

Legislative Assembly of Alberta

Title: Wednesday, May 7, 1997 1:30 p.m.
Date: 97/05/07
 [The Speaker in the Chair]

head: Prayers

THE SPEAKER: Good afternoon, hon. members. Would you please remain standing after the prayer as well. The prayer today is one that is said in the British Columbia Legislative Assembly.

Let us pray.

As we commence proceedings today in this Assembly, we ask for divine guidance so that our words and deeds may bring to all people of this great province hope, prosperity, and a vision for the future.

May the deliberations in this Chamber be characterized by temperance, understanding, and reason to the end that we may better serve those who have made the members of this House guardians of and trustees for all of the citizens of Alberta.

Mr. Thomas Fredrick Lawrence Lysons
 1934 to 1997

THE SPEAKER: It is with regret that I advise members of the sudden passing of Mr. Tom Lysons. Mr. Lysons was a former Member of the Legislative Assembly and represented the constituency of Vermilion-Viking for the Progressive Conservative Party. He was first elected in the election held on March 26, 1975, and served until 1986. During his years of service Mr. Lysons served on the following select standing committees: Law and Regulations, Private Bills, and Public Affairs.

With our admiration and respect there is gratitude to members of his family who shared the burdens of public office. Our prayers are with them.

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

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

Amen.

You may be seated.

head: Introduction of Visitors

MR. HANCOCK: Mr. Speaker, being in an unfortunate position here, I can't tell whether my guest has arrived or not yet.

I'm pleased to introduce to you and through you to members of the Assembly His Excellency Hassan Bagha, high commissioner for the Republic of Kenya. We are indeed honoured to welcome a representative from a fellow Commonwealth country. Exports from Alberta to Kenya totaled \$4 million in 1996, consisting mainly of agricultural commodities. On the humanitarian side Albertans from many sectors including the universities and church groups are involved in development work in Kenya.

I would ask that His Excellency please rise in the gallery and receive the recognition and warm welcome of the Assembly.

head: Presenting Petitions

MR. KLAPSTEIN: Mr. Speaker, I would like to table two petitions: the first on behalf of the Minister of Public Works, Supply and Services signed by 32 residents of Stony Plain constituency regarding VLTs and the second signed by 82 residents of Leduc constituency also regarding VLTs.

head: Presenting Reports by
head: Standing and Special Committees

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

MS GRAHAM: Thank you, Mr. Speaker. As chair of the Select Standing Committee on Private Bills I wish to advise that in accordance with Standing Order 94 I have reviewed the petitions that were presented Monday, May 5, by the deputy chair of this committee and can advise the House that all but two of the petitions comply with Standing Orders 85 through 89.

Furthermore, Mr. Speaker, the Standing Committee on Private Bills has considered the remaining petitions and recommends to this Assembly that Standing Orders 89(1)(b) and 89(2) be waived for the petition for Canadian Union College Amendment Act, 1997, and the Altasure Insurance Company Act subject, however, to the petitioners completing the necessary advertising before the committee hears the petitioners.

That is my report.

THE SPEAKER: Does the Assembly concur in this report?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

head: Notices of Motions

THE SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I hope this is the appropriate time to do this. Based on a review of yesterday's *Hansard*, I would like an opportunity to clarify a statement I made in the House yesterday after question period.

THE SPEAKER: We'll do it, hon. Government House Leader, under points of order at the conclusion of Oral Question Period.

head: Introduction of Bills

THE SPEAKER: The hon. Member for Fort McMurray.

Bill 12
Mines and Minerals Amendment Act, 1997

MR. BOUTILIER: Thank you, Mr. Speaker. I request leave today to introduce Bill 12, the Mines and Minerals Amendment Act, 1997.

This Bill will allow us to move ahead on implementing the key features of a generic royalty regime for oil sands. The Bill also proposes much needed changes to the petroleum and natural gas lease continuations. Overall this Bill will streamline the existing legislation. I look forward to expanding on the proposed changes during second reading.

Thank you.

[Leave granted; Bill 12 read a first time]

THE SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I move that Bill 12 be placed on the Order Paper under Government Bills and Orders.

[Motion carried]

head: Tabling Returns and Reports

THE SPEAKER: The hon. Minister of Municipal Affairs.

MS EVANS: Mr. Speaker, thank you. I'd like to table with this Assembly four copies of a document providing additional information on the Credit Counselling Services of Alberta Ltd.

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

MR. STELMACH: Thank you, Mr. Speaker. Today it's my pleasure to table with the Assembly the 1996 Farmers' Advocate annual report. Additional copies are available at my office if you're interested.

Thank you.

THE SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I'd like to table the annual report for 1996-97 for the Victims' Programs Assistance Committee.

head: Introduction of Guests

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

MS LEIBOVICI: Thank you, Mr. Speaker. It gives me great pleasure this afternoon to introduce to you and through you 21 very enthusiastic and happy students from Winterburn elementary school. They are accompanied this afternoon by their teacher Mrs. Drolet, who's extremely pleased that her class can finally see question period, and by parent/helper Mr. Stewart. If they'd please rise and receive the warm welcome of the House.

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

MR. SEVERTSON: Thank you, Mr. Speaker. It's with great pleasure that today I introduce to you and through you to the members of the Legislature 26 grade 6 students from C.P. Blakely school in Sylvan Lake. They're accompanied by their teacher Mr. Fielder and parents Mrs. Brown, Mrs. McIvor, Mrs. Janke, Mr. Gyori, Mr. Frey, and Mr. Pszczolkowski. They are seated in the members' gallery, and I'd ask them to rise and receive the warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Redwater.

MR. BRODA: Thank you, Mr. Speaker. It gives me pleasure to introduce to you and through you 22 students from the Sturgeon composite high school. Included is their teacher Mr. Norman Zweifel. I would ask them to rise and receive a warm welcome from this Assembly.

head: Oral Question Period

1:40

THE SPEAKER: Leader of the Official Opposition.

Child Welfare

MR. MITCHELL: Thanks, Mr. Speaker. On April 30 the minister of social services commented on the deaths of children in the care of government.

We have looked at [all of] them, we have looked at the circumstances of them, and there have not been any . . . caused by neglect and abuse.

The medical examiner's office presents a very different picture. Of the seven children who died while in government care in 1995, a 15-year-old girl died in a foster home from a drug overdose, a 12-year-old girl in a group home died of hanging, a 13 year old in a group home hung himself, an 11 year old, previously abused, died in hospital, and a 6 year old in a group home, abused by foster parents, died as well. No public inquiry, no public disclosure, no public memorial. To the Minister of Family and Social Services: how can that minister stand in this House and say that none of these children died from neglect and abuse when the medical examiner said they did?

DR. OBERG: Thank you very much, Mr. Speaker. What I would like to do is table a copy of the summary of findings for children who died while receiving child protection services while under our care. In the time frame that the hon. Leader of the Opposition was talking about, we had one with previously undiagnosed physical anomalies, we had one with acute disease or chronic disease, we had one from crib death, or SIDS, we had two from self-inflicted injury causing death, and we had one that was not coded. Every case, every death that is recorded under department care is put forward through the medical examiner's Act, and there is a way that the medical examiner makes it public.

MR. MITCHELL: Well, that's very interesting. Why is it, then, that I have here a report from the medical examiner to the Minister of Justice outlining the death of a 15-year-old girl in Calgary while in foster care because of a drug overdose, the death of a child because he hung himself, the death of another child who died because of hanging in a group home? I can go on, Mr. Speaker. Why is it that the minister of social services has one report and the Justice minister has a report that is completely different, clearly outlining that children died because of neglect and abuse under the care of that minister?

DR. OBERG: Thank you very much, Mr. Speaker. In a perfect world there would be no suicides, but unfortunately the world is not perfect. We look at each and every death, we look at each and every suicide that occurs, and we take actions against it. To say that the suicides, to say that the deaths that have occurred are due to the problem of being in government care is totally wrong.

MR. MITCHELL: The minister said that none of them died from neglect and abuse. And it didn't say that he hung himself; it said that the child was hung.

Mr. Speaker, to either the minister responsible for social services or the Minister of Justice, to either of these ministers: which one of them is going to conduct a full public investigation into these deaths and develop a formal process for the timely reporting of deaths of children in the care of government so that we don't have to wait as much as two years and have a document that isn't even made public for as much as two years, if at all, that outlines why it is and how it is that children in the care of government died?

DR. OBERG: Mr. Speaker, first of all, as I reported, there were two that were self-inflicted injuries causing death – and I did say that quite specifically – from April 1, 1995, to March 31, 1996. It is something that we are not proud of, but in essence with the type of children that we look after, it does occur and it is a fact of life. In children that were not in care, it was not there.

With the medical examiner's office if there is any blame, if

there is anything that can be done, it is brought forward to the attention of the minister of social services. We look into it, and we address it. That's the bottom line.

Health Resource Group Inc.

MR. MITCHELL: Mr. Speaker, the Health Resource Group is headed up by the former chief operating officer of the Calgary regional health authority. In that capacity he closed three hospitals. Now as chief executive officer of the Health Resource Group he plans to fill the demand that he created with a private hospital, formerly the Grace hospital, complete with oak panelling and plush carpets. My questions are to the Minister of Health. Can he confirm that the real plan for this private hospital is to contract public health services to the hospital and that it is no coincidence that this hospital is operated by a friend of this government?

MR. JONSON: Mr. Speaker, first of all, I do not know and I'm not acquainted with the individual being referred to.

Secondly, the individual, as I understand it, has chosen to enter the private sector and be part of this particular business endeavour. No, Mr. Speaker, I cannot confirm the allegation made by the member across the way.

MR. MITCHELL: How does the Minister of Health ensure that former senior administrative staff who are privy to confidential health care plans don't benefit from this information by going out and setting up private health care facilities?

MR. JONSON: Mr. Speaker, my responsibility as a minister of the Crown is, as I've indicated earlier, to ensure that laws and regulations relative to a project such as this as they apply to health are adhered to and, as repeatedly affirmed in this House, that this particular initiative conforms to the requirements of the Canada Health Act. It would be my understanding that this individual has not violated any law. At many times, every day perhaps but certainly from time to time, people do leave the employ of the government and enter into the private sector.

MR. MITCHELL: Given that this company plans to become a chain expanding into Edmonton, among other places, can the minister tell us which Edmonton hospital he will allow HRG to privatize here?

MR. JONSON: Mr. Speaker, I am not aware of any particular plans to expand into Edmonton. This may be something that has been stated somewhere. I do not know. Therefore, in answer to the question, certainly the minister is not involved in the activities that the member is asking about.

THE SPEAKER: Third main Official Opposition question, the hon. Member for Calgary-Buffalo.

Nursing

MR. DICKSON: Thank you, Mr. Speaker. Last week the Minister of Labour told us that the changes to the regulation governing licensed practical nurses were the product of two years of consultation. However, when we examine that same minister's report on the consultation, something's missing. There were no public hearings, no attempt to make the public aware of proposed changes which would drastically affect the level of care Albertans

receive in hospitals. My question would be to the hon. Minister of Labour, and it's this: why even call it a public consultation, Mr. Minister, when you talked only to some interested professional organizations?

MR. SMITH: Thank you, Mr. Speaker. In fact, it is broad and expansive public consultation. What the hon. member neglects to mention is that a portion of the Health Disciplines Board is composed of public members, and those public members represent public interest throughout this fair province. They serve as volunteers; they serve only on an expense-based allowance. That was but one portion of the consultation practice. As I filed publicly, as the member stated yesterday in the House, the consultation process was throughout the province with those particular organizations who are germane to the regulation changes.

1:50

Mr. Speaker, as much as the hon. member would like to point out that they're broad and encompassing changes, they are in fact process regulation changes to reflect the educational changes of those people that are in the profession today, those people that are licensed practical nurses today. In fact they're keeping up with the times.

MR. DICKSON: Mr. Speaker, since the minister is only referring to two individuals when he talks about public consultation, my follow-up question will go to the Acting Premier. My question would be this, sir: why will the Premier listen only to those Albertans he describes as severely normal, as was the case on Bill 24 last year, yet shut out those very same voices when it comes to something as important as safety in Alberta hospitals?

MR. DAY: Mr. Speaker, the Premier's record is very clear. He listens to all Albertans; he cares for all Albertans.

MR. DICKSON: The record may be clearer than the Premier would want.

Mr. Speaker, my final question would be this, and this would go back to the Minister of Labour. What weaknesses does that minister find in a consultation where only 10 of Alberta's 17 regional health authorities are even heard from?

MR. SMITH: I think it demonstrates the fact, Mr. Speaker, that they see it as a normal course of business and are pleased to be informed of the changes and to go on with business as usual.

Another thing that the hon. member neglects to mention, Mr. Speaker, is that over the last three years the Health Workforce Rebalancing Committee has been hard at work meeting in public venues throughout Alberta, capably chaired by the hon. Member for Medicine Hat, reporting through to the chair of Professions and Occupations. It is very clear that public consultation in any of the health care professions, as well as other associated professions that come under the Professions and Occupations purview, is open to public examination. It is a program that is looked at with interest from other provinces across Canada and clearly shows the stamp of this government's willingness for public consultation.

MRS. SLOAN: Point of order.

THE SPEAKER: The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Olds-Didsbury-Three Hills.

Bre-X Minerals Ltd.

DR. PANNU: Thank you, Mr. Speaker. Earlier today the leader of the New Democrat opposition made public information which indicates that the province of Alberta held 950,000 shares of Bre-X Minerals Ltd. at the time the share price first melted down on March 25, 1997. My question is to the Treasurer. Given the highly speculative nature of Bre-X Minerals and the doubts that were being raised about Bre-X, which included the death of their chief geologist on March 19, why was the province of Alberta through its Canadian pooled equity fund still holding almost one million shares on March 25?

MR. DAY: Mr. Speaker, the whole process of investment and investment fund management is an interesting one and an important one. There are certain pension funds for which this province takes responsibility in terms of management of those funds, but that responsibility is given to the managers through the boards of those particular funds. The boards dictate what the investment policy will be, and then they direct the managers accordingly. That's the way pensions funds work. That's the way large institutional funds work not just in Canada but of course around the world and in the particular area of Alberta Treasury management officials, people who do the business of managing those funds.

Overall, in terms of all the dollars invested and dollars gained and dollars lost, there was a net gain affecting all funds – some were moving up, some were moving down – of \$74 million. Obviously not all investors in Alberta and across the country fared as well as those pensions funds did, and that's the harsh reality of this disaster that has come upon all of us. Those managers managing all of those funds all taken into account had a net gain of \$74 million.

DR. PANNU: Thank you, Mr. Speaker. Given that the New Democrats have been told that the former head of the investment management division of Alberta Treasury, Mr. John M. Campbell, had sold the province's Bre-X holdings prior to leaving the department in January 1997, why did the Treasury Department subsequently decide to buy back into Bre-X despite the huge risks involved?

MR. DAY: Well, you know, Mr. Speaker, I can't speculate why somebody left and why somebody did something after someone else left. I just know that in terms of those particular funds and all the investment related to Bre-X, which was a tiny percentage of the overall portfolio, most portfolios give directions to their investment managers in terms of saying that a certain percentage should be very conservative. That's small "c" conservative. A certain percentage might be in blue chip or institutional stock, foreign equities, whatever it might be. It varies from fund to fund. Most funds will give direction to investment managers saying that a very small portion of the fund is permitted to go into what would be called high risk.

Yesterday an Edmonton investment house suggested that when they do their business, they recommend 2 to 5 percent of a fund would go into the high-risk category. As far as the investment managers related to Treasury, it was far less than that. In some cases .1 percent of their overall portfolio would have been invested this way. So even the high risk was a tiny percentage of the actual fund.

DR. PANNU: Thank you Mr. Speaker. Will the Treasurer

provide Albertans and this Assembly with a chronology showing Bre-X transactions by the investment management division from the time Bre-X shares were first purchased until all of the shares were sold and the gains or losses on each transaction?

MR. DAY: As a matter of fact, Mr. Speaker, it's my understanding that letters have gone out today from the chairs of each of those funds to their members – and that would obviously be public – giving very minute breakdowns of percentages and times and dollars and amounts of shares. That information is already out there; I'll see if I can gather that. If the member doesn't want to call the chairs of the funds themselves, I'd be happy to do that and make sure he has copies. It gives a breakdown of each fund in a very minute way.

