

Legislative Assembly of Alberta

Title: Wednesday, March 11, 1998 1:30 p.m.

Date: 98/03/11

[The Speaker in the chair]

head: **Prayers**

THE SPEAKER: Good afternoon.

Let us pray.

As Canadians and as Albertans we give thanks for the precious gifts of freedom and peace which we enjoy.

As Members of this Legislative Assembly we rededicate ourselves to the valued traditions of parliamentary democracy as a means of serving our province and our country.

Amen.

Please be seated.

Hon. members, I'd like to acknowledge that today is the anniversary of 26 members who were first elected to the Legislative Assembly of Alberta in the general election of March 11, 1997.

I also wish to acknowledge the Member for Little Bow, who was first elected in a by-election on March 5, six years ago.

head: **Introduction of Bills**

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

Bill 25 Justice Statutes Amendment Act, 1998

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I request leave to introduce a bill being the Justice Statutes Amendment Act, 1998.

Mr. Speaker, this Act amends the Court of Queen's Bench Act, the Provincial Court Judges Act, and the Justice of the Peace Act. The purpose of the amendments is to ensure the independence of the courts of Alberta in keeping with the recent decisions of the Supreme Court of Canada. As such, there is a common theme present in all the amendments explaining why they have been introduced in this Assembly in one bill.

[Leave granted; Bill 25 read a first time]

head: **Tabling Returns and Reports**

MRS. McCLELLAN: Mr. Speaker, I'm tabling today copies of a letter sent in response to questions raised during consideration of the Community Development estimates on February 24, 1998. Members have received those responses.

I'm also pleased today, Mr. Speaker, to file copies of letters sent to Albertans who won medals at the Paralympic Games in Nagano: Karolina Wisniewska of Calgary, winner of a silver medal in the women's super G, and Stacy Kohut of Banff, a double silver medal winner in the men's super G and giant slalom events.

THE SPEAKER: The hon. Member for Edmonton-Norwood.

MS OLSEN: Thank you, Mr. Speaker. I'd like to table five copies of the Canadian Charter of Rights and Freedoms, hoping the Premier and his executive will read it.

head: **Introduction of Guests**

MS EVANS: Mr. Speaker, I am pleased today to introduce to you and through you to this Assembly a gentleman who has served education in this province with distinction, who has been principal of a school in the Elk Island school district. I'd ask this Assembly to welcome the gentleman that will now rise in the members' gallery, Mr. Norman Yanitski, director of instructional services in Elk Island public school district.

THE SPEAKER: The hon. Member for Edmonton-Mill Creek.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I'm very pleased to introduce to you and through you to all members of the Assembly some very special visitors who are here from my constituency from W.P. Wagner school. They are accompanied by Mrs. Arlene Cairns, their teacher, who has established an excellent reputation for bringing students into the area of democratic process, and Ms Marie Freiha, who's a student teacher hoping to enter an honourable profession at some point in the future. I would ask that they stand and receive the warm welcome of the Assembly. There they are. Welcome.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. With your permission I would introduce to you and through you to the Assembly 36 visitors from the Alberta Vocational Centre in the constituency of Edmonton-Mill Woods. They are accompanied by group leaders Mrs. Margaret Hodgson, Mrs. Maria Moniz, Mr. Colin McKay, and Mr. Tom Jiry. I believe they're in the public gallery, and with your permission, Mr. Speaker, I'd ask that they stand and receive the warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Whitecourt-Ste. Anne.

MR. TRYNCHY: Thank you. Mr. Speaker, on your behalf I am honoured to introduce to the Assembly 27 grade 6 students from the Neerlandia elementary school in your constituency of Barrhead-Westlock. They are accompanied by their teacher, Mr. Jim Bosma, and Mrs. Ann Morris, teacher assistant, and three parents: Mrs. Kathy Gelderman, Mrs. Liz Nanninga, and Mrs. Brenda Roy. They are seated in the members' gallery, and I would ask them to rise and receive the warm welcome of this Assembly.

THE SPEAKER: The hon. Member for Edmonton-Calder.

MR. WHITE: Thank you, Mr. Speaker. I rise to introduce through you three Albertans in the gallery. They are Viola Brown, Delores Flamont, and Delight Russell. All three are here to listen to what transpires in Bill 26 today because they are most affected. I'd wish those that can rise to do so now and be welcomed.

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

MR. GIBBONS: Thank you, Mr. Speaker. I'd like to introduce to you and through you to the Members of the Legislative Assembly 22 members of the Northgate Lions Club. They are in the members' gallery, Mr. Speaker, and with your permission I'd ask them to stand and receive the traditional warm welcome of the Assembly.

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

MRS. SOETAERT: Thank you very much, Mr. Speaker. It's my pleasure today to introduce three women from St. Albert and surrounding area who are here today to see the workings of the Legislature. They are Doreen O'Connor, Marie-Paule Frederick, and Marlene Krier, and I would ask them to please rise and receive the warm welcome of the Assembly.

head: **Ministerial Statements**

THE SPEAKER: The hon. Minister of Agriculture, Food and Rural Development.

Farm Safety Week

MR. STELMACH: Thank you, Mr. Speaker. I would like to bring to the attention of all members that today is the beginning of Farm Safety Week. Now, we all know that there are many weeks set aside to commemorate many types of events. However, I would like to point out that agriculture is the third largest employer in the province. In fact, one in every three Albertans is employed either directly or indirectly in the agriculture industry, and it all starts on the farm.

Thousands of Albertans find agricultural work productive, and so they should. It's a big business these days, but it's also a great way to earn a livelihood. But there's no way around it, agricultural production can be hazardous. In fact, agriculture remains one of the most dangerous industries in Canada, but education plays an important role in reducing injuries and fatalities on the farm.

Being a third generation farmer myself, Mr. Speaker, I can tell you that changing the safety attitudes of farm families, from the children to the grandparents, is an ongoing process, one that takes commitment from the entire community. I'd like to take a moment to acknowledge the co-operative efforts of Agriculture and Agri-Food Canada, the Canadian Coalition for Agricultural Safety and Rural Health, Alberta Agriculture, Food and Rural Development, John Deere Limited, which is sponsoring its fifth farm safety campaign for elementary school students, and Nova and TransAlta for developing a CD-ROM on farm safety for elementary school students, a first of its kind. It's dedication such as this along with help from other stakeholders that provides our farmers and our classrooms with current and useful safety information.

Mr. Speaker, a great deal of progress has already been achieved to help Alberta farm families become more aware of the risks on their farms, but there is still much work to be done. The number of Alberta farm fatalities dropped from 21 in 1996 to 17 in 1997. This is certainly an encouraging step in the right direction. Let's continue working together to further reduce farm injuries as we gear up for what we hope will be a productive growing season. It's my hope that farm safety will take a front seat to other activities this summer.

1:40

Farm Safety Week officially kicks off this afternoon at 2 o'clock and runs through to March 18. Mr. Speaker, I am certain that all of my hon. colleagues, especially those who represent rural ridings, will agree that a safe farm is a great place to grow.

Thank you.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I am pleased, and I commend the minister for bringing Farm Safety Week to the attention of the Legislature. Farms are becoming safer places, and I am pleased that there's been a 20 percent reduction in fatalities in 1997. But 17 deaths are still too many. From 1988 to 1992 the average number of fatalities was 14, so we should aim to reduce the deaths to a level that is lower rather than comparing last year's higher figure.

More work has to be done to reduce the number of injuries among 18 to 34 year olds, where there's the highest number of injuries, maybe due to lack of experience or a sense of bravado. Everyone needs to take pride in safety first. I encourage the government to focus on a specific program to encourage safety in this age group particularly.

One of the best times to educate on safety issues is while our young people are still in school. We know that the job safety skills program is going into a number of high schools, and it contains some reference to farm safety. It started in 40 schools and is now extending to 300, but it should be a component in all our schools. It will cost more to extend the program, so I encourage the minister to put more funding into this so that this program can train our young people on agriculture safety throughout rural Alberta.

We also need further work to reduce accidents for children, which were 14 percent of last year's total injuries. I'm pleased to hear about the new CD-ROM *Lost on the Farm*, a farm safety adventure game that is being distributed to rural elementary schools across Alberta.

While we tend to focus on accidents, we must not ignore the long-term hazards of farming. It also is important to continue education on the need to wear masks in all dusty conditions and to wear protective clothing when handling pesticides and other hazardous substances.

Finally, I would like to recognize the excellent work that volunteers have done in the past to increase awareness of both the acute and long-term hazards of farming. I thank these volunteer groups and encourage them to continue with their important work.

Thank you.

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

Institutional Confinement and Sexual Sterilization Compensation Act

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I rise today to speak to a matter of concern to all Albertans, and that is the fair and compassionate treatment of a group of unfortunate fellow Albertans who many years ago suffered as a result of actions taken by the Alberta government of that day.

Mr. Speaker, as you and the other members of this Assembly are aware, yesterday our government attempted to respond to and resolve that unfortunate situation with the introduction of Bill 26. Our intent in introducing that bill was to find a balanced approach between the interests of those who were sexually sterilized and the interests of all other Albertans today. Our intent was to show compassion by providing those who suffered with a fair and reasonable way to obtain fair and reasonable compensation without having to spend years and considerable resources in taking this through the courts. That is why Bill 26 contained a provision to invoke the notwithstanding clause. Again, our intent was not to take away anyone's rights but to find a fair balance and provide our fellow Albertans with a compassionate way of obtaining fair compensation.

Our government has listened to the concerns of Albertans, Mr. Speaker. We understand that Albertans want us to deal compassionately with those Albertans who suffered. We also understand that they want us to provide fair and reasonable compensation. We feel that Bill 26 addresses the issues of compassion and compensation. However, it appears to deprive the victims of another important element, and that is the element of choice.

That is why today I am announcing the following. One, our government will not be proceeding further with Bill 26; two, I have instructed counsel to endeavour to reach settlements with the claimants according to the parameters set out in Bill 26; and three, if settlements cannot be reached or individual claimants choose not to negotiate a settlement, they retain the right to take or continue with court action.

Mr. Speaker, I believe our action today achieves all three important elements required to resolve this unfortunate situation in a manner in which all Albertans can take pride. We are showing compassion in acknowledging our profound regret for what happened to these Albertans years ago. We regret what happened. Even though it wasn't the fault of present day Albertans, we acknowledge that these Albertans are entitled to fair and reasonable compensation, and that is why we will put forward a process that will enable them to achieve fair compensation without taking away their choice and their right to pursue legal action.

Thank you.

MR. MITCHELL: Mr. Speaker, Albertans were deeply angered, deeply frustrated, deeply offended by what they saw occur in this Legislative Assembly this time yesterday afternoon. This government has a characteristic which it has used consistently. That is, it makes mistakes that do literally horrible things to the lives of the people of this province, and then they stand up and say, "Oops; we're sorry," as if they could make everything all right. In this case what occurred yesterday afternoon in this Legislative Assembly with Bill 26 is such a travesty of everything that this Legislative Assembly stands for that a simple mea culpa by this government is not good enough. If they could have gotten away with it, they would have gotten away with it, and the problem still exists.

This time last year each of us stood in this Legislative Assembly and took an oath, and that oath said that we were going to uphold the interests of every single Albertan, not just the most favoured. When I look at *Beauchesne*, which defines much of what this Legislative Assembly and the parliamentary process is, one of its top significant principles is "to protect a minority and restrain the . . . tyranny of a majority." Mr. Speaker, what that says is that we are not here just to protect the most powerful. We are especially here to protect the weakest of our society. That bill was not designed overnight. What was clear in that bill, what thought went into that bill was that somehow this government could run roughshod over the rights of the most vulnerable Albertans in this province.

When I think about the legacy we should be standing for and the legacy we should leave our children, I think about the kind of discussions I have with my three sons about what this place stands for and how important it is in the lives of the people of this province. I have always been able to say, no matter how rugged the debate is in here and no matter what is at stake in here, that somehow I have believed that this place gets us to the right spot almost all the time. What I will be describing to my sons now, Mr. Speaker, is an incident yesterday which is perhaps one of the

ugliest things that I could ever have seen in this Legislative Assembly, and I will say to my sons that the reason we need the best people we can find fighting across this province for democracy is captured in what almost happened yesterday in this Legislative Assembly.

There are times in each of our lives and in each of our society's developments, when a challenge arises, when the opportunity to do what is right and what is good confronts us. Yesterday they didn't meet that opportunity, and today, Mr. Speaker, not enough has been done to prove that they're prepared to do . . . [Mr. Mitchell's speaking time expired]

THE SPEAKER: We'll proceed now with recognitions.

Recognitions

THE SPEAKER: Five hon. members have advised the chair of their desire today to proceed with recognitions. We'll go in this order: first of all the hon. Member for Calgary-Fort, followed by the hon. Member for Edmonton-McClung, followed by the hon. Member for Medicine Hat, followed by the hon. Member for Calgary-Buffalo, followed by the hon. Member for Edmonton-Strathcona.

Gemini Award

MR. CAO: Thank you, Mr. Speaker. I'm very pleased to rise and talk about a very positive achievement of a Calgary-Fort constituent: an annual Gemini Award, a prestigious award by the Academy of Canadian Cinema and Television. This year the 12th annual Gemini Award for best visual effects was awarded to a Calgary-Fort constituent, Mr. Doug Hyslip, and his dedicated team. They built a large-scale flying model of our first and only Canada-made fighter aircraft: the Avro Arrow. This real flying model was used in the miniseries *The Arrow*. The model was later bought and is now part of the display in the aeronautical museum in Toronto.

1:50

I want to go back in history a bit. One of the Canadian technological achievements and heritage is the story of the Avro Aircraft company with its design and construction of the first jet transport in North America. The C-102 jetliner flew in 1949 between Toronto and New York, and then the company later built a CF-105, which is the Arrow, a long-range aircraft fighter capable of flying mach 2 speed of 1,400 miles per hour in March 1958.

I would like to ask the members of the Assembly to join me in congratulating Mr. Hyslip and *The Arrow* team.

Reverend Martin Niemoeller

MR. MITCHELL: Mr. Speaker, I would like to recognize today Reverend Martin Niemoeller, who wrote these words. First they arrested the Communists, but I was not a Communist, so I did nothing. Then they came for the Social Democrats, but I was not a Social Democrat, so I did nothing. Then they arrested the trade unionists, and I did nothing because I was not one. Then they came for the Jews and then the Catholics, but I was neither a Jew nor a Catholic, and I did nothing. At last they came and arrested me, and there was no one left to do anything about it.

Reverend Niemoeller reminds us of something that this government, Mr. Speaker, has clearly forgotten.

THE SPEAKER: The hon. Member for Medicine Hat.

Medicine Hat Youth Group

MR. RENNER: Thank you, Mr. Speaker. All too often we hear of problems with our youth, and we hear complaints about youth in court situations and all kinds of bad things that are happening. Well, this afternoon I'm very pleased to report of a situation in Medicine Hat where our youth are to be congratulated for something wonderful that they have done.

Mr. Speaker, my colleague the Member for Cypress-Medicine Hat, the minister for science, research, and information technology, recently made me aware of a local youth group at a church that on one Friday night raised \$11,000 at a fund-raiser. This money will be used by these young adults to build three houses in the slums of Tijuana, Mexico. The young people will travel to Mexico at their own expense and use all of the donated money to build houses. Several local tradesmen, at their own expense as well, are accompanying the young people to help them erect the homes.

Congratulations.

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

Alberta Bill of Rights

MR. DICKSON: Thank you, Mr. Speaker. Twenty-six years ago a government came to office with a new vision for this province, a vision built on respect for the fundamental dignity and human rights of Albertans. The March 2, 1972, Speech from the Throne of the Progressive Conservative government set out four immediate program priorities. At the top of the list of priorities was the protection of human rights, not because the government had been beaten up and grudgingly had to make an acknowledgement, but because the government of the day thought it was important to make that statement.

Speaking on May 15, 1972, to Bill 1, the Alberta Bill of Rights, Premier Peter Lougheed said the following.

