

Legislative Assembly of Alberta

Title: **Thursday, May 2, 1996**

1:30 p.m.

Date: 96/05/02

[The Deputy Speaker in the Chair]

head: **Prayers**

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

Let us pray.

Our Father, keep us mindful of the special and unique opportunity we have to work for our constituents and our province, and in that work give us strength and wisdom.

Amen.

Gerrit Joseph Radstaak September 4, 1914, to May 1, 1996

THE DEPUTY SPEAKER: Yesterday, May 1, 1996, Mr. Gerrit Joseph Radstaak passed away. Mr. Radstaak was a former member of this Legislative Assembly and represented the constituency of Strathcona South for the Social Credit Party. He was first elected in the general election on May 23, 1967, and served until 1971. During his years of service Mr. Radstaak served on the select standing committees on Municipal Law and Law Amendments; Private Bills; Privileges and Elections, Standing Orders and Printing; Public Accounts; 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 this time of sorrow.

In a moment of silent prayer I ask you to remember Gerrit Joseph Radstaak as you may have known him.

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

Amen.

head: **Presenting Petitions**

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

MR. SAPERS: Thank you, Mr. Speaker. With your permission today I would like to table with the Assembly a petition signed by another 940 Albertans from around the province who have added their names to the 82,000 Albertans who have already signed the Friends of Medicare petition, which is asking this government, begging this government, to please defend universal medicare and the principles of the Canada Health Act.

head: **Reading and Receiving Petitions**

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

MS LEIBOVICI: Thank you, Mr. Speaker. I'm requesting that the petition I presented yesterday regarding the cuts to rehabilitation services be now read and received.

THE CLERK:

We the undersigned, request the Legislative Assembly of Alberta to urge the government to ensure that there are no more health care cuts in the Capital Health Authority in the next fiscal year and that a portion of the provincial surplus be allocated to ensuring that the Capital Health Authority has sufficient resources

that they do not have to make more cuts to rehabilitation services in the region.

head: **Tabling Returns and Reports**

MR. DINNING: Mr. Speaker, I am filing with the Assembly today a letter from Premier Klein to the Prime Minister expressing the government's concern over the action taken regarding the goods and services tax, noting that the Prime Minister's government has

effectively dropped the GST rate to less than 5.5% in Atlantic Canada [and therefore] Albertans expect equal treatment from the Federal Government and are awaiting a similar reduction in the GST in Alberta.

I'm also filing transcripts of *Hansard* dated April 6, 1995, and March 13, 1995, as well as a letter dated June 7, 1995, from a policy analyst at the Fraser Institute to the Leader of the Opposition.

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

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I'd like to table excerpts from four documents relating to air sheds. The first two come from the government's own clean air strategy publications. These are volume I, the moderator's report on the regional sessions on the clean air strategy, which shows the public was proposing air sheds for regulating air emissions back in 1991. The second tabling is the Clean Air Strategy for Alberta, extracts from reports to the ministers, 1992, which refers to air sheds.

The third tabling is from the board members' speaking notes on the Clean Air Strategic Alliance describing the first air shed management zone in Alberta, which was set up by this government and the industry stakeholders' alliance in the west-central area.

The fourth and final tabling is an article from *Environment Network News*, January '95 that describes the west-central region air shed monitoring program in more detail.

Thank you, Mr. Speaker.

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

MR. DICKSON: Thank you, Mr. Speaker. Two documents to table this afternoon. The first one is a letter from a Debra Tomlinson to the hon. Premier confirming that she's a perfectly normal Albertan and still opposed to Bill 24.

The second tabling is correspondence from the Calgary Poverty Focus Group and Marilyn Seelye. That letter, dated April 28, confirms that she and members of her group also view themselves as perfectly normal Albertans but nonetheless are absolutely opposed to Bill 24.

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

MRS. LAING: Thank you, Mr. Speaker. I'm pleased to file with the Assembly today responses to the questions raised during second reading of Bill 23, Condominium Property Amendment Act, 1996.

Thank you.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I have two tablings to present. The first is a compelling column which appears in today's *Calgary Herald* on page A16 about Canadian unity and multiculturalism entitled *There is Strength in Diversity*, written by Dr. Manoly Lupul, professor emeritus at the University of Alberta.

The second tabling is a letter to the Premier dated April 19, 1996, from the Alberta Languages Alliance, which represents over 11,000 students and 1,000 teachers and volunteers who want this government to continue support for international heritage language programs at the community level and who also want Bill 24 to be withdrawn because it eliminates the Alberta Multiculturalism Act.

Thank you.

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

MR. SAPERS: Thank you, Mr. Speaker. I have two tablings today, with your permission. The first is a brochure that has been distributed by the Health Sciences Association of Alberta which exposes the fact that in spite of government assertions that the health care cuts have stopped, \$14 million is still being cut out of the Calgary health authority's budget as a result of laboratory restructuring. I have a copy of the brochure for every member of the Assembly.

The second document which I'd like to table with the Assembly is a report titled *Disillusion and Confusion*. It is a survey produced by the Health Sciences Association on the impact of laboratory restructuring in Calgary, and it highlights the lack of planning and the lack of attention to the future of those health care workers who are about to lose their jobs.

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

DR. PERCY: Thank you, Mr. Speaker. I'd like to table four copies of the headnote for Scott Steel Ltd. versus *The Alarissa*, better known as the North Saskatchewan riverboat.

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

MR. COLLINGWOOD: Thank you, Mr. Speaker. I'd like to table this afternoon the face page of a document entitled *Impact of the Petroleum Industry on Cattle Production: Critical Review of Scientific and Other Literature*, indicating that the copyright is held by the government of Alberta; some maps from that particular report indicating the location of the 189,078 petroleum industry wells in the province, the location of the 43,071 crude oil wells in the province, the location of the 637 gas plant sites in the province of Alberta, and the location of the 53,485 gas wells in the province of Alberta.

head: **Introduction of Guests**

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

MR. PASZKOWSKI: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to Members of the Legislative Assembly several members of the Polish Centennial Society 1995 who've been actively involved in the 13 major events during the centennial of Polish settlement in Alberta.

Activities took place across Alberta, including such places as Calgary; Webster, near Grande Prairie; Lethbridge; and Edmonton and surrounding area, including the performance that was held in the rotunda, where many in this Legislature had the opportunity to observe.

1:40

Today there are approximately 124,000 Albertans of Polish descent, and I'm proud to be one of them. I know that many others in this Legislature, including the Member for Calgary-Glenora and the Member for Barrhead-Westlock as well as myself, were on the advisory board. I'd like to point out that the patron of this society is our Premier.

On the desk of each member is a copy of *Polonia in Alberta, 1895 - 1995*. This historical text was published on the occasion of the Polish centennial in Alberta and is provided to the Members of this Legislative Assembly with the compliments of the society and the Canadian Polish Congress, Alberta branch. The book offers an opportunity to reflect on the past and the future, on Polish culture, heritage, and identity, on what the Polish community has accomplished and indeed what it can offer.

Mr. Speaker, I would ask that the president of the society and the congress, Mr. Joseph Bereźnicki, and his lovely wife, Christine, Willy Banack, a direct descendant of the very first Polish settlers in Alberta in 1895, and his wife, Cecilia, and all of our other special guests, 24 in total, who belong to the Polish Centennial Society 1995 please rise and receive the warm welcome of this Assembly and accept our thanks for this memorable book.

Thank you.

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

MR. SEKULIC: Thank you, Mr. Speaker. It is my pleasure today to introduce to you and through you to the Assembly 60 visitors from Edmonton-Manning. Visiting the Assembly today are 48 students from John Barnett elementary school, a school which I have visited numerous times since being elected and very much enjoyed my visits, reinforcing the importance of education and particularly reading as the strongest component of education. Accompanying the students today from the school are teachers Mr. Gerard Collins, Ms Charlene Nistor, Mr. Peter Skrypp, who is the principal, and teacher's aide Shaunna Stefiuk. Also, we have parent helpers Mrs. Allyn Aubert, Mrs. Brenda Goodkey, Mrs. Connie Wyman, Mr. Doug Miller, Mrs. Tracey Laurie, Mr. Wilburn Brown, Mr. Ed Grabas, and Mrs. Alison Michon. I would ask them to rise and receive the very warm welcome of the Assembly.

Thank you.

THE DEPUTY SPEAKER: St. Albert.

MR. BRACKO: Thank you, Mr. Speaker. I'm honoured to introduce to you and to Members of this Legislative Assembly a great Albertan, a former student, a community leader, a horseman, and an excellent spouse and father. He has three great loves, his students, his horses, and his wife, and I believe it's in that order. He is the spouse of one of the most effective MLAs in this House, the Member for Spruce Grove-Sturgeon-St. Albert. I'd ask Ray Soetaert, who's in the members' gallery, to please rise and receive the warm welcome of this House.

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

MRS. SOETAERT: Thank you, Mr. Speaker. [interjection] Yeah, a point of order on the Member for St. Albert's introduction.

It is my pleasure to introduce to you and through you to members of the Assembly 60 students from Camilla school in Rivière Qui Barre in the MD of Sturgeon. They are here today with parent helpers Arlene Whitson, Sue Ferrence, and Debbie Brenneis, their teacher Ms Langford, and someone very near and dear to me, Raymond Soetaert. I would ask them to please rise – they're in the members' gallery – and receive the warm welcome of the Assembly.

THE DEPUTY SPEAKER: May we have unanimous consent to briefly revert to returns and tablings?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? Carried.

head: **Tabling Returns and Reports**
(*reversion*)

THE DEPUTY SPEAKER: The hon. Minister of Health.

MRS. McCLELLAN: Mr. Speaker, thank you, and to the Assembly, for allowing this tabling.

May is Better Hearing and Speech Month. The Speech, Language, Hearing Association of Alberta is co-ordinating the Don't Miss a Word campaign to promote early detection of problems, diagnosis, and treatment. On May 1 Alberta Health issued an information bulletin in support of these goals, and I'm pleased to file copies of this with the Assembly now.

As well, Mr. Speaker, on March 7 I tabled the three-year business plans for the regional health authorities with the exception of region 5. I am pleased to table their report today.

As well, I am tabling the three-year business plan for the Alberta Cancer Board, Cancer Control in Alberta, for the 1996-97 through '98-99 years.

head: **Oral Question Period**
Health Restructuring

MR. MITCHELL: At the last annual Premiers' Conference our Premier joined with all the other Premiers in the country to declare, and I quote, their support for a publicly funded national health care system and reaffirmed their commitment to the principles of the Canada Health Act. Now, Mr. Speaker, we see the Premier in Manitoba trying to drum up support for changing the Canada Health Act and slamming the national health care standards. To the Minister of Health: which Alberta Premier do we believe, the one who says he supports the Canada Health Act or the one who says he wants to change the Canada Health Act so he can get more two-tiered, privatized, commercialized, Americanized health care in this province?

MRS. McCLELLAN: I think the hon. member's preamble clearly shows his party's lack of understanding of discussions that every province in Canada is having. In fact, I read a quote from the New Brunswick minister of health's speech, who also called for a review of the Canada Health Act. Nobody is suggesting that we

throw it out, but what we are suggesting is that this Act is 30 years old. It has served Canada well, but is it serving Canada today and into the future? It is an Act that covers physicians' services and hospital services only. You know by the debate in this Legislature, Mr. Speaker, over important programs like community rehabilitation, which includes physiotherapy and other rehabilitations, over home care, and over drug programs that these are all important issues to Albertans and indeed to Canadians.

In fact, Mr. Speaker, in a discussion with the federal Minister of Health for Canada last week in Ottawa we further discussed reviewing the Canada Health Act. Is it right for today? Is it right into the future? Should it be expanded? No Act should be afraid of review. To talk about change, to move into dialogue with other ministers and other Premiers is not subversive or attempting to dismantle. Every minister of health in Canada, whatever their political persuasion in their province, knows that we have to review this. In the best interests of Albertans and all Canadians, the Premier has said nothing different than that. It's easy to cherry pick speeches. I could do some of that myself with the hon. Leader of the Opposition. However, I believe that the importance of health care in this province rises above partisan politics, and I will keep my comments on that level.

MR. MITCHELL: Of course, the only Premier in the country who is lobbying for two-tiered health care is that Premier, Mr. Speaker.

Why would the Premier of this province go to Manitoba to lobby against the Canada Health Act? Is it because he's trying to deflect attention from the health care crisis that he's created in this province? You bet it is.

MRS. McCLELLAN: Mr. Speaker, I would judge by the hon. leader's remarks that he was in the room and heard this or that he is prepared to table a text of a speech that's been checked against delivery. I am sure that he intends to do that. The Premier of this province has made it very clear time after time in this Legislature that this province, this government, this Ministry of Health support the Canada Health Act. That does not mean that we hide our heads in the sand and stay in yesterday. That is not the way to serve the needs of Albertans.

1:50

MR. MITCHELL: And that, Mr. Speaker, is why they're being fined \$3 million to this point for two-tiered health care in this province.

What could this government possibly want to do to our health care system that it can't do under the current Canada Health Act unless it is to create a more commercialized, more privatized, more Americanized two-tiered health care system in this province?

MRS. McCLELLAN: Mr. Speaker, what we are prepared to do is to discuss what is important to Albertans and indeed to Canadians and what should be covered.

The Canada Health Act has five important principles. One of those is comprehensiveness. That has never been defined, Mr. Speaker. We think we should have a dialogue about what is comprehensive. We think that people in this province enjoy a very high standard of health services. We think that everywhere in Canada should have some similarity in those abilities and not simply be tied to our Treasury's ability to support those programs.

I've indicated before that if you ask Albertans today, they will tell you that home care is important to them. They will tell you that the drug programs that we have in place, both in the hospital

system and the Cancer Board, and the supports that we have for seniors and nongroup and widows are important. They will tell you that rehabilitation medicine is important to them. Those things are not a part of the Canada Health Act. Perhaps we should have the dialogue as to whether they should be. If Canadians say that these are not important, that we should keep the Canada Health Act in its present form, we'll be quite prepared to listen to that input, but we are not afraid to have the discussion of moving this Canada Health Act into the next decade and into the next century in fact.