THE SPEAKER: The hon. Member for Olds-Didsbury-Three Hills, followed by the hon. Member for Edmonton-Rutherford.

Farm Property Assessments

MR. MARZ: Thank you, Mr. Speaker. In November of 1995 the Municipal Affairs minister of the day initiated a review of regulated farm property assessment. My question to the minister is: what is the current status of that review?

MS EVANS: Mr. Speaker, a steering committee formed with rural municipalities, the participation of a number of farm industrial representatives and one from urban municipalities considered a number of the farm property assessment issues. As a result of their consideration there were no recommendations, although they did consider a number of options. Although they looked at several of them, they achieved no agreement on any single preferred option. Presently Municipal Affairs is reviewing and examining the options that they did consider and looking at a number of other factors.

MR. MARZ: To the same minister: are all the stakeholders being consulted in this, especially those rural municipalities that are most greatly affected by this?

MS EVANS: Mr. Speaker, I will be initiating a broader consultation than the original group. It's my hope that throughout this year we can resolve some of the assessment issues. Most definitely municipal associations, farm associations, every single participant that is willing to come forward and help us with solutions will be invited.

Furthermore, I think it's important to note that we do have to have an impact analysis. Farm assessment composes presently about 3 percent of the overall assessment in this province, and I'm hoping that we'll have something to produce in approximately one year's time.

2:00

MR. MARZ: The minister just answered my last question. Thank you.

THE SPEAKER: The hon. Member for Edmonton-Rutherford, followed by the hon. Member for Calgary-Bow.

Hospital Staffing

MR. WICKMAN: Thank you, Mr. Speaker. The Good Samaritan centre in Mill Woods aims to provide 24-hour care for patients who have difficulty breathing on their own. In 1995 two patients

left unattended suffocated to death. Now the centre is being forced to reduce the number of full-time respiratory therapists and replace them with less expensive but possibly untrained personal caregivers in order to save money. My questions are to the Minister of Health. Given the fact that this understaffed facility could not deal with the needs of patients in the past, possibly directly responsible for two deaths, how can they expect to do it after these layoffs?

MR. JONSON: Mr. Speaker, the regional health authority and the Good Samaritan Society, as I understand it, are doing a reorganization and, yes, changing their staff mix with respect to the Good Samaritan care centre. I think the very important thing to keep in mind here is that both organizations are committed to providing quality care at that particular facility, as they are throughout the entire region. I have no indication that the care will be jeopardized by the organizational change that they deem proper.

MR. WICKMAN: My second question, Mr. Speaker, also to the Minister of Health: will the minister still allow the centre to take patients needing full-time respiratory care if there is only one therapist available for all the patients?

MR. JONSON: Mr. Speaker, the decision as to the number of a particular group of professionals that operate within a facility is something that is managed and overseen by the regional health authority. It is not an item in which the minister would become directly involved. However, certainly I am concerned that quality care is maintained within the regional health authority. My understanding of the situation is that the regional health authority is certainly working on the basis of providing quality care, safe care, and would not be jeopardizing patient safety.

MR. WICKMAN: My last question, Mr. Speaker, to the minister: can the minister explain why, in view of the Premier's statements in terms of health reinvestment, facilities such as this are being forced to lay off needed health care professionals?

MR. JONSON: Mr. Speaker, the Capital health authority received approximately \$15 million in additional funding, specifically for the hiring of additional staff. They have submitted their preliminary plan, and they are committed to adding those 300 positions to their complement of staff. That commitment is there, and we are quite satisfied that it is being followed through on.

Now, in terms of different staff adjustments within particular facilities, Mr. Speaker, I think each one has to be considered on its merits. For instance, one other site that was in the news lately was the Glenrose care facility, where again they were doing some reorganization with respect to their staff. There were, I think, four positions being eliminated at the custodial level, but there were vacancies in other places in the system to provide employment for those individuals and of course service to the public through those staff.

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

Municipal Development Plans

MRS. LAING: Thank you, Mr. Speaker. As everyone knows, the city of Calgary is in a period of rapid growth, and some of the concerns my constituents have regard development in the fringe area. My question is directed to the Minister of Municipal

Affairs. Would the minister tell this Assembly: what is the approach to fringe area planning in the new planning legislation?

MS EVANS: Mr. Speaker, thank you. The new legislation emphasizes intermunicipal co-operation and co-ordination. Municipalities are entrusted to reach a consensus, to come together to talk about their problems, and we believe that the province has provided the tools for that consultation and for that co-operation. Clearly, the city of Calgary and the MD of Rocky View, which previously endured and had several areas of impasse, have found a new level of co-operation outside of former planning measures and have come together to become partners in a joint management process.

MRS. LAING: Thank you, Mr. Speaker. Would the minister tell this Assembly what transition provisions have been provided?

MS EVANS: Mr. Speaker, municipalities have until September 1 of 1998 to review and amend their statutory plans relative to the new Act, section 11 on the subdivision and development regulation. There is a transition implied in the fringe area. The limitations on country residential use in the vicinity of urban areas are set out clearly in the planning section here which were formerly under the Planning Act, and by September 1 of this year we are hopeful that those agreements will be in effect. We're hoping that the municipalities will reach a deadline, but there are manners of dealing with it if they do not.

MRS. LAING: Thank you, Mr. Speaker. Could the minister explain what happens if municipalities are unable to reach agreement on how particular fringe issues should be managed?

MS EVANS: Mr. Speaker, we've had a recent example of that with the appeal to the Municipal Government Board, which is in the legislation. There was a disagreement by one of the adjacent municipalities to the planning done by Sturgeon county, and at the Municipal Government Board on May 2 the appeal was made. St. Albert, the city of Edmonton, Morinville, and Sturgeon have agreed to sit together and provide the board with their full and complete report by June 18 and will report back. So there is an appeal mechanism.

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

Bre-X Minerals Ltd.

(continued)

MR. ZWOZDESKY: Thank you, Mr. Speaker. The provincial Treasury is responsible for managing and investing about \$12 billion in public-sector pension plan moneys. These investments represent pension contributions from over 140,000 Albertans, and the provincial Treasury was very fortunate that its high-risk investment in Bre-X actually made money. Today I'm tabling copies of a document called form 20, which indicates that Alberta Treasury actually bought 400,000 shares of Bre-X Minerals at a cost of \$3.75 per share. My question is to the Provincial Treasurer. When Alberta Treasury purchased \$1.5 million worth of Bre-X shares, which public-sector pension plans did these moneys actually come from?

MR. DAY: It was actually a number of plans, Mr. Speaker. I've got a list buried in all this paper here. The special forces plan,

the universities academic plan, the LAP was in there: all included. As I said, there was a \$74 million net gain with movement up and down, depending upon which particular line and which time you got in.

You know, Mr. Speaker, investors and fund managers across Canada, the United States, and around the world were buying this stock at the same time. This particular stock and the history behind it is – obviously it's going down in history in terms of the biggest fraud related to a mining stock that there is. Very, very sophisticated what happened. The top brokerage houses in North America were taken in by it. Barrick Gold themselves, gold evaluators out of Toronto, even seeing some indicators of possible problems still moved to a consolidated position on it. This stock was included on the TSE 300, which suggests that it was prestigious in the eyes of the evaluators. This was a widespread, worldwide duping that went on of a highly sophisticated nature. All of us hope to see the perpetrators of this pursued and dealt with to the full extent of the law.

It is somewhat remarkable that the managers here in Alberta managed in fact to come out with a net gain even though the amount of their investment was a very small percentage of their overall portfolios.

2:10

MR. ZWOZDESKY: I agree with the Treasurer. It was a very high-risk venture, and we're fortunate it worked out the way it did.

I'm hoping the Treasurer will take this question: will he release the guidelines governing these types of investments – what kind of investments are allowed? – and the criteria regarding expected rates of returns on these kinds of investments since it's the Treasury department that actually manages these investments of public-sector pension plans?

MR. DAY: I don't see that being a problem, Mr. Speaker, and I will ask the various boards who set the policy. It's not the government who sets the investment policy for each pension fund; it is their boards. I will certainly ask that that would be forthcoming. I know that the letters which are going out from the chairs of each board to its members are very specific, and I will certainly ask that those guidelines and policies would be made available.

MR. ZWOZDESKY: Thank you. In the interest of openness and accountability, which I know the Provincial Treasurer touts so often, will he also release a list of the investments of the \$12 billion pension plans prepared by his department, similar to the list of investments made, for example, through the heritage savings trust fund, where everything is listed and accounted for very openly?

MR. DAY: Again I don't see any difficulty with that. I don't know that there'd be any legal impediment to doing that, so let me see if we can get that done, Mr. Speaker.

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

Education Funding

MRS. BURGNER: Thank you, Mr. Speaker. I would like to address the appropriate allocation of resources to the classroom. In looking at the goals of the Alberta Education department, there

seems to be a need to measure fiscal restructuring beyond the compliance of meeting the administrative cap, and with the analysis of salaries as a percentage of the instructional budget it would appear that appropriate resources to the classroom are significantly diminished. My question today to the Minister of Education is: can the minister explain if there are any mechanisms in place to compel boards to provide a certain level of support at the school level?

MR. MAR: Thank you, Mr. Speaker. In 1995 this government set out a funding framework to ensure equitable funding to school boards. Now, as the hon. member has already pointed out, we do restrict the amount of dollars that school boards receive in grants from the province in terms of the amount of money they can apply towards administration and we do direct them to put as much money as possible towards making sure it counts; that is to say, in the classrooms.

In that regard, Mr. Speaker, we do grant to school boards on a per capita basis \$3,686 per student. Those instructional resources are intended to cover core and complementary programs; special education programs, including mild and moderate disability students and also gifted students; learning resources and supplies, which includes textbooks; and also library, counseling, and testing services. Over and above that, we also provide \$8,910 per student per year for instruction of students with severe disabilities.

MRS. BURGNER: My second question is to the same minister. Are there any mechanisms that compel boards to provide a certain level of support through the revisiting of their contractual agreements?

MR. MAR: Mr. Speaker, I'm not quite sure if I understand this question, but I'll undertake my best to try and respond to it. As the Minister of Education I do engage in contracts with some school boards for the provisions of certain types of services by contract, but with respect to a sort of general contract to deal with the provision of education to students, we don't have such a contract. Of course, if the contracts you're referring to are negotiations of contracts between teacher unions and school boards, we don't have any control over that particular aspect.

MRS. BURGNER: Mr. Speaker, my final question to the minister is: will the minister undertake to develop a performance measure that ensures a minimum level of money guaranteed to go to instruction?

MR. MAR: Mr. Speaker, much is said of statistics across Canada with respect to how Alberta fares against other provinces. I would like to point out, first of all, that among jurisdictions putting money towards instruction out of their total education budgets, Alberta ranks very high. We put about three out of every four dollars towards instruction that goes to support of student learning.

Under the funding framework that I referred to earlier, Mr. Speaker, instruction funding includes the basic instruction rate, programs for students with special needs, technology funding, and also early childhood services.

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

DR. MASSEY: Thank you, Mr. Speaker. Blaming government underfunding, Earl Grey School Council in Calgary has filled the gap by raising money for basic textbooks, computers, and resources for their school's special-needs children. Now, to their chagrin, they learn that their property taxes will likely be increased, not to pay for the shortfall in education dollars for their school but for schools elsewhere in the province. My question is to the Minister of Education. What explanation can you offer to Calgarians like those on the Earl Grey School Council who are convinced they are being twice victimized by the government?

MR. MAR: Mr. Speaker, in my opinion, that is a pernicious attack that is unwarranted. While in the city of Calgary it is true that there's approximately \$8 million more being paid for education than they're getting back in education grants from property taxes, the numbers that I have suggest that last year approximately \$15 million more went into Calgary than were taken from property taxes. So this can change from year to year.

I think it's important to note, Mr. Speaker, that in the funding formula that we take for property taxes, while collectively the two school boards in Calgary may have approximately 600 and some million dollars in funding, approximately half of that comes from property taxes and the balance comes from the general revenue fund. So the province contributes over and above that contribution that property tax payers in the city of Calgary contribute to education, adds several hundred million dollars more.

DR. MASSEY: Thank you, Mr. Speaker. What steps is the minister taking to assure Calgarians and all Albertans that the per student grant can adequately fund a quality education program for students without parent fund-raising for basics?

MR. MAR: Well, you know, the manner in which education was funded previously in this province, prior to equity funding, was clearly unacceptable. There were, of course, Mr. Speaker, as you well know, jurisdictions in this province that were able to raise a great deal more for the education of their children and other jurisdictions where they were not able to because the amount of money that went from property taxes towards education depended largely upon the wealth of jurisdictions within the province.

Mr. Speaker, we have gone to an equitable model of funding where each student gets the per student grants that I referred to in responding to the question from the hon. Member for Calgary-Currie. It is something that we continue to monitor. Where it is appropriate to raise the amount of grants in a particular area, we have been responsive to that and will continue to monitor that.

DR. MASSEY: Thank you, Mr. Speaker. To the minister: can you assure Calgarians that the application of the equity funding formulas do not ask them to pay more than their fair share of provincial education costs?

MR. MAR: Mr. Speaker, we ask all Albertans to pay their fair share with respect to education, but it is important to note that there will be have and have-not jurisdictions within the province. In fairness to all students in the province of Alberta, ensuring that all students have access to a good solid education, there will be jurisdictions, frankly, where there'll be more money that comes from it to help contribute to that.

Mr. Speaker, with respect to the particular issues in Calgary, it strikes me as being odd that the Member for Edmonton-Mill Woods would be asking about the situation in Calgary, because I

certainly have not heard this type of concern expressed from people here in Edmonton.

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

2:20 Provincial Tax Regime

MR. BRODA: Thank you, Mr. Speaker. The Ontario government has said that it will deliver in its budget today another reduction in provincial income tax rates. Right now Alberta has a healthy tax advantage over the rest of the country. My question is to the Provincial Treasurer. Can you tell me how working Albertans will now fare compared to the folks in Ontario?

MR. DAY: Well, Mr. Speaker, first, I don't mind going on record as congratulating the Ontario government for having the good sense to lighten the tax load on the back of their taxpayers. I think we should also be aware that in Alberta we are still the least taxed people in the country, and that's when we take into consideration everything from no provincial sales tax to our rate on personal income tax, health care premiums as a premium not a tax. When we weigh everything in, we are still the least taxed.

Now, the announcement yesterday by the government of Ontario suggests that as of July 1 this year their personal income tax rate compared against the federal rate drops to 47 percent. Where it gets interesting for Alberta is that on January 1, '98, they drop to 45 percent; ours is 45.5 percent. So at that particular time in terms of just the personal income tax rate they will be a shade below Albertans. Though Albertans even then, on January 1, will still be the least taxed, they will be lower than us on the personal income tax side.

MR. BRODA: A supplemental, Mr. Speaker, to the Provincial Treasurer: can the Treasurer tell my constituents how the province is protecting its competitive position regarding taxes?

MR. DAY: Well, it's a key point just mentioned by the member in terms of competitive position. When we say that we would always like to be the lowest and maintain that position even on the personal income tax side, that's not just so we can have bragging rights and strut around saying: we're the least taxed in the country. It is a clear competitive advantage. When you talk to people who are doing hiring in the human resource end both in the private sector and public sector, they will tell you, especially when you're looking at senior management positions, that people from other provinces applying for jobs here take into account very clearly our competitive tax position even on the personal income tax side. We actually are able to keep Albertans here and see them promoted financially both in the private and public sector because of that, and we are drawing people from other provinces. So it is a keen competitive advantage, and it is our commitment to keep that advantage.

MR. BRODA: My final supplemental, Mr. Speaker, to the Treasurer: now that Alberta is growing and attracting businesses from all across this country, can you assure my constituents and all Albertans that you will take the steps necessary to keep this province well positioned and open for business? [interjections]

MR. DAY: Well, you know, Liberals can laugh about a question like that, but when citizens and families around the country are looking for places to move where they know they won't be beaten

up by governments and small business is looking at where it can invest and seniors are looking to where they can move so that they can preserve their life savings, they focus on Alberta because of our advantage. We will continue to do everything we can to maintain that advantage, Mr. Speaker.

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

Residences in Provincial Parks

MS CARLSON: Thank you, Mr. Speaker. A January 1997 document that I am tabling lists over 180 housing units in provincial parks that are declared surplus and will be sold off. This is in spite of the fact that renting these homes has generated an income for the province. What this means is that park rangers are being forced to leave their homes to live in the nearest town or village. All of my questions are to the Minister of Environmental Protection. How will the government ensure public safety and a rapid response time in emergencies such as wildlife problems or fire when there is no longer a park ranger on these sites after work hours?

