

## Legislative Assembly of Alberta

Title: **Wednesday, March 10, 1999** 1:30 p.m.

Date: 99/03/10

[The Speaker in the chair]

head: Prayers

THE SPEAKER: Good afternoon. Let us pray.

O Lord, we give thanks for the bounty of our province: our land, our resources, and our people.

We pledge ourselves to act as good stewards on behalf of all Albertans.

Amen.

Please be seated.

Before I call on the hon. Minister of Intergovernmental and Aboriginal Affairs, hon. members may be interested to know that third reading was given today in 1960 giving the Indian people of Canada, including those of Alberta, the right to vote in national elections.

head: Introduction of Visitors

THE SPEAKER: The hon. Minister of Intergovernmental and Aboriginal Affairs.

MR. HANCOCK: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to members of this Assembly Mr. Marlis Syamsuddin, consul general for the Republic of Indonesia. I'd like to take this opportunity to welcome the consul general on his first official visit to our province since his appointment last November. Indonesia is one of Alberta's key business partners in the Asia Pacific region. We share common interests in energy, in agrifood sectors, and a number of Alberta companies have been actively involved in exploration and development activities in Indonesia's oil industry. We look forward to continuing our strong relationship with Indonesia, and we anticipate that this visit will create opportunities for both regions. The consul general is accompanied today by Yusra Khan, the vice-consul and head of economic affairs, and Julang Pujianto, vice-consul and head of consular affairs. I ask the consul general and his party to rise in the Speaker's gallery and receive the warm welcome of the House.

head: Presenting Petitions

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

MR. SAPERS: Thank you, Mr. Speaker. With your permission I would like to present the following petition to the Assembly:

Whereas, excellence in public education is the cornerstone of our future, and students, parents, teachers and community volunteers are being exhausted by endless fundraising for basic education materials and services;

We the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government to increase funding of children in public and separate schools to a level that covers increased costs due to contract settlements, curriculum changes, technology, and aging schools.

This petition is signed by 139 Albertans, many of them living in the constituency of Edmonton-Glenora.

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

MR. MacDONALD: Thank you, Mr. Speaker. I also rise to table a

petition supporting public and separate schools. This petition is signed by 112 concerned Albertans, and they are from the SOS, or Save Our Schools, campaign.

Thank you.

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

DR. MASSEY: Thank you, Mr. Speaker. With permission I would table an SOS petition signed by 112 residents urging the government to increase funding of children in public and separate schools to a level that covers increased costs due to contract settlements, curriculum changes, technology, and aging schools.

Thank you.

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

MR. WICKMAN: Thank you, Mr. Speaker. With your permission I'd like to table a petition signed by 112 Albertans asking the government to recognize the need for increased funding of children in public and separate schools. That now brings our total to 2,199 and growing.

head: Reading and Receiving Petitions

MS GRAHAM: Mr. Speaker, further to my report of Tuesday, March 9, 1999, on behalf of the Standing Committee on Private Bills I move that the three petitions for private bills presented in the Assembly on Monday, March 8, 1999, now be deemed to be read and received.

head: Notices of Motions

MR. SAPERS: Mr. Speaker, I rise to give notice that at the appropriate time I will move the following motion pursuant to Standing Order 40:

Be it resolved that this Legislative Assembly refer the Report of the Auditor General on the 1994 Refinancing of West Edmonton Mall to the Standing Committee on Public Accounts forthwith.

head: Tabling Returns and Reports

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

MS LEIBOVICI: Thank you, Mr. Speaker. I'd like to table this afternoon copies of a report from the Consumers' Association of Canada, the Alberta section, which surveyed access to cataract surgery, and it indicates that the private, for-profit sector does not have equal access to surgery as the public sector does.

Thank you.

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

MS CARLSON: Thank you, Mr. Speaker. Today I have three tablings. They are all letters from parents of Ekota elementary school, and they are all for the information of both the Premier and the Minister of Education. Deborah Harrison, N. Mortemore, and Franz Gruener are all very concerned about the inadequate funding being given to public education in this province at this time.

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

MR. WICKMAN: Thank you, Mr. Speaker. I wish to table today five copies of the video lottery retailer agreement, the master agreement between the Alberta Gaming and Liquor Commission and the video lottery retailer.

THE SPEAKER: The hon. Member for West Yellowhead.

MR. STRANG: Thank you, Mr. Speaker. At this time I'd like to table copies of 88 signatures from the Grande Cache area on a petition to support public and separate schools in Alberta.

Thank you.

THE SPEAKER: Hon. members, I'd like to table an agreement by the three House leaders dated March 8, 1999, and entitled designated supply subcommittee agreement. The chair would also like to remind all members that this agreement is to be read in conjunction with the Standing Orders of the Legislative Assembly of the province of Alberta, which of course take precedence.

head: Introduction of Guests

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

MR. SAPERS: Thank you very much, Mr. Speaker. It is my pleasure to introduce I think the largest group of visitors that I've had the pleasure of hosting here at the Assembly. There are hundreds of them or at least 115 of them. They fill both galleries. They are a group of grade 10 honour students from Archbishop MacDonald high school in my constituency, and they travel from all across the city to go to that fine institution. It is now jammed to the rafters. This group of very gifted and intelligent students is accompanied today by three teachers: Mrs. Warren, Mr. Diduch, and Mrs. Schumacher. In and amongst their numbers are two individual students that I just wanted to draw to the attention of my colleagues in the Assembly. Ms Jill Dola is a great-niece of the Lieutenant Governor and -- I promised him I wouldn't do this -- Diana from visitor services is proud that her son is with us today as well, and he knows who he is. I would invite him and Jill and teachers and all of my guests to please rise and receive the welcome of this Assembly.

head: Oral Question Period

THE SPEAKER: First Official Opposition main question. The hon. deputy Leader of the Official Opposition, the hon. Member for Lethbridge-East.

### **Health and Education Planning**

DR. NICOL: Thank you, Mr. Speaker. Responsible government requires responsible planning. My questions are to the Premier. What changed in the government's criteria from last week, when saying everything was okay, to this week's need for \$1.6 billion in health care and education?

MR. KLEIN: Well, Mr. Speaker, is the hon. member saying that we ought not to do this? Is that what he's saying?

1:40

DR. NICOL: Mr. Speaker, the question was: what are the criteria in the plan in health care and education that show that this money will be properly spent?

MR. KLEIN: Well, Mr. Speaker, relative to health, I just happen to have it here. This is the three-year business plan. I don't have five copies to table. I'd be glad to do that. Well, tomorrow is budget day. I'd be glad to just send it over to the hon. member, and he can read it. It's a three-year business plan relative to health, and yesterday we announced that adequate funding would be put in place to accommodate this three-year business plan.

Mr. Speaker, I would like to remind the hon. member that this was

the first government and perhaps now it's the only government to actually prepare three-year business plans and make those plans public.

DR. NICOL: Thank you, Mr. Speaker. How do we know that this money will be used to modernize the systems in education and health care and not just provide more of the same?

MR. KLEIN: Well, Mr. Speaker, I think that is a very, very good question, and it's one that the hon. Minister of Health can address and the hon. Minister of Education, and I will have them address that question in that order.

MR. JONSON: Well, if I might be first, Mr. Speaker, I could go on as you might imagine at some length, but I'd just like to say a couple of things. First of all, there are a number of things happening in the health care system which are going very well. They are nationally and world renowned. I would refer to some of the most modern, most effective procedures with respect to the treatment of heart disease in this province, with respect to kidney failures, with respect to telehealth, with respect to telepsychiatry, and those are things that we recognize in the evaluation that we do through our business plan. They're working very well, and we want to be able to extend that.

In addition, as another example we have in the province a number of new and innovative areas of development. One of them is in the area of long-term care and continuing care, examples such as the CHOICE program right here in Edmonton, where we are funding a program which allows people to stay in their homes but provide the needed health and other supports that they need as they age. We want to drive more of that type of change in the health care system.

As I've said, Mr. Speaker -- and I'm not exaggerating here -- if the Assembly has the time, which I know it doesn't, I could go on at some length about the goals and the plans that we have for the health care system in this province.

MR. MAR: Mr. Speaker, I too could go on a gasconade about the virtues of our education systems. Looking at international exam results and our national tests, we know that our students are doing very well, so more of the same is not necessarily a bad thing. We do have a good education system that is occasionally excellent. That doesn't mean that we don't want to do better, and this three-year plan does call for more innovations.

It does provide funding increases for those areas where we're already doing a good job, but it goes further than that, Mr. Speaker. It enters into a number of areas where we can provide innovation and some new ideas, some creative solutions, not just in capital but also in the education area itself. We are focusing our dollars on classrooms, on kids, and I think that is a message that all Albertans will appreciate.

THE SPEAKER: Second Official Opposition main question. The hon. deputy Leader of the Official Opposition and hon. Member for Lethbridge-East.

### **Tourism from Southeast Asia**

DR. NICOL: Thank you, Mr. Speaker. It's good to see the consul general from Indonesia here this afternoon.

My second question deals with Southeast Asia. Despite recent economic difficulties in Asia the sheer size and potential of that market means it is a vital source of revenue for Alberta. In 1966 alone visitors from the Asia Pacific spent over a quarter billion dollars in our province. Development of revenues from a growing

tourism industry is essential for Alberta. My questions are to the Premier. Why is Alberta's tourism council reporting that "the performance of Alberta in the Asia Pacific has been dismal at best in the past few years"?

MR. KLEIN: Oh, Mr. Speaker, I think that worldwide Asian travel to North American markets has been down because of the Asian flu. I'll take the question under notice, but I think that if the hon. member were to consult with the management of the Banff Springs Hotel or the Jasper Park Lodge, he would find that this is a general trend, that visitors from Asia are down, and this is a North American phenomenon.

DR. NICOL: Thank you, Mr. Speaker. In that vein, why is it that Alberta's market share actually decreased from those regions in both 1997 and 1998?

MR. KLEIN: Well, Mr. Speaker, I think I answered that question. It's because of the so-called Asian flu and the poor economic conditions that exist generally throughout southeast Asia.

DR. NICOL: Mr. Speaker, market share is a proportion of the total, not the absolute level.

My third question is again to the Premier. Was the percentage of Alberta's loss in the Asia Pacific market directly attributable to the government's mismanagement in Alberta's tourism industry?

MR. KLEIN: Mr. Speaker, first of all I take exception to the allegation or the assertion that it has been mismanaged. Those involved in the tourism industry have been doing a marvelous job as a private sector to promote the various tourist destinations, and while Asian travel is down, I can tell you that travel from the United States is up and travel from Europe is up.

THE SPEAKER: Third Official Opposition main question. The hon. Member for Edmonton-Meadowlark.

### Eye Care Clinics

MS LEIBOVICI: Thank you, Mr. Speaker. The Consumers' Association of Alberta has released results of a survey of ophthalmologists working in the public health care system and in private, for-profit clinics. The survey found that for-profit clinics are not more efficient, do not reduce waiting lists, and do not provide equal access to cataract surgery. My questions are to the Premier. Will the government now take action to stop the practice of preferential treatment for those who can afford to pay for cataract surgery?

MR. KLEIN: Mr. Speaker, I'll say once again that we will take whatever action is necessary to make sure that all aspects of medical services comply with the Canada Health Act.

MS LEIBOVICI: So will the government now ban the practice of extra billing vulnerable patients for foldable lenses?

MR. KLEIN: Well, Mr. Speaker, that's a detailed question, and I will have the hon. Minister of Health respond.

MR. JONSON: Mr. Speaker, first of all I think it should be emphasized that in the province, yes, we have cataract surgery being offered directly through the public system and also under contract to regional health authorities, and in terms of access, which I think should be of concern to people, right now in this province there is

capacity to do additional cataract operations. So this is not an issue of access nor an issue of quality, because I think in both types of arrangements I have had no indication that there isn't top-quality surgical service available in the province.

What we are referring to is a particular type of lens, Mr. Speaker. The lens, which is medically required, follows clinical practice guidelines and so forth, is available to every individual in this province with respect to their cataract services, and with respect to the enhanced foldable lens that the hon. member is referring to -- or it could be some other device quite frankly in the health care system which is beyond what is medically required. There are charges made for those types of additional enhancements, with respect to whether it's a foldable lens or a wheelchair or some other particular part of the system.

MS LEIBOVICI: Well, Mr. Speaker, as in Calgary, where 100 percent of the clinics are contracted out privately, the waiting list is from 16 to 24 weeks and in Lethbridge, where 100 percent are within the public sector, the wait list is four to seven weeks, will the government release all information on the existing private, for-profit health care facilities so that Albertans can see where their money is going?

1:50

MR. JONSON: Well, Mr. Speaker, we account for in a very detailed process in government every dollar that we spend of taxpayers' money, and that is done. The other thing is that in Calgary, as I understand it, there is capacity. There is the ability to have cataract surgery in Calgary. However, one of the facts is that if a particular individual is seeking the services of a particular physician, yes, there might very well be a waiting list. But in terms of needing that particular treatment and getting it, it's my understanding that it's available to Calgaryans.

THE SPEAKER: The hon. leader of the ND opposition.

### Tax Reform

MS BARRETT: Mr. Speaker, all this week the government has been engaging in what I can only call a budget striptease. [interjections] What else would you call it? One day we hear the precise amount that's going to be given in new money to health care, the next day the precise amount of new money that's going to go to education. Yesterday, following a motion in the Assembly, the government members voted in favour of a new flat tax system. Today we hear through the *National Post* that the government is going to do this in its budget tomorrow: launch a massive transfer of tax liability from the wealthy to the middle-class and call the move compassionate. My question to the Premier is this: how can he in good conscience be part of an exercise that will result in the biggest transfer of wealth in Canadian history from middle-income Albertans to high-income Albertans?

MR. KLEIN: Oh, precisely the opposite is true. It's really our objective to give those who are in the low-income bracket as much of a tax break as we possibly can.

MS BARRETT: Well, Mr. Speaker, perhaps the Premier will explain how it's fair that Albertans making \$30,000 would pay exactly the same rate of tax as someone making \$100,000?

MR. KLEIN: Mr. Speaker, I would suggest that the hon. member is leaping to all kinds of assumptions, and I would suggest that she sit in her seat and listen very carefully to the budget presentation tomorrow.

MS BARRETT: After the government's budget striptease I don't think it's necessary, Mr. Speaker.

What I'm asking the Premier is how he can support a tax reform which provides tax relief to Albertans making over \$100,000 a year at the expense of Albertans who are making between \$30,000 and \$100,000 a year. That's what they're proposing.

MR. KLEIN: Mr. Speaker, I would advise the hon. member to stay tuned. The budget will be coming down tomorrow, and I'm sure that she will be pleased to see the steps that are being taken by this government to provide tax relief for low-income families.

THE SPEAKER: The hon. Member for Lacombe-Stettler, followed by the hon. Member for Edmonton-Rutherford.

### **Delegated Administrative Organizations**

MRS. GORDON: Thank you, Mr. Speaker. My questions are to the Premier. In my opinion, yesterday's decision regarding VLTs throws grassroot democracy right out the window. As a former municipal mayor I value the rights of electors. As a government we take the rights of Albertans very seriously. A petition confirmed valid as outlined in the Municipal Government Act requires that official action be taken by that particular council. In good faith many communities including my own, the town of Lacombe, followed this procedure. Obviously to no avail. Mr. Premier: where do we go to from here?

MR. KLEIN: Well, it's quite obvious, Mr. Speaker, that we have a problem relative to delegated authorities, one of which is the Alberta Gaming and Liquor Commission. We're going to have to -- and I've consulted with the hon. Minister of Justice and Attorney General as to where we go in terms of putting in place legislation, hopefully that will be introduced this spring -- really not become intrusive and to allow the commission to operate arm's length but at the same time put in some kind of mechanism that would provide policy direction for the commission.

MRS. GORDON: Mr. Premier, you mentioned DAOs. Could this ruling affect the work that is being done by many of our DAOs, government delegated authority organizations such as the tire recycling board, the Alberta Boilers Safety Association, and/or the Alberta Conservation Association?

MR. KLEIN: Well, Mr. Speaker, as the hon. member points out, the list goes on, and I do not have the answer to that question. It's a legitimate question to be asked, and I've asked the hon. minister to look into this, to consult with his colleagues who have responsibilities for delegated authorities, and to work to see that, in fact, these authorities can operate arm's length and conduct their day-to-day business but that at the same time if there needs to be policy direction, that direction can be given.

