

## Legislative Assembly of Alberta

Title: **Tuesday, April 30, 1996**

1:30 p.m.

Date: 96/04/30

[The Deputy Speaker in the Chair]

head: **Prayers**

THE DEPUTY SPEAKER: Would members please remain standing after the prayer.

Let us pray.

Our Father, we confidently ask for Your strength and encouragement in our service of You through our service of others.

We ask for Your gift of wisdom to guide us in making good laws and good decisions for the present and the future of Alberta. Amen.

### **Mr. Russell James Whitson September 23, 1914, to April 29, 1996**

THE DEPUTY SPEAKER: Yesterday, April 29, 1996, Mr. Russell James Whitson passed away. Mr. Whitson was a former Member of this Legislative Assembly and represented the constituency of Vermilion for the Liberal Party. He was first elected in the general election on June 29, 1955, and served until 1959. During his years of service Mr. Whitson served on the select standing committees on agriculture, colonization, immigration, and education; on municipal law; on public accounts; and on railways, telephones, and irrigation. With our admiration and respect there is gratitude to members of his family, who shared the burdens of public office. Our prayers are with them in this time of sorrow.

In a moment of silent prayer I ask you to remember Russell Whitson as you have known him.

Rest eternal grant unto him, O Lord, and let light perpetual shine upon him.

Amen.

You may be seated.

head: **Presenting Petitions**

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

MS LEIBOVICI: Thank you, Mr. Speaker. It gives me great pleasure this afternoon to present a petition that's signed by 177 Albertans who are concerned about the state of the health care system and its ability to provide quality rehabilitation, especially in the Edmonton area. In particular, they are concerned with the proposed cuts at the Glenrose hospital with regards to rehabilitation services.

head: **Notices of Motions**

MRS. BLACK: Mr. Speaker, pursuant to Standing Order 34(2)(a) I am giving notice that tomorrow I'll move that written questions and motions for returns stand and retain their places on the Order Paper.

MR. DICKSON: Mr. Speaker, I give notice now that I intend to move immediately after question period the following motion:

Be it resolved that this Assembly recognize April 28 to May 4 as National Information Rights Week and congratulate the organizers of events throughout Alberta designed to focus public attention on this important issue.

head: **Introduction of Bills**

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

### **Bill 41 Water Act**

MR. LUND: Thank you, Mr. Speaker. I request leave to introduce a Bill, Bill 41, being the Water Act. This being a money Bill, His Honour the Honourable the Lieutenant Governor has been informed of the contents of this Bill and recommends the same to the Legislature.

Bill 41, the Water Act, provides the legislation needed to manage Alberta's water resources as a sustaining element of our environment and to ensure a healthy environment, a healthy economy, and a healthy quality of life in the present and into the future. Albertans have had significant influence in developing this Bill, and I would like to take this opportunity to thank all those Albertans who have provided so much valuable input into the writing of this new legislation.

[Leave granted; Bill 41 read a first time]

### **Bill 43 Election Amendment Act, 1996**

MR. HIERATH: Mr. Speaker, I request leave to introduce Bill 43, the Election Amendment Act, 1996.

This Bill will make a number of amendments to the Election Act including revisions to the enumeration process for the province of Alberta.

[Leave granted; Bill 43 read a first time]

MR. DAY: Mr. Speaker, I move that Bill 43, as just introduced, be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

head: **Tabling Returns and Reports**

MR. DINNING: Mr. Speaker, I am tabling today the annual report for the year ended December 31, '95, of the Alberta Municipal Financing Corporation, the Alberta Automobile Insurance Board annual report for the year ended December 31, '95, the Audit Committee report from December of 1995, as well as the response to Motion for a Return 182.

THE DEPUTY SPEAKER: The hon. Minister of Family and Social Services.

MR. CARDINAL: Thank you, Mr. Speaker. I'm tabling responses to motions 169 and 170 and Question 192.

MRS. MIROSH: Mr. Speaker, I'd like to table a letter from our Premier, Ralph Klein, to the chairman of the board of the Calgary Jewish Centre and to Mr. Hal Joffe of the Calgary Jewish Community Council. The letter states:

I would like to express my sincere dismay, anger and frustration over the letter bomb received by the Calgary Jewish Centre on April 29, 1996.

Acts of violence and terrorism such as this have no place in Canadian society. No purpose can possibly be served by

targeting innocent and unknowing people. I am confident that this was the act of a disturbed and troubled person, or persons, acting without conscience or reason.

Our province's Jewish community [located in the Calgary-Glenmore constituency] has contributed immeasurably to Alberta, whether it be through business, charity or philanthropy. This community has worked hard to ensure our ethnic diversity is a strength that benefits all our citizens. Such work cannot be undone by the cowardly actions of a person.

Signed by our Premier.

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

DR. OBERG: Thank you, Mr. Speaker. I'm tabling six copies of 15 letters that I've received from people around the province urging the government to make government buildings nonsmoking.

MR. DICKSON: Mr. Speaker, a number of documents to table. Firstly is a series of correspondence that relates to the sexual assault centres around Alberta and their concerns with respect to Bill 205 and correspondence with the Member for Calgary-Egmont, who sponsored that Bill.

The other documents, sir. Firstly, a letter dated April 26 from the Building Owners and Managers Association of Calgary indicating their opposition to Bill 24. A fax from a Lee Melnychuk in Edmonton indicating her opposition to Bill 24. We have a letter from Michael Dobbin, another very normal Albertan, indicating his opposition to Bill 24. A letter from John and Brenda Baker of northwest Calgary to the same effect. Finally, letters from the Alberta Civil Liberties Association also indicating that that is made up of many volunteers who are all normal Albertans, Mr. Speaker.

Thank you.

head: **Introduction of Guests**

1:40

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

MR. SEVERTSON: Thank you, Mr. Speaker. I have a grade 6 class from John Wilson elementary school that I'd like to introduce to you and through you to the members of the Assembly. They are accompanied today by their teacher Mrs. Pat Layden and by parents Mrs. Simmons, Mrs. Haner, and Mrs. Roberts. They are in the members' gallery, and I'd ask them to rise and receive the warm welcome of the Assembly.

THE DEPUTY SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Speaker. I have the pleasure this afternoon on behalf of my colleague the hon. Member for Edmonton-Highlands-Beverly to introduce from Concordia high school 36 visitors here to attend question period accompanied by their teachers Keith Kruse and Aaron Heinemann. If they would stand and receive the warm welcome of this Assembly, I'd appreciate it.

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

MR. EVANS: Thank you, Mr. Speaker. I am very pleased today to introduce to you and through you to members of the Assembly

a constituent of mine who served this province as a member of the Tax Reform Commission and continues to be very interested in political life in the province of Alberta. His name is Darol Hamilton. He's seated in the member's gallery, and I'd ask that he rise and receive the warm welcome of the House.

head: **Oral Question Period**

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

### Health Restructuring

MR. SAPERS: Thank you, Mr. Speaker. The Premier says that he is not an advocate of Americanized two-tiered medicine, yet he encourages Hotel de Health to create exactly that kind of system here in Alberta. Now, the Premier says that either we change the way we deliver health services or we watch the quality of those services go the way of the one-horse plow. Perhaps the Minister of Health will explain how squeezing the life out of our publicly funded health care system and driving it into the arms of for-profit providers does anything at all to enhance quality or access.

MRS. McCLELLAN: Mr. Speaker, the Premier, the Minister of Health, and this government caucus have been very forthright in our vow to the Canada Health Act and adherence to it. The idea of a two-tier system is strictly in the minds of the opposition. You do not hear it raised on this side of the House because this side of the House clearly recognizes that the private sector has been a participant in the health system in Alberta for many years. We have given examples such as St. Michael's, who provide extended care in this city, of our voluntaries across the province who I guess could be termed as private providers, many of the groups like Carewest and others who provide extended care.

Mr. Speaker, the private sector has been a good partner in health, and when it makes sense to use the private sector's services, I think the Alberta taxpayers would recommend that we do that. They are the ones that want responsible spending of their tax dollars.

MR. SAPERS: Mr. Speaker, how can Albertans trust this Minister of Health or the Premier of the province when they talk about health care, when they say inside this Assembly that they support the Canada Health Act, yet outside of the Assembly the Premier says that the Act is old and must be scrapped, that it needs to be replaced? What exactly is this government's real position?

MRS. McCLELLAN: Mr. Speaker, it is not new that this government has had conversations with other ministers across Canada and with the Minister of Health for Canada on a review of the Canada Health Act. We do believe that the Canada Health Act has served this country well, but it does only pertain to physicians and hospital services. Other ministers of health in Canada, in fact in the Liberal province of New Brunswick, would suggest the same thing.

With your indulgence I would like to read one sentence from the minister's comments at a participation, and I would be happy to table the whole document in due course. A direct quote:

New Brunswick has been saying for the last three and a half years that we need a substantive dialogue in Canada about what Medicare is or should be. This is not an attack on the Canada Health Act . . . We need to ask: what do Canadians want Medicare to include? Once that's established, how do we pay for it?

I raise that, Mr. Speaker, to show that ministers of health across Canada, whether they're in Atlantic Canada or on the western coast, are concerned that we continue to deliver comprehensive health services to Canadians under a publicly funded system. Alberta is a willing partner and participant in that discussion.

MR. SAPERS: Mr. Speaker, I'm glad New Brunswick has a minister of health that defends the Canada Health Act. I sure wish we did here in Alberta.

Does the Minister of Health agree that even as the Premier says that there is something – and I quote – fundamentally wrong with denying physicians the opportunity to work in both the public and private systems, there is something even more fundamentally wrong when the Premier wants to create two lineups to receive medical care: one for those people who have money and another for those who don't?

MRS. McCLELLAN: I guess that I've encouraged the opposition across the way on a number of instances to get involved in a true discussion of health services for Albertans. I do not believe that health services are something that should be politicized; I think it's too important to all Canadians. Ministers of health across Canada have been able to carry that message forward, Mr. Speaker, including the federal minister, whom I just met with last week, who would make that very statement.

What we need to talk about in this Assembly are solutions. How do we ensure that we retain the publicly funded system that is so dear to Canadians and to Albertans? How do we ensure that the health services which are important to Albertans are preserved and funded and ensure that those health services, which are not just physicians and hospitals but are a part of the very important fabric of our health system, continue to be funded through the public health system? The Premier has said, and I will give you a direct quote:

Like our fellow Canadians, the Alberta government believes that a single-payer, publicly-funded model is the best, and the most appropriate, one for delivering health services.

That's a public statement from the Premier, Mr. Speaker, and one that this government caucus concurs with.

THE DEPUTY SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. Several times inside this Legislative Assembly the Premier has pledged his undying allegiance to the Canada Health Act, saying that he will protect the five fundamental principles. Yet in his speech yesterday at the annual meeting of the Association of Canadian Medical Colleges – and I will give you a direct quote, Madam Minister – the Premier said, as if it is still a question in his mind: “if we want to [protect] a publicly funded health system in Canada, everyone will have to do their part.” My questions are to the Minister of Health. Does the Minister of Health agree with the Premier that the Canada Health Act must be changed to accommodate the Premier's vision of a privatized two-tiered health care system?

MRS. McCLELLAN: This is a day of direct quotes. I will directly quote from the same speech the Premier gave yesterday: “Alberta is not – let me repeat, is not – an advocate of Americanized, two-tiered medicine.” That is a direct quote from the same speech.

Mr. Speaker, I have said consistently in this House – and I believe the hon. Member for Leduc can understand this. As I

recall, he is a member of the private sector or has been in his past, and I would think he would be the first to agree that there is a place for the private sector in delivering health services. He would see many examples of that occurring perhaps in his own constituency. The fact remains that the private sector can be an important contributor to the system and still be within a publicly funded health care system. That's what's occurring today, and that's what's occurring in the future.

I'd remind the hon. members that virtually every doctor in this province who has a clinic or an office is a private participant in health care. They are fully funded – fully funded – for health services that are insured through the system. [interjections] Yes, Mr. Speaker, I hear the chattering that they pay their overhead. Yes, and our funding to them and other private-sector involvers indicates that they pay their own overhead and expenses. [interjections] I am hearing from the opposition benches in the chitchat that they're not opposed to that, so I'm a little bit puzzled by the hon. member's line of questioning. [interjections]

MR. KIRKLAND: Will the Health minister tell Albertans . . .

1:50

THE DEPUTY SPEAKER: Hon. member, you have not been recognized. We're just waiting for the comments to quiet down.

So first supplemental, hon. Member for Leduc.

MR. KIRKLAND: Thank you. Madam Minister, will you tell Albertans exactly where you believe the Hotel de Health concept fits into the publicly funded health care system?

MRS. McCLELLAN: Mr. Speaker, as I've indicated many times in this House, I have not received a proposal from the Hotel de Health to a regional health authority. However, I have explained in the House – and I would be happy to again – how the private sector can be involved in delivery of health services. The regional health authorities in this province have the responsibility of delivering health services in their regions. They have the opportunity to enter into contracts with deliverers of service to utilize a public building if it's excess space. To have a private-sector firm be involved in a public building, they do have to have the permission of government through the Minister of Health and through the minister of public works, because those are in trust to us.

It would be in exactly the same relationship that, for example, Carewest provides services, that a clinic in Calgary is under contract with the Calgary regional health authority to provide cataract surgery. Those contracts are allowed in the system. Mr. Speaker, if a regional health authority wishes to enter into a contract with any deliverer, whether it's Hotel de Health or not, they understand the policy, they understand the rules, and they understand when they need ministerial approval. To date they have followed those policies; they have followed those rules. I'm sure that when and if they have a firm proposal, they'll bring it before government for a decision.

THE DEPUTY SPEAKER: Final supplemental, Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. Madam Minister, if your government is sincere about protecting public health care, why don't you quit subsidizing private clinics and accepting a \$420,000 per month penalty for contravening the Canada Health Act?

MRS. McCLELLAN: Mr. Speaker, I think the hon. member fully knows that we are in discussions with the federal government on that very issue. I tabled in the House some months ago our response. I've had discussions with the present federal minister on this issue. He and I believe that this issue will be resolved quite soon.

I would remind the hon. member and all Albertans that some of those clinics in question have been in operation under rules under the Canada Health Act that they've clearly understood for over a dozen years. What has changed is that an interpretation of the Canada Health Act has changed the rules. I think in fairness to those clinics that have a considerable investment and have provided quality services to Albertans, we should ensure that we take the time to have a policy in place that is fair to everyone. I don't think the hon. member would want us to do anything less.

There is only one outstanding issue in this dialogue. It is the question which the hon. Member for Edmonton-Glenora raised in his question, and that is whether physicians can receive funding in both the public and private systems. I have raised the example of a physician who may provide reconstructive surgery for a cancer patient but may provide cosmetic surgery for things that are not insured. We want to ensure that those physicians can continue to fully participate in delivering health services. We think they can. Our discussions with the federal government suggest that we will have that issue resolved quite soon.

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

#### Calgary Jewish Centre

MR. DICKSON: Mr. Speaker, thank you. The Calgary Jewish Centre provides offices for the Calgary Jewish Community Council. That council was one of the original members of the Dignity Foundation, advocating for stronger human rights protection in Alberta, but the centre also provides programs for children, programs for seniors. Yesterday that centre received a letter bomb. The bomb detonator exploded, injuring one woman at the centre. My question would be to the minister standing in for the hon. Premier. What specific steps will the Premier take to deal with this act of terrorism? What steps will he take to ensure this won't happen again anywhere in the province of Alberta?

MR. DINNING: Mr. Speaker, the minister responsible for science and technology tabled in the Assembly today a letter from the Premier to members of the Jewish community deploring the violent act that took place yesterday, saying that that kind of activity is something we would not stand for in this province. The police are properly involved in investigating this. This government stands for none of that kind of activity. We find it intolerable. And for the members across the way to be as derisive as they were when the minister was reading the Premier's letter is something that I think reflects badly on the opposition.

MRS. MIROSH: Mr. Speaker, I'd like to supplement the answer. Tomorrow I'm meeting with the Calgary Jewish Centre's board and the council's board, and we're going to work together with the police and the community to figure out a strategy to prevent this from occurring again.

THE DEPUTY SPEAKER: First supplemental, Calgary-Buffalo.

MR. DICKSON: Thanks, Mr. Speaker. This will go to the Minister of Justice. Since anti-Semitism is by no means or in no fashion a new threat in the province of Alberta, will the minister detail the kinds of steps that his department has taken to specifically head off this kind of terrorism?

MR. EVANS: Well, on the specific issue of this deplorable action that's occurred in the city of Calgary, we have no indication, Mr. Speaker, that there is an organized anti-Semite movement in this province. I hope that we'll always be able to state that. What we do through the Department of Justice and in working with the police departments throughout this province, with the RCMP and local police officers, is that we examine the changes that are happening in society throughout our urban and rural municipalities, and if there are any concerns of a group forming that is prejudiced against any particular Albertan or any group of Albertans, then the appropriate action is taken.

Whether we're talking about gang warfare or otherwise, at this point we're unaware of any organized activities in the works or in any kind of form that should make Albertans concerned. That doesn't mean that that could not happen in our province. It happens elsewhere, and we're seeing very significant examples of that, very negative examples of that throughout this nation and throughout the world. So we have to remain vigilant, and I'm quite confident that that is occurring through our very efficient police officers in this province.