MR. LUND: It is true that we are going to get out of the business of supplying housing where there are other alternatives. We are going to be retaining about 80 housing units throughout the province. This doesn't just apply to parks, Mr. Speaker. There are other areas where we have been providing housing. In some cases this housing is right adjacent to a community that can provide the housing. In fact, we do have some staff that are anxious to buy their own housing.

As far as the allegation that somehow we're going to get out of the business of providing security or early response, that's not the case. In fact, there will be houses maintained in areas if in fact we think that could be problem. In many of the areas where there's housing, we have a campground, and we are getting into facility operating agreements with the private sector to operate that campground. As part of the overall contract for the area, they will be contracted to provide some security, this early response that the hon. member referred to. Those kinds of things will be covered off, or we won't get out of the business.

MS CARLSON: Why contract security and emergency response when you're already paying park rangers to do that and they were living on-site and doing it for free?

MR. LUND: Mr. Speaker, that's really interesting. The hon. member in her first question commented that there's nobody there after hours. In fact where private operators are operating, they have their own facilities; they have clients coming; they have staff on-site. I think that in the long run it's really important that our highly trained people are doing the jobs that they are well trained for. In areas where we need the extra protection to preserve the protected areas and the heritage areas, we will have our staff there. It really doesn't make a lot of sense to have these highly skilled personnel around to cut grass and those kinds of things that she is referring to.

MS CARLSON: It's very inefficient to pay twice for services, Mr. Speaker.

Is the government still proceeding with the proposal to sell off ranger housing at Cypress Hills to make room for a new hotel development?

MR. LUND: Obviously the hon. member has not visited the Cypress Hills provincial park or Elkwater, because in fact, Mr. Speaker, the ranger's house and housing in that location is a fair distance away from the location for the proposed hotel.

THE SPEAKER: The hon. Member for Calgary-Cross, followed by the hon. Member for Lethbridge-East.

English as a Second Language

MRS. FRITZ: Thank you, Mr. Speaker. A school in Calgary-Cross has received new English as a Second Language students almost monthly during this school year, and in fact within the last two weeks eight new ESL students enrolled in grades 4 to 6. Because funding for ESL students is done in September, the school receives no extra funding for the additional 34 students who enrolled during the school year. My question is to the Minister of Education. How much money is allocated to ESL education on a per student basis?

MR. MAR: Mr. Speaker, school boards receive an additional \$644 per student per year for ESL students, or English as a Second Language students. This is in addition to the \$3,686 per student regularly.

MRS. FRITZ: Thank you, Mr. Speaker. Supplementary to the same minister: why aren't ESL students who are born in Canada covered under this funding?

2:30

MR. MAR: Mr. Speaker, I think this is a very reasonable question. I've attended upon schools where there are students who are born right here in the province of Alberta whose first language when they come to school is Cree or it's Chinese or it's some other language. It's more difficult to establish ESL funding criteria for students who are born in Canada, because the language spoken in a child's home is not necessarily a good indicator of proficiency in the English language. Even if their first language is not English, children born in Alberta do get exposed to English every day through television and radio and through their friends in the community. The question is a good one and I think is meritorious of further consideration by this government's policy.

MRS. FRITZ: Thank you, Mr. Speaker. I do appreciate that answer from the minister, but to the same minister: since children are not turned away from a school if space is available, why can't ESL funding be available for students who enter the system after September, using a similar funding model like credit enrollment units for high school students, who are funded in September and January?

MR. MAR: Mr. Speaker, school boards receive their funding based on an enrollment count of ESL students taken on the 30th of September, at the beginning of each school year. We generally don't do a second enrollment count, because ordinarily the number of students in a program will be balanced by the number of students who also leave the program. We have discussed this matter with school boards in terms of different ways to allocate funds, but it would appear on balance that most school boards seem to be in favour of the current system that we have.

THE SPEAKER: During Notices of Motions today the hon. Government House Leader rose on a point.

Point of Order Clarification

MR. HAVELOCK: Yes, Mr. Speaker. In the House yesterday I referred to a point of order raised by the Member for Spruce Grove-Sturgeon-St. Albert as a point of idiocy. Upon reviewing *Beauchesne*, it would appear that that language is unparliamentary, and I withdraw the remark.

THE SPEAKER: Government House Leader, you also rose on a point of order during today's Oral Question Period.

Point of Order Preambles to Supplementary Questions

MR. HAVELOCK: Yes. Thank you. It's been a busy day.

Mr. Speaker, during the Leader of the Opposition's first main question, he actually included lengthy preambles to his supplementaries. I would like to remind the members of the opposition of the memorandum of agreement which was signed by all three parties of this House regarding the structure of questions and in fact your own ruling prior to that memorandum being signed. I would simply like to have you remind members of this House what the parameters of that agreement were, and hopefully all members will follow them.

THE SPEAKER: Thank you very much, Government House Leader, for that reminder to all members. The Chair has taken a little bit of liberty in the first question allowed the Leader of the Official Opposition, but clearly there is a memorandum of agreement signed by the House leaders of all three parties. It's very clear, and it's been spoken about in the House again: preambles not to be included in the supplementary questions after the original question.

Hon. Member for Edmonton-Riverview, you had a point of order as well?

Point of Order Factual Accuracy

MRS. SLOAN: Thank you, Mr. Speaker. I rise under *Beauchesne* 459 and Standing Order 23(i), relevance and imputing false motives, the references made by the hon. Minister of Labour with respect to the LPN regulation changes. He implied that the health disciplines legislation process had relevance to the LPN regulation changes. That is in fact not the case, and it has in fact been the position of this government previously and publicly that the two are not linked. In fact the government has been called upon by stakeholders to delay the implementation of the regulations to allow for them to be incorporated in the health disciplines legislation.

THE SPEAKER: Hon. member, you raised the point of order under two segments, but it seems to me that in terms of the verbal comments that were made following that, this would either be viewed as a matter of clarification or an extension of debate.

head: **Orders of the Day**

head: **Written Questions**

MR. HANCOCK: 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, 9, and 10.

[Motion carried]

Speaker's Ruling Written Questions

THE SPEAKER: Hon. members, prior to getting involved in what we are now going to do, this is the first time that newly elected hon. members will undergo this experience, which occurs periodically during the session, usually once a week. I'd just like to remind all hon. members of the rules that we will follow.

I want to quote from *Hansard*, pages 2442 and 2443 of October 1994, if all hon. members would look at today's Order Paper on page 2 under Written Questions.

The Chair will rule that when a member's written question is called, the member must actually move: written question number so and so standing on the Order Paper in my name be accepted. Someone from the government should then say whether the government accepts, rejects, or moves an amendment to the written question. Written questions would then be treated like motions for returns; i.e., accepted, rejected, amended, and debated as necessary.

1996 Premiers' Conference

Q1. Mr. Sapers moved that the following question be accepted: With respect to the province's hosting of the 1996 annual Premiers' Conference at Jasper, Alberta, what are the names of the corporate sponsors of the event, the nature of their donations to the conference, and the value of the donations?

MR. SAPERS: Mr. Speaker, this question has been on the minds of several Albertans ever since we saw the newsreel footage and we saw the newspaper photos of the telescopes and the fancy jackets and what have you as the Premiers enjoyed the natural beauty and splendour of Jasper. I've certainly been asked by my constituents just why it was that some companies were invited to participate in this way and others weren't and why it might be seen as some companies that were friends of the government just cozied up a little bit more in their relationship with the government by providing goods or services or should we just say goodies for that meeting.

It was a productive meeting in some ways, Mr. Speaker. It maybe even added to the value of tourism in the province of Alberta. But I think that Albertans have a right to know what corporate interests are getting close to their government and what favours might be exchanged.

I think that the question is quite a legitimate one given the sensitivity we all have in this House being made aware of our responsibilities and obligations under the conflict of interest legislation and the necessity that we all have as elected members to disclose substantial gifts, anything of a value of more than \$200, to the Ethics Commissioner. I think it would be absolutely consistent with that legislation and with that set of responsibilities that is placed on each and every one of us that the government disclose fully the names of the corporate sponsors, the nature of their support, as well as the value of that support or their donations.

Thank you.

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

MR. HANCOCK: Yes. Thank you, Mr. Speaker. I would move that Written Question 1 on today's Order Paper be amended as follows: by deleting "and the value of the donations" so that the

question will read:

With respect to the province's hosting of the 1996 annual Premiers' Conference at Jasper, Alberta, what are the names of the corporate sponsors of the event and the nature of their donations to the conference?

Mr. Speaker, the sole purpose for moving the amendment is that we have inquired with the department as to the nature of the donations. I do have a list which has been provided to Liberal researchers as early as last fall with the names of people who made donations to the conference and sponsored the conference. No one asked the donors to value the gifts that they were giving, so we don't actually have in our possession the information that's required for the latter part of that written question. Therefore, I would ask the House to amend the question so that I can provide the information we do have to the House.

2:40

MR. SAPERS: Mr. Speaker, I would have to speak against that amendment. I will add that I am shocked at the admission from the Minister of Federal and Intergovernmental Affairs that members of the front bench received gifts, in particular the Premier of the province, that he was unaware of the value of those gifts. Given the Premier's recent dealings with the office of the Ethics Commissioner regarding undisclosed amounts and the receipt of gifts and everything that this province just had to endure regarding the whole Multi-Corp affair, that the Premier would accept gifts and not know the value – certainly there must be somebody on his staff or somebody on the minister's staff who would have seen that it was important to know what the value of those gifts is. Each and every one of us has to disclose receiving gifts of more than \$200 worth of value.

Mr. Speaker, this is absolutely a devastating turn in what was seen as a rather innocuous information request: to now know that we have the Premier accepting gifts of which he doesn't even make it his business to figure out the value. How are Albertans supposed to trust that nothing untoward happened in that exchange? This is an absolutely unacceptable amendment. We want the full disclosure, and I will add that if we do not get the full disclosure, there will be more serious questions as to why the Premier didn't make it his business to know just how much it was that people were putting in his pocket when they gave him those gifts.

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

MRS. SOETAERT: Well, thank you, Mr. Speaker. I, too, am shocked and appalled. I am. It's just appalling that we can't get that information. Appalling. I'm almost stunned, but not quite.

You know, the hon. Minister of Federal and Intergovernmental Affairs ran on being open and accountable. The first thing he does, on the first written question: oh, not going to give you that information; no sirree, not me. Shame on you. Now, Mr. Minister, this is a simple request: show us the money. Where is it going, and who's getting it?

The Premier stood the other day and flipped through pages: oh, I don't know this guy; I don't know this guy; I don't know this guy. Well, we should help him, and that's our job here on this side of the House. We don't want him caught in those awful binds. We want him to know where the money is coming from so that he doesn't say: where were those leather jackets coming from? He should know where those are coming from so he can stand up and say: "I know it's coming from them. They don't

have any shady deals going on here. It's all aboveboard." It's a simple request, just saying: show us who gave you the money and how much they gave.

Now, you have it somewhere in that little stack of papers. It's just a simple act of tabling: here's where the money came from. [interjection] He has a T-shirt in there too? Live dangerously, Mr. Minister. Be brave so that I can go out there and tell some of your constituents and some of those that I know supported you – a little misguided, nonetheless they supported you – what a good minister you are: it's his first written question and, boom, he tabled the stuff just like that, gave it to us, shared that information because he believes in open and accountable government. No, no, he's not going to do that.

So I have to forcefully, shockingly, and appallingly say that this amendment has come forward, and I'm very much opposed to the amendment. Show us who gave you how much money. You know what: show us the money. I think that could be written to a tune that we could repeat in here, Mr. Speaker. I'll work on that, although it's, I know, unparliamentary, but there are times when you might waive the orders. I would like to finally say: show us the money. Who gave how much to this conference? A simple request. The people of Alberta deserve to know, not just 63 little backbenchers with their government. All of us in Alberta deserve to know who gave how much money.

Thank you, Mr. Speaker.

[Motion as amended carried]

Timber Harvest

Q2. Mr. White moved that the following question be accepted: How many unannounced spot checks were conducted between January 1, 1993, and December 31, 1996, to assess compliance with the government's timber harvest planning and operating ground rules, other than reforestation, and in each case what was the date of inspection, what items were checked, what infringements were discovered, and what action was taken or penalty imposed if any?

MR. WHITE: I wish to relate to the House the import of this particular item. This is a matter of reporting. It's something on our heritage; it's our timber, in fact, in the province. This is a reporting to find out what spot checks there are, what checks and balances there are to make sure that the regulations imposed by the department involved, the Department of Environmental Protection, in fact are followed, and it's just a matter of record. It's something that this side believes should be regularly reported such that the citizens of Alberta that are interested in their heritage in the way of the fibre that's harvestable in this province are well taken care of, Mr. Speaker.

MR. LUND: Mr. Speaker, in order that we can answer the question and to make it more meaningful to the hon. member, I find it necessary to make some amendments, and the amendments are as follows. We will strike out "unannounced spot checks" and put in "field site visits." "January 1, 1993, and December 31, 1996" – because of the way our accounting is done, we go on our fiscal year as opposed to the calendar year. So in order to answer this question, it's necessary that we substitute "May 1, 1993, and April 30, 1996" and then strike out everything after "other than reforestation" and substitute in there "summary of findings including infringements and actions taken if any."

Mr. Speaker, I would move those amendments.

MR. WHITE: Mr. Speaker, I'm not shocked, in fact, and certainly not stunned by it. Certainly not that, sir. But there are some questions. Yes, there are some parts of the amendment that can be readily agreed upon by this member and this side of the House. The difficulty we have is that there are three amendments there, three portions of it. We request that the Chair split the amendments into at least two parts: those that relate to the wording and substitution of "unannounced spot checks" to "field site visits," which we don't have any difficulty with, and the changes in the fiscal year. The rest of the amendment and the deletion of dates and items inspected and infringements discovered leave us a little cold. We'd like to be able to have the opportunity to vote against that portion. If it could be split so that we could show some concurrence with the government's amendments, we would like to do so.

THE SPEAKER: Well, if the hon. Member for Edmonton-Calder is proposing a subamendment, perhaps that is in order. As I understand it, what the hon. member is saying is that he wants to support a part of the amendment put forward by the Minister of Environmental Protection but not another part of the amendment. It seems to me, for the benefit of all members, that all members should have the privilege of knowing exactly how that would come out so that they could have that right in front of them if we're going to have a second amendment.

MR. WHITE: Sir, do you wish to have that response in writing?

THE SPEAKER: I think, hon. member, that perhaps as we move forward this afternoon, time would not permit such a thing. So would the hon. member move an amendment to the amendment put forward by the Minister of Environmental Protection. All members will listen very carefully, and hopefully we'll be able to follow through when I call the vote.

2:50

MR. WHITE: Sir, the amendment is really quite simple, and it's a matter of form and rules of order as opposed to one of changing the words in the amendment. The amendment would read that the two portions of the amendment as put are amended to read that there are in fact two portions. That's all it is. There's the first portion, relating to the field site visits and the fiscal year, as explained by the minister, being one part of the amendment, and the second amendment being the remainder of the amendment as put by the minister. It's simply put.

THE SPEAKER: Hon. member, I look around in the Assembly and see some consternation in terms of what exactly it is that is being presented in here. So I'm going to ask the hon. member again. If we have proper words for a second amendment, then would you utter them now, and all members will listen. Then the question will be called on that. What would the hon. Member for Edmonton-Calder read?

MR. WHITE: Well, sir, I didn't receive the amendments in this part of the House.

MR. TRYNCHY: Sure you did.

MR. WHITE: I did not, sir. I did not. I just received it just now.

THE SPEAKER: Hon. member, I'm sorry; the Chair was assuming that you had.

MR. WHITE: Well, I hadn't. I'm sorry. They didn't arrive at this point.

THE SPEAKER: I appreciate that. So just take your time in dealing with it. All hon. members should have received the amendment.

MR. WHITE: Mr. Speaker, I thought it was quite plain. If I look at the amendments, I have an amendment listing amendments to Written Question 3. We're dealing with Written Question 2.

MR. TRYNCHY: Here it is.

MR. WHITE: Thank you kindly, hon. member. I've got Question 2 now.

Mr. Speaker, the subamendment is to delete all that which is after "April 30, 1996" on the amendment as put by the hon. minister.