MRS. GORDON: Mr. Premier: what will now happen to the two communities where VLTs have been removed; namely, Rocky Mountain House and the town of Sylvan Lake?

MR. KLEIN: Again, very interesting question. I just don't have the answer, and that's one of the questions I asked of the minister yesterday and asked him to get together with his lawyers in-house and do an examination of that particular issue. I simply do not have the answer at this particular time, but hopefully very soon we will have the answers to these questions.

I will have the hon. minister supplement and maybe bring us up-to-date as to where he is now with his lawyers in the department and what he contemplates in terms of legislation.

MR. HAVELOCK: Yes. Thank you, Mr. Premier. I just met with department officials this morning, and we reviewed about 10 or 12 different issues in different areas where we feel that the decision will impact government policy and the VLT issue generally.

As the Premier mentioned, we are looking at a legislative framework which we would like to put in place, and there are three aspects of that framework we would like to see implemented. One is that we wish to try and reflect the needs and wishes of local communities. Secondly, we do need to have a mechanism, as the Premier indicated, to ensure the independence of the AGLC is maintained, while nevertheless having the AGLC take into account government policy. Finally, Mr. Speaker, although we haven't come up with a solution to this yet, we would like to try and avoid the numerous plebiscites which we just went through, because of course the communities went through I think some very difficult times, and it was an interesting issue. Nevertheless, we would like to try and ensure that they don't have to do that again to ensure that their direction in the future is adhered to.

As I indicated earlier in my answer, there are about 10 or 12 different issues impacting the delegated authorities. Also we need to take that into account. I'm not sure if the hon. member mentioned that for example this may also impact the Racing Commission. So it's a very complex decision. It has a significant impact on government policy and government operations, and unfortunately, while I'd like to be able to give an answer today, it's going to take us a little bit of time to sort through this.

THE SPEAKER: The hon. Member for Edmonton-Rutherford, followed by the hon. Member for Wetaskiwin-Camrose.

### **Gaming and Liquor Commission**

MR. WICKMAN: Thank you, Mr. Speaker. Following on the heels of the wisdom of the Member for Lacombe-Stettler, to the Premier. In its eagerness to cash in on VLTs, this government plunged ahead without looking at the consequences down the road. The Premier now finds himself scrambling on this issue. The seven-day promise is out the window. Mr. Premier, exactly who is responsible for overseeing this near billion dollar industry in Alberta? The Premier, the minister responsible for lotteries, the chair of the gaming secretariat, or the unelected chair of the Alberta Gaming and Liquor Commission?

MR. KLEIN: Well, again, it's a very good question, and it's one that I would hope the hon. member would support when we bring in legislation to ensure that the commission can conduct its day-to-day business but will accept the policy direction of the government. Mr. Speaker, there are all kinds of interesting questions that arise from this particular court case. For instance, we have said as a matter of government policy that there should be a cap of 6,000 on VLTs. Can the commission now say: well, we don't think that is correct, and we're going to lift that cap. Well, I would be annoyed, and I'm sure the hon. member would be annoyed, and it's that kind of policy direction that we need to be able to provide, but we do not now have, according to the court case, the legislative framework.

2:00

MR. WICKMAN: Mr. Speaker, again to the Premier: in view of the size in terms of revenue of this industry will the government consider reassuming responsibility and control over the whole gaming industry in Alberta?

MR. KLEIN: Yes, and that's why we want to put in place the legislative framework. Mr. Speaker, we went through a process just recently and accepted the recommendations of the gaming summit. Now, some of those recommendations pertain to the whole issue of addiction, but some of those recommendations pertain to the actual business of gaming. Again, according to the court decision as I read it, we do not have the legislative framework to indeed make that a matter of policy to be abided by by the commission.

MR. WICKMAN: Mr. Speaker, my final question. Why won't the Premier just do the honourable thing: hold a provincewide plebiscite, and let Albertans decide once and for all?

MR. KLEIN: Again, that is a legal question, and in my brief discussion with the hon. minister, had we conducted a provincewide plebiscite and had that plebiscite been challenged by one or a number of VLT operators, the result according to the hon. minister would have been the same. I'll have him supplement.

MR. HAVELOCK: That's one of the specific issues which I discussed with department officials this morning, Mr. Speaker. Now, albeit, they hadn't had time to consider it at any great length, but the issue wasn't how the plebiscite was conducted. The issue was simply: has the court determined that the court was prohibiting the commission from taking any further steps to terminate based on directions from any minister, the government generally, the municipality, whether it was from a binding or nonbinding plebiscite. That was the decision itself. It wasn't how the committee voiced its concern or put forward its position. The mere fact is that the court felt the commission had not acted independently of government or the municipalities, and therefore their actions were deemed to be ultra vires.

THE SPEAKER: The hon. Member for Wetaskiwin-Camrose, followed by the hon. Member for Edmonton-Mill Woods.

#### School Achievement Tests

MR. JOHNSON: Thank you, Mr. Speaker. Alberta students have traditionally done very well on both national and international tests. However, results of a national reading and writing assessment were released today, and Alberta students do not appear to have done as well as usual. My question is to the Minister of Education. Why aren't the Alberta results better?

MR. MAR: Well, Mr. Speaker, my colleague is referring to the 1998 SAIP program, which as he indicated was released earlier today. I'm happy to say that Alberta students continue to do as well as their Canadian counterparts across Canada, with our 13 year olds doing significantly better in writing at the highest levels.

These results are consistent with what we see in our provincial assessments and with the national SAIP results from 1994. I think what the hon. member is doing is he's looked at how much better our achievement was in the areas of math and science, which were significantly higher. So, Mr. Speaker, while we perform as well as students in other provinces, it's clear that students in our province as well as students across Canada will have to do some more work in making sure that we meet national expectations when it comes to the subject area of reading. Our science and math results have been better than the reading results, but we do have some work to do in reading.

MR. JOHNSON: Thank you, Mr. Speaker. To the same minister:

why did our 13 year olds do better than our 16-year-old students on these same school achievement indicator tests?

MR. MAR: Mr. Speaker, it is fair to make comparisons within an age group. The reason why that would be fair is because the test and the expectations are the same, but differences in testing and the expectations between age groups don't support that same kind of comparison. As an example, the results are based on five levels. The 13 year olds were expected to achieve at level 2 or higher; the 16 year olds were expected to achieve at level 3 or higher. So comparisons between the 13 year olds and the 16 year olds are not appropriate, but we do want to make sure that we continue to promote that reading is important. Certainly ongoing parent and school support will be helpful in making sure that our kids are successful in reading and writing.

MR. JOHNSON: Finally, Mr. Speaker, to the same minister: why did girls do better than boys on these same tests?

MR. MAR: Well, Mr. Speaker, frankly I don't know the reason for that, but it certainly was the case also in the 1994 SAIP assessment. Girls did continue to outperform boys in both reading and writing. This is a trend across Canada and interestingly in other parts of the world as well. The long and the short of it is that we need to continue to help all students make the most of their potential in every subject, and I think that programs like the early literacy initiative in this province will help develop stronger reading skills in our students.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods, followed by the hon. Member for Calgary-Fish Creek.

#### Education Funding

DR. MASSEY: Thank you, Mr. Speaker. Returning the \$600 million ripped out of the public education system by 2002 will return our schools to roughly where they were when this government's experiments began. A Calgary teacher faxed me today with a very appropriate metaphor: the \$600 million band-aid may temporarily move students and parents and teachers into the eye of the hurricane, but the storm will continue. Can the Minister of Education, who was telling us days ago that education funding was adequate, explain what's happened to warrant such a flip-flop in government policy?

MR. MAR: Mr. Speaker, the hon. member should know better than to discount the importance of \$600 million. That's \$600 million. Our education budget from 1998-99, which was \$3.14 billion, will go to \$3.74 billion. That is the most money that has ever been spent. To suggest that there's been a cut of \$600 million and that somehow this is a restoration of it, obviously the hon. member is not well informed on this particular subject.

DR. MASSEY: Given that the minister told the School Boards Association that more money would mean raising taxes, is that what he intends?

MR. MAR: Mr. Speaker, the details with respect to the budget will be revealed tomorrow. The hon. member will be pleased to know that the hon. Treasurer has the revenue picture in mind. Also, we are controlling our spending at levels that we can afford and that are sustainable. This is an important reinvestment in education. It is an area of priority for Albertans. It is clearly an area of priority for this government. I'll be happy to entertain his questions on detail following the budget tomorrow.

THE SPEAKER: The hon. Member for Calgary-Fish Creek, followed by the hon. Member for Edmonton-Gold Bar.

### School Violence

MRS. FORSYTH: Thank you, Mr. Speaker. Violence in school is a problem every child and parent worries about. Some of my constituents have raised concerns that students getting into trouble seem to be getting younger and they are getting more violent. The use of suspensions has increased, and expulsions have doubled in the schools. My questions are to the Minister of Education. Can the minister tell the House if violence in schools has increased?

MR. MAR: Well, Mr. Speaker, Alberta schools for the most part are safe and caring places. There is research that has been done by Alberta universities that demonstrates that the actual incidence rates of violence is going down, and this is a trend that is reflected in other parts of the nation as well. According to Statistics Canada, less than 25 percent of crime reported in Canada is involving youth. Of that, less than a quarter was reported to the police. Only 2 percent of incidences of crime occurred on school property.

2:10

Mr. Speaker, I don't mean at all to discount the seriousness of this issue, because it is serious even though the trend line is going in the right direction. We are addressing all forms of violence: traditional acts such as bullying and fighting in the schoolyards but also issues as they relate to intimidation or the use of threat among students. Our goal is to promote respectful and responsible behaviour in students.

MRS. FORSYTH: Thank you, Mr. Speaker. Given that violence has not increased in our schools, why, Mr. Minister, has the number of expulsions and suspensions by some school boards increased in the past year?

MR. MAR: Well, Mr. Speaker, I beg indulgence to enter into a little detail here, but it is a complex question. For example, in Edmonton public schools the number of suspensions has increased, but in Calgary public schools the number has decreased. School boards are responsible for the discipline of their students, but they are guided by the provincial School Act, which sets out a student code of conduct. There are locally established policies set out by school boards that school boards administer.

The School Act, Mr. Speaker, outlines a basic conduct code expected of students and also outlines the process for the carrying out of suspensions and expulsions by principals and teachers. Just looking at the student code of conduct in the School Act, a teacher or principal may suspend a student who is not adhering to the student code of conduct and is not diligently pursuing studies, attending school regularly, co-operating fully with the authority of the school, complying with the rules of the school, accounting to teachers for their conduct, or respecting the rights of others.

Mr. Speaker, a principal may also recommend the expulsion of a student if there is a persistent refusal to comply with the rules of the school. Categories for expulsion would include things like drug use, arson, and weapons use. In the instance where a student has been expelled, it will still be the responsibility of the school board to ensure that there is an education provided to that student. There are some creative things being done by school boards such as outreach programs or tutoring that allow a process for this expulsion but also allow the student to continue to receive an education.

THE SPEAKER: The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Calgary-East.

### Pine Shake Roofing

MR. MacDONALD: Thank you, Mr. Speaker. My questions today are to the Minister of Labour. Is the government currently conducting tests on the durability of pressure-treated pine shakes, not shakes that have been sprayed with PQ-57?

MR. SMITH: Sorry, Mr. Speaker. I didn't hear the question. I'd ask him to repeat, please.

MR. MacDONALD: Very well, Mr. Speaker. To the Minister of Labour: is the government currently conducting tests on the durability of pressure-treated pine shakes, not shakes that have been sprayed with PQ-57?

Thank you.

MR. SMITH: Thank you, Mr. Speaker. Today at this point there are tests being undertaken not by the Department of Labour but for the Department of Labour, tests on the standard of treated pine shakes.

MR. MacDONALD: Mr. Speaker, my second question is to the Minister of Labour. Does he consider purchasing five squares of shakes at the local hardware store and sending them off to be analyzed and tested adequate, thorough long-term testing of pine shakes?

MR. SMITH: No, Mr. Speaker.

MR. MacDONALD: My third question is also to the Minister of Labour. Can he confirm for us today that his government is conducting long-term testing -- and I mean long term; I mean between 1995 and 2005 -- at a site in Whitecourt for treated and untreated pine shakes. Will you confirm that for us today, please.

MR. SMITH: Mr. Speaker, I don't know what he means by the term "long term." I can tell you that I have no individual knowledge of the specific question, but he's more than welcome to either table it as a written question or put it over in any kind of form necessary. We're more than pleased to go through the necessary research to determine if in fact something is going on, what is going on, how it's going on, and, as we have in all other matters relating to the pine shake file, report back appropriately to this House.

THE SPEAKER: The hon. Member for Calgary-East, followed by the hon. Member for Edmonton-Ellerslie.

### Child Health Benefit

MR. AMERY: Thank you, Mr. Speaker. My questions today relate to the government's new child health benefit program. My first question is to the hon. Minister of Family and Social Services. Mr. Minister, although I have received a lot of positive feedback about this new program, one concern I have heard from my constituents is that the qualification level does not change with the size of the family. Is the minister considering raising the income level for larger families?

DR. OBERG: Thank you, Mr. Speaker. The Alberta child health benefit has been a tremendous success. At the moment it provides benefits for children and families that have a net income of less than \$20,921. I think that the hon. member has asked a perfectly valid question, and as more money comes in from the federal government, that is one of the areas that we will be looking at, expanding the income thresholds for people that have more children. Quite

frankly, as you know, if you have one child, your disposable income is a lot greater than if you have five children. So, yes, that is something that we're looking at.

MR. AMERY: Thank you, Mr. Speaker. My second question is to the hon. Minister of Advanced Education and Career Development. Can the minister explain why the children of postsecondary students are not eligible for the Alberta child health benefit?

MR. DUNFORD: Mr. Speaker, in order to answer that question I have to divide postsecondary students into two groups. In terms of the students that are in adult upgrading, they in fact are eligible for the benefit program.

The other students, however, were part of the focus groups that were carried out by both Family and Social Services and our department, and both students and also their student association members indicated at that time that they wanted to keep the higher income, that they did not want to see their benefits reduced, and that they would take the responsibility, then, of providing for the drug plans, the health plans for their children. We accepted that recommendation. So while they are not eligible, they did receive the increased income.

MR. AMERY: Thank you, Mr. Speaker. Again to the hon. minister of advanced education. Can the minister tell the House what postsecondary students getting financial assistance can do if they have health-related bills which they cannot afford to pay?

MR. DUNFORD: Well, Mr. Speaker, if they find themselves in that kind of situation, then I would encourage them to come forward to our student financial assistance. Of course they can go to a career development centre or our Canada/Alberta service centres. We'll try to help them out as best we can.

### Endangered Species

MS CARLSON: Mr. Speaker, the Minister of Environmental Protection has often stated that the special places program is about endangered spaces, not endangered species. Yet the 1992 statement of commitment to complete Canada's network of protected areas also included a commitment to accelerate the identification and protection of Canada's critical wildlife habitat. Over 80 percent of endangered species are endangered because of a loss of habitat. My questions are all to the Minister of Environmental Protection. Why does the minister fail to realize that the special places program is not only about protecting spaces but should also preserve critical wildlife habitat?

2:20

MR. LUND: Mr. Speaker, while the special places program is about protecting endangered spaces, we have recognized all along that it would complement our efforts in protecting endangered species. To be more precise about what we've done to protect endangered species, we were one of the first provinces to sign the accord that the federal government had in place, and we were one of the first provinces to have legislation to protect endangered species. We have now moved to the point where we have set up a committee chaired by the hon. Member for West Yellowhead that works on the recovery plans and how we might work to save the species that are at risk or in danger of being at risk and of course those that are classified as endangered.

MS CARLSON: Well, Mr. Speaker, let's talk about that committee. What has the minister's Endangered Species Conservation Commit-

tee actually accomplished since he was required to set it up over two and a half years ago other than begin to talk about their terms of reference? It's two and a half years.

MR. LUND: Mr. Speaker, the only requirement that was ever there was the commitment that this government made that they would set one up, and quite frankly they do not exist in other provinces. We've moved forward and set up the committee. It hasn't been in existence that long, and of course as you know, when you have a committee that involves so many individuals, it does take some time to actually get to the point where they are producing some tangible results. So I would advise the hon. member to stay tuned. The machinery is now in place, and they will be in fact moving forward to some concrete actions.