THE DEPUTY SPEAKER: Final supplemental, Calgary-Buffalo.

MR. DICKSON: Thanks, Mr. Speaker. I'll go back to the stand-in for the hon. Premier and ask finally this: in view of the critical need now for leadership in this province, will the hon. Premier reconsider his decision to boycott the meeting this Friday with representatives of the Alberta council for human rights protection?

MR. DINNING: You know, Mr. Speaker, it's cheap politics like that which cast aspersions on all Members of the Legislative Assembly, and I think it's tragic that the member across the way would suggest that the Premier is doing any such kind of thing. The MLA for Calgary-Glenmore, the minister responsible for science and technology, has said that she is meeting with that group tomorrow. The Minister of Justice has commented on the member's question. The members of Calgary caucus will be meeting with representatives of the human rights groups on Friday. So the practice of those kinds of politics, especially in light of the deplorable event that took place at the Calgary Jewish Centre yesterday – the member may think he's winning votes, but it's a cheap way to try to do it. We deplore that kind of act. Members on this side of the House know we deplore that kind of action, and Albertans know that we will not stand for that kind of action.

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

#### 2:00 Irrigation Rehabilitation

MR. McFARLAND: Thank you, Mr. Speaker. Lethbridge Northern irrigation district communities and many, many farms rely on spring and summer water provided by the storing of winter melt behind facilities such as the Oldman River dam. Last spring's huge runoff damaged downstream infrastructure located on the Peigan reserve. My question to the Minister of Environ-

mental Protection today: what is being done to repair this damage, which is needed to maintain water transportation efficiencies for the summer months in southern Alberta?

MR. LUND: Mr. Speaker, the hon. member is absolutely correct that the massive flooding last summer did in fact erode the banks along the canal leading to the Lethbridge Northern irrigation system. Because of that erosion we estimate that the maximum capacity that could be handled in that system this spring and summer would be about 60 percent of its total capacity. Now, we are confident that unless in fact we have an extremely dry, hot summer, with that 60 percent and the capacity in Keho Lake the agricultural community and the communities that depend on that water will have sufficient water throughout the summer. We have made some attempts to get permission to go in and repair the damaged area. The hon. Member for Pincher Creek-Macleod and I met with the chief and council of the Peigan Nation back last fall. As a matter of fact, we did offer to use their equipment and labour to repair the damage but unfortunately were unable to come to an agreement.

MR. McFARLAND: Mr. Speaker, it seems there are a number of issues outstanding, but I understand, Mr. Minister, that there's been a federal intervenor appointed. Has he been of any assistance, or what's his role?

MR. LUND: Mr. Speaker, last fall or late summer the federal government did appoint Mr. Tim Christian, the dean of law from the University of Alberta, to act as a mediator or to assist us in coming to some resolution of the number of issues that are outstanding. As late as about three weeks ago Mr. Christian did meet with my department officials, and hopefully we will be able to come to some conclusion on this issue.

MR. McFARLAND: Mr. Speaker, we've missed the opportunity to repair this while the ground was frozen. Would the minister be prepared to meet with the Peigan band council or anyone else in order to get this resolved as soon as possible?

MR. LUND: The short answer is yes. We, as I indicated before, have met once with the chief and council. I certainly would be very pleased to have the opportunity again in the presence of the hon. Member for Little Bow, and I would hope that the hon. Member for Pincher Creek-Macleod could also attend because this is in his constituency and is very important to him. However, we do have some outstanding issues, and one of the main ones – the province currently pays to the Peigan First Nation in excess of \$500,000 a year rent. There is some discussion about whether in fact the facilities that we are operating are totally within the defined area that we pay the rent on. So that is a major issue that we have to hurdle, that we have to get over.

THE DEPUTY SPEAKER: Okay.

The hon. Member for Edmonton-Manning.

### Long-term Disability Program

MR. SEKULIC: Thank you, Mr. Speaker. Alberta's provincial employees have more than helped this government fix the financial mess that its mismanagement created. They have accepted wage rollbacks, reduced hours of work, and layoffs. Despite this, the Minister of Labour's recent comments seem to suggest that provincial employees on long-term disability are

somehow abusing the disability plan. My questions this afternoon are to the Minister of Labour. Can the minister clarify his comments by providing Albertans with a breakdown of how many employees are on disability due to illnesses such as cancer, heart attacks, and personal injuries?

MR. DAY: Mr. Speaker, my comments on this topic from the outset for the most part have been reported accurately in the media. I say: for the most part. I made it very clear yesterday also in addressing this right here in this Assembly that there are approximately a thousand – I think it's 1,054 – public servants at this time who in fact are receiving long-term disability benefits. That's an accumulation over the last 15 to possibly 20 years.

I've said before and I continue to say now that as with any insurance program there always has to be an eye to making sure that those who definitely need those benefits are being adequately cared for and compensated and also that there needs to be an eye to see which employees, if possible, may in fact be worked with to see about return to either modified work or in fact full-time work. In fact, virtually all employees who apply for LTDI say that they would rather be working. So it's not an affront or assault on anybody's condition.

As far as the breakdown of the conditions themselves, that is largely confidential health information, and it would be to the extent of some considerable investigation to get the actual breakdown of that.

THE DEPUTY SPEAKER: First supplemental, Edmonton-Manning.

MR. SEKULIC: Thank you, Mr. Speaker. I don't believe that aggregate statistics are ever held confidential. In fact they're very beneficial to research and accountability.

My second question to the minister is: has the minister investigated what impact if any the budget cuts and the reduction in resources have had on the number of employees applying for and accessing long-term disability?

MR. DAY: Yes, Mr. Speaker, that particular analysis has been done. It was noted in going back and doing investigation from approximately six years ago that there was an increase every year in the amount of people that were claiming these benefits. When we started about two years ago to look at the whole program and do a review – and I might add that the review was done in conjunction with employees and the union. When that review began to be done, there was – and we can call it a coincidence – a coincidental decrease in the number of applications coming forward. So in fact if somebody was trying to draw some line between government restructuring over the last two to three years and an increase in the number of people applying in terms of the raw number, that is not to be found. In fact, it would suggest otherwise, that there would be a decrease in the amount of people who were actually applying for LTDI over the last two years. There seemed to be an abating of those applications.

THE DEPUTY SPEAKER: Final supplemental, Edmonton-Manning.

MR. SEKULIC: Thank you, Mr. Speaker. My final question is: why has it taken six years to address the issue when by the minister's own admission yesterday and once again today the government noticed an increase in the number of people applying

for and receiving long-term disability benefits six years ago? Why has it taken so long to address this issue?

MR. DAY: It wasn't my issue six years ago, Mr. Speaker.

Having responsibility for health and safety in the workplace and for occupational health and safety and all the things that lead to a person having to come to a place of being affected healthwise, when that information was requested and then looked at approximately two years ago, a number of people, not just myself but a number of people, in fact realized that a positive initiative could be taken. So immediately on evaluating that information, certain steps were taken, again in conjunction not just with the supervisors and employers but with union representatives and employees themselves. As I indicated, when that began, immediately upon becoming aware of these numbers there seemed to be some mitigation in terms of the number of people who were claiming.

I repeat again that there's never been an insurance system in the world that has not suffered even in a minute way some misuse. There's never been an insurance system in the world where that hasn't happened. We are not saying that is happening in a widespread way. However, we are working carefully and closely with employees to make sure that they're being adequately cared for and compensated, and those employees who by their own admission when they apply say that they'd rather be working, where we can work with some to see if their condition has improved and they can return to modified or full-time work, we make no apology for working with them to see that that can happen.

THE DEPUTY SPEAKER: The hon. Member for Lethbridge-West.

## 2:10 Ready-to-move Homes

MR. DUNFORD: Thank you, Mr. Speaker. My questions today are to the Minister of Transportation and Utilities, and they relate to what are known as ready-to-move homes. Now, I applaud any initiative that is taken by any department to remove interprovincial trade barriers, but I would ask the minister if the ready-to-move homes that are being brought in from Saskatchewan are being met at the border to ensure that they have CSA approval on the building technique that's been used.

DR. WEST: Mr. Speaker, I can't qualify whether they're met at the border, but they're all required to have that according to our Building Code in Alberta. As the permits are given out, I'm sure that's a qualified issue that's brought forward to them. Whether they're actually stopped, they are required under the Alberta Building Code to have the CSA approval.

THE DEPUTY SPEAKER: First supplemental, Lethbridge-West.

MR. DUNFORD: Thank you. Given that manufacturers may want to begin to manufacture this type of home in Alberta, are the CSA standards and the Alberta Building Code standards equivalent standards?

DR. WEST: Yes, Mr. Speaker.

MR. DUNFORD: The last question then: is the minister concerned at all about the width of ready-to-move homes, which can extend, in my understanding, perhaps to widths of 40 to 60 feet? Is there a concern about public safety on our highways?

DR. WEST: Mr. Speaker, the answer would be yes. Moving all overwidth materials on our highways has been a concern. We permit these according to a set of guidelines and permits. Whether it be large vessels that are going to a new plant at Joffre or whether it's the movement of a grain elevator or whether it's used homes that have been moving in Alberta over the last few years, the permitting standards are all the same. There will be no exception made for these homes, and they will have to go under the same guidelines that we've been using for years on our highways, which dictate the routes that they take, the time of day, and the responsibility they have in pilot cars and in passing municipal permitting also.

THE DEPUTY SPEAKER: The hon. Member for Calgary-North West.

## Corrections Facilities

MR. BRUSEKER: Thank you, Mr. Speaker. The recent events at Headingley jail in Manitoba and the escapes from the women's jail in Edmonton have raised a concern among a number of my constituents since four provincial institutions are located within the boundaries of Calgary-North West. Some of the reasons given for the riot at Headingley are that drugs were involved as well as dormitories housing large numbers of inmates. Now, these situations can be found in Alberta, causing some of the guards to raise concerns about increased volatility in our jails here in the province. My question is to the Minister of Justice. With the increased public awareness and concern about jails in the province of Alberta, has the minister met with corrections officials in the province to discuss the growing volatility in our jails?

MR. EVANS: Well, Mr. Speaker, as members are probably all aware, we just recently had an efficiency review within the corrections component of our department. That involved a number of frontline workers, a number of managers and was a thorough review of everything that is going on in the department relative to corrections to see whether we could do things more efficiently, better, and of course keep the costs down. At no time during that series of meetings that I held with the efficiency team were any of the kinds of circumstances that apparently led up to the kerfuffle over this weekend - and I don't mean to downplay the seriousness of what happened in Manitoba, the incident that occurred in Manitoba. At no time were any of those indicators given to me.

Now, in answer to the specific comments that were made in the press today about the overcrowding, so-called, I did a check on our offender numbers. The hon. member opposite from Calgary-West has asked about four correction facilities in and around his constituency. Bow River Correctional, for example, has a capacity of 155 beds, and presently there are about 90 offenders. Calgary Remand Centre 463, and there are now about 299. Calgary Correctional 434, and there are 382. The Calgary Young Offender Centre, bed capacity of 260, and there are 170.

So overcrowding is not an issue in our correction facilities. It is something, of course, that we keep careful watch on. We're concerned, obviously, about the safety of the public in case anybody tries to escape. We're also very concerned about the safety of the corrections officers who are working within those facilities and the human rights of the people who are serving time in our correction facilities.

THE DEPUTY SPEAKER: First supplemental, Calgary-North West.

MR. BRUSEKER: Thank you. My supplemental to the same minister, Mr. Speaker: has the minister reviewed the conditions in Manitoba, especially with respect to what started the Headingley riot, with respect to staffing ratios, the number of guards to inmates, to assure that we have the appropriate levels to maintain the safety, as you said, of the inmates and the guards as well?

MR. EVANS: Well, I haven't reviewed that with Manitoba, Mr. Speaker, but I will be meeting with other justice ministers from all over Canada in Ottawa next week, and I quite expect that my counterpart from Manitoba, Rosemary Vodrey, will be bringing forward to us any information that Manitoba has obtained about some of the background leading up to these riots and any suggestions that she may offer to us and other jurisdictions to ensure that the same kind of thing doesn't happen.

In terms of ratios, rather than wait for a question or a motion on this, our current young offender correctional facilities are 1 staff to 2.6 inmates and in our adult centres 1 staff to 2.8 inmates.

THE DEPUTY SPEAKER: Final supplemental, Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. My final supplemental, again to the same minister: what does the minister say to corrections officers who are concerned that in a crisis situation like occurred in Headingley, they're not sure they're going to be able to depend upon their coworkers because there's an increased use of part-time, on-call staff that gets shuffled from one institution to another rather than more full-time, permanent people that have had the chance to work together as a team in a crisis situation like that?

MR. EVANS: Well, Mr. Speaker, on-the-job training and preparation for working in our correction facilities are an extremely important part of the modus operandi of our department. We want to make sure that the people who are working under stressful conditions in our correction facilities are able to deal with the stresses that occur in those facilities.

In probably all of our correction facilities we have SWAT team members as well, who are trained in addition to the normal training to be sure that if something occurs out of the ordinary, such as the circumstances in Manitoba, those members of our correction team are ready to quell that kind of a problem immediately. We have to have a quick response to these kinds of situations, because we don't want to see that kind of thing happening in this province.

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

### Highway 750

MS CALAHASEN: Thank you, Mr. Speaker. Roads are and will always be a concern in rural Alberta and in my constituency especially so. Community leaders I speak with consistently place road development and paving at the top of their priority list. One of the issues I hear about most often is the need to complete the paving of secondary highway 750. Would the Minister of Transportation and Utilities provide an update on plans for paving the remainder of highway 750? [interjections]

2:20

DR. WEST: Mr. Speaker, when an MLA is doing her job in this

Assembly, I don't think it proper for opposition members to chide her. I really believe that that's improper conduct in this House.

Mr. Speaker, the member has asked about a road that's in the municipal district of East Peace No. 131. It's one of the districts that has been newly formed. They haven't prioritized at this time road 750 north of Atikameg to the junction of Highway 88, and that's the road you're talking about. We have looked at this road. It's about 20.7 kilometres long, and the estimated cost of this: the base course cost is about 2 and a half million dollars, and the final pavement would be 1 and a half million dollars. The cost-shared ratio of this to the municipality is 85-15, 85 percent to the province. At the present time they have not seen fit to prioritize this, so we will await further instructions from the municipality.

THE DEPUTY SPEAKER: Supplemental, Lesser Slave Lake.

MS CALAHASEN: Thank you, Mr. Speaker. Given the fact, then, that the MD of East Peace is not placing this on their priority list, I would like the Minister of Municipal Affairs to commit to redrawing the MD of East Peace's boundaries to exclude 750 along with the resources. [interjections] They may not think it's important, but it's important to my constituents.

Commit to redrawing the . . . [interjections]

THE DEPUTY SPEAKER: Hon. members, from time to time the Members of the Legislative Assembly may ask challenging questions, and we would like to be able to hear them complete such a question and the minister to reply. [interjections] Order.

Lesser Slave Lake.

MS CALAHASEN: Thank you. Would the Minister of Municipal Affairs commit to redrawing the MD of East Peace's boundaries to exclude 750 along with the resources in that area within the jurisdiction of either the MD of Big Lakes or Opportunity, both of which make far better sense geographically?

MR. THURBER: Mr. Speaker, I know that this is a very important issue in her constituency, so I'm pleased to say that this would fit under the areas of restructuring or annexation. Generally speaking, I don't get involved in it as the minister until such time as I've had a request from one or both of the municipalities involved. Should such a request come forward, then we'll look at it on the basis of what the request is asking for.

THE DEPUTY SPEAKER: Final supplemental, Lesser Slave Lake.

MS CALAHASEN: Thank you, Mr. Speaker. Since this road has a high volume of resource-related traffic which generates significant revenues for the government and jobs for Albertans, will the Minister of Transportation and Utilities consider this specific road under his resource road program so that industry can better be served?

DR. WEST: The question is well intended, because we do have a problem in the province with resource roads and development in certain areas. We will probably have to look at quite a few hundred kilometres of roads in this province as resource roads and find a funding source for them. My department's working on that at the present time.

As it relates to 750, it would have to go into a whole list of prioritized roads in discussion with the municipalities based on the

amount of traffic and the amount of resource that it carries, because we would have limited resources on that. I'm working with the Department of Municipal Affairs, with municipalities and the Alberta municipal districts and counties to find a solution. When the individual municipality does not have the resources vis-à-vis tax to fix the roads where the resource industry is moving through, such as logging, oil and gas, or any other production, it's not really fair to ask that community to put forth \$3 million or \$4 million when really they don't have the tax base to cover that. We will work on that.

THE DEPUTY SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

### Education Funding

MRS. SOETAERT: Thank you, Mr. Speaker. Having met with some of the school boards in northern Alberta, they raise issues that are pertinent to all Alberta. The Premier says that cuts have stopped in education. Well, that's an illusion. In reality, costs and user fees continue to rise while education grants stay the same. The shortsightedness of this government has forced parents and teachers to fund-raise for all kinds of essentials for their schools including paper. My question to the Minister of Education: is it your intention to underfund education so drastically that small rural communities are forced to close their schools? That's what happening.