THE SPEAKER: Well, hon. members, as far as I can understand, the hon. Member for Edmonton-Calder is suggesting that the second amendment he would introduce asks for an amendment so that the question would now read "How many field site visits were conducted between May 1, 1993, and April 30, 1996," period. All those in favour of the amendment put forward . . .

MR. RENNER: Mr. Speaker . . .

THE SPEAKER: The question, hon. member, is in the process of being called.

MR. RENNER: I just want to clarify what we're voting on. Is this an amendment to the amendment?

THE SPEAKER: Yes. That's correct, hon. member.

MR. RENNER: Okay.

THE SPEAKER: Again, as far as I understand - I'm looking at the sheet titled Amended Written Question WQ2, that was circulated - the hon. Member for Edmonton-Calder basically looked down to the last paragraph, to "So that the Question will read:" and said that he wanted everything deleted after "1996." So when the Chair looks at that paragraph, the Chair then reads into the record: "How many field site visits were conducted between May 1, 1993, and April 30, 1996," period.

[Motion on amendment carried]

MR. WHITE: Mr. Speaker, under any rules of order, *Robert's Rules of Order*, any other rules of order, when a subamendment is put, you're amending the amendment, sir. Do you understand? Perhaps we should have an adjournment and speak about this, sir. You don't seem to understand the intent of the motion.

THE SPEAKER: Hon. member, an amendment was provided. We now have a question as amended. The amendment that the hon. member read into the record was accepted. It was accepted. You won your argument, hon. member, exactly as the Speaker asked on several occasions as to what the words of the hon. member were. Twice. So that has now been done.

Now we have a motion that basically has been moved by the

hon. Minister of Environmental Protection, that is moved with an amendment to Written Question 2, that had already been amended.

[Motion as amended carried]

THE SPEAKER: As far as the Chair determines, this matter with the amendments has been dealt with.

Reforestation Standards

Q3. Mr. White moved that the following question be accepted: How many unannounced spot checks were conducted between January 1, 1993, and December 31, 1996, to assess compliance with the government's reforestation standards, and in each case what was the date of inspection, what items were checked, what infringements were discovered, and what action was taken or penalty imposed if any?

MR. WHITE: Mr. Speaker, also the same comments apply here, that it behooves the government to report these kinds of findings on a regular basis. In this member's view, it needn't be a question in the House. It should be reported, in any event, as a matter of course.

Thank you, sir.

MR. LUND: Thank you, Mr. Speaker. In order that we can accept this question, once again we have to make some amendments. The amendments that I'm proposing would see us strike out "unannounced spot checks" and substitute "field site visits." Once again, as in the problem we had with the dates in the previous question, we would change that from "January 1, 1993, and December 31, 1996" to read "May 1, 1993, and April 30, 1996." We're going to strike out "in each case, what was the date of the inspection, what items were checked, what infringements were discovered and what action was taken or penalty imposed if any?" and substitute "what was the summary of findings including infringements and action taken if any?"

Now, Mr. Speaker, the motion would now read:

How many field site visits were conducted between May 1, 1993, and April 30, 1996, to assess compliance with the government's reforestation standards and what was the summary of findings including infringements and action taken if any.

I'll move it and see what happens.

MR. WHITE: Mr. Speaker, if you will allow me, if in fact the summary of findings includes dates of inspections and items checked and in fact the names of those that had any penalties imposed, then this side has no difficulty with the amendments to that.

[Motion as amended carried]

Health Care Insurance Premium Subsidies

Q9. Mr. Dickson moved that the following question be accepted:

What is the total annual amount spent by the government to calculate, process, and communicate Alberta health care insurance premium subsidies and exemptions for senior citizens, low-income working Albertans, and social assistance recipients including but not restricted to salaries, wages, benefits, postage, envelopes, forms, tele-

phones, office space, communications, terminals, systems support, systems processing time, and support overhead?

MR. JONSON: Mr. Speaker, I accept Written Question 9.

[Motion carried]

MR. DICKSON: It is always a treat to deal with such co-operative members of the Crown.

3:00 Health Care Insurance Premium Collection

Q10. Mr. Dickson moved that the following question be accepted:

What is the total annual amount spent by the government to bill, process, and collect Alberta health care insurance premiums including but not restricted to salaries, wages, benefits, postage, envelopes, forms, telephones, office space, communications, terminals, systems support, systems processing time, and support overhead?

MR. JONSON: Mr. Speaker, I accept Written Question 10.

[Motion carried]

head: Motions for Returns

MR. HANCOCK: Mr. Speaker, I move that motions for returns appearing on today's Order Paper stand and retain their places with the exception of motions for returns 4 and 5.

[Motion carried]

Federal/Provincial Firearms Agreement

M4. Ms Olsen moved that an order of the Assembly do issue for a return showing copies of the federal/provincial firearms agreement and any correspondence or memoranda between the federal government and the Department of Justice and Attorney General with respect to the agreement, including copies of any requests for payments made pursuant to the agreement.

THE SPEAKER: Government House Leader.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I would like to move some amendments to this, and I'll speak slowly so everyone can follow them. What I'd like to do is insert "latest ratified" after "copies of the." The second amendment is inserting "financial" after "firearms." The third amendment is to strike out "any" before "correspondence or memoranda." Therefore, the motion will now read as amended . . .

AN HON. MEMBER: Slower.

MR. HAVELOCK: Slower? Okay.

That an order of the Assembly do issue for a return showing copies of the latest ratified federal/provincial firearms financial agreement and correspondence or memoranda between the federal government and the Department of Justice and Attorney General with respect to the agreement, including copies of any requests for payments made pursuant to the agreement.

Mr. Speaker, the reason for the amendment is that as there have been a number of such agreements since the late 1970s, the

suggested amendment makes the motion more precise by stipulating that it pertains only to the latest ratified federal/provincial firearms financial agreement and correspondence, et cetera, relating thereto.

MS OLSEN: Mr. Speaker, I will accept those amendments. Thank you.

[Motion as amended carried]

Public Accounts Internal Audits

M5. Ms Olsen moved that an order of the Assembly do issue for a return showing copies of the internal audits referred to in the expenditures section of the public accounts for the Department of Justice and Attorney General for the fiscal years 1992-93, 1993-94, 1994-95, 1995-96, and for the departments of the Solicitor General and Attorney General for the year 1991-92.

MR. HAVELOCK: Mr. Speaker, we've been getting along swimmingly, and unfortunately I'm going to have to interrupt that. We are rejecting this motion, and it's declined, quite frankly, because any external dissemination of the reports would compromise the integrity and effectiveness of the ministry's internal audit program, which, as implied by its name, is designed to ensure the confidentiality of audit review and reporting within the organization. This is a confidential management control mechanism, and its disclosure would, quite frankly, undermine its purpose.

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

MR. DICKSON: Thanks very much, Mr. Speaker. I'm disappointed to hear the response from the Minister of Justice, and the reason is this. When he talks about internal audits, you know, we're dealing with about a half billion dollars of taxpayer expenditure. Internal audits are simply, hopefully, systems that the government has put in place to ensure that tax dollars are spent prudently, wisely. How can Albertans know in fact, firstly, what's in the audit and what needed to be corrected, and then how can they measure any remedial action? How can they determine whether corrective action has been taken to address the problems identified in the audit?

How can it be that this minister, who had been one of the prime advocates for adopting strong freedom of information, the member who has often spoken both formally and informally in this Chamber and around this Chamber about increased government accountability and all of the advantages that accrue with greater transparency in government, now stands and gives us – and I respectfully characterize this – internal mumbo jumbo in terms of why it is that this kind of audit can't be revealed to Alberta taxpayers? As hard as I listened to the comments by the hon. Minister of Justice, I couldn't hear any compelling reason. Surely the only reason for withholding this information would be because it dealt with a personnel issue, that there was some grave prejudice to the public interest if this material was disclosed to people outside the Department of Justice.

We've seen in the past that the Auditor General has determined that there are things that this department ought to have done better. We've seen in this House experiences where certainly the way the victims' assistance fund has been managed has been called into question. Other areas of expenditure of the Department of Justice have been noted as being weak areas, things that

needed remedial steps. How can we assess what else is required? We know the department and the minister aren't infallible. It's a large government department responsible for at last count about 70 different government statutes. Albertans all have a stake in those laws and the way they're administered. We've got to be able to know whether things are done properly.

I might just give an example, Mr. Speaker, in case there are any members on either side of the House that think there would be no significant issues that might be picked up by an audit. Let me tell you one of the items that the Liberal opposition identified that may be of interest to Alberta taxpayers. The federal government had done a firearm control agreement that they had sent to the province of Alberta about a year and a half, almost two years ago. The province of Alberta and the then Minister of Justice sat on the contract, never signed it. During that time, each year the Department of Justice came forward in the estimates, and in the budget disclosure statement for the Department of Justice there was an item that showed funds received from the government of Canada under the firearm regulation agreement.

There are a couple of curious things about that. The first thing is that they didn't mark this as an account receivable. In fact, to anybody looking at it, it looked like cash coming in from the government of Canada to the government of Alberta. Well, what happened was I wrote several letters to the previous Minister of Justice asking for some clarification, some explanation in terms of how it is that in the books of account of the Department of Justice we were claiming an amount – I don't remember the exact number – somewhere in the order of \$600,000, as I recall. Then interestingly, the Minister of Justice suddenly found this federal contract sitting on his desk, signed it, and sent it back to Ottawa. This all happened a scant couple of weeks before the election was called in late February. Now, one would think that if it hadn't been for the eagle eye of a Liberal researcher who found this omission – I'm not claiming credit, hon. minister. We had a sharp-eyed researcher who spotted this problem and raised it.

MRS. McCLELLAN: You should have her on duty all the time.

3:10

MR. DICKSON: We do. The Minister of Community Development always gives good advice, Mr. Speaker, either standing or sitting. It's always worth marking.

The point is not how we should clone our good researchers so we have more of them. The point, Mr. Speaker, is that there is need for increased scrutiny, that even when you have a competent minister and a well-meaning minister and a bunch of hardworking civil servants, problems happen. The only way they can be exposed to public view and that we ensure they don't happen again is disclosure, and disclosure starts with the simple motion for a return that my colleague has put in front of the Assembly this afternoon.

I'd just like to say that for many Albertans there's no more important department than the Department of Justice and Attorney General. This is something that affects many Albertans, and they want to have a sense of confidence that their dollars are used prudently, that resources are managed in an efficient and proper manner.

So for all of those reasons I very much support this motion, and I encourage all members to support the motion. You know, this isn't Tuesday; this is a Wednesday afternoon. I'd encourage members to recognize what a liberating feeling it is to stand up without looking at your party Whip first, to simply go with what your mind and your heart tell you is the right thing to do. I see

some members opposite. Their curiosity and their interest is piqued a little bit at the prospect of exercising a little of that freedom on Wednesday afternoon that they come to compartmentalize for just a couple of hours on Tuesday afternoon. Here's a chance to cast off the shackles, hon. members, of rigid party discipline. Here's an opportunity to experience a little of the freedom. [interjection] The Member for Medicine Hat is only too anxious to liberate himself and to join in this freeing experience.

I'm hopeful, Mr. Speaker, that every member, particularly the new members, and the new member from Edmonton – I hope that he also is going to embrace this glorious opportunity that's afforded us this afternoon to stand up. You do a number of things here. Edmontonians are looking for leadership on the government side in terms of openness and transparency, and we have the opportunity for the Minister of Federal and Intergovernmental Affairs to stand up and show he understands as a lawyer in his other life – and I know I saw a glimmer of excitement in the eye of the Member for Calgary-Glenora in the far corner at the prospect that he, too, might be able to see that internal audit that so far has been kept in the deepest and darkest vault of the Department of Justice. I know that there are other members that want to embrace that same kind of experience. It's the opportunity of a lifetime for the new members and for the veteran members, and I encourage them to embrace this motion for a return and vote for it.

Thanks very much, Mr. Speaker.

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

MR. SAPERS: Thanks, Mr. Speaker. I can't add much to the comments of my astute colleague from Calgary-*Buffalo*.

MR. DAY: Tell us something we don't know.

MR. SAPERS: I will tell you something you don't know, Mr. Treasurer, and that's the easiest job that I've ever had to do.

Mr. Speaker, the motion for a return calls for internal audits of public accounts. They are not just financial audits, and the Minister of Justice I think knows that. [interjection] Don't lead me where we shouldn't go. These are also program audits, and they're also audits about objectives that were tied to funding over those years, particularly in the earlier years that the motion covers, the years when there was a department of the Solicitor General serving the people of Alberta.

While I am a proponent of the motion in its entirety, certainly the government has nothing to fear from releasing the internal audits that pertain to the years in which there was a separation between those two government departments. Certainly the current serving Minister of Justice could only benefit from a public disclosure of those internal audits of what was then the ministry of the Solicitor General. So at the very least I would request that the Minister of Justice take a look at the motion and determine whether or not he could support an amendment instead of out and out dismissing the motion out of hand and, unfortunately, making the government look closed and secretive in the process. If he would accept an amendment to at the very least provide the information contained in those internal audits about a department that no longer exists – certainly the government could fear nothing from that disclosure of what should be public information.

So I would ask the honourable – very honourable, and he displayed what an honourable member he is just earlier today. I

would ask that Minister of Justice to rise to this particular challenge and amend this motion, rethink his rejection of this information request, and at least be forthcoming with that part of the information, which would serve us all.

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

MRS. SOETAERT: Thank you. Just a short point on this motion that I have concerns about, that I'd like to share with the Assembly, and hopefully the minister will see his way clear to maybe clearing up some of these issues.

An internal audit, particularly of the maintenance enforcement program: I would really like to see that in here. I have had calls from people – they do the silent number thing; they call me at home – because they're worried about what's happening in that department. Now something must be happening there.

AN HON. MEMBER: Not much.

MRS. SOETAERT: Not much. I know.

I'm sure every member in this House has calls from all kinds of people on maintenance enforcement and the difficulties within that department and sometimes how people are treated within that department. So it's a humble request on my part to the Minister of Justice: if he can't see his way clear to certainly even amending it so that we get some information about maintenance enforcement. At the very least maybe it'll wake him up to the issues that are within that department and certainly of great concern to many, many people across this province and certainly in my riding.

Since it's always touted as an open and accountable government – you know, one of the biggest heartaches in this province is people dealing with maintenance enforcement – I think that in all fairness to all of us in this Assembly it would be nice to know what's truly happening in that department and some of the goings-on within that program. That certainly is a great concern of mine, and maybe by accepting this motion, some of those things would come to light. Then we could assist the government, show them the way, turn on the light and find out if someone's home over there, and see if we could get some answers with regard to the maintenance enforcement program.

Thank you.

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

MRS. SOETAERT: Are you shocked?

MS OLSEN: I'm not shocked, I'm not stunned, I'm not excited, but I unfortunately had to put forward my colleagues to the other side here and subject them to their debate. I believe that we should be able to . . .

AN HON. MEMBER: That was a pernicious comment.

MS OLSEN: That was.

We should be able to get this information. This government and this Premier have stated over and over and over again that the government is open and accountable. It is obviously not. I find it very ironic. Here we are talking about Justice audits. Well, if you're a bad guy and you're going to court, you get all the information – all the information – through the courts on the

victim and on the police reporting, every ounce of information, yet this government can't give its internal audits. I question that, and I question what they're afraid of.

This government also states that it supports the justice system, that it's tough on crime. Well, last year in the budget estimates in Committee of Supply all the last minister could talk about, every second word, every second line, was cutbacks and cost reduction. Everything was economically motivated, with cost savings being the ultimate use and crime fighting not being of paramount importance.

3:20

I'd like to take this opportunity to review the audits on behalf of all Albertans. In my constituency unfortunately every day I wake up and have the opportunity . . . [interjection] I guess that's about equivalent to being shocked and stunned; sorry.

I read the paper and I read about a violent crime in my constituency. I want to prevent crime. I want to be a motivator of prevention. I would like to see what the history is of the Justice department and be able to account for those concerns to my constituents and to all Albertans.

So I'll just close the debate by saying: show me the money. In all seriousness, I think this motion should have been accepted, and I think this government is remiss in not allowing internal audits to be put up for public scrutiny.

[Motion lost]

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

[Mr. Tannas in the Chair]

THE CHAIRMAN: I'd call the committee to order.