MS CARLSON: Mr. Speaker, what will the committee ever be able to accomplish when this minister refuses to identify the specific needs of individual species such as size of the area, lack of disturbance, and lack of fragmentation that these species need to survive? You won't even put it on the table to discuss.

MR. LUND: Well, Mr. Speaker, I don't know where the hon. member has been in the last while, because in fact we have identified many areas where there needs to be work done. We are in the process of doing a lot of work.

You know, when our forest companies, for example, are developing their management plans, something that we require is that they look at the habitat for, say, caribou, look at the habitat for grizzly bears. Those kinds of things are all worked into the overall cutting plans before they're approved by this department.

I'm not sure where the hon. member is getting her information, because quite frankly there are great things being done and they're being done by the private sector. Ranchers are managing their land, public land incidentally, in order that endangered species or species at risk might be protected. It's happening all over the province.

THE SPEAKER: The hon. Member for Calgary-Fort, followed by the hon. Member for Edmonton-Glenarry.

### Viagra

MR. CAO: Well, thank you, Mr. Speaker. Given that yesterday Canada Health announced its approval for the potent medical drug, that raised my constituents to many questions. Some wonder if the approval of this potent drug is coincidental with the year of the rabbit. People debate the benefit of the drug. Who reaps the benefits? The medication taker or the partner or both? And who pays? I checked into the subject matter, and I found out that the use of the drug has raised the Clinton administration defence department by 50 million U.S. dollars. Given that our tax dollars are very hard to raise and our public expenditure should stay rigid, there is a concern that the drug called Viagra will push Alberta public expenditure upwards. For the benefit of some of my colleagues here and Albertans at large my question is to the Minister of Health. Could the minister explain to Albertans the general process of approval of a certain medical drug?

THE SPEAKER: Hon. member, let's get to the point.

If any hon. member wants to rise on a point of order, do it now if there's sensitivity with respect to this matter.

MRS. SOETAERT: Point of order.

MR. JONSON: Mr. Speaker, the role of the federal government and Health Canada is that of researching the safety and the overall possible therapeutic benefit of any particular pharmaceutical product, and after their due consideration, going through the process, as I understand it, Viagra has been approved as a safe and therapeutically viable product for use in Canada.

The issue, however, Mr. Speaker, with respect to the responsibility of public health care drug plans to cover such a product will have to be determined at the provincial level, certainly at least in Alberta, where we have an expert panel which looks at the merits of particular products with respect to the medical need, the therapeutic need of the population. Viagra will be no different from any other product that goes to that process. As you know, we have made a number of significant approvals lately. Multiple sclerosis is just one particular area.

That is a process which has served us well in this province. It's provided, I think, good coverage in the interests of the health of Albertans but also controlled costs.

MR. CAO: Thank you, Mr. Speaker. My second question is also to the Minister of Health. Could the minister tell us how we manage the expectation of this drug on public funding?

MR. JONSON: Well, Mr. Speaker, I think the important point here with respect to any pharmaceutical product is: is it necessary for the maintenance or the cure of some physical health condition or some very major psychological health condition. As I understand it, those would be the general reasons for it being deemed to be a public responsibility to fund any pharmaceutical product in Alberta, and I'm assuming that that particular criteria will be applied in this particular case.

### **Workers' Compensation Board**

MR. BONNER: Mr. Speaker, the former chief executive officer of the Workers' Compensation Board was given a deal that all other Albertans can only dream of. In the last year of his contract the former CEO received a total of \$946,581 in salary, benefits, and termination pay. My questions are to the Minister of Labour. Why was \$580,294 termination benefit paid to this former CEO when in that year \$123,500 had already been paid to him in lieu of pension?

MR. SMITH: Thank you, Mr. Speaker. Again, I would think a technical question with all those numbers which the member stumbled over would be one that would be a written question that we'd gladly answer.

2:30

Let me just say very briefly that, you know, it's a \$3 billion organization. I believe that when Dr. Cowell became the chief executive officer, that organization was running a \$601 million unfunded liability. When Dr. Cowell left in the year that the member points out, that organization had delivered a surplus moving towards the hundreds of millions. The total turnaround was close to \$1.5 billion dollars. [interjections] Again, the interjections come because the party from the other side doesn't want to talk about the rebates that go to the workers, that go to the employers and the fact that the WCB is a very fundamental part of the Alberta advantage, that people are going back to work faster now, that the employer rates are the lowest in the country, that people are being injured less in the workplace. The numbers are clearly put forward in the three-year business plan of the Department of Labour.

You can easily see, Mr. Speaker, the work that has been done in the WCB, not only by Dr. Cowell but an entire management team,

a board that is picked by public selection, and also a new chief executive officer that is over there now. In fact, I think it's very important that the entire details of remuneration and contract are in the public domain such that this member could bring forth such a question.

MR. BONNER: Mr. Speaker, these figures came from the 1997 annual report of the WCB. It didn't say, though -- and this is my second question to the minister. Is the current CEO of the Workers' Compensation Board entitled to the same outrageous termination benefit as the former CEO?

MR. SMITH: Mr. Speaker, that question is best asked of the current chair. As the member well knows and as he correctly reads from the 1997 report, there is a governance board in place. He knows that there is a new CEO in place. I would encourage him to pick up the phone, 498-0020 I believe, and ask for the chair of the WCB and demand an answer. It's entirely up to her if she chooses to disclose it.

MR. BONNER: Mr. Speaker, will the minister assure this Assembly and all Albertans that this type of outrageous termination benefit will not occur again?

MR. SMITH: Mr. Speaker, as the minister of the environment just so correctly told me, this is not taxpayers' money. This is employers' premiums that go into an insurance company. Then the insurance company pays an organization. These people then administer over 33,000 claims a year. They deliver the lowest Workers' Compensation Board rates in Canada. They deliver comparable and important salary remuneration. They are by government legislation prevented from running a deficit.

Certainly from the amount of correspondence I've had and that I know the Member for Calgary-Montrose has had over his impending private member's bill, there is a lot of good feeling about the WCB out there and a lot of good feeling about the work executed by not only the previous administration but also the present administration. I would wonder if the party opposite across the way gets the same amount of commendations as does the WCB.

### **Recognitions**

THE SPEAKER: Hon. members, 30 seconds from now I'll call on the hon. Member for St. Albert to be the first to provide recognitions today. Seven members have indicated their desire to participate in Recognitions. We'll proceed in the following order: first of all, the hon. Member for St. Albert, followed by the hon. Member for Edmonton-Meadowlark, then the hon. Member for Banff-Cochrane, then the hon. Member for Edmonton-Mill Woods, then the hon. Member for Edmonton-Mill Creek, then the hon. Member for Edmonton-Strathcona, then the hon. Member for Highwood.

### **U of A National Volleyball Championship**

MRS. O'NEILL: Thank you, Mr. Speaker. I rise today to recognize the University of Alberta Pandas, the winners of the Canadian Interuniversity Athletic Union women's volleyball championship held March 6. This is the team's fifth consecutive national title, a record for university teams in this province. The Pandas are also closing in on the CIAU record of six back-to-back championships.

Under the guidance of head coach, Laurie Eisler, and her staff, the team has developed a remarkable combination of skill, dedication, and teamwork. The Pandas have done a great job representing our province in national competitions and continue to maintain Alberta's



reputation for good sportsmanship and excellence in athletics. They serve as an outstanding example for other athletes across the province.

I'd like to ask all members of the Assembly to join me in extending our congratulations to the players, coaches, and training staff of the University of Alberta women's Pandas volleyball team.

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

### **National Social Work Week**

MS LEIBOVICI: Thank you, Mr. Speaker. It's my pleasure to recognize National Social Work Week, which was celebrated March 1 to 7 in Alberta. The goals of National Social Work Week are to celebrate the role and contribution of social workers and to increase information about their role.

Social work is a difficult and demanding profession which requires skill, dedication, commitment, and compassion. Social workers are not only skilled practitioners who on a daily basis dedicate their lives to providing invaluable service to individuals, groups, institutions, and communities but are also change agents and advocates to ensure that our society and institutions are fair and just.

Social work encompasses a broad continuum with a strong focus on the individual at one end and a focus on the community at the other end. It is this balance between the individual and community that makes this profession so unique.

The ninth National Social Work Week provides an opportunity for everyone to recognize the important role that social workers perform. I for one am proud to be a member of this honourable profession and wish to thank the thousands of social workers in this province who work tirelessly to improve the well-being of Albertans and communities across the province.

Thank you.

THE SPEAKER: The hon. Member for Banff-Cochrane.

### **Canada Winter Games**

MRS. TARCHUK: Thank you, Mr. Speaker. I would like to congratulate the athletes of Team Alberta on their success at the Canada Winter Games. They were excellent ambassadors for our province and displayed their athletic talent and good sportsmanship throughout the games.

I'm particularly proud of the athletes from the constituency of Banff-Cochrane, many of whom were medal recipients. Daniel Blackburn received a gold medal in men's hockey, and Shane Stevens and Stefan Kuhn both received bronze medals in men's cross-country skiing events. Colin De Geer received a silver medal in the men's giant slalom, and Jan Hudec won the gold medal in the men's super G and a silver in men's slalom. In the biathlon, Colin Bell won one gold and two silver medals. Maryke Ciaramidaro won two silver medals, and Sandra Keith received a silver medal.

Not all of the medals won by constituents were in winter sports. Paula Pearson received a silver medal as a member of the Alberta women's squash team.

I know that all members of the Assembly join me in welcoming the athletes and coaches home and congratulating them on their achievements.

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

### **Gordin Kaplan Award**

DR. MASSEY: Thank you, Mr. Speaker. Today I want to recognize

and congratulate the 1999 recipients of the Gordin Kaplan award for excellence in research at the University of Alberta. Dr. Susan A. McDaniel in the Faculty of Arts and Dr. David Schindler in the Faculty of Science are this year's laureates.

These award winners reflect the diverse interests and the insatiable curiosity that were Gordin Kaplan. He would have been as comfortable with Susan McDaniel's explorations in sociology as he would have been with Dr. Schindler's airborne contaminant studies. Both scholars exemplify the importance of and the need for our commitment to an independent university where scholars are free to pursue their studies unfettered.

Dr. McDaniel and Dr. Schindler have made a difference in how we think about ourselves and our environment. We congratulate them and the University of Alberta for being a place where their excellent work has been both encouraged and honoured.

Thank you.

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

2:40

### **Winspear Centre**

MR. ZWOZDESKY: Thank you. Mr. Speaker, I rise to recognize the Francis Winspear Centre for Music in Edmonton, which was named performing arts centre of the year in the over 1,500 capacity category at the Canadian session and touring industry awards luncheon in Toronto last Friday in conjunction with Canadian Music Week activities.

Mr. Speaker, a few years ago I happily attended the official sod turning for this centre, where I met and spoke with the late Francis Winspear, a major benefactor of this centre, and I know how enormously pleased and proud he would be with this award. The Winspear Centre is now recognized as one of the best venues in the world for live touring companies, sound recording projects, and is also attracting national conferences and numerous corporate and private events. It has even attracted the Rolling Stones.

It is truly a hallmark of excellence, and in formally recognizing it today, I want to congratulate its board, management, and volunteers and in particular John David Sterne, its new CEO of the centre and of the Edmonton Symphony Orchestra. I had the privilege of again hearing the ESO a few weeks ago under Maestro Grzegorz Nowak as they presented an incredible weekend of Ukrainian music at the award-winning Winspear Centre.

Thank you to my very good friends Tom Banks, Phil Ponting, and all the volunteers and sponsors who helped make the Winspear Centre a reality in Edmonton.

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

### **First Nations' Voting Rights**

DR. PANNU: Thank you, Mr. Speaker. I rise today to recognize the First Nations peoples of Alberta and Canada. It was exactly 39 years ago today, March 10, 1960, that the federal legislation was passed in the House of Commons giving all of them the right to vote. The Indian Act and the Canada Elections Act were amended to provide this right to aboriginal Canadians. Until 1898 First Nations peoples had this franchise in all provinces east of Manitoba. This right was taken away by legislation in that year. Our First Nations veterans of both world wars were given back the right to vote soon after the Second World War, but this right was not restored to the rest of them until 1960.

Our First Nations peoples still are negotiating land claims with virtually all provincial governments and the federal government. As well, the vast majority, sadly, still live in poverty and face despair on

a daily basis. We as legislators must applaud their struggles to this point and work closely with them as they tackle these struggles head-on today.

THE SPEAKER: The hon. Member for Highwood.

#### **Holy Trinity Academy**

MR. TANNAS: Thank you. Mr. Speaker, today I wish to recognize Holy Trinity Academy in Okotoks, which has been given official status to offer the international baccalaureate program. The IB program is an internationally recognized diploma program for students in their final two years of secondary school. Holy Trinity operates as a Christian and Catholic community of students where the individual is central to its program and activities. Academic excellence and achievement is the goal and a primary focus of the school.

Congratulations, then, to Holy Trinity staff and students for becoming the first truly rural secondary school to receive official status as a full international baccalaureate program in rural Canada. To IB program co-ordinator Scott Royce, students, and staff, best wishes in all your endeavours.

head: Motions under Standing Order 40

THE SPEAKER: The hon. Member for Edmonton-Glenora on a Standing Order 40 petition.

#### **West Edmonton Mall Refinancing**

Mr. Sapers:

Be it resolved that this Legislative Assembly refer the Report of the Auditor General on the 1994 Refinancing of West Edmonton Mall to the Standing Committee on Public Accounts forthwith.

MR. SAPERS: Yes. Thank you, Mr. Speaker. My task for the next couple of minutes is to speak to the urgency of this matter. I believe there is some urgent and pressing necessity for this Assembly to get to the bottom of this developing scandal.

There is some precedent for this as well. Back on January 28, 1993, the Legislature gave unanimous consent to refer a report of the Auditor General on the NovAtel situation to the Standing Committee on Public Accounts. I note that at that time it was about a four-month gap between the time the Auditor General submitted his report before the Assembly and the date on which the Assembly took the initiative to refer the report for review to the Standing Committee on Public Accounts.

It is certainly within the purview of the Standing Committee on Public Accounts to receive such a review. Mr. Speaker, I had attempted to expedite that process by having a motion dealt with today in the Standing Committee on Public Accounts, and the motion would have seen this matter dealt with by that committee. Unfortunately, that committee, which is of course dominated by government members, voted against that motion of referral. So this is the earliest opportunity that I would have to bring this matter before the Assembly. I was hopeful that the Standing Committee on Public Accounts would proceed directly.

Mr. Speaker, I also note, in speaking to the case of urgency, that the Premier on February 18, 1999, used these words in response to a question put to him regarding the Auditor General's report on West Edmonton Mall financing and government interference. I'm quoting the Premier -- it can be found on page 53 of *Hansard* -- where he says: "No, I am not going to answer any more questions on this particular matter." This would seem to close the door on debate in

this Assembly, either through question period or other devices that we may have available to us, when the Premier has said: I will answer no more questions on this matter. I find this to be very unacceptable.

I will note that the Auditor General has not been available for comment since the tabling of his report. Now, the Auditor General's report on West Edmonton Mall, which was delivered on February 9, 1999, has many questions unanswered in it. Many issues are identified, and the longer these questions go unanswered, the more this sore will fester. This requires that we take some urgent action to try to heal some of the wounds.

Now, amongst the questions are the conclusions of the Auditor General that he was

unable to identify the commercial justification for [the Alberta Treasury Branch] entering into a \$353 million guarantee and providing an interest free \$65 million second-mortgage loan.

He goes on to say that he is satisfied that ATB would not now enter into a financial agreement similar to the one in 1994, which suggests that something went horribly wrong in 1994.

Further, the Auditor General finds that he has two enduring concerns with respect to the financing arrangements. These are on page 10 of his report.

The April 19, 1994 sale of the \$50 million third-mortgage loans for \$12.5 million to CS First Boston and Apollo was contrary to the intentions of the Gentra/ATB agreement.

At that time he notes that that agreement had not been repudiated.

Furthermore, the Auditor General concludes that he has been unable to determine the reasons for ATB increasing its exposure by financing the purchase by [West Edmonton Mall] of the third-mortgage loans in July 1994 for \$15.25 million, without taking [any] security.