MR. JONSON: Mr. Speaker, as the member across the way indicated in her question, the grants in the budget for education were not reduced this year but in fact increased modestly.

Secondly, with respect to the funding of our rural jurisdictions the funding framework provides considerable flexibility through site-based management and that type of budgeting from the school board to allocate money adequately to all the schools they are running. I think that perhaps one of the misconceptions that is sometimes promoted out there is that school boards do not have the flexibility, for instance, to give a base grant to small schools and make sure that the small schools stay open if that's their priority as an elected school board. Mr. Speaker, the premise on which the question is based is in my view incorrect.

THE DEPUTY SPEAKER: First supplemental, Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Well, thank you, Mr. Speaker. I met with the school board, unlike their own MLAs.

My second question: do you realize that your funding formula will result in the loss of small rural schools, which creates inequities in the ability to provide quality education for the young of Alberta? Like, what are you doing about it? Nothing. Those kids can't even get to school.

MR. JONSON: As I have just indicated, within the funding framework, which brings considerable equity and actual improvement in funding to many rural areas which did not have a significant tax base before, there is the flexibility to provide adequate funding to small schools. I note across the province that jurisdictions are working now as they plan their budgets in that context, and many are deciding to keep their small schools open. In other cases, yes, they have to look at practical considerations. I know that in one jurisdiction in this province they are facing a 10 percent decrease in enrollment. Sometimes we have to look at

the hard realities, Mr. Speaker. When the population of the school disappears, it's difficult to keep it open.

THE DEPUTY SPEAKER: Final supplemental, Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you, Mr. Speaker. How do you expect school boards to meet demands of rising costs? Utilities, upgrading equipment, benefit plans, salary, Canada pension, costs of paper: the list goes on. How do you expect them to meet those demands?

MR. JONSON: Over the last three years I commend school jurisdictions across this province for dealing with the budget reductions that there have been in education. We also have to I think recognize that they were the lowest of any government department, but certainly they've worked hard to cope with those reductions. Mr. Speaker, they can offer a quality education in this province, as they have been doing for the past three years, with increased efficiencies, with the money being focused on instruction, as we have done in our funding framework, and operate a good education system across this province.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Fish Creek.

### Eye Examinations

MRS. FORSYTH: Yes. Thank you, Mr. Speaker. I recently received a letter from a constituent of mine who was referred to an optometrist for a diagnostic examination to determine the nature of a problem with one of his eyes. The person in question received a bill for the exam despite the fact that it related to a specific medical problem. I was under the impression that this government deinsured only those eye examinations related to fitting of eyewear. My question is to the Minister of Health. Could she please explain why this situation would have occurred?

2:30

MRS. McCLELLAN: Mr. Speaker, the hon. member is quite correct that the deinsurance of eye or vision exams is what occurred for the ages between 18 and 64, so in fact we still insure vision exams for children and for seniors. However, from what I understand from what the hon. member has said in her preamble, this is an eye health exam that was performed by an optometrist, and perhaps in the supplementary the hon. member can clarify that for me, if I heard her correctly.

MRS. FORSYTH: Is the minister, then, taking any action to address limitation on services provided by optometrists?

MRS. McCLELLAN: Well, again, Mr. Speaker, I would gather from that question that this is a health issue, and I should say that under the present fee schedule and the present legislation or regulations, optometrists cannot be paid for eye health exams. Only ophthalmologists and physicians can be paid for that. However, we have done considerable work in this area on the whole issue of how we deliver eye services.

You would remember that in November past we announced that optometrists should be allowed to apply some topical pharmaceutical agents and also remove foreign objects in some areas. However, we also indicated at that time that there should be a review of their training and education to ensure that the services

they provide would be commensurate with that training and education. That process is in place, Mr. Speaker. There is an eye health care committee that is looking at these activities.

I think what we want to remember, what we were told through the workforce rebalancing committee report is that Albertans want choice but they want to ensure that in their choice of providers those providers are fully qualified to provide those services. This is the work that is ongoing now, and when that work is completed, I would expect that we will have the opportunity for optometrists to provide service to the fullest extent of their training.

MRS. FORSYTH: Is the minister taking any action to address apparent disparities in funding for similar services provided by optometrists as compared to ophthalmologists?

MRS. McCLELLAN: Mr. Speaker, on the eye care services task force there are members of all three eye disciplines – opticians, optometrists, and ophthalmologists – as well as members of that academic community. I would expect that that committee will provide a recommendation for a single fee schedule for primary eye care, whether the care is provided by an optometrist, an ophthalmologist, or a physician.

Mr. Speaker, this is a very complex issue, and we certainly need the input of the experts in this area. I would expect that work to be completed in about six months time.

head: **Members' Statements**

THE DEPUTY SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

#### **Breast Implants**

MRS. SOETAERT: Thank you, Mr. Speaker. Today I wish to talk about breast implants and what we can do to help discourage young women from resorting to the distorted beauty myth. Roughly 220,000 Canadian women have had breast implants. In Alberta close to 15,000 women have had the procedure. We've all heard the horror stories: the implants that have leaked silicone gel throughout a woman's body, the countless stories from women who believe they have suffered serious health complications as a result of their implants. Approximately 50,000 Canadian women are experiencing negative or adverse effects from faulty breast implants.

I've talked about the medical and funding problems before in the House, but discussions about implants seldom dwell on the reason women seek out implants in the first place: low self-esteem combined with constant societal pressure on what makes up the perfect female body. Sadly, self-esteem problems are starting to surface at an increasingly early age among young girls.

Through the onslaught of television, magazines, and good old Hollywood these young girls are exposed to unrealistic images of supermodels and pinup queens. For those with poor self-esteem and body image their dissatisfaction with their bodies intensifies. As their dissatisfaction grows, they begin to pursue the beauty myth and search out more permanent and in many cases dangerous treatments to alter their bodies. This is where we must focus our attention and assistance, on those young women who desperately need help in boosting their self-esteem, who need to learn to reject the notion of the beauty myth and to accept their young bodies.

The province has a strong role to play. They can ensure

classrooms and teachers are equipped to help counsel and guide young girls through the painful period of puberty and adolescence. Programs for self-esteem and positive body image are essential in today's schools. The benefits to both the individual young woman and to the province as a whole will be great. Perhaps then we will not have another generation of young women who seek out breast implants to meet those unrealistic and offensive ideals that claim a woman's worth is in the shape of her body.

Help us, government members, to teach these young women to reject this antiquated and dangerous myth.

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

#### **Student Leadership Conference**

MRS. BURGNER: Thank you, Mr. Speaker. Colleagues, from May 26 to 28 of this year hundreds of our high school students will be gathering at the University of Calgary. They will be attending the Alberta Student Leadership Conference, sponsored by the Alberta Association of Student Council Advisers. This council was founded in 1989 to enhance student leadership and follows a very successful conference in Slave Lake last year. It is entitled Right Now. Students have co-ordinated all aspects of the event, including the registration, locale, program, and corporate sponsorship. Together with the teacher advisory committee they have been working over the last six months to provide an exciting and meaningful event for their peers.

Leadership does not happen by accident. To enhance its development, the program will include motivational speakers, a workshop on communication and leadership skills, societal issues such as racism and school violence, education and employment, and effective management skills.

Our high schools are not corporations, and each year as students progress through their studies, the opportunity for leadership development must be revisited. This conference includes teacher advisers as key players in the process of that development and recognizes the significant influence of quality teacher/student relationships. Each participating school will send a teacher to this conference to focus on their own leadership development.

I will be forwarding a package including registration and sponsorship forms to each of your offices and have personally committed \$100 on behalf of the students in my constituency. I encourage you to support your student communities.

We continue to recognize both academic and athletic achievement in this Assembly. The 1996 provincial Student Leadership Conference affords us the opportunity as legislators to recognize the strength and commitment of our teachers and most importantly our young people, who are the future of this great province we serve.

In conclusion, I'd just like to recognize two people who are working in Calgary, a teacher named Lynda Weldrick from Lester B. Pearson and a young woman, Erin Bonniferro, from St. Mary's high school, as well as the entire committee, for their tireless effort in co-ordinating this initiative. I encourage you all to become involved on behalf of your students.

THE DEPUTY SPEAKER: The hon. Member for St. Albert.

#### **Excellence in Teaching Awards**

MR. BRACKO: Thank you, Mr. Speaker. It is a tremendous privilege and honour for me to pay tribute to our educators, the

backbone of our province. Through their dedication and commitment to our greatest resource, our young people, Alberta leads Canada and the world in education.

Eric Butterworth tells the story of a college professor who had a sociology class go into the Baltimore slums to get a case history of 200 young boys. They were asked to write an evaluation of each boy's future. In every case the students wrote: he hasn't got a chance.

Twenty-five years later another professor came across the earlier study. He had his students follow up on this project to see what happened to these boys. With the exception of 20 boys who had moved away or died, the students learned that 176 of the 180 had achieved more than ordinary success as lawyers, doctors, and businessmen.

The professor was astonished and decided to pursue this matter further. Fortunately all of the men were in the area, and he was able to ask each one: how do you account for your success? In each case the reply came back with feeling: there was this one teacher. The teacher was alive, so he sought her out and asked the elderly but alert lady what magic formula she had used to pull these boys out of the slums into successful achievement. The teacher's eyes sparkled, and her lips broke into a gentle smile. "It's very simple," she said. "I loved those boys."

In the same way, Alberta's educators love and develop the skills and ability of our children. Today we congratulate the 125 teachers who received excellence in teaching awards. These educators have distinguished themselves in their contribution to their community and their province. Their excellence is recognized by parents, students, and their colleagues. I would like to congratulate the recipients in St. Albert – Barrie Schulha, Lynette Husum, Marlene Keanie, Sandra Lee Roach, John Osgood, Pierre Rousseau, Caroline Hurak, Marie Gamache – and all recipients across the province. We thank you for your contribution to education. Keep up the good work. We are proud of you.

2:40

THE DEPUTY SPEAKER: I believe we had at least one point of order.

The hon. Member for Edmonton-Glenora.

#### Point of Order

#### False Allegations

MR. SAPERS: Yes. Thank you, Mr. Speaker. I rise under Standing Orders and particularly section 23(i), the section about alleging false motives. Also, I'll be referring to *Beauchesne* 489 and 491. My comments relate to the Provincial Treasurer's comments when he was filling in for the Premier, who wasn't here to answer the questions relating to the government's response to the act of terrorism which tragically took place in Calgary just yesterday.

Now, Mr. Speaker, the very responsible questions asked by my colleague from Calgary-Buffalo were trying to determine whether or not the government had immediately begun a review of what led up to this act of terrorism: if they had, what did they learn, and if they hadn't, would they begin one to make sure this couldn't happen again? If there was ever an opportunity for this government to accept with some humility its responsibility for reviewing a possible government response to a tragedy, this would have been it. Instead . . . [interjections] I'm getting to 489.

THE DEPUTY SPEAKER: Hon. member, we'd like to get to the point of order as opposed to setting the whole scene for question period, et cetera.

MR. SAPERS: Thank you, Mr. Speaker. We do treat this with some seriousness, and I'm getting in my comments to referring to sections 489 and 491 in *Beauchesne*.

Instead of accepting with humility that challenge, the Treasurer in a very contemptuous way used the words . . .

THE DEPUTY SPEAKER: Hon. member, when you start using terms like "contemptuous" and so on, you just carry on the debate. Let's get to the point, and then if there's a defence, we'll hear that.

MR. SAPERS: Thank you, Mr. Speaker. Under *Beauchesne* 489 it says, "Since 1958, it has been ruled unparliamentary to use the following expressions," including "cheap political way." Now, the hon. Treasurer in his comments alleged that the Member for Calgary-Buffalo was somehow being cheap and political in asking his very responsible questions. I say that that is a breach of parliamentary tradition in this House. I will also refer now to 491 in *Beauchesne*, where we learn that "the Speaker has consistently ruled that language used in the House should be temperate and worthy of the place in which it is spoken."

Mr. Speaker, I would suggest that the correct thing for the Treasurer to do would be to retract those words trying to somehow distance the government from reviewing this act of terrorism and instead accept responsibility for that review.

Thank you.

AN HON. MEMBER: There's no law against telling the truth.

THE DEPUTY SPEAKER: The hon. Provincial Treasurer on the point of order.

MR. DINNING: My colleague down the way is quite right in saying that there's no crime in telling the truth, Mr. Speaker. I would refer the Speaker and hon. members to *Hansard* of August 10, 1986, when the same comments about cheap political tricks were used and were found to be within parliamentary rules.

When the minister responsible for science and technology rose to table a letter and went on to elaborate briefly what was in that letter, I think it was appropriate that she repeat some comments that were made in the Premier's letter to the members of the Jewish community. When that was happening – perhaps *Hansard* will not pick it up, Mr. Speaker – we had derisive comments from the other side of the Assembly commenting that the minister should not in fact be repeating what is in this letter deploring the act that took place at the Calgary Jewish Centre yesterday.

So that was the comment that I made at the time. I think it was more than appropriate when those derisive comments were cast upon the minister of science and technology, the MLA for Calgary-Glenmore, when she was making a very responsible tabling in the Assembly and commenting on what the Premier had said in his letter.

Then the Member for Calgary-Buffalo rose and asked the Minister of Justice what kind of review had taken place. The Minister of Justice then commented and gave the member an answer. He decided, because he'd written it down and couldn't think fast enough on his feet to come back with a question that hadn't been written by one of his researchers, to ask the third question in a slightly different fashion. The fact is that he was trying to relate that to an alleged absence or presence by a member of Executive Council at a certain meeting that is likely to take place in Calgary.

Again, Mr. Speaker, I would say to him that his citation, whether it's related to comments, the specific wording that took place, or any other temperament or intemperate kind of remarks in the Assembly – I'd suggest that the hon. member listen to himself again at 3 o'clock this morning on CFRN and see the intemperate nature of his remarks, especially in light of the deplorable act that took place at the Calgary Jewish Centre yesterday.

So I'd say to you, Mr. Speaker, that there is no point of order, and let's carry on with the business of the Assembly.

[Ms Leibovici rose]

THE DEPUTY SPEAKER: I think we're going to get more heat than light, hon. member.

On the point of order raised by the hon. Member for Edmonton-Glenora on the comment made by the hon. Provincial Treasurer as to cheap political remarks or cheap political tricks. It is true, hon. member, as you've cited, that there are places in *Beauchesne* that have indicated that that's not parliamentary. There are also, as the hon. Provincial Treasurer cited, instances where it either has been ruled parliamentary or where it has been ruled that, while being on the edge, it would not require further action.

So Alberta Speakers and Speakers elsewhere have ruled "cheap political" tricks, "cheap political" points to be unparliamentary in the context in which they were uttered, sometimes parliamentary. It's the context of the words and presumably the intent behind the remark. The Speaker or the Chair would believe that if the Provincial Treasurer did not intend the remark as an insult but to reflect on an opinion on the question, it becomes then a matter of clarification.

I think the point here is that we sometimes in our questions enter into questions regarding sensitive issues, and of course it is a political body. We are here to make political points, whether it's that the government action is satisfactory or the government action is not, is unsatisfactory. In that context, then, we would take it that this was a point of clarification and would ask that we try and refrain from inflammatory kinds of characterizations of the intent of one another's questions or responses.

Were there further points of order? No? Okay.

head: **Motions under Standing Order 40**  
**National Information Rights Week**

THE DEPUTY SPEAKER: We now have a Standing Order 40.

The hon. Member for Calgary-Buffalo.

Mr. Dickson:

Be it resolved that the Assembly recognize April 28 to May 4 as National Information Rights Week and congratulate the organizers of events throughout Alberta designed to focus public attention on this important issue.

MR. DICKSON: Thanks, Mr. Speaker. With respect to the question of urgency, the notice of motion was distributed earlier to all members. April 28 to May 4 is National Information Rights Week. There are events happening, sponsored primarily by public libraries, such as the Calgary Public Library's event last evening. This gives us a wonderful opportunity this afternoon to celebrate and congratulate the work done by those volunteers, particularly those people in the marvelous system of libraries that

we have throughout the province of Alberta.

Information rights is an issue which this Legislature has been sensitive to, has provided some leadership in respect to, and I can think of nothing that would be more timely nor more appropriate to deal with this afternoon. For those reasons, Mr. Speaker, I ask for unanimous consent to be able to debate the motion that's been distributed.

Thank you.

THE DEPUTY SPEAKER: The Standing Order 40 as moved by Calgary-Buffalo. All those in support of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: The motion is lost.

head: **Orders of the Day**  
**2:50**  
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: Would the committee come to order.

**Bill 203**  
**Family Dispute Resolution Act**

THE DEPUTY CHAIRMAN: We have a lot of amendments in front of us, and you all obviously have a copy of those. Is there any more discussion on the amendments as proposed by the hon. Member for Edmonton-Beverly-Belmont?

[The clauses of Bill 203 as amended agreed to]

[Title and preamble agreed to]

THE DEPUTY CHAIRMAN: Shall the Bill be reported? Are you agreed?

SOME HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed, if any?

