Association commenting on the Bill and Judge Bowker, I think her last paragraph is worthy of our consideration. Her last paragraph, if I may quote it, is:

My conclusion therefore is "leave well enough alone". The system now in place is well tested and successful; it has been adopted by the judiciary without changes to the law. It is not wise to legislate concerning something already functioning well, or risk encroaching on federal legislative jurisdiction.

I don't think we can just dismiss that as an interested member of the bar, their comments.

Even if you go back to what the member is trying to do, it's got to be a first in research in this province when you conduct the pilot and you legislate before the pilot is completed. Now, what possible sense logically does that make? What kind of researcher would conduct studies and suggest changes before a pilot has been completed and that report made public? It's not done, and to say that you're going to have the legislation in place just in case the pilot is a success makes no sense at all.

If you go back and you focus exclusively on the amendments, the amendments do not address the objections that have been raised. The member was careful to dismiss the Bar Association and claim that they had self-interest, but I think in fairness he might have read what they said about their self-interest into the record. In the third paragraph of their letter they discuss that very item, and it says:

This is simply not the case. As discussed in further detail below, lawyers practising divorce already refer clients to mediation. Many of us have encouraged our clients to attend the Parenting After Separation course, even before it was made mandatory in the current Pilot Project.

So I think that in fairness to the group the member should have made that clear.

If you go back to the items that the amendments do not address – and that's the objection to the limits and the delays that this can cause people caught in the system. There's no assurance in the Bill that that's not going to happen to them.

Again, the business of the Bill being ultra vires. It's not addressed in the amendments. The assurances from the member opposite are not enough to at least convince me that it is not a Bill that could be held ultra vires, section 92.

If you look at the whole problem of costs, costs haven't been addressed, and the increasing costs for litigants is a concern. Before this kind of legislation is passed, you would think there would be some evidence put in front of this Assembly that costs are not going to be a burden on those people that are already involved in some rather difficult decisions and some difficult proceedings.

Besides the costs, I'd like to talk about the notion of the delays for litigants. What assurance do we have that this is not just going to prolong a rather difficult process for them?

The whole motive of the Bill, I guess, has to be questioned at this point. From what seemed to be a rather well-meaning effort to improve family life, I think it's been made into something quite different by the member who's proposed it.

Objections again, I think, have been raised about the definitions needing work, the definitions as they appear and amended definitions not being adequate, the removal of liability for mediators as being inappropriate, and, something that I guess has

plagued us in this House since we were elected, the leaving of so much of what is going to be done to regulations. We've asked again and again for regulations to be reviewed, and this again is a case where we can be probably assured that it won't happen.

So I guess I would conclude again with Judge Bowker's comment, and that is: let's leave well enough alone.

With that, Mr. Chairman, I'd move that we adjourn debate.

5:20

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Mill Woods has moved that we adjourn debate on Bill 203. All those in favour of the motion, please say aye.

HON. MEMBERS: Aye.

THE ACTING CHAIRMAN: Those opposed, please say no. Carried.

MR. EVANS: Mr. Chairman, I now move that the committee rise and report progress.

[Motion carried]

[Mr. Clegg in the Chair]

THE ACTING SPEAKER: The hon. Member for Calgary-Egmont.

MR. HERARD: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration and reports progress on Bill 203. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

THE ACTING SPEAKER: Thank you, hon. member. All those in favour of the report, please say aye.

HON. MEMBERS: Aye.

THE ACTING SPEAKER: Opposed, if any? Carried.
The Deputy Government House Leader.

MR. EVANS: Thank you, Mr. Speaker. I now move that we call it 5:30 and that when we reconvene at 8 o'clock, we do so as Committee of the Whole.

THE ACTING SPEAKER: The hon. Deputy Government House Leader has moved that we call it 5:30 and that we adjourn until 8 o'clock, when we reconvene as Committee of the Whole. All those in favour, please say aye.

HON. MEMBERS: Aye.

THE ACTING SPEAKER: Opposed, if any? Carried.

[The Assembly adjourned at 5:24 p.m.]