The Auditor General goes on.

Likewise, in September 1994, ATB further increased its exposure by loaning \$4.3 million without taking security.

Mr. Speaker, on page 11 the Auditor General goes on. As I say, there are several questions, several matters left unresolved by the conclusions of the Auditor General in which he basically says that he has been unable to find evidence of wrongdoing, not that there is no evidence.

Mr. Speaker, furthermore I'll note that the Auditor General, who tabled his report . . .

#### **Speaker's Ruling Speaking to Urgency**

THE SPEAKER: Hon. member, please. Standing Order 40 reads:

A motion may, in case of urgent and pressing necessity previously explained by the mover, be made by unanimous consent of the Assembly without notice having been given under Standing Order 38.

So the intent of this Standing Order is to explain the requirement for the "urgent and pressing necessity" and not to debate the report. So it's with the case of urgency and pressing necessity, and the chair clearly heard the hon. member say that in his view this is urgent and pressing because a petition had been made to another committee of the Legislative Assembly earlier today and had been rejected and that's the reason why it's brought to the Assembly this afternoon.

Now, please go on on urgent and pressing necessity but do not debate.

#### **Debate Continued**

MR. SAPERS: Thank you, Mr. Speaker. I appreciate that. This is extremely complex, and I'm trying to restrict my remarks to urgency without getting into the subject of what may be reviewed and to simply outline the array of questions that make this an urgent and pressing matter. I'm trying to be brief.

Mr. Speaker, the annual report of the Auditor General for 1997-1998, which was presented on September 23, 1998, includes a recommendation regarding the Alberta Treasury Branch on connected accounts. That recommendation reads in part that the ATB "review its lending guidelines and provide additional training where appropriate," et cetera. I'm not satisfied and I don't think any member who has been involved in reviewing the operations of the ATB can be fully satisfied that this recommendation of the Auditor General itself has been properly dealt with, and of course this is one of the enduring recommendations.

2:50

Mr. Speaker, as I said at the outset of my remarks, the longer we allow this to continue, the more we are at risk of it totally undermining the credibility of the Assembly and its willingness to pursue the truth in this matter. The fact of the matter is that we have been trying to get answers to these questions for some time. The Premier seems unwilling to answer them here. The Standing Committee on Public Accounts did not take the initiative to do a review of the Auditor General's special report, and I really think the last line of defence that Albertans have in terms of having this matter dealt with quickly and thoroughly is to have a direct motion made in this Assembly to ask the Standing Committee on Public Accounts to do that work.

Mr. Speaker, I'll conclude by saying that the government supported, of course, the Standing Order 40 in the NovAtel matter. In fact there were several speakers of the government that talked about the necessity to clear the air, and that's all that we're trying to accomplish here. If there is nothing to hide, then there's no reason not to go down this path.

Thank you, Mr. Speaker.

THE SPEAKER: Hon. members, might we have unanimous consent to proceed with the motion as proposed by the hon. Member for Edmonton-Glenora? Would all those in favour please say aye?

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE SPEAKER: The request is defeated.

The hon. Member for Spruce Grove-Sturgeon-St. Albert on a point of order.

#### **Point of Order Decorum**

MRS. SOETAERT: Thank you very much, Mr. Speaker. Under 13(1), decorum, and under the House leaders' agreement, 5(4), succinct preambles. I and many of us enjoy a bit of good humour but not at the cost of somebody else. I do think that today when the Member for Calgary-Fort made his preamble, he crossed the line with the sexual innuendos of his preamble. I think that is very inappropriate behaviour for this Assembly. People are watching, as I often hear and as we all know. I would hope that that kind of behaviour and those kinds of comments are discouraged in this House over a serious medical issue that I think some people are very concerned about.

THE SPEAKER: The hon. Member for Calgary-Fort on this point of order.

MR. CAO: Mr. Speaker, my question was with serious intent, seeking a serious answer. In retrospect the wording of my question becomes humorous to some members and at the same time could offend some members. To them, my apology.

head: Orders of the Day

head: Written Questions

THE SPEAKER: The hon. Deputy Government House Leader.

MR. RENNER: Thank you, Mr. Speaker. I move that written questions appearing on today's Order Paper stand and retain their places with the exception of written questions 1, 2, 3, 5, 19, 26, 27, 29, 46, 48, and 50.

[Motion carried]

THE SPEAKER: The hon. Deputy Government House Leader.

#### **Point of Order Sequence of Business**

MR. RENNER: On a point of order. I apologize. I haven't had an opportunity to discuss this with the opposition, and I certainly will do so in the future. Due to the number of written questions and motions for returns -- many of them relate to specific ministries -- I'm just wondering if I might today seek unanimous consent of the House to have the questions dealt with in groupings so that each of the relevant ministers can deal with the questions that apply to him or her at the same time rather than taking them in the straight numerical order in which they're listed on the Order Paper.

THE SPEAKER: The hon. Deputy Government House Leader has set forward a proposal to basically, I guess, bulk these questions according to ministerial responsibility. It is a request for unanimous consent. Would those members in favour of the request put forward by the hon. Deputy Government House Leader please say aye?

SOME HON. MEMBERS: Aye.

THE SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: Denied.

#### **Child Welfare Placements**

Q1. Mrs. Sloan moved that the following question be accepted. Which hotels in the Edmonton region were children who were receiving services under the Child Welfare Act placed in during the fiscal year of 1997-98 and between April 1, 1998, and February 17, 1999?

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

DR. OBERG: Thank you very much, Mr. Speaker. Unfortunately we cannot accept this written question as any information about the exact hotels where children are housed could lead to identifying information, which is against the Child Welfare Act. Quite literally, this motion could jeopardize the safety of children that are placed in hotels.

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

MR. SAPERS: Thanks, Mr. Speaker. I respect the absolute necessity for privacy in many matters and the confidentiality that we would want to afford to children and to their families in child welfare matters. But I also understand the necessity to be accountable for decisions made and taken on behalf of children. It seems to me that when we have continuing concerns in regard to the safety of children, continuing concerns in regard to the follow-up services that children can receive, to the movement of children from one temporary residence to another to another to another, we have to find a way to be able to talk about the issue without (a) abusing the privacy issues or (b) hiding behind them.

[The Deputy Speaker in the chair]

It's clear to me that there are a number of hotels that, I have been told anecdotally, children have been placed in that I would not want my children placed in, that I would not want my neighbours' children placed in. I'm wondering about the appropriateness of these placement decisions and how it is that some judgment is made that these temporary residences will be safe. Now, it could be that the information I'm receiving is totally wrong. It could be that there is no basis to the concern, but I don't know that. I would like to know that.

I would like to be able to determine once and for all where these children are going, how long they're staying there, how the decision is made, what kind of rotation takes place, how much money is being spent, and are we getting the kind of value in terms of that money. I can't conclude any of that. I can't come to an understanding of any of that without at least at entry level knowing which hotels in the Edmonton region are being utilized. The other information may be sought elsewhere, but at the very beginning we need to know that.

Now, the question that was put on the Order Paper by my colleague from Edmonton-Riverview is a very straightforward, simple question:

Which hotels in the Edmonton region were children who were receiving services under the Child Welfare Act placed in during the fiscal year of 1997-98 and between April 1, 1998, and February 17, 1999?

Simple. Straightforward. It is absolutely the embodiment of what a written question should be.

Now, I heard the minister say that there are privacy concerns, and I respect that. But just as in public accounts, Mr. Minister, we will see the lists of law firms, for example, that the government contracts with. We still don't know which individual lawyers got paid how much money, and we still don't know which cases they were engaged for, but at least we have a sense of where the government is doing its business. We could at least go that far here. We're not asking in this written question for any details that would jeopardize a child or put a child's safety at risk. In fact, quite the contrary. We want to make sure that children aren't being put at risk.

[The Speaker in the chair]

So I would ask the minister to please reconsider. He still has a chance to do that. He still has a chance to reconsider and to come to a different conclusion. I know there's an old cliché that says that only fools and the dead never change their mind. I don't put you into either category, Mr. Minister, so I'm asking you to reconsider your response to this written question.

3:00

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

MR. DICKSON: Thank you, Mr. Speaker. I, too, wanted to speak

in support of the written question. The concern is this. I think every member in this Assembly is alive to the privacy interests of people in care. But if the minister would stick to the wording in the question instead of reading additional information into it. Nobody is asking for the identity; nobody is asking for room numbers. What we're trying to determine is whether children in the care of the province are being put in acceptable, safe environments. It's as simple as that.

I've heard some indication that the Herb Jamieson single men's hostel in this city in fact has been a site where some children have been placed. Now, it doesn't take very much imagination to think that a single men's hostel is not the place you would want a child in care. Somebody may say: well, it's somebody over 16. The point is that you're still a minor until you achieve your age of majority at 18. We have an expectation that whether you're 16 or 17 or 13, you're going to be put in an appropriate place.

Now, for the minister simply to say that somehow children are going to be prejudiced, that they're going to be at risk because the hotels are identified makes no sense at all. The minister certainly has it within his power to provide some alternate means. You see, with a little creativity the minister could come along and say: I'll tell you, hon. members, that we don't place a child in a hotel or another facility without meeting these six criteria, and here they are.

DR. OBERG: That's not the question. The question asked specifically: what hotels?

MR. DICKSON: But recognize this, Mr. Minister, through the Speaker. When you don't have access to the information, you go the most direct route possible, and this is the most direct route.

We have seen other ministers demonstrate the flexibility and the creativity to say, "Really what I think you want to know is how children in care of the province are kept safe in terms of where they're placed and that if they're going to be put in some place other than a private home, a group home, then that's going to be a safe environment," rather than to simply come along and say: we refuse to disclose.

We're talking about an historical event. We're talking about during the fiscal year 1997-1998 and another period between April 1, '98, and February 17, 1999. The minister might well with a little creativity come along and say: I'm reluctant to tell you which hotels we're using in 1999 in the middle of March, but I'll tell you that in 1997-1998 these are the kinds of hotels, these are the kinds of facilities where children in care of the province were put. That allows people to determine whether this happens to be the site of a major casino, if it's a part of the community that typically -- there may be some real safety concerns. So it's a perfectly legitimate request.

The minister may, as he's chosen to do, argue that this information, if released, is somehow going to be prejudicial to children. He referenced, if not on the record then off the record, that it was the Freedom of Information and Protection of Privacy Act that he was being particularly alive to. Well, since he has the department that receives the largest number of FOIP requests, with the largest number of FOIP co-ordinators, one would think that the minister would be more familiar with the act, would understand that what the act focuses on is personally identifiable information. That's names. That's room numbers. The identification of a facility so that members can make their own assessment whether that's a proper facility is quite legitimate.

I recall, relative to the same issue, questions being put to the Minister of Family and Social Services in the past -- I want to be fair to him; I don't have the *Hansard* here -- and my recollection

was that he suggested, for example, that 16 year olds and 17 year olds would be treated much differently. In fact, I remember an implication -- as I say, I don't want to be unfair to the minister, because I don't have the *Hansard* here and am only trading on my own feeble recollection -- a suggestion that he wasn't so concerned if it was a 16- or a 17-year-old youth as he would be if it were somebody of tender years, younger. I think the reaction of some of us at the time was, well, you know, 17 year olds present with different degrees of maturity and different kinds of needs. There are plenty of 16 year olds and 17 year olds that have a host of problems.

In fact, in some respects, by housing those youth in a seedy, run-down hotel in a place that's notorious for all kinds of criminal activity, that child may be particularly at risk. So that's the issue here. This isn't a question of trying to get individual names. It's trying to ensure that a facility is safe, is appropriate, and even in a city as dynamic as the city of Edmonton, there is a wide disparity in the kind of hotel accommodation. There are some places where we might be quite comfortable having our own children staying, properly supervised, and other places you wouldn't want your children near. I think every parent can understand there's a difference, and for children who are in care of the province, in some respects it's government and legislators who have some responsibility to make sure those children are safe, and that's really what this is about.

Before we get to a vote, I'd say to the minister and, I guess, to all members who have a chance to vote on this that the minister has given us some information that suggests his view of what may be an appropriate placement may not accord with the view many of us have and many of our constituents may have. Really, how else can we adequately test that without the information? Surely to goodness the minister can tell us what happened, what specific facilities were used during 1997-1998, and that may allay some of our concerns, even if he felt he couldn't disclose the second time period. Now, I know my colleague wants both time periods, but I'm simply suggesting that reasonable men and women concerned about the best interests of Alberta children in care can find creative ways of addressing those legitimate questions, and I think this is a legitimate question.

When we get the answer to that, maybe we should be looking at -- I don't know how many hotels are used in the city of Calgary, but if we had reason to think that the judgment of officials in the Department of Family and Social Services was suspect in this city and we can't test it, then one may wonder what's happening in other communities too.

I think the last point I was going to make is that there are . . .

MR. DUNFORD: How many nits can a nitpicker pick?

MR. DICKSON: You know, Mr. Speaker, there are some people who don't have patience to focus on the needs of children in care, and it's hard to imagine anything that we'd be dealing with in this province or that any minister of this cabinet would be dealing with that would be more important than ensuring that children in care are kept safe. That's a priority for every minister presumably, not just the Minister of Family and Social Services.

The other thing I'm led to wonder. When the minister responsible raises a safety issue, then I start wondering to what extent these children may be supervised or not supervised. If they're properly supervised, what difference does it make if somebody knows that hotel X, Y, or Z happens to have children in care there? If they're not properly supervised, then it would make a great deal of difference. Nobody is talking about taking out an *Edmonton Journal* newspaper advertisement advertising where children in care are. But

how do we do the job, Mr. Speaker, of determining whether children are placed appropriately if government refuses to disclose the place? If they're going to use hotel facilities and hostels to house children, then that has to be tested, and the only way that can be tested is with the information. So those are the points I wanted to make in terms of speaking in favour of the written question that's before us.

Thank you.

3:10

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

MR. SHARIFF: Thank you, Mr. Speaker. As a former child welfare worker I'd like to add my views and comments on this particular question. Just today the hon. Member for Edmonton-Meadowlark made a member's statement on the social work profession and Social Work Week. This is a profession made up of trained professionals who carry out responsible decision-making in the best interest of the child. I recall from my days as a child welfare worker that it would be of primary concern to make sure that the child is placed in a safe, secure, and nurturing environment.

However, there are some situations in which a hotel setting may be needed. Let me remind the hon. members on the other side who have been presenting arguments that when there is a younger child, there is bound to be supervision provided. Generally that supervision is on a one-on-one basis for the whole duration of that stay, which is very rare, let me add on. There are some instances where 16 year olds, 17 year olds may be placed in hotel settings. Let me remind the hon. members who have made the arguments that in some situations these are youths running away from abusive environments, running away from pimps, who are exploiting them sexually. I would like to add and make sure that people understand that publicizing what hotels we are placing these youths at is telling those pimps, those abusive people: this is where the kids are; come and get them. And that is wrong. I think that we as an Assembly of this type should be looking at the best interest of the child.

I'm really concerned, and I'm glad that the minister is not supporting it. I would be really concerned if we started publicizing the addresses of foster homes, addresses of places where children are placed, so that the abusive partners, abusive parents, abusive pimps would come and knock on the doors and find where these kids are.

Mr. Speaker, I'm adding my view, and I'm glad that the minister is rejecting this question. I support his decision. Thank you.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I, too, have listened very closely to the arguments on both sides, because I did look at the issue of whether it would be a breach in security to children and to children in need and in trouble, in a fair amount of instances, to have this information made public. It's my understanding that we have requested this information to be provided privately and that the minister has refused to do that, so now we are taking the route that is a more public route.

I can understand -- and perhaps this is what the problem is -- if there's only one hotel in Edmonton that provides that service. But I would think there are probably a number of hotels that the ministry uses to act as a refuge for children who need to have that refuge. The reality is that the minister could have also, when I listened to the suggested amendments that the Member for Calgary-Buffalo provided, tried to allay some of the concerns of the Official Opposition with regard to the appropriateness of placement and whether or not standards are in place when deciding what those placements are by providing an outline of what the standards would be for accepting

a hotel or a motel as a particular placement possibility.

It's a question that I have as well. Is the criteria what is cheapest, or is the criteria what provides the best protection to that particular child? Is the criteria what in fact provides the best sense of security to that particular child? I believe those are questions that can be alleviated if we were to know the list of hotels in the Edmonton region where children receive services.