THE DEPUTY SPEAKER: I wonder if we could have the front benches – we appear to have a debate going on. I wonder if they could save that for their questions and the responses for a question that's directed directly to them.

Surgery Waiting Lists

MR. MITCHELL: Mr. Speaker, the Premier has consistently stated that the Calgary regional health authority has been in great shape. This week we have learned, however, that just two weeks ago the Premier rushed \$12 million in contingency funds to shore up that Calgary authority. This system isn't working, and it's people who are being hurt, people like Mr. Hartwell, who's been waiting for 13 days for back surgery, emergency back surgery, and like Mrs. Liszt, who's waited through four days without food and has been shuttled between hospitals for emergency surgery on a badly broken leg. To the Minister of Health: what kind of health care system defines "emergency" as 13 days for urgent back surgery and four days and multiple hospitals for urgent orthopedic surgery?

MRS. McCLELLAN: Mr. Speaker, indeed all provinces in Canada look at their waiting lists for elective or nonelective surgeries, and we really do try to meet the clinical expertise recommendations in those areas. The *Fraser Forum* put out a report on surgeries, waiting lists, et cetera, across Canada just a short time ago. In most areas Alberta was far below the Canadian average. We talked about consistency in the Canada Health Act, and that is what we are talking about. We would like to have people across Canada have consistency in those waiting lists.

The hon. member across the way espouses support for the Canada Health Act and for the publicly funded system. The publicly funded system is a managed system. It is not an open-ended system, and it will always require careful management. Mr. Speaker, it is important that that management be done with clinical expertise, and that is what we are working for in this province. We're quite prepared to define lengths of waiting lists with our clinicians.

MR. MITCHELL: If this is a managed health care system, it certainly isn't being managed by this Minister of Health, Mr. Speaker.

Is four days waiting for emergency surgery without food because you just might get into that surgical unit any moment now – is that an acceptable standard to this Minister of Health for emergency surgery waits?

MRS. McCLELLAN: The ideal would be, I suppose, that there is never a wait for any service. That wouldn't be realistic because our institutions have to manage emergencies that come in. I am quite confident that people are being cared for appropriately while they are in our care. That is my concern, Mr. Speaker, and what

our concern should be is: are people receiving appropriate care in our system?

Mr. Speaker, we have millions of interventions in our health system each year, whether it's in day surgeries, inpatient hospital visits, physician visits. I think the standards in this province are very good.

The Capital health authority in this very region just released their third report card, which shows a 92 percent satisfaction rate. We'd like that to be 100 percent. So would the Capital regional health authority, and they are working towards making that 100 percent, as is every region in this province.

MR. MITCHELL: Mr. Speaker, could the minister specify what exactly she thinks is an acceptable standard for waiting for emergency surgery, and could she tell us what exactly she's doing to enforce such a standard?

MRS. McCLELLAN: Mr. Speaker, what I can tell the hon. member is that we're working very closely with the Alberta Medical Association in this province to establish clinical practice guidelines for physician services. I can also tell him that each regional health authority works with their clinic managers, their clinicians, their program managers to manage those programs, and I believe that system is working quite well. It has been proved that they can respond to emergencies when they arise.

We are two years into the restructuring of health. We're in the capital city here. I would say that the Capital region have done an admirable job of changing how we deliver health services, of ensuring that people do receive services in a better way. But, Mr. Speaker, it simply shows that the hon. Leader of the Opposition is totally removed from reality in the system. If he believes that in every instance we will never face an emergency, that we will never have to move elective surgeries, then he knows less about the health system than I had given him credit for.

Health Restructuring

(continued)

MS CARLSON: Mr. Speaker, this is a shot of reality for the Minister of Health. Jack DeBolt of Edmonton was experiencing difficulty with his breathing and went to the Misericordia hospital on March 11. Mr. DeBolt was a chronic asthmatic. After not being admitted to the hospital not once, not twice, but three times, Mr. DeBolt refused to leave and was eventually admitted, obviously bumping someone else out of their bed. Tragically, a short while later Mr. DeBolt died. The only reason Mr. DeBolt was not admitted was because of a shortage of beds. What does the Minister of Health say to his family?

MRS. McCLELLAN: Mr. Speaker, I would say this to this family or any other family who have concerns with the way a person's care was managed or handled in this system, whether it was by a physician or through an institution. I would say that if that person has a concern with that, they should contact the minister directly.

The hon. member opposite may be quite prepared and probably has permission to raise persons' names and their confidential medical information in this House, but I do not have that opportunity, through legislation. Every question that is raised to me on care is reviewed very carefully. This would be treated no differently.

MS CARLSON: They did, Mr. Speaker, and the Premier didn't answer their letter.

Mr. Speaker, will the Minister of Health explain to Albertans why her business plan said that we need 2.4 beds per 1,000 people and we're now at 1.5 beds per 1,000?

2:00

MRS. McCLELLAN: One of the things I would do is encourage the hon. member to attend some of the debate on budget or when we have an opportunity to talk about business plans, Mr. Speaker, if she hasn't already had that opportunity, because that has been discussed fairly extensively there.

Mr. Speaker, the 2.4 beds per 1,000 on the acute side is a provincial average. It might be quite different in one area than it is in another. Let me give you an example. If you are in a rural community where your facilities may be 60 to 80 miles apart, people can live as much as 100 miles from a facility, come in with a condition, and they may be kept overnight, where in an area where they are in close proximity, they may be able to be at home. So it is an average. Each region bases their needs on activity. I did not direct the Capital health authority to be at that number. That is a part of their management.

What the hon. member should be doing is recognizing the work that this authority has done to use the beds that they have most efficiently and to not use tax dollars inappropriately. This region has worked very hard, as have all the other regions in this province. Across Canada there are very small variances in what is assumed to be provincial averages for beds, and I would invite the hon. member to become familiar with that information.

MS CARLSON: Mr. Speaker, the Minister of Health fired the authority, not us.

When is the Minister of Health going to stop hiding behind committees and reviews and start being accountable for the chaos in this health care system?

MRS. McCLELLAN: There are a couple of things in there. First of all, the only persons that have ever discussed firing the Capital health authority are the opposition. That word has never crossed this minister's lips. In fact, Mr. Speaker, I sat down with the Capital health authority's full board last night along with their clinical managers, and I did not hear from any one member that they felt the minister did not have confidence in their board. I have full confidence in that board, and that's why we're prepared to give them the resources they require to ensure that they can continue to provide quality patient care in this region. I think that's been demonstrated fully in the activity of them being full participants in a review group that will assist them in understanding why this region has some pressures that are not common across the other regions in Alberta.

On the issue of boards, Mr. Speaker, I have tabled, I believe, in the Legislature and I'd be happy to show the hon. member and others in this Legislature how many committees have been removed from the Ministry of Health. It far exceeds the number that we today have.

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

Provincial Debt

DR. OBERG: Thank you, Mr. Speaker. When I was back in my constituency this weekend, I read with interest in the local paper of the visit of the leader of the Liberal opposition. His focus was on fiscal responsibility and integrity of government. Bronco Bruce Parker of the *Brooks Bulletin* reported that the Leader of

the Opposition stated that in fact the Liberal Party's debt retirement plan is a better plan, a position supposedly backed by the Fraser Institute, than our plan. Can the Provincial Treasurer reiterate to the Assembly and subsequently the people of Brooks the government's debt retirement plan? Is it on track?

MR. DINNING: Well, Mr. Speaker, the Balanced Budget and Debt Retirement Act was passed by both sides of this Legislative Assembly, endorsed by Liberal members and Conservative members. What that plan does is require that the government start paying down its debt, require that legislatively we begin to pay down our debt beginning in fiscal year '97-'98. It requires a minimum annual debt payment of \$100 million, and it requires that we meet five-year milestones, that we've got to shut down at least 20 percent of the net debt of the province every five years. It requires that there be an average annual debt payment of \$350 million, Mr. Speaker, and it says that every single dollar of surplus must go to pay down debt. I can advise hon. members, as I've done before, that 1 and a half billion dollars of debt has already been paid off in the last two years, which has taken our 25-year plan down to an 18 and a half year plan. Again, every single dollar of surplus cannot go off and be hidden somewhere else, in some fund or some private account, some account that can't be accounted for. It's got to go to pay down the debt.

THE DEPUTY SPEAKER: First supplemental, Bow Valley.

DR. OBERG: Thank you very much, Mr. Speaker. When preparing the government's debt retirement plan, did the government consider any of the proposals contained within the Liberal debt retirement plan?

MR. DINNING: In fact we did. We did consider some of the elements of the Liberal plan, but I've got to tell you, Mr. Speaker, that the Liberal plan was built on a house of cards. It requires annual surpluses of no less than \$500 million without any explanation of how they are going to achieve that \$500 million. It requires the liquidation of the heritage savings trust fund, which Albertans told us they did not want done. It requires the creation of a stabilization fund that under consolidated budgeting is not only impractical; it's not possible. The Auditor General has attested to the fact that it cannot and should not be done.

Mr. Speaker, the sad part of it . . . [interjections]

Speaker's Ruling Seeking Opinions

THE DEPUTY SPEAKER: Order. It would appear that this is a very sensitive topic and one that's likely to cause further debate at some time, but it's unfortunately causing it now. I wonder if we could revert to the usual practice of a question being asked of the minister, not an opinion, but a matter of fact or policy, and we could then proceed with the questions.

Provincial Debt

(continued)

MR. DINNING: Well, Mr. Speaker, just finally, I want to say that the plan that was presented by the Liberals to eliminate the debt was done in the absence of a fiscal plan. We are still waiting today for any kind of a plan from the Liberals that shows the assumptions that support the debt plan and shows how they would pay for the billions of dollars of promises that the Liberal Party has promised in its recent Speech to the Throne and other

commitments that the Leader of the Official Opposition has made across this province, billions of dollars of commitments that they cannot and will not show how they would fund.

THE DEPUTY SPEAKER: Final supplemental, Bow Valley.

DR. OBERG: Thank you, Mr. Speaker. Can the Provincial Treasurer please tell the Assembly and the people of Brooks what the Fraser Institute really said? Who should we believe: their account or the Leader of the Opposition's account?

MR. DINNING: Mr. Speaker, it's an important question because some people in the Legislative Assembly are today saying that the Fraser Institute . . .

THE DEPUTY SPEAKER: Hon. members, that sort of looks like calling for an opinion. If you're talking on fact, then let us hear the answer, but we're skating.

MR. DINNING: I in fact was able to file in the Assembly earlier today a letter from the Fraser Institute. To specifically answer what the member asked – what did the Fraser Institute say about the Liberal plan? – the writer of this letter, a Mr. Fazil Mihlar, a policy analyst of the Fraser Institute, said that the statement, the phrase by the Leader of the Official Opposition that the Fraser Institute indicated that their debt plan is far superior to the government's, “misrepresents my position on your debt retirement plan.” It says that “your plan,” the Liberal plan, “is not even ambitious,” that their

throne speech . . . announced several potential spending measures, it also allows for deficits in alternate years, and it also calls for the creation of an off-book stabilization fund.

It goes on to finally say:

Your announcements over the past several months suggest that you are committed to more spending in education, social programs, health care, municipal grants, and to the justice . . . In conclusion, my position is that your debt retirement plan can not achieve its objectives.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Whitemud. [interjections]

DR. PERCY: Timing is everything, Mr. Speaker.

2:10 Treasury Branches

DR. PERCY: The Official Opposition has questioned the lending practices of the Alberta Treasury Branches, and they have done so for a number of reasons: they're a Crown entity, the taxpayers guarantee the over \$9 billion in deposits, and because the superintendent and now the board report to the Treasurer. The Treasurer has responded to our questions by stating that the board and the Treasury Branches are arm's length, and he won't cross the Percy/Dinning line. My questions are to the Provincial Treasurer. How does the Provincial Treasurer respond to the lawyer for the Alberta Treasury Branches who has argued before the Federal Court of Canada that the Treasury Branches and the government of Alberta are one and the same, that there is no distinction before the courts?

MR. DINNING: Well, Mr. Speaker, the member across the way acknowledges . . . [interjections]

Speaker's Ruling Decorum

THE DEPUTY SPEAKER: Hon. members, I know we're all anticipating a weekend back in our constituencies visiting with our constituents, but I want to just ask if it's not possible when we ask a question to let somebody answer the question without all of the helpful and not so helpful encouragements.

The hon. Provincial Treasurer to answer Edmonton-Whitemud's question, and no one else to.

Treasury Branches

(continued)

MR. DINNING: Well, Mr. Speaker, the hon. Member for Whitemud and the lawyer for Treasury Branches have given the Legislature a blinding glimpse of the obvious. The fact is that Treasury Branches is a division of the provincial government, but the member across the way knows full well that the operating practices of this Provincial Treasurer, of this government, and of the Treasury Branches is that the provincial government and the Treasurer will not immerse themselves and will not get involved in the day-to-day banking activities of the Treasury Branches. It's something that Albertans would not tolerate, would not agree with, and it's something that this government will not be involved with.

The member across the way in the past has tried to draw me and drag me across the line in regards to a whole bunch of clients of the Treasury Branches, and I have refused to do that, and I will not do that. Where would I stop, Mr. Speaker? Would it be one or two or three? For how many clients of Treasury Branches would the hon. member want me to immerse myself in the day-to-day banking relationship between Treasury Branches and one of those clients? I cannot and I will not do that.

DR. PERCY: I can think, Mr. Speaker, of \$9 billion in reasons why the Treasurer should be accountable.