SOME HON. MEMBERS: No.

THE DEPUTY CHAIRMAN: Carried.

MR. EVANS: We are ready for that motion that the committee rise and report, I think, Mr. Chairman.

[Motion carried]

[The Deputy Speaker in the Chair]

THE DEPUTY SPEAKER: The hon. Member for Dunvegan.

MR. CLEGG: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain Bills. The committee reports the following with some amendments: Bill 203. I wish to table copies of all amendments considered by the Committee of the Whole on this day for the official records of the Assembly.

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

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

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

**Bill 210**  
**Citizen's Initiative Act**

[Adjourned debate April 3: Mr. Doerksen]

THE DEPUTY SPEAKER: Do we have any further debate on Bill 210? Oh, sorry; we do have. A government member was the last member to speak. There are just so many people standing at the same time. We have two standing now, one standing – the hon. Member for Lethbridge-East.

DR. NICOL: Mr. Speaker, it gives me great pleasure this afternoon to stand and speak to the Citizen's Initiative Act. This is basically a really good companion-type piece of legislation to the recall issue, to the ideas of constituent-based democracy, allowing the people of Alberta to be able to express their opinions through referendum on issues.

This particular Bill, Mr. Speaker, has a very good approach to how this works out. It requires a distribution from all of the constituencies across the province so that it has no regionalized effect. It brings forth really broad support for this piece of legislation from across the province. It also sets in place conditions that would prevent small groups from basically coming along and putting together a team that can go out and in essence almost railroad a petition into being in the context of passing.

So this basically is what I would consider to be very good. I really appreciate the fact that in this Bill the sponsor has put together a situation where it's a recommendation to the Legislature to enact a Bill pertaining to that topic. We've seen some other places where citizens' initiatives have effectively been implemented in the form that as they pass, they become law, and this creates a lot of problems for implementation and co-ordinating that with other legislation that's on the books. By having it go to the Legislature, having a requirement that the Legislature introduce a Bill, a piece of legislation that would address the issue of the referendum in the form and in the entirety of the referendum, then what we have is a chance for a kind of sober second thought on the issue away from the heat of the referendum campaign. I think that what we have to do is look at this Bill overall in terms of how it puts together the process.

**3:00**

Mr. Speaker, I think that because of those characteristics and the fact that it works so well, what we need now to go with this is companion legislation that would deal with things like recall so that if the Legislature fails to act in a timely and an appropriate manner subject to a referendum, then the constituents can hold

their MLA accountable through a recall. What we want to do is look at this piece of legislation, then, support it this afternoon, and make sure that it sets us on the road to where the people of Alberta have more control over the kind of legislation and the direction of legislation that they have to operate under and that they are controlled by.

So thank you very much, and I hope everybody supports it.

MR. DAY: Mr. Speaker, just briefly, I know there's some concern on issues that were purported to be related to the Bill. Some of those centre around the possibility of vexatious or frivolous attempts on the part of citizens to bring things to the government's attention. Having reviewed the Bill, just speaking briefly to the principle, I believe those concerns are dealt with. I know there's disagreement, even strong disagreement, about that, but from the way I read it, I think that's dealt with. I think we have to recognize the fact that citizens in fact do have the ability to survey the situation around them and in fact to agree among themselves from time to time that there are issues that need to be addressed. The requirements that are before any citizens wanting to come up with an actual initiative and have it drafted according to the Bill I believe are significant and rigorous and would mitigate against some of the concerns about frivolous or vexatious attempts to bring matters forward.

I guess the most basic principle which I look at is that we trust the citizens to have the wisdom to vote for us and to elect us. When they do that, we congratulate them on their wisdom and thank them for their wisdom in doing so. That is a very complex decision, to decide whom you should vote for. There are complexities with the people themselves running, and there are complexities with the parties they represent, so it could be argued that it's a far more complex process to vote for people and/or parties than it is to vote on a single issue. If we indeed credit citizens with the ability to vote for people – and in some places for parties that have entire platforms – surely from time to time we can allow that they have the intelligence to vote on single issues, given that they've followed the guidelines necessary and got the amount of signatures, et cetera.

So on those principles of the people certainly having the right to be governed by themselves, by the people, and to have us govern according to their wishes, I support this Bill in principle.

MR. DECORE: Mr. Speaker, I support this Bill. I want to say that just a few short years ago a debate on this kind of an issue, on this kind of a Bill, would not have been possible. When I first came to this Legislature, there was no such thing as a private member's Bill that had any substance or was worth anything in the sense that debate was meaningless. You couldn't really move anything forward. This Assembly has a long way to go, in my opinion, in terms of moving towards a more democratic system than what we have. I have been a strong advocate of recall from the beginning, when I introduced the Bill for recall as the leader of our party, and I agree with my colleague from Lethbridge-East that this is a good companion for recall.

Mr. Speaker, we have municipal governments in this province that have been, I think, well served, and they have used the system of petitions well. In my own city, the city of Edmonton, whether you like it or not, fluoridation is an issue that has been resolved by all of the citizens of Edmonton. There is no more carping or hassling or whining or reviewing. The matter was debated, and it was concluded by petition. The council followed up accordingly.

The issue of the airport. The moving of the scheduled airline traffic, again, was dealt with by petition, and almost 80 percent of Edmontonians said: we now want to change the system, and the debate is finished. You don't have to whine and carp and complain in council any longer, because the citizens of Edmonton have dealt with the issue.

There are many issues, I think, that Albertans as a whole could deal with and put to bed, lay to rest, conclude without continual waste of time in having them come back for more and more debate in this Assembly.

Mr. Speaker, we need to be careful, and I think this Bill does provide for that care. Sometimes you can get a situation where you're so anxious to get to a democratic conclusion, where you use democracy in a very open way, where you're so anxious to have it speeded up and the process dealt with that sometimes it isn't good enough. I cite our own party's example of the selection of a leader as a bad process. We wanted to do it quickly and efficiently, and we wanted to have all Albertans, or at least those of Liberal persuasion, participate. We were supposed to use a high-tech technology in the telephone system, that completely failed. It was a representation that was unfortunate by MTT, and our party and I think the whole process of democratization of that kind of a process suffered.

This Bill has a nice kind of control to it, because you've got to go through a number of steps before you can get the issue put before the people of Alberta. That allows for time to be given for Albertans to understand the issue well. It allows time for politicians to go out into the field, to go to their constituents and say: here's my position on this Bill. It allows for, I think, democracy to be speeded up in sort of a controlled way. Albertans want more attention, more participation in the decisions that are being made for them, and this allows it to be done.

Mr. Speaker, I would hope that all members support this, and I would hope that we could get to the use of this kind of a referendum initiative process to solve issues like gun control. We often have a situation where a minister or a government may well be out of touch with the way Albertans feel, or we may have a situation where I as a representative for the people of Edmonton-Glenarry may be out of touch, and the rest of Albertans need to tell us or tell me how the process should be set straight.

So I support this Bill, Mr. Speaker.

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

MR. SEKULIC: Thank you, Mr. Speaker.

DR. TAYLOR: No. This side here. Stand up, Gary.

MR. SEKULIC: There was no one standing.

### **Speaker's Ruling Speaking Order**

THE DEPUTY SPEAKER: Hon. members, this is not government side, opposition side. I had about five people stand up, and I haven't got all of their names. I'm sorry; I didn't see the hon. Member for Peace River, but I did see Edmonton-Manning and did see Sherwood Park. I've got them noted, and you'll be following those, hon. Member for Peace River.

Edmonton-Manning.

MR. SEKULIC: Thank you, Mr. Speaker. The early bird does

get the worm. You've got to be quick in here, particularly on good issues, I think, which the entire Assembly can support.

### **Debate Continued**

MR. SEKULIC: Mr. Speaker, I will be brief because I do want to permit other members to put across their points on this important Bill. The one reason that I was so eager to jump to my feet and debate in support of this Bill, Bill 210, the Citizen's Initiative Act, is because of some of the actions of this government in particular over the past couple of years. The one that I want to refer to is Bill 1, the Alberta Taxpayer Protection Act, which was passed I believe unanimously by this Assembly about a year ago. The concern I had there was that that Bill provided the appearance and the artificial, I'd say, comfort to Albertans that in fact the Act would prevent this or any other government from imposing an additional tax, in particular the introduction of a new sales tax. But it stopped there. Now, should this initiative have been driven from the citizen level, let me tell you, they would not have stopped at any new sales tax. They would have gone on to say: any new taxes. Now, the government knows that it has an appetite for taxpayers' money, so they wanted to limit their restriction upon them as to how far they could go.

### **3:10**

Now, as I say, this Bill 210 I think should have been passed in advance of Bill 1 at that time, the Alberta Taxpayer Protection Act. Bill 1 would not have been so narrow in scope and would have offered Albertans a greater protection from this or any other government in the way of dipping into their pockets. It would have forced this government and future governments to act more responsibly and to manage with a greater degree of accountability and responsibility to its taxpayers.

For those reasons, Mr. Speaker, I will be supporting Bill 210. I congratulate the hon. Member for Cypress-Medicine Hat for bringing the initiative forward. I encourage all members to support this Bill.

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

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I am very pleased to be speaking to Bill 210, the Citizen's Initiative Act. I must start off by saying that I'm very pleasantly surprised by the sponsor of this Bill, who has behaved so responsibly and constructively, which is a very pleasant surprise, and he's laboured mightily to come up with a Bill that I think makes eminent sense. I supported the previous edition of this Bill, which was then I think authored by the Member for Calgary-Shaw, because my constituents wanted me to do that and I wanted to do it. I think that the passage of this Bill will force us to be more sensitive to the wishes of our constituents, and therefore it is important that we vote for it.

So thank you very much.

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

THE DEPUTY SPEAKER: Before I recognize the hon. Member for Cypress-Medicine Hat to close debate on Bill 210, I need to read a ruling. The procedure for considering private members' public Bills is an evolving one, and there are situations which occur that are not necessarily provided for in the 1993 amendments to our Standing Orders on this topic. Standing Order

8(5)(a) provides that the mover of a private member's public Bill at second reading is entitled to five minutes to close debate.

Bill 210 was moved by the Member for Olds-Didsbury on behalf of the Member for Cypress-Medicine Hat. When the hon. Member for Cypress-Medicine Hat was able to speak to his Bill, he requested unanimous consent of the Assembly to allow him to close debate. Such consent at that time was not given. The Member for Cypress-Medicine Hat spoke for 20 minutes and at that time received unanimous consent to take some additional time, which amounted to three minutes, and there were subsequent speakers to this debate.

*Beauchesne* at paragraph 466(2) provides that "should a Member propose a motion on behalf of another Member, a later speech by either will close the debate." Of course, this Assembly has a specific provision for private members' public Bills, allowing the mover five minutes to close, which does not appear in the case of the federal House of Commons, as given in the previous subparagraph in *Beauchesne*.

As this, then, is an unprovided for contingency, the Chair rules that in the future when a Bill is moved for second or third reading by someone other than the sponsor, then a subsequent speech by the sponsor will serve to close debate. Well, we obviously had a speech by the hon. sponsor, and it did not close debate. The sponsor then will have to judge the time accordingly. So if the sponsor does not make a speech, then the sponsor or the mover is entitled to make the five-minute speech to close debate. So at this time the Chair is prepared to recognize either member who wishes to close debate, because this is the rule that will obtain henceforth.

The hon. Member for Cypress-Medicine Hat to close debate.

#### Debate Continued

DR. TAYLOR: Thank you. Mr. Speaker, I believe this is a good Bill. We've sat here for the duration of the Bill, and we have not had one person bring up any negative arguments about this Bill, nobody on either side of the House. The opposition agreed; the members of my own caucus agreed as well. There's not been anybody that has disputed any points in this Bill, and I think there are perhaps some minor points that could be amended at the next level, when we go to committee.

I would just conclude by urging everybody to vote for this Bill. I think it goes along with the government's policy of openness. It goes along with the government's policy of accountability for Albertans.

MR. HENRY: Hold it, or you might lose some support here.

DR. TAYLOR: With that, I'll close and call the question.

THE DEPUTY SPEAKER: All those in favour of second reading of Bill 210, Citizen's Initiative Act, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Carried. Call in the members.

[Several members rose calling for a division. The division bell was rung at 3:17 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Forsyth	Nicol
Beniuk	Germain	Percy
Bracko	Henry	Sekulic
Carlson	Hierath	Soetaert
Chadi	Hlady	Taylor
Collingwood	Kirkland	Van Binsbergen
Day	Kowalski	Vasseur
Decore	Leibovici	Wickman
Dickson	Massey	Zwozdesky
Doerksen		

Against the motion:

Black	Gordon	Pham
Brassard	Herard	Renner
Burgener	Jacques	Rostad
Calahasen	Jonson	Severtson
Cardinal	Laing	Shariff
Clegg	Langevin	Smith
Dinning	Magnus	Stelmach
Dunford	McFarland	Thurber
Evans	Mirosh	Trynchy
Fischer	Oberg	Woloshyn
Fritz	Paszkowski	Yankowski

Totals: For - 28 Against - 33

[Motion lost]

head: **Motions Other than Government Motions**

3:30

#### Kananaskis Country

509. Mr. Collingwood moved:

Be it resolved that the Legislative Assembly urge the government to conduct a comprehensive review of the policies that govern Kananaskis Country including the subregional integrated resource plan to determine the cumulative impact of all activities including recreation, oil and gas exploitation, logging, and grazing, and in consultation with Albertans determine acceptable levels for future development that will protect the natural habitat and wildlife populations of the region.

[Debate adjourned April 23: Mr. Evans speaking]

MR. EVANS: I did conclude my comments last time, so I'll take my place so others can speak.

THE DEPUTY SPEAKER: Hon. Member for Sherwood Park, in my notes I have that you've already spoken. Being that no one else is prepared to close off debate, please do so.

MR. COLLINGWOOD: Thank you, Mr. Speaker. There are just a few moments remaining on Motion 509 for debate in the Legislature. I would use the opportunity to once again ask hon. members to consider this motion favourably. The purpose, of course, of Motion 509 is to urge the government of the province of Alberta to look at a much more comprehensive review of our management of Kananaskis Country than the current approach of the government in reviewing Kananaskis only from a recreational use point of view.

We have to recognize, Mr. Speaker, that in a new era of conservation management we have to give much greater consideration to ecosystem management. We have to give much more consideration to the overall impacts of our intrusion on areas like Kananaskis Country not only from the commercial and tourism perspectives. Of course, Kananaskis is eyed by many as a premium destination area. We have to consider the impacts of all intrusions, of all uses in that area including commercial activity, tourism, oil and gas activity, logging, and cattle grazing to ensure that in our efforts to use and utilize this very pristine area of the province of Alberta, we do not do it irreparable damage.

The suggestion in Motion 509 is to use a proactive, forward-thinking approach, a comprehensive review of the area from those perspectives, from ecosystem management, from recognition of biodiversity, and to move forward from the position that we are at now, where we are taking the shorter term approach at a time when we should be taking a much longer term approach.

Thank you, Mr. Speaker.

[Motion lost]

### Violence against Women

510. Mrs. Soetaert moved:

Be it resolved that the Legislative Assembly urge the government to help eradicate violence against Alberta women through the following initiatives: urging the federal government to implement stricter sentencing for abusers, establishing mandatory and continuing education programs for all Provincial Court judges on violence against women, providing 100 percent funding for Alberta women's shelters, providing comprehensive counseling for children and women who are victims of violence as well as the abusers, providing stricter enforcement of restraining orders, undertaking a review of Alberta women's access to the legal system, urging the federal government to eliminate extreme drunkenness as a criminal defence, and legislating guidelines to protect the privacy of women's counseling records.

MRS. SOETAERT: Mr. Speaker, we're raising this motion today to once again highlight the desperate need for stronger government on this issue of violence against women. The suggestions we outlined today are not written in stone. Rather, they are to help stimulate discussion and hopefully generate some innovative ways legislators can develop to help bring an end to the cycle of violence. In the past year there have been numerous examples of where we as a society fail women when it comes to violence.

I'd like to speak for a minute about stricter sentencing. I think there was perhaps no better example of the need for tougher sentencing for crimes of violence against women than the case of Maurice (Mo) Sychuk, a convicted wife killer and former University of Alberta law professor who was granted day parole by the National Parole Board this Christmas. Mo was serving a life sentence for murdering his wife of 23 years, Claudia. During his trial the court heard how he beat and stabbed his wife 22 times. Sychuk has no chance for full parole before January 1, 1998, but he was granted two unescorted 72-hour passes to be with his family: one at Christmas and the other in early January. After that, Sychuk was to begin a six-month day parole as soon as a bed became available at a Calgary halfway house. Now, as if that's not insulting enough, while in jail Sychuk was allowed to do contract consulting for a Calgary oil and gas firm.

Mr. Sychuk's violent rage against his wife was not isolated to the one tragic incident. At his trial it was evident that his wife was a victim of repeated verbal and physical abuse. Sadly, our police and court system also were made aware of Sychuk's violent tendency long before he murdered his wife. In 1985 Mo was charged with a weapons offence after firing a shotgun through a locked basement door during a fight with his wife. Sychuk got a conditional discharge after his children refused to testify against him and seven prominent lawyers testified as character witnesses on his behalf. Two years later he murdered his wife at knife-point.