The rights of the individual need protection from the power of the state. And the basic philosophy that I have, as a Conservative and as a Legislator is to assure that those rights of the individual . . . are protected.

It's tragic, Mr. Speaker, that the current government's motto of "that was then, and this is now," now applies to the human rights of Albertans.

THE SPEAKER: The hon. Member for Edmonton-Strathcona.

Chilean Refugees

DR. PANNU: Thank you, Mr. Speaker. Today I wish to recognize the achievements of the Chilean community in Alberta. There are tens of thousands of Albertans of Chilean origin who were forced to flee the political violence of a military dictatorship in Chile. Many thousands of others lost their lives or ended up in Pinochet's jails. While a measure of democracy has been restored in Chile, it is indeed unfortunate that those who perpetrated the violence in Chile, foremost among them General Pinochet, have escaped justice for their deeds.

I salute the efforts of the Canadian Chilean community for the future of Chile and their efforts on behalf of Albertans to remind us of the fundamental importance of human rights and democratic freedoms.

head:

Oral Question Period

Institutional Confinement and Sexual Sterilization Compensation Act

MR. MITCHELL: When he was in China, Mr. Speaker, the Premier of Alberta dismissed Tiananmen Square as just a bit of history. The Premier of Alberta refused to meet with the prodemocratic parties when he was in Hong Kong. The Premier of Alberta has fought in the Supreme Court of Canada for the right to discriminate against gay and lesbian Albertans. Now the Premier of Alberta was seriously contemplating taking away the fundamental democratic rights of some of the most vulnerable Albertans by invoking the notwithstanding clause to opt out of the Canadian Constitution. To the Premier: what other than sheer arrogance made this Premier think that his government could get away with unilaterally taking away the constitutional rights of 703 of the weakest, most vulnerable Albertans?

MR. KLEIN: Well, Mr. Speaker, relative to the events in China, first of all, I wasn't invited to speak with the prodemocracy forces there. If the hon. member wants to visit Hong Kong these days, you'll find that, yes, there's a problem relative to the economy, but things seem to be going along quite well in Hong Kong these days relative to the protection of rights. [interjections] How many of these people have been over to Hong Kong recently? Go over there and find out for yourself what is happening in Hong Kong.

Relative to the reference, the Vriend case, it is now under the contemplation of the Supreme Court of Canada, and I don't think it would be appropriate to comment on what might or what might not happen relative to that case, Mr. Speaker. Indeed there was a Charter issue to be discussed and considered by the court, and the reference was made.

Mr. Speaker, relative to the situation as it exists today and the situation that the hon. Minister of Justice and Attorney General addressed, this goes to the point that the leader of the Liberal opposition made, and that is that this House gets us to the right spot. Today I believe that we're at the right spot. Consideration of that bill was not without its anguish and without its debate and division in our own caucus. [interjection] It was also based on legal advice not only from our own lawyers within the Department of Justice but from outside counsel, and it was also based on what we deemed to be something that would be fair to the unfortunate, and I will use the word, "victims," of a very, very bad law, a law that none of us had anything to do with. [interjection]

Mr. Speaker, could you please tell the hon. member from wherever it is near St. Albert to shut up?

Thank you.

Speaker's Ruling Decorum

THE SPEAKER: Hon. members, there are a lot of rules in question period, and a lot of the rules have to do with words that are used in questions that lead to words that may be used in answers. But one thing that is very, very clear in this House is the need for decorum, and one thing the Speaker has seldom ever done is interrupt a person who was speaking. But at the conclusion of the person who just gave his last words there would have been a move by the Speaker to in fact look at a number of individuals and remind them that chitter-chatter may be okay in some environments, interjections may be okay in some environments, but certainly there's an opportunity for some

decency. If a question is to be asked, the individual should be given an opportunity to respond to the question. I can go on actually for another 47 minutes on this question of decorum, and that would sort of terminate the whole thing.

If we can't have decency and we can't have decorum, why have we come here? Why have we come here? There were interjections, repeated interjections by a number of members. I'm looking at them, and I don't think they should feel very good about themselves. If they do, I will get up again, and next time I get up, I will read everything there is in *Beauchesne* with respect to this, and it may take us to a quarter to 3 or something.

The hon. Leader of the Official Opposition. [interjection]

Speaker's Ruling Question Period Rules

THE SPEAKER: Well, I guess we'll start now. Excuse me. The hon. Member for Spruce Grove-Sturgeon-St. Albert needs to be reminded, so can I take you all out to *Beauchesne* 409. Let me just take a look at 409 in *Beauchesne*, and let me quote, because I think it's important that we all be reminded periodically what this is all about.

In 1975, the Speaker expressed some general principles in order to clarify the regulations and restrict the negative qualifications which traditionally have guided the Question Period.

2:00

And I think it's important that periodically we do remind ourselves of these things.

A brief question seeking information about an important matter of some urgency which falls within the administrative responsibility of the government or of the specific Minister to whom it is addressed, is in order.

(1) It must be a question, not an expression of an opinion, representation, argumentation, nor debate.

(2) The question must be brief. A preamble need not exceed one carefully drawn sentence. A long preamble on a long question takes an unfair share of time and provokes the same sort of reply. A supplementary question should need no preamble.

(3) The question ought to seek information and, therefore, cannot be based upon a hypothesis, cannot seek an opinion, either legal or otherwise, and must not suggest its own answer, be argumentative or make representations.

(4) It ought to be on an important matter, and not be frivolous.

(5) The matter ought to be of some urgency. There must be some present value in seeking the information during the Question Period rather than through the Order Paper or through correspondence with the Minister or the department.

And I will take an opportunity later, if required, to go on with point 6, in *Beauchesne*.

Institutional Confinement and Sexual Sterilization Compensation Act (continued)

MR. MITCHELL: First he threatens their rights, and then he tells them to shut up. I hope my sons aren't watching this today to hear him say that.

When their government doesn't respect the courts, when their Premier stands in the Legislative Assembly and says that it's okay in Hong Kong to put the economy ahead of free elections, when their government doesn't respect their constitutional rights like it did yesterday, where are Albertans supposed to turn for protection from the excesses of their bully government?

MR. KLEIN: Mr. Speaker, I take exception to that statement "bully government". You heard and the opposition heard the very sincere statement by the hon. Minister of Justice and the Attorney General. This is a very sensitive and a very sad situation to deal with, and we thought that we were dealing with it in the best way possible. But there is always and always shall be and always should be the ability for second thought, to reconsider, to really examine whether, in fact, what we did yesterday was the right thing to do. It came down to this: it came down to compassion, compensation, and choice. We thought the plan was right, but obviously the process was wrong. We came to that conclusion today as a caucus, that the process was wrong.

I think it takes a tremendous amount of courage, Mr. Speaker, to stand up and say: we did something that was not right. Our thoughts were not wrong. Our thoughts were not sinister or evil, but obviously the process was wrong. The minister stood up today and said: we have changed our mind; Bill 26 is not the way to go. The way to go is to put in place a process for those who want to negotiate, to negotiate a settlement, but to leave the door open for those who want to pursue compensation through the courts.

MR. MITCHELL: Compassion, when forced, is convenience, not compassion, Mr. Speaker.

Why can't the Premier understand that when he puts a price on the most fundamental of people's rights, he leaves them without any value at all?

MR. KLEIN: I'm sorry. I don't know what the question was. [interjections] Well, Mr. Speaker, obviously through the ministerial statement of the hon. minister we have indicated in the most compassionate terms possible that we place a tremendous value on human life and humanity. We are sensitive to these needs. [interjections]

Speaker's Ruling Decorum

THE SPEAKER: Please. Hon. Leader of the Official Opposition, what was all that about? I don't understand. There was no interjection when the hon. leader was given an opportunity to give a question, despite the rather lengthy preamble with it. There was no interjection from the Speaker or anybody else. The hon. leader of the government was responding to the question. It seems to me that's out of keeping with your normal nature.

Second Official Opposition main question. The hon. Member for Calgary-Buffalo.

Institutional Confinement and Sexual Sterilization Compensation Act (continued)

MR. DICKSON: Thank you, Mr. Speaker. The Premier spoke about compassion, and he spoke of fairness, yet the ministerial statement tabled and addressed just moments ago said:

I have instructed counsel to endeavour to reach settlements with the claimants according to the parameters set out in Bill 26.

My question to the Premier would be this: is the Premier advising us that the government of Alberta will not contemplate settlement with sterilization victims if the action was commenced more than 180 days after this day, that the damages for wrongful sterilization and/or unlawful confinement cannot exceed \$150,000, that the costs are going to be limited to schedule C, that the damages cannot be awarded on the basis of vicarious liability, and that no

interest can be awarded under the Judgment Interest Act? Are those the terms of reference for the settlements?

MR. KLEIN: Mr. Speaker, again this speaks to the issue of choice. I mean, there have to be at some point some limits and some closure to this unfortunate situation. But I speak to the issue of choice. If people do not wish to access the settlement board that will be established, if they do not wish to approach the settlement board or take advantage of the government's offer, the choice is to carry on as they are indeed carrying on, and that is with court action. I can say – and I think the hon. minister alluded to this – that the legislation introduced yesterday was in part designed to avoid costly and very lengthy court actions involving up to 700, perhaps even more, individuals who unfortunately were victims of the sterilization legislation of years ago.

MR. DICKSON: Mr. Speaker, that begs the question: why didn't this Premier and why didn't this Minister of Justice, when these actions were commenced, instruct the Department of Justice to do everything possible to effect those fair and compassionate settlements? Why is it only at the last moment that government now talks settlement? Why is that, Mr. Premier?

MR. KLEIN: Mr. Speaker, the hon. member is again in the past. We're talking about the situation as it exists today, but if he wants to hear from the hon. Minister of Justice as to the process that led to the decision of yesterday that was rescinded today, I will have the hon. minister supplement.

MR. HAVELOCK: Yes. Thank you, Mr. Premier. Subsequent to the Muir decision the government made the decision not to appeal that. Rather, what we did is evaluate the large number of cases on a very extensive and exhaustive basis to determine the merits of those cases, to determine the nature of the claims, the allegations being made. Subsequent to having done that, we asked outside counsel in conjunction with officials of my department to evaluate the government position and determine what would be the best way to go. It was determined the best way to go would be Bill 26, which was introduced yesterday.

2:10

As you heard today in the House, Mr. Speaker, we have responded to the concerns that Albertans have made quite clear over the last day, that they felt the legislation was inappropriate primarily because of the notwithstanding clause provision. We've responded to that.

I think it's also quite appropriate for this government to be able to issue instructions to its outside counsel with respect to settlement, and that is what we have done. We also have the right to issue parameters with respect to settlement, which is what we've done.

MR. DICKSON: My final question, Mr. Speaker: why won't the Minister of Justice respond to the concerns about unfairness with respect to the limits: the elimination of costs, the elimination of prejudgment interest, a cap on the amount of the award, limits on when claims will be considered and when they'll be rejected? Why doesn't he address those substantive issues instead of just talking about form and notwithstanding?

MR. HAVELOCK: Mr. Speaker, the hon. member is pre-empting the settlement negotiations. That will certainly be part of the discussion.

There was some discussion as to the dollar amounts in the legislation. I'd like to bring something to the attention of the House. Between 1949 and 1996 there were 17 reported cases in Canada which awarded damages for wrongful sterilization. The damages awarded in those cases ranged from zero to \$250,280, with the average being approximately \$65,000. Besides Leilani Muir, only one other person in Canada has been awarded more than \$150,000 for wrongful sterilization. That person was awarded \$700 more than that amount, but the amount also included compensation for other injuries suffered by that person. So when we were arriving at what we felt was a reasonable figure, a reasonable position to negotiate, we studied the case law across the country. We felt that the compensation parameters included in the legislation were reasonable.

We feel those are still reasonable to take forward on the basis of settlement. If an individual does not feel that is reasonable, then they can still pursue court action. We're certainly happy to and will make available to the claimants all the resources we can to hopefully settle this.

What we keep forgetting in this discussion also, Mr. Speaker, is that we are trying to facilitate settlement for the claimants. That's what the legislation was trying to accomplish. Obviously, we have to change the approach. That's what the settlement negotiations will also try to accomplish.

THE SPEAKER: Third Official Opposition main question. The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. Yesterday the government did something wrong by introducing Bill 26; today the government did something right by withdrawing Bill 26. I'd like to ask the Premier if he would outline for those Albertans who are wondering: how was the notwithstanding clause introduced, what process of public consultation, legislative consultation, or consultation within his own caucus or SPCs did he conduct before the notwithstanding clause was included in Bill 26?

MR. KLEIN: I'm sorry, Mr. Speaker; did I hear the hon. member correctly? That today we did something wrong? What we did today was wrong? [interjections] Oh, you said we did something right. Thank you.

Well, Mr. Speaker, the process leading to the development of the legislation. Certainly there was a process that goes to agenda and priorities and on to caucus. There was a good discussion. Prior to that there was a tremendous amount of work done by the Department of Justice with the assistance of outside counsel. I believe there were two opinions sought on this particular piece of legislation.

MR. MITCHELL: Can we see them? Can we see that documentation?

MR. KLEIN: Mr. Speaker, we do not, nor do they submit to us the background and the research or anything else that goes into the development of their legislation. Why would they expect to receive it from us? If they want to bare all, then let's have a legislative resolution that everything is on the table, absolutely everything: they open their caucus to our people; our people will open our caucus to their people.

MRS. McCLELLAN: They'd only have to give us the *Journal*.

MR. KLEIN: Right. We take advantage of their researchers, and we just have this one great sharing opportunity in the Legislature.

Get real. This is politics. I remind the opposition once again and on this very, very special day: we were elected to be the government, not them.

DR. NICOL: Thank you, Mr. Speaker. My supplemental is: will the Premier commit to Albertans that he would outline a process of public and legislative consultation that would be implemented before the notwithstanding clause is ever introduced in another piece of legislation?

MR. HAVELOCK: Mr. Speaker, I'd like to make it clear why in this particular instance we did not do a public consultation. We need to recognize that we were involved in litigation in the courts respecting this matter. The development of legislation involves the exchange of privileged information between government officials and our Justice department officials. It would therefore be inappropriate when developing that legislation, especially in light of the court cases, to have a sharing of information. We were aware of and we were sensitive to the plaintiffs' needs. We were quite aware of the lawsuits which were outstanding at the time. We tried to take those into account in developing the legislation.

With respect to any other issue which comes before the House regarding the implementation of the notwithstanding clause, I guess all I can say at this stage is that we'll have to take them on a case-by-case basis to determine what is the most appropriate approach to take.

Notwithstanding Clause

MS BARRETT: Mr. Speaker, I don't mind admitting that, politically speaking, yesterday was the darkest day of my life: darker than in 1961, when the Liberals and Conservatives orchestrated the doctors' strike in Saskatchewan upon the introduction of medicare, darker even than the day we buried the late Grant Notley. I don't care what the motivation for the government withdrawing Bill 26 is. I say thank you from the bottom of my heart. Thank you. But now it makes me worry, and I ask this in all sincerity: will the Premier please commit that if the government loses the Delwin Vriend case at the Supreme Court, this government will not invoke the notwithstanding clause?

MR. KLEIN: Mr. Speaker, we're talking about a situation that is before the court. I'm not trying to sideswipe this issue. I can tell the hon. member that we do get a lot of mail on this particular issue. At least I get a lot of mail on this particular issue in anticipation of the court ruling. It is going to have to be something that will be decided by this caucus. We don't know what the court ruling is going to be. I think we probably have a good indication or suspicion as to what it's going to be, but how we deal with it I really can't say at this time because the court decision has not been handed down.

Relative to the notwithstanding clause, Mr. Speaker, I think that overnight the seriousness and the power of this particular clause became abundantly clear to virtually every member of our caucus. It is a very powerful tool that has to be used in the context of the Constitution in a very judicious way. It was thought, after tremendous thought and contemplation, that this was not an appropriate place to use that particular clause. So I can say to the hon. member and will give her this commitment: if the notwithstanding clause is ever contemplated, indeed, there will be a tremendous amount of open and honest and public discussion.