The issue of ensuring that children remain safe is well appreciated by this side of the Legislative Assembly, and that is why we wish to find out what the standards are and what the . . .

DR. OBERG: Then why did you ask the question? To know the names of the hotels and publicize them?

MS LEIBOVICI: It's obvious that the minister wants to engage in this discussion. As I indicated earlier, if he has a better way of answering that question that addresses our concerns, then he could have brought that forward via an amendment. That might have alleviated some of the situation we're finding ourselves in right now. Perhaps the minister will now provide that information to the members of the Official Opposition as to where and what the standards are for placement of children who are receiving care.

We are as interested in the welfare of children on this side of the Assembly as I would hope that the minister and the members of the government are. When we are making requests, those requests are being made to ensure, in fact, that the children in this province, with regard to this particular question and other questions that we do ask, are receiving the care that they deserve. So in light of that, that is the model in a sense that perhaps the minister should look at when questions are being put forward from this side of the House. We're not asking the questions because we are busybodies. We are not asking the questions because we want to put anyone in jeopardy. We are asking the questions because we take our role very seriously as watchdogs and ensuring that the children in this province receive the care that they need, especially in times of crisis.

I've heard both sides of the argument. I've listened very carefully. I think there is a way that that information can be provided if the minister wishes to provide that information to ensure that we all in the Assembly are comfortable with the notion that our children who are in crisis are receiving the care they need.

Those are my comments on this particular question. Thank you.

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. I've been moved by the comments made to enter into the debate this afternoon. I hadn't intended to. It should be made perfectly clear that the most important issue here is the safety of our children. The most important issue here is what's in the best interests of our children. Sometimes when you're taking care of children, sometimes when you're taking care of these sorts of issues, you have to rely on the professional wisdom and the subjective decisions made by the caregivers, the social workers who are in charge of making those decisions. We can't be reviewing all of the decisions made by our very qualified public service in every instance down to the finest details.

Now, in this particular case, while normally this government believes in openness and in every particle of what we do being open for examination by the public, there are some cases when it's not appropriate, and it's not appropriate when it will put children at risk. If there are one or two or three hotels -- I don't know the number of hotels, and I'm not going to ask the minister the number of hotels -- where we normally lodge these children with decisions made by caseworkers, when it's the unfortunate circumstance that there's no

better place available at that moment, no family home that will take them, no foster home that's available at that moment, and these children have to be put in care in a hotel room, under supervision hopefully, would we want the people that these children have been apprehended from to know the location to be able to go and find them? No, and by identifying the hotels that are routinely used by the department, if there are in fact hotels routinely used by the department, it would do precisely that.

It would be like publishing the name and the address of a battered women's shelter, and it's not appropriate. There are some pieces of information which need to be kept not public for the protection of the children. That's a very simple concept and one which I hope that the opposition would understand, appreciate, and accept.

3:20

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

MRS. SLOAN: Thank you, Mr. Speaker. The reality is that today I haven't asked for information with any intent to publicize it. The other reality is that I have asked for the information before, and the other reality is that the minister today could stand up and say: Mrs. Sloan, come to my office, and I will provide this information to you on an embargoed basis with your commitment that you will not publicize it. I'm prepared to discuss any of those options, but the reality is that the government is hiding on the premise of this question, and the premise of the question is: are children in care being appropriately placed in the city of Edmonton? Where are they going? We've heard the reports that children have been placed in the Herb Jamieson single men's hostel, where we have convicts and other homeless men. Where are they being placed, and are those placements appropriate?

The other reality which the government members do not acknowledge is that many of the social workers who are working with these children don't like the placements in which the children are being placed. They don't have any say about it because the bureaucrats, the bureaucracy, determine which hotels will be used.

There are all kinds of avenues that the government could undertake today to answer the premise of the question. The reality is that they are not, because I suspect they even themselves feel a bit insecure or a bit afraid about whether or not these hotels are in fact appropriate environments for minor children that are already in crisis and as a result are in care.

We have over the course of the last year been informed of the unspoken policy that the Department of Family and Social Services has enforced that hotel placements must end. That came about in the late spring of 1998, and the reality is that we know for a time that was achieved, but then the weight of the critical shortage of foster homes, which has existed in this city and in this province for that matter for some time, came to bear, and once again children were being placed in hotels.

We have asked through other channels for information about what the department is doing to address the critical shortage of foster homes in this province, which would appease having to utilize hotels to house children in care, and we have not, Mr. Speaker, unfortunately, been granted the courtesy to receive that information from the hon. Minister of Family and Social Services.

Yes, the minister is correct. We have a series of questions about this area and this issue. They are all interrelated, but on Question 1 and the actual hotels that are being utilized, there's nothing in the question that says that we are going to publicize the information. There's nothing in the question, and as I said, there are a variety of other alternatives that could be pursued. The information could be

provided on an embargoed basis. We can research whether or not it's an appropriate placement in our minds, and we can provide our summation to the minister.

I don't know why this particular question has caused the Minister of Family and Social Services to be so defensive about sharing something. With the respect of all of the members of the Assembly, we're all desiring to ensure that these children are placed in appropriate placements that are safe, that are conducive to them being supported psychologically and physically, and that are adequately supervised, Mr. Speaker.

We don't know how many hotels are even being used and what parts of the city they might reside in. The hon. Member for Calgary-Buffalo spoke very well about that. There are environments in our city where it would be preferable not to place minor children, but at this stage we don't have any information to determine whether that's being appropriately determined by the department or not.

With those remarks and a number of options which I've proposed, Mr. Speaker, I hope that the minister will reconsider his position to not accept this question this afternoon and perhaps rise to agree to take one of the alternative steps that I have offered.

Thank you.

[Motion lost]

### Child Welfare Placements

Q2. Mrs. Sloan moved that the following question be accepted. What is the number of children with child welfare status who have been placed in hotel rooms in the Edmonton region in the fiscal year of 1997-98 and between April 1, 1998, and February 17, 1999?

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

MRS. SLOAN: Thank you, Mr. Speaker. The reason we have sought to ask this question this afternoon is, as I indicated in my remarks to Question 1, that we know that there have been hundreds of children placed in hotel rooms in the city of Edmonton over the course of the last several years. We don't know how many exactly. There's been a variety of, I guess, fairly scarce information provided by the ministry in this respect and some conflicting information in terms of whether their policy is to place or not place children in hotels. We also know that there has been an acknowledgment that the availability of foster care is at a very critical state. We don't know what the government is doing about that, and not surprisingly that has an impact on children having to be placed in alternative locations, including hotels. So to get a sense of exactly the size of this issue and what can be done to address it, we would like to know the number of children placed in hotel rooms for the periods identified.

Thank you.

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

DR. OBERG: Thank you, Mr. Speaker. Written Question 2 is a much more reasonable question. Unfortunately on Written Question 1 I had said rejection of the question, and I could not stand up at that time to talk more about it. It is quite plain that in Written Question 2 there is not identifying information, which was the problem with Written Question 1. We do not want to have pimps, have hostile people find out where these children are. Obviously the opposition does because they asked that question.

Mr. Speaker, I would just recommend a little bit from what the hon. member has said in the past, and I'll quote from a newspaper

article that was done earlier this year: "I think ending the hotel placements for the sake of ending the hotel placements is not in the best interests of kids." At that time she had a memo that said such things as: daily contact with all foster care resources regarding possible vacancies; contacting all residential, group home, and treatment foster care agencies to ask about children who are ready for discharge; using vacancies in Edson and Hinton; asking whether foster parents would be willing to take children they might not normally house if additional supports were provided. This was a memo that she leaked to the media. How can we trust them with information? They were talking about getting information and saying: trust me; trust me. I'm sorry; we can't.

Mr. Speaker, I will, however, accept Written Question 2.

3:30

MR. SHARIFF: Mr. Speaker, I just want to make one comment on this particular question so that people do not get a misinterpretation that the number of children being placed in hotel rooms equalized to the lack of foster homes. There are some circumstances in which foster families do want to go on a holiday or a vacation as a family and may not want to take the foster children with them. In those circumstances you may find, if there is a shortage of homes to place them in for that short duration, other resources may be used such as a hotel or a motel setting. I just wanted that clarification, that there are circumstances when such decisions are taken by social workers to accommodate the needs of foster families.

There are also some circumstances in which a child is placed in a hotel or a motel setting just for a very short time, maybe a day, 24 hours, in which time they can find other suitable accommodation. The interpretation should not be misconstrued that there is a lack of foster homes, but there are some circumstances when we do have unusual situations that may contribute to added numbers of children being placed in a hotel or a motel setting.

Thank you.

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

MRS. SLOAN: Thank you, Mr. Speaker. I have provided my explanations.

I would, though, like to respond to the rather provocative comments and the bit, perhaps, hurtful comments made by the Minister of Family and Social Services intending to imply that the question is asked with some malicious intent to take it to the media or that the opposition is asking for the information so that pimps might be able to find children that they've had under their control. I want to indicate to this Assembly that that type of allegation is completely unwarranted and in my opinion very insulting, professionally insulting, to this member.

I provided the minister with a variety of options. Embargoed information: we could have an informal meeting; he can provide it, and I will commit in writing that it will not be disclosed in any form. He chose not to undertake any of those options this afternoon but to deny the question outright, and I would like the record to be set straight on the fact of why I'm seeking the information and also that my personal integrity not be challenged or subject to question by a minister in this respect again.

Thank you very much.

[Motion carried]

### Child Welfare Placements

Q3. Mrs. Sloan moved that the following question be accepted. What is the number of children with child welfare status

who have been placed in jail cells, remand centres, or single men's hostels in the fiscal years of 1997-98 and 1998-99 in the province?

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

MRS. SLOAN: Thank you, Mr. Speaker. We are seeking this information, again, on similar points to Question 1. It relates to the appropriateness of placements for children in care and in crisis. There have been a variety of reports of this type of placement occurring in the province. I believe one such report occurred during the proceedings of the justice summit just a few short months ago. The reality is that we do not have a government that annually provides this information in its annual report in any form. It is not a performance measure. It's not an indication of the placement settings utilized by the department in child welfare. So when we as the opposition hear reports of this type of inappropriate placement, we look for whatever tools or mechanisms are available to us to get this information on behalf of the public, and written questions and motions for returns are very appropriate tools and mechanisms to turn to.

As I stated, the question is seeking the number and the area of their placement, be it jail cells, remand centres, or single men's hostels. We do know of an incident in the city with respect to a hostel. I have, in fact, visited the hostel, and while I must speak in high regard for the staff and the professionals that work within that setting, it is not in my opinion an appropriate placement for a minor child and also a troubled child.

With those remarks, Mr. Speaker, I look forward to and I'm hopeful that the minister will see fit to approve this question this afternoon. Thank you.

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

DR. OBERG: Thank you very much, Mr. Speaker. Again this has nonidentifying information in it, which was our concern about the first question. We would be more than happy to accept this question. I must caution the hon. member that under the Child Welfare Act we have absolutely no authority to place children in jail cells or remand centres, so that does not occur. We'd be more than happy to provide her with the numbers on the single men's hostel, the issue being the Herb Jamieson Centre, where anyone who is under a child welfare status is housed on a separate floor. We'd be more than happy to give her that information.

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

MRS. SLOAN: Thank you, Mr. Speaker. I'm very satisfied and pleased with the government's willingness to provide this information and thank the minister very much.

[Motion carried]

#### **Farm Income Disaster Program**

Q5. Mr. Dickson moved on behalf of Dr. Nicol that the following question be accepted.  
For each year between the introduction of the farm income disaster program in 1995 and December 31, 1998, how many farmers were eligible for assistance under the program, how many were rejected and for what reasons, and how many of those who were rejected had operations that were viable in the long term but were suffering from a cash flow problem?

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

MR. DICKSON: Thank you, Mr. Speaker. I'd suggest on behalf of my colleague for Lethbridge-East that the information sought is self-evident, and presumably the reasons why it's sought also should be evident. It's a question of determining the utility, the effectiveness, and the efficiency of the farm income disaster program in determining the extent to which it ought to be revised, changed, or improved. So we look forward to the government response.

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. As I mentioned earlier in debate on another written question, the government is always pleased to be open and accountable on appropriate areas of questions. So I'm pleased on behalf of the minister of agriculture to not only accept the question but to table seven copies of the answer.

THE SPEAKER: The hon. Member for Lethbridge-East I guess to close the debate.

DR. NICOL: Just to say thank you. This is the kind of co-operation that the minister shows, and I really appreciate it.

[Motion carried]

#### **Farm Income Disaster Program**

Q19. Dr. Nicol moved that the following question be accepted.  
How many farmers received assistance under the farm income disaster program each year between its inception in 1995 and December 31, 1998, despite the fact that they could have sustained their operations without assistance because they did not have a cash flow problem or because they had sufficient equity?

MR. HANCOCK: Once again, Mr. Speaker, I'm pleased on behalf of the minister of agriculture to not only accept the question but to table the answers.

THE SPEAKER: The hon. Member for Lethbridge-East to close.

DR. NICOL: I guess just ditto to my last response, Mr. Speaker, and thank you very much.

[Motion carried]

#### **3:40 Maintenance Enforcement**

Q26. Ms Blakeman moved that the following question be accepted.  
How many active files in the maintenance enforcement program are in receipt of payments from a jurisdiction named in the declaration of reciprocating states regulation?

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

MS BLAKEMAN: Thank you, Mr. Speaker. This is an issue that is of increasing interest, and I have been receiving more and more requests in my office around this issue, so I am hopeful that the government is going to be willing to work with me on this issue and provide me with the information.

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. I'm pleased on behalf



of the Minister of Justice to accept the question.

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

MS BLAKEMAN: Thank you. Please convey my thanks to the Minister of Justice. I appreciate his co-operation in this matter.

[Motion carried]

#### Maintenance Enforcement

Q27. Ms Blakeman moved that the following question be accepted.

How many active files in the maintenance enforcement program are paid to creditors in a jurisdiction named in the declaration of reciprocating states regulation?

MS BLAKEMAN: This is the opposite side of the coin from the previous question, which was asking about Albertans who are receiving payments from jurisdictions other than Alberta. This question is asking how many people from outside of Alberta are receiving payments from an Albertan according to a maintenance order. Once again I'm hoping that the Minister of Justice and the government of Alberta will co-operate in providing me with this information.

THE SPEAKER: Hon. Government House Leader, we're dealing with Written Question 27.

MR. HANCOCK: And I'm pleased to accept it on behalf of the Minister of Justice and the government of Alberta.

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

MS BLAKEMAN: Thank you very much. I look forward to receiving the information.

[Motion carried]

#### Maintenance Enforcement

Q29. Ms Blakeman moved that the following question be accepted.

What criteria does Alberta Justice use to determine whether a jurisdiction should be approached with a view to negotiating an agreement leading to the jurisdiction's inclusion in the declaration of reciprocating states regulation?

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

MS BLAKEMAN: Thank you. Again this is a direct result of several rather large and complex files that have come my way as the opposition critic on maintenance enforcement, and it would be of great interest for me to know how the government decides whether they will proceed in negotiating with another country to become involved in a reciprocating agreement. So once again I hope the government will be forthcoming with the information.

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. We accept the question on behalf of the Minister of Justice and the government.

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

MS BLAKEMAN: Excellent. Thank you very much. I look forward to the information.

[Motion carried]

#### Deferred Municipal Expenditures

Q46. Dr. Pannu moved that the following question be accepted. What is the extent in dollars of the deferred maintenance and capital works expenditures projected by the fiscal year 1999-2000 for all municipal jurisdictions in the province?

THE SPEAKER: The hon. Minister of Municipal Affairs.

MS EVANS: Mr. Speaker, Written Question 46 must be rejected. The Department of Municipal Affairs does not track the extent in dollars of deferred maintenance and capital works expenditures projected by municipalities. Each year municipalities submit to the department their annual audited financial statements and a financial information return by May.

Mr. Speaker, I have been pleased to talk to the hon. member about some of the other information that we could provide that may in fact illuminate some of the issues relative to municipalities, but because there would be a fault in the degree of accuracy of something projected but not expended nor confirmed by the municipalities, I must decline this question.