My question is to the Provincial Treasurer. How does the Provincial Treasurer respond to the judge of the Federal Court of Appeal who in this riverboat case blamed the Alberta Treasury Branches' lending practices for its potential \$700,000 loss and noted that the Alberta Treasury Branch never seemed to have any idea or interest in what was being built? They just wrote the cheque.

MR. DINNING: Mr. Speaker, I too read of the very critical comments made by the federal court judge, critical comments on the banking practices of Treasury Branches. I read those same comments and was as concerned as the hon. member across the way. That is why, with the advice of the Auditor General, the advice of the Financial Review Commission, and even the advice of the hon. Member for Edmonton-Whitemud, we have established a board of directors for the Treasury Branches to assist us to help Treasury Branches to become a better banking institution, to better meet the needs of over 200,000 businesses in this province, and to better meet the banking needs of almost 800,000 Albertans who've chosen to deposit their money at the Treasury Branches.

I think this is kind of interesting, Mr. Speaker. The Treasury Branch's board of directors had their first meeting last week and have begun the governance process. I sort of got a kick out of this *Edmonton Sun* article that said, “Marshall Law at Alberta Treasury Branches.” That's in keeping with the kind of approach,

the kind of discipline that Mr. Marshall Williams, the new chairman of Alberta Treasury Branches, is going to bring to the organization to help it to become an even better institution for the banking needs of Albertans and Alberta businesses.

THE DEPUTY SPEAKER: Final supplemental, Edmonton-Whitemud.

DR. PERCY: Thank you, Mr. Speaker. Since the superintendent and the board report to the Provincial Treasurer, how does the Provincial Treasurer explain the lending practices of the Alberta Treasury Branches when in July of 1995 the Alberta Treasury Branches assumed a \$2 million mortgage, paid it out to the chartered bank, and then six months later the company went into receivership and the Treasury Branches were left holding the bag? How do you explain those lending practices when they report to you?

MR. DINNING: Mr. Speaker, that's exactly the point. I will not get into the day-to-day management of an individual client's relationship with the Alberta Treasury Branches. It's not proper for me to immerse myself and get involved in the personal affairs of a company or one of the clients of Treasury Branches or one of the individuals, one of many Albertans who choose to do business with Treasury Branches. Clearly, it now appears with exceptionally fine hindsight that doesn't require any kind of surgery to improve one's eyesight or even glasses like the member across the way wears or like I wear – that 20/20 hindsight says that this was not a good loan for Treasury Branches.

You know, Mr. Speaker, banks, financial institutions across this country all make mistakes. If banking were a risk-free business, I bet all 83 of us might even be in the business of banking, but we're not. We're not in that business, and we as individuals have chosen not to be. The point is that if banks made only made risk-free loans, they'd make no loans whatsoever.

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

Bachelor of Social Work Programs

MR. DUNFORD: Thank you, Mr. Speaker. My questions today are to the Minister of Advanced Education and Career Development, and they're regarding the bachelor of social work program here in Alberta. I support a central administration model for specialty programs in our universities such as the bachelor of social work program. I do object, however, to the University of Calgary, in charge of the administration of the BSW program, choking off the BSW delivery both at the University of Alberta and at the University of Lethbridge to fund a PhD program for non-Albertans at the U of C. Now, what does the Minister of Advanced Education and Career Development intend to do to ensure that the bachelor of social work program continues to be delivered in Lethbridge to meet the needs of students and employers not only in the Lethbridge region but throughout the rural and smaller urban areas of Alberta?

MR. ADY: Well, Mr. Speaker, it becomes obvious that the hon. member is making some assumptions on the part of the University of Calgary, but let me clarify some of the background to this degree in social work. The University of Calgary has a mandate to deliver a bachelor of social work program across the province. In order to do so, it has established divisions in Lethbridge and in

Edmonton. We're aware of the concerns in both cities regarding the current and future delivery of this program to them, and with the department's encouragement the university is considering alternate delivery systems to meet the current and future needs of employers in the context of current resources.

Delivery options could include a community-based model as already exists in the community rehabilitation program at the university and the use of telecommunication or computer technologies for delivery at a distance. The department's learning enhancement initiative is designed to help institutions make that transition. The university will consult with the stakeholders and the communities before making that final decision on how they will deliver it.

THE DEPUTY SPEAKER: First supplemental, Lethbridge-West.

MR. DUNFORD: Thank you, Mr. Speaker. Will the minister provide additional funds to ensure adequate delivery of the bachelor of social work program in the Lethbridge area on a long-term basis?

2:20

MR. ADY: Well, Mr. Speaker, several years ago the department provided a specific grant to the University of Calgary to deliver the program in Lethbridge. These funds are now part of the general base operating grant of the university. So that's an ongoing grant to them to deliver that program. As one of our fiscal restraint measures we reduced operating support to all postsecondary institutions over the past three years. The Faculty of Social Work, including its Lethbridge and Edmonton divisions, may have to absorb some of those reductions. We do not plan to provide the university with additional program funds for the bachelor of social work. The university is aware of this position, and I anticipate that they will find a way to continue to deliver it to the University of Lethbridge and to the University of Alberta.

THE DEPUTY SPEAKER: Final supplemental, Lethbridge-West.

MR. DUNFORD: Thank you, Mr. Speaker. Will the minister consider giving the University of Lethbridge a mandate to provide the BSW program to meet the needs of the Lethbridge region?

MR. ADY: Well, Mr. Speaker, it's unlikely that such an option would be possible within the existing resources. Our strategy at this time is to avoid unnecessary duplication of programming and to work with the University of Calgary, which has been given a mandate to deliver the bachelor of social work program across the province, to ensure that the needs of the Lethbridge region and indeed all Albertans are being met satisfactorily from the University of Calgary.

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

Holograph Wills

MR. BENIUK: Thank you, Mr. Speaker. One of the most important documents an individual signs is their final will and testament, whether it is a professionally prepared will and witnessed or a holograph will, written in one's handwriting without witnesses, as authorized by the Alberta Wills Act. Some individuals having carefully prepared their will in earlier years may on occasion come under the influence of an individual or

organization at a later time and suddenly bequeath their estate to a single person or organization to the exclusion of all or most of their previous beneficiaries. To the Minister of Justice: in order to remove the possibility of influence, would the minister consider amending section 7 of the Alberta Wills Act, dealing with holograph wills, to not allow such a will without a witness that is neither directly or indirectly related to the new beneficiary when it amends or cancels a previous will for the primary benefit of an individual or organization to the exclusion of the deceased's previous beneficiaries except in rare cases of absolute emergencies?

MR. EVANS: Well, Mr. Speaker, I don't know of many cases where holograph wills have been used for the purpose of taking estates away from beneficiaries properly that had been beneficiaries under existing instruments that were made void by a holograph will. There is a concern, obviously, in wills or in any kind of testamentary disposition that there is freedom to prepare that document and that there's no undue influence by anyone. That's why there are checks and balances, hon. member, in the courts allowing for anyone who would be directly impacted by a new testamentary instrument, whether or not it was a handwritten will or a stationer's form will or a will prepared by a legal officer or a notary public, to make an application to the court to argue the point of undue influence and to try to argue that the individual who made that instrument was not doing so voluntarily. That's a prime consideration for a will.

So I think there are checks and balances available now, and I think it would be worrisome if we were to change the Wills Act to be as specific as the hon. member indicated, although I appreciate that there may be cases that are very similar or exactly on point with the example that he gave.

THE DEPUTY SPEAKER: First supplemental, Edmonton-Norwood.

MR. BENIUK: Thank you, Mr. Speaker. As some individuals are unable to write out all of their wishes in a holograph will due to age, disability, or injury, they may have the body of their will dictated to and/or typed by another individual and then sign it without witnesses. Would the minister through his department prepare a notice of what is considered to be a valid will, noting in particular that a typed letter signed without witnesses does not constitute a valid holograph will, and provide this notice to the minister responsible for seniors to be included with that department's mailings to the seniors?

MR. EVANS: Well, I'd certainly agree to consult with the minister responsible for seniors. Actually we have two ministers who have responsibility for seniors' issues.

I don't know that to be a big problem, Mr. Speaker. In terms of giving notice, I think it's important that we do point out what makes a valid will. As the member said, if you write some of it and you type some of it, you can't have a holograph will. A holograph will means that you write it out all by yourself. You don't need witnesses or anything else. Otherwise, you need two witnesses to make a will valid in this province.

I will do some consulting with my colleagues, and if we have an issue, perhaps we can incorporate some kind of a notice into the senior's booklet that we put out around this province each and every year.

THE DEPUTY SPEAKER: Final supplemental, Edmonton-Norwood.

MR. BENIUK: Thank you, Mr. Speaker. As Alberta does not have a will registry, would the minister consider establishing such a registry to help overcome the problems that many families face after a death in regards to whether a current will exists and its location but that would still retain an individual's confidentiality until a death certificate is presented for the information?

MR. EVANS: If my memory serves me correctly, Mr. Speaker, it is possible to file a will at the courthouse. I think that's what you're asking for, hon. member. It may be just a matter of making that information more readily available to the public. I would not want to suggest that a very personal matter such as a will should attach to it some regulatory requirements by government. I think that's inconsistent with what we've been trying to do as a government. However, if we can get some more information out, let people know that we do have a filing opportunity in our Surrogate Court, then that may be wise. We may be able to incorporate that and the other reference that you made by putting some information into our senior's booklet.

THE DEPUTY SPEAKER: The hon. Member for Pincher Creek-Macleod.

Foreign Students

MR. COUTTS: Thank you, Mr. Speaker. Many universities and colleges around this province recruit foreign students as a way of forming trade links with other countries and raising additional revenue. While Albertans have a long history of welcoming newcomers to our province and we have benefited greatly from the international exposure to our advanced education system institutions, some of my constituents have expressed concern that in the enthusiasm to recruit foreign students, we may be creating an unintended impact of turning away qualified Albertans. My questions today are to the Minister of Advanced Education and Career Development. Does the minister have any evidence that qualified Albertans are being prevented from accessing spaces in our postsecondary educational institutions as a result of an increasing number of foreign students?

MR. ADY: There is no doubt that international students provide many, many benefits to our system and to our institutions and to our province in general. Having said that, I too have heard Alberta taxpayers express to me their concerns over institutional efforts to recruit more foreign students while turning away qualified Albertans. This was particularly evident a few years ago when we had an access problem in our system and in our province. But I believe that with the recent initiatives and reforms taking place in our adult learning system, such as the successful access fund, there are more opportunities than ever before for Albertans to find a place to learn and study in our system. In fact, enrollment in our system is up 2 percent over the last year and 7 percent, Mr. Speaker, since 1991-92. Meanwhile, the foreign student component and proportion in our system has been relatively steady at 4 percent of the total.

2:30

MR. COUTTS: To the same minister: what is the tuition fee policy for foreign students?

MR. ADY: Mr. Speaker, foreign students are required to pay a minimum of double the cost of domestic students in this province. For example, if a domestic student is charged a tuition fee of

\$3,000, then a visa student pays \$6,000. Any level above that, any level above double, must be decided by the board of governors, and they have a mandate to do that.

MR. COUTTS: To the same minister. In the Cloutier report on university research there was a recommendation to remove the differential fees for graduate students. Will the minister be accepting that recommendation?

MR. ADY: Mr. Speaker, as my colleague the hon. minister responsible for science and technology also knows, the best graduate students are highly sought after on an international basis, since the best and brightest graduate students enhance a university's teaching and research capability to the benefit of the receiving institutions, both the students and the research capabilities. In this valuable report Dr. Cloutier stated that by removing the differential fee for foreign students, Alberta universities would be able to position themselves better in attracting the cream of the crop in graduate students. While I support this approach, I want to do some further analysis in this area before I make a final decision. While twice the tuition is expensive, it is still subsidized by the taxpayers of this province, and compared to institutions around the world, it still offers a very good value.

I want to focus on how Alberta institutions compare to our counterparts in other provinces. Some of the figures I've seen, place Alberta in a very competitive position. In fact, they pay full cost recovery at many other institutions.

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

Stevadore Holdings Ltd.

MR. BRUSEKER: Thanks, Mr. Speaker. The Conflicts of Interest Act clearly states that members must disclose all sources of income that they, their family members, and their private businesses receive. It also states that members may not accept payment from the Crown unless it is for the performance of their duties. My questions today are to the Minister of Transportation and Utilities. I'd like to ask the minister: why did the Department of Transportation and Utilities pay \$14,652 for supplies and services in fiscal year '93-94 to Stevadore Holdings, a company of which the minister is a 99 percent owner?

DR. WEST: Mr. Speaker, the twinning of Highway 16 was indeed a successful project, and it went right through the farmland that I own under Stevadore Holdings. At the time, because I was in government, I had to sign a section 30 and send it to the courts. Of course following that, legal judgment was given in whatever year it was that it was paid out. I went back and asked, and they followed up and eventually paid that out. It was done under section 30 and under the auspices of the courts that made judgment of the payment. [interjections]

MR. BRUSEKER: Well, is it the policy, then, of government that notwithstanding the conflicts of interest legislation, members of cabinet not disclose payments received from the Crown by their private corporations?

DR. WEST: Could I have the question again? With all the din that was going on, I couldn't understand what he was saying.

MR. BRUSEKER: That's a problem. Your own members don't

help out too much; do they?

I'll repeat it once again. Is it the policy of the government, then, that notwithstanding the conflicts of interest legislation, members of cabinet not disclose payments received from the Crown by their private corporations?

DR. WEST: No, Mr. Speaker. That was fully disclosed to the Ethics Commissioner, and it was put in Stevadore Holdings' complete financial statements, which were submitted each and every year to the Ethics Commissioner.

MR. BRUSEKER: Well, could the minister explain, then, why it is that as of 1:15 p.m. today the Ethics Commissioner knew nothing about it?*

DR. WEST: Mr. Speaker, he would have to go through the financial statements, but he has it. Indeed he does.