MS BARRETT: Mr. Speaker, Alberta is the only provincial jurisdiction in Canada that does not protect gays, lesbians, and bisexuals from blatant discrimination, legal discrimination. If the Supreme Court ruling is in favour of Delwin Vriend, which I believe it will be, will the Premier commit that prior to considering the notwithstanding clause, he will open this Chamber to members of the public under the terms of the Public Affairs Committee of this Assembly and that no person would be denied access to make representation?

2:20

MR. KLEIN: Mr. Speaker, we're going to have to deal with this situation sooner or later down the road, certainly after the court decision is rendered. All I can do is to take the hon. member's suggestion under advisement. Our caucus has heard it here today, and we will take her recommendation under consideration.

MS BARRETT: Mr. Speaker, what will it take for the government to realize that it has a potential sledgehammer that could be used over anybody, any citizen? Please, what would it take for the government to recognize that all human beings, regardless of whether they are gay, lesbian, or bisexual, have the right to basic human rights?

MR. KLEIN: Well, Mr. Speaker, I'm simply not going to get into that issue right now because it is before the courts.

Mr. Speaker, relative to the notwithstanding clause, it became abundantly clear to this caucus that that is a very powerful tool, and that was a tool that was put in in 1982 during the constitutional round to provide protection for the provinces if, indeed, the provinces, the Legislatures, the governments thought there was something that would fundamentally violate the province's right and authority to do something or not to do something. The notwithstanding clause has been used previously, most notably in the province of Quebec. It is not a clause that is to be taken lightly. There was a tremendous amount of consideration given to the use of that clause in conjunction with Bill 26. After careful thought and tremendous contemplation, it was thought that in this particular case, it would be in the best interests of all not to use it.

THE SPEAKER: The hon. Member for Peace River, followed by the hon. Member for Edmonton-Glenora.

Provincial Fiscal Policies

MR. FRIEDEL: Thank you, Mr. Speaker. My questions today are addressed to the Premier. It seems that since we've returned to this Assembly for the spring session, so many of the questions being asked have to do with: how much more money are we going to spend? Well, I'd like to approach it from a different direction today. To the Premier: in light of my preamble statement, can he tell us if the government is truly committed to the principles of balanced budgets and not spending more than we can afford? [interjections]

MR. KLEIN: Well, Mr. Speaker, they laugh over there. Yes, we are absolutely and truly committed to the principle of balanced budgets. So committed are we to the principle that we enacted legislation that prohibits us by law from spending more than we earn. It's called the deficit elimination and debt reduction act. That reduction act also compels us and legislates us to pay down the debt by a certain amount each and every year and to meet

five-year targets. So are we committed? Yes, we are committed.

Now, I don't know about the Liberals. I see one leadership wanna-be alluded to running a deficit if need be; that is, borrow money to buy the groceries, to pay the lights, to operate the household. Mr. Speaker, we find that kind of approach to be absolutely abhorrent. That's why we put in legislation to make darn sure we never again get into the situation of deficit financing and spending more than we earn.

MR. FRIEDEL: Thank you, Mr. Speaker. I don't consider the issue either light or humorous.

Again, to the Premier: I wonder if he could tell us about the government's priority – and I emphasize “priority” – of paying down Alberta's remaining \$14 billion gross debt?

MR. KLEIN: Mr. Speaker, certainly we put in place a commitment to pay down the net debt, and that net debt should be eliminated, providing things look up a little bit. Oil prices, as you know, are down right now, and there are some problems in the heavy oil industry in particular. Gas prices are looking okay. Hopefully, we'll be on track for a surplus. Part of that surplus will be dedicated to debt, and hopefully that net debt will be gone by the year 2000.

What the Provincial Treasurer, I understand, is proposing is how we approach the asset-supported debt. Again, I think we'll go out and talk to Albertans about the kind of schedule they would like to see put in place to achieve a pay-down in a regulated perhaps and legislated way of the asset-supported debt.

MR. FRIEDEL: Mr. Speaker, my final question is once again directed to the Premier. Can he commit to the philosophy that any new spending that is to be considered will be of a onetime nature that can be quickly halted in the event of a revenue crunch rather than program funding which carries long-term commitments?

MR. KLEIN: Well, Mr. Speaker, certainly there are cases and circumstances where we can provide onetime funding, and these are project-specific kinds of situations. Indeed, we have done that in this year's budget to meet some infrastructure needs.

But, no, I can't guarantee that all funding will be onetime funding. We know, for instance, that we have to constantly adjust our funding as it relates to population growth. There is nothing to indicate that population growth won't be sustained over a number of years. So that will involve an ongoing increase in funding. That's not to say that we won't continue to find new and better ways of doing things.

Another example is in the area of education. As you know, we introduced a new program. There were a number of new programs introduced, but one of the most significant was a new program that involves early intervention relative to reading. That is a new program that is going to require new dollars on a sustainable basis.

So where we can, yes, we will try to make sure that these things don't take on a life of their own, but there are programs that are deemed to be in the best interests of Albertans that will have to be funded on a sustainable basis.

THE SPEAKER: The hon. Member for Edmonton-Glenora, followed by the hon. Member for Red Deer-South.

MLA Expense Disclosures

MR. SAPERS: Thank you, Mr. Speaker. On January 28 the

Premier promised to follow the lead of the Liberal caucus and table details of MLA expenses so Albertans can see exactly how each and every MLA spends their tax dollars. He said, and I quote: whatever the Liberals table today, we'll table. Then he said he asked the Provincial Treasurer to stand in the Assembly and commit that this information would be tabled, and I quote: in the next few days. Well, by my count today is day 42. It's 42 days later. To the Premier: why were these expenses not tabled in just a few days as the Premier promised, and does this government have any intention of ever honouring this particular commitment?

MR. KLEIN: Mr. Speaker, I don't take the question lightly, but we had a chance to look at what the Liberals filed.

MR. DAY: None of us bought china. None of us bought Christmas decorations.

MR. KLEIN: Right. And there were bits and pieces of paper from here and there and everywhere, and nothing seemed to be cohesive. I mean, it was a nice show. It was well orchestrated and well planned, but when we reviewed the documentation, we really couldn't find much there other than a few Christmas decorations being bought. So, Mr. Speaker, we're taking our time to compile a list and documentation that is indeed meaningful, that gets to the heart of the matter.

I understand from the whip, who's been put in charge of co-ordination of this, that we should have our documentation ready by the 15th of March.

AN HON. MEMBER: By the end of March.

MR. KLEIN: By the end of March. It's almost the 15th of March, so by the end of March. So to answer your question, by the end of March. But we really want to have it well documented.

2:30

MR. SAPERS: We'd be happy to see it at the end of March.

But will the Premier acknowledge that it was a mistake in 1995 when his government brought in a special bill – it was Bill 19 then, Mr. Premier – to explicitly exclude this kind of information from being released pursuant to the freedom of information legislation?

MR. KLEIN: Mr. Speaker, there is some information, naturally, that should be excluded, and I think the Liberals would agree with this. This is information relative to confidential discussions that an MLA – be he or she Liberal, Conservative, or ND – might want to have with his or her constituent and, of course, phone calls and phone numbers that may present an opportunity for someone to say: “Well, I see that so-and-so phoned you on this particular day. What did you discuss?” Those are the kinds of things that we want protected under the freedom of information legislation.

Relative to the day-to-day operating expenses of the individual MLAs, we've got no problems releasing that, Mr. Speaker. We're planning that information now.

MR. SAPERS: Given that all parties in this Assembly agree that Albertans should have access to information pertaining to expending taxpayers' dollars, instead of waiting for the all-party committee to report, instead of waiting for another opportunity to

delay delivering this information, why won't the Premier just bring in a bill to ensure that all tax-funded spending – not phone calls, all tax-funded spending – is once again included under freedom of information legislation?

MR. KLEIN: Mr. Speaker, all tax-funded spending is in the budget, and then that is reported through public accounts. There is a process to report that already. In addition there are other processes.

First of all, I would remind the hon. member, who just can't seem to keep his mouth from flapping . . . [interjections] Mr. Speaker, he is. You know, I can't get in a word edgewise.

We have a process in place where we report on our budget and our expenditures on a quarterly basis. There is the Auditor General, who has the opportunity to examine all the books and all the accounts and all the expenditures of the government and the Legislature: every single dime. We're required every year to report in public accounts. So there are many, many mechanisms available to account for the expenditure of taxpayers' dollars.

THE SPEAKER: The hon. Member for Red Deer-South, followed by the hon. Member for Edmonton-Castle Downs.

Provincial Budget Projections

MR. DOERKSEN: Thank you, Mr. Speaker, like the Member for Peace River, it seems that since we returned to this Legislature in the spring, all the questions have to do with how much more money we're going to spend. Well, today we want to bring a reality check to this Assembly. My question is to the Treasurer. Assuming all other things being equal, with the price of oil at \$15 barrel, how much lower will our projected revenue be for the new budget year?

MR. DAY: Mr. Speaker, we run those numbers as carefully as we can. If you do the projections at \$15 a barrel just in terms of revenue from oil, then we'd be looking at about \$370 million less coming in from revenues than what we projected. About \$310 million of that is directly related to oil, and then projecting \$350 million, \$360 million, somewhere in that neighbourhood in terms of a negative effect on land sales. I think that in fairness and in openness we also have to realize that the price of oil, if it does continue to drop, does begin to also affect the price of gas. At \$15 a barrel, if that were to be averaged out for the whole year – remember, we're taking a whole year average, and our budget year doesn't start until the end of this month – you could be looking at another \$350 million to \$370 million. So added together you're looking at over \$700 million less in revenues, and that's if – and I underline “if” – oil prices were to average out over the year at \$15 U.S. based on west Texas intermediate.

MR. DOERKSEN: My supplementary is also to the Provincial Treasurer. Will that amount negate the amount that we have built into the budget for the revenue cushion, and what other revenue assumptions are at risk in the budget?

MR. DAY: Well, the revenue cushion, Mr. Speaker, we do get a lot of questions on, so it's a very valid one. Remember that first we consult with all the analysts – provincially, nationally, and internationally – and the investment people in terms of trying to get as close as we can to what we think oil will balance out to or average out to over the year. Last year, for instance, we had projected \$18.50. The way the prices are right now, it looks like

the year will end at about \$18.94. We don't want to get it any closer than that quite frankly.

There are other items and other things that are put at risk, and we need to understand that. When we project that price of oil, then, and the amount of revenue that we'll take in, we figure that out as closely as possible. The Minister of Energy involves himself very strategically and intensively in that particular study. Then we figure out what that will bring in in revenue, and then we take 10 percent out of that and set it aside as a cushion. Then we also hope for a surplus, based on other revenues. The surplus which we project for the end of the budget year '98 at \$165 million, added to the cushion, which is \$420 million, gives us 500 and some million dollars – I struggle with numbers sometimes – \$585 million. I've just said that we could be looking at a drop of over \$700 million if oil was to average out over the year at \$15 per barrel. So in answer to that question: if oil stayed at \$15 a barrel and gas dropped proportionately, it would basically evaporate both the cushion and the surplus.

MR. DOERKSEN: Again to the Treasurer: is the Treasurer prepared to introduce legislation that would penalize cabinet minister salaries if we were to run a deficit in the future? [interjections]

MR. DAY: Well, I see a number of my colleagues applauding that gesture, Mr. Speaker. I think it's part of the democratic process, and it would be something we should certainly discuss among our caucus members. But in fact the greatest penalty of all, if we were to sustain a deficit, would be that we would, I believe, suffer at the hands of the public. I personally would fear that type of public recrimination if we incurred a deficit.

Now, I understand there are those involved in the Liberal leadership race who aren't worried about incurring a deficit. The actual question: should someone from Executive Council have their salary reduced if a deficit was incurred? I suggest the people would reduce that salary one way or another. On an immediate basis I think that's a good discussion point, and I'd be happy to entertain that in caucus and with our many supporters who sent us here to the Legislature a year ago in greater numbers than before.

THE SPEAKER: The hon. Member for Edmonton-Castle Downs, followed by the hon. Member for Cardston-Taber-Warner.

Regional Health Authorities

MS PAUL: Thank you, Mr. Speaker. The Capital health authority has announced that it fully expects to run a deficit in the upcoming year. This means that 16 of our 17 health regions anticipate a deficit in order to maintain minimum patient care, and I repeat: minimum patient care. To the Minister of Health: now that you have met with the chief executive officers from the regional health authorities, what amount of money did the regions identify they needed?

MR. JONSON: Mr. Speaker, I did meet with the chief executive officers of the regional health authorities, and in the coming week, week and a half I will be meeting with the Council of Chairs. I understand that there is a further presentation to be made there. I am also interested in hearing their views as being the chairs of the governing bodies of the regional health authorities. So, Mr. Speaker, as I've indicated, we are in the process of meeting with the regional health authorities.

In terms of the specific question, each regional health authority has different needs, different circumstances that they would perhaps want additional money for. It would take quite a long time, Mr. Speaker, to go through the lists and the variations. What is needed in one area is not always needed in another.

2:40

MS PAUL: My second question to the same minister: given the Premier's past comments that money would be provided if regions were able to identify their need, what promises did the minister make to the regional health authorities on Monday?

MR. JONSON: Mr. Speaker, yes, as I recall, the Premier did indicate that the government would be prepared to consider any case that would be put forward. The one indication that was given to the regional health authorities – and this was given some weeks ago actually and at the meeting that I attended with the CEOs and actually was stated, I hope very clearly, in this Assembly yesterday in answer to a question from the Member for Wainwright – is the area of compliance 2000, a very significant cost to regional health authorities and, for that matter, to all of government, Alberta Health included. We have indicated that as we are assessing the study or the review that was done of what is needed in this area, we have concluded that, yes, there does need to be assistance provided to regional health authorities, and I did indicate that that very significant issue would be addressed.

MS PAUL: The third and last question, which is very important: are regions going to be allowed to run deficits, or do they have to cut services?

MR. JONSON: Mr. Speaker, as we've indicated, we are prepared to work with regional health authorities. Certainly our goal is to have the regional health authorities ultimately deal with their expenditure situations and do it in a constructive manner, because of course our overall goal is balanced budgets.

THE SPEAKER: The hon. Member for Cardston-Taber-Warner, followed by the hon. Member for Edmonton-Ellerslie.

Natural Resource Revenue

MR. HIERATH: Thank you, Mr. Speaker. In concert with my colleagues from Red Deer-South and Peace River it seems that since we have returned to this Assembly for the spring session, the only questions being asked have to do with how much more money we are going to spend. My question is to the Minister of Energy. What are the oil production levels that are set out in the budget for fiscal '99 in comparison to 1998?

DR. WEST: Well, Mr. Speaker, you can tell by the direction of questions to the Treasurer and to the Premier that we do have to deal in reality in the province of Alberta. The question was: what's the production level set out in the budget? We make certain forecasts ahead of time to put into our three-year budget plans so that we can within a fair parameter predict what revenues come to the province. But in the '98 budget we projected conventional oil production at 912,000 barrels per day. That was for '97-98. It was forecast to drop to 903,000 barrels per day in '98-99 and to 901,000 barrels per day in '99-2000. Synthetic production was forecast to be 296,000 barrels per day in '97-98, increasing to 318,000 barrels per day in '98-99. Bitumen was forecast to be 231,000 barrels per day in '97-98, increasing to 266,000 barrels per day in '98-99.

Now, as you can see, these are showing increases in some areas back in our projection, some decrease in conventional oil. But that's what you asked for at this time. I'm sure you've got another shoe to drop here.

MR. HIERATH: Thank you. Mr. Speaker, to the same minister: given the price of oil today at \$14.20 or so a barrel and assuming it stays at that level for the year, will you revise your production level forecast downward?