MR. WICKMAN: Mr. Speaker, I just want to make a comment, basically a question of curiosity. My understanding of some of the capital projects, particularly in the area of transportation and such, is that unused capital grants go into a pool that municipalities can make application to for special projects. If that is the situation, that there is this pooling of, let's say, unused dollars, there has to be some method of keeping track of at least the transportation projects that are partially being funded by the provincial government; is there not?

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

DR. PANNU: Thank you, Mr. Speaker. I do want to thank the minister for inviting me to a meeting last week. She also had accompanying her her executive assistant, and we spent about 20 minutes reviewing the nature of the question and what difficulties the minister might encounter in answering all parts of my question. However, I left the meeting with the understanding that the minister was willing at that time to provide me at least with partial information. She did suggest that she may be able to request her department to get the information for major cities, for example, and I said, Madam Minister, that would be a very good start. I do understand the nature of the difficulties in record-keeping and whatnot, but let's make a start on it.

It is an important piece of information from the point of view of Albertans who know what the deferred maintenance costs bill is going to look like, does look like in different communities, and taxpayers are interested in knowing this. Since the provincial government does transfer funds to this day, although at a radically reduced level now with respect to municipal transportation grants, I would have thought that the minister's department would maintain accurate and up-to-date records on these. We could at least begin to

move in the direction by receiving from the minister's department that kind of information, although it would be partial information. I am somewhat surprised that the minister has given a blanket no to a question to which she sounded rather sympathetic and inclined to answer at least in part. So I'm, indeed, disappointed.

[Motion lost]

#### **Maintenance Enforcement Agreements**

Q48. Ms Blakeman moved that the following question be accepted.  
How many agreements is the Department of Justice currently negotiating with other jurisdictions pursuant to the Reciprocal Enforcement of Maintenance Orders Act?

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

MS BLAKEMAN: Thank you, Mr. Speaker. I am hopeful, as with the other questions today, that the government will be forthcoming with the information.

Thank you.

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. The hon. member's hopes and dreams and aspirations are achieved, and I'm pleased to accept on behalf of the Minister of Justice that question.

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

MS BLAKEMAN: Thank you very much. That was done with great eloquence and charm, and I appreciate it.

THE SPEAKER: Buttering up to the Speaker will not advance your cause.

[Motion carried]

#### **3:50 Maintenance Enforcement Arrears**

Q50. Ms Blakeman moved that the following question be accepted.  
How many maintenance enforcement accounts were in arrears and by how much were they in arrears on December 31, 1998?

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

MS BLAKEMAN: Thank you, Mr. Speaker. This is at the crux of the maintenance enforcement cases that so many of us see in our offices, because I think for the most part we don't hear of the ones that are successfully collected. We certainly hear about the ones that are not successfully collected and which are incurring arrears on a monthly basis. I think it's important for us to do a check and see how well we're doing in this area. I am again hopeful that I will be able to make this -- well, it would be more than a grand slam -- almost a quintuple grand slam and have the government co-operate by agreeing to provide the information.

Thank you very much.

[The Deputy Speaker in the chair]

THE DEPUTY SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Mr. Speaker, on behalf of the government I would accept that question.

MS BLAKEMAN: Thank you very much. I appreciate the cooperation the Department of Justice and the government have shown in agreeing to provide me with the information that I've requested on the maintenance enforcement program.

[Motion carried]

THE DEPUTY SPEAKER: Before we proceed to the next item of business, may we agree to briefly revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? Carried.

head: Introduction of Guests

(*reversion*)

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

MRS. O'NEILL: Thank you very much, Mr. Speaker. I'd like at this point to introduce to you and through you to members of this Assembly present eight residents, staff, and friends from the Allen Gray continuing care centre in Edmonton. They are seated in both the members' gallery and the public gallery, and I would ask everyone here to give them a warm welcome from the Assembly.

head: Motions for Returns

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

MR. RENNER: Thank you, Mr. Speaker. I move that motions for returns appearing on today's Order Paper stand and retain their places with the exception of motions 11, 12, 13, 15, 17, 18, 77, 108, and 109.

[Motion carried]

#### **AISH Assessments**

M11. Mr. Dickson moved on behalf of Mrs. Sloan that an order of the Assembly do issue for a return showing requests for proposals and updates on the one-year pilot projects started in the spring of 1998 which involve completing department funded psychological and functional assessment of selected assured income for the severely handicapped applicants and recipients.

MR. HANCOCK: Standing on behalf and in the place of my hon. colleague the Minister of Family and Social Services, I would accept that question on behalf of the government.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Buffalo to close debate. Or we're okay?

MR. DICKSON: Thank you.

[Motion carried]

### Aboriginal Adoptions

M12. Mr. Dickson moved on behalf of Mrs. Sloan that an order of the Assembly do issue for a return showing the policy review report on aboriginal adoptions due February 1998.  
THE DEPUTY SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Mr. Speaker, I'm pleased to accept that on behalf of the Minister of Family and Social Services.

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

MR. DICKSON: Thank you.

[Motion carried]

### Assured Income for the Severely Handicapped

M13. Mr. Dickson moved on behalf of Mrs. Sloan that an order of the Assembly do issue for a return showing update documents on the proposed AISH, assured income for the severely handicapped, review and reforms since September 1998.

THE DEPUTY SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Yes, Mr. Speaker. I'm pleased to accept that question on behalf of the Minister of Family and Social Services and the government.

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

MR. DICKSON: Thank you.

[Motion carried]

### Farm Income Disaster Program

M15. Dr. Nicol moved that an order of the Assembly do issue for a return showing any correspondence or consulting reports compiled between January 1, 1995, and February 16, 1999, that indicate that a farm income disaster program which would allow payments on a negative margin would not be consistent with the guidelines of the World Trade Organization.

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

DR. NICOL: Thank you, Mr. Speaker. This is a request for information that the department of agriculture is always using to reflect on how they structured the farm income disaster program. Farmers are continually asking me why the government is telling them that they cannot increase the margin to cover negative margin payments within the framework of the farm income disaster program.

By having this request on the Order Paper, it gives the minister a chance to provide the documents that will effectively allow all members of this Legislature to answer the questions that are coming from farmers about why the farm income disaster program is not flexible enough to handle their situations when they need a payment that goes beyond the normal payment the farm income disaster program would make. Even though in the long run their farms are viable and they've been proven viable over a number of years,

because of a disaster in prices in the last year they are now in financial difficulty, and they'd like to see a payment. So basically that's the reason I'm asking for this information.

THE DEPUTY SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Yes, Mr. Speaker. I would like to move an amendment to Motion for a Return 15 on behalf of the hon. minister of agriculture. The amendment would move that the motion for return be amended by adding "that do not compromise client/solicitor and third-party confidentiality" after "consulting reports."

So the amended MR 15 would read as follows:

That an order of the Assembly do issue for a return showing any correspondence or consulting reports that do not compromise client/solicitor and third-party confidentiality compiled between January 1, 1995, and February 16, 1999, that indicate that a farm income disaster program which would allow payments on a negative margin would not be consistent with the guidelines of the World Trade Organization.

MR. DICKSON: Just a couple of observations on the amendment that we have in front of us, Mr. Speaker. One would be this. The concern I have is that we have seen solicitor/client confidence used so often. I daresay it is used so frequently that it becomes an abuse of the exception in the Freedom of Information and Protection of Privacy Act. The test is very loose in the amendment.

My point is this. I'm saying it clumsily, but I think my concern is this. I think there's always a recognition that there are some matters that are closed with solicitor/client privilege, and that ought to be respected. There are also some matters that involve genuine third-party interests, and I think there's an argument that to an extent that also should be respected and protected.

4:00

The difficulty is -- and we see it all the time when public bodies under the FOIP Act assert section 15, the third-party trade interest. They take a very, very expansive view. Now, if I knew that it was the Government House Leader who was going to be applying these tests, because we know him to be a fair gentleman, he would not sort of expand this beyond what would be warranted by the facts. But the problem with this is that it's a very major exception in the amendment. I don't want to prejudge what position is going to be taken by my colleague from Lethbridge-East, but I do have the concern that exceptions are sometimes given a very generous interpretation by government officials. Even if we might accept solicitor/client privilege, there are a bunch of tests around that.

Third-party confidentiality. Now, does that mean that the entire content of documents comes out or simply the name of the third party in identifying information like a legal description of land or whatever?

One might well say, Mr. Speaker, that if the intention of the government is to leave out -- I'm not sure that my colleague would be strenuously resisting that, but I think there are still documents that could have the personal, identifying information relating to third parties exempted and the balance of the information come forward. If the proposal is that any documentation involving a third party whatsoever, including identifying and nonidentifying information, would then be outside the scope of the return, then I'd have a problem with it.

So I just wanted to raise those concerns based on the experience we've seen. I know my colleague from Lethbridge-East also has some observations, and there may be other members.

Thanks, Mr. Speaker.

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

MRS. SOETAERT: Thank you very much, Mr. Speaker. I want to just speak to this for a moment because this FID program has been something that I have certainly dealt with in my constituency. As I understand this amendment, it's a bit of an out for the minister to select what he wants to give the opposition. Originally, the point of this motion was to actually help the government in showing that if they could change FIDP to include the negative margin, it does fit within the guidelines of the World Trade Organization. So we're just saying: what documents do you have to prove that it doesn't? I think the reality is that they don't have it, so this is kind of a way around it.

You look at consulting reports. Now, if a government pays for the consulting reports, then I would suggest that that's in the public domain. If the government's paying for it, we the public deserve to see that information. So I wish the amendment had been a bit more specific in exactly what didn't -- you know, I think the consulting reports should be totally open to the public.

I'm disappointed with this amendment. That's all I really wanted to say, that I think it's a way of avoiding the real issue of how to make FIDP better.

Thanks.

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

DR. NICOL: Thank you, Mr. Speaker. I was kind of, I guess, expecting this from conversations that the minister has had with other people in the agriculture community and also some of the conversations that the minister and I have had. I guess I don't understand why they're doing this as opposed to just saying: sorry; we're not going to give you the reports. Basically that's what this does. It gives them the option of saying: sorry; we're not going to give you the reports.

Mr. Speaker, I have spent probably 20 years of my life working as a part-time consultant as well as being employed by other agencies where a lot of work was done under contract with consultants. I do not recollect ever signing a contract that gave me the right to control how my contracting agency, whatever that agency was, used my report. I don't ever remember signing a contract that gave me the permission to control when they released it and how they released it. I do remember sometimes signing contracts that would give me the right to also use the results, in the context of my position at the university, in academic reporting or in getting credit for research done in my performance evaluations at an academic institution or in being able to rewrite the results in the context of a professional journal.

I guess it's interesting to me that the minister is putting a condition on his consulting reports and that they are being controlled to the point that that particular consultant has the option of refusing to allow the government to release this report. I guess it comes down to a matter, as I said at the start, that it looks like what we're seeing is that the minister is trying to be the good guy by saying that he's going to release the reports, but he's putting a condition on it which says: sorry, but we're not really going to release the reports. So I have a lot of problems with this particular amendment to Motion for a Return 15 because it essentially nullifies and gives too much of an out.

It's important that as we deal with the development of policy, especially policy that is controversial in the public domain -- you know, farmers are saying: we have groups, we have legal advice, we

have others that are telling us to hold it. Negative margins, if structured properly, if applied properly under the conditions of section 7 of annex 2 of the World Trade Organization agreement, we see that those are legitimate. Obviously the minister has based his decision that these kinds of changes in the program cannot be made without putting us in jeopardy of a countervail duty or a sanction or a rejection of our program under the World Trade guidelines. I think the minister has a responsibility to the farmers of this province to stand up and openly say: these are the opinions, these are the reports, these are the bases under which we have designed our program; sorry, because of that we cannot accept your request to modify the program so that it operates the way you see fit.

Mr. Speaker, you know, this is kind of like: we're going to design a program; we don't want you to question it, and we don't want you to know why we designed it the way we did. That's all we're asking on behalf of all those farmers that have called, all those organizations that have said: "Ken, we don't understand this. We don't understand why this is, because when we read those sections of the World Trade agreement on agriculture, we see this being possible."

Mr. Speaker, there's a section in there that allows the program to be developed under a gross income measure. Now, we all know that gross income is total revenue. Total revenue covers the costs of production from the resource returns, which are basically in the margin, all the way down to the smallest nut or bolt, seed or fertilizer, or any repair that you make. Those are covered by gross revenue. So if it's feasible, acceptable, and definable within the constraints of that agreement that we can design a program that doesn't pay on more than 70 percent of our gross revenue, then why is it that if you use the other option, which says a net income basis, you can't pay on a negative margin?

4:10

Well, okay; let's give the minister the benefit of the doubt and say: for some reason you can't pay on a negative margin; then what is it within the constraints of that program that won't allow them to move to the definition -- because it's an "or" clause in that annex. It says: either gross revenue or net income; in other words, a margin as defined by the minister in FIDP. Why don't we just say, "Let's move our program and define our program under the gross revenue part of those conditions"? Now, for some reason the minister will not enter that debate either. But the people that have contacted me on their behalf have said: yes, we understand this to be totally reasonable, to be totally legal, to be unchallengeable under the aspects of that agreement.

Now we're having the minister say: oh sure, we'll tell you why it is, but no, we won't, because we're going to keep one or two documents back, and all we know is that, well, those are the key ones. When it all comes down to it, the minister can still say: well, I know you interpret these documents -- and I thank the minister for tabling the annex to the World Trade agreement on agriculture in the House the other day. That is the very annex, Mr. Speaker, that I was using to support my argument that these options of paying beyond the margin are possible. This is the same annex that these groups that come to me and say, "Why are we not using these other options to define our FIDP?" -- it's exactly what they want. If that's all we're going to get when the minister makes this amendment, we already have it. Everybody has it. That is a public document.

Mr. Speaker, I'm not asking the minister to table another public document. What I'm asking the minister to do is to provide to this House, to provide for the farmers of this province, to provide for all those people that are asking him why they can't get help when they are in a disastrous situation, when they see their life's work in

jeopardy, when their understanding of a program and the government's understanding of a program are different, to provide just a little bit of an explanation for what was the basis of their decision. That's the least a person can ask for when they see their neighbours getting money, but they're not getting the level of support that will keep them viable in the long run because they've entered into a crisis or they've experienced a crisis that has put them and their family and their community in jeopardy.

So, Mr. Speaker, I hope everybody looks at this and says: if we're going to be open and honest with those farmers, let's reject this amendment. Thank you.

THE DEPUTY SPEAKER: The hon. Government House Leader has moved on behalf of the Minister of Agriculture, Food and Rural Development an amendment to Motion for a Return 15. Does the Assembly agree with the amendment?

SOME HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: The amendment is carried.

[Several members rose calling for a division. The division bell was rung at 4:14 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

|           |          |            |
|-----------|----------|------------|
| Amery     | Fritz    | Paszkowski |
| Boutilier | Gordon   | Pham       |
| Broda     | Haley    | Renner     |
| Calahasen | Hancock  | Shariff    |
| Cao       | Havelock | Smith      |
| Cardinal  | Hierath  | Stelmach   |
| Clegg     | Hlady    | Stevens    |
| Coutts    | Johnson  | Strang     |
| Day       | Jonson   | Tarchuk    |
| Doerksen  | Langevin | Thurber    |
| Ducharme  | Lougheed | Trynchy    |
| Dunford   | Magnus   | Woloshyn   |
| Evans     | Mar      | Yankowsky  |
| Fischer   | Marz     | Zwozdesky  |
| Forsyth   | O'Neill  |            |

Against the motion:

|          |           |          |
|----------|-----------|----------|
| Blakeman | Leibovici | Olsen    |
| Dickson  | Massey    | Soetaert |
| Gibbons  | Nicol     | Wickman  |

Totals: For -- 44 Against -- 9

[Motion on amendment carried]

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

DR. NICOL: Thank you, Mr. Speaker. I was kind of hoping the minister would get up and give us his opinion on it.

The vote we've got now is an amended motion that is basically, as I said during the debate, going to allow for the minister to not release the information that individuals still could perceive as being key, the critical piece of information that was pivotal in his decision to design the farm income disaster program the way it was.

I guess we're all going to have to now work under a situation of faith that the minister is providing us with the kind of information we need to support the farm income disaster program as being designed broadly and as all-inclusive for farmers in a disaster situation, not necessarily in an income crisis situation but in a disaster situation. So when we now have farmers in the province approach us and say, "You know, we're concerned; why is it that the program didn't help us in this situation?" we're going to have to rely now on the minister's openness, I guess, to be able to explain this to the farmers of the province.