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

Federal Women's Prison

MR. YANKOWSKY: Thank you, Mr. Speaker. In response to the third breakout in two weeks at the Edmonton prison for women, Solicitor General Herb Gray has accepted the Minister of Justice's offer to temporarily house some maximum and minimum security prisoners. I am told that these prisoners will be housed in a variety of institutions around the province. The hon. Justice minister apparently has vowed that the prisoners transferred to Alberta institutions will not be able to escape. My first question is to the hon. Minister of Justice. Can the hon. minister explain what steps he has taken thus far regarding the temporary housing of federal prisoners?

MR. EVANS: Well, after a long day yesterday, Mr. Speaker, of waiting to have an exchange of services agreement prepared and executed in Ottawa so that it could be signed here by myself, representing the Department of Justice, and the hon. Minister of Federal and Intergovernmental Affairs, finally at about 11:20 last night prisoners began to move from the Edmonton women's prison. The vast majority of the maximum and medium security prisoners were then moved over to the Edmonton Remand Centre. We've had one prisoner taken down to Calgary to the Calgary Remand Centre. There's one at the Fort Saskatchewan facility. The vast majority remain at the Edmonton Remand Centre at this point in time.

THE DEPUTY SPEAKER: First supplemental.

MR. YANKOWSKY: Thank you, Mr. Speaker. Can the hon. minister describe what impact if any the addition of these federal prisoners will have on Alberta's justice system?

MR. EVANS: Mr. Speaker, we have the capacity to handle these prisoners on an interim basis to ensure the public safety of Albertans. I don't think there'll be any impact whatsoever. In terms of financial impact, there won't be either, because we have incorporated into the exchange agreement a financial remuneration of \$110 per day per prisoner.

THE DEPUTY SPEAKER: Final supplemental, hon. Member for Edmonton-Beverly-Belmont.

*See page 1621, left col., para. 9

MR. YANKOWSKY: Thank you, Mr. Speaker. What kind of assurance can the minister give Albertans that there will indeed be no further escapes?

MR. EVANS: Mr. Speaker, we pride ourselves in this province on being able to maintain public safety. We've not had an escape from secure custody in this province since fiscal year 1992-93. Because we pride ourselves on this, we make sure that our facilities are up to the task. We also make sure that all of our corrections officers are fully trained and ready to deal with both the normal everyday circumstances around an institution but also some of the extraordinary circumstances such as have arisen at the Edmonton women's prison in the last little while. So I can assure you, hon. member, and Albertans that we are in very good shape to deal with this additional responsibility, and Albertans are safe.

head: **Members' Statements**

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

Nursing Week

MRS. GORDON: Thank you, Mr. Speaker. May 6 to 12 has been designated Nursing Week. Nursing Week centres around the date of May 12, which is Florence Nightingale's birth date, and is designated Nursing Day. This worldwide celebration of nursing will be supported in our province by the Alberta Association of Registered Nurses. This year's theme for nursing week is Ask for a Registered Nurse: We Make a Difference.

Alberta nurses will celebrate this special week in a variety of ways including holding special dinners to honour nurses who have made a unique contribution to nursing. Some areas of the province will also see nursing clinics for the public as well as informational forums.

As a self-regulating profession, RNs uphold strict standards of professional competence and abide by a code of ethics. The first priority of a registered nurse is to care for and about people. Every Albertan can expect efficient, qualified, compassionate care from a registered nurse.

From the most remote community to the intensive care unit for burn victims, RNs provide care whenever and wherever they are needed: in clinics, hospitals, industry, schools, and homes. Registered nurses promote good health, the prevention of illness, and the maintenance of prescribed care. They have the experience and training to help reduce costs to the health system by teaching, practising, and promoting illness prevention and wellness at the community level.

2:40

Registered nurses play a vital role in our newly restructured health system both as independent professionals and within a more integrated team of health providers. As our health system continues to develop in the direction we have laid out, especially home care and community-based services like prevention and screening programs, registered nurses will continue to be leaders.

Mr. Speaker, on behalf of the government of Alberta please allow me to ask my colleagues to join me in recognizing the more than 20,000 registered nurses across this province and wish them well next week.

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

Goods and Services Tax

DR. PERCY: Thank you, Mr. Speaker. I wish to comment upon the issue of GST harmonization. Several issues have come to the fore. The first point that has to be made is that for those provinces that do have provincial sales taxes, harmonization makes sense. It both reduces the collection costs and, more importantly, prevents the cascading of those retail sales taxes into the prices of various goods and services. So in that case harmonization enhances the competitive position of industries in those provinces.

Where this issue has gone sideways on the federal government is in fact on the issue of compensation and how Alberta is to be treated. The issue of compensation has three distinct points to it, Mr. Speaker. First, where does the billion dollars come from? There is no free lunch. A billion dollars either has to be borrowed at some opportunity cost to Canadians, or program expenditures have to be cut. In that case, again all Canadians bear a portion of the costs.

Second, transition arrangements never fade away. Federal personal income tax was to be a temporary measure; it has not turned out to be such. So it'd be interesting to see how this will be phased out.

The third point is on the issue of regional fairness. This billion-dollar transfer, Mr. Speaker, is equivalent to a percent and a half reduction in the GST, and why an individual living in the Maritimes is treated differently than an individual living in any of the other provinces has to be justified by the federal government. It is an issue of fairness.

On the broader issue of fairness, one has to put this also in the context of the Canada health and social transfer. There again, Mr. Speaker, individuals in the have provinces are treated differently, because those transfers are lower on a per capita basis for have provinces than for have-not provinces. If the issue is fiscal capacity of have-not provinces, it is better dealt with through equalization payments and the equalization formula, and you leave the CHST alone. You don't make ad hoc, one-shot attempts to remedy tax problems, as has been done in this case.

So the issue, then, is fairness. Harmonization is a good thing. It's the application in this particular case that has led to some concerns.

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

West Fraser Timber Co. Ltd.

MS CALAHASEN: Thank you, Mr. Speaker. Earlier this week I had the opportunity to welcome the board of directors of West Fraser Timber corporation limited to Edmonton for their first ever board meeting outside of British Columbia, a clear indication that Alberta is fast becoming the number one player in the forest industry. Today I want to congratulate West Fraser Timber corporation limited on the expansion and upgrading of their Slave Lake mill operation. This is a clear demonstration of the company's long-term commitment to Alberta's growing forest industry and to Slave Lake and surrounding communities.

The mill, which was built in 1990 at a cost of \$182 million and created 170 jobs, will be expanded in two phases. Fourteen million dollars has already been committed to the first phase of this project, which will increase mill production by 20 percent and is scheduled for completion later this year. The total project cost of phase 1 is estimated at \$18 million.

Once the environmental approvals have been received, West Fraser will proceed with phase 2 of the Slave Lake mill line expansion. This second expansion, scheduled to be onstream by 2000, will cost approximately \$150 million and will include the construction of a second pulp line, bringing mill capacity to 295 tonnes of pulp per year. Mr. Speaker, these expansions are good news for the people in and around Slave Lake as employment will be created during both phases of construction. Furthermore, up to 60 full-time jobs will become available in the new mill. There will also be added seasonal employment opportunities in the company's woodlands operations.

The forest industry plays a significant economic role in Slave Lake and in more than 50 other Alberta towns and cities. The spin-off benefits of creating indirect employment, purchasing of supplies and services, and attracting complementary industries and businesses contribute significantly to the long-term security of the Slave Lake community.

Alberta's forest industries are a renewable resource and have risen to many challenges. This industry is competitive, modern, and environmentally advanced. The Alberta government looks forward to continuing initiatives of the forest industry. It is only through these co-operative efforts that we can ensure future generations of Albertans will continue to reap the benefits of our vast hardwood and softwood forest resources.

Thank you.

head: **Projected Government Business**

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

MR. BRUSEKER: Thank you, Mr. Speaker. Under Standing Order 7(5) I'd like to ask the Government House Leader what the plans are for next week with respect to government business.

MR. DAY: Mr. Speaker, we'll have to consider progress made today. As there are quite a number of Bills at each stage, I'll be communicating with the House leader on projected business on a day-to-day basis.

THE DEPUTY SPEAKER: Okay. We have a point of order, I believe.

The hon. Member for Edmonton-Whitemud.

Point of Order Clarification

DR. PERCY: Thank you, Mr. Speaker. It could fall under Standing Orders 23(h), (i), or (j). Standing Order 23(h): "makes allegations against another member." The hon. member had used a gambling allegation. So far as I know, it is the government that is addicted to gambling, not I. Or it could be 23(i), "imputes false or unavowed motives to another member," in terms of the structure that the opposition came up with for the debt retirement plan. Or it could be 23(j), "uses abusive or insulting language of a nature likely to create disorder," something that the Provincial Treasurer often does.

The issue, Mr. Speaker, in terms of either (h), (i), or (j) is that in terms of a debt retirement strategy, ours dealt with the true net debt, approximately \$16.8 billion including unfunded pension liabilities. It did suggest using the heritage savings trust fund as a vehicle for retiring debt when the cost of servicing debt exceeded the return on those assets in the fund. So it was basically making economic use of the heritage savings trust fund

to ensure best returns for Albertans.

The issue was also the time line. At the end of the day, 25 years, the plan that was provided by the Alberta Liberals would leave a gross debt outstanding in the neighbourhood of about \$4 billion or \$5 billion. At the end of the day when this plan is complete, the gross debt that will remain is approximately \$24 billion or \$25 billion, hardly paying down the mortgage on a house.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Deputy Government House Leader on the point of order.

MR. EVANS: Well, thanks very much, Mr. Speaker. The Member for Edmonton-Whitemud I think has taken advantage of an opportunity to expand on his economic manifesto and to provide us with more detail as to why he is so revered at the University of Alberta. I think that's all very relevant to further his career once he leaves these hallowed halls and to expand on his résumé, but I doubt very seriously that you'll find that there's any point of order here. Quite frankly, at the very most this would be a disagreement between the parties.

THE DEPUTY SPEAKER: Well, the hon. Member for Edmonton-Whitemud has risen on a point of order and called the point of order during question period with regard to the questioning by the hon. Member for Bow Valley to the Provincial Treasurer. There are some areas here that one could consider in terms of whether it's really within the administrative competence of the government to comment on the plans of the opposition party. I think that there really is no point of order here. However, there is a point of clarification, and I trust that the hon. Member for Edmonton-Whitemud has made his point of clarification.

head: **Orders of the Day**
head: **Government Bills and Orders**
head: **Committee of the Whole**
2:50
[Mr. Clegg in the Chair]

THE DEPUTY CHAIRMAN: Could we have the committee come to order, please.

Bill 33 Victims of Crime Act

THE DEPUTY CHAIRMAN: We have an amendment as proposed by the Minister of Justice. The hon. Member for Fort McMurray was speaking, but he's not here. Are there any more questions on the amendment? Are you ready for the question on the amendment?

SOME HON. MEMBERS: Question.

THE DEPUTY CHAIRMAN: The hon. Member for Sherwood Park. I wasn't quick enough.

MR. COLLINGWOOD: Thank you, Mr. Chairman. I want to speak to Bill 33, and unfortunately I have to mention to the Minister of Justice that the copy of the amendment escapes me. It is in reference to section 12(4); is that correct, hon. minister? Mr. Chairman, I appreciate your indulgence and patience.

In fact, that is, as I now take a look at the amendment, one that I believe was discussed by the Minister of Justice and my colleague from Calgary-Buffalo. The specific amendment deals with the deletion of a particular section, 12(4)(b), where "a peace officer whose injury or death occurs in the course of carrying out the duties" is not excluded from the provisions of the fund at that time. I'm not sure if my colleague from Calgary-Buffalo and the Minister of Justice collaborated on that. There was an amendment to be put forward. It's coming to us this afternoon, Mr. Chairman, in the form of a government amendment to Bill 33. I think that hon. members are prepared to accept that government amendment.

THE DEPUTY CHAIRMAN: All those in favour of the amendment to Bill 33 as proposed by the Minister of Justice, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY CHAIRMAN: Opposed, if any? Carried unanimously.

On the Bill itself, the hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Chairman. There are some other amendments that on behalf of my colleague for Calgary-Buffalo we would like to deal with in Committee of the Whole. The first set of amendments that I'll be tabling with the Assembly for debate deal with a number of sections that deal with the issue of the surcharge that is contemplated under Bill 33.

The government, in creating the new arrangement, Mr. Chairman, has contemplated the victims of crime fund, and part of the moneys for that fund are going to come from a surcharge. Now, the source of the surcharge will be from fines that are levied relative to an offence in section 8. Anyone who is fined under a provincial enactment will then be fined not only the fine per se but will be levied a surcharge in an amount that will be decided by the regulations. Of course, we once again don't know or don't have the benefit of the draft regulations to use to participate in the debate.

The essence of the section, Mr. Chairman, is to have that surcharge levied against the offender as an additional fine, and that will form revenue that will become revenue for the fund to use for its ongoing operations. The difficulty with that is that the collection of the surcharge will be extremely cumbersome. I want to make my comments recognizing that those who are offenders ought to accept responsibility in that way. But we've got a bit of a distinction here in that where under our criminal justice system an offender is found guilty by the courts, the courts then proceed to find an appropriate punishment for that individual, and often that punishment will come in the form of a monetary punishment. I daresay that we've all been in that position at some point in time, and when it's coming out of your wallet, darn right it hurts. So it is for the most part an appropriate justice when a fine is imposed for a particular offence.

The difficulty, then, with going to the surcharge is that it is essentially another downloading of responsibility by the government of Alberta on the people of Alberta. Yes, those particular offenders should pay the punishment, but now we're saying to those offenders: it's your responsibility to make this system of crimes compensation run, so we're going to levy you the cost of making the payments to this fund and to carry that fund on.

What is important to note though, Mr. Chairman, is that statistically in the last number of years a large number of Albertans find themselves in whatever circumstance where they cannot or do not pay their fines. The courts are in a position in sentencing to levy the fine against that individual or to incarcerate in lieu of paying the fine, or if the fine is not paid, then there can be incarceration. So as a matter of procedure in criminal justice the courts are prepared to levy the fine, and in lieu of the fine there are a certain number of days in jail.