[Mr. Clegg in the Chair]

Why is this man granted day parole? How could he get unsupervised passes? Is this the kind of message we want to send to people who abuse and kill their partners? Well, I think not, Mr. Speaker.

Let's look at educating court judges. A recent dissenting position from Alberta Supreme Court Justice Jack Major again points out the need for consistent education and training of judges on matters of violence against women. Justice Major drew intense criticism last spring for suggesting that a young female rape complainant may have consented to intercourse because she had climbed into the back seat next to a man. In his dissenting opinion, Major wrote: the cramped quarters were such that on the facts of this case some co-operation, if not the consent, of the complainant was necessary for the alleged offence to have occurred. Many community advocates found Major to be blaming the victim, a prevalent myth that has to be fought in practically every rape that occurs in Canada. The fact that this misguided belief is reinforced by a Supreme Court Justice is very troubling. Does this not perpetuate the myth? The act of rape is an act of violence; it is a brutal, violent, and criminal act. It is time that our legal system reflect that reality.

I want to speak for a moment about counseling for victims and abusers. The need for comprehensive counseling programs for victims and abusers far exceeds the supply. In the city of Spruce Grove in my own riding there's a program called turning points. It is a program that provides group therapy, in a way. I hate to use that antiquated term, but it's group counseling for women who have been subject to domestic violence. Because of funding cuts this program is now in jeopardy. They have followed it; they've actually tracked it and shown that it is a very successful program and that it stops that cycle of domestic violence. Many of the children from these families benefit from these programs. In fact, at a forum on violence against women earlier this year there was a couple that actually spoke to the group about their story and how this program had helped them - how the husband had gotten help and the wife had gotten help and the children had gotten counseling - and that that family would continually work to better their situation because that program was in place.

3:40

When you cut programs like that, what you're really doing is affecting people's lives. Because of government cutbacks that program is going to be defunct at the end of this year. In fact, in January 29 people were on the waiting list in Spruce Grove to get into that program. Twenty-nine people had to be told: "I know you're in a difficult situation at home. I know there's domestic violence going on, but you'll have to wait till our fall session when we can fit in 12 more people. The rest of you will have to wait till another time." That's just not acceptable in this prov-

ince. We just can't allow that.

Fortunately the Rotary Club in Spruce Grove – and they expect no accolades for this – decided on their own to fund two programs. Each program helps 12 women at a time, and they've decided to fund this year for 24 women. That's quite a commitment from a local Rotary Club, but you and I know that they can't continue to do that. We're very fortunate that they are this year. Those kinds of programs are essential when we're talking about ending violence against women. When we lightly cut a program away or cut something away, we're not looking at the long-term effects of what it means to our children and to our communities.

So I would urge everyone to speak in favour of this motion, especially when you're looking at counseling. If you've done any homework in your constituency, then you should be aware of some of the programs that are up and running and the great need for them and in fact the shortage of them.

I think programs for abusers are equally important. As one service provider stated in the Alberta Advisory Council on Women's Issues report entitled *Desperately Seeking Certainty: Assessing and Reducing the Risk of Harm for Women Who Are Abused*:

We can't just focus on programs for women, maybe we could set up risk programs for men, to help support them when they are "losing" it. We must not ignore the man's responsibility for stopping the abuse. We need programs and initiatives that encourage and support men to take this responsibility.

While these programs are available in Alberta, offered by such credible and dedicated organizations as the Pastoral Institute and the YWCA, their funding is all too often insecure, leaving programs lurching from one grant source to another without ever having any long-term commitment. I believe it's time. It's time in this province to show some leadership and ensure that these needed treatment programs are not at the mercy of next year's grants.

If I could speak for a brief moment about restraining orders. I'm sure that everyone in their constituency has had a call from a woman who is trying to get a restraining order or who cannot afford it. A recent report from the Alberta Law Reform Institute suggests making the procedure cheaper and less painful. As it stands, a restraining order through the civil court system can be difficult to get. You have to obtain a lawyer, go before a judge, and try to convince the court that you need one. It's an expensive exercise, running as high as \$900, and once you have that piece of paper, there's no assurance it can protect you or that the wording is even correct.

Some gains have finally been made in helping women access restraining orders, most notably the United Way's efforts in Calgary last year, which donated \$50,000 to help cover the legal costs of restraining orders. Called the quick response restraining order service, this pilot project was designed to provide restraining orders within 24 hours. Low-income women do not have to pay a lawyer to obtain the order. At the time the pilot was announced, it was estimated that approximately 25 restraining orders would be provided each month. While we are pleased to see the government announce that they're going to waive the \$200 commencement fee for restraining orders, we question what they will do to ensure that the Calgary pilot not only continues but is extended throughout the province.

I'd like to speak for a moment on shelters, Mr. Speaker. Since my role in this Legislature – and I was very fortunate to be given this role of women's issues by the Member for Edmonton-Glengarry – and coming from, you might say, a very sheltered

background, I had no idea the depth of the need for shelters in this province and how they have to be properly funded.

So many of us in Alberta think that the government funds shelters. Well, they really and truly only cover about 60 percent of the real costs of a shelter. Are they aware of the programs that are offered by shelters? The counseling, critical services, the 24-hour operation of a crisis telephone line, transportation services, and social service advocacy: those are not government-funded services. In reality, the funding a shelter receives is roughly just 60 percent. Forcing shelters to rely heavily on volunteers and community donations is becoming too much for society. The demands are growing, and people just cannot continue to support these shelters that are so desperately needed to be properly funded if we want to end this cycle.

It's not news that a woman is usually abused 30 times before she even accesses a shelter, and then actually the recidivism through a shelter is usually seven times before she finds the ability to leave that violent situation. Well, I'm tired of it. I'm tired of hearing those stats, and I'm tired of no leadership from this government. So I'm asking people with this motion to at least discuss some of the options, some of the things we can do to stop the domestic violence, to make it so that we don't need shelters in this province. That's a sad state. They're even finding in shelters that sometimes children of mothers who were there are now there. So the cycle has to stop. The answer is in the shelter. The answer is in the program. In the meanwhile, until we show some leadership here, until we take a real active role in it, we continue to need those shelters, and they continue to need funding.

The drunken defence which was mentioned in the motion – of course, we corresponded with Justice Minister Rock, this side of the House, after the use of extreme drunkenness as a defence in domestic violence created a great deal of anxiety among women. We appealed to Minister Rock and asked him to address this serious loophole, and we were pleased and relieved with the federal government's action last summer which resulted in new legislation that bans the use of extreme drunkenness as a defence to violent crimes.

The issue of privacy of counseling records. Last year's Supreme Court ruling that allows handing over the private therapeutic records of sexual assault victims to their attacker may keep women from seeking counseling if a woman fears her therapy session could be used against her in court. Access to relevant information is vital to a fair trial, but we have real concerns about the impact this decision will have on abused women, considering the latest StatsCan figures that show that only 8 percent of abused women actually report the abuse and seek counseling. However, we were relieved that the Supreme Court includes guidelines as to when records can be accessed: first, the defence must prove relevance; then the judge must determine which portions, if any, to release, based on six factors, including whether the records are needed to determine guilt or innocence, whether they are based on any discriminatory belief, and their potential to harm the complainant's dignity, privacy, and security.

Just in closing, Mr. Speaker, steps should be and have to be taken today to help eradicate the cycle of violence against women. What it takes is political will to make these issues a priority. We appeal to members to help us, to find the courage to act, because to ignore this growing problem is going to cost us all very dearly in both human and financial terms.

A final quote from the Alberta Advisory Council on Women's Issues report *Desperately Seeking Certainty* sums it up best.

We need to build on what women who are abused, the people who work directly with women who are abused and with men

who are abusive, and [what] the research reveals about ensuring safety. We need, above all, to remember that preventing violence must be a cooperative effort. We all share [the] responsibility for reducing risk of serious harm and ultimately stopping the violence.

In the words of an abused woman who was interviewed for the council's report:

I may be the one in danger right now. But his violence is not just my problem. Look at all the money that has been spent on getting him to court and to jail. Look at all the money that has been spent fixing my body and keeping my kids when I couldn't take care of them. And what about other people he might hurt years from now. This danger is not just my problem. It's a problem we all share.

Well, Mr. Speaker, I would encourage all members of the Assembly to support this motion, and I thank you for this opportunity to express my concerns regarding it.

**3:50**

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

MRS. BURGNER: Thank you, Mr. Speaker. I rise this afternoon to speak to this motion that's before us, and I thank the Member for Spruce Grove-Sturgeon-St. Albert for bringing it forward and to our attention. In our country Canadian women are often the victims of nonlethal assaults by spouses or former spouses. In our 1993 Portrait of Families in Canada Stats Canada reported that 43 percent of adult female victims of violence known to police were victimized by a marital partner, and this is compared with only 3 percent of adult male victims. One Canadian survey estimates that 15 such assaults occur for every 1,000 women aged 15 and over, and this number escalates to 38 assaults for every 1,000 women who are separated or divorced from their spouses.

Here in Alberta women are victims of violence by their partners at an alarming rate, and Mr. Speaker, our province holds the second highest percentage of women who have experienced violence since the all too early age of 16. In our neighbouring province of B.C. 59 percent of women have experienced some form of violence. In Alberta we fare only marginally better with 58 percent of women experiencing emotional, physical, or sexual abuse.

The reason for beatings are as varied as the perpetrators who commit them. Alcoholism, unemployment, emotional instability, and a past history of abuse are all contributors. It is the outcome, Mr. Speaker, that does not change: women get hurt, some even die, because of their abuser's inability to cope.

It is statistics and reasons like these that Alberta's government has taken proactive measures to deal with some of the problems of violence against women in our society. We must all take responsibility for eliminating violence against women in society, and the Alberta government is taking the lead in supporting and developing many initiatives to this important end.

In reviewing this motion that was placed before us, I found the analysis of the response in the initial motion, that we had "to help eradicate violence against . . . women," and then we had a number of initiatives that were identified. I felt that the initiatives, while they were all important initiatives, were all dealing with abuse after the fact. Mr. Speaker, whether we establish shelters or whether we look at drunkenness as an excuse or whether we look at mandatory education, we're talking about issues affecting women and violence after the fact.

So, Mr. Speaker, at this time I'd like to table an amendment to that motion. I have reviewed it with Parliamentary Counsel. I

will table with the Assembly the initialed copy, and I'd ask the other ones to be circulated to my colleagues, if I may.

While these are being circulated, I'll just read it briefly. What my intent was in amending the motion was to actually focus on the heart of the problem in that we need to eradicate violence against Alberta women, and there are a couple of strategies that we need to use to address that. One is education and prevention initiatives, and then we need a very collaborative approach to legal strategies at both levels of government in order to address this issue. So the amended motion would read:

Be it resolved that the Legislative Assembly urge the government to help eradicate violence against Alberta women through education and prevention initiatives including the development of appropriate legal strategies, policies, and programs in co-operation with the federal government.

In reviewing a lot of the literature with respect to this very serious social issue and having heard the discussion earlier today by the same member on the issue of breast implants, I think at the heart of the dilemma is where our young people come into their adult relationships. In that case I know in our education program, where we deal with such programs as the Minerva program or Stepping Stones, we're looking at role models for young women to assist them in their maturity and their wholesomeness as young women in society.

Mr. Speaker, it speaks also to the need for our young men to also have adequate role models. The member opposite has talked about some of the breakdowns in family structures, and we know that there are many young men, because of single-parent homes, who do not have the support or the working knowledge of domestic relationships that include a normal relationship with an adult male. These are initiatives that we cannot ignore, and we can't leave it to the courts and we can't leave it to the shelters. We need to have societal obligation in dealing with this issue.

The office of the prevention of family violence in conjunction with Alberta Family and Social Services and Alberta Justice has a program planner and six regional family violence specialists who work directly with women's shelters on an ongoing basis. Mr. Speaker, one of the objectives in that program is to deal with that very issue of education and prevention. In order for violence against women to end, abusers must be held accountable for their violent actions and the justice system must respond to violence against women as a serious crime. Intervention programs are available for assaultive men and sex offenders. So in this amendment we're not saying that there isn't a significant role for the legal system to play, but it is part and parcel with education and prevention.

In October of 1990 family violence policy initiatives were introduced by the government to address the crime of spousal abuse, and the initial focus was on wife abuse, as this represents over 92 percent of spousal abuse cases handled in the criminal justice system. The initiative looked at five key areas: enforcement, police training, victim support, public awareness, and research. Since that time, Mr. Speaker, initiatives have been expanded to include the entire criminal justice system. That is to say, they now include policing, prosecution, and correctional services.

One example is the continuing need for family violence education programs, and in order that the three components of the justice system that I just mentioned understand the varying perspectives they each bring to this issue, an annual criminal justice family violence training course is held at the Alberta Justice Staff College. In major correctional centres operated by Alberta Justice family violence issues are discussed in courses

available for offenders, and these courses include life management skills and other courses focusing on domestic violence.

Mr. Speaker, I am aware in terms of the counseling and the programs that we use for our young people that we are trying to give them a healthy model so that this situation can be dealt with prior to their having to experience some of the harsh reality of this kind of violent crime.

Offenders jailed for violent crimes including family violence – correctional staff have contact with the victim before any consideration is given to the offender's conditional release from custody. I think that speaks to the issue that the hon. member raised. There must be a programming component as part of any approved conditional release for these offenders.

The probation officers' training project is another initiative. It operates in Calgary in conjunction with the Calgary Women's Emergency Shelter Association, and the project focuses both on the concerns for women's safety and education for male batterers. The Calgary probation officer facilitating the project has expanded it throughout Alberta by providing two provincewide training sessions to probation officers, and the training helps them to develop their own educational groups.

Again, Mr. Speaker, part of all of this is the public awareness. As we have done with abuse of children, if we see symptoms, if we as members of society recognize there are certain signs and symptoms which then may call on our own involvement as a citizen to be supportive or initiate some physical or judicial support, we have that responsibility as we publicly become more and more aware.

Recognizing that assault in an intimate relationship is a crime, victims of such crime require and deserve the protection of the criminal justice system, and we are working towards stricter steps to enforce restraining orders. Alberta Justice initiated that project in 1993 with the co-operation of police services throughout Alberta to pursue the establishment of a restraining order registry.

Domestic violence typically escalates in frequency and severity, and it is important that police be equipped to respond effectively to these cases, including cases where the restraining order has been breached. Up-to-date, valid information on restraining orders, peace bonds, firearm prohibitions is now available to police in order to both protect and assist the victims of this crime as well as the police members responding to these incidents.

In December of '94 all police services in Alberta established restraining order registries on the Canadian Police Information Centre system. Furthermore, in order to ensure that restraining orders remain viable and accessible for abused women, Alberta Justice has eliminated the \$200 stand-alone fee for restraining orders.

**4:00**

Mr. Speaker, also these initiatives continue. On April 18 the department announced its strategy to deal with serious and violent crimes, and that was developed in conjunction with the RCMP and the Alberta Association of Chiefs of Police. I understand from as recently as yesterday that there is a private Bill before the federal Legislature and that Parliament is looking at initiatives on violent crimes as well.

Mr. Speaker, in conclusion to my comments, I would like serious consideration of this amendment. I think it clarifies the intent of the motion in that it focuses on the need for education and prevention. It also looks like a very collaborative approach to legal strategies at the federal and provincial levels that are needed to deal with this issue. I'd ask all members to urge the support of the amendment as tabled.

MR. DECORE: Mr. Speaker, this is an unfortunate amendment. It's unfortunate – I agree with it – because what it does, the effect of this amendment is to completely render unusable and cast aside the suggestions made by my colleague from Spruce Grove-St. Albert. It's both issues that are important here. Yes, prevention and, yes, education are issues that we have to deal with. Yes, I think it's important that we involve the federal government in a joint strategy with our province because the Criminal Code is the responsibility of the federal government under our Constitution. You have to have them involved. When you're dealing with the federal courts, you have to have them involved. But this isn't just prevention and it isn't just education. You need that, and it's too bad that the original motion didn't include that, but it's too bad that this amendment casts aside the other things that need to be done and talked about.

Let me give you some examples, Mr. Speaker. If anybody needs to discover whether or not this is a problem, they need only to go to a women's shelter. I remember the first visit that I ever made to the Calgary women's shelter and to my horror discovered that there was bulletproof glass in the women's shelter. I asked why these windows looked different, and I was told about a rather unfortunate incident in that shelter where somebody came shooting, pursuing the person that that man had abused. There are all kinds of examples like that in Edmonton and in other places where shelters are located. If you need any statistics on whether or not there's enough room in shelters, you need only remind yourself of the nuns in a convent who put up their own pension fund to give more space so that women and children could be housed away from abused spouses because there wasn't enough room in Alberta shelters to house those people. So there is a problem, a serious problem.