I feel that what we've got now is basically a motion that is quite open. It's not going to provide us with the critical information that we were seeking. I would, I guess, appreciate whatever the minister feels he has that is in the public domain that will increase my awareness of the conditions under which the farm income disaster program was formed, that would increase my sense of comfort that this program cannot be changed, that this program could not be expanded to a position where it would give farmers a greater sense of support, a greater sense of their being there when a disaster strikes their operation.

You know, Mr. Speaker, we have insurance programs that are very well defined for hail, for drought, for floods, for a lot of other kinds of natural disasters. I was visiting with a group of farmers the other night out in the minister's home community. They were making comparisons between the trauma they were experiencing this year because of low pork prices, because of bad rainfall situations that destroyed their crop, reduced their income, reduced their ability to sustain their operations -- they were comparing that to their own experience with the tornado that went through. Remember the time when southeast Edmonton was hit by a significant tornado? Well, it carried out into that area, and some of the farms out there also had disaster strike at that time. The combination of their insurance and their support through the department of transportation's disaster program gave them the kind of lift, the kind of support, the kind of backing so that they could undertake to recover from their disaster, from something that really set them back.

4:30

Yet this year now they see something totally beyond their control, something totally beyond their management options to still put them in the same kind of position that that tornado did in -- when was it? -- the mid-80s or late '80s. They're still now saying: why is it we can't have a disaster program that is as flexible for price changes as it is for other items that are beyond the operation and the control of our management?

These farmers talked about a lot of options that are now just beginning to develop inside the agriculture community: the issue of small farmer-accessible futures contracts, the idea that with a lot of the suppliers or the buyers they're dealing with, if they don't have a certain volume, they can't get a futures contract. If they don't have a certain reliability over time, they can't get a futures contract.

I encourage and commend the minister for his efforts within Alberta Agriculture, Food, and Rural Development and the work they've been doing, but those programs are not yet broadly enough available so that farmers can build them into their risk management. That's why we have to make sure that this farm income disaster program is flexible enough so that when a farmer of 30 years has a

situation where all of a sudden they end up being totally drained of all of their financial resources, there is a mechanism there to say: "Okay. Look; we can give you some help. We know that you have a viable operation because it's operated for 30 years. We know that if we give you some help, you'll be able to operate for another 10 years, until you're ready to retire."

So on that basis, Mr. Speaker, I would say that I'm disappointed that we're not going to get the kind of information we need to be able to support the validity of the farm income disaster program, but I guess we all have to operate within the constraints of ministerial decisions. So on that basis I thank the minister for partially accepting this.

Thank you.

[Motion as amended carried]

### **Jordan Quinney Fatality Inquiry**

M17. Mr. Dickson moved on behalf of Mrs. Sloan that an order of the Assembly do issue for a return showing the review results from the inquiry into the death of Jordan Quinney completed by the Department of Family and Social Services.

MR. DICKSON: The purpose of this motion for a return is to be able to get the documents and information necessary to do an analysis of the actions of the Department of Family and Social Services with respect to the process of the removal of the child in question from the home and then final placement of the child back with the mother and stepfather, in this case a stepfather who'd been previously convicted of assaulting the child. I emphasize, Mr. Speaker, that we're not requesting information pertaining to the cause of death, which would be wholly inappropriate.

So on that basis we look forward to seeing the response of the government.

THE DEPUTY SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. On behalf of the Minister of Family and Social Services I would have to reject this question. The minister has indicated that the case is still currently before the courts, and the information then would not be appropriate to be released at this time. There may in fact be a time when the question is appropriate or timely, but we don't know when that is and therefore can't accept the question, given that the return may come within that time frame when it still is before the courts.

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

MS OLSEN: Thank you, Mr. Speaker. You know, we're getting used to the government using sub judice as an excuse not to give information. Let's not forget that this particular document and the information that has been requested by the hon. Member for Edmonton-Riverview is not to determine guilt or innocence of the individual who is currently before the courts.

This is an issue of public concern. It's an issue of public concern because parents who have children who are in the system or relatives of people who have children who are in the system have to know what the process is. The process for removal, the actions that were taken that resulted in this young boy being placed back in the home: that's what we're looking for. This is not to determine any guilt or innocence of anybody involved in the court process or the appeal process that's ongoing.

For that matter, it's process related. So if the minister wanted to, if he chose to use the issue of third party, he could choose to blank out the names of individuals in this particular incident. What's important is the process. In the view of this member that's an essential road to go down in determining where the minister is headed in terms of this not occurring again.

We know that the particular review has been completed, and we know that there were some problems. So let's put it on the table, because right now is when other parents with children are impacted or other folks who have relatives with young children in the system, and it's paramount for them to know that this type of thing will not happen to a relative or a child they're closely related to. So I think it's absolutely essential that the government and the minister take this very seriously.

Thank you.

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

MRS. SOETAERT: Thank you very much, Mr. Speaker. I just want to comment on this motion. I don't think there's anything that we should be more concerned about than the children of this province, and that's the intent of this motion. It's not to find out stuff that's going before the courts. The courts are going to be talking about the cause of death. What we're asking for in this motion is: what were the results of the internal departmental investigation into the death? By the way, the minister promised it would be forthcoming in two weeks. Well, I don't know how long ago it was that we requested that. It was the end of January. According to my calculations that's a couple of months ago. I'm not being facetious. I think people deserve to know what the process is.

4:40

How has this department made sure that this will not happen again? If obviously there are gaps there, then maybe they should address what should be done next time. I think that's a fair question for the members of the opposition to ask. I mean, it's obvious we're not going to get this question answered. It was more than a year ago that this happened. It's obvious we're not going to get the answer to this question, but maybe it will spur internally a process that will prevent this from ever happening again. Just one day of bad news: that's one thing that the minister and the department have to live through. The reality is that a child is dead.

I personally want and I'm sure everybody in this Assembly wants to ensure that that type of thing does not happen again. Though the question may not be answered, I hope that internally they're saying: we can't give them this information because we haven't done it, or we don't know what we did, or it was a lousy investigation into what we did, or we didn't do the steps we should have done. Then you know what? The next time a question like this comes up -- I hope it never comes up on something like this again. I hope the process is in place to prevent this from ever happening again. It's a sad, sad day when we lose a child in this province when it could have been prevented through proper process and we've lost them because of bungling. That's unforgivable.

So I'm disappointed we can't get the answer. Maybe the reason we can't get the answer is because the internal departmental investigation either isn't done, wasn't done properly, was shuffled under the carpet, or was shredded. I don't know. The reality is that it should be done and done properly, and it should be open for the public to know that there is a process to address this. That's what we're asking for. We're not asking for anything that will affect the

court case. Not a thing. We're just asking for the process that this department went through so that a child is safe and this kind of thing does not happen again.

Thank you, Mr. Speaker.

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

MS LEBOVICI: Thank you, Mr. Speaker. I, too, have some questions with regards to why the government would refuse to provide the information on the internal review results from the Department of Family and Social Services. In fact, I would hope that the review would have looked at the process by which the child was returned to the family and answer the question of whether or not those processes led to the death of that particular child.

I've looked at a review of this particular instance. What in fact the Official Opposition had asked for was a full public inquiry, and the government had refused that. Now they're indicating that it's before the courts, and that's a reason to refuse the results of the internal inquiry. The minister himself on a number of occasions was quoted as saying that he was uncomfortable with what had happened, that he needed to find out what had happened, and that he was going to launch a full investigation into this particular situation.

We know that over a number of years there in fact have been 52 children who have died while under the care of this government, while under child welfare custody. Since February of 1994 eight were believed to be the result of either suicide or foul play, and there have not been inquiries done with regards to those deaths. I think as a matter of course, when we look at the situation of increased teenage suicide and suicides among youths within this province, there should be a process in place that automatically sets the wheels in motion for an inquiry of some sort that then feeds back to the community the reasons for those circumstances having occurred.

In the cases of abuse of children or neglect of children in fact that process should automatically be in place as well. It should not be up to the discretion of a minister and at the whim of a departmental individual, one of the bureaucrats within the social services department, to make the decision as to whether or not there's going to be an investigation. There has to be a process in place, a process that asks the questions that will indicate where and how these situations have arisen and how in fact we can prevent this from occurring again, because that should be the outcome of such an inquiry.

So when the government refuses to release the reports of the internal inquiry, I guess the questions that come to mind are: why? What lessons were learned as a result? Have there been changes made in the department as a result of that inquiry? Perhaps the inquiry was not as all-encompassing as the minister had led us to believe, and that is why in fact we're not seeing what the inquiry is. This is a matter of process as much as a matter of trying to find out what happened with this particular child. If through this process and in looking at the internal inquiry there can be some suggestions made to ensure that this does not happen again and in fact we can save the life of a child in the care of the government, then I believe we have all done our job in this Legislative Assembly. To indicate that the reason we can't have these results is because of a court case is not good enough and is not good enough for the children in this province, who deserve a lot more.

I would urge the government to look at providing these results and to look at putting in place a process so that when a child dies in this province, there is an inquiry, so that when there's a suspicious death or a death not due to natural causes, there is an automatic inquiry process put in place so we can then learn from that, provide perhaps

some comfort to the family and the survivors, as well as answer some of their questions. Without that kind of process and having an ad hoc process looking at these circumstances, I believe we do a large disservice to the youth in our province.

Thank you.

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

MR. DICKSON: Thank you, Mr. Speaker. I'd just preface my comments with the observation that I'm puzzled. I'm genuinely puzzled. With all of the bright, creative people across the floor, why is it that they take the easy way out on a straightforward motion for a return? The easy way out being a claim that there's a pending criminal court proceeding and therefore that's the end of it. The reason I'm puzzled is that there is no absolute rule and never has been that because there's a criminal proceeding which in some way bears on a matter of considerable public interest, that's the end of the question.

We don't have to look any further than our Standing Orders. Standing Order 23(g) talks about what kinds of things ought not to be referred to in debate, and it talks about matters "of a criminal nature from the time charges have been laid until passing of sentence." But it says -- this is the key part, and I particularly commend this to the Government House Leader.

Where there is probability of prejudice to any party but where there is any doubt as to prejudice, the rule should be in favour of the debate.

Now, that's in Standing Orders. We've not heard any discussion on that.

If we look at *Beauchesne*, it's clear that article 510 says:

The Speaker has pointed out "that the House has never allowed the sub judice convention to stand in the way of its consideration of a matter vital to the public interest or to the effective operation of the House."

Finally, if you go to *Erskine May*, on page 384:

Successive Speakers have exercised their discretion to allow matters to be discussed, on which (although they fall within the strict terms of the sub judice rule) they have considered that no substantial risk of prejudicing proceedings would arise.

Yes, there is the most serious kind of criminal proceeding which relates to the unfortunate death of Jordan Quinney, but what all of the authorities I referred to import is a kind of balancing that goes on. This is why I'm so disappointed that the Government House Leader would offer as an excuse only the notion that it's before the courts.

4:50

As I think my friends and colleagues have very ably described before, we can do a sequential treatment of the information. Everything that happened from the act which resulted in the death of this youngster clearly is material and relevant in the criminal proceeding, but everything that happened before the act which led to the death is something which I think has to be explored and has to be considered. We have in this province the Fatality Inquiries Act. It's not uncommon that the Fatality Review Board does an investigation, studiously avoiding coming to conclusions as to who may have caused the death in terms of attributing or assigning fault or culpability, to determine if there is some public risk, some defect in a process, some neglect in a department, some oversight in a bureaucracy that may in some way have put a child at risk and then certain things ensued. The issue is: was the child put at risk in the first place while that child was the responsibility of the province or

where the province had any responsibility at all?

It seems to me that the government could readily say: everything that happened from the actual act that caused the death, we're not going to share that information. To the extent that the department has done -- and the minister's acknowledged this -- an analysis of the department's actions with respect to the process of the removal of the child from the home, this is sequentially long before the act which led to Jordan Quinney's death. The final placement of the child back with the mother and stepfather: that surely is a matter of huge public interest. The fact that the child was placed with the mother and stepfather, in this case a stepfather who had previously been convicted of assaulting the child, those are matters that speak to the best interests of not only this child but every other child in provincial care.

If we go back a few minutes ago, on Written Question 1 we heard lots of -- I was going to say sanctimonious, but that's not fair. We heard lots of high-minded statements, Mr. Speaker, about protecting children in the care of the province. That's fair. I think every member agrees with that. Why is it that on Written Question 1 we have this huge degree of concern with protecting children, and now suddenly some of that concern seems to have deserted the Chamber? Some of that concern seems to have sort of evaporated. Now we're worried about an ongoing court proceeding. As long as the department is judicious and with the guidance of lawyers in the Department of Justice, I have every confidence that those findings of the investigation that relate to the placement decision, the consideration in terms of the eligibility of the stepfather and mother to have the child back, those things can be done, in my respectful submission, without prejudicing the criminal proceeding. If there had been a matter under the Fatality Inquiries Act, there would have been vastly more information available.

So I would say to the Government House Leader and to his colleagues to at least be consistent. Let's go back and find all of those eloquent testimonials to protecting children that we heard in Written Question 1. Let's see that manifest in this motion for a return, because I think the information that's sought is appropriate.

So those are the points I wanted to make, and I hope members will be animated by the best interests of children. Jordan Quinney unfortunately has died, but certainly we can do something about other children in the care of the province.

Thanks very much, Mr. Speaker.

[Motion lost]

#### **Child Welfare League Adoption Report**

M18. Mr. Sapers moved on behalf of Mrs. Sloan that an order of the Assembly do issue for a return showing the Child Welfare League of Canada report on adoptions in Alberta, 1997-1999.

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

MR. SAPERS: Thank you, Mr. Speaker. This information will be very helpful to us. There is legislation forthcoming dealing with adoption issues, and I would hope that the government would quickly and readily provide the information which is the subject of this request.

THE DEPUTY SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Mr. Speaker, on behalf of the Minister of Family and Social Services we accept that question.

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

MR. SAPERS: Thank you, Mr. Speaker.

[Motion carried]

#### **Information and Communications Technology Report**

M77. Mr. Sapers moved that an order of the Assembly do issue for a return showing all invoices billed to the Public Affairs Bureau for the design, production, distribution, and marketing of the report entitled Information and Communications Technology: A Strategy for Alberta, released November 12, 1998.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Glenora on Motion 77.

MR. SAPERS: Thanks, Mr. Speaker. Well, I guess not everything is preordained, but Motion 77 I think is. This information is very interesting for us to have, because the information and communications technology strategy itself is one that has to be seen as moving outside of government. We would be very interested in knowing who it is that the government has entrusted with the development of this strategy and how much it has cost the taxpayers. That's not because we are questioning the value of the strategy. In fact, quite the contrary. We're delighted that the government has taken at least some initiative in putting together a comprehensive communications strategy embracing new technology, but we do have some concerns about the administration around the preparation of that information and communications strategy.

So I hope that, in the government's own words, they'll be open and transparent and that they will produce the subject of Motion 77. Thank you.

THE DEPUTY SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. One of the things which is never preordained is that we would accept a question put forward by the hon. member, but in this case we would be delighted to do so in the spirit of openness and co-operation.

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

MR. SAPERS: Never let it be said, Mr. Speaker, that there is no value in trying and trying again. Thanks to the government for accepting that.

[Motion carried]

#### **5:00 West Edmonton Mall Refinancing**

M108. Mr. Sapers moved that an order of the Assembly do issue for a return showing a copy of the October 29, 1993, memorandum from the Premier to the former Deputy Premier and Minister of Economic Development and Tourism relating to the refinancing of the West Edmonton Mall.

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

MR. SAPERS: Thanks, Mr. Speaker. While I'm on a streak, I'll pursue this.



Now, I would like to refer for a moment to page 29 of the Auditor General's special report on political involvement with West Edmonton Mall and the Alberta Treasury Branch. In pursuing this matter, I would like to make it perfectly clear that this is not because any member of the Official Opposition has a particular problem with the Alberta Treasury Branch or a particular problem with West Edmonton Mall. What we have a particular problem with is the abuse by this government of the Alberta Treasury Branch over the years and what we believe is an inappropriate interference in the financial affairs of the mall through the offices of the Alberta Treasury Branch.