Well, we've had a number of people in the province who have for one reason or another found themselves incarcerated, whether by the fact that they can't pay the fine or by the fact that they won't pay the fine. Now, if they won't pay the fine, all right; off to jail they go. If they can't pay the fine, it's a slightly different situation, but it's difficult to distinguish between those two groups of people. They find themselves caught in the same circumstances, and they must then serve time in lieu of the fine as well.

Statistically, Mr. Chairman, in 1992-93 there were 5,688 offenders who were incarcerated because they failed to pay the fine. In 1993-94 there were 5,399 offenders who were incarcerated solely because they failed to pay the fine. In 1994-95 there were 5,095 offenders who were incarcerated solely because they failed to pay the fine. The reason that this becomes important for the debate is that section 8 of Bill 33 says that "the surcharge may be collected in the same manner as a fine" and is essentially to be treated the same as the fine.

What we would get is individuals who are supposed to fund or pay for the ongoing operation of this particular fund who may opt out or simply can't pay the surcharge because they can't pay the fine. How can they pay the surcharge if they can't pay the fine? They will end up being incarcerated, which becomes then an even further expense on the taxpayers because we've now levied the fine and we've levied the surcharge. They're in the same position either way, and we're in fact now creating even a higher potential that those individuals are going to cost the system more. They're not going to save the system more money. So I would suggest that the cost of incarceration to the taxpayer is going to far outweigh any surcharge on the fine that the Bill suggests will occur.

It is then, to my way of thinking and to that of my colleague from Calgary-Buffalo, in essence created as a downloading of responsibility for the operation of this fund that ought to be coming from the general revenue fund. We are talking about individuals who are victims of crime. It doesn't need to recognize that the guilty are punished, because indeed the guilty are punished, but it's not, then, the surcharge that should be there to make the system run.

3:00

I'd like to at this time, Mr. Chairman, table with the Assembly the first amendment that I'll be proposing this afternoon. I will allow the pages to distribute that. I'll mention, hon. members, before we continue debate, that it will deal with section 8, section 9(2)(b), sections 17(a) and (b), and section 20(2), and I'll indicate for the benefit of members that all of these particular sections in Bill 33 deal with the creation and provision of the surcharge on offenders who have been fined by the courts. I'll just wait for a moment while the amendment is distributed.

THE DEPUTY CHAIRMAN: Okay. Hon. member, I think we can start now.

MR. COLLINGWOOD: All right. Thank you, Mr. Chairman.

The essence of the amendment is that the consolidation of the criminal injuries program and the victims program in Bill 33 is supported by the opposition party, but in respect to the particular section 8, which is the creation of the surcharge, we are asking by this amendment that section 8 be struck out. We are proposing this afternoon to eliminate the creation of the surcharge and what I believe is the creation of another bureaucratic nightmare of trying to enforce the collection of the surcharge, creating another problem for the system as it currently exists when the collection of the surcharge runs into problems, and to simply set aside the notion of downloading the responsibility for assisting victims of crime by virtue of a surcharge that's being charged in this fashion.

To be realistic, what we have is a situation where everyone who was fined under the Highway Traffic Act is going to now be required by virtue of section 8 to pay a surcharge to the fund, and what we'll have is individuals who are paying a Highway Traffic Act fine subject to the surcharge here. I can't imagine how you could possibly do this without creating yet another bureaucracy. I can't imagine how you could do this without spending more than you're collecting.

If the minister can't indicate that it will be an efficient process that will bring in more money than it will cost in setting up the bureaucracy, the government should just simply accept responsibility for that, fund it through the general revenue program, and not simply find yet another way, as the government creatively does, of downloading responsibility to other individuals. They are offenders. They are required to own up to that. But the surcharge and administrative penalty, as it were, I think are inappropriate because of the nature of the fund that we're talking about and because of the costs that will surely be incurred in trying to make this particular program run.

As I say, Mr. Chairman, the amendment deals with section 8. We ask that it be struck out and allow the minister to proceed with Bill 33 without the levy of the surcharge.

Section 9(2)(b) I'll point out specifically to members. Section 9(2)(b) deals with moneys to be deposited to the fund, which is the collection of the surcharge under the Act.

Sections 17(a) and (b) relate to the regulation-making power of the Lieutenant Governor in Council, "listing offences with respect to which a surcharge is not imposed." We're asking that the surcharge be removed. It's appropriate to remove section 17(a) and 17(b), "providing for the amount, or . . . calculating the amount, of the surcharge."

Section 20(2) references section 8(5) of Bill 33, so that's why it's in there as well: because it deals with the surcharge itself.

I think the amendment is fairly clear, Mr. Chairman. I think that the arguments are compelling that while there is support for the consolidation into this new fund, the inclusion of a surcharge just creates more problems than it solves. The government does and should accept responsibility for compensation to victims of crime. I think it's recognized that in its own amendment to eliminate section 12(4)(b). It is by that amendment recognizing its obligation to all citizens of the province of Alberta to be responsible for compensation to victims of crime. I think it should proceed in the much simpler fashion rather than building this bureaucracy of another surcharge around that.

So with those comments, Mr. Chairman, I'll take my place. I know other members want to speak to this particular amendment.

THE DEPUTY CHAIRMAN: The hon. member.

DR. PERCY: Thank you, Mr. Chairman. I support the principle behind Bill 33 without hesitation: the consolidation of the various

funds and the compensation of victims. It's this particular mechanism of collecting the revenues that I have very serious concerns with. They somewhat parallel my colleague from Sherwood Park's concerns.

First, when this Legislature passes laws, it should look at the costs and benefits of imposing those sets of rules. It's clear that the costs of incarceration may well eat up any of the proposed benefits of imposing a surcharge on the fines. The real issue is: how many additional people will in fact end up being incarcerated as a consequence of these surcharges? It's an empirical question, but if it's one, it's probably too many. The law itself imposes a penalty: it's either incarceration or payment of the fine. Then to impose an additional payment, this surcharge – is it going to be a percentage? How is it going to be set? Is it related to the seriousness of the crime? Is it in any way related to the ability or willingness of the individual to pay? We don't know.

What I do know is that on any principle of fairness that I know of – and it relates to the issue of photo radar. I agree with some of the hon. members on that side of the House who have said: "Well, look; photo radar is a cash cow. If you've got money, you pay it. It doesn't in any way catch up with you in terms of additional payments." From my perspective when I look at this, I ask myself: is this downloading cost-efficient? Again, the bureaucracy that's going to have to emerge will be costly. Is it fair in a sense to people who are indigent? If they were just on the margin of paying a particular fine, the surcharge is sufficient in fact to lead them to be incarcerated rather than pay the fine.

You know, my colleague pointed out the costs in terms of the fine itself. There's the other set of costs to that individual, either in terms of lost employment, in terms of disruption to life, et cetera. Now, the hon. Minister of Justice has said: well, these are small fines. It doesn't say that in this legislation. I mean, the ambit is wide open as to the breadth of which types of fines will be here.

3:10

Now, every time I have to write out a cheque to the Provincial Treasurer when I'm caught speeding, it hurts, but to actually have to pay more would hurt even more. But I can afford to do it. What about those people who can't? Ought we to incarcerate them? Again, I would be willing in fact, then, to vote against this amendment if the hon. minister could stand up and say: not a single person is going to end up incarcerated as a consequence of this surcharge. If he could guarantee me not a single person, I would vote against this amendment, but to the extent that the surcharge in fact can be applied against a whole array of various types of fines leads me to believe that it is easily the case that there is some set of offences upon which this surcharge will be levied that would in fact lead to an individual being incarcerated. I don't think your ability to slip through the net and avoid incarceration should depend on how much money you have. I've never felt that, and that's one of the reasons that, again, I tend to agree with those who view photo radar with disfavour, because it's related to how much money you have as opposed to the principle, the application of the law.

Similarly nobody can question the merits of the principle embodied in the Bill with regards to compensating victims or the consolidation of the various funds. But one has to ask: does it make sense to try to fund this fund through surcharges on fines when the fines aren't defined, when the magnitude of the surcharge is not defined, and when we do not know how many additional people then will go to prison as a consequence? We do know that prison is costly. It's costly to the individual; it's costly

to the province that operates them. So I would feel far more secure in supporting this Bill if the hon. Minister of Justice could in fact in the House state what types of fines, what types of offences will be subject to the surcharge. What other mechanisms might be put in place were it the case that the surcharge would lead to incarceration but the payment of the fine itself wouldn't?

So I would look forward to hearing what the hon. Minister of Justice has to say about that. This is an issue that I think is relevant, and it's an issue of fairness. That is the bottom line on this. You know, just standing back and looking at this, I think it makes more sense to finance the fund out of general revenues as opposed to this set of surcharges.

With those comments, Mr. Chairman, I will take my place.

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

MS LEIBOVICI: Thank you, Mr. Chairman. I also have some questions with regard to this particular item of the surcharge. I guess my first question is: why would we go to a surcharge as opposed to having a percentage of the fine allocated to the fund? I'm not sure why we wouldn't do that. I think that by adding a surcharge, in fact what you've done is added a user fee in a sense, the concept of a user fee or an additional tax onto individuals who are convicted of a speeding conviction or of some other item such as that. So my question again is: why would we add an additional charge? If in fact the offence or the penalty for speeding is not sufficiently high in the minister's estimation, why would not the minister raise the fine and still keep the same percentage for the victims' fund?

I think that the goal is laudable that there is a victims' fund that's probably funded, but the methods by which it's happening are questionable. I think the rationale that the minister's office has gone through in going the surcharge route needs to be explained more fully.

The other issue, then, of course is the incarceration issue. If the fines become impossible to pay, then are we looking at having more incarcerations? I think that's an issue as well.

Some of the government members seem to have opinions set on photo radar. The reality is that if someone breaks the law, then I believe that in this province, at least, we still have penalties that are part of that, whether they're caught through photo radar or through parking tickets on windshields or what have you. I think that, again, the fines are set through the minister's office, it's my understanding.

If there's a wish on the minister's part that there be a fund for victim compensation, which obviously there is, then the next question is: where do the dollars come from, and how are those dollars allocated? Again, I would think that a percentage, whether it's 5 percent of a fine or 10 percent of a fine, would be a much cleaner way to do it, because then I think that it would help in terms of administration as well, as opposed to saying, well, it'll be \$5 that's added onto a speeding ticket, \$10 added onto something else. A percentage is a whole lot easier to administer.

I see that the minister might be willing to answer that question, and I'll be listening with anticipation. Thank you.

THE DEPUTY CHAIRMAN: The hon. Minister of Justice.

MR. EVANS: Thanks, Mr. Chairman. Basically there were two issues that were raised by the members who spoke on this. One

was about the surcharge itself and the other about the potential of incarceration. I won't be supporting the amendment, and I'll talk to both of the issues and hopefully bring outside the hon. members who had comments here.

The surcharge is not a cumbersome or costly mechanism. We already have a surcharge that is dealt with by our courts in terms of Criminal Code offences, narcotic control offences including drug offences. It would be the same mechanism that would be operating for the surcharge under this piece of legislation. Were I bringing something forward that is unique to Canada, I might see some possibility in the argument from the Member for Sherwood Park that there might be a big cost to this and that it might be more expensive to operate it, not that I would ever think that it would be, but at least I'd have more concern for his remarks.

You know, Mr. Chairman, we have nine jurisdictions currently in Canada that have a fine surcharge to fund victims' services: British Columbia, a percentage; Manitoba, a percentage; New Brunswick, a percentage; Northwest Territories, a percentage; Nova Scotia, a percentage; Ontario, finite numbers, actual amounts; Prince Edward Island, a flat fee; and Saskatchewan, a flat fee, depending on the amount of the actual penalty. Now, those programs are in existence in other places in Canada. They're continuing to fund this very valuable victims' program, which we are now across Canada embracing, giving more respect to victims.

There are moneys, more than adequate moneys available to fund those programs. It is not an expensive, time-consuming, or burdensome or cumbersome process. The Member for Edmonton-Meadowlark – and I apologize for the other day saying Edmonton-Mill Woods, because she had brought up a couple of other issues before me. She said: well, why don't you do a surcharge based on percentage? Well, in point of fact, I did mention that at second reading, hon. member. That's what I intend to do. The surcharge will be determined by the regulations, but we're looking at a percentage, and I would say to you that we certainly don't anticipate that it would exceed 15 percent of the actual fine.

Now, in terms of the incarceration issue, there's essentially no issue there. Now, I cannot, as the Member for Edmonton-Whitemud asked me to do, give a guarantee that nobody would be incarcerated. I can't do that. But in terms of reality, it would be a very unique set of circumstances and, I would say, precipitated by the convicted accused before anybody would ever go to jail for a surcharge on a provincial offence. I'll tell you the reason. Number one, the vast majority of the offences that are provincial offences are highway traffic related. They're speeding charges, and those charges certainly result in some impact on a driver's licence, whether that's a matter of restricting licences or withholding other services. It's not a matter of somebody going to jail.

3:20

Now, on the other offences that we have that are provincial offences, if you take a look at section 8(4), it says that any payment that is made will be applied firstly to the surcharge, and if there's any amount left over, then that would be an amount outstanding on the fine itself. For those amounts, of course, there's the opportunity for a fine option program, time to pay, et cetera. There are appropriate mechanisms to handle this. There's no intention that people would be going to jail on these kinds of charges. In fact, it's completely contrary to my approach that jail should only be used to house serious and violent offenders.

There is a marvelous opportunity here, rather than reducing the amount of funding that is going to the already existing programs

in the Department of Justice, to attach to those who do break the law – let's not forget this: to those who do break the law – a surcharge so that we can in this province assist those who are victims of crime, do so in a meaningful way both in terms of the individuals themselves and in terms of setting up programs to assist those who are victims of crime. I think it's a very laudable goal.