Mr. Speaker, I remember practising law for some 15 years doing divorce and matrimonial work, and the issue of restraining orders is still a problem in this province. It is a problem particularly for women who do not have resources. I can remember incident after incident of a woman coming to me for help and not having the resources to be able to go into the courts and deal with the problems that she had to deal with. I can remember when Legal Aid services were much more extensive than they are today. Legal Aid would assign you a file, and you would proceed and look after the interests of the woman getting a restraining order and so on. Those resources have been cut back considerably, to the point where you have this initiative being taken in Calgary. Thank goodness the Department of Justice has done something as well, but still it's a problem.

It's a problem for these women particularly who do not have resources, and let me just outline the problem. When you are abused, you have to get remedy from somebody. For some reason our police departments in Alberta have chosen not to use the provisions of the Criminal Code, as they do in Ontario, more liberally. They don't take up those sections, and they don't go and use those sections against abusers in Alberta. It's a custom, it's a process that's evolved that's different in our province than in Ontario.

So the women in Alberta are forced to go and seek a restraining order from the courts. If the situation is really bad, they go to a lawyer, and the lawyer will suggest that there be an ex parte restraining order. That means that you go into court without serving the abuser with documents and the judge says, "Yes, I restrain so-and-so from seeing the children or going to the house or bothering the woman or doing whatever."

Usually that restraining order has a provision that there be a

callback provision, a review provision, by the court. So the woman has but yet another expense to meet when the husband goes to his lawyer and says, "I want to challenge this" or "I want some access" or "I want whatever." So a woman with no resources, strained as she is to meet this first ex parte test, has to go and find more resources, or she simply drops the situation because the review process puts her back into court and that's another \$900 or \$1,000 that has to be paid.

So, Mr. Speaker, if the legal aid system isn't providing these resources – and I don't think they can be met by this pilot project in Calgary, and this pilot project isn't for the whole of the province – what do we do? Well, I think there's an onus on the government, and here's why I object to simply taking this amendment, as good as it is: it cuts out the rest. What we need, I think, is for the Justice minister and the government to say: "Okay; there is an onus on us to find a speedier, less expensive method to deal with the issue of restraining orders. We're going to have to speed up this process." Is it an ombudsman kind of situation that you use? I mean, lawyers and the courts are experimenting all the time with new systems. There's a whole new dispute resolution system that's being developed at the university and with the bar and with the judiciary. I'd like to see that same kind of aggressiveness, that initiative taken with the federal government to deal with restraining orders.

I'd like to see more support for shelters. I would never want to see again the situation where nuns had to put up moneys to extend the facilities for shelters for women.

Mr. Speaker, I can go through every one of these situations in the motion that's been proposed by my colleague and say: "Yes, we do need to teach provincial court judges more about sentencing. Yes, we do need to have more counseling. Yes, we do need to have stricter enforcement of restraining orders." Here again as a lawyer I remember the kind of gentle slap on the wrists that would be given to an abuser. We've got to get a lot tougher with abusers. In the same way that we're saying that people shouldn't – and I hear it from the government side all the time, you know: "Put him in, lock him up, and keep him there for a longer time. Let them feel the sting of their wrongdoing." Well, this is also something that applies to the abuse against women.

The amendment that has been put forward by the Member for Calgary-Currie just does part of the job, and I don't understand that, coming from that hon. member. Usually that hon. member has a much broader view of the issues that need to be dealt with and processed.

Mr. Speaker, I regret the amendment. It's a good amendment, but it's just half of the job, and it cuts out the other half that's set out in the motion. Thank you.

THE ACTING SPEAKER: The hon. Member for Calgary-Fish Creek.

#### 4:10

MRS. FORSYTH: Thank you, Mr. Speaker. I'm pleased to be able to join debate on the amendment to Motion 510 because I feel that violence against women in Alberta is an issue that must be addressed and should be and could be addressed through education and prevention initiatives before the violence occurs. The amendment also reads and includes "the development of appropriate legal strategies, policies, and programs in co-operation with the federal government."

Mr. Speaker, the memory of the Vernon slaying is still fresh in the minds of many of my colleagues. It is still in the minds of many Canadians. Tragically, nine innocent people were killed

because of the anger one man carried against his estranged wife. While not every abusive situation ends with one person taking the life of another in a relationship, the murders in Vernon sadly are not isolated.

There may be few mass murders, Mr. Speaker, but angry spouses do kill, perhaps more often than we care to acknowledge. Between 1974 and 1992, one thousand four hundred and thirty-five women were killed by their husbands in Canada and 451 men were killed by their wives. In more than half of those cases the women were killing in self-defence.

Here in Alberta three of Calgary's 19 homicides were classified as domestics. On April 13 of last year Durjit Kaur, age 55, was clubbed to death with a cricket bat by her husband. On July 28 Janice Mae Morrison, age 39, was shot by her estranged husband while she was walking to her car in the Esso Plaza parking garage. Not a month later, Mr. Speaker, Joanne Kotyk was found strangled in a southeast apartment with her partner Wilf Trohan now being charged in her death.

Mr. Speaker, murder is the most extreme manifestation of family violence, but there is no room to be complacent. A married woman has a nine times greater risk of being killed by her spouse than by a stranger. If there is anything to be learned from the Good Friday massacre, the murders in Calgary, and many other cases of abuse, it is that family violence cannot be taken too lightly. That is why the motion that my hon. colleague across the way raises is timely indeed. This is also why the government of Alberta continues to take action against violence directed at Alberta women. This government recognizes that women in abusive situations need to have a place to go when they are in danger. This government also recognizes that they need a place that provides crisis services to deal with the immediate jeopardy to which these women are subject and that they need multifaceted support service long after they are grossly mistreated.

To this end, Mr. Speaker, Alberta Family and Social Services funds basic emergency services in our women's shelters. These services include food, shelter, essential clothing, and emergency transportation. Staffing for crisis counseling, child care, and administration is also provided. These basic services in turn allow individual community groups to become involved in other programs such as education, volunteer co-ordination, research, follow-up, outreach, and support programs. These programs can be tailored by the groups that provide them so that the women who use and need the programs are best served. This funding model confirms that government and communities share the responsibility of providing shelter and programming for women in need. Government funding ensures that basic services are in place. Community funding contributes to programs that meet the needs of the community as well as the needs of the sheltered clients, and there are numerous innovative programs which our communities are initiating.

In an effort to further our support for women who have survived abuse, the government recognizes that Alberta women need access to the legal system. Abused women need to know that they have access to our legal system and that they should have nothing to fear from choosing to use the system in order to help them out of an abusive situation. The Pro Bono Legal Advice for Battered Women Committee under the Canadian Bar Association, Alberta branch, has the mandate to determine what problems exist regarding battered women's access to legal services. One of these programs is a questionnaire which has been distributed to women through community agencies and women's shelters. The purpose of this document is to identify

issues and barriers experienced by women accessing legal resources in Alberta.

Under a separate initiative an interdisciplinary joint meeting including members of the Pro Bono Canadian Bar Association, the Edmonton Inter-Agency Committee on Spousal Abuse of Women, the Edmonton Council against Family Violence, and Calgary Legal Guidance was held on March 14 of this year. This meeting addressed information about pro bono legal advice for battered women. In addition, the Alberta Law Reform Institute through both conventional legal research and extensive consultation with victims and helping agencies has created a report for discussion entitled *Domestic Abuse: Toward an Effective Legal Response*. This document is an invitation to consider the institute's conclusions and proposals and to respond to recommendations made in this report.

There are initiatives in the communities as well that are addressing the important issue of access for battered women to our legal system. In Calgary more than 500 victims of domestic violence have been helped in the past year and a half by programs designated to help them get around the obstacles that keep them out of the justice system. This program is run by the Calgary police department's victim assistance unit, Calgary Legal Guidance, and the YWCA's Sheriff King family support centre. It was set up to provide victims of domestic violence with legal and emotional support to make good decisions about altering or leaving their situations and to remove obstacles to the justice system. The court preparation part of the program helps victims understand the justice system, provides volunteers to go with them to court, offers legal and personal counseling and support, child care, and interpretive services. It also helps women obtain food, shelter, and clothing. It helps women fill out an application for subsidies for kids' day camps as well as finding parenting support.

While the service is designed with women in mind, it is also available for men whose spouses have been charged with assaulting them. Out of 350 victims referred by police to date after an assault, 200 followed up with court preparation programming, resulting in 160 cases either going to court or awaiting trial.

Mr. Speaker, these numbers are quite impressive when we consider the difficulty women experience in getting to the court system due to a variety of reasons. Statistics show about 35 percent of all domestic violence victims beg police to drop or not place charges or they don't show up for court or refuse to testify. These women are afraid of reprisals, afraid for their children, afraid of economic repercussions. One woman in the program suffered 20 years of beatings before she finally charged her partner and testified in court. The program moved her to a shelter after her partner showed up at their home with a loaded rifle. The program allowed for the arrangement of someone to pick up her possessions, helped her prepare for court, and helped her move to another province.

Abused women in Alberta also receive help from the Victims' Program Assistance Act, proclaimed in 1991. This Act established a fund into which federal surcharges are deposited. The Act also established a committee that assesses applications from groups providing services to victims of crime and making funding recommendations to the Minister of Community Development. Since the Act was proclaimed, a network of over 50 community-directed victim assistance programs has been established throughout the province to provide services to victims of crime. The services provided include practical assistance, information about the status of the investigation and criminal justice proceedings, referrals to other community agencies, and courtroom education

and support. Since its inception in 1991 the victims' program assistance fund has allocated funding to programs that specifically assist women and child victims of crime and abuse.

Recent grants include \$15,000 to the Sexual Assault Centre of Edmonton and Calgary Communities against Sexual Abuse to further explore the issue of women affected by sexual violence not reporting the incident or incidents and \$50,000 to establish the court preparation program in Calgary. This initiative is a joint effort of the city's Legal Guidance, the YWCA, and the police service. As I've already mentioned, the program joins a lawyer, a social worker, and the police into a quick action team to provide immediate help to victims of family violence. A victim's legal, social, and protection needs are all dealt with at the same time. One hundred and fifty-two thousand dollars was allotted to establish the Canadian Society for the Investigation of Child Abuse to produce a video and comic book for children who may have to testify in court and to produce a video and manual aimed at service providers of such children.

Mr. Speaker, the support that women in Alberta need in order that they may escape violence cannot be taken lightly. The need for programs to help perpetrators break the vicious cycle of abuse cannot be underestimated. My congratulations go to the member across the way for raising such an important issue here in this House. This government recognizes the ongoing need for support to deal with all aspects of family violence and violence directed at women, including the need for breaking the cycle that causes violence, and we will continue to work to those ends.

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

4:20

MS CARLSON: Thank you, Mr. Speaker. I rise to speak to the amendment to the motion. The amendment in itself is an excellent motion and is strong enough to stand on its own legs, I believe. It certainly addresses some of the problems that we have been talking about time after time in this House in question period, in debate, and through the introduction of Bills and motions. When we talk about eradicating violence against Alberta women through education and prevention, that is the first step, I believe, in eliminating the systemic problem that we have in our society where girls as young as 12 – it's been proven time after time in studies – start to lose their self-esteem and their identities and self-reliance and fall into a trap where their school marks and their identity start to fall. They fall into an easy pattern which in wrong circumstances can become the beginning of a cycle of violence which may pursue them throughout their lives and their careers.

We do not have any types of programs now that address this at a base level, both in terms of teaching young girls and women not to be victims and in terms of teaching boys and men how to properly treat women so as not to treat them as chattels or property but as individuals in their own rights.

[The Deputy Speaker in the Chair]

So from that perspective I certainly would support this amendment when the Member for Calgary-Currie brings it forward to this House as a motion standing on its own, even though it does appear to be in complete contradiction to her own government's policy with the cutbacks to education and health care so that there is not going to be any moneys involved in education to provide education and preventative initiatives or in health care to pick up

some fallout once women are in the system and are already being subjected to the abusive cycle. I won't support this as an amendment because the items that are dealt with in this Motion 510 are critical to be dealt with now. There is no time to be lost in this province in terms of the initiatives that are outlined in this motion. There's not much time left so I specifically want to speak to some of them.

One of them is in terms of stricter sentencing. There is no doubt that this is an absolute mandatory requirement in this province. Men who have committed violent acts against their partners need to be treated in that same kind of regard. Right now if you take a look at the statistics of those men that are actually charged with crimes and then who actually make it to court and who are actually sentenced, first-time offenders have less of a sentence than we give to first-time offenders who abuse animals. Dogs that are mistreated have owners who have stiffer fines and stiffer penalties by the SPCA than we have for women who are abused in this province. Mr. Speaker, that is not tolerable in this kind of a society, and I cannot see how we can support that. That's why this motion is very important to stand as it is on its own and not to support the amendment at this point in time.

When we talk about the shelters, this is a particular soft spot for me, having seen many women go through shelters. My colleague from Edmonton-Glengarry talked for a moment about the bulletproof glass. There are many other conditions there which are not subjective to any kind of a growing and learning environment for the women within their walls or their children who often accompany them. Often in touring shelters the counsellors will tell you that the backyards are all fenced and that's really good because then the mothers don't have to stand over their children every moment of the day watching them so that they don't get lost in a community that they're not familiar with.

Well, when you talk to the women who are housed in those shelters, their concern is not about the children getting lost. Their concern is about the fence being high enough so that their abusive partners can't climb over and grab the children and get at their partners. With shelters their locations are supposed to be secret, Mr. Speaker, to help promote the safety of those under their care. In fact, because we don't have enough shelters in this province, often the locations aren't secret and often offenders do come and try and get access to their families at those shelters. There's a high response by the police in this situation, but it does nothing to promote a safe environment for these families who are in those shelters at that time.

What happens to a woman, particularly in this province as we do not have enough shelters – and there are waiting lists and women can't get in – when she's in a situation where she has to leave the family home. Often she leaves with absolutely no money, often with no access to a vehicle, often with no backup support from anyone. She gets to some sort of a phone where she can call the shelter and say, "I need to come with my family now," and the shelter will say to her: "I'm sorry; there is no room. Perhaps if you wait three or four hours, there may be room at that time, or we'll be able to fit you in on the floor of the living room to sleep. So call back in three or four hours."

Well, what is that woman supposed to do during that time period? Roam the streets aimlessly? Go back to the family home where the abuse has taken place? If she asks that question of the counselors, they will recommend that she go to a public place, such as a shopping centre, and stay in well-lit locations, where if the abuser comes after them, they will have some relative safety

in numbers. While often we're talking about women who are in some state of emotional upset, often who have bruises, and as I said before, often have no money at that particular point in time, how are they to get there, how are they to feel safe, how are they to feed their children or even themselves if they're there for three or four hours or longer?

Mr. Speaker, it's not an allowable situation, yet it happens day after day, hour after hour in this province, not just in the urban centres but very much in the rural centres. It's even a greater issue there, because if women do not have access to money or transportation, they do not have access to safety. Yet this government time after time will do absolutely nothing to promote the safety of those women, to provide more money, adequate money for the number of locations that are required in this province. We've seen groups time after time come in here and plead for more money, more access to resources, and we have seen the government time after time turn deaf ears on those concerns. We've raised them. Many community groups have raised these issues. We just simply do not have enough spaces.

So before we talk about prevention, of what needs to happen in this regard in terms of this amendment, we have to talk about dealing with the reality that exists right here. The fact is that there are not enough spaces in this province. Restraining orders are not accessible by many people. The sentencing is a joke for anyone who gets charged in this regard, particularly as a first offence. Those are the issues that need to be dealt with today, immediately. I'm hoping that in that regard the government members will defeat the amendment and support the motion. Then at some later time the Member for Calgary-Currie can introduce her amendment, and she will receive full support from both sides of the House.

Thank you.

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

DR. NICOL: Thank you, Mr. Speaker. It gives me great pleasure this afternoon to stand and speak to an issue that I think should be of importance to every legislator, actually to every Albertan. The amendment that was proposed by the Member for Calgary-Currie basically, as has been said by the Member for Edmonton-Glengarry, takes too much of an umbrella approach to the original motion.

The original motion effectively addresses specific areas of how to approach the protection of women, the elimination of abuse of women within the context of our society. The main part that we have to deal with is the counseling, the education component, and these roll in to both dealing with it from the preabuse perspective as well as from the postabuse perspective, after the woman seeks help and seeks the protection of the province. The main thing here is to deal with the attitudes of both society and our process in terms of dealing with this.

THE DEPUTY SPEAKER: I regret to interrupt the hon. Member for Lethbridge-East, but the time limit for consideration of this item of business on this day has been concluded.

The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Speaker. With your permission I would like to seek unanimous consent of the House to waive Standing Order 8(2)(c) to allow us to proceed with third reading of private Bills at this time.

THE DEPUTY SPEAKER: Okay. Having heard the motion by the hon. Member for Medicine Hat, does the Assembly agree with the motion to waive Standing Orders so that we may proceed with private Bills? All those in favour, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Opposed? Carried. You have unanimous consent.

head: **Private Bills**  
head: **Third Reading**

4:30

[The members indicated below moved that the following Bills be read a third time, and the motions were carried]

Pr. 1	Alberta Wheat Pool Amendment Act, 1996	McFarland
Pr. 3	Evangel Bible College Act	Pham
Pr. 4	Bethesda Bible College Act	Decore
Pr. 5	Farmers' Union of Alberta Amendment Act, 1996	McFarland

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

**Bill 7**  
**Municipal Affairs Statutes**  
**Amendment and Repeal Act, 1996**

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

MR. SEVERTSON: Thank you, Mr. Speaker. I move third reading of Bill 7, the Municipal Affairs Statutes Amendment and Repeal Act, 1996.