Now, the Auditor General on page 29 of his report makes the following observation, and he's referring to the nature of political involvement. He says:

The application of this policy with respect to WEM refinancing was further clarified in an October 29, 1993 memorandum from the Premier to Mr. Kowalski, then Deputy Premier and the Minister of Economic Development and Tourism. This memorandum was drafted by Mr. Kowalski.

So the fact is, Mr. Speaker, that we know that this October 29, 1993, memo exists, because the Auditor General refers to it.

As you are aware, we have on the Official Opposition side tried to obtain documents on West Edmonton Mall financing through freedom of information. We have been told variously that either no documents exist, which we know isn't true -- and in fact that refusal was the basis of a special report of the Privacy Commissioner in which he concluded of course that it wasn't true and that the Premier's office did not adhere to the provisions of the freedom of information legislation in this province -- or we've been told that documents may exist but that they have to be exempted for some reason.

So, Mr. Speaker, the opposition has been thwarted through question period, when the Premier said that he isn't going to answer any more questions on this matter. We've been told by Executive Council that they don't have documents, when of course they do, and because there's no penalty provision in the Freedom of Information and Protection of Privacy Act, they seem to be able to get away with it.

We've also, Mr. Speaker, had a Standing Order 40 rejected in this Assembly just today. We've had the Standing Committee on Public Accounts refuse to deal with the matter.

THE DEPUTY SPEAKER: Hon. Minister of Advanced Education and Career Development, if you wish to enter into debate, then wait your turn. If you wish to make a point of order, please do so.

The hon. Government House Leader on a point of order.

### Point of Order

#### Allegations against Members

MR. HANCOCK: Mr. Speaker, the hon. minister was just admonishing me that I should raise a point of order under 23(h),(i), and (j) relating to an allegation that was being made by the member opposite that when Executive Council said that there wasn't a document, he's alleging that in fact there was a document. I think it's an inappropriate allegation, and the member should be asked to withdraw it.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Buffalo on the point of order.

MR. DICKSON: Well, I'm happy to advise, sir, that I've had the benefit of seeing the complaint that went to the Information and Privacy Commissioner, Mr. Clark, on that very basis. I also had the

opportunity to see the report that came from Mr. Clark's office -- I don't unfortunately have the text of the report in front of me, but I'll paraphrase -- and the indication was that the section 9 duty to assist in the FOIP Act had not been met, had not been honoured by the department, that the Executive Council office, subsequent to a request and subsequent to responding that there were no such documents, then unearthed the very documents that were the subject of the initial FOIP request.

In the report, which was, as I recall, tabled in the Legislature weeks ago, the Information and Privacy Commissioner office went through and said that it was clear that the people in the Premier's office and, I think, the Executive Council office were inadequately trained, that they did an inadequate search, because the documents were ultimately unearthed. As I say, I regret that I assumed that all members in cabinet would have been briefed on the mix-up with Executive Council and would be redoubling their efforts to make sure that they were properly able to respond to access requests.

So it's clear that it's a matter of record. It's a question that's been determined by the Information and Privacy Commissioner, and I might add that the Premier's office and Executive Council had an opportunity to respond to the report before it was finally issued in final form and to correct any inaccuracies.

So it seems to me that the facts speak for themselves. The finding of the investigation speaks for itself, and frankly the minister of advanced education in his off-the-record comments to the Government House Leader have no accurate basis to take issue with the accurate representation made by my colleague for Edmonton-Glenora.

Thank you.

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

MR. SAPERS: On the point of order, Mr. Speaker. Absolutely. Rather than having the minister of advanced education making rude interventions from his seat without getting them on the record, I would have appreciated if he had stood up and made the point on the record so that we could expose it.

MR. DUNFORD: I'll make the point. He was using it out of context.

THE DEPUTY SPEAKER: Order. We can't have two points of order at the same time. Would you address the point of order as opposed to involving other people in the issue?

MR. SAPERS: Absolutely, although he involved himself, Mr. Speaker.

When the Government House Leader stands up and says that this member made inappropriate allegations, I take that very seriously, and he should know better. I respect his training in the law, and I respect the work that he's done in this House already as a newly elected member, but I will not stand by and have my reputation dealt with in that way by that member when in fact it wasn't my findings. It was the Privacy and Information Commissioner's findings that said that the Executive Council breached their responsibility. It wasn't me.

THE DEPUTY SPEAKER: As the chair recalls what was said over here and what has been said back there, there is, as I understand it, no statement that a member told a lie that I heard. If that's not so, then we'll have to wait until the Blues arrive for that.

As I understood it, there was an allegation that something was not

found in a member's office, but there wasn't an allegation that the member said that it wasn't there, and if that's the understanding then, okay. That really isn't an allegation under what was quoted, Standing Order 23(h), "makes allegations against another member." It was indicating, as I understood it, that the office had not been able to find something, which was clarified by the hon. Member for Calgary-Buffalo.

So I don't really think, given that parameter to it, that we have a point of order. We'd ask the hon. Member for Edmonton-Glenora to continue on his discussion on this motion for a return.

MR. SAPERS: Thanks, Mr. Speaker, and thank you for the ruling and the clarity.

5:10

#### Debate Continued

MR. SAPERS: As I was saying, it is clear that every other attempt has been made to obtain documents, to obtain records, and to particularly obtain all of the information that any member of this Assembly would need so they could make a legitimate and accurate appraisal of the situation or so that any of us may be able to talk to our constituents in an informed and intelligent way. Unfortunately, all of those requests and all of those efforts have gone for naught, so we are here dealing with the motion for a return, which is a time-honoured tradition in this Assembly and in other Assemblies and parliaments.

There can be no doubt that the October 29, 1993, memo exists. There can be no doubt that the Premier and the Treasurer have said that they will provide all the information that's necessary to Albertans. They have used the cliché: no closed drawer, no closed door. They've said that they were totally forthcoming with the Auditor General. It's about time that they were totally forthcoming with the people of Alberta through this Assembly.

So what we are after, quite simply, is a memo in which the Premier requests, and I quote from the Auditor General's report once again. This is on page 30, where the Premier says in writing to the then Deputy Premier:

Be the Minister that deals with all aspects of the Government of Alberta's interactions with Triple Five Corporation Ltd.-West Edmonton Mall. This definition includes interactions between all of our Departments and the above as well as all financial bodies mandated by our government and the above.

Mr. Kowalski was to direct his "best efforts to solving their refinancing requirement without subsidies, grants or direct Government of Alberta guarantees."

#### Speaker's Ruling

##### Referring to a Member by Name

THE DEPUTY SPEAKER: You've referred to people who currently sit in this Assembly by their names. I know you're making a direct quote from a document that you want to get ahold of, but we're kind of caught here with the civilities of procedure.

MR. SAPERS: Mr. Speaker, sorry; that one got away from me. I was trying carefully, as you may have noticed before, to avoid naming members, and it was a direct quote. So I apologize for that. Instead of using the surname, I should have said: the Deputy Premier at the time. [interjections]

You know, the constant noise coming from the minister of advanced education is getting very, very annoying. If he's cranky because his painkillers aren't working or something, I suggest he go for another round of them. These interventions are a little annoying.

#### Speaker's Ruling Decorum

THE DEPUTY SPEAKER: I think that the hon. member does have a point, but he strays when he infers what might be the reason for someone's outburst. That would be inferring some condition that he doesn't have the capacity to know exactly. We would reiterate the invitation to the hon. minister that if he wishes to enter into debate, to please do so when it's his turn. Right now it's the hon. Member for Edmonton-Glenora, who, we hope, will conclude soon.

#### Debate Continued

MR. SAPERS: Mr. Speaker, I'm trying to rush to a conclusion because I'm anxiously anticipating a positive vote so that we can get on with getting to the bottom of this matter. As I indicated in Public Accounts Committee earlier today, you know, the truth is out there, and it's about time the truth was in here as well.

I will simply conclude by saying that this memorandum exists. The government doesn't deny it exists. The Auditor General refers to its existence. Everybody knows about the existence. It's been well reported in newspapers. The only thing we don't have is the source document itself. I think that if somehow newspaper reporters can get ahold of this document by their friends in government, at least elected members should be able to get ahold of the same source documents.

THE DEPUTY SPEAKER: Having heard the motion by the hon. Member for Edmonton-Glenora, would the members in favour . . . Sorry. Hon. Government House Leader.

MR. HANCOCK: Mr. Speaker, I would hope that it would be appropriate for me to accept or reject on behalf of the government first.

THE DEPUTY SPEAKER: The chair apologizes. With all of the wrangling back and forth over points of order and so on, he quite forgot himself and apologizes and would now recognize the hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. I wouldn't have wanted to miss the opportunity to advise the hon. member that we would be rejecting this question on behalf of the government.

As the hon. member has indicated to the House already and quite eloquently, numerous FOIP requests have been made. All the documents that are appropriate to be released under the FOIP requests presumably have been released under the FOIP requests. All documents related to the refinancing of West Edmonton Mall have been provided to the Auditor General, including the documents requested. The Auditor General has reported on the refinancing and found no inappropriate political involvement by any cabinet minister. The report deals with the issue.

There's no point in pursuing this further, so we wouldn't accept that question on behalf of the government.

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

MR. DICKSON: Thanks, Mr. Speaker. The rejection of this very straightforward request suggests yet more evidence of this government's disdain for the Legislative Assembly and the responsibility and the work of the Legislative Assembly. You know, the fact that a document was shared with the Auditor General is not the same thing as making it available to duly elected legislators.

It's a source of amazement to me how many times we have sat

here and listened to the Premier say: I've turned over all the documents to the Auditor General. He talks about how many pages his statutory declaration was. I don't remember, and I should, because it's been mentioned so many times. But what the Government House Leader knows better than anybody is that, for example, a sworn document reflects usually the skill of the lawyer and the person who drafted it if it's not tested by cross-examination. In the same way, a report that's been submitted by the Auditor General is not any adequate substitute for the document being made available to legislators who then can query and ask questions on the basis of that document. I know of no sufficient reason why legislators should be required to deal with an analysis being done by the Auditor General yet be denied access to key source documents. This is a key source document.

You know, we see in so many other times and so many other places where what you find in a document depends largely on the degree of rigour that's applied in doing the analysis and asking the kinds of questions. I think that the Auditor General, as is well known, has all kinds of limitations in terms of the kind of investigation he can undertake. Some of them are statutory; others are policy. But this Legislature is sovereign. This Legislature is sovereign, and this is the appropriate place where those documents should be made available.

What I don't understand is the defensiveness, the resistance to disclosure. I could never understand why the Premier wouldn't share with us his statutory declaration. He's the author. He owns that, not the Auditor General. If I make an affidavit or a statutory declaration, that's mine to do with what I wish. If I were the Premier, I'd have been only too happy to come in on February 16 or February 17, the first business day -- I would've wanted to table that document, Mr. Speaker.

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

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

#### **Point of Order Relevance**

MR. HANCOCK: On relevance, Mr. Speaker. The speaker is referring to a statutory declaration. The motion for a return clearly refers to a specific memorandum. So speaking about a statutory declaration or other documents is obviously totally irrelevant to this particular discussion.

THE DEPUTY SPEAKER: On the point of order, hon. Member for Calgary-*Buffalo*.

5:20

MR. DICKSON: I apologize because I didn't make it clear what the connection was. My assumption from reading the Auditor General's report is that this document was one of the items described in the Premier's statutory declaration. I made that assumption because (a) the Premier told us everything he knew and had seen had been in the statutory declaration and (b) because I haven't seen the statutory declaration. I took the Premier at his word and assumed it was in there.

Now, if that document is not in the statutory declaration, I stand to be corrected. I'm making that assumption in good faith, because I haven't seen it. It seems to me that there's a logical nexus between what the Premier has told us, what the Auditor General has told us, and that makes the tie-in.

That's my comment on the point of order.

THE DEPUTY SPEAKER: Well, the chair has not the resources to

get into fine details, and I think that the explanation is acceptable. I see no further objection from the hon. Government House Leader.

Hon. member, when you sat down as he was standing up, that was you concluding your debate on this? No?

MR. DICKSON: I made my observation on the point of order. I wanted to await your ruling, sir. If you've now concluded, I'll continue.

THE DEPUTY SPEAKER: I have.

The hon. Member for Calgary-*Buffalo*.

#### **Debate Continued**

MR. DICKSON: Thanks very much, Mr. Speaker. I think I made the points that I wanted to. I can't understand why the government would not be pressing to get this information out there.

I just relate it to this. When the first freedom of information training video came out, there was a delay of about three weeks because they wanted to get the Premier doing a televised introduction to that FOIP tape. It was the Premier talking about this new culture of openness that was going to happen. Now, this is going back to 1995. There was going to be this new culture of openness, and I just can't resist, Mr. Speaker, making the contrast between the government position on Motion for a Return 108 and the wonderful observations that were made by the Premier. It was exciting to hear the Premier say those things in his introductory video, and I thought he meant those things. I'm just trying to reconcile the position being taken by his government now on Motion for a Return 108 with all of those promises. I detect a bit of a chasm between the two.

Thank you.

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

MS OLSEN: Thank you, Mr. Speaker. Just a few short comments. I find it very interesting that the government seems to be rather sensitive about this whole issue. I don't know. He seems to be a little more sensitive than he'd be given that they're relying on the Auditor General's report. Given that the Auditor General's report states that this memo exists and that the Auditor General's report states that there is no political interference that he can determine with the limited amount of information he had, then I don't know what the problem is. I don't understand why in fact this government doesn't want to release that document.

If it exists and they have nothing to hide, they have nothing to be afraid of, then put it on the table and let Albertans know that that is in fact the way it is. In the end, if it comes out in the wash another way, there's going to be a lot of egg yolks flowing down the faces of these folks. Why don't we just put it on the table and have it available and deal with the issue. It exists.

I'm concerned, Mr. Speaker. I don't know. If I were investigating this, I would be digging a lot further. You know, I would be looking for a few more things as an investigator, and for 14 years I had the opportunity to do those kinds of things. I might find other places to look. In fact, do you know that people who have nothing to hide, in my experience, throw it on the table?

Thank you.

#### **Speaker's Ruling Decorum**

THE DEPUTY SPEAKER: To both sides of the House, calling back and forth is not appropriate behaviour in Assembly, nor is it in committee. Please try and recall where it is that you are. We are in debate on Motion for a Return 108 and would recognize that there's

only one person to be speaking out loud at a time, that being the hon. Member for Edmonton-Norwood.

### Debate Continued

MS OLSEN: Thank you, Mr. Speaker. I guess that I, too, am puzzled. I don't understand why it is that there's so much secrecy around all of these documents, and the hon. Member for Edmonton-Mill Creek looks rather puzzled as well. You know, I'm sure that that hon. member is probably asking some of the same questions in the back of his mind.

MRS. SOETAERT: Maybe not.

MS OLSEN: Well, maybe not. Maybe not now. He was asking those same questions some time ago, but you know how things flip-flop in the government.

Mr. Speaker, in reality, in the seriousness of this particular issue, if this government feels that there is absolutely -- absolutely -- nothing that they need be concerned about, then this document has a place in this Legislature. This document should be made public, because it's not going to harm the government. The longer this goes on and we have to keep asking for documents that should be made public, then I become concerned about the openness and true accountability of the government.

I reflect on the hon. member's comments in relation to FOIP and

the fact that we now have a new act. You know, we have to be able to mean what we say, and if we say that we're going to be an open government and we're going to be accountable and we're going to be transparent, then do it.

But you know what? We're finding out and Albertans are finding out that the words of this government do not reflect their actions, and that's where they get very disappointed and disenchanted with that process. If they want to put it on the table, if they've got nothing to hide, I challenge them to do that. But that hasn't happened. I challenge them to do this.

Thank you, Mr. Speaker. I'll leave my comments at that.

MR. SAPERS: Well, Mr. Speaker, to close debate on this motion, there have been precious few opportunities in this Assembly to debate the government's involvement in the Alberta Treasury Branch refinancing of West Edmonton Mall. In fact, I think that other than question period and the ill-fated Standing Order 40 this has really been the first exchange of any length. It's very clear that it's a sore spot for the government. I would hope that rather than be . . .

THE DEPUTY SPEAKER: It is now 5:30. According to Standing Order 4(1), the Assembly is adjourned until 8 this evening.

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