I'm sorry that we were not quicker in bringing forward legislation on this matter in this province, but we have it now before us. We're consistent with other jurisdictions. I would encourage all members to accept this process in the way that we've brought it forward and, in doing that, reject the first amendment brought forward by the members opposite.

MS LEIBOVICI: Just a point of clarification to the minister again. When he says that a surcharge is going to be a percentage, is that a percentage of the fine? In other words, if the fine is \$20, is it 15 percent of that \$20, or is it 15 percent added onto the \$20? If he can clarify.

MR. EVANS: If the fine is \$20, the surcharge would be 15 percent of that, or \$3. So the total fine would be \$23, consisting of a \$3 surcharge and a \$20 fine.

MS LEIBOVICI: So it's in addition to.

MR. EVANS: Yeah.

MS LEIBOVICI: Okay.

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

MR. COLLINGWOOD: Thank you, Mr. Chairman, and thanks to the Minister of Justice for responding to those issues.

I guess I just want to go back to his comments that he doesn't see a high potential for incarceration for nonpayment of fines. I think the minister did indicate in his comments that the vast majority of fines in the province are through Highway Traffic Act convictions, as it were, voluntary payments under Highway Traffic Act offences. I guess what I would do, then, is go back to the numbers that I mentioned previously, and that is that we have had in the province of Alberta in the last three years, from 1992 to 1995, over 15,000 people incarcerated solely and specifically for the nonpayment of fines. Now, I guess, mathematically, if the vast majority of the fines are Highway Traffic Act, then the vast majority of nonpayment and therefore incarceration for nonpayment is from Highway Traffic Act offences. So while I'm trying to accept the minister's comments that he doesn't see the potential for incarceration from those kinds of fines, I think that statistically we're going to see that that's the case.

Now, the minister did point out that under section 8(4) the payment of the fine is first applied to the surcharge, and he spoke about the flexibility that currently exists with the time-to-pay provisions and so on, that the court has some flexibility in. Well, I don't think that changes it. If there is an additional surcharge, those who are offenders now and who are convicted and fined and are given those kinds of flexible opportunities are still the ones who are being incarcerated because of nonpayment. So whether it's nonpayment because they simply choose not to pay or nonpayment because they simply haven't got the resources to do it, then nonetheless they're still being incarcerated because of nonpayment.

Statistically we're seeing how many people in Alberta end up

in that scenario. What I don't have to share with the hon. Minister of Justice – and perhaps he has these – is what percentage that constitutes. If it's 5,000 a year, I expect that that's a fairly small percentage; nonetheless in absolute terms that's 15,000 Albertans in the last three years who have been incarcerated and have cost the system money, notwithstanding the Minister of Justice's hope and policy that incarceration only occur for serious or major offences other than offences like these. Nonetheless that's the system that we have; we have incarceration in lieu of payment of fine. So that's where these individuals find themselves.

So I would take the position that they are going to end up there, that they are going to cost the system more, and that the surcharge as a blanket surcharge over each fine levied in the province of Alberta could have the potential of creating those problems.

Now, in the minister's comment that there's some flexibility in the courts in terms of payment of fine and so on, I agree wholeheartedly. The court has some flexibility in that area. What might have been the approach to take by the Minister of Justice is to give some flexibility as to whether or not the surcharge is levied. For example, if my colleague for Edmonton-Whitemud is standing before the judge, the judge may say, "Well, hon. Member for Edmonton-Whitemud, you can afford this surcharge, and you're going to pay this surcharge." But if another individual is standing before the court and it's clear from the submissions to the court that that individual is going to have significant hardship in the surcharge addition, perhaps the court needs to have the same kind of flexibility that the court has now in terms of options, time to pay, and those kinds of flexible arrangements. If the minister then had left some of the flexibility and some of the discretion with the court so that we wouldn't leave the potential for the furtherance of incarceration by virtue of nonpayment of the surcharge, that might have been somewhat more palatable.

The way section 8 is currently worded, Mr. Chairman, there is a surcharge that must be paid on every fine levied under conviction in the province of Alberta. That surcharge is to be collected in the same manner, and "the proceeds of the surcharge [are to] be deposited in the Fund." If it had had some of the built-in flexibility, I think that that would have prevented some of the concern about the potential for increased incarceration or at least for changing those numbers that currently exist. That would have been a bit more palatable. So as it stands, I'd like to use those words to respond to the minister about that issue. There is no provision for some flexibility by the courts in section 8. Statistically it shows that we are incarcerating individuals for nonpayment of fines, costing the system money and taking away those spaces from offenders of more serious crimes, that are the ones who ought to be incarcerated, not just for minor offences, as we would call them, which result in the levying of a fine.

With those comments, Mr. Chairman, I would continue to ask members of the Assembly to support the first amendment to remove the surcharge and the consequential amendments to section 8 that deal with the surcharge issue.

[Motion on amendment A2 lost]

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

3:30

MR. COLLINGWOOD: Thank you, Mr. Chairman. I would like to introduce this afternoon a second amendment to Bill 33. It's somewhat appropriate because of the discussion we just had with

respect to the first amendment dealing with section 8. The discussion that took place between my colleague for Edmonton-Whitemud and the Minister of Justice was something to the effect that if the Minister of Justice could guarantee that nobody was going to be imprisoned just simply by virtue of the surcharge, then he would unequivocally support the rest of that provision.

So what I'm going to introduce now is an amendment that says that no one will be imprisoned simply for default of payment. We can have the debate on that issue because that addresses squarely the issue that was raised by my colleague for Edmonton-Whitemud. I'll allow the pages to circulate that amendment now. I'll just wait a moment more, Mr. Chairman, as the amendment is distributed. [interjection] It's okay, Stan. We can always fill in anytime. Not a problem.

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

MR. COLLINGWOOD: Thank you, Mr. Chairman. Having had the amendment distributed, I'll speak briefly to the amendment, and I know that my colleague for Edmonton-Whitemud will want to speak to the amendment as well because he did indeed raise the issue with the Minister of Justice on the point of section 8(3). The comment that was made by my colleague for Edmonton-Whitemud is: well, Mr. Minister of Justice, if you can guarantee that no one will be incarcerated simply because there is nonpayment of the surcharge, we can move along, and that will be fine. Now, the minister indicated that he couldn't do that.

What we are doing in section 8(3) is simply focusing on and dealing specifically with the surcharge. So while the court will still have the ability to render a fine or imprisonment for nonpayment of that fine, there will not be imprisonment simply for the nonpayment of the surcharge. That will focus specifically on the issue that we were attempting to deal with in the first amendment. In the first amendment, Mr. Chairman, we asked that section 8 be repealed and that there not be a surcharge. The government seeing in their wisdom to defeat that amendment, we now ask that there at least be agreement amongst members of the Assembly that there will be no imprisonment simply by virtue of nonpayment of the surcharge from those individuals.

Now, I had made the point previously, Mr. Chairman, that the court have some flexibility as to whether or not the surcharge would be levied. If, for example, an individual like my colleague for Edmonton-Whitemud was standing before the judge, the judge could indeed impose the surcharge but may have some flexibility in other circumstances for someone who was in different circumstances. Because that flexibility doesn't exist, because section 8 is still in Bill 33, we're now asking for the government to ensure that incarceration will not occur simply for default of payment of the surcharge, not of the fine that the court still has the ability to levy and to cause individuals to be imprisoned for nonpayment.

So the amendment, Mr. Chairman, is fairly clear, and I'm looking for support from the members who, while they may not want the elimination of the surcharge, should at least address the issue of fairness to all Albertans in this particular amendment and allow this particular amendment to go through.

THE DEPUTY CHAIRMAN: Before I call on the hon. Member for Edmonton-Whitemud, could we have unanimous consent to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed, if any?

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

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

MR. RENNER: Thank you, Mr. Chairman. It's my pleasure to introduce three outstanding community leaders from Medicine Hat. They are here attending the activities of ACTISEC, and they are student leaders from Medicine Hat College. I would like to introduce through you to the members of the Assembly: Samantha McWilliams, the new, incoming vice-president, Programming, Medicine Hat College Student Association; Mr. Mark Sakamoto, the incoming president of the Medicine Hat College Student Association; and an individual whom I've had the pleasure of introducing to the Assembly before, Mr. Ryan Marshall, the outgoing president of the Medicine Hat College Student Association.

Bill 33
Victims of Crime Act
(continued)

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

DR. PERCY: Thank you, Mr. Chairman. This amendment crystallizes and addresses the concerns I have with Bill 33, because I do not think there should be any incarceration for nonpayment of the surcharge. Again, I think that when the judge levies the penalty and says that it's either/or – 60 days or whatever it is, \$2,000 – that's a penalty for an offence that has been committed, and that penalty is defined. The surcharge is something over and above that. I would think that if a person can make the payment of the fine but not of the surcharge, that deals with the offence that has been committed, and the surcharge then should be independent, or at least any judicial response to nonpayment of that surcharge should be independent.

I notice, for example, that the legislation we passed on maintenance enforcement was linked to drivers' records, that if these weren't paid, you could not get your driver's licence. I would think that a mechanism such as that for nonpayment of the surcharge would be a mechanism that would ensure that they would be paid. But to have it in here in such a way that – if one additional person is incarcerated because they cannot pay the surcharge, it's one too many, because that is a penalty that is unrelated to the specific offence that has been committed. I would think, then, that the hon. Minister of Justice could accept the arguments that we have made and accept the spirit of this motion and then could easily come up with an amendment that would ensure that the surcharge would be paid. It could be linked, as other things have been, to drivers' licences, for example. I know that when I have not paid my parking tickets and I go in to get my driver's licence, it's a much larger bill than I otherwise would have paid. It's only happened to me once, but it certainly was sobering. So I would think that there are mechanisms that are available other than incarceration that can deal with the payment of the surcharge.

This amendment to Bill 33 gives the hon. Minister of Justice the best of both worlds. It is consistent with the spirit of the Bill. It certainly removes any concern that members on either side of the House would have that the surcharge in and of itself would send any single person to prison for nonpayment. At the same time,

I'm sure that the hon. minister can think of any number of other mechanisms that are not related specifically to incarceration that would ensure that the surcharge is paid. Again, first best, I would think, is payment to the fund out of general revenues. That is the least costly and most efficient. If the minister is going to dig his heels in on that, this is an alternative, then, that addresses our concerns. It's absolutely consistent with the spirit of the Bill, and it's consistent with other measures that have been passed by this government. Maintenance enforcement is one that comes to mind.

So with those comments, Mr. Chairman, I will take my seat.

[Motion on amendment A3 lost]

AN HON. MEMBER: That's a red herring.

THE CHAIRMAN: The hon. Member for Sherwood Park.

3:40

MR. COLLINGWOOD: Thank you, Mr. Chairman. Actually, that's not a red herring, hon. member; that's a pink herring.

Mr. Chairman, one further amendment to introduce this afternoon that is made up of four parts. These amendments deal with provisions in sections 4, 5, 7, and 17. I will allow for distribution of this particular amendment, and then I'll speak to it.

I know that all hon. members are intently reading the amendment, and as they do so, I'll begin my comments. I'd like to point out to start, Mr. Chairman, that in the spirit of efficiency I am moving each of these amendments collectively as one amendment to save the Assembly time so that we can debate collectively these issues and do so in a spirit of economy and efficiency.

The first amendment of this group of amendments deals with section 4(1) and in fact offers to the government and to the Minister of Justice the opportunity to remove a rather outrageous statement that appears in the legislation. For the benefit of members, the section says:

Subject to the limits imposed by the availability of resources . . . a victim, on request and at the earliest opportunity, is to be provided with information by the person or agency that has the information with respect to the case.

Now, I say that this is an outrageous statement for a couple of reasons. Number one, that's obvious. The minister is suggesting that for other circumstances, there's a never-ending supply of resources. Well, everything that government does is subject to limits imposed by the availability of resources. The debates that we have in this Legislature on a daily basis are about the government's or the opposition's position on where the limits of available resources are. We can talk about the limits of available resources for education. We can talk about the limits of available resources for health care. We can talk about the limits of available resources for social services. So of course, hon. minister, it is subject to the limits imposed by the availability of resources. That would appear to be rather obvious because there are not unlimited resources for anything that government undertakes.

Then the question is: well, why is that statement in there? The reason that the statement is in there is that it is a message to victims. It's saying to victims: you should be entitled to information, but chances are you're not going to get the information because we have limited resources available. Mr. Chairman, this is not the way to explain to victims of violence and victims of crime that they can't get information that they need about a case. The government simply gives the excuse that there are limited resources available and in doing so stands behind legislation that

it passes and says: see, it's right here in the legislation; I don't have to provide you with this service because this service is subject to the limits imposed by the availability of resources. Well, that's just absolute nonsense. That is not the way that this government ought to be treating victims of crime.

There are other more appropriate ways of responding to the needs of those particular individuals. It is a backdoor, negative approach to telling individuals that they are entitled to information about their case. So let's do it appropriately; let's do it properly. Let's communicate with those individuals. Let's not leave them fighting constantly with the government about trying to get information. We know that this government does not like to give out information, unless it's leaked through computer hard drives. We know that those individuals ought to be entitled to a responsive approach to getting that information available to them. These are victims, and they're entitled to that kind of compassionate approach by the government of Alberta. This becomes a club against victims, for the government to say: have I got a terrific excuse for you why this information cannot be imparted. That is entirely inappropriate, Mr. Chairman.

The first amendment that I'm proposing here simply removes the obvious and takes away that message between the lines that we're trying to say to Albertans: you can't get the information because it's subject to limited resources. People know that there are limited resources in government.

While we have a number of issues that we're dealing with in this particular amendment, Mr. Chairman, I'm prepared to take my seat and allow other members to speak specifically to this first amendment. Then I'll rise to my feet and speak to the next amendment and then simply go through the list.