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

MR. COLLINGWOOD: Thank you, Mr. Speaker. Speaking to third reading of Bill 7, the Municipal Affairs Statutes Amendment and Repeal Act, we do have in this particular Bill some changes to a number of pieces of legislation. We had some debate in Committee of the Whole that identified that under some of the pieces of legislation that are being amended here there are some rather startling changes that the government plans to make. Those changes are in fact going to make certain residents of the province of Alberta much more vulnerable to so-called entrepreneurs who will find Alberta a lucrative place to do business, with the government serving as their protection in adopting a rather significant caveat emptor approach to some of these pieces of legislation.

Now, I'm referring specifically to the changes that the government is suggesting under the Cemeteries Act which, as we discussed in second reading, are going to allow these businesspeople to take the money and run, as it were. The section only says: where a particular term of a contract entered into for the "sale, lease or rent" of an existing or proposed "lot, plot, compartment, crypt or other space in a cemetery," if any term of that contract is a misrepresentation, if any term of that contract is misleading as to its true nature or purpose or contravenes the Act or the regulations, that particular term of the contract is then void and severable from the contract.

It doesn't say, Mr. Speaker, that the entire agreement is

voidable. It does not say that those individuals who succumbed to the misrepresentations of those particular businesspeople can have any recourse to call the contract void ab initio or entirely void from the very beginning and demand their money back. Potentially what it can mean is that these individuals can come into Alberta, be embraced by the government of this Alberta, do their thing, and take the money and run, and those who will be out of pocket are going to be individual Albertans who accepted the misrepresentations of these parties.

Now, we have a government, Mr. Speaker, who time after time after time says that it's going to become much more progressive and much more involved in consumer protection, but time after time after time we see a government that moves further and further and further away from having any interest whatsoever in consumer protection in the province of Alberta. The position that the government takes with respect to these changes that it's proposing under the Cemeteries Act is essentially "Your tough luck." That's basically what they're saying to the people of Alberta, that if someone comes to your door or if you enter into a contract that contains significant and serious misrepresentations – in other words, you were lied to – that's your problem; that's certainly not our problem. If a businessman is shrewd enough to get away with it, good for him. That's the message this government is sending in the amendment that it is proposing to the Cemeteries Act.

Similar provisions exist in other pieces of legislation, in particular the Collection Practices Act, as to how a collection agency can go about collecting in this province of Alberta, which to this point in time has been a fairly stringent regulatory structure as to how collection agencies can track you down, harass you. There's been a fairly strong and stringent regime in the province of Alberta to this point in time. Now, that doesn't suggest that there aren't collection agencies out there that continually harass people that governments really don't do anything about. Nonetheless, the changes that are being proposed now in the Collection Practices Act have basically those same kinds of provisions.

If a term of an agreement is entered into with a collection agency or collector, if there is a misrepresentation about the rights and the powers of that person collecting or attempting to collect or if that person misrepresents the obligations or legal liabilities of the debtor – so they come to you and say, "You have a legal responsibility," and they basically lie to you – that's your problem. That's not any other person's problem in the province. There is no room for the government to protect individual Albertans from that kind of fraud and deceit. They don't want any part of that. They simply say: "You're on your own. Your tough luck. If you succumb to fraud and deceit, that's fine. That's the way we built this legislation. That's exactly the way we wanted this to happen. It's not that we will then pursue that other individual and make the contract totally improper from the very beginning, a fundamental breach, wiping out the entire contract from the very beginning. You can have your day in court."

Now, I've heard members on the government side of the House stand in their places time after time and say, "Oh, the courts are clogged and the courts are expensive and the court system doesn't work and it's all just lawyers trying to get more money." Well, here's a couple of sections of new pieces of legislation that are promoting litigation. They're promoting litigation by putting people in the position where they're basically saying, "The bad guy can take the money and run, and that's okay with us." Now, why would the government introduce these kinds of changes to

these particular pieces of legislation?

What it is, Mr. Speaker, is it's Albertans who are most vulnerable. It is seniors or people, ostensibly, who have just recently lost a loved one who will be out looking for funeral and burial arrangements for that particular loved one, and they are in a very vulnerable position at that point in their life. Many people in this Assembly, I'll assume, have had a situation much like that in their lives, if not directly certainly within their families. Those people are then quick to make the arrangements because they now find themselves in need rather quickly, so they become vulnerable citizens. Now, the government is saying: "Well, that's your problem. That's not our problem. We're not here to protect vulnerable citizens. That's not our job. You're there to protect yourself, and the rule in this province is caveat emptor and good luck to you."

**4:40**

The same situation with the Collection Practices Act. Those individuals who for whatever reason find themselves in the situation where a collection agency is pursuing them on behalf of a creditor are obviously in circumstances where they cannot for whatever reason comply with or satisfy an orderly repayment of that particular debt, and therefore a collection agency is involved. Now, that may be because of a loss of a job, that may be because of a loss of a second income, that may be because of a whole variety of reasons, why those individuals are caught in those circumstances.

There is a general perception amongst the government members, at least the way I perceive it, that anybody who is in the position of being a judgment debtor must be a deadbeat. They must be a deadbeat. They must be slack. They must be lazy. They don't get up in the morning. Well, Mr. Speaker, that's simply not the case. There are many Albertans out there who, because of this government's plans in the last two years, their actions in the last two years, find themselves in a situation where prior to this government coming into power they had a certain future and subsequent to this government coming to power they have little or no future or at least an uncertain future. So for those individuals who are carrying on in very normal circumstances in the province of Alberta and are what the government would call normal Albertans, they may now find themselves in a position where they unfortunately become a judgment debtor, and then the collection agency comes knocking on their door.

[Mr. Herard in the Chair]

Now, the government is saying that if that collection agency chooses to lie to you about your legal obligations or their legal rights, that's too bad for you. That's just simply too bad for you. If you want an answer, then I guess you can go hire a lawyer. Well, isn't that interesting. They have no money to pay the collection agency, but the government is saying by virtue of this amendment to legislation, "Go hire yourself a lawyer to find out what your legal rights are."

So the whole notion of these kinds of amendments that are being put into the Municipal Government Statutes Amendment and Repeal Act, sort of one of a collection of miscellaneous statutes that have made up the Order Paper in this particular section of the Legislature, Mr. Speaker – the message that the government is sending is: "Vulnerable Albertans, you take care of yourself. We're here to take care of the Alberta advantage. We're here to take care of megacorporations. We're here to take care of the businessmen of the province of Alberta. It doesn't matter to us

if those businessmen lie to normal Albertans. We're here to protect their Alberta advantage. We have nothing to do with protecting vulnerable Albertans. We have nothing to do with consumer protection. That's not our role as a government. Our role is to act for and be there for businesspeople in the province of Alberta. That's the sole responsibility of this government, nothing else."

How do you know? Well, just look at the changes that are being proposed in Bill 7. That will tell you the whole and the true broad picture, the big picture, Mr. Speaker, of what this government is all about, of what this government stands for, of this government's abdication of its responsibility in consumer protection and this government's embrace of business from beginning to end regardless of whether the business practice is ethical or unethical. It makes no difference to the members of the government whether or not those business practices are ethical. That's the essence of these amendments that the government is now proposing and the government will now pass through third reading relative to the people of the province of Alberta.

So, senior citizens, recognize that you're on your own. Don't look to the government for any assistance in terms of consumer protection legislation. People who are down and out, don't look to this government for any assistance in consumer protection legislation, because they're only there for big business, and when big business comes looking for your dollars, they'll get it and they'll keep it, thanks to the amendments that are in Bill 7.

**THE ACTING SPEAKER:** The hon. Member for Calgary-North West.

**MR. BRUSEKER:** Thank you, Mr. Speaker. I wanted to make a few comments on this Bill as well. I find it curious that one portion of Bill 7, the Municipal Affairs Statutes Amendment and Repeal Act, has a section dealing with the Fuel Tax Act, yet on the Order Paper on this particular day we also have Bill 20, which is the Fuel Tax Amendment Act, 1996. I guess I have to wonder why it is that the government needs two pieces of legislation on the Order Paper at the same time to amend the same piece of legislation. One would think that with a little better organization one would see a single Bill rather than duplications of Bills like that before us, but I guess that's the case of the right hand not knowing what the right hand is doing or something over on the far side there.

My colleague from Sherwood Park has spoken about a couple of the sections of this Act which repeal and amend other Acts. I wanted to deal with the section on the Direct Sales Cancellation Act, which is one of the Acts being changed by Bill 7. As I read through that section – direct sales, of course, is when someone comes directly to your home and convinces you to purchase a product or a service to be provided in the future – what is missing from this section, what is missing from this piece of legislation is anything with respect to those new things that the government may not have heard about, things like solicitation by the telephone, the television, or the Internet. Those are also methods of direct sales and direct communication with individuals, yet the government seems to choose to overlook those forms of direct sales that can and do occur on an ever increasing basis, Mr. Speaker.

In particular, you know, you can have companies that could be offering to sell products that are not even based in this province. That is an issue that needs to be debated in legislation, but it is one that so far this government has failed to take into consideration. They can put forward all kinds of legislation that deal with

Alberta businesses. This particular section talks about licensing, and if a service is not provided in a set period of days and so on, then the contract can be canceled. There's even an interesting section that says that if the seller was required to be licensed and he wasn't licensed under the Licensing of Trades and Businesses Act and you as a consumer, or a purchaser, of that product or service discover that within one year, then you can cancel that. Well, if the business that you're dealing with is not even based in this province or perhaps not even in this country, Mr. Speaker, how is an individual ever going to find out whether or not in fact the company is licensed, and if the payment presumably has already gone to that firm somewhere else, how on earth are you ever going to get the money back if the government doesn't have any legislation that deals with that?

So this whole section on direct sales, that portion of Bill 7 that deals with direct sales, unfortunately does not cover the issue of sales and solicitations of goods or services or anything else, forms of electronic sales that can occur and do occur, and I think that's an oversight that the government needs to address. Other jurisdictions, certainly many American states and Canadian provinces, have introduced legislation to deal with that kind of direct sale, but unfortunately this government seems loath to move in that direction.

It's clear, I think if you check the statistics, that more and more individuals are getting solicitations. I'm sure we've all been solicited by telephone for donations to various charitable organizations. There are also more and more organizations that are phoning and trying to sell services. Probably the most frequent one is "Can we clean your carpets?" solicitation coming over the telephone. Of course, on the television now you've got the Home Shopping Network that beams straight into your home and provides a variety of goods that you can purchase after seeing them on the television directly over the telephone using whatever credit card you choose to use. But there is no addressing of that kind of direct sale at all in this piece of legislation.

4:50

Now, a company as large as some of those is not going to be a big problem, but I think we've all heard of different scams and schemes that may come to us in the mail, over the telephone that ask you to send money or phone up a 1-900 number that says, "Just hang on while we check the list to see if you've won a prize," and they keep you on this pay-line phone where they charge you \$4 a minute, and 10 minutes later they come back and say, "Gee whiz, your name or your number wasn't the one that came up," and you've just spent 40 bucks to win nothing. In fact, there was an interesting story on one of the news programs on television. Somebody did follow up on that, and after spending about \$50 to find out whether or not indeed he'd won a prize, he won about a \$3 item. That's the way these companies can make some money, and unfortunately the government hasn't addressed any of that in the Direct Sales Cancellation Act.

I guess with respect to that one particular section my suggestion to the government would be that it's time to get on board. This is a government that has a home page on the Internet, so I'm certain that they're aware of it. They know that it exists. I think it's time to realize that more than just an exchange of information occurs on the Internet. There are sales agreements that are made back and forth a number of times. I'm sure, Mr. Speaker, you've seen articles in the newspaper cautioning people not to give their credit card number to any old company on the Internet, because who knows where that credit card number may magically, in the ether world there, suddenly end up. There's no addressing all that.

Now, quite frankly, those are difficult issues, and I don't know how a government would address some of those, but I think it's time that the government started moving in that direction, recognizing that there are concerns. As P.T. Barnum says, there's one born every day. Well, you also get people coming up with new ideas to persuade you to part with your money, with the most inventive of suggestions and ideas, and I think many of those clearly would fall under what one might call direct sales. Of course, the product that you're getting may be of questionable value. I think it's time that the government recognize that those sorts of things are happening. If they are truly interested and informed with respect to consumer protection, I think it's time that the government move in that direction to support individuals that may be taken advantage of by unscrupulous providers of goods and services. I think that's a tremendous oversight, so I would encourage the government to move in that direction either by an amendment to the Direct Sales Cancellation Act or perhaps by introducing new and visionary legislation.

Using "visionary" and "this government" in the same sentence is kind of moving further beyond what one should normally consider. When you look at the Order Paper, most of the Bills that we have on the Order Paper have somewhere in the title the word "amendment," as indeed this Act does. So they're not proposing much new but just sort of reworking the stuff that we've already had. Maybe it's time that we got a little new direction, a little recognition that things are changing. We need to have some new directions with a new millennium and new ideas recognizing the new technologies that we have before us today.

Thank you, Mr. Speaker.

[Motion carried; Bill 7 read a third time]

### **Bill 8 Alberta Energy and Utilities Board Statutes Amendment Act, 1996**

THE ACTING SPEAKER: The hon. Minister of Justice.

MR. EVANS: Thank you, Mr. Speaker. On behalf of the Minister of Energy I'd like to move third reading of Bill 8, the Alberta Energy and Utilities Board Statutes Amendment Act, 1996.

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

MR. COLLINGWOOD: Thank you, Mr. Speaker. In speaking to Bill 8 at third reading, just some comments to contrast what the government does in Bill 7. In other statements that the government makes about its lack of funds to fund consumer protection initiatives, to fund health care in the province of Alberta, to fund education in the province of Alberta, to provide funding for kindergarten in the province of Alberta, the government says: "No, no, no, we can't do that because we have no money to do that with, so we just have to look at restructuring government. There just isn't enough money for the people of Alberta, for the essential services that they need, because we unfortunately ran deficit budgets year and year after year and accumulated a debt of \$32 billion. So sorry, Albertans, we don't have any money."

Now, I say that to then highlight the new section 3.5 in Bill 8 where the Lieutenant Governor in Council is going to authorize the Provincial Treasurer "to guarantee on behalf of the Government the due payment of . . . money borrowed pursuant to section

3.4.” So the board under 3.4 can borrow money from time to time for its operation, and it can borrow that money “on the security of the administration fees” that it's going to charge all of those who will have to pay administration fees now to the Energy and Utilities Board for accessing the services of that board.

The board will now, by virtue of this Act, have the authority to make regulations prescribing the rates of the administration fees that are applicable and will provide for the imposition and payment of administration fees. So the Energy and Utilities Board is going to now collect administration fees, but if it hasn't got enough money from those fees to conduct its business, then it's going to borrow the money from the government or from some other source. If it borrows the money from the government, then the Provincial Treasurer is going

to advance to the Board . . . out of the General Revenue Fund any sums that are considered . . . on any security, at a rate of interest and on terms and conditions that may be prescribed by the Lieutenant Governor in Council.

So the board will say to the government, “We don't have any money; we need to borrow some,” and the government will say: “Not a problem. We have lots of money for the Energy and Utilities Board. We'll lend you money from the general revenue fund.” Or if they borrow the money from somewhere else, they'll say to the Provincial Treasurer, “We had to borrow money against the security of our administration fee,” and the government will say: “Not a problem. Not a problem, Energy and Utilities Board. We will fully guarantee any money that you've borrowed.”

So, Mr. Speaker, just an interesting contrast: the government is continually saying that there just isn't any money to fund essential services for the people of Alberta, but there's lots of money available under Bill 8. When the Energy and Utility Board needs money from the provincial government, they'll have it, because there's lots of it depending on what your priorities are. We know that the priority of this government is the business sector, is the Energy and Utilities Board. It's not the people of Alberta for essential services. It's for other things like what is contained in Bill 8.

**THE ACTING SPEAKER:** The hon. Member for Calgary-North West.

**MR. BRUSEKER:** Thank you, Mr. Speaker. I just wanted to add a couple of comments again on this particular Bill. I find it curious that Bill 31, before us also at third reading, the Business Financial Assistance Limitation Statutes Amendment Act, 1996, imposes a variety of restrictions on various government entities, saying that no government entity can have a loan guarantee greater than \$1 million. We've had the government crowing about that, that neither in any individual loan nor in aggregate may any one entity have a loan or a loan guarantee in excess of \$1 million. Yet in this particular Bill, in the sections just referred to by my colleague from Sherwood Park, 3.4 and 3.5, there is no such limit. So that loan guarantee I guess is still open-ended, and indeed we could see a loan guarantee in excess of that \$1 million figure that the government has been so bravely putting forward.