Bill 202
Crown Contracts Dispute Resolution Act

THE CHAIRMAN: We'd call on the hon. Member for Grande Prairie-Wapiti.

MR. JACQUES: Thank you, Mr. Chairman. In preparing for the committee stage of the Bill, I did go back and read all of *Hansard* with regard to the debate at second reading. As a result of that review, I focused on some very specific questions or issues that arose in the debate as opposed to issues that arose from the point of view of principle. In doing so, I narrowed it down to issues that were raised by three members, specifically the Member for Calgary-Buffalo, the Minister of Justice, and the Provincial Treasurer.

At the outset I simply would like to deal with some of the specific items that were raised by the Member for Calgary-Buffalo. Mr. Chairman, the member raised issues with regard to the Public Highways Development Act. In other words, was it included or excluded? Within that particular Act, section 39(3) governs the actions against the Crown for damages for personal injury or negligent highway construction, et cetera. The way they are treated is not for breach of contract, because there simply is no contract in existence.

With regard to the issue on the Public Works Act, beginning in section 13 of the Act, they intended to deal specifically, as they do today, with subcontractors defined in the Act with a remedy that they would not have under a contract or by law. Even though

those subcontractors are not parties to contracts with the Crown, they are entitled under that part of the Act to give notice to the Crown that they have a claim against the contractor, who is actually contracting directly with the Crown. In other words, the subcontractors are not parties to the contract with the Crown, and therefore the provisions of Bill 202 would not apply.

Also within that particular Act there are issues that deal with expropriation, starting with section 20, and that power is to expropriate by statute rather than contract. So again, if there was a dispute arising out of that, it would not be pursuant to a contract, and therefore the provision of Bill 202 would not apply in that particular case.

Also, the question was raised with regard to the Frustrated Contracts Act. In this particular case contracts with the Crown that fall under the Act would come under the provisions of Bill 202.

I'd also like to refer, Mr. Chairman, to the Premier's task force on the construction industry ad hoc working group, which is in the process of looking at alternatives regarding construction contracts. This involves several organizations, including the Alberta Construction Association. At this point in time they have not concluded their deliberations and subsequent recommendations. However, I was provided by them with a copy of an internal working document. At this point in time we've reviewed that document and also had some discussion with one of the solicitors from the Department of Justice, who, incidentally, was also familiar and had been working with that task force in terms of the whole ADR thing. A couple of issues that arose at that particular time are that, firstly, the thing is simply not finalized, but more importantly, that if we look at the provisions within Bill 202, particularly sections 2(2)(a) and (b), clearly in those cases the Act would not be applicable.

I also had discussions with the Minister of Justice with regards to the issues that he identified in the debate, and after further discussion and consultation with the minister and his staff they were satisfied with the Act as it was presented, which leads me then into the issues involving the Provincial Treasurer. I had further discussions with him and certainly with his staff, and as a result of that, I am proposing to introduce some amendments, which I believe, Mr. Chairman, were circulated to all members at the beginning of my speech.

THE CHAIRMAN: Is there anyone that does not have this amendment? Okay. It's called amendment A1.

Hon. member.

3:30

MR. JACQUES: Thank you, Mr. Chairman. You're calling it A1? Thank you.

I would move that Bill 202 be amended in accordance with A1 with the following wording. Section 2(2) is amended by striking out "or" at the end of clause (d) and by adding the following after clause (d):

- (d.1) if Alberta Treasury Branches or a treasury branch is a party to the contract,
- (d.2) if a Provincial corporation as defined in the Financial Administration Act is a party to the contract as an agent of the Crown,
- (d.3) that is made under the authority of the Alberta Heritage Savings Trust Fund Act or Part 5, 6 or 7 of the Financial Administration Act,
- (d.4) that deals with the collection of taxes, or

Mr. Chairman, if I could just speak very briefly to those

specifics within the amendment tabled. If we deal with (d.1), quite clearly what we're doing – and it certainly was the intention at the time that I introduced the Bill – would be that it certainly should not be applicable to Alberta Treasury Branches, which is consistent with the policy, I think, in general of the government to have a hands-off approach with regard to those particular agencies.

With regard to (d.2), where we would exempt corporations that meet the definition as set forth in the Financial Administration Act, examples of exclusions would include the Alberta Opportunity Company and the Agriculture Financial Services Corporation.

In (d.3) the exemption would apply to anything relative to the Alberta Heritage Savings Trust Fund Act as well as parts 5, 6, or 7 of the Financial Administration Act. Those three parts, Mr. Chairman: part 5 deals with investments; part 6 deals with direct government debt; and part 7 deals with Crown guarantees and indemnities.

In (d.4) it's fairly self-explanatory; in other words, any dealings involving the collection of taxes.

Those are my comments, Mr. Chairman, with regard to those particular amendments, and I would be pleased to answer any questions concerning them.

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

MS OLSEN: Thank you, Mr. Chairman. In reviewing these amendments, I feel what's happened here is that by adding four new categories of exemptions, this makes this Bill even more narrow than it was. There seems to be quite a lot of exemptions, and I guess not believing that this type of legislation is going to be beneficial to anybody but the government, I think the amendments themselves just put too narrow a focus on the legislation. I think we have to consider what this amendment to this Bill does to small business. It takes out every large corporation that deals with the government and more or less just subjects the smaller, independent businesses, those businesses who may in fact not have the financial ability to fight the government – I think it compromises their position.

So I can't support these amendments, and I think that in relation to that, the entire Bill is not good legislation.

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

MR. SAPERS: Maybe the hon. Member for Calgary-Buffalo would like to get back to his place, because I know he wants to hear, officially, my comments on this.

These are the amendments to Bill 202, that I'm not in favour of, Mr. Chairman. These would be bad amendments to a Bill that I wasn't going to support in its original form, so they don't make the Bill any better. In fact, they make the Bill, if these amendments were to pass, even less acceptable to me.

I appreciate the opportunity to speak on the amendments.

Chairman's Ruling

Chairman Not Recognizing a Member

THE CHAIRMAN: Before the Chair recognizes the hon. Member for Calgary-Buffalo, a number of members may have observed that the hon. Member for Calgary-Buffalo was standing and should have been recognized. The only thing is that he was not in his place, and the Chair is unable to see him until he's in his place.

So Calgary-Buffalo may now rise.

MR. DICKSON: Thanks, Mr. Chairman. For some of us it takes

more than five years to learn how this place operates and what the rules are.

Debate Continued

MR. DICKSON: Mr. Chairman, I think really what the amendment does is exacerbate or draw attention to the weaknesses that exist in the original Bill 202. This isn't remedial. In fact, what we're doing – well, let me back up and say that one of the issues that I expressed as a concern the other day was about that small businessman in Drumheller, Alberta: is that person going to be advantaged or disadvantaged with Bill 202? My conclusion was he was likely disadvantaged, because he would always be in a position where he was required to go into mediation, even though he and his counsel may have decided that it was more fiscally responsible, more strategically sound to move forward.

Now, with the amendment one might have hoped, Mr. Chairman, that that might have been addressed. Really what we do is we simply are taking out of the scope a number of organizations, but these aren't organizations that are going to have a big impact. I'd listed the other day the statutes – the Public Works Act would be probably chief among them – which are going to govern the kinds of claims that third-party claimants make, that that small businessman in Drumheller or Peace River is going to advance against the provincial government. This doesn't help that in any way. In fact, what it tends to do is start saying that all Crown entities aren't going to be treated equally, and from the perspective of that small businessman in Drumheller, who's entitled to say, "If it's a taxpayer-funded organization, the rules should be the same," why by this amendment do we start creating different tiers, different levels of Crown-controlled organizations? It doesn't make good sense.

So notwithstanding the comments from Grande Prairie, I think this is an unhelpful amendment. It's an amendment that doesn't advantage Albertans in Drumheller or elsewhere, and I speak against the amendment and encourage other members to speak against it as well.

Thanks, Mr. Chairman.

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

MS BLAKEMAN: Thank you, Mr. Chairman. I'd also like to speak against this amendment. I'm concerned because I think it does nothing to further the interests of small business, and certainly I'm beginning to hear more and more and to meet more and more small business owners and entrepreneurs. They're looking for more assistance. I think this is a sector that is open and certainly does create more new jobs than the corporate sector, and they're not looking for more limitations upon what they are looking to do. I think this amendment makes it more difficult for them to conduct business.

Overall the amendment doesn't make the Bill any better. I don't understand the government's need to force mediation upon people. I think mediation is a process of openness, of discussion, of listening, of sharing information, and in some cases compromise. Coercion or forcing parties to mediation is not conducive to this process, and this amendment doesn't make it any more open. I'm not in favour of the amendment, and I'm not in favour of the Bill. I think compelling mediation defeats the purpose of it. It's an anathema to it. People come unwillingly to the process. As I've said, this is a process of discussing, of giving and taking, and to force someone to come into it doesn't make it any better.

So the amendment didn't help the Bill in my eyes, and I don't think we should be supporting it. Thank you.

[Motion on amendment A1 carried]

[The clauses of Bill 202 agreed to]

[Title and preamble agreed to]

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

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

MR. HANCOCK: Mr. Chairman, I move that the committee rise and report.

[Motion carried]

3:40

[The Deputy Speaker in the Chair]

MRS. GORDON: Mr. Speaker, the Committee of the Whole has had under consideration a certain Bill. The committee reports the following with some amendments: Bill 202. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

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

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

Bill 204
Provincial Court Amendment Act, 1997

MRS. FORSYTH: Well, thank you, Mr. Speaker. Indeed it is a pleasure to begin to debate today Bill 204, the Provincial Court Amendment Act, which deals with grandparents' access rights.

This is an issue that has been raised on numerous occasions in the House by members on both sides. As many of you know, I brought this Bill forward last session, and I'm bringing a similar Bill back again this year because I believe that this is an important and pertinent issue that needs to be addressed.

Although myself I'm not a grandparent yet, I have two sons and hope to be a grandparent someday but not too soon. I will always cherish this relationship that I had with my grandparents, and I look forward to having the same special relationship with my grandchildren.

I have been approached by grandparents many times in regards to grandparent access rights since the introduction of this Bill in the Legislature. The circumstances surrounding each of their stories are unique, but in each case they are being denied a relationship with their grandchildren. It is important that we

recognize the grandparent/grandchild bond and ensure that there is a vehicle for grandparents to maintain that bond. Mr. Speaker, this is what Bill 204 sets out to accomplish. It would ensure that all children have the opportunity to develop a healthy relationship with their grandparents.

I think we can agree that grandparents have much to offer their grandchildren. They contribute to their well-being through the provision of love and support, continuity in times of stress or transition, a sense of family history and heritage, and sometimes by providing child care and, occasionally, even financial support. Grandparents are positive role models, friends, and confidants. Clearly, Mr. Speaker, all children have the right to this kind of a relationship.

Mr. Speaker, as the traditional, nuclear family unit continues to break down, extended family members are being left out of the lives of their children. It cannot be presumed that this relationship of children with their grandparents, adults, uncles, or aunts will continue when a marriage suffers a disruption. Grandparents' rights may not always be considered in cases of divorce, separation, or remarriage. It is unfortunate, Mr. Speaker, but the bitterness and hostility involved in marital breakdown is sometimes directed not only at the spouses but at their extended family as well. In cases of bitter separation or divorce, children are sometimes used as pawns or bargaining chips. Grandparents may be denied access to grandchildren in an attempt by spouses to hurt one another through their parents. It is often difficult for the parents of a child to see beyond their hurt and anger and be sensitive to the needs of the children.

Grandparents may also have their relationships severed when spouses separate or one spouse dies and a spouse remains. Often in cases of remarriage the new partner will adopt the children. The new partner's parents then assume the role of the grandparents. When this occurs, children are cut off from a stable relationship with their grandparents in a time of great need. Often it is the grandparents who help a child through such a difficult situation by offering stability, continuity, and unconditional love and support.

Mr. Speaker, we must remember that not only is the grandparent/grandchild relationship important to the children, but it also plays a large role in the happiness of the lives of many seniors. Many grandparents who have lost access to their grandchildren describe the impact as similar to that felt when a loved one passes away. Grandparents are feeling hurt and victimized by the absence of their grandchildren and by the loss of the role in their grandchildren's lives. Grandparents feel shut out of their grandchildren's growth and development, missing extended-family gatherings and events and not being able to pass on family history and tradition to their grandchildren.

As the number of seniors continues to rise rapidly in our province and the divorce rate steadily rises, more and more grandparents will be faced with the issue of access rights to their grandchildren. Between the years 1971 and 1991 the number of divorces per year in Canada doubled. In 1991 14 percent of the children in Canada lived with only one parent. Surely, Mr. Speaker, we all appreciate the importance of grandparent/grandchild relationships and that time for action is upon us now.

Mr. Speaker, other provinces in Canada have looked at the issue of grandparents' access rights, but only one province, the province of Quebec, has enacted legislation which recognizes the relationship between grandparents and grandchildren. Section 611 of the Quebec Civil Code states:

In no case may the father or mother, without a grave reason,

interfere with personal relationships between the child and his grandparents.

The court determines the terms and the conditions of the relationship if agreement between the parties cannot be reached. The province of Quebec assumes that grandparents are a positive influence in a child's life. It is, however, important to point out that the courts only grant grandparents access rights when it is in the best interests of the child. Where there is some evidence that a grandparent/grandchild relationship would not serve the best interests of the child, access is denied. Quebec is the only province in Canada to formally recognize the relationship between grandparents and their grandchildren.

All of the states in the U.S. have some form of grandparents' rights legislation. Generally these laws give grandparents a right to be heard in court when the custodial parents do not allow visitation.

The federal government has also examined the issue of grandparents' rights to access. In March of 1996 Bill C-245, an Act to amend the federal Divorce Act of 1985, was introduced in the House of Commons. It would have provided that a person wishing to make an application under the Divorce Act to be granted access to or custody of any of his or her grandchildren shall not be required to obtain leave of the court to make such an application. If granted access, the grandparents would have the right to make inquiries and to be given information as to the health, education, and welfare of that child. It passed second reading unanimously and then died on the Order Paper.

3:50

Currently in Alberta, Mr. Speaker, grandparents are considered legal strangers to their grandchildren. Grandparents may only apply to the courts for access as a third party or on behalf of the child. This means that the grandparents must first be granted permission by the courts to make an application for access. This often proves to be a very costly, lengthy, and emotionally draining experience for the grandparents.

Mr. Speaker, grandparents have a valid and legitimate interest in their grandchildren, yet they do not have a legal recourse to assert access rights. It is time for the province of Alberta to provide grandparents with the legal recourse they need to secure access and visitation rights to their grandchildren. It is time to reaffirm our commitment to Alberta families and to the importance of the grandparent/grandchild relationship.

Mr. Speaker, introducing grandparents' access rights legislation in Alberta would set an example for the other provinces in Canada to follow so that children across the country would benefit from a relationship with their grandparents.

Mr. Speaker, Bill 204 seeks to amend the Provincial Court Act to grant grandparents access rights to their grandchildren. It would add a new section to part 3 of the Act, regarding family matters, to extend an access right to grandparents in cases when a parent or parents without just and serious cause prevent reasonable visitation rights between a child and the child's grandparents.

This legislation would apply equally to all grandparents, whether they are grandparents related to the child by blood, marriage, or adoption. As I stated earlier, the stable nuclear family is no longer the norm. Adults may have numerous relationships throughout their lives. The children born out of these relationships establish attachments with members from the different families. In most of these cases a grandparent/grandchild bond is formed. When parents separate, it is an extremely difficult and confusing time for a child. It is further

devastating to a child when the relationship with extended-family members, especially grandparents, is cut off.

Mr. Speaker, the Provincial Court Amendment Act will ensure that the courts take into consideration only – and I'll repeat “only” – the best interests of the child. This would be determined by examining the nature and extent of the child's past association with the grandparents and – and I'll repeat this – the child's views and wishes, if they can be reasonably ascertained.

This is a very, very, very important point. The Provincial Court Amendment Act would not – and I'll repeat that: “would not” – automatically grant all grandparents access to their grandchildren. While most grandparent/grandchild relationships are loving and supportive, there are unfortunately those relationships that are not healthy for the children, but, Mr. Speaker, we must not punish 95 percent of the grandparents for 5 percent of the problem. Instead, this Bill has and ensures there must be safeguards in place to prevent children from being placed in a situation that is not in their best interests. Bill 204 clearly states that the grandparent/grandchild relationship is to be supported and protected unless it is not in the best interests of the child.