DR. PERCY: My colleague has nicely summarized the issues implied by the first amendment, which is the whole issue of the limits imposed by the availability of resources. I think that you only have to look at the legislation – the term that he used was “outrageous.” Well, certainly that expression stands out. I would think it would make the legislation more sensible, more realistic, and certainly more consistent with the stance that the government has taken in a number of other areas if this passage were struck out.

Again, the issues that are at stake here in terms of the fund really do require, I think, a more accommodating response on the part of the government. In part, when you look at the way this phrase enters, it's even a stronger case for a specific link to the general revenue fund. The issue of victim compensation: you can't look at it in terms of how many individuals are going to have to access the fund at any time. The pattern and determinants of crime are something that sociologists are still looking into, and I think we have to be able to be in a position to respond and respond immediately. Rather than have the victims of crime bear the costs collectively, society has to respond to some of the issues. So the putting up of this particular fence I can understand why, given the mechanism of financing, but when I look at this particular Bill, I can't help but think that a GRF link makes far more sense. So I will close my comments on this particular amendment.

Thank you.

3:50

THE DEPUTY CHAIRMAN: All those in favour of amendment A4 as proposed by the Member for . . .

MR. COLLINGWOOD: Point of order, Mr. Chairman.

Point of Order**Voting on Amendments**

MR. COLLINGWOOD: This is only on the first part. If you'd like, we'll continue on through the rest of them and then deal with the amendment as a whole. So I'll move on, then, to number 2 on the list, Mr. Chairman, and we'll speak to the second part of amendment A4.

THE DEPUTY CHAIRMAN: Now, hon. member, so I have this absolutely straight in my mind, you have four sections, if I can use that term.

MR. COLLINGWOOD: We will collectively vote on all of them, Mr. Chairman, and I will speak to each one of them individually, giving members an opportunity to speak to each one, and then I'll move the entire amendment for a collective vote on the whole thing in an attempt to create some efficiency and some economy of time.

THE DEPUTY CHAIRMAN: Okay.

Debate Continued

MR. COLLINGWOOD: Mr. Chairman, I'd like to move on to the second component of amendment A4, I believe we're on. I'd like to contrast the Bill's wording in section 4 and the Bill's wording in section 5. The Bill's wording in section 4 tells victims of crime that they're entitled to information about what's happening to their lives in the criminal justice system but only subject to the limits imposed by the "availability of resources." That relates to issues about the status of a police investigation. It relates to issues of prosecutions that result from that information, the role the victim will be playing in the prosecution, any of the court procedures, and the opportunity for the victim to make representations to the court on the impact of the offence on that victim.

Now, this kind of information to a victim is vitally, vitally important. I am sure, Mr. Chairman, that there are many members of this Assembly who have received calls in their constituency offices from people who are caught in these circumstances, and these circumstances literally consume their lives until they are able to . . .

**Chairman's Ruling
Decorum**

THE DEPUTY CHAIRMAN: Hon. Member for Cypress-Medicine Hat, if you'd like to sit down, that's fine. Hon. Member for Vegreville-Viking, please sit down. We will try to keep order in the House to some degree.

MR. COLLINGWOOD: Thank you, Mr. Chairman, for your attempt at keeping order in the Assembly this afternoon.

Debate Continued

MR. COLLINGWOOD: As I was saying, Mr. Chairman, when I receive phone calls from individuals who find themselves victims of a crime, it is an issue that literally consumes them until there is resolution and closure of that issue. This kind of information is vitally, vitally important to those people so that they can prepare for a difficult time. If it's in a court proceeding, they can find out information about what happened, they can determine what role they're going to play, and they can be involved in that process to the extent that they need to be, relative to the impact

that this criminal offence has had on them. But the government says by virtue of section 4, "Well, yes, you're entitled to all of that but only subject to the limits imposed on the availability of resources."

Now let me with those comments, Mr. Chairman, move to section 5. Section 5(3) says, "Members of the Committee who are not employees of the Government may be paid remuneration." They're going to be paid for their work.

Now, what's interesting in the contrast is that section 5(3) does not start with the words "subject to the limits imposed by the availability of resources." So if the government wanted to be fair, it would use the words "subject to the limits imposed by the availability of resources" at the beginning of section 5(3), and it would read:

Subject to the limits imposed by the availability of resources,
Members of the Committee who are not employees . . . may be
paid remuneration.

Then again, Mr. Chairman, maybe they wouldn't.

Isn't it an interesting contrast that when we're dealing with victims – and we're dealing with the people of Alberta who have been victimized – the government goes out of its way to say, "Well, there may not be resources there, you know," but when it comes to patronage appointments and when it comes to pork-barrel politics and when it comes to paying members of this committee – we're not talking about travel expenses, Mr. Chairman. We're talking about being paid. We're talking about remuneration, and all of a sudden, when it comes to members of the committee, money is not a problem. Money is only a problem for the victims of criminal offences in Alberta looking for information that vitally impacts on their lives.

Mr. Chairman, that contrast shows you how unfair Bill 33 is. It shows you just how unfair Bill 33 is. We have many pieces of legislation in this session and in other sessions where the government through its privatization and deregulation and Government Organization Act has created all of these various organizations and bodies where we see in the legislation the ability to be paid for travel expenses and for out-of-pocket expenses to those members of those boards. Not a problem. That's not a problem. They're entitled to payment for expenses, for accommodation and for travel and so on. Those are not personal costs that ought to be incurred in the discharge of their duties. But here – here – we're saying, "There's lots of money to pay you, but there's not a lot of money for the provision of information to victims of crime."

MR. EVANS: "May."

MR. COLLINGWOOD: The minister tells me that it says, "Members of the Committee who are not employees of the Government may be paid remuneration." But, Mr. Chairman, through you to the Minister of Justice, why don't you tell us, Mr. Minister of Justice, why the words "subject to the limits imposed by the availability of resources" are not contained in section 5(3) so that we can see a balance and some fairness, whereas I said previously, it's an obvious statement? Of course the services that are provided by government are subject to limits imposed by the availability of resources. So, of course, the same implication has to be considered when we're talking about remuneration to members of the committee. But why are we giving preferential treatment to members of the committee and we're giving a message and saying to victims, "We may or may not be able to help you because it depends upon the resources available"?

That is why, Mr. Chairman, I am proposing the second component of this amendment that strikes out the words "may be

paid remuneration, and". What 5(3) will now say is: "Members of the Committee who are not employees of the Government may receive reasonable traveling and living expenses," et cetera. We are suggesting that in the name of fairness, in the name of treating victims at least equally to the members of the committee that they recognize also the limits of available resources and that they agree to compensation for travel and living expenses and not for remuneration. I've indicated my reasons for moving part 2 of amendment A4, and I think it is only fair to the victims of crime in the province of Alberta that this amendment be carried.

With that, Mr. Chairman, I'll take my seat and allow other members of the Assembly who would like to put comments on the record with respect to this particular amendment to speak now.

4:00

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

MS LEBOVICI: Thank you. I, too, add my support to this particular amendment. When we look at a recent Bill that was passed in principle in the House of Commons that deals with victims of crime – this is a Bill that was put forward by the Reform Party, so I'm sure a lot of members in this Assembly will have their ears picked up to that – and was passed I believe close to unanimously in the House, one of the principles with that particular Act was with regards to information being available to victims of a crime that would allow them to access the status of the police investigation, court procedures, and all the rest. When I look at the principles outlined in this particular Bill in 2(1)(c) and (d), it would seem to say that some of our principles are the same. When I heard what the principles of the victims of crime Act in the House of Commons were and when I looked at what our Victims of Crime Act said, I thought: well, there are some similarities; I think we could have gone further.

When I look at section 4(1) and see that the information that a victim can obtain is "subject to the limits imposed by the availability of resources," that sets up all kinds of warning bells. I would think that most members in this House would want to ensure that if a victim requests information about the status of the police investigation or about their potential role or whether there are court proceedings that are going on and what the outcome of those court proceedings is, and if that victim wants to also make representations to the court on the impact of the offence – those would be all items that are near and dear to the hearts of most members of this Assembly on both sides of the floor. I would wonder why the government members would agree to having that information available only if there are adequate resources, but then again, as the Member for Sherwood Park so aptly pointed out, it's okay; there is going to be enough money to pay the members of the committee, who are not employees of the government, and to pay them remuneration. When we look at the onerous task that the various members of the regional health authorities have – they're not paid remuneration; they are considered to be volunteers – why should, then, the members of this particular committee be considered to have pay?

Now, again to speak directly to 4(1). I would think that most individuals would be upset if they were told that because it's year-end, unfortunately they can't get the information – all the resources for this particular program have been used up – or there's a limit that's been put on their questions and they're only allowed 10 requests with regards to their particular case. I think these would be issues that we will all hear about in our constituency offices: when someone is denied the ability to find out what

the status of the police investigation is, when they're denied the ability to find out what the court procedures are, when they're denied the ability to make representations to the court, again only because there are not enough available resources. It puts to question the whole intent of the Act. If the intent of the Act is, as the principles that are laid out in the Act indicate, that victims should be treated with courtesy and compassion and respect, then why are we limiting those principles by the availability of resources?

To maybe put everyone's mind at ease, perhaps the minister could let us all know what the resources are going to be that are available to the victims. Are we looking at a fund of a hundred thousand dollars? Are we looking at a fund of a million dollars? Are we looking at what the impact will be if there are cutbacks in certain areas, whether it's in the area of clerks in the courts, whether it's in the area of cutbacks at the municipal level to police officers? Is the minister looking at having individuals who will be specifically allocated to deal with the issues that victims bring forward? Will there be some kind of central number that individuals can phone to access the information that's outlined in this particular section?

If the minister has answers to those questions as to how in fact this is going to be enacted, I think maybe people's doubts with regards to the sincerity of the enactment of the principles could be put at ease. It's so easy to say: "This is what our principle is. This is what we think is a good idea." Then you don't have the resources to back it up, and you have it in legislation that it's okay to do that.

If in fact this is a serious issue, which I'm assuming it is, otherwise this Act would not be here, then I think it behooves the minister to answer those questions, to answer how individuals are going to be able to get this information and what exactly is meant by "the limits imposed by the availability of resources." What resources are we talking to, and what resources is the minister willing to put into it to ensure that that particular section will never be enacted, that there will never be a problem with the availability of resources?

Thank you.

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

MR. SAPERS: Thanks, Mr. Chairman. I understand that we are talking about all the amendments that were circulated on this single sheet, amendments numbered 1, 2, 3, and 4. Is that correct?

THE DEPUTY CHAIRMAN: Well, I guess so. I'm confused. We started talking on 1 and then went to 2, but we'll put them all on the Table and talk to them all.

MR. SAPERS: Well, Mr. Chairman, I don't want to usurp the mover.

THE DEPUTY CHAIRMAN: No. It's fine.

MR. SAPERS: Thank you.

Mr. Chairman, the first amendment is one that I am particularly concerned about and would encourage all members of the Assembly to think about carefully and support. Now, the amendment would strike out the words "the limits imposed by the availability of resources" as it pertains to making available

information. I'll explain as quickly and carefully as I can why this concerns me if the original wording is left intact. Number one, if you read the totality of section 4, one immediate conclusion that you come to is that it may or may not come into conflict with the information and privacy law of the province. The limits placed on the release of information as it pertains to law enforcement in the privacy law are very interesting limitations and not without their own controversy.

Previously in this Assembly the Liberal opposition had proposed amendments that would make information pertaining to law enforcement, particularly information of interest to victims, more readily available and easily accessible. Again what we see here is the government trying to really diminish or restrict their own ability, tie their own hands behind their back as it were, when it comes to making information available to victims.

By including in this section phrases such as "subject to the limits imposed by the availability of resources," and it goes on further to say subject to any "other limits that are reasonable," we are left with the conclusion that this government really doesn't want to provide this matter of information. This wording presents a loophole that you could drive the entire provincial debt through in one large truck, Mr. Chairman.

[Mr. Langevin in the Chair]

The fact is that we will leave it now to some administrator's interpretation of this wording to determine whether or not there has been a reasonable interpretation of availability of resources. We will leave it again to some administrator's interpretation of other limits that may or may not be reasonable. This is an unwarranted double whammy which creates a real roadblock to victims and gives the government a built-in excuse each and every time the government chooses not to provide information. They could simply say: "We can't afford it, we don't have the manpower, we don't have the other resources" or "it just isn't reasonable." You know what? It doesn't even compel the government to explain why it's not reasonable. You just have to accept that. And that is unacceptable.

4:10

This Bill is supposed to be a Bill that comes to the assistance of victims of crime, and certainly one of the areas that victims who have suffered a criminal act often mention is the lack of information, the lack of certainty about where their case is in the courts, the lack of certainty about where the accused or the offender is, the fact that they can't find out what's going to happen next, the fact that they may be fearful that they may be victimized again, the fact that they may not be able to get their property back if it was seized for the purposes of evidence, et cetera. So information needs are often paramount in the minds of victims. Certainly the Minister of Justice is aware of that. He's been approached by many of the same individuals and organizations that I am familiar with who have made this very, very clear time and time again, that information needs are at the top of the list.

You know, why would the government create a Bill that purports to be of service to victims of crime and then in one of the key areas, the area pertaining to the availability of information, mute its own response? Well, maybe it's because they're not very sincere.

Now, if it's just a drafting error, if it was just maybe an overzealous legislative draftsman who was trying to make sure that all of the possible saving clauses could be put in the Bill, then I think we should thank that dedicated civil servant for their hard

work, and I think we should also then compel the Minister of Justice to accept this amendment because perhaps that legislative draftsman just went one bridge too far.

I've had the opportunity to personally discuss with this minister, regrettably not at any great length, his concerns about victims and victimization. I know that he is sincere, and I would hope that the rest of his government colleagues join him in that sincerity. Maybe he would take the lead and nod encouragement to all members on the government side in terms of supporting this amendment.