DR. WEST: Mr. Speaker, at the present time some of the decline in production is anecdotal, but we will be soon getting in actual figures of what's going on in the oil patch to demonstrate what indeed \$14.26 a barrel oil does to it. Synthetic oil production will most likely remain at forecast levels because, as I say, it is upgraded and shares a better cost return with our oil sands producing at, again, around \$12.50 a barrel cost. Conventional oil production will fall – there is no doubt about it – especially the heavy end oils. We're projecting that compared to what we had said in the budget, they will drop between 10,000 and 20,000 barrels per day. Our bitumen production would fall also, and a rough approximation would be between 30,000 and 50,000 barrels a day from the budget. As you can see, if it stays at \$14 a barrel or lower and as the Treasurer has just demonstrated, this would be a very significant drop in the revenues to the province.

MR. HIERATH: My final supplemental to the same minister. Given the correlation between price and production levels, will the minister need to revise the projected revenue from the sale of Crown leases?

DR. WEST: Well, this is the other shoe, and maybe it'll give a better understanding both to the Assembly and to the people of Alberta that one of the large revenues is the sale of land bonuses, or the opportunity to drill for that resource on certain lands in the province of Alberta. We usually have five-year licences, and people go out and bid so many dollars per hectare. Well, it's based on cash flow and based on expected returns from investment. At \$14 a barrel for oil our land bonuses are definitely going to be dropping. At the present time they're not reflecting that because of the higher gas prices that we've seen this year, and many of the recent land sales are based on exploration for gas. But as we go forward and the oil prices are lower, we will see a projected forecast of 37 percent less land bonuses in the province of Alberta. If this were to stay for a year, that would put a significant downward pressure on the revenues to the province of Alberta. Then our hon. members in the opposition would have to stop begging for all those social programs.

head: **Orders of the Day**

head: **Written Questions**

MRS. BLACK: Mr. Speaker, I move that written questions appearing on today's Order Paper stand and retain their places with the exception of written questions 24, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, and 37.

[Motion carried]

Energy and Utilities Board Data Requirements

Q24. Mr. White moved that the following question be accepted: What was the rate of noncompliance by industry for

submitting required data to the Alberta Energy and Utilities Board for the 1996-97 fiscal year and for the period April 1, 1997, to January 27, 1998?

DR. WEST: Mr. Speaker, I would like to table a response to Written Question 24 and accept it on behalf of the government.

[Motion carried]

Opportunity Company Loan Loss Write-offs

Q26. Ms Paul moved that the following question be accepted: What is the breakdown of the \$1,401 million in loan loss write-offs, by individual borrower, held by the Alberta Opportunity Company as of March 31, 1997, as contained in the public accounts 1996-97, volume 3, note 5, page 87?

THE SPEAKER: The hon. Deputy Government House Leader.

MRS. BLACK: Yes, Mr. Speaker. I would move an amendment to Written Question 26. I believe the amendments have been passed out to members of the House. The amendment would be made by striking out the words "What is the breakdown of" and substituting "How many accounts make up" and by striking out ", by individual borrower," and substituting "and what was the maximum amount of any loan loss write-off." Therefore the question would read:

How many accounts make up the \$1,401 million in loan loss write-offs and what was the maximum amount of any loan loss write-off held by the Alberta Opportunity Company as of March 31, 1997, as contained in the public accounts 1996-97, volume 3, note 5, page 87?

Mr. Speaker, this amendment has been forwarded to the sponsor of the question, and I believe she accepts the amendment as presented.

[Motion on amendment carried]

THE SPEAKER: The hon. Member for Edmonton-Castle Downs to close debate.

2:50

MS PAUL: Thank you, Mr. Speaker. After consideration and being forewarned that there would be an amendment, yes, I do accept the amendment.

[Motion as amended carried]

Asbestos in Schools

Q27. Dr. Massey moved that the following question be accepted: What are the number and names of schools in Alberta still containing asbestos and the estimated cost for each school to safely remove the asbestos?

MR. MAR: Mr. Speaker, the government rejects Written Question 27. The information requested is not collected and, accordingly, is not available.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods to close debate.

DR. MASSEY: Well, Mr. Speaker, I'm rather astounded by the minister's comments that information on asbestos in our schools

is not available. For a department that monitors just about every other piece of physical equipment and building equipment that a school board owns, it's almost astounding that something that so affects the health of children, teachers, and people using public buildings has not been investigated. I almost find it unbelievable that the department doesn't have that information.

Alberta Labour has stipulated that asbestos management plans have to be drafted for buildings in the province. I think the reference was with regard to an apartment building, not particularly school buildings. But it's public safety and particularly the safety of children. Their health concerns are linked to asbestos.

Again, I wasn't expecting that response, and I'm quite astounded. I would really urge the minister to look at it carefully and to do the right thing by Alberta children.

[Motion lost]

Former Deputy Minister of Education

Q28. Dr. Massey moved that the following question be accepted: What was the term of the contract between former Deputy Minister of Education Leroy Sloan and the Alberta Department of Education and the amount of severance paid to him, if any, upon the termination of his contract with the Department of Education?

MR. MAR: Mr. Speaker, the government rejects Written Question 28 as the information requested is personal information.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods to close the debate.

DR. MASSEY: Well, Mr. Speaker, on this one I am not surprised, but I'm disappointed. I think that the minister on our previous questions surrounding the appointment of the deputy has indicated his willingness to share that information with us. I think that the circumstances around the leaving of this deputy have left questions in a number of board members' minds across the province. Given how influential the deputy minister in this department is in terms of the operation of our schools, I think that the matter deserves a public airing and should have been aired publicly prior to this time.

Again, it's unfortunate that the minister does not see it as a matter of public information, and I regret his decision.

[Motion lost]

Energy and Utilities Board Facility Applications

Q29. Mr. White moved that the following question be accepted: What was the application turnaround time for routine facility applications handled by the Alberta Energy and Utilities Board for the 1996-97 fiscal year and for the period April 1, 1997, to January 27, 1998?

MR. LUND: Mr. Speaker, on behalf of the hon. Minister of Energy I wish to accept this question and will table the answers.

THE SPEAKER: The hon. Member for Edmonton-Calder to close the debate.

MR. WHITE: On both the previous motions I'd like to thank the minister and his department for being so forthcoming. It's

unfortunate that we have to go through these written questions. I've asked for the same information before, and it wasn't forthcoming, but it is good to see that it's coming. I thank the minister presenting on behalf of the other minister. Thank you kindly, sir.

[Motion carried]

Environmental Protection Field Operations

Q30. Ms Carlson moved that the following question be accepted: What process is in place to audit companies that are conducting field operations to ensure they adhere to all plans and conditions attached to approvals or codes of practice under the Environmental Protection and Enhancement Act; how many full-time equivalent staff in the Department of Environmental Protection were engaged in this type of work between January 1, 1992, to December 31, 1992, and January 1, 1997, to December 31, 1997; and how many companies were conducting field operations between January 1, 1992, to December 31, 1992, and January 1, 1997, to December 31, 1997?

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. We will accept this, but we find it necessary to make some amendments before we can and to rewrite it to make sure that it gets what the hon. member is asking for.

It's necessary that in the first part we strike out "that are conducting field operations." All of the companies under EPEA conduct field operations, and their approvals include construction, operation, and reclamation activities. Then because environmental service is the only service that administrates EPEA, we find it necessary to make another change by striking out "Department of Environmental Protection" and substituting "environmental service." Then we have a difficulty with the dates, so we need to strike out "January 1, 1992, to December 31, 1992" wherever it occurs and substitute "January 1, 1994, to December 31, 1994" and then strike out "were conducting field operations" and substitute "had approvals or codes of practice."

So the question would then read:

What process is in place to audit companies to ensure they adhere to all plans, conditions attached to approvals, or codes of practice under the Environmental Protection and Enhancement Act; how many full-time equivalent staff in the environmental service were engaged in this type of work between January 1, 1994, to December 31, 1994, and January 1, 1997, to December 31, 1997; and how many companies had approvals or codes of practice between January 1, 1994, to December 31, 1994, and January 1, 1997, to December 31, 1997.

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

MS CARLSON: Mr. Speaker, we accept amendments (a), (b), and (d), but we have a concern about amendment (c). The intent of asking for the information from January 1, '92, to December 31, '92, on how many full-time equivalent staff in environmental service were engaged in this type of work was to establish the number of people doing this work prior to the cutbacks. From there we can ascertain in part whether or not enough people are so employed at this point in time.

[Motion as amended carried]

Environmental Protection Staff Allocations

Q31. Ms Carlson moved that the following question be accepted: How many full-time staff equivalents in the Department of Environmental Protection were employed throughout Alberta in wildlife and fisheries management on January 1, 1997; how many transferred to work for the Alberta Conservation Association after its creation; and how many staff were employed to manage fish and wildlife activities in the department following completion of this transfer on January 1, 1998?

MR. LUND: Mr. Speaker, we will accept this question.

THE SPEAKER: The hon. Member for Edmonton-Ellerslie to close the debate.

MS CARLSON: Thank you. We appreciate the information.

[Motion carried]

Landfill Regulation

Q32. Ms Carlson moved that the following question be accepted: How many landfills in Alberta are operated under an approval, and how many operate under the registration process under the Environmental Protection and Enhancement Act; in each category how many unannounced spot-checks did Alberta Environmental Protection carry out between September 1, 1996, and December 31, 1997; and how many infringements were discovered, what was the nature of each infringement, and what penalty was imposed in each case?

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. Once again, we will accept the question as written.

THE SPEAKER: The hon. Member for Edmonton-Ellerslie to close the debate.

MS CARLSON: I'd like to thank the minister for his co-operation this afternoon.

[Motion carried]

3:00 Alberta Opportunity Company

Q34. Ms Paul moved that the following question be accepted: What is the breakdown of the \$3.732 million charge for loan losses and losses on realization by individual borrower held by the Alberta Opportunity Company as of March 31, 1997, as contained in the 1996-97 public accounts, volume 3, page 85?

THE SPEAKER: The hon. Deputy Government House Leader.

MRS. BLACK: Thank you, Mr. Speaker. Unfortunately, we are not able to accept this question. We have to reject it, the reason being that it asks for a "breakdown of the \$3.732 million charge for loan losses and losses on realization by individual borrower held by Alberta Opportunity Company." This is a calculated figure, and therefore it is not broken down on an individual

borrower basis. In fact, for the fiscal year for which this was the estimate that went through, the actual amount was substantially less, so we're not able to provide that information because we don't have it. So we must reject the question.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I can't help but wonder why the government wouldn't have the breakdown of a \$3.732 million charge. It's just a charge for a loan?

MRS. BLACK: They're an estimate; listen.

MRS. SOETAERT: They're a little cranky here, Mr. Speaker. I'm trying to get some clarification. In other words, there is no breakdown of that.

MRS. BLACK: That's right. That's what I just said.

MRS. SOETAERT: Is that what you said? I'm sorry, Mr. Speaker. I will accept that. I just didn't clearly understand what she said.

AN HON. MEMBER: You weren't listening.

MRS. SOETAERT: Yes, I was. I was listening.

THE SPEAKER: The hon. Member for Edmonton-Castle Downs to close the debate.

MS PAUL: Thank you, Mr. Speaker. Actually the reason why the question is on the Order Paper is I just thought it was another example that we needed openness and accountability with respect to the operations of provincial agencies such as AOC. I was just wanting to know what the charge would be on the losses incurred on the loans by the individual borrowers. I guess it's not going to be answered.

[Motion lost]

Alberta Opportunity Company

Q35. Ms Paul moved that the following question be accepted: What is the breakdown of the \$14.165 million unimplemented loan authorizations, \$878,000 unimplemented guarantee authorizations, and \$165,000 unimplemented export guarantee authorizations by individual borrower held by the Alberta Opportunity Company as of March 31, 1997, as contained in the 1996-97 public accounts, volume 3, note 14, page 91?

MRS. BLACK: Mr. Speaker, I'm pleased to provide an amendment to the question, which, I believe, again, is on all members' desks. It starts off by striking out "What is the breakdown of" and substituting "How many accounts make up" and then further by striking out "by individual borrower," and substituting "and what was the maximum amount of any unimplemented loan authorization, unimplemented guarantee authorization, and unimplemented export guarantee authorization." So the question would read now:

How many accounts make up the \$14.165 million unimplemented loan authorizations, \$878,000 unimplemented guarantee

authorizations, and \$165,000 unimplemented export guarantee authorizations, and what was the maximum amount of any unimplemented loan authorization, unimplemented guarantee authorization, and unimplemented export guarantee authorization held by the Alberta Opportunity Company as of March 31, 1997, as contained in the 1996-97 public accounts, volume 3, note 14, page 91?

Again, Mr. Speaker, this amendment has been sent over to the sponsor of the question, and I believe she accepts the amendment as presented.

THE SPEAKER: On the amendment, the hon. Member for Edmonton-Castle Downs.

MS PAUL: Thank you, Mr. Speaker. Yes, I was privy to the amendment sent over earlier this afternoon, and I do accept the amendment.

[Motion as amended carried]

Alberta Opportunity Company

Q36. Ms Paul moved that the following question be accepted: What is the breakdown of the \$2.133 million guarantee and \$2.54 million export guarantee portfolio by individual borrower held by the Alberta Opportunity Company as of March 31, 1997, as contained in the 1996-97 public accounts, volume 3, note 13, page 90?

THE SPEAKER: The hon. Minister of Economic Development.

MRS. BLACK: Thank you, Mr. Speaker. Another example of how we're trying to provide as much information as possible. I have to introduce an amendment, again, to Written Question 36. Again, this has been delivered to all members of the Assembly. It begins by striking out again "What is the breakdown of" and substituting "How many accounts make up" and again by striking out "by individual borrower" and substituting "and what is the maximum amount of any guarantee or export guarantee." Therefore the question would read:

How many accounts make up the \$2.133 million guarantee and \$2.54 million export guarantee portfolio and what is the maximum amount of any guarantee or export guarantee held by the Alberta Opportunity Company as of March 31, 1997, as contained in the 1996-97 public accounts, volume 3, note 13, page 90?

Again, Mr. Speaker, this amendment has been sent over to the sponsor of the written question, and I believe she accepts the amendment. I would ask that the House accept the amendment.

MS PAUL: Thank you, Mr. Speaker. Yes, again I was privy to the amendment, and, yes, it is acceptable.

[Motion as amended carried]

Environmental Protection Staff Allocations

Q37. Mrs. Soetaert on behalf of Ms Carlson moved that the following question be accepted: How many staff were employed by Alberta Environmental Protection on January 1, 1993, for pollution control, and what were the comparable figures on January 1, 1998?

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. We will accept this question as written.

THE SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert on behalf of the hon. Member for Edmonton-Ellerslie to close the debate.

MRS. SOETAERT: Well, I think we both thank him. Thank you, Mr. Speaker.

[Motion carried]

head: **Motions for Returns**

THE SPEAKER: The hon. Deputy Government House Leader.

MRS. BLACK: Thank you, Mr. Speaker. I move that motions for returns appearing on today's Order Paper stand and retain their places.

[Motion carried]

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

Bill 208

Government Accountability Amendment Act, 1998

[Debate adjourned March 10: Mr. Zwozdesky speaking]

MS KRYCZKA: Mr. Speaker, I am pleased to rise and speak in favour of Bill 208, the Government Accountability Amendment Act, sponsored by the hon. Member for Fort McMurray. The bill would require that when legislation is introduced in the Legislative Assembly which requires the expenditure of public funds, a money bill, the minister responsible will be required to table an estimate of the annual cost and/or the projected revenues of the initiative for a three-year period. This bill would inform both legislators and taxpayers with an immediate outline of the cost or revenues of the government initiative. The bill seeks to augment the current practices and legislative framework already in place and to ensure that the financial implications of government bills are completely understood by all legislators when they are debated in the Legislature.

Mr. Speaker, before getting into the implications of Bill 208, I would first like to talk about the existing legislative framework in place. In 1993 the Provincial Treasurer established the Financial Review Commission to review the financial position of the province and to provide a public report on their findings. In March 1993 the commission reported and made recommendations calling for changes in how the province dealt with its finances and its accountability procedures. The commission suggested that the accountability process could be improved if financial statements were used in conjunction with the goals of departments or organizations to provide regular feedback on the results of their efforts.