The proposed legislation would assume that the relationship would be a healthy and beneficial one. The onus would be on the grandparents to prove to the courts that access was denied without a serious cause. It would then be the responsibility of the parents to convince the court that the relationship between the child and grandparent is not in the child's best interests.

While I think that it is important to recognize and respect parents' authority to determine who should influence their children and their children's values, I believe that the most important factor when determining issues of access is what is in the best interests of the child. The intent of this legislation is not to remove parents' authority but to ensure that grandparents and children are able to establish and maintain a mutually beneficial relationship when – and I'll repeat this again – it is in the child's best interests.

Mr. Speaker, Bill 204 will put an end to vexatious and vindictive acts of denying grandparents access rights to their grandchildren by hurt and angry parents wishing to punish a spouse. The legislation would promote independent, out-of-court agreements and therefore reduce the number of cases that end up before the courts.

While drafting this legislation, I have worked very closely with the Alberta branch of the Canadian Grandparents' Rights Association. The purpose of the association is to promote, support, and assist grandparents and their families in maintaining or re-establishing family ties and family stability when the family has been disrupted, especially those ties between grandparents and grandchildren. I am pleased to advise the members of this House that the association firmly supports this Bill, Mr. Speaker. I have also consulted with the Orphaned Grandparents Association, and they, too, support this Bill. Bill 204 is not exclusive to grandparents and grandchildren but also for parents. The Equitable Child Maintenance and Access Society, a parents' rights group in Calgary, has reviewed the Bill, and they are also in favour of this.

It is unfortunate and extremely saddening, Mr. Speaker, that this legislation such as I've brought forward today is necessary, but the reality is that there are grandparents in this province who feel great anguish because they are being denied the opportunity to see their grandchildren. There are children who are being hurt because they are being deprived of a loving and supportive relationship with their grandparents. In most cases grandparents have a real connection with their grandchildren and consider

grandparent roles to be an intricate part of their self-identity. When this relationship is denied to them, they feel empty and they feel unfulfilled.

I had a call on Saturday from a grandparent who supports this Bill. She told me it was her birthday on Monday, and she would love the passage of this Bill as her birthday present this year. Mr. Speaker, I urge all members of the Assembly to support Bill 204, to support the grandparent/grandchild relationship and to ensure the best interests of Alberta children are being met.

Thank you.

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

MR. DICKSON: Thank you, Mr. Speaker. I rise in support of Bill 204 at the second reading stage, and the reason is because I agree with almost everything that the Member for Calgary-Fish Creek said, with a couple of qualifications that I'll come to in a moment.

I think there's no question that this is an area that has been neglected for a long time. I remember when I first became an MLA, in the summer of 1992 – it was either in the fall of '92 or the spring of '93 – being involved in a debate dealing with access enforcement. In fact, that was a legislative initiative that didn't address the issue of grandparents, and I remember raising it at the time. I guess I'm disappointed that the Minister of Justice has never seen fit in the five years I've been a member of this Assembly to come forward and say: "This is a matter that's sufficiently important. We're not going to simply let it flop around like a half-dead fish over here, but in fact it's going to be moved onto the front of the government agenda." So I'm going to be most interested in terms of whether the Minister of Justice, who's present with us this afternoon, is going to say at some point in debate: this is an important enough issue that this won't be just another private member's Bill talked out, voted on, and then forgotten; in fact, we're going to move and make the necessary change.

A couple of concerns or thoughts as I was listening to the Member for Calgary-Fish Creek speak. She talked about grandparents' rights a couple of times, and I guess my approach is a little different. I don't think, with respect, this is about the rights of grandparents. I think it's about the rights of Alberta children. It seems to me that the real issue is not the right of a particular adult, but it would seem to me that we would start with the objective that we set out in the Family Law Reform Act that I introduced a year ago. We set out some principles, and one of the principles is that Alberta children deserve the benefit of their full extended family so long as there's no prejudice to the children. It's not just grandparents. It may be uncles. It may be aunts. It may be cousins. I think we've got to keep focused on that bigger issue, because after separation and divorce in too many cases children end up effectively being shut off from an entire half of their extended family, and I don't think that's good enough.

My perspective is one of trying to ensure that children in 1997, growing up in a world where it's pretty tough for adults – it can be tough for children. We have people that move around a lot. There aren't a lot of constants in the lives of children in 1997, with a high rate of marriage breakdown and separation and parents often living in different centres. We don't focus enough of our energy in terms of how you ensure that you provide some stability in the lives of Alberta children and how you manage to maintain and reinforce relationships that children have with

grandparents, uncles, aunts, cousins, and so on. In any event, I wanted to make that point.

4:00

The other point I wanted to make, just remind members, is that because we don't have a unified family court in this province, something that I think we desperately need, this Bill can only touch on a fraction of the cases. This Bill doesn't deal with divorce situations, and that is the biggest chunk of contested custody access cases. Really all we're dealing with are those cases where you have a common-law situation, for the most part, or where people are looking for some kind of separation but don't want a divorce. The reality is that that isn't a lot of cases, so the scope is pretty narrow.

Now, let me go through and highlight some of the things that I think in fact could make this Bill a lot stronger through amendment, and I just want to signal some of those thoughts now. I've also had the chance of talking to the, I think, four organizations mentioned by Calgary-Fish Creek. I know that there's a lot of concern in seeing this move forward, but you know, the people I've talked to also think that we can do better than Bill 204. I think people say: this is a good start. But their question then is: when can we take it further and expand it? There are some things that aren't covered in Bill 204 I wanted to highlight now.

One of the things that we tried to do with the Family Law Reform Act would say that you shouldn't have one test over here when you're dealing under a provincial statute and a different test over here when you're dealing with a federal statute. It makes it easier for Albertans if you have a constant, consistent test in both Queen's Bench and family court, a division of Provincial Court.

The Divorce Act currently says in section 16(1) that custody access can be dealt with "on application by either or both spouses or by any other person." In effect, under the Divorce Act it's open to an aunt or an uncle to come forward and say – and this would be in a case typically where one of the parents absolutely abandons any pretense of being a parent and simply exits the situation altogether, but that departing parent may be the only link that the grandparents and extended family have to the child. So those people effectively just get shut out of the equation.

It would seem to me that to take the wording of section 16(1), as we did in the Family Law Reform Act, we could make that modification in Bill 204, to simply say: on application by either or both spouses or any other person.

Section 16(3) of the Divorce Act requires that any other person, such as a grandparent, has to get leave of the court first. I'd just like to say, yes, that sometimes creates costs, but I've seen cases where that has been a valuable and a useful step, and the reason is this. There are cases – and I've certainly been involved in three that I remember – where what happened is that the relative who had the deep pockets stepped in to become in effect the litigant and virtually a surrogate for one of the parents. This created a whole lot of problems, and it was not one of those cases that the Member for Calgary-Fish Creek mentioned and talked about, a loving context where everybody was simply interested in promoting the best interests of the children. There actually was a small war going on, and what happened in that case is the grandparents ended up being inserted sort of into the front line of the contest. I think it's important that we avoid that. I think the Member for Calgary-Fish Creek wants to avoid that as well. I think it's one of the advantages with that test set out in 16(3) of the Divorce Act.

Now, I look at the Act, and I look specifically at section 2, the amendment to section 32.1. The provision now says:

The application for an order under this section may be made

- (a) by either parent of the child, or
- (b) by the child, who may apply with or without any person interested on his behalf.

So in effect the new section 32(3)(b) is exactly as we have it now, and that makes sense.

Section 32.1(2) says, "if a grandparent at any time is refused access," and that's where I think that could be broader and include other interested people to cover that situation of an uncle or aunt or someone else who may have an interest so it's consistent with the provision in section 16(1) of the Divorce Act.

The other thing that I'm disappointed with in the Bill – and I've spoken to the Member for Calgary-Fish Creek, and I've spoken to different people with grandparents' organizations. I think the Bill doesn't go far enough, and it doesn't deal with custody.

MRS. FORSYTH: They don't want custody.

MR. DICKSON: The Member for Calgary-Fish Creek says, "They don't want custody." I can tell her that I've dealt with lots of grandparents who in appropriate cases do want custody and where in appropriate cases that may be the right thing to do.

MRS. FORSYTH: Bring your own Bill forward then.

MR. DICKSON: Well, I have, hon. Member for Calgary-Fish Creek: the Family Law Reform Act I introduced a year ago. It's coming forward again now, and it does exactly that. I come back and say to the Member for Calgary-Fish Creek, through the Speaker, that I'm supporting the Bill. You may not have heard me say it at the beginning. I'm supporting the principle of the Bill, but I'm simply suggesting that I think it can go further, and I'm offering some suggestions in terms of how that could happen. I think it's got to be able to provide for and allow in appropriate cases that uncle or aunt or grandparent also to be able to apply for custody.

The other comment I'd make is that when you turn to section 2 of the Act and the amended section 32.1(4), this is where the Bill gets into I think some tricky territory. I think the problem is this: whenever in a Bill you try and tell a judge – you give him two messages. You say to the justice that on the one hand the test is the best interests of the child, but then you go and graft onto it a bunch of other things. I'd come back and say: doesn't that say it all, if you say "the best interests of the child"?

The Divorce Act says in section 16(8) that

the court shall take into consideration only the best interests of the child of the marriage as determined by reference to the condition, means, needs and other circumstances of the child.

So the test clearly is: what makes sense for the child? I think that has to continue to be the test here, and I'm not sure it's helpful to have one test under the Divorce Act and then a very different test over here under provincial legislation when I think what Albertans would like to see is congruence, harmony between the two provisions. There's also a rule of statutory interpretation that says that once you start particularizing specific circumstances the court may look at, that then defines the broader wording, and the broader wording ends up being more narrowly construed. I think that there's nothing more important than the best interests test. It's been well understood. It's been interpreted a gazillion times by Canadian courts.

MR. HAVELOCK: How many?

MR. DICKSON: A gazillion times. That's why I'm not the Treasury critic, Minister of Justice.

Mr. Speaker, when we've got a test that's well understood, I think it makes more sense to keep it, and the reality is that the Provincial Court judge in any event is going to be looking at the past association of the grandparent. "The child's views and wishes, if they can be reasonably ascertained": I think this works much better the way it works under the Divorce Act. Typically with children 12 years and older, their views are solicited by the judge, not always directly. It may be through a third party, through a psychologist or a social worker or some other person. Their views are typically solicited and given some considerable weight, varying with the age. Under 12 there's such a risk of children being manipulated, and anybody who's been through contested custody accessing understands how easily people can fall into the trap of trying to manipulate children. It's sometimes a dangerous practice.

4:10

I think there are the best of intentions in terms of putting forward the new (4)(a) and (b), but I think what they do is weaken the very Bill that I'm supporting and want to continue to support right through at every stage. I'm going to continue to try and encourage the Member for Calgary-Fish Creek to look instead at simply leaving out:

shall take into consideration only the best interests of the child as determined by reference to the needs and other circumstances of the child.

The reality is that if it's a grandparent applying, absolutely the other things are going to be looked at and looked at carefully.

Now, there's the other question in terms of costs in subsection (5).

Unless otherwise ordered . . . all costs . . . related to access visits granted to a grandparent under this section shall be borne by the grandparent.

I think that's too narrow. The court always has the power to deal with the question of costs. There may be some circumstances where the parent should bear some of the costs of access, and once again I think it comes back to the starting point. If you believe, like I do, that it's the right of the child, not the right of the grandparent, then it may be that it's appropriate the custodial parent should pick up some of the costs.

If you had a grandparent, for example, who had little money, was in a wheelchair in a small apartment someplace, with no source of income – because she's waiting for the Minister of Community Development to send her next seniors' benefit cheque – why wouldn't it be possible, in the appropriate case, for the custodial parent to be responsible for transporting the child to the grandparent? I'd want that kind of flexibility in the Bill, and by specifying, as it's done here, I think it makes it narrower. I know what the member is trying to do, but once again it sounds a little bit like we're talking about grandparents' rights instead of children's rights.

I know I've heard some members speak about concern with subsection (7), the provision dealing with penalties, but I just point out to all members that in fact that already exists in part 3 of the Provincial Court Act, section 32(8). I think what the Member for Calgary-Fish Creek has done is she's simply taken the whole clause and carried that forward. So it's the same provision as exists in the Provincial Court Act.

I think we can make this Bill somewhat broader. I think we can make it more effective. But we come back to the point that grandparents now don't have a right to go to Provincial Court,

Family Division, and seek custody or access, no matter how appropriate that may be, and that's absolutely wrong. It's got to change, and I think Bill 204 helps us to do that. I'm hopeful the Minister of Justice isn't going to wait and will take steps to either adopt portions of this or simply undertake a government amendment to do what has to be done to Bill 204.

I appreciate the Member for Calgary-Fish Creek's efforts in putting it in front of us, in pressing her colleagues and indeed all members to address this important need and problem in the province.

Thanks very much, Mr. Speaker.

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

MRS. GORDON: Thank you, Mr. Speaker. It is my pleasure to speak to Bill 204 and the issue of grandparents' access rights to their grandchildren. First, I would like to commend the hon. Member for Calgary-Fish Creek for bringing this timely Bill forward, and secondly, I'd like to commend the Minister of Justice, who has worked diligently with the hon. Member for Calgary-Fish Creek. Both the minister and his department fully support the Bill; please take note, Calgary-Buffalo. This is an issue that is affecting an increasing number of Alberta families. Some of them are my constituents, and I believe it requires our immediate attention.

Mr. Speaker, not unlike the Member for Calgary-Fish Creek I, too, am not yet a grandmother, but I am looking forward to the day, sometime in the very, very distant future, when I have grandchildren. I'm much too young. I'm speaking to the Bill today because when I look at the bond my son has particularly with his paternal grandmother, I realize how important this very special relationship is. It would indeed be a shame for any child to go through life without knowing that special bond that can be found only with grandparents.

Mr. Speaker, there are two reasons why the issue of grandparents' access rights deserves our immediate attention. First, grandparents are part of the fastest growing segment of our population: seniors. Second, there is ever increasing family turmoil and disruption within many families. It is because of these two factors that a growing number of grandparents are facing the issue of access rights.

As the Member for Calgary-Fish Creek apprised the members of this Assembly, Bill 204 seeks to amend the Provincial Court Act to grant grandparents access rights to their grandchildren in cases where parents without just and serious cause prevent visitation between the child and the child's grandparents. Presently in Alberta grandparents do not have the right of access to their grandchildren. In fact, nonparents, be they grandparents or somebody down the street, are considered by the courts to be legal strangers to the children of a marriage. Grandparents may in some circumstances have an opportunity to be heard in court but only as a third party or on behalf of the child. Grandparents may be able to use the custody or access provisions of the Provincial Court Act or possibly the Domestic Relations Act if either one of the parents or the child applies for an order granting grandparent/grandchild access. Most frequently, grandparents apply for access as a third-party applicant. These applications may only be brought forward with leave, or permission, of the court.

Mr. Speaker, orders made under the Provincial Court Act are made in the best interests of the child. This Act applies in cases

where the parents of a child are separated and there is a dispute regarding custody or access. The court may make an order regarding custody or access to the child by either parent or any other person. Under this Act grandparents may apply for an order on behalf of that child. Grandparents may also apply as a third party under the Domestic Relations Act. This Act takes into consideration not only the welfare of the child but also the conduct of the parents and the wishes of the mother and of the father.

As I mentioned, third-party applications for access can only be brought with leave of the court. That is to say, a court must grant a third party, such as a grandparent, permission before he or she may make an application for access. Mr. Speaker, this is a very lengthy and very expensive process. The requirement to obtain leave from the court before making an application for access occurs because there is no presumption that grandparents are a positive influence on the child's life. For those of us in this Assembly who were fortunate enough to have known and built a relationship with our grandparents, we know that in most cases this is a positive and rewarding relationship.

The federal Divorce Act also addresses the issue of access to children. It does not, however, have specific provisions that permit grandparents access rights. Under the Act when parents divorce, a grandparent may only make a third-party application to apply for access to the grandchild. When determining access, the courts take into consideration

only the best interests of the child of the marriage as determined by reference to the condition, means, needs and other circumstances of the [said] child.