The obvious question is: if the figure of \$1 million is the magic dollar figure which should not be exceeded, why do we not see it in this piece of legislation? Why do we see in here that it simply says “the due payment of any money,” not up to a million dollars but “any money borrowed pursuant to section 3.4.” So this piece of legislation simply says that “the Lieutenant Governor in Council may authorize . . . the Provincial Treasurer” to provide

a loan guarantee for any amount of money on the outstanding fees that are to be collected. Now, that may be over a year; it may be over two years. It really isn't particularly clear in this piece of legislation.

**5:00**

Again, Mr. Speaker, the government likes to say that they're getting out the business of being in business, yet right in here they've written a piece of legislation that allows for open-ended loan guarantees. That's what this Bill does. Notwithstanding the government's claim to the contrary, in this piece of legislation there is the allowance that the Alberta Energy and Utilities Board could have a loan guarantee to any amount. The sky's the limit. There's no limit set in here, and therefore it's wide open.

Mr. Speaker, I think it's important that Albertans know that, know that this government has told them the part which they consider to be favourable to them, which caps the figure at a million dollars, but that there are other pieces of legislation, notably this one, that leave it wide open.

[The Deputy Speaker in the Chair]

Again, the interesting thing is: who's going to set the regulations? Mr. Speaker, in many pieces of legislation we've had before us in this Assembly, we see clauses that refer to the section which says that the Lieutenant Governor in Council may make regulations. But if you look on page 2 of this, indeed it says that “the Board may make regulations.” The board itself is going to start making regulations. So you're going to have the Lieutenant Governor in Council making regulations. You're going to have the board making regulations. Presumably the Minister of Energy could suddenly decide she's going to draft some regulations, and we're going to have regulations flying about this place like crazy. I'm sure that the Member for Peace River must be starting to twitch by now with all of these new regulations that are going to be created when he's in charge of a board to get rid of regulations. All these pieces of legislation are coming in saying, “Oh, we're going to increase the number of regulations, and we're even going to increase the number of people who can make those regulations.” I'm sure it must be a difficult feeling, sort of like you're in quicksand, where the faster you scoop out, the faster they scoop it back in here again.

**MR. COLLINGWOOD:** A river runs through it.

**MR. BRUSEKER:** A river runs through it, and who knows what's in that river, Mr. Speaker.

I think that should be a concern again for Albertans, that more and more of the legislative activity is being taken out of this Legislative Assembly where we can have a debate of the issues that are of concern, debate them in the Legislature or snore through them, as the Treasurer is prone to do from time to time. Instead, those decisions will be made behind closed doors, in committee rooms, in boardrooms where not even elected officials necessarily will be making those decisions. Now we're going to see that the boards that are appointed by the government are going to start making those kinds of regulations.

Mr. Speaker, I think that should be a concern for Albertans. From what I can see from this piece of legislation and the previous one we just debated at third reading, again we have a government that is moving more to doing deals behind closed doors, in secrecy, without the full measure of debate that should be applied to those pieces of legislation. I think that's a concern

for Albertans. I think this government, which has said that they're prone to being accountable – this is in fact not exactly what is happening.

Mr. Speaker, for that reason I have some concerns with third reading of Bill 8.

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

MR. SAPERS: Thanks, Mr. Speaker. The Alberta Energy and Utilities Board Statutes Amendment Act poses an interesting problem for members of the Assembly. That's because of the very way in which the Bill has been drafted. I'd like to draw your attention to the sections relating to funding just to begin with. Section 3.3(1)(a) reads, "in this section, 'administration fee' means an amount imposed as an administration fee under this section," as if that gives us any new information.

I can recall, Mr. Speaker, learning the word "tautology," what a tautology was. This is in fact a textbook definition we're seeing: an administration fee defined in the legislation as – guess what? – an administration fee. You have to look to another section in the Act to find out what may or may not qualify as an administration fee. Now, you would think that this government would be particularly interested – particularly interested – in making it explicit what was or was not considered an administrative charge. The reason why we would expect that of this government is because they've made all kinds of noise about school boards not being able to get administration fees under control. They've pointed fingers at local authorities such as school boards, saying: "It's those local authorities who haven't done their job. That's why costs are so high in education, because of their darned administration fees."

They've made a great to-do about administration fees in health care. In fact, I recall the Minister of Health saying that we know we've done something right in health care because we've shaved 20 percent off the administration fees. So you would think that this government would take the time to determine very specifically what is and what is not an administration fee. Unfortunately, that's not the case. In order to find out what may be an administration fee according to this legislation, you have to go to not just one set of regulations but two. You have to look at regulations that may or may not be formulated from time to time at the discretion of the board, and then you have to go to regulations that will be formulated from time to time behind closed doors by the Lieutenant Governor in Council.

Now, we had talked on and on and on several times in several Bills about the particular evil of leaving all of the nuts and bolts of legislation to order in council work. It does bear repeating that one of the biggest concerns mentioned to me by my constituents is the degree to which they cannot get a handle on what this government's true vision for the future is, what direction they're going in. I believe in part, Mr. Speaker, that's because this government does the most interesting, the most sensitive, and I would say the kind of work that would have the most impact on the day-to-day lives of all Albertans behind closed doors. The Premier just leaves that to himself, with his business partners in cabinet.

Now, if you read further in section 3.3(1) and you get down to subsection (3), you see all of the areas that the board may make regulations on. Now, it doesn't say that the board "shall"; it says they "may." So this begs another question, Mr. Speaker. Does this mean that the board will make these regulations when they are

directed to by the government, or does it mean that this board may make the regulations when it suits them? And if it happens to be an area that should be regulated, then what happens if they choose not to make these regulations? Why are some of these most important issues not prescribed in the legislation? We should not be satisfied that legislation drafted in this manner will advance through third reading to proclamation.

Mr. Speaker, I'd like to turn my attention for a moment to section 3.4, the section about the authority to borrow. This section reads that "the Board may borrow from time to time any sums that are required for the defrayal of the current expenditures of the Board on the security of the administrations fees" – there it is again – "for the time being uncollected." So the board can go back and say, "We're going to determine what an administration fee is," and then they can borrow based on what they've said an administration fee is, which they haven't yet collected. What kind of security is that? None whatsoever. I mean, maybe it's better than pledging a used Ferrari, but I suggest probably not a whole bunch better, unless the government is going to pay for this with Bovar bucks.

Mr. Speaker, the very wording of that section, "the Board may borrow from time to time any sums." Now, what kind of sums could reasonably be contemplated as an amount that would lead the board to have to borrow money? [interjection] Mr. Treasurer, I know that you're interested in this. I know that you weren't cursing at me under your breath. I know that you were asking me to elaborate further on the point that I'm making.

For example, I wonder if one of those current expenditures that the board may borrow against from time to time would be the salary for the chairman of the board. Could it be a bonus for the board members?

5:10

MR. CHADI: Travel expenses.

MR. SAPERS: Hon. member, I was just thinking of that myself: travel expenses. Mr. Speaker, you know, I get worried when I'm being asked to pass my judgment on a Bill that says "the Board may borrow from time to time" based on its own definition of need and the money that's uncollected, defined by their own regulations on these things called "administration fees." I get worried that I'm being asked to buy a pig in a poke.

MR. CHADI: You don't eat pork.

MR. SAPERS: Notwithstanding, hon. member, and that's another issue.

Mr. Speaker, nonetheless, aside from the interventions from Edmonton-Roper, I get worried that I'm being asked to buy a pig in a poke. I get worried that I'm being asked to give a board an authority to borrow money for something that they're not going to disclose to me as a member of this Assembly or to my constituents or to the rest of the taxpayers of this province. In fact, we're being asked to just blindly have faith in this government that doesn't even have enough confidence in the legislative process to put those details in the Bill, and that's inappropriate.

Mr. Speaker, while I'm on the subject of what's inappropriate, one has to wonder whether or not the government has covered themselves not once but twice by giving themselves the power to take money out of the left pocket of a taxpayer to put it into the right pocket of another taxpayer, because not only do they give themselves these wide, unfettered discretionary borrowing powers, but then they also give themselves the ability to issue loan

guarantees. Right there in the Bill in black in white this government which talks all the time about not being in the business of being in business, getting out of the private sector, getting out of using taxpayers' money to backstop their favourites, their winners, this same government says that they want to have this board have the ability to receive loan guarantees.

Mr. Speaker, obviously the signs of addiction. There's a compulsion here. It's an addictive personality. On the one hand, they've accepted responsibility, they've admitted their sins, they've admitted their weaknesses, yet they come back time and time again with the same kind of language and making the same kinds of errors. They just have to use those words "loan guarantee." It's a compulsion.

Mr. Speaker, the Bill would purport itself to be a relatively benign Bill, but it's a Bill that I think shows in many, many ways some of the worst trends that we see evidenced by the legislative agenda of this government over the last two and a half years.

Thank you, Mr. Speaker.

[Motion carried; Bill 8 read a third time]

### Bill 9

#### Agricultural Societies Amendment Act, 1996

THE DEPUTY SPEAKER: The hon. Deputy Government House Leader.

MR. EVANS: Thank you, Mr. Speaker. On behalf of the hon. Member for Calgary-Shaw I'd like to move third reading of Bill 9, the Agricultural Societies Amendment Act, 1996.

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

DR. NICOL: Thank you, Mr. Speaker. It gives me great pleasure to speak to third reading on Bill 9. We've basically been through this Bill. It's very straightforward. What it does is it brings under the same conditions of the Agricultural Societies Act the main exhibitions that have existed outside that societies Act in the past. We have now brought in the Calgary Exhibition and Stampede, Edmonton Northlands, the Westerner Exposition in Red Deer, the Medicine Hat Exhibition and Stampede Company, and the Lethbridge & District Exhibition. What it does is bring these under the same kind of operational guidelines and control through the legislative process as existed for the agricultural societies where the smaller class B fairs would be operated.

Basically the end result of this now is to provide for these five major fairs the opportunity to be classed for the Municipal Government Act as a society and have all of the benefits essentially that accrue from that resulting from the municipal government's tax Acts, so it creates a tax status for them that puts them under the same category as all the other society facilities in the province. This is basically to make sure that some of these groups work the same way as the smaller fairs and the facilities that are associated with them. It creates an equal tax base across the province.

The other interesting part is that it also includes section 33 as one of the applicable sections of the Act for those societies listed in sections 1(c)(ii) through (vi), which are the five main exhibitions, or the five main class A fairs, that we've got in the province. This basically allows for the extension of loan and loan guarantee provisions to those from the government. So we're ending up here now with a proposition which brings into effect for

those five major fairs the opportunity for loans and loan guarantees.

It would have been nice now to have seen the same kind of restriction on the upper limit that is provided under Bill 31, the Business Financial Assistance Limitation Statutes Amendment Act, 1996, where we're putting in upper limits on the amount of the public risk that's being assumed through loan guarantees. What we need is basically a reflection on that from the government, a reflection on whether or not we need to further extend this million dollar cap on the terms of loans and loan guarantees to include these kinds of societies.

Mr. Speaker, we can look at Calgary, Edmonton, Lethbridge, Medicine Hat, and Red Deer. Their exhibition societies or exhibitions groups are in many cases now big business, and they're starting to deal with large expenditures when they're starting to put up some of their community support facilities like hockey rinks, when they're starting to build other facilities that are going to be serving the community, upgrading their race-tracks, these kinds of things. Millions of dollars are being dealt with here, and if we don't have an implied upper limit on the amount of loan guarantee that can go out to these, I think it would be appropriate to reconsider at this point in time. With this particular piece of legislation it'll have to be done through future amendments to the Act in future sessions of the Legislature. This is the kind of concern that we have to raise on this.

The other good part about the Act, Mr. Speaker – and it's the main reason I guess for providing this and supporting it – is that it really opens up the scope of operation, the scope of service that can be provided by the agricultural societies in support of the agriculture community. The previous Act had a list from (a) to (h) that was basically supposed an all-encompassing list of activities that could be carried out by these agricultural societies where now we just have a simple kind of philosophy or direction statement which says that they have to "encourage improvement in agriculture . . . and the quality of life" of persons living in agricultural communities. Well, that's a much better perspective because this allows each community to judge its own activities, judge its own promotion, and I think is a very good part of this Bill. I think it'll be well received by the agricultural societies that are out in the community and all across Alberta, and they'll all see it as, you know, the effect of the Legislature having listened to their interests and will put them together.

5:20

In conclusion, Mr. Speaker, I think the only concern we've got about this piece of legislation is the lack of the upper limit on the loan guarantees that are provided through this piece of legislation. Other than that, it really does bring into line some good characteristics in putting all of the class A and class B fairs under the same umbrella for operational purposes and for a relationship with their local municipal governments. So I think we should all be supporting this.

Thank you, Mr. Speaker.

[Motion carried; Bill 9 read a third time]

### Bill 12

#### Persons with Developmental Disabilities Foundation Act

MR. CARDINAL: Mr. Speaker, I move third reading of Bill 12, Persons with Developmental Disabilities Foundation Act.

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

MR. SAPERS: Thanks, Mr. Speaker. Bill 12 is part of a package. It's not an entire package, and that in and of itself does wave a particular red flag. We have been told that there are consequential amendments coming to other legislation, and we're told that there is going to be more of a consultation with the communities most directly affected. We're told, in fact, that there's going to be another set of governing bodies created by this government dealing with persons with disabilities. We're told all that in anticipation of gaining support for Bill 12.

Now, I think my colleague from Edmonton-Rutherford has made it clear that for the most part this caucus is in support of what Bill 12 would purport to do. The difficulty with Bill 12 in my mind is that it now forms part of a piece. It now forms part of a series of initiatives that the government is doing. On the one hand, it reflects this sort of piecemeal approach to legislative and regulatory change where we are presented with Bills out of sequence. We are presented with ideas to debate and deliberate on without full information. We're asked to have a Bill proceed from stage to stage to stage without having the questions raised during the process of debate answered by the sponsoring members of the departments. Perhaps even more troubling than that, what we're seeing here is another agent of the Crown status foundation being created by the government.

To remind the Assembly, an agent of the Crown status foundation cannot receive directed donations. What I mean by that, Mr. Speaker, is that an agent of the Crown status foundation can receive money on behalf of the government of Alberta from a donor, but that donor cannot give those moneys contingent on them being put to a particular use, and the government cannot make a commitment that those dollars would be put to a particular use. So what we could find here is a situation where a donor believing they are doing a service for the people of this province and particularly for those who are for whatever reason disadvantaged instead see their donation, their charitable effort being used to support something entirely different, something that was not intended but something that the government would in turn grab that money and put it towards. We're told not to worry about that. We're told to really just trust them, that they'll do the right thing, but I don't think that that's good enough.

Now, the government will say that the reason why they can't take a directed donation is because of the federal government, because the federal government requires that if you're going to be an agent of the Crown status foundation, the money can only come to the Crown unfettered. I think that this point does bear some fleshing out, but I notice the time, and I would like to move at this point that we adjourn debate on third reading of Bill 12.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Glenora has moved that we adjourn debate on Bill 12. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

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

MR. SAPERS: Thanks, Mr. Speaker. [interjections] I'm glad that you and I are familiar with the rules.

Now, the point that I was making was that the government will no doubt state that the reason why they can't have a directed donation is because Revenue Canada laws prohibit it. But my challenge to the government is that if they were serious about creating a charitable environment to support programs for persons with disabilities, then what they would do is create a foundation that (a) would not be hamstrung in part by these Revenue Canada laws and (b) would not compete with other existing foundations. So I can't help but wonder why they would do this and particularly why they would do this in the absence of all of that other companion legislation and without making clear what those other initiatives are that the minister has told us about, has forewarned us about.

In my discussions with some of the organizations that provide services to persons with disabilities, they have advised me in fact that this kind of legislation is something that they have been anticipating and looking forward to. They haven't come right out and said, except with rare exception, that Bill 12 is exactly the perfect legislation that meets their needs. One of the major problems that they raise is this whole sense that they don't feel the government has really taken into account the fact that now agent of the Crown status means that people will get a better tax credit, and that may interfere with some of their other ongoing charitable activities, some of their other fund-raising efforts. It really is a shame that the government hasn't addressed that very real and legitimate concern raised by these very worthwhile charitable organizations. So I would question why those concerns haven't been addressed. Of course this is third reading. This is our final opportunity to do just that.

Now, it's not too late for the government to come in and declare that at this point third reading shouldn't be granted because we should have an opportunity to review that other package of legislative initiatives that the minister has talked about, or perhaps the government will want to take a look to determine whether or not we need to go by way of agent of the Crown or whether there's another option that would meet all the purposes, the good purposes, of this legislation and meet the needs of the charitable sector that does provide services to persons with disabilities.

I understand that this is a very sensitive area, and we don't want to in any way slow down or impede what would be true progress and a true moving forward in terms of meeting the needs of the charitable sector and the volunteer sector in this regard, but on the other hand, we don't want to throw the baby out with the bath water. We don't want to proceed in such a way that would put into jeopardy programs and services, in many cases long-standing programs and services, that have been provided both by and for persons with disabilities. I'm not sure of the exact number of the current societies, charitable groups, and other fund-raising organizations that provide these services. I am, however, familiar with the thousands and thousands of volunteers that are involved in these activities every year. In fact, you can go into any community of this province, Mr. Speaker . . .

THE DEPUTY SPEAKER: Under Standing Order 4(1) the Speaker now leaves the Chair until 8 p.m.

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