They noticed that the lack of an overall government plan was detrimental to the accountability process, which could be improved if long-term goals and program objectives were established and supported by using financial reporting systems and performance measures. These recommendations were accepted and resulted in the development of new procedures to improve accountability, including the Government Accountability Act and three-year plans.

3:10

Mr. Speaker, this government agrees with an accountable

framework. The mission statement of the Alberta government is:

An open and accountable government that leads the province in achieving its vision and ensures Albertans have access to quality programs and services at an affordable cost.

As a result, the Government Accountability Act was passed in May 1995, legislating the requirement for these new procedures. The Treasurer is required to prepare a three-year consolidated fiscal plan, which must be made public when estimates are tabled in the Assembly each fiscal year.

Among other requirements, this plan must include a detailed breakdown of both revenue and expenditure by category, consolidated revenue and expenditure, and total revenue and expenditure. The Treasurer is also required to prepare a consolidated three-year business plan which includes goals set for the government as a whole, performance measures, and a summary of department business plans. The accuracy of this plan must be reported to the Lieutenant Governor in Council quarterly. The act also outlines the procedure necessary to ensure that effective annual reports are prepared.

Mr. Speaker, the Government Accountability Act makes it incumbent upon each department to prepare a three-year business plan available for public review when the Provincial Treasurer introduces the consolidated plan for the government. Three-year business plans set out detailed goals, strategies, and performance indicators for the upcoming three-year period. This act sets a standard of financial responsibility for government accountability that no other government in North America is required to meet.

Mr. Speaker, the annual budget allows the government to outline its fiscal policy for the following fiscal year including both expected expenditure and expected revenue. The consolidated three-year plan for the government is included in the budget document. Once the Provincial Treasurer has delivered the budget, it is available for public review as are the estimates and department business plans in their entirety. At this time the estimates process begins.

The annual expenditures estimates for each department are provided by the minister responsible when the budget is delivered to the Assembly. Estimates contain detailed operating, capital, and nonbudgetary expenses as well as annual business plans outlining the department's goals, strategies, and performance measures for that year but do not include all program expenditures.

The Committee of Supply is responsible for reviewing estimates for each department and is made up of Members of the Legislative Assembly from both sides of the House. In addition to reviewing the estimates of all government departments, the Committee of Supply may appoint five designated supply subcommittees, which will review in greater detail the estimates of five departments specifically requested by the opposition.

Prior to the end of the estimates process, the designated supply subcommittees must report their findings to the Committee of Supply to determine whether the expenditures outlined for each department are appropriate and have received the support of the majority of the designated supply subcommittee members. After 20 days of examining the estimates, the Committee of Supply reports its findings to the Assembly, completing the estimates process. Once this is accomplished, the Assembly votes on whether to accept the budget.

Mr. Speaker, as I'm sure you can appreciate, this government has quite an extensive legislative framework in place to ensure accountability. The requirements outlined in Bill 208 serve to augment some of the business planning processes currently in place through provisions outlined in the Government

Accountability Act, three-year business plans, and estimates. While we have a very extensive policy and legislative framework already in place, I agree with the Member for Fort McMurray that we can never be content with where we are today and must continue to look at new ways of doing things. So in agreeing with the fundamental principle behind the bill, I would like to discuss the provisions outlined in Bill 208.

While the bill requires that a cost or projected revenue estimate must be tabled with new legislation, many government programs are not initiated by legislation but initiated by ministers pursuant to section 8 of the Government Organization Act. In addition, since the proposed amendment only covers new programs initiated in legislation, it would not include many other new programs or existing, ongoing government programs which are, however, covered under three-year business plans and estimates.

The bill also mentions that the cost of programs should be included when legislation is being introduced. As it currently stands, details of all program costs for the budget year are included in the estimates and are the subject of debate by the Legislature. As I understand it, the requirements of the proposed bill would set up an alternate process just for new programs initiated by legislation that would, in effect, complement the current business planning process. It has been a priority of this government to inform Albertans where tax dollars are spent by developing a transparent system of financial reporting and allocation through the use of three-year business plans, annual reports, and consultations with Albertans. Bill 208 is another avenue to provide this information to Albertans. I do think that a per capita calculation is an interesting concept and may allow individual Albertans to determine how the cost impacts them directly by putting it in an easily understood perspective. There may be other ways of doing this as well.

Mr. Speaker, this government through legislation and policy and with the support of many hardworking Albertans has continued to strive to reform government, reduce unneeded spending, and provide the best dollar value for Albertans. We were able to do this because we made tough decisions that required the conviction to look beyond short-term political gains and ahead to our future and the future of our children. Through the legislative framework in place and the policy of this government we have now run surpluses over the last few years and could very well be rid of our net debt by the year 2000.

Mr. Speaker, Bill 208 brings to light some new issues that we can look at. While the bill may need some work to ensure that it would in fact do what it is intended to do, I must commend the member for keeping with this government's framework and expanding on accountability wherever possible. Alberta taxpayers deserve an accountable framework, and I firmly believe there is one in place. If we'd had legislation in place in the past such as the Government Accountability Act and the other legislative and policy frameworks currently in place, we would not have the current net debt and gross debt we face today, although we have made great strides since 1993 to tackle this problem. Bill 208 seeks to increase public awareness of the actual costs of government programs and enhanced transparency as well as require the total cost and cost per capita of each program which requires legislation.

While we do have numerous checks and balances already in place, which I previously outlined, and there may be some overlap with Bill 208 and some unclarity as to what bureaucracy would have to be added to administer this bill, as stewards for the

taxpayers I think Bill 208 deserves some merit, and I support the bill in its intent.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Gold Bar.

3:20

MR. MacDONALD: Thank you, Mr. Speaker. I rise this afternoon to comment on Bill 208. It is with reservations that I support this bill. I have a few questions. Yesterday afternoon we defeated Bill 207, which was a bill basically about open and accountable government. Today we're talking about openness and accountability and how wonderful this is. But I do commend the hon. Member for Fort McMurray for introducing this, because certainly another stab at government accountability is a worthwhile endeavour.

Bill 208, as I understand it, would require the annual cost/revenue estimates and cost revenues per capita of every new government program. That's very important. I think we're just dealing with new government programs, and perhaps we should look at some of the government programs that were initiated here in the past. These new government programs are to be tabled. These revenues are to be tabled in the Legislative Assembly as part of the bill that authorizes the program.

I support the intent of this legislation to improve accountability to taxpayers. If I did not, I wouldn't have introduced Bill 207. I believe that it is focused almost exclusively on inputs. An effective accountability of the performance measurement framework needs to link cost to effect. This is something that I have a few questions on. Hopefully, if this bill progresses beyond this stage, in Committee of the Whole perhaps the hon. Member for Fort McMurray will stand before us and assure us about the accountability and the procedures that are outlined here. Any improvement to the accountability framework in Alberta which provides Members of this Legislative Assembly and the public with the ability to hold the government more responsible for delivering cost-effective and efficient programs that meet the needs of all Albertans, regardless of whether they're living in Fort McMurray or in Calgary-West, is indeed a step in the right direction.

This bill, I believe, will also help to serve myself in my constituency office. I think it will allow more effectiveness for all MLAs to serve their constituents in an accountability framework by providing all of us with more detailed cost/revenue information. We should be doing this everywhere. We should be doing this with our expense accounts. That would be a good start. Everyone in my constituency is welcome to my constituency office to see where I spend the taxpayers' dollars. They can look at the rent that I pay, the utilities that I pay. They can look at the insurance rates that I pay, even the wages of the constituency manageress. They can look at it all because I believe it is their money and it is their right to come in and it should be available. That's called accountability.

We know that in the past there have been accountability problems with this government. The government has played politics with their projections. We had a little surplus, and six months into the fiscal year we had a bigger surplus. We're patting each other on the shoulders over this. We have no money for this, we have no money for that, but we have money for private education. Suddenly we have money when we need it. We cannot continue with this. If Bill 208 will stop politics in fiscal projections, then it is a worthwhile legislative endeavour.

The Provincial Treasurer is now projecting billions of dollars

in surpluses. This was before the price of oil – it did not collapse, but I am very concerned about the price of oil at \$14.37 a barrel. The Minister of Energy earlier this afternoon expressed his concern about heavy oil. I know that in the eastern part of the province the heavy oil industry has been very robust. It has helped create many jobs, and many manufacturing companies have been set up because of this industry. I share with members across the way their concern about the price of oil and where it's going to go in the future. Hopefully, this price decline is going to stabilize at \$14 and then slowly rise and we'll see a price of \$20 American per barrel again and it will remain that way for the sake of this province, because we all know how important oil revenues are.

But getting back to the projections that are going on, we need to know that the government has a responsibility to be more open about these projections to Albertans. It is unacceptable, and it is time for this government to break that pattern with all these plans that fall short. If the hon. Member for Fort McMurray with his Bill 208 can do that, then I will tip my hat to him.

Now, there are many things that this legislation does not have. There are a number of deficiencies that I think, Mr. Speaker, must be pointed out. As I said before, this legislation only pertains to new program initiatives. We on this side of the House believe that cost/revenue information should be expanded to include the cost implications of all existing programs. The legislation provides only a three-year cost information horizon. There are many programs that go far beyond a three-year horizon. Why is there no provision in this legislation for a horizon beyond three years? For instance, in the department of transportation there are long-range plans to build roads. We talk about a north/south corridor; that's more than three years. In order to complete this, it's going to take 15 to 20 years for all this infrastructure to be developed, and that is why we need more than three years on this.

This legislation, Mr. Speaker, focuses on the input side of the ledger. There is little in this legislation that would provide a definite link between inputs and outcomes achieved. We must establish a definite link between the allocation of resources, the inputs, and the results achieved. Outcomes are the key to providing cost-effective and efficient programs and services.

[Mrs. Gordon in the chair]

Why are we measuring the annual cost of programs per capita using the number of adult residents in Alberta calculated by the Alberta Bureau of Statistics? Programs within the area of children's services do not serve adults. To be effective, this legislation should measure the cost based on the actual client base of the program in question.

Another program that perhaps we could look at is our Alberta seniors' benefit. Madam Speaker, why does this legislation not deal with the programs that are created through regulation? This is a government that likes to govern by regulation. I don't want to get started on regulation, the privatization and deregulation. You've heard that from me so many times. But this idea of governing by regulation, canceling fall sessions of the Legislative Assembly – you can stand in your constituency office and the fax machine just goes and goes and goes, one regulation after another. This is not a proper way to govern. It cannot continue in this way. In Bill 208 it's a convenience that you're not doing this. Suddenly the Legislative Assembly is not sitting anymore, and then we can start governing by regulation. The citizens of this

province read about it in the papers, they watch it on television, and they listen to it on the car radios. It is unacceptable.

Now, Madam Speaker, given the commitment to inform the public, what is the basis of this bill? Why is there no provision to publish the cost/revenue analysis in the *Alberta Gazette*, a letter to MLAs, a statement in the media, clearly and publicly displaying the analysis at every place where these programs are delivered? Perhaps this would be a way we should go. Let's inform the public. Let's have openness. Let's have accountability. These provisions are not in this bill. I anxiously await the return of the hon. Member for Fort McMurray. Perhaps he can address some of these issues.

Thank you very much.

3:30

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

MR. MELCHIN: Thank you, Madam Speaker. I'm pleased to rise today to speak to Bill 208, Government Accountability Amendment Act, 1998, and thank my colleague for choosing to bring forward some good ideas. We always need to be looking hard as to how we can improve the accountability of the government.

In that respect, unlike comments that I've heard here at times with regards to private members' bills, I do think that this is a great forum that all private members have as an opportunity to bring forward ideas for discussion and debate. Surely this is the purpose of this House, that we might bring forward ideas that would give thought, whether they're passed or not, for implementation and/or plant the right seeds for new legislation in the future. I would like to at least begin by saying that others have risen to private members' bills and stated that it was a waste of the House's time, yet I would say that this is very productive time, to be able to bring forward any idea of any private member, whether or not they are accepted as private members' bills and put into law.

With regards to the Government Accountability Act, I congratulate the Member for Fort McMurray. I would say, to begin with, that I'm pleased and that we ought to be looking at how we assess the implications of legislation, programs and delivery, and looking at all the ramifications, including the costs and the revenues that might be associated with such legislation. It's easy to identify spending. I think one of the biggest challenges you have in any government is to identify – there's an endless list of areas where we could spend – legislation that might go appropriately with it, yet we too often fail to recognize or account for the real cost implication of the application of such legislation.

Anytime you want to do anything in the private sector, there's always a cost-benefit analysis. Is it worth the addition of raising such capital and providing – when there always are scarce, limited dollars, is there enough benefit for such a new project? In the government I would think it would go hand in hand that we ought to be looking hard and long at: is the benefit worth allocating those scarce, limited dollars to such a new piece of legislation? I applaud the member's thoughts in initiating discussion about: do we really need such legislation? What are the cost implications to it?

I would say that it might even be better if it were to go further, in that we'd also identify how and who is going to actually pay for it. It's one thing to identify cost. It's easy to put down projections, whether they be three years out. It's difficult to do that with some degree of accuracy. Nonetheless, we sometimes

fail to realize which taxpayers will pay for it, which taxes will have to increase to pay for it, and by how much those taxes would increase to pay for it. I think those issues would even give taxpayers better accountability when we want to promote new program spending. Who actually pays for it, and by what mechanism are they going to have to pay for it? We might even think today that just because there is a surplus in this current fiscal year, there's no such thing as a tax increase. But ultimately if we spend, it means taxes have to be maintained or increased to maintain spending. So I would suggest that if we were to look at this bill, it ought to go even further in identifying by what method we're actually going to pay for it and which of the taxpayers are going to be targeted to pay for it.

I do have some real concerns about the legislation though. In that regard, I'd like to speak to those as well. I will say that my priority for legislation would have been that it should have been discussing principles, if it were more oriented with regards to broad parameters and principles and direction and policy of the government. Then those things are not programs. If the legislation gets real proscriptive so that you restrict it to an identified and very specific content of program, we might start ending up with so many forms of law, an increased amount of legislation, because every program delivery would require legislation to actually apply to a specific program versus intent and policy of government.

So I would prefer that legislation in this regard, though it has the right principle in mind of being accountable to the electorate, the taxpayers – this gets a little too proscriptive. We deal, as we heard earlier, with inputs versus principles of results-oriented outcomes. The Auditor General, I know, speaks quite a bit about the role of government in setting policy and that we'd be better off looking at the outcomes that we want legislation to obtain, results and performance measures as to how we can actually prove that we are getting results for the dollars that are being expended rather than looking at and proscribing all the inputs. I do think legislation like this does focus a little bit too much in respect of just program delivery of the inputs versus turning the emphasis back to results-oriented performance measures.

I would also say that program development, if you wanted to put in legislation the application of that in programs, is going to need some flexibility. That is with regards to both how we might find better ways to provide the program delivery versus what we'd initially thought of. As you experiment with the legislation over a year or two, you might assess that it either needs to be expanded or, for that matter, needs to be contracted or completely eliminated. You need that flexibility, when implementing programs, to continually refine that process. So as you go down the road one or two years, you might find that the principles of the legislation were correct and are still intact, yet the program has altered substantially so that when you compare it to the original forecasted annual costs or per person costs, it no longer resembles the initial bill. That wouldn't mean that the bill or legislation was wrong in its intent. It may have fulfilled its exact purpose, but in comparison, when you go down the road two years, it would be easy to say that the government was either foolhardy in its spending, overspent, or didn't spend enough because its application of the actual intent of the bill was not as initially designed or thought of.

I would say that to be able to put in legislation that gets into such a proscriptive nature, defining it to such a narrow scope will lead to more complexity in actually having to administer programs, more rigidity in having to ensure that programs are

kept in place or legislation repealed, and would create a greater burden upon accountability ultimately to those that live in Alberta with regards to the myriad of laws that will have to be enacted.