Now, the fear may be, Mr. Chairman, if this amendment is passed, that (a) it would show the government admitting that its legislation wasn't perfect and (b) that it would somehow cost the government an unreasonable amount of money. Well, let me dismiss (a) to begin with. This government has come back to this house time and time and time again with amending Bills correcting deficiencies in previous Bills which they have brought to the Assembly. I don't think the government should be ashamed of that necessarily, although sometimes I do scratch my head as to why they couldn't get it right the first time. The Premier himself in fact has said he's sorry so many times for mistakes that have been made, and just acknowledging this as one more mistake I don't think would cause any further disrepute to come to this government.

Now, on the second point, that this would present an unreasonable financial burden to the province, let me say this. We spend billions and billions of dollars across this country and tens of millions of dollars in this province on the criminal justice system each and every year. This would be a drop in the bucket. This government has made a commitment to freedom of information. They made that commitment when the Premier introduced a freedom of information Bill as his flagship Bill. They underscored that commitment when the Premier struck an all-party committee – and I might say a committee that should have been an example but unfortunately was the last of its kind during this government's mandate – that was chaired by the hon. Member for Rocky Mountain House. Even though we did in fact get off to a rocky start, as I recall, on that committee, the committee ended up doing its work, I think, and completing its task well and providing a very good report to this government. So the government is clearly on record supporting freedom of information and clearly on record as saying that that should be a priority in terms of making a financial contribution.

The Minister of Public Works, Supply and Services has a budget for the implementation of freedom of information issues and programs. Therefore, the argument that this would be an unreasonable cost burden cannot be borne out, unless of course the Minister of Justice or one of his other colleagues has done a cost analysis and can tell us that there are just hundreds of thousands of victims out there who will be making unreasonable information demands on the government and therefore bankrupting us even faster than previous Treasurers have done in this province.

So I think that for both of the arguments that could reasonably be mounted against accepting this amendment the government has not demonstrated that either of those arguments really carries much sway.

So in order to further underline this government's commitment to freedom of information, in order to fully operationalize this government's commitment to providing service to victims of crime, and in order to demonstrate that when an error in their legislative agenda can be reasonably pointed out with a reasonable

solution to fixing that error and that they are willing to work in a nonpartisan way for the best interests of the people of this province, I would heartily suggest that all members support this amendment.

Now, Mr. Chairman, I will move down the page to the amendment that's listed as amendment 4, which would amend section 17. [interjection] Oh, I understand that amendment hasn't been moved yet. So I'll have to take my seat at this point, and I will rise again when that amendment is in fact on the floor for debate.

Thank you.

THE ACTING CHAIRMAN: Thank you.

The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Chairman. I'll be brief. I would like to make note of the fact that the Member for Sherwood Park, when he brought these amendments forward, suggested that it would be in the benefit of time efficiency to bring all four of the amendments on this sheet through together, and I think that was very logical and laudable of him. In that regard I have a suggestion, before we move on to the two remaining amendments, that the Assembly may wish to consider.

[Mr. Clegg in the Chair]

When I look at the item listed as number 3, it would appear to me that that's exactly the same as 2, so the same arguments probably would apply as for 2. Number 4 seems to be the standing amendment of the opposition to every government Bill that has regulations. So in the interests of time I would like to suggest that the Assembly could perhaps say, "The standing amendment regarding regulations was presented by the opposition, standing arguments were presented by the opposition, and the matter is deemed to be dealt with in the standard manner."

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

MR. COLLINGWOOD: Mr. Chairman, thank you. Well, I won't concur entirely with the Member for Medicine Hat. What I propose to do, if members will agree, is that we could then consider numbers 1, 2, and 3 on amendment A4 collectively and then deal with number 4 on amendment A4 separately as the next amendment. It doesn't take away from the opportunity to debate, but 1, 2, and 3 deal with a collective issue. Number 4 deals with a different issue. What I'd like to do is have the question called when we finish debate on 1, 2, and 3 and vote on those particular aspects of the amendment, and then I'll rise to my feet again and speak and move the fourth part of that as a separate amendment, as A5, if that's acceptable to the Chair.

I will then move down to point 3 which, as the Member for Medicine Hat has pointed out, is asking for the same words to be stricken from section 7(3). For the benefit of members, section 5(3) deals with members of the committee and section 7(3) deals with members of the criminal injuries appeal board. The same provision does exist. The words are in there that allow for remuneration to members of the appeal board and members of the committee.

4:20

The points that we've made, Mr. Chairman, with respect to fairness, with respect to questioning the statement of limits of

availability of resources are not contained in section 5 and are not contained in section 7. But what I would point out, because other members did comment about the costs and the funds and where the money is coming from, clearly by virtue of other sections of this Act, this fund will be used "for costs incurred by the Committee" and "for remuneration and expenses payable to the members of the Committee and the Appeal Board." Members will find that in section 10(1)(b) and (c).

What will make up the fund? Well, part of what will make up the fund is the surcharge that the minister is going to charge for every fine imposed in the province of Alberta. So it will be the taxpayers, albeit the offending taxpayers. It will be those individuals, those offenders, who will in fact fund in part the payment that will be going to the patronage appointees to each of these two boards, the committee and the appeal board.

Now, we have to keep in mind that by virtue of section 11 it is the minister who will "make grants with respect to programs that benefit victims of crime," and those grant moneys will come out of this particular fund. What else comes out of this particular fund? Payment to members of the committee and members of the appeal board: what does that mean? That means that moneys that could be going to compensation for victims of crime can't go to compensation for victims of crime because the money has to go to pay the members of the committee and the appeal board. That again, Mr. Chairman, is a statement of unfairness on the part of the government. They could be making more resources available to victims of crime, but they have to instead pay remuneration to friends of the minister, as the minister is the one who appoints all members to both the committee and the appeal board.

So again that is why, Mr. Chairman, I am proposing that we take out the words "may be paid remuneration" and we say to those individuals who will form this committee and who will form the appeal board, "Why don't you let the money stay in the fund and go to people who have become victims of crime rather than taking money out of the fund for payment for yourself for services on these boards?" I don't think there are many Albertans who wouldn't say, "That's a fine idea by me, and I'm happy to do it." But the government is leaving open the door for payment to be made to those individuals, and it's simply unfair. I think Albertans should know, I think that victims of crime should know that this government is building a system under Bill 33 where money that could be going to victims of crime is going to pay appointees by the minister for their work, and that is taking money away from those particular victims.

[Motion on amendment A4 lost]

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

MR. COLLINGWOOD: Thank you, Mr. Chairman. So that we're clear on the record, I'm now moving number 4 that appears on your sheet, which will constitute amendment A5. I congratulate the Member for Medicine Hat, who's finally woken up to the fact that the opposition in virtually all Bills that have been put forward by the government in this session fails to recognize the work that is to be done by the Standing Committee on Law and Regulations. It's finally sinking in; the message is finally sinking in.

Again with this Bill, as we've seen in many other Bills, there are significant and substantive issues that are to be dealt with by the Lieutenant Governor in Council in the making of regulations.

It is a continuous and ongoing policy of the government that substantive issues are being done behind closed doors. They are not open for debate. Those issues ought properly be dealt with in the legislation, not in regulations. Notwithstanding there is a procedure that we have in place, there is a committee that we have in place, as do many other jurisdictions in Canada have such committees that actually function, unlike ours that sits dormant on a shelf with the Member for Calgary-Shaw waiting patiently for the call to call this committee together and actually do something on behalf of the people of the province of Alberta.

The amendment, as the Member for Medicine Hat rightfully points out, is the same as we have introduced before on other pieces of legislation: where regulations are to be made, they will be referred to the Standing Committee on Law and Regulations for debate and for review. The government in the past – and I've made this comment before – through the Member for Peace River, who is the chairman of the deregulation committee, has, it seems, vetted regulations to determine whether or not they're consistent with the Alberta advantage. Well, what's that got to do with it, Mr. Chairman? Regulations must be passed and must be created that are consistent with the delegated authority that is provided by the Act, that are incidental to the purpose of the Act, and that are reasonable in terms of efficiently achieving the objectives of the Act. If you're not writing a regulation or creating a regulation that is incidental to the purpose of the Act and has authority within that Act, then it can't be a regulation. It has to be within the context and the parameters of that requirement.

How are we going to know? We're going to let the Law and Regulations Committee determine whether or not they meet those tests as the draft regulations are reviewed. That Standing Committee on Law and Regulations has the ability and the opportunity to advise the minister when the review is completed and indicate any matters which the minister should be aware of. That makes that committee effective, and that makes that committee form part of what is and should be good government in the province of Alberta.

We will continue, Mr. Chairman, to put forward this amendment and get the government, not just the Member for Medicine Hat, to finally wake up to the fact that the Standing Committee on Law and Regulations must be used fully and must be given the opportunity to review draft regulations and get away from the secrecy of this particular government in creating its regulations and then simply announcing them.

With those comments, Mr. Chairman, I'm moving that amendment, and I'll take my place if any other members want to speak to this particular amendment.

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

MR. SAPERS: Thanks, Mr. Chairman. On Bill 33 I was tempted to enter into some of the same argument that I have in the past regarding this amendment relating to regulations. If you'll recall some of those interventions that I've made, you'll note that I've questioned whether or not the things that are to be regulated or that may be regulated perhaps are best left in the body of the legislation itself.

In this case there are few if any areas that are left to regulation that are not well served by being subject to regulatory review and regulatory control. I'm not sure that you would want to entrench in legislation some of the things which would be subject to change and which you would expect to reasonably change over time.

You wouldn't want to have to bring the Bill back before the Assembly every time you wanted to add or detract from the list of offences or the amount of the surcharge or the offences that wouldn't be subject to a surcharge, et cetera. So that leaves us with the conclusion that some thought has gone into putting into the Bill those things which are appropriate to be legislated and leaving to regulation those things which can properly be left to regulatory control.

That's, then, what confuses me. If the government has in fact gone to that trouble to make the careful distinction between those items that should be legislated and those which should be regulated, then you would also think that the government would want to test that decision against the public, that they would want to have a debate in public about how those regulations should be worded, the extent to which they will serve the public interest. Again, we are talking about a Bill that is supposed to come to the aid of victims, victims who have often felt underserved and not heard in the whole criminal justice process. I can think of nothing better in terms of public acceptance of this Bill.

4:30

Dare I say, although I wouldn't want to trivialize it to this extent, Mr. Chairman, even in terms of the public relations around this Bill, I can think of nothing more powerful than structuring a series of consultations around these regulatory areas, because these regulatory areas are exactly the ones that victims are often concerned about. How will programs be funded? What will the amount of the grants be? What will the surcharge be? For what offences will the surcharge be attached? What are the terms and conditions attached to payments and grants? What kinds of injuries or damages will be classified? It seems to me that not only would you want to have these things debated in public; you would want to have a seal of approval put on them to fully complete this government's commitment to providing new and improved services to victims of crime.

That seal of approval could be applied by referring as a matter of course these regulations to the Standing Committee on Law and Regulations. The Standing Committee on Law and Regulations – you know, I won't sing that song again about how long it's been since the committee met or how desperate the Member for Calgary-Shaw is for work. But I will say that it would be very responsible of the government at this time to at least on this Bill, on a Bill that can in no way be damaged, refer the regulation process for victims of crime compensation to that committee.

It's an all-party committee. We can take the politics out of the debate. We can invite the public into the process. We can get a full sense of the range of opinion that is out there regarding these matters. We can come up with a package of regulations that I think we can all go to our constituents with and say: "This is what we heard from the people of Alberta. This is what we got out of the legislative process. This is an example in fact of how an all-party process can work and should work." Mr. Chairman, I just think that's a tremendously positive benefit for this Assembly, for victims of crime, and for the people of the province.

So even as the Member for Medicine Hat was encouraging us to just read into the record standard argument, standard reply, I would hope that he didn't really mean that. I would hope that the Member for Medicine Hat has actually considered this amendment, not in the context of all other Bills . . .

MR. RENNER: Fifteen times already.

MR. SAPERS: He says, "Fifteen times already." Well, Mr.

Chairman, I only recall this amendment coming forward just this once on this Bill.

I would hope that he and his colleagues would consider this in the context of this Bill at this point of time, that he would not lump this together with other amendments, because those other amendments weren't on this Bill. Even though this is his first term in the Assembly, I think the hon. member is still experienced to recognize that you amend one Bill at a time, that each Bill merits its own debate, and that all members of the Assembly are entitled to represent the views of their constituents equally. I know that he can figure that out and in fact has. So I know that he wouldn't want to forestall debate, and I know that he wouldn't want to jump to conclusions.

So on this Bill, at this point in time, dealing with these matters which may be regulated, I would hope that the government sees the importance and I would say the necessity of having a public process around these regulations and would support this amendment to section 17 of Bill 33.

[Motion on amendment A5 lost]

[The clauses of Bill 33 agreed to]

[Title and preamble agreed to]

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

SOME HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed, if any?

SOME HON. MEMBERS: No.

THE DEPUTY CHAIRMAN: Carried.

Bill 26

Child and Family Services Authorities Act

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

MR. SHARIFF: Thank you, Mr. Chairman. I am pleased to rise to speak on Bill 26. I'd like to introduce two amendments to the Bill, which are being circulated, I believe, or will be circulated shortly.

I'd like to begin by thanking all those members who have made contributions through their feedback and suggestions in the debates that have happened in the House until now. In particular, I'd like to thank my colleague the Member for Edmonton-Highlands-Beverly for working together to address the needs of Alberta children and families.

While I respect the differences in concerns expressed by many of my colleagues, I wish to acknowledge the commonality in understanding this issue. During debate on April 25, 1996 – the following quotes need to be presented again today – the hon. Member from Edmonton-Avonmore stated, “It's important to get on with this very important piece of legislation.” Mr. Chairman, I appreciate the emphasis placed on this important piece of legislation.