The provisions for access under the Divorce Act do not meet the needs of grandparents. First, this Act only applies to access in case of divorce. We know that there are other circumstances where access to grandchildren is an issue. These include the death of a spouse, remarriage of the spouse, or the breakup of a common-law relationship. In addition, third-party applications for leave to apply for access under the Divorce Act are normally granted only to those persons who have some real connection or relationship with the child. Therefore, Mr. Speaker, it is likely that grandparents of newborns or very young children will have difficulty obtaining permission from the courts to apply for access under the Divorce Act, as they would not have had adequate time in the eyes of the court to develop a real bond with the child.

4:20

Quebec is the only province in Canada which recognizes the positive influence grandparents are on a child's life. This is evident in article 611 of the Civil Code of Quebec, which states:

In no case may the father or mother, without a grave reason, interfere with personal relations between the child and his [or her] grandparents.

Mr. Speaker, in that province it is assumed that grandparents are an important and integral part of a child's life and that this relationship must be protected. I think that all members of this Assembly would agree with this premise.

Mr. Speaker, I was very interested to learn that under the Alberta Maintenance Order Act grandparents are liable for maintenance for their grandchildren if parents cannot afford it and the court is satisfied that the grandparents are able to do so. Section 2(2) of the Act requires:

The father of, and mother of, a child under the age of 16 years shall provide maintenance, including adequate food, clothing, medical aid and lodging, for the child.

There is also a requirement under the Act to provide these things for any person who is not able to work. Therefore, maintenance could also be required for children over 16 and could extend

indefinitely. The Maintenance Order Act defines "father" as including a grandfather and "mother" as including a grandmother. The liability for grandparents arises when the father and mother are unable to provide for child maintenance. The courts then look to the grandparents. Although the Act has not often been used, there appears to be nothing to prevent an application from being made and an order granted under the proper circumstances.

Mr. Speaker, I find it interesting that grandparents can be held liable for maintenance but do not have under the law access rights to their grandchildren. Clearly, if the courts feel there is enough of a relationship between grandparents and grandchildren to make them liable for maintenance, then it seems logical that grandparents should also have the basic right to visit their grandchildren.

Mr. Speaker, resorting to the courts to obtain access to grandchildren is a very timely and costly experience. It is important to remember that most seniors are on a fixed income and cannot afford to initiate court action. By providing grandparents with the legal recourse they need to secure access and visitation rights, we will reaffirm the importance of the grandparent/grandchild relationship.

Legislating grandparents' access rights would reduce the number of cases and reduce the number of cases going to court. Mr. Speaker, Bill 204 will not lead to increased conflict between grandparents and parents. In fact, it will facilitate the resolution of conflicts in a timely manner through the courts where necessary. Without clear and concise legislation in place, a conflict between parents and grandparents may continue on indefinitely, which would be ultimately harmful to the children. Under Bill 204 a ruling of the court regarding access rights would be based on the best interests of the child. Regardless of the outcomes, the parties involved could then begin to work on resolving their animosity toward each other, knowing that they have indeed had the best interests of the child in mind.

Mr. Speaker, on behalf of my constituents I will be supporting Bill 204, and I urge all members of the Assembly to do so. Thank you.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Norwood, followed by Calgary-McCall.

MS OLSEN: Thank you, Mr. Speaker. I'm pleased to rise in support of the principles of this Bill. My colleague from Calgary-Buffalo has spoken to a number of the issues that concern me with the Bill. I believe – and it's outlined in the Divorce Act; it's outlined in the Provincial Court Act – that it's incumbent upon the courts to ensure that the child's best interest is considered. That's paramount to the legislation and anything else that happens.

I do agree that grandparents should have access to their grandchildren, and the grandchildren should have access, of course, to their grandparents. I also believe that needs to be addressed in a piece of legislation. I guess I find what's happening is that a lot of the legislation that seems to be coming forward through private members is piecemeal, and it could be all encompassed in one Act. I think the Member for Calgary-Buffalo spoke to that, a unified family court Act, where all of these issues are dealt with in one Act, with family court judges dealing with family court issues. I think our children would fare much better under those circumstances. Although, like I say, I support this, I really would like to see something come forward that is going to be a little bit more encompassing for the children and all of the parents involved.

Some concerns I have with the Bill are under subsection (4).

The Bill states very clearly that

the Court shall take into consideration only the best interests of the child as determined by reference to the needs and other circumstances of the child including

subsections (4)(a) and 4(b). The concern I have about (4)(a) is that it talks about "the nature and extent of the child's past association with the grandparent." This child may in fact have been prohibited from having a relationship with the grandparents by the custodial parent. The mere fact that the grandparents are in court seeking access is an indication that the relationship may not exist or is not very well developed. I think when you're considering that, you need to consider that there may have been some other mitigating circumstances that prevented any type of relationship to occur.

In subsection (4)(b), "the child's views and wishes, if they can be reasonably ascertained," I'm just wondering: where do they have to be reasonably ascertained? In a courtroom? I would be really concerned if the child had to appear before a judge, either in chambers or the courtroom. This could be an overwhelming experience for a child, especially when he or she knows or believes the dispute between the parents and the grandparents to be over him or her. I think that's too much to ask of a child. It puts them in a situation that is probably not in their best interests.

I'll put forward some amendments, but I do believe that subsection (4) alone, without (4)(a) and (4)(b), speaks to the best interests of the child and that the courts will do that and take into consideration (a) and (b) without having that added to the legislation.

I also am concerned about subsection (5).

Unless otherwise ordered by the Court, all costs reasonably related to access visits granted to a grandparent under this section shall be borne by the grandparent.

I think it would be more important to see that the custodial parent, or either parent, also have some responsibility for the costs. As the Member for Calgary-Buffalo stated, there may be some problems or some circumstances that don't allow a grandparent – maybe they are not in the financial situation that would allow them – to pay for the costs of a child or even to pay for applications through the courts. So I think it's necessary that that section also be addressed and that the costs not be borne just by the grandparents but with the ability for the custodial parents and the noncustodial parents to pick up those costs.

4:30

I'm just wondering as well – and I know this is in other legislation. In the Provincial Court Act the child "may apply with or without any person interested on his behalf." In this amendment – and this actually isn't an amendment. I believe it's already right in the Provincial Court Act.

MR. DICKSON: It is.

MS OLSEN: It is. I'm not sure whether it's section 32(2)(b) or (a). Either way, it's in the Act, and I actually am concerned about who brings forward those issues for the child. Are we looking at children who are actually in fact over 12 years of age who may want to bring those applications forward?

So I think that, yes, it's a good Bill in principle, and yes, I will support it, but I also feel it's very necessary to make some amendments. I would hate to see a child under (4)(a) and even (4)(b), where there's the ability for manipulation to occur throughout a divorce process, lose as a result of that. I think that if you take those subsections out and just leave subsection (4), that

will satisfy the needs and the best interest test for the child.

Thank you.

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

MR. SHARIFF: Thank you, Mr. Speaker. I rise today in support of the Provincial Court Amendment Act brought forward by my colleague the Member for Calgary-Fish Creek. I've been listening to the debate with great interest, and I'm struck by the apparent inflexibility and inadequacy of the current legislation and how it affects grandparents and grandchildren.

Over the past couple of decades, Mr. Speaker, we have been bombarded by studies and editorials denouncing the erosion of the traditional family as a social institution. There's also been a change in the nature of employment, away from the lifelong contracts in one location to having several different careers spread across different locales. This has led to the emergence of a new model of the family, a self-contained family able to move where jobs are and independent of the extended-family ties. It is in this environment that we are better able to see the devolution of the role of grandparents as members of the family. Sadly, in many cases grandparents have become distant relatives in faraway places.

Mr. Speaker, even though the nuclear family is now more self-contained, it is not necessarily more stable, and separations or divorces do occur. As always, the tragedy lies in the plight of the children in these separations. Although custody negotiations are beginning to address the needs of the children, they have increasingly moved away from involving either set of grandparents. Occasionally grandparents will look after the children while their parents fight it out, but aside from that, the grandparents' interests are usually secondary to the immediate family. Public awareness campaigns promoting keeping the family together all too often mean keeping the nuclear family stable and do not necessarily include the extended family.

At times this model of the family forgets that children don't only have relationships with their parents and siblings, but they also have relationships with their grandparents. These relationships are cherished by both the child and the grandparent. It is a unique relationship within which the wisdom and knowledge of generations is passed to future generations in a nonthreatening environment. Who has not been regaled and entertained by a story passed on by a grandparent? To this day I recall with fond memories the family history related to me by my grandmother. The values she instilled in me using analogies of family struggle hold me steadfast to this day.

With the increase in the number of divorces and separations, more and more grandparents are losing contact with their grandchildren. For many grandparents, if their son or daughter loses custody of their children in a divorce, it is sometimes difficult for them to get access to their grandchildren. Mr. Speaker, it is very sad that at times some of these grandparents get isolated and left out of the relationship that is so important to both the grandparent and the child. It is within this context that Bill 204 was developed.

I should make it clear that the provisions in Bill 204 only apply to those cases where a grandparent has been refused access without a just and serious cause. It is intended to keep children from being used as pawns or bargaining chips during and after divorce proceedings. The access guaranteed by this Bill would not be needed by the majority of families in this province. By

and large, relationships between children and their parents and grandparents tend to be fairly healthy, stable, and free of significant problems.

One of the things I really appreciate about this Bill is the emphasis it places on the grandparent as being a member of the family. From what the Member for Lacombe-Stettler described of the federal Divorce Act, the Act doesn't assume that the grandparent is a positive influence in a grandchild's life. The Act also does not treat grandparents as family members at all. Mr. Speaker, if you ask me, this is wrong. This is yet another reason why I support this Bill: because it no longer makes grandparents a third party but rather a family member and, may I add, a very valuable member of the family.

In my opinion, grandparents should have an inherent right to visitation with their grandchildren. Denying visitation is nothing else but cruel and mean. Mr. Speaker, it is important to remember that this Bill is not just about grandparents; it is also about grandchildren and their access rights to their grandparents. Under Bill 204 children will be able to access their grandparents. Bill 204 protects and supports the grandchild/grandparent relationship, providing it is in the best interest of the child. Granted, there are some examples of where the grandchild/grandparent relationship is such that access is not in the best interest of the child. In these cases the courts should definitely become involved. This is not necessary in most cases.

This Bill is also beneficial to the children since the courts take into consideration the best interest of the child determined by their needs as well as other circumstances, including the nature and extent of the child's relationship with the grandparents as well as the child's needs and wishes. Section 32.1(4) states, "The Court shall take into consideration only the best interests of the child." I find it very refreshing to see this approach being embodied in this legislation.

Alberta is a province with a colourful past and a rich heritage. Our society is a close-knit one with strong family values. The relationships between our grandparents and our grandchildren are our vital link between our past and our future. This Bill helps to make the link even more solid. Mr. Speaker, it would be nice if we didn't need legislation like Bill 204, and in a perfect world we wouldn't. However, such is the nature of human relationships. Hopefully, some day society may evolve to the point where legislation concerning access will not be necessary. In the meantime, I feel that the Provincial Court Amendment Act is a move towards making the lives of some of the children and grandparents a little fuller.

Mr. Speaker, I support this Bill and encourage my colleagues to also do so. Thank you.

4:40

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

MRS. SOETAERT: Thank you, Mr. Speaker. I, too, am pleased to have the opportunity to speak to Bill 204, the Provincial Court Amendment Act, 1997. I'm glad to see this Bill come forward.

I know we've all spoken about how important grandparents are in our lives. I've spoken to people and they'll show me a picture on the mantle of their grandchild that they haven't seen for five years. It's certainly not their choice, but it's what has happened because of circumstances in their lives. They'll say, with tears in their eyes, that they know their grandchild won't forget them, and when they become old enough to drive or old enough to travel, they'll come back and visit them. I think that's a sad statement

and probably one of the examples of why this Bill is needed.

There is nothing more secure in our lives than grandparents, who are such a positive influence on us. We all know that that's stability. It's sad that there are so many marriage breakups now, but when people get a divorce, they shouldn't divorce their children. Sometimes we see that happening, and because of those breakups we see grandparents who cannot access their grandchildren. Like the other MLAs who spoke, I'm not a grandmother yet and don't want to be for a little while. However, my mom and dad have 24 grandchildren, and each one of them is important.

MR. FISCHER: How many kids did you give them?

MRS. SOETAERT: I only provided four of those grandchildren for them, Mr. Speaker, but I felt that was my share. There are seven of us, and not all have contributed like I. However, one never knows what may happen in the course of a lifetime and how history may be set in this Legislature.

AN HON. MEMBER: Are there more to come?

MRS. SOETAERT: That isn't the plan for now. However, Mr. Speaker, back to grandparents.

AN HON. MEMBER: Are you going to make an announcement later?

MRS. SOETAERT: I'm not making an announcement. No, thank you, Mr. Speaker. My husband wouldn't know about it.

Back to where we were. This is a very serious topic that we got sidetracked on. In the case of my own children, they are very fortunate that their grandparents live near them. Many of us know, because of the demanding hours of this Legislature, that many of us are very fortunate to have parents that are available for all kinds of things. My dad has seen the orthodontist's office more than I have. My mom has been to more school plays, probably, than I and has been the kindergarten mom volunteer. So those kinds of things my children are very, very fortunate to be a part of. When something is new and exciting in their lives, they'll come home from school and phone grandma and tell her about it, because grandma and grandpa will be sure to show up at the basketball game where they're playing or the hockey game or their recital. That's how important our grandparents are in our lives, because they're always positive. Maybe it's because they can send them home at night; I don't know.

MR. ZWOZDESKY: Fill them full of candy and then send them home.

MRS. SOETAERT: "Fill them full of candy and then send them home," says the hon. Member for Edmonton-Mill Creek. Sounds like he's been there.

So I think we can never understate the importance of grandparents' roles in our lives. I know in my husband's case he lived half a mile from his grandparents, and he could always depend on them to give him a little helping hand, to feed him, most definitely, every time he showed up. His grandparents are still alive today, married 66 years and very healthy, living in their own home and very much role models for all of us, in fact for the whole community, about married life and the role of family. So we're most fortunate in that case, and that's I think what this Bill

wants to address: the accessibility of grandparents to those children because those children need that presence in their lives. Many of us don't have that opportunity. Many of our children's grandparents live far away, but this Bill also would accommodate some of that, as the access is paid for by those grandparents.

The hon. Member for Calgary-Buffalo did make some points that I hope the Member for Calgary-Fish Creek will look at during Committee of the Whole as far as making the Bill maybe broader. That will make it maybe even more of a comprehensive Bill, because I think most members on this side support the Bill and in fact would like to see it as good as it can be. That's often been our role. It's like this is a little piece taken out of the Family Law Reform Bill, Bill 219 I believe, which Calgary-Buffalo had presented. Was it 219? I forget the number, but it was the Family Law Reform Bill. So it's a piece of it, and I support that.

So, Mr. Speaker, to conclude. During a divorce it's very difficult for children. We all know that, and if being able to access grandparents and being able to work out those relationships so they may be maintained instead of waiting until a child is old enough to touch base – I find that very sad. So I think for those grandparents who fall under this category, who cannot access their grandchildren, and in reverse for their grandchildren, not being able to be part of their lives, I am in support of this Bill. There may be stronger amendments to come in Committee of the Whole, but generally I am very much in support of this Bill.

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

MRS. LAING: Thank you, Mr. Speaker. I am pleased to rise today to speak to Bill 204 in support of grandparents' access rights. I would like to thank the Member for Calgary-Fish Creek for bringing this Bill forward and for working so diligently to ensure that the issue of grandparents securing access and visitation rights for their grandchildren is given due consideration of this Assembly.

[Mrs. Gordon in the Chair]

Over the past few years I've had numerous grandparents from my own constituency speak to me about grandparents' access rights. Some of these grandparents have not seen grandchildren for many years. They have been cut off from relationships that once brought them great joy. Understandably, these grandparents are hurting. They are cut off from information about their grandchildren. They want to know: how are they developing? What are their interests? What are their talents? Many grandparents mourn the loss of this relationship with the grandchild and also the parents through events which really were not connected to anything that they had done.

As an MLA my hands are somewhat tied, and I feel that there is little I can do to assist these grandparents. Legal provisions regarding grandparents' access rights are not specifically outlined in our province. It's not assumed that grandparents are a significant part of the healthy development of a child, and therefore they are not provided with the legal recourse necessary to obtain access to their grandchildren. Grandparents may be able to use the access provisions of the Provincial Court Act, the Domestic Relations Act, or, in some cases where the parents are divorcing, the federal Divorce Act. However, before grandparents can apply for access to their grandchildren under the aforementioned legislation, they must first ask the court for

permission to apply. This is commonly referred to as applying for leave of the court. This is a very timely and costly process that places an undue burden on grandparents. These grandparents deserve to be given the right to apply for access. Grandparents should be acknowledged as being able to play a very significant role in the healthy development of a child.