I would also say, with regards to accountability, that the government in defence of accountability has taken a number of measures that have made this government far more accountable than any of the other governments in Canada or, for that matter, in North America. As we look around, the enacting of not just the three-year business plan but the standards, to have to produce a budget and now to actually have to account for it on a quarterly basis and provide information back to the public on a quarterly basis, are going to provide everything that you could possibly ask for with regards to accountability. There certainly is an annual review of budgets, of estimates through public accounts, all of which were designed to look at and closely scrutinize and examine both the projecting forward and then the completion through public accounts.

When you already have a process in place that puts in a consolidated basis of all expenses – my understanding from the Auditor General is that we're far ahead of all other jurisdictions when it comes to the consolidation of all expenses, so the taxpayer does have proper accountability. We've already taken steps and measures in this government far above and are leading the way in that regard. This legislation as proposed would lead to more duplication of that same effort.

3:40

I would also like to mention that the Auditor General is in favour of reporting certainly the cost and revenue information with regard to our programs, but he didn't even assess that it would make it easier to determine a program's total costs, because they may be spread amongst different ministries or among different expenditure elements reported by a ministry. So the Auditor General's comments with regard to accountability even suggest some degree of concern with this bill.

I do like the thought of looking at expenditures and programs on a per capita basis. I think that if we could relate back to the average person who pays the bill what it will mean to them in more personal terms, that would be a good innovation. I think we would be well advised to look at all of our program spending and assess if we want to introduce new legislation or programs and relate that back to the taxpayer. What does that mean to me? What is that going to imply with regards to my own priorities as a family as I strive to balance the competing demands of managing my personal and family life? Would this new program, if it were related back to my personal per capita spending or taxation increase, be of great benefit?

As far as legislation, I would say that that still gets too proscriptive, but as far as policy and program, I think it would be a great idea. I would recommend and certainly am in favour of looking to the innovation of some of these ideas to a program level, not on a legislative level. I'm not in favour of this bill in regards to the proscriptive nature at a legislative stage or basis of law, but I do like, as far as policy, many of the ideas suggested: that we are looking at a cost benefit; that we identify to our best knowledge, going forward in a program, all those program costs; and that we certainly look to how we communicate that back to the electorate at large with regards to per capita spending and identify more clearly to them in what fashion they are going to have to pay the bill.

Madam Speaker, I again applaud the efforts of my colleague from Fort McMurray to bring forward a re-emphasis and a relook to accountability of the government with regards to its spending.

I have had great concern, having been here only – this being our anniversary of the election of last year and my first anniversary of standing in here. I can say for everybody that it's been an honour to be able to be in the Legislature. Yet I will come away saying that of all the things that I guess would express a great concern to me, when we think about people and program delivery accountability, we too often look towards government as being the solution to problems, and therefore we will provide programs that would require spending that would lead to patchwork . . . [interjections]

Speaker's Ruling Decorum

THE ACTING SPEAKER: The hon. Member for Calgary-North West has the floor, and I believe that we talked earlier when the Speaker was in the chair about decorum in this House. Hon. member, carry on, and everyone else, please, refrain from interjections.

MR. MELCHIN: Thank you, Madam Speaker. I do echo those comments and feelings as well.

Debate Continued

MR. MELCHIN: My concern, when we look to accountability, is that we're willing to put in place programs that treat symptoms, and we can find no end of symptoms. We therefore need a balance on checking the need to prescribe programs or legislation that require more spending, and we need to be vigilant in assessing that we won't lose sight that, ultimately, to provide services to the taxpayer, it all has to come from the economy, from our productive work, from the hardworking Albertans who are out there doing their best, taking the risks in life. We don't want to take away those risks that they might succeed, but we do want to allow them all the opportunity to succeed and to reap the rewards of their hard labours. Therefore, we ought to be vigilant in ensuring that we are not too willing to take more dollars from those people who can best assess how to handle their own personal needs. For that matter, the struggle and trial in dealing with the challenges of life: that's where growth occurs.

My concern is with accountability of government, and I applaud my colleague for raising the issue that brings back good opportunity to assess over this past year: are we being accountable to our taxpayers, to the electorate, to the average family in ensuring that we leave them with as much opportunity to manage their own affairs and to limit the intrusion of government?

So I do applaud the principle of this bill. I have expressed concerns with regards to the proscriptive nature of it, and I end my comments in that respect.

Thank you, Madam Speaker.

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

MR. CAO: Thank you, Madam Speaker. Bill 208, Government Accountability Amendment Act, 1998, seeks to address that when legislation is introduced requiring the expenditure of public funds, the minister will be required to table an estimate of the annual costs and/or the projected revenues of initiatives for the three-year period. The bill also is intended to provide both legislators and taxpayers with an immediate outline of the cost revenues of the government initiatives. This amendment will ensure that the financial implications of government bills are completely understood by all legislators when they're debated in the House. So this bill

has merit, and the essence of it has great intention here.

The reason behind the bill is to provide the public an opportunity to understand the cost implications of any government legislation before it is introduced. The main goal behind the bill was to bring debate to the forefront to see if we could expand on an already very accountable process.

Now, the government already has in place the most accountable process in Canada. The Government Accountability Act was passed in May 1995, legislating the requirement for fiscal responsibility. The Treasurer is required to prepare a three-year business plan, which is made public when estimates are tabled in the Assembly each fiscal year. Among other requirements, this plan must include a detailed breakdown of both the consolidated revenues and expenditures and total revenues and expenditures. The Treasurer is also required to prepare a consolidated three-year business plan which includes goals set for the government as a whole, the performance measures, and the summary of department business plans. The accuracy of this plan is reported quarterly to the Lieutenant Governor in Council.

3:50

Now, in addition, the Government Accountability Act makes it incumbent upon each department to prepare a three-year business plan available for public review when the Provincial Treasurer introduces the consolidated plan for the government. The three-year business plans set out detailed goals, strategies, and performance indicators for the upcoming three years. This act sets a standard of financial responsibility for government accountability that no other government in North America is required to meet. While we already have in place the most stringent standards for cost accountability, there is always room for improvement, which is the reason behind the bill. Indeed, out of the Growth Summit came the recommendation for government to continuously look to new ways of doing things, to look at new efficiencies. The bill does focus on cost of accountability at the legislation level.

There are many legislative and policy frameworks already in place. With our annual budgets the government outlines its fiscal policy for the following fiscal year, including both expected expenditure and expected revenue. The consolidated three-year plan for the government is included in the budget document. Once the Provincial Treasurer has delivered the budget, it is available for public review, as are the estimates of department business, and this is in their entirety.

At this time the estimates process begins. The annual expenditure estimates for each department are provided by the minister responsible when the budget is delivered to the Assembly. Estimates contain details of operating capital and nonbudgetary expenses as well as annual business plans outlining the department's goals, strategies, and performance measurements for that year, but they do not include all the program expenditures. No other provincial jurisdiction in Canada requires ministers to table estimates of costs included in bills when they are introduced in the parliament. But with our three-year business plan in place and the estimates and the Committee of Supply, which is responsible for reviewing estimates for each department and combining both sides of the Legislature, there is direct accountability.

According to the Auditor General, presenting program costs and revenue information is already accomplished by the government, which reports costs and revenue information in its three-year business plan and in the government's estimates. Bill 208 could augment this process by making it easier to determine the programs' total costs, because they may be spread among many different ministries and among different expenditure elements

reported by the ministry. What we may consider beyond the scope of the bill in its current form is how to distinguish between new legislation, which Bill 208 addresses, and those acts that are already in place or programs that do not require legislation.

As it stands, Bill 208 would duplicate some existing policies and procedures in place. There could be improvement to the bill to expand upon existing policies and procedures. For instance, many departments already create a cost breakdown for new programs, performance measures and risks associated with the new programs, such as already accomplished in the business plans process.

A per capita calculation as proposed in the bill may allow individual Albertans to determine how the cost impacts upon them directly by putting it in an easily understood perspective. However, it is uncertain if this would indeed provide Albertans with a clearer picture of our legislative procedure. I strongly feel a top priority for this government is to inform Albertans where tax dollars are spent by developing a transparent system of financial reporting and allocation through the use of three-year business plans, annual reports, and consultation with Albertans.

While we have in Alberta a solid and transparent government, I commend the member for bringing the bill forward. But I think there needs to be more work done to ensure that we are not duplicating existing policy frameworks in place and not creating more bureaucracy. We have made it a priority to make the legislative process as simple as possible, but we must continue to do so.

Thus I propose to hoist the bill to allow the members of this government to consider the ramifications of the bill, to look at improving it to augment rather than to duplicate our accountability framework in place. The saying if it ain't broke, don't fix it may apply with regards to Bill 208. It does not mean we cannot continue to look at our current processes in place and improve them where we see fit.

The amendment that I'm proposing, which is being distributed to your desks now, reads: be it resolved

that the motion for second reading of Bill 208 be amended by deleting all the words after the word "that" and substituting the following: Bill 208, Government Accountability Amendment Act, 1998, be not now read a second time but that it be read a second time this day six months hence.

With that, Madam Speaker, I would like to ask all members to support this particular amendment.

MR. MITCHELL: Madam Speaker, I'm intrigued by this bill to the extent that it actually puts an emphasis on per capita expenditure . . .

THE ACTING SPEAKER: This discussion is on the amendment; right?

MR. MITCHELL: Yes. I'm going to get there.

This bill actually talks about and speaks to the importance of per capita spending measures in evaluating what this government does. It's a very enlightened bill in fact, Madam Speaker, which for that reason gives me some pause in supporting the amendment to hoist it.

Let me discuss a couple of per capita measurements of expenditures which are very revealing and which we don't need this particular bill in order to achieve. We know that Alberta has the lowest per capita spending on health care in the entire country. We know it, Madam Speaker. It's very interesting that the mover of this bill didn't stand up and say: here's a great example of a

per capita expenditure that we already know about that would be very, very valuable and very powerful in measuring and assessing what this government has done.

4:00

Secondly, we know that Alberta is the 60th lowest funded education system per capita out of 63 jurisdictions in all of North America. We know that, Madam Speaker, but the mover of the bill didn't bother to stand up and say: isn't that an intriguing and interesting assessment of the quality of what this government is doing in education? If I felt for a moment that this member actually believed and felt strongly about the impact of this bill, I would feel very, very unhappy about seeing it hoisted. But in fact he failed to point out how his government has denied the power of per capita spending assessments in health care and per capita spending assessments in education, denied their significance in establishing their education and health care policies. For that reason I am happy to see this hoisted and for a second reason as well. As I read that amendment, it says in effect: let's bring this bill back for second reading this time six months hence. This is the first commitment to a fall session that we have heard from this government since the fall of 1996.

So if he believes in his bill, then he should be talking about the significance of per capita education and health care funding. And if he believes in his amendment to his bill, then he better stand up here and say: we're going to have a fall session. Otherwise, Madam Speaker – and I say this purely hypothetically – this motion lies to this House.

[Motion on amendment carried]

Bill 209 Access Enforcement Act

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

MS OLSEN: Thank you, Madam Speaker. I am pleased to rise today to speak to Bill 209, the Access Enforcement Act. Just over a week ago I attended a Canadian Bar Association luncheon where Madam Justice l'Heureux-Dubé spoke. The hon. Member for Calgary-Currie and the hon. Member for Calgary-Lougheed were present. When Madam Justice l'Heureux-Dubé spoke, she talked about laws and the need to address issues of equality in legislation. She said lawyers should attach what I would call an equality lens to the application of legislation. She talked about lawyers remembering what the function is of the justice system.

I would like to take that notion one step further as I introduce this bill. I'd like to talk about equality of legislation as it relates to those of us who create legislation and who introduce legislation into this House. We should also be looking at legislation in the creation of that legislation to ensure that it is equitable, to ensure that we pass legislation where the intent is clear. We've seen over the last 24 hours what happens when legislation is tabled that doesn't consider the principles of equality and equity or basic human rights. We need to consider those issues because we have to be here to speak to all Albertans.

Today I believe that I'm introducing a piece of legislation that is balanced; it provides a balance more so than I saw in Bill 26 being put forward. This bill is designed to separate access issues from maintenance issues. The focus of both maintenance and access should always be the children, yet this tends to be confused by some parents who make the performance of their own

obligations conditional upon the other parent's performance of their obligations. Maintenance and access are two separate issues. Children are entitled to both, and parents have a responsibility to ensure that happens.

The Maintenance Enforcement Act in Alberta established a government agency to enforce maintenance orders. The government thereby assists those who are entitled to court-ordered maintenance to receive their payments. The point of this bill is to create a similar position, a director of access enforcement. The government through the director of access enforcement could thereby assist those who are entitled to court-ordered access to get that access when it has been wrongfully denied. It's a court process, and we all know that is not the best way or the most effective way of dealing with the enforcement of access orders. We know the trauma that children go through when we try to go that route. This bill stresses mediation and negotiation before the use of the court, and as I recall, this government has put forward legislation that promotes alternative dispute resolution. So I would suggest that this falls in line with the government's own notion of moving ahead with ADR prior to entering a courtroom in any instance.

The first step under this bill when someone makes a complaint is for the director of access enforcement to appoint a mediator to attempt to resolve difficulties. If mediation doesn't work and the director thinks this is an appropriate case to be involved in, then the director may apply on a party's behalf to the court for a remedy. So if the new director feels that this case can't be mediated or that mediation isn't going anywhere, like in any form of dispute resolution there is an option. That option is the next step, and that's to end up in a court. This could be a noncustodial parent who has been unreasonably denied access, but it could also be the custodial parent who is consistently required to make last-minute child care arrangements when the noncustodial parent fails to show up for his or her access visits.

The other important part of this bill is that if the director deems it necessary, then they could skip that whole mediation process, if they thought it was appropriate, and head straight to the courts. A benefit of this process is that the access enforcement officer is an unbiased party. He's not acting for either at the outset. He's not a lawyer hired to act on behalf of one person or the other. He comes unbiased. If the director or his or her delegate listens to the complaints of a person and sees that person's attempts to resolve those complaints through mediation, he or she can then act as an advocate for the party in front of the courts, saving the access parent or the custodial parent from the enormous expense he or she would otherwise incur. I think it's very, very important to acknowledge the fact that there are many cases that come before the courts where one side may indeed be in a financial position to push forward and the other side may indeed not be. This is of benefit to both parties.

Access enforcement would maintain ongoing files of the parties and through direct involvement would thereby become aware of the parents that are abusing the system. The way it is now, for example, by the time an access parent gets through the courts over a breach of the order, the custodial parent may have breached the order numerous more times. As a police officer I attended many, many complaints where the whole issue and the whole confrontation was based on access and maintenance. They were tied together, and one parent wouldn't allow the other to see the child because they hadn't paid their maintenance or the other person was late to pick the children up. So it becomes quite a convoluted issue for the police to deal with.

4:10

Another benefit of this bill is that rather than having to pick between two conflicting versions, the court would also have the advantage of hearing the testimony of the person from access enforcement regarding its involvement with the parties, the efforts each party is making to resolve the issue, and whether the excuses and reasons the parties have given are credible given the history of the file. Many times right now this isn't done, so you end up with a judge having to listen to one side and then listen to the other side and sometimes having to choose between two people who both believe that they're right. This makes it difficult. At least there would be a third party in an unbiased position.

Under the bill access parents or other people with access orders – because this isn't just for parents – who fail to exercise their access or return the child without reasonable notice or excuse can be ordered by the court to pay the custodial parent's expenses and have their access orders varied or discharged. Custodial parents who wrongfully deny access can be ordered to pay the noncustodial parent's expenses, to give compensatory access, and can be ordered to give security for the performance of the obligations under the order.

One of the biggest problems that I saw as a police officer was many, many people just arguing over the fact that the other side wasn't carrying out their side of the bargain, if you will, which would be the court order, and it made it very, very difficult for the children. The children are always in the middle. We always have to consider that this is about the kids, and this government has made a commitment in the throne speech to protect children. This is a viable way to do that. This is an avenue that would leave the doors open, where the children would not necessarily always be caught in the middle. This would help expedite things so there's not always a long process that parents have to wait for. It can only benefit children.

The bill also says that the denial of access is not wrongful under certain and specific circumstances, such as when a child might suffer harm when the noncustodial parent shows up drunk – and I've seen that happen on many, many occasions through my career as a police officer – or when the child is too sick to go. Your child might have been in a hospital previously, over the last week, broken a limb, or ended up actually with pneumonia or something where the child has to remain at home and can't be moved. In those circumstances, then it's not unreasonable for the other parent to expect the other to have the child remain there.

Since we've introduced the bill, a complaint has been made that to codify these reasons will make it easier for the custodial parents to deny access. Sometimes it is true that a few custodial parents will indeed go into court and they will not tell the truth. That does create a problem. That's done sometimes so one custodial parent can deny access to the other. This legislation won't always stop that. It happens now in courtrooms. It's not designed to be the be-all and the end-all, but what may be of some relief is that the legislation will still make it easier for an access parent to enforce access. This would be because a file will have been maintained by the access enforcement officer. They'll be able to tell the courts information which goes to the credibility of either party, such as whether the child is consistently or coincidentally sick only on the access parent's day.

Also, the cost of the court application made by the director is borne by the public rather than by the parents whose rights have been infringed. I think that's critical because many times those people who are most vulnerable – and we've talked a lot about vulnerability in the last 24 hours – aren't in a position to have

access to the dollars that would allow them to proceed to the courts, so then the public does bear that cost in here.

This isn't perfect, we have to acknowledge and I have to acknowledge, but it is a step in the right direction. I'm not convinced that it isn't. I guess it will be abused in a great way. As much as we talk about domestic violence legislation, I think the professionals who deal with these types of legislation are very good at their job. They get an instinct, I guess, to know what's going on and who's trying to buffalo the other person, and I think we have to recognize that.

Currently in Alberta if a person is denied access to their children, they have to apply to the court themselves to have the court enforce the order. This is a very expensive process, and it's a very slow process. It's expensive for the taxpayer, as cases which might have been resolved through mediation go through the courts instead. So there are some trade-offs, and I think this legislation is balanced.

I feel that my experiences over time have led me to look at some of the realities that police have to deal with, that social workers have to deal with in terms of working with families where access and maintenance are always issues. There are some tremendous fights out there. People in policing fields get called to these and are often asked to referee; these are civil orders.

I think the way to go is to encourage mediation through a program such as this, and as I say, I'm pleased to introduce this. I do believe this is balanced legislation. I await and am encouraged to listen to the debate that's going to proceed, and hopefully we can get the support for this bill.

Thank you.

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

MR. RENNERT: Thank you, Madam Speaker. I appreciate having the opportunity to participate in the debate on the proposed Access Enforcement Act, Bill 209. My comments this afternoon will be based upon notes that were prepared for the Minister of Justice, and he regrets that he is unable to participate in the discussion this afternoon. However, he and I have had a considerable amount of discussion regarding this bill, and while I certainly don't intend to speak on behalf of the minister, I would like to express some of the thoughts that he has expressed to me.

Madam Speaker, as indicated by the bill's sponsor, this legislation establishes a legal obligation for custodial parents to allow access to the noncustodial parent and the noncustodial parent's extended family. That is a principle that all members of this Assembly can and should endorse, and it raises many of the issues that child advocates support, that being the primary interests of the child.

Children prosper in a stable and strong family relationship. In the absence of exceptional circumstances, it is only where this relationship breaks down that we require legal means to ensure that parental responsibilities and rights are upheld. As a consequence, access enforcement is a complicated and oftentimes frustrating area of family law. Though one can support access for noncustodial parents, one cannot in the context proposed in this bill.

4:20

There is no provision that the procedures proposed in Bill 209 would be successful in increasing compliance with access orders. When evaluated in detail, a number of the bill's provisions are problematic. For example, section 3(1) proposes to create a director of access enforcement. No mention is made of what

financial costs might be involved in establishing such an entity or of the manner in which it would be vested with the authority needed to enforce access issues. Further, Madam Speaker, it may be that the financial resources required to give the effect to this concept would approach those currently dedicated to the maintenance enforcement program.

In addition, the bill does not address those problems encountered in the wording of court orders, which are key in the definition of access itself and enforcement of access.

On another note, requiring a noninterested parent to make use of their access rights, as contemplated by section 5, necessarily involves coercing a parent into an interest in their child. A \$1,000 fine is not likely to achieve the intended result. In fact, Madam Speaker, punitive measures for offences and to enforce access for custodial and noncustodial parents may have significant negative consequences. There is the matter of whether it is in the best interests of the child to have one parent jailed, especially so if that parent is the custodial or primary supporting parent.

Concerning the bill's specific provisions, there are a number of omissions. There is no mention of the role of police in the enforcement of access orders. Any punitive measures would by necessity involve the police or some other type of provincial enforcement officer. There is no mention of how the director of access or this proposed act itself would work within the framework of present legislation.

Madam Speaker, there are too many unanswered questions and issues associated with this legislation. However, we must recognize that there are a number of unresolved matters concerning child custody, in particular the access issue. Consequently, the Minister of Justice has established a committee under the direction of the Member for Calgary-Lougheed to review concerns surrounding the maintenance enforcement program, including access. To be specific, the committee is evaluating all issues related to child access including: identification of the nature and extent of problems relating to the exercise of access; identifying the causes of problems relating to access; identifying what actions are taken or methods are used by divorced or separated parents to facilitate access and avoid conflict; investigation of legislation, programs, policies, and initiatives from other jurisdictions which have been implemented to deal with access issues; an assessment of the success and costs of these initiatives; and finally, the development of recommendations as to how the interests of children and their parents relating to access can be accommodated and protected in a positive and co-operative manner.

The committee has consulted Albertans on this issue and will be presenting its recommendations shortly. Consequently, I believe the only prudent course of action would be to carefully review such recommendations prior to enacting any legislation. That will ensure that the Assembly and those Albertans interested in this issue have the benefit of the committee's insight and the public input resulting from the consultation process.

In conclusion, Madam Speaker, there is a need for solutions that relieve the stresses of divorce on children and parents, especially those that are experiencing access difficulties. But for the reasons given earlier, this bill, however worthy, will not satisfy such a need. As a consequence, I encourage all members to vote against this bill at second reading.

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

MRS. SOETAERT: Thank you, Madam Speaker. I'm pleased to

speaking to this bill. I'm going to support it mainly because I think it's time we bring this issue to light in this Legislature. I'm not surprised that the Minister of Justice has urged people not to support it. That happens all the time with opposition bills. So after five years I'm not shocked anymore. Still appalled but not shocked at that.

I'm glad to have the opportunity to speak about access. I think one of the silent griefs, one of the biggest griefs in our province is the whole issue of access, maintenance, and what happens to families. I brought a bill in years ago, my first year here, on maintenance, as you probably recall, and of course it was not passed but got people thinking and moving and some changes happening within that department, in the public eye. We all got phone calls. Some people made foolish remarks in here and got themselves into trouble. I'm not pointing any fingers, but that has happened.

I do want to speak about access. I have had parents in my office, both men and women, who are not the custodial parents, and they are in tears about the inability to see their children. With one, in fact his children had moved to another province, and even when he goes there on holidays, he can't get to see them. There are all kinds of games played, and that's an injustice. There's nothing for that man to help him see his children or to give fair access to his children. That's really sad, and unless you live it, I don't think you appreciate how difficult that is for some people.

On the flip side, you have children waiting for their parent to show up, you know, with the little overnight bag ready and a little snack and a promise to go see some show, and they don't show up. Now, maybe we can't legislate people to see their children. Maybe we can't, but we should remind them, and we should hold them accountable. Maybe there's an answer in this bill to that; maybe not. But I think by discussing this topic in here, we bring it to light again. I think we also tell those people who don't access their children when they should and those who are unable to access their children that we do care about their situation, that we do care about the plight they are in.

I'm supporting this bill in second reading because I believe in the intent of it. Maybe there are things that have to be worked out. I appreciate that the Member for Calgary-Lougheed is working on a maintenance enforcement group. I know we've made submissions to it. I appreciate that that's happening, but access is separate. Maybe when the government does bring in something with some legislation on maintenance, at the same time they should bring in access. They're not the same issue, but there's no doubt they should be dealt with both at the same time.

[The Deputy Speaker in the chair]

I support the idea of a director of access enforcement. We have one for maintenance enforcement, and though it has flaws, many flaws, it's a step.

Once again, there's a strong portion of this bill that supports mediation before the use of courts. Now, I would think everybody would support that. If we can work it out through mediation, certainly it saves the costs, personal costs, for lawyers and legal fees. In many cases it can be worked out before it goes to court, and if we had a family court system here that looked at all those things - that is a good idea. It's a comprehensive approach, and things like maintenance enforcement and access would fit into it. I think this government should seriously be looking at the whole idea of family court. That would take a commitment on the government's part, but it's something I would

certainly encourage.

This also does contain exceptions when there are instances when access should not be exercised, and of course there are regrettably times when parents have lost the right to access their children and rightfully so. So that continues with that protection.

4:30

I'm practical. When the minister says in his speech that this isn't going to go, I appreciate that it probably won't be supported by members opposite. So we may see it brought back a couple of years from now as a government bill, and then we'll support it. We'll make amendments to make it even better. But I do think that if we use this opportunity to bring to light the issue of access, make it an issue out there in the public, tell people we care about children enough to discuss the reality of access, inevitably with the discussion of access the discussion of maintenance will come up. I know that once the discussion of this bill gets out there, we will have calls in our constituency offices, and we will find out firsthand the sorrows that people go through in a marriage breakup where there are children involved and there are battles over custody and access.

Regrettably, especially when I was women's issues critic, we had many calls about access and maintenance enforcement. I call it one of the silent but one of the largest griefs in our province that we deal with. I'm certain many of you have dealt with it in your constituency offices, but it's a reality of our world, so we have to deal with it. This is a step in dealing with it. It's not all-inclusive, because in our role as the opposition we can't put in a family court system like we would like, but we'll continue to peck away at this government and hopefully enlighten them. In time we may see a family court system where people are dealt with in a much more comprehensive and caring manner so that families can get on with their lives without the hurt that sometimes goes on.

I would certainly encourage all members, if you're not going to support the bill, to please at least try to understand the intent of it and try to understand the plight that people go through. As our role in this Legislature is as legislators, we have to address this at some point. We can't hide from it.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Red Deer-South, followed by the hon. Member for Edmonton-Gold Bar.

MR. DOERKSEN: Thank you, Mr. Speaker. I am pleased today to also debate Bill 209. The Member for Edmonton-Norwood has raised a very important issue with this bill. I'd like to first preface my comments today by recognizing that in most cases when we are talking about problems with access, we are talking about the right of fathers to access their children. I recognize that this is not always the case, but it is true in the majority of cases. It is well known that mothers are most likely to get custody of children after a divorce.

Recognizing that, I would like to point out that both mothers and fathers are very important to the raising of children. They also parent differently from one another. That is not to say that either group does it right or better than the other. Parents work best when they work together. Kids need both loving moms and dads. The parenting combination from a mother and a father is the best indicator of the development of good character.

An interesting note, Mr. Speaker, is that the differences between parents can be seen when the child is yet an infant. While mothers tend to hold their babies close to themselves

protectively, fathers tend to hold them out in a way that allows more eye contact and exposure to the world around them.

I would like to expand a little bit by talking about the importance of the influence of a father's presence in a child's life. An article entitled *The Dad Factor* by Christine Langlois states that there is growing evidence that the involvement of fathers has a greater influence on the way our children turn out than we imagined. [interjection] Does the hon. member have a problem with my speech?

MR. WHITE: No.

MR. DOERKSEN: Thank you.

An involved father increases a child's chance of academic success, social development, and a sense of self-worth. Researchers at the City University of New York have shown that the likelihood a young male will become involved in crime doubles if he is raised without a father. Fatherless children are also more likely to get into trouble at school.

Mr. Speaker, what I'm simply trying to demonstrate is that children need both their parents to play an active role in their lives. Mothers and fathers do parent differently, and children need them both. It is therefore critical to make sure that the children receive care from both parents even after a divorce, especially after a divorce.

Under the existing system custody is usually granted to one parent or another. Noncustodial parents are then granted access under terms of a court order. Regrettably, children are too often used as pawns in cases where there is animosity between the two parents, and clearly it is the children who suffer in these instances.

Mr. Speaker, I am a member of the committee on maintenance enforcement and the child access review committee. I want to say that the comments I am making today do not necessarily reflect the views of that committee at this point in time, but I do want to elaborate on some of the submissions that we have received and some of the comments that we have talked about. We have received a lot of submissions on both maintenance and access. It is the mandate of our committee to address both issues, but today I will confine my comments to the issue of access.

We have heard firsthand much of the frustration and heartache experienced by Alberta parents having difficulty exercising their right to access. Mr. Speaker, you just know there's no doubt that when parents are hurting to the extent that they are, the children in the family are suffering, probably even more so than the parents. In addition to hearing some of the problems with access, we have listened to submissions on suggested forms of dispute resolution which are effective as well as suggestions for new initiatives. The review committee has heard submissions regarding new initiatives and programs currently under review or operating in other jurisdictions.

One area that we have heard comments on is the parenting after separation program. This program received positive reviews from almost all of the presenters that we questioned regardless of what other views they'd presented to our committee. Parents who have attended those sessions believe that the program is effective and has assisted them in some manner, either in resolving access issues or raising awareness on the feelings and emotions experienced by their children.

I want to mention here that the Member for Edmonton-Beverly-Clareview was instrumental in furthering the cause of this particular program. [interjection] If the member there had done

her homework and checked into the benefits of this program, she would have to agree with that comment that I made.

MRS. SOETAERT: Point of order.

THE DEPUTY SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert is rising on a point of order.

AN HON. MEMBER: And she's listening?

Point of Order Imputing Motives

MRS. SOETAERT: Yes. Thank you, Mr. Speaker. I'm listening intently. Under 23(i) I would recommend that the member cannot speak for me. I am quite capable of speaking myself, and I spoke earlier about the Member for Edmonton-Beverly-Clareview bringing this issue to the front by calling women vindictive leeches. Now, that was inappropriate. That did not further the cause of anyone, so he cannot speak for me.

4:40

THE DEPUTY SPEAKER: To the point of order.

MR. DOERKSEN: Mr. Speaker, on the point of order. If the member checks the voting records in *Hansard*, she'll find out that she did in fact vote against that particular bill. If I am out of order, though, in my comments, I would ask for your ruling on that, and I would apologize if that is inappropriate.

THE DEPUTY SPEAKER: The chair would observe in listening to this that members on both sides would err when they start to reflect on what other people are doing or thinking or saying or their past conduct.

In any event, the specific call is on 23(i), "imputes false or unavowed motives." I did not hear a false motive implied, but maybe there has been some clarification in the explanation that both members have given. But I wonder if we could stick to the worth of the bill, please, hon. member.

MR. DOERKSEN: Thank you for your ruling on that debate, Mr. Speaker. In fact, I will compliment the Member for Spruce Grove-Sturgeon-St. Albert in a moment on some of the points that she has raised in her own speech on this bill, and I will come to that.

Debate Continued

MR. DOERKSEN: Back to the Member for Edmonton-Beverly-Clareview. The private member's bill that he introduced did not receive the support of this Assembly, but the fact that he highlighted it in such a manner has been instrumental in seeing that program used extensively across the province. I'm referring to the parenting after separation program. It's very much a factor that was presented to us in our submissions. This is a program where we can see results, and we know it can be effective in helping parents recognize that their relationship with their children does not end even when their relationship with each other does.

The idea of supervised access centres has also been brought to our attention as a possible strategy. However, I think it requires further examination before I would be prepared to recommend it. It has been suggested by Manitoba, which I believe is a jurisdiction that has tried such a centre, that the initiative was far

too costly to administer and there are more cost-effective methods to assist parents in exercising access.