There are two reasons why the issue of grandparents' access rights deserves our immediate attention. First, grandparents are part of the fastest growing population in our province: seniors. Second, in today's society there is an increasing amount of family turmoil and disruption. These two factors are leading to a growing number of grandparents being faced with the issue of access rights to their grandchildren.

4:50

Family roles and responsibilities have undergone many changes over the years. An increasing number of Alberta families are composed of two working parents. These working parents often turn to extended-family members, such as grandparents, for support. Grandparents can make a contribution to the child's care by being caretakers, watching the children after school or on the weekends, or perhaps driving them to their piano lessons or soccer games. When the grandparents have been cut off from access to the children, these children are often cut off from the loving care of their grandparents.

When considering visitation rights, it's important to recognize the relationship between two special generations, the first and the third. There is a special connection between grandparents and grandchildren, a spirit of friendship and fun that exists in this very special relationship. Grandparents are able to be loving and supportive but do not have to be disciplinary.

Madam Speaker, when my daughter was young, my grandmother would call and invite her for the weekend, and it was truly a treat for the child and her great-grandmother to be able to spend an entire weekend enjoying each other's company. I know these are memories that my daughter treasures even today. It would be a shame if children were to grow up without knowing this very special bond with their grandparent.

Madam Speaker, grandparents influence children through their role as the family historian, through transmitting family values, ethnic heritage, and family traditions to succeeding generations. They often serve as mentors and positive role models for their grandchildren.

In times of family disruption, such as divorce or separation or indeed even death of a parent, grandparents may provide children with that important emotional support they require during such an uncertain time in their lives. Grandparents can remain neutral in disputes and are often the stabilizing force in the child's life.

At times in their life everyone wants to know who they are. We all want to know where we come from. We have a great interest in our family background and the family's ancestral home. Grandparents can often answer these questions and offer a sense of family heritage.

I can appreciate the value of the grandparent/grandchild relationship not just when the relationship is biological in nature, but equally important are those that are established through marriage or adoption. The only grandfather that I ever knew was related through marriage, and as a grandfather he was very kind and loving. Indeed, I couldn't have wished for a better grandfather.

Often, Madam Speaker, grandparents will teach their grandchildren about the family history and cultural identity. Grandparents love to share memories and stories about their children's child-

hoods, and children greatly enjoy hearing stories about their own parents. Some of the earliest memories I have about stories – my paternal grandmother told me about my father's escapades, and this led to a lot of fun and made us realize that he was human too. This dialogue about a family's ancestor helps to provide a knowledge of their roots and a sense of belonging for the child.

Madam Speaker, there is a good contingent of Ukrainian Albertans in my constituency, and each year during Ukrainian Christmas the families gather to celebrate religion and culture. It's events such as these, with the extended-family members, that enrich the lives of children and develop awareness of their family's traditions and give them a sense of identity. When access is denied, the child loses this wonderful contact with their culture.

There are cultures in which the grandparents play an even greater role. In some cases the grandmother lives with the family and helps to nurture the children and take care of them when they are sick. In others, such as the aboriginal culture, the grandmother often raises the child. Many aboriginal people I've spoken to say that the grandmother was the most significant person in their life.

Clearly, children can derive potentially significant benefits from an ongoing relationship with their grandparents. Bill 204 would safeguard the rights of grandparents and grandchildren to allow them to see each other and have communication on a regular basis. What Bill 204 won't do, Madam Speaker, is place children in a situation that is abusive or not in their best interests.

In closing, Madam Speaker, let's not forget who the real victims here are: the children. They deserve to know who their family is. They deserve the opportunity to have a special relationship and build a special bond with grandparents.

Madam Speaker, I believe that Bill 204 offers the real solution that grandparents are looking for. The children of this province deserve to have legislation in place to secure this very important relationship, and I encourage all members of this Assembly to support Bill 204. The children and the grandparents of Alberta deserve it.

Thank you.

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

MS BLAKEMAN: Thank you, Madam Speaker. I'm pleased to be able to rise today and speak to the principle of Bill 204, the Provincial Court Amendment Act. I think the Member for Calgary-Fish Creek has spoken very eloquently on this Bill. Overall, I'm supportive of the principles of it. There are just one or two little things that I'm concerned about and I wanted to bring to her attention. I hope that she could reassure me about these issues.

One of my concerns is to make sure that it wouldn't be possible that a custodial parent could be restricted in mobility because access has been granted to grandparents. For example, if a custodial parent got a job offer in another part of the country or, for instance, if a mother wanted to be able to move back to her home city – let's call it Yellowknife – to be with her family and her friends and a support system where she would be better supported in raising the children, would this restrict their ability to relocate and take advantage of that? I just want to make sure there is no possibility that those mobility rights could be infringed upon in any way. I think that would put custodial parents, in my experience usually women, at a real disadvantage, and I don't

think that's what this Bill is trying to do. I think it is trying to be supportive of family connections. I wish it were worded in a way that it emphasized more the right of the child to access their relatives rather than the right of the grandparents to access the child. A small point.

I just want to make sure that we're not unduly disadvantaging a custodial parent, again usually a woman, as a result of this. So it's something that I'd like to see addressed. I personally would have difficulty supporting this good Bill if that can't be addressed, because I think it's unfair.

Just one other thing that was brought up, and again I want to underline this. The hon. Member for Lacombe-Stettler mentioned access and maintenance in the same sentence, and that always makes me nervous. I think that's creating a hostage situation. I think we have to remember that maintenance and access are two different things, and we need to be dealing with them separately, please. It really does put either the child or the parent in a hostage situation. Maintenance is one thing; access is totally separate. Please don't put them together. We really cause a mess for everyone involved when that's done.

So those were just the two points that I wanted to raise. I commend the hon. member for having brought this before us. I hope it's to the child's advantage to be able to build a relationship with not only grandparents but other members of the family. I'm certainly appreciative of my childhood experiences in getting to know all of my relatives, and I would hope that other children in Alberta would have that same advantage.

Thank you for the opportunity to speak to this today.

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

MR. LOUGHEED: Thank you, Madam Speaker. It's a privilege today to speak to Bill 204. The intent of this Bill is very worth while. It's one I know all members of the Assembly can agree on, and I'm pleased to see that there's nonpartisan support for this Bill.

Madam Speaker, this matter's been brought to my attention previously, but in the last few months I've received numerous letters and had discussions with constituents regarding access to their grandchildren. These stories are heartbreaking. There are grandparents in Alberta who have not seen their grandchildren for many years.

Madam Speaker, I'd like to share a story about one situation brought forward by a couple in my constituency. I believe they may still be in the public gallery, although I don't know because I can't view it from here. I asked them if I could share their story with this Assembly. Unfortunately it's not unique and is not brought forward for that reason. It's brought forward because it has to be told. Unfortunately it's a story that occurs too often.

5:00

This couple cared for their grandchild for most of his first six years of life, and we can all appreciate the bond that could be built up over that period of time. Their grandson has severe allergies and came to live with his grandparents on a semipermanent basis while his mother attended school part-time. This child was removed from the grandparents' home, and since that time the child's life has been extremely difficult. All contact has been cut off with the grandparents. The mother is moving about from one location to another, and in a recent incident the son was found sleeping outside in a van while the mother was inside a bar.

This is a rare and extreme case of neglect, but even in this

case, Madam Speaker, the grandparents have found that they have no legal recourse and no rights with respect to the whereabouts and the safety of their grandchild. They understand that grandparents' access rights do not exist here as they do in other jurisdictions, such as Quebec and the United States, and they specifically urge this Assembly's support of Bill 204.

Certainly, Madam Speaker, the most desirable situation to the problem of access rights is one which would promote amicable relations between family members, one that would strike a balance between the needs of parents, children, grandparents, and others. It's my belief that Bill 204 seeks to accomplish this.

We must not forget the value of family and the increasingly important role of grandparents within the family. We know the family unit is changing. More and more couples are remarrying, divorcing, or living in common-law relationships. During these changes, unfortunately, children are often left feeling confused and even neglected or uncared for. Grandparents offer their grandchildren stability, unconditional love, and friendship during this time of upheaval. Madam Speaker, Bill 204 would ensure that the grandparent/grandchild relationship is protected and supported unless it's not in the best interests of the child. Every child in this province deserves the opportunity to have a relationship with their grandparents, because they are a vital part of the child's family life.

I encourage all members of this Assembly to support Bill 204 to secure grandparents' access rights. Thank you very much.

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

DR. MASSEY: Thank you, Madam Speaker. I'd like to add a few comments and raise several questions, if I might, with regards to the Bill before us, rapidly becoming known as the grandma and grandpa Act, and to start off initially indicating agreement with the intent of the Bill. It's pretty hard not to agree that grandparents should have access to their grandchildren.

The question I'd ask of the Bill sponsor is: what other mechanisms did the member consider? I compared this, for example, with the previous Bill we have been discussing this afternoon, and in that Bill there was an attempt to come to resolution in disputes prior to the matter becoming a matter before the courts. I wonder if the mover of the Bill had explored ways or mechanisms that might be put in place that would work with grandparents to achieve their rights, without having first been involved with the courts and the court system.

It's a theme that's run through a number of Bills that we've addressed this session, the notion of trying to have people gain some help or go to some agency for assistance before they find themselves in court and often involved in what could be expensive court actions. I think, in particular, of some grandparents who may have limited means and who might be deterred just by the thought of going to court and trying to seek redress there. I think of grandparents in my own constituency faced with some custodial problems with their grandchildren and being assigned a lawyer and not being able to contact that individual for a couple of weeks while the families were in distress over what was happening with the children.

Again, I repeat the question: what other mechanisms did the member explore, and what was the result of those explorations? Is there just no way other than going directly to the courts that grandparents and their access could be assisted?

In our previous Bill, the Family Law Reform Act, there was the

suggestion for the creation of an access enforcement co-ordinator, but that office was to deal with and to mediate disputes between the party with custody of the child and the party that has had its access to the child denied. That was after they had already been engaged in court proceedings.

MR. DICKSON: It works in Manitoba.

DR. MASSEY: My colleague for Calgary-Buffalo reminds me that this is in effect and works in Manitoba. Again, this is after they have already been to the courts and sought some redress there.

One of the comments I would commend the member for is the language of the Act. You'll recall that when we addressed with the living wills Act that it is important to a lot of people who don't usually get involved in Bills and Acts and the court system, the language of that particular Bill was somewhat obscure. I think it was difficult for people who aren't used to using that kind of language to understand exactly how they should proceed. One of the nice things about this Bill is its simplicity and the plain language it's written in. It's clear to anyone who's trying to understand what rights and what redress they have under the law. They can read the Bill and interpret it, I think, rather easily. It's a small step forward for plain language legislation, something that a number of us in this House have advocated for some time.

I think that with those comments, Madam Speaker, I would wait with interest for a response from the member.

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

MRS. SLOAN: Thank you, Madam Speaker.

MRS. McCLELLAN: Sorry; I was standing first. We're going back and forth; right?

MRS. SLOAN: Go ahead.

MRS. McCLELLAN: Mr. – or Madam Speaker. I need my reflexes as well as my eyes improved obviously.

Madam Speaker, I am proud to stand today in support of Bill 204. I certainly commend my colleague from Calgary-Fish Creek for bringing this forward. It's an amendment that has been needed for some time and certainly one that's been discussed in this House in a number of ways over the years that I've been here.

Well, I am a grandparent. I am a grandmother, Madam Speaker. My concern was that I wouldn't be before I was too old, not that I was too young to be one.

As I listened to the comments on the Bill from a number of members – and I appreciate the support from all benches on this Bill, albeit that in some cases the support is qualified, but I did sense a high degree of support for this – I tried to imagine, as a grandparent, as a grandmother, what it would be like to be denied access to that wonderful little being that I and my husband are very fortunate to have very close to us right now. When my colleague from Clover Bar-Fort Saskatchewan shared the story that he did with us, I know it touched each and every one of us. I believe that it's unfortunate that things can come to such a state that you do have to ask for intervention from a court to ensure that something that should be just natural and right can be enforced.

5:10

I hope that at a further reading of this Bill I have an opportunity to speak again, because I received a little story on my granddaughter's first birthday. I thought this was rather unique, that grandma received a gift from Stevie. It's a little story written by a grade 3 student: what is a grandmother? For my male colleagues in the House I'll just share one line of it. It says that grandfathers are male grandmothers. I thought you'd be interested in knowing that. It's a touching little story written by a grade 3 student, and I hope that at committee stage, members, I'll have an opportunity to share that with you in its entirety, seeing through the eyes of a child the importance of grandparents in their lives.

I hope that all members in this House can support this Bill and the intent that is here. As I understand the Bill and as I read the Bill, the application for an order can be made by the grandparent or in fact by the child. I think that's extremely important as well. A breakup of a family or family problems are upsetting enough. I think that if we can mitigate them in some way by including that opportunity for the child to make application, it is extremely important as well.

I'm also impressed with section 4 of this Bill, which states very clearly that by "making an order under this section, the Court shall take into consideration only the best interests of the child." I think that if of course that happened at the first instance, we wouldn't have the need for the amendments to this Bill that we have before us today.

I simply cannot imagine, as a grandmother of only just a bit over a year, having that dear little being taken out of my life and my husband's life and that of other members of our family. She's dearly loved by all of her aunts, her uncles, her cousins, her great-aunts, her great-uncles. Her grandparents on both sides have a little bit of a controversy at times as to who has the greatest spoiling rights. We like to think that indeed a great amount of love can't spoil anyone or anything, and I stand by that even when we have discussions with her parents at times. So I think that this will make me more mindful as a grandparent, too, that I should ensure that I do everything I can to nurture that relationship, to treasure that relationship each and every day that we have it.

I was given a gift from an associate when I became a grandmother. It's a grandmother's book. If any of you have had those or seen them, they're a wonderful item. I take it very seriously. I'm trying to, by filling in this book over a period of time, pass on to my granddaughter, as it is in this instance – and I hope I do it for each succeeding grandchild. The Provincial Treasurer's not going to get that far ahead of me in grandchildren.

MR. SAPERS: But he's so competitive.

MRS. McCLELLAN: So am I.

MRS. SOETAERT: I'm sending this *Hansard* to your daughter.

MRS. McCLELLAN: She agrees. It's okay.

I hope that by doing this and sharing my thoughts of the joy that I felt from my grandparents in my life and passing on these thoughts to her, the knowledge of her past and how the early years particularly of life with her has affected my life, she will have the same affinity for people in her life as she goes on.

I had the privilege of spending most of my growing up years with my grandmother, and I think that indeed I was blessed to

have that wise lady's counsel in my life. There are many times even yet that I think back to many of the stories . . .

MRS. SOETAERT: I'll bet she was a Liberal.

MRS. McCLELLAN: I don't think there were any of those then.

I think oftentimes now I maybe bite my tongue once in a while because of some of the principles that she tried to instill in me in my decorum in this House. To have had the privilege of having, as I say, that wise lady's counsel in my life I hope made me a richer person, certainly a more knowledgeable person with maybe a broader perspective on many things than I might have had not having that experience.

So, hon. Member for Calgary-Fish Creek, I will certainly be strongly supporting this Bill. I hope that all members of the House will support the Bill. I hope that all of us, as we consider this Bill and listen to the very, I think, good discussion – I'm not sure I would call it debate – or comments on this Bill, that each and every one of us would take our thoughts and our responsibilities, whether we are grandparents or grandchildren or simply persons who have an opportunity to affect children's lives in any way, and think about our role much more seriously.

With that, Madam Speaker, I would request that we adjourn debate on Bill 204 at this time.

THE ACTING SPEAKER: It has been moved that we adjourn debate. Are you agreed?

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed? Carried.
The hon. Government House Leader.

MR. HAVELOCK: Yes. Thank you, Madam Speaker. In light of the hour, I move that the Assembly do now adjourn and reconvene this evening at 8 in Committee of Supply.

THE ACTING SPEAKER: Does the Assembly agree with the motion?

SOME HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE ACTING SPEAKER: Carried.

[The Assembly adjourned at 5:19 p.m.]