As I stated earlier, Mr. Speaker, this bill raises a very important issue, and I certainly agree with the intent to bring it forward at this time. I commend the member for her efforts. Also, as I mentioned, the issue is under review, and the concepts under review in this bill will be considered by that committee in their recommendations.

One thing that the Member for Spruce Grove-Sturgeon-St. Albert did bring up, which is another item that was brought to our attention, was the whole issue of family court. That's another issue that I think has tremendous merit. Our court system is very complicated between Queen's Bench and Provincial Court and how that all fits together. I think she may, in fact, be on to something, and it is something that we have given consideration to.

Having laid the groundwork for debate for the issue at hand, I want to now turn my attention to some of the ideas raised by the bill. Mr. Speaker, Bill 209 allows for the appointment of a director of access enforcement. While I think this also merits discussion, I have a number of concerns with the way it's presented in the bill. Section 4(4) states that the director may apply to the court on behalf of the noncustodial parent who believes he or she has been wrongfully denied access. Section 5(4) allows the director to apply to the court on behalf of the custodial parent if that person believes the other party has failed to exercise their right to access.

It would seem important to me that such a director would need to act in an impartial manner, like a mediator. To give authority for the director to act on behalf of either party puts the director in an untenable position and brings into question the impartiality required for such a position. I also wonder whether the director of access enforcement creates an unnecessary level of bureaucracy. These are questions that need to be answered, Mr. Speaker.

The next point has to do with a list of justifiable reasons for denial of access as outlined in section 4(8). The list identifies a number of commonsense parenting situations where any parents who are co-operating know full well the appropriateness of access. In that regard, the list seems perfectly logical. Nevertheless, the difficulty in setting out such a list is that the court order already sets out the terms of access, and to deny same is reason to be found in contempt of court. In our system of law, rightly or wrongly, we simply have to believe that a judge who has taken into account all factors in making a court order for access has made an appropriate decision. If we were to enter into the contemplation of the development of such a list, it would also have to be reciprocal. By that I mean that in a circumstance where the noncustodial parent is returning the child to the custodial parent and finds that custodial parent is in violation of such a list, then that parent would also have reason to refuse to return the child. In that case the parent then could be subject to abduction charges.

It is a difficult issue in the bill that sets that out there, Mr. Speaker, and I might refer just for example to subsection (c) of that clause, where it says, "The respondent believed on reasonable grounds that the applicant was impaired by alcohol or a drug at the time of access." Common sense would tell you, and if I were the parent and if that were the case, that seems like a perfectly logical reason. But then it should also be the case that as a noncustodial parent, if I'm returning my child to the custodial parent who might also be in that state of mind, then I would not

have to deposit that child back with the custodial parent. It creates some difficulties. For the Access Enforcement Act to work, it must set out equal conditions and the legal recourse for both custodial and noncustodial parents. The creation of such a list could pose insurmountable difficulties.

The act introduces punitive measures for access denial. We have heard through the review committee that perhaps punitive measures are not the most effective deterrent for wrongful denial of access or for failure to exercise the right to access. Mr. Speaker, we must consider the effect on children if a parent, particularly the custodial parent, is jailed for a period of time. The children are already experiencing significant change and difficulties in coping and adjusting without compounding their hurt by taking away another parent.

I have to admit that I am intrigued by this suggestion of holding a noncustodial parent who has obtained access accountable for the failure to exercise their right of access. Again the Member for Spruce Grove-Sturgeon-St. Albert – and this is twice I'm doing this today; it's unusual. I agree with her point that there is nothing so damaging to a child's psyche than to be waiting for their father or their mother to show up at the appointed time, ready with whatever they're taking, only to be stood up time and time and time again. While it is questionable that a \$1,000 fine is going to encourage or force a parent to take an interest in their child or to play a larger role in their life, perhaps it would help, and maybe it would reduce the number of cases where disputes over custody are fought out of spite alone. By that I mean if that mechanism were possible in law and if we could come to a place where we could agree to it, where parents fight to have access only out of spite, they might think twice if they knew that they could be held accountable for failure to exercise the access they have fought for so hard. Mr. Speaker, I am intrigued by the idea. It makes some sense to me.

Access enforcement legislation needs to look not simply at parents' rights but also parents' responsibilities. The state of Washington has the Parenting Act, which is based on an aspect of divorce law with a parenting plan concept. Divorce is not viewed as one party suing another but as a family asking for assistance in reorganizing. The terms custody and visitation or access are replaced with residential care and decision-making. Under the Parenting Act divorcing couples must submit a parenting plan, which is a detailed articulation of postdivorce parenting responsibilities. This forces parents to outline upon separation the terms of residential care, including the school year, vacations, birthdays, et cetera. Parental responsibility must be designated for transportation and decision-making in the areas of education, religion, and medical decisions. In addition, parents must predetermine their choice of dispute resolution should future conflicts arise. Options may include the court process, mediation, or counseling.

4:50

Mr. Speaker, these types of options that promote amicable relations between parents must be examined to minimize the impact on the lives of the children involved. When a child's parents are separating or divorcing, it is an extremely difficult time for children. It is important that their lives continue on as normal and consistent as possible. Part of this stability includes extended family. I would review with the Assembly that the Member for Calgary-Fish Creek sponsored a grandparents' access rights bill that was passed in this Assembly last session which ensures that when it's in the best interests of the children, grandparents have access to those children.

Mr. Speaker, the review committee is currently considering the

maintenance enforcement and child access system as a whole. We will consider the concepts contained in this bill. We will look at many other related issues as well. Our goal is to ensure that the result is a system that is effective in ensuring that the best interests of the child are met as well as the rights and responsibilities of the parents.

Mr. Speaker, one other thing I think needs to be clarified. Many of the court orders that are granted in access use the term "reasonable access." I think that is an issue that requires some clarification, for the courts to define what they mean by reasonable access. We need to examine the need for parents to be able to attend the courts during holiday seasons. In addition, instead of punitive measures for either failure to grant access or failure to exercise access, maybe we could look at the benefits of community service measures as opposed to punitive financial penalties.

Mr. Speaker, I do support the direction of Bill 209, but its passage is premature at this time. The review committee is considering these options as well as many others. It is critical that we move ahead with improvements to access, and I will commit to look at all of our options in our review committee to ensure that the result is the best system possible for Alberta's families.

Thank you.

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

MR. MacDONALD: Thank you, Mr. Speaker. It's a pleasure to rise this afternoon and say a few words regarding this Bill 209, Access Enforcement Act. I would like to congratulate my colleague on bringing this bill forward. I realize that she has a unique perspective on this because of her past job as a policewoman in this city. She has seen many situations firsthand where this sort of legislation would have been adequate and would have helped the children. I would also like to thank the member across the way, the hon. Member for Red Deer-South, for his comments. I listened with interest to what he had to say, and I'm very grateful for his input into this debate.

The highlights as I see them. We are going to create the position of director of access enforcement. This is a time when we cannot think about costs or expense. This is a necessary expense because the children in Alberta must not be unreasonably denied the opportunity to develop meaningful relationships with both of their parents.

[The Speaker in the chair]

Another highlight of this bill, Mr. Speaker, is that the director – and the hon. Member for Red Deer-South talked about this briefly – can assist any person who has a court order for access when their access has been wrongfully denied. One of the biggest problems that I believe we have in this province and throughout this country and I think in all of the western world is the breakdown of our relationships, the family home. Raising the next generation is perhaps the most important job in any society. Sometimes we can get caught up and some divorces are rather stressful, and it is the children that suffer. If this bill will help, as I said before, the children, then we must vote for this piece of legislation.

Another highlight of this Bill 209 is that the director can assist a person who has custody of a child when that person has an access order and does not properly follow the terms of the order. That's self-explanatory, Mr. Speaker.

Another highlight of this is that we can have mediation before the use of the courts. This mediation can perhaps help both parties to realize that the future of their relationship is really the entire future of their child or of their children. This mediation can perhaps emphasize that to the parties. That is another very, very good reason why this Bill 209 should be considered, and we should consider the merits of it in this Assembly.

This bill also contains exceptions to account for instances when access should not be exercised. Under the bill not every denial of access is wrongful, as there are times, Mr. Speaker, when a custodial parent may have a legitimate reason to deny access. I understand that when they were drafting this legislation, they looked through similar legislation that exists in the province of Newfoundland and also in Ontario. For instance, the custodial person has reasonable grounds to believe that the child might be physically or emotionally harmed. An example of this would be if the custodial person shows up for the access visit with their newest spouse who has a conviction for abusing the child. Other reasons: they themselves – and I mean the custodial person – might be physically harmed; the custodial person shows up at the exchange point and the access person assaults him or her; the access person is drunk or under the influence of narcotics; the child is too sick to go. Once again we have to think of the child. These are all valid reasons.

Other reasons which are in the bill are when the access person is more than an hour late – and the hon. Member for Red Deer-South put this very, very well, very eloquently I thought – or if the access person does not comply with the condition of the access that both parties had agreed to in writing or that the court had ordered. These are important points, Mr. Speaker.

5:00

We also have to think, whenever we're discussing the children of this province, that this bill would also apply to aunts, uncles, grandparents, or anyone else with a child custody order. This is almost in support of the bill that was introduced in the spring session by the hon. Member for Calgary-Fish Creek.

I am proud to stand and support this bill, Mr. Speaker, because I think we will have a better province as a result of this legislation.

THE SPEAKER: The hon. Member for Edmonton-Beverly-Clareview.

MR. YANKOWSKY: Thank you, Mr. Speaker. I'm pleased to rise and speak to Bill 209 today. Access to children is an increasingly difficult and rapidly growing issue. It is certainly an issue that Albertans and we as legislators of course need to address, and I applaud the efforts of the Member for Edmonton-Norwood for recognizing the importance of this issue. However, I must say at the outset that I do have many concerns with Bill 209.

Mr. Speaker, I have read through this bill and examined its contents, and in doing so, I was astonished to find that nowhere in Bill 209 is there reference made to the best interests of the child. So often we are witness to the child or children being used as negotiating levers – sometimes we say: pawns – as the process of divorce is carried through. The frequency of such an occurrence must stop, and I think it is of the utmost importance that the best interests of the child or the children are considered.

I'm curious as to the reason behind the omission of this reference in Bill 209. Certainly the sponsor of this bill recognizes the importance of ensuring that the best interests of the child are

paramount in access situations. In fact, Mr. Speaker, it is clearly identified and outlined in the federal Divorce Act and Alberta's Provincial Court Act that all orders of the court are to be made in the best interests of the child. Bill 209 fails to recognize this very basic premise. Children, after all, are the primary concern surrounding the issue of access, and that needs to be made very clear within legislation.

Moving on to another issue, Mr. Speaker, I find it odd that a bill entitled the Access Enforcement Act fails to define what is meant by access. Bill 209 refers to access in a manner suggesting that access is the result of a legal confrontation between the parents of a child versus the rights of separated parents and the children involved. Is it not the point that we would like to avoid a confrontation and that by legislating access, we would have clear definitions set out so as to avoid legal disputes and further disintegrating relationships?

Mr. Speaker, I also have many questions with respect to the director of access enforcement, as outlined in section 3 of this bill. There would certainly be financial implications with the creation of such an entity. I question how this position would be set up and whether or not there would be enforcement officers hired to assist the director. The issue of financing was certainly not addressed in Bill 209, and certainly I did not find the answers to my other questions either.

I would also like to discuss the matter addressed in section 4(2) of the bill. This section states that "the Director may appoint a mediator." Mr. Speaker, while we know that making use of a neutral mediator or negotiator is an effective tool in conflict resolution, I question whether or not forcing mediation would be useful to any of the parties involved.

In addition, I question the implication that mediation would be appropriate in all situations. I would suggest instead that mediation should be an option made available to parents involved in access disputes. Used as a voluntary measure when necessary and agreed to by both parties, a mediator would prove to be far more effective and successful in resolving the conflict.

Mr. Speaker, section 4(8) outlines eight excuses or justifications that may be used by custodial parents as a basis for denying access to the noncustodial parent. These excuses are unfairly applied in that noncustodial parents are not provided with similar opportunities to provide justification for not exercising their right to access. It seems to me that what this section does is provide reasons for a custodial parent to deny access to the child or children to the noncustodial parent.

I would like to also add, Mr. Speaker, that this access afforded to a noncustodial parent is the result of an order that has been issued by the court. Allowing for doorstep judgments or change of mind by the custodial parent is unfair and not acceptable. To use an example provided to me in a letter sent to my office, if a custodial parent believes that the noncustodial parent is impaired, the custodial parent should not grant access and should call the police to alert them to an impaired driver. I provide this example because this type of action would provide legitimacy to the decision not to grant access at that particular time.

Mr. Speaker, this and other decisions that can't be corroborated make more sense to have in place a piece of legislation. To provide a list of what appear to be excuses only weakens the legitimacy of both a court order and this bill. We know that when it has been the determination of the court as to what the terms of the access would be, it has been a decision to benefit the children as well as the parents.

This brings me back to a point that I made earlier, and that is the point that any legislation regarding access should be to avoid confrontation, confrontation that would almost certainly result in more court appearances and further breakdown of already precarious relationships.

Mr. Speaker, not only does this list go against a court order, it also adds an extreme bias to the bill before us. To have a list that is applicable to only one of the parents is not fair and would serve only to further antagonize the situation. In addition, most of these excuses are based on what the respondent believed to be reasonable grounds. These justifications are based on opinion rather than fact. This would prove to be very problematic in the courts and lead to additional conflict between the two parties involved.

Mr. Speaker, with respect to section 5 I will echo the words of my colleagues before me and ask: how do you coerce someone into taking an interest in their child? Force is not the answer in any situation. Coercing a parent to visit their child is not going to foster a healthy and loving relationship. Unfortunately, in some situations it is not always in the best interest of the child to have a relationship with the noncustodial parent.

5:10

Mr. Speaker, I do not think it can be stressed enough just how important it is that we establish a piece of legislation that meets the best interests of the child. I should also add that I do recognize the situation of having to negotiate custody or access. It's also traumatic for the parents, something I am sure everyone else in this Assembly realizes as well. I can only imagine what it must be like to have your time with your children dictated to you. There must be no greater devastation than being denied access to your child. We have to respect that there truly are situations where having access to children is abused by either or both the custodial and the noncustodial parents. Unfortunately I think this bill has missed a number of critical issues that need addressing, such as the creation of a fair system of addressing access and the use or misuse of it.

I would like to share with the members of this Assembly a critique of Bill 209 I received from the Equitable Child Maintenance & Access Society. The society represents over 1,500 families throughout Alberta, and the critique succinctly outlines concerns raised to this group of Albertans by Albertans and others throughout the country. I would note, Mr. Speaker, that the membership of this group is both men and women, custodial and noncustodial parents. They believe that Bill 209 will only serve to entrench into law the excuses already being used to deny court-ordered access and will reduce some of the remedies that noncustodial parents already have through the courts. The group offers a number of initiatives that they feel should be reviewed before the legislation is passed. These include the introduction of a central registry for access orders and education for the judiciary as well as police agencies as to access enforcement.

Mr. Speaker, I wholeheartedly agree with the Member for Edmonton-Norwood that we must address this issue, but Bill 209 is not the way to do this. The maintenance enforcement program and child access review committee is currently reviewing the concepts found in Bill 209 as well as other issues such as how our current programs can be improved to identify the causes of problems relating to access. I believe the review committee is taking a broader look at this issue and will be in a position to make recommendations to the Minister of Justice that will improve on the maintenance enforcement and child access system in its entirety. For these reasons I will not be able to support Bill 209.

At this time I would like to move that we adjourn debate on Bill 209.

THE SPEAKER: Having heard the motion by the hon. Member for Edmonton-Beverly-Clareview, does the Assembly agree with the motion?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? The motion is carried.

MRS. BLACK: Mr. Speaker, I move that we call it 5:30 and

adjourn the House until 8 o'clock this evening when we'll reconvene in Committee of Supply.

THE SPEAKER: Does the Assembly agree with the motion by the hon. Deputy Government House Leader?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

[The Assembly adjourned at 5:14 p.m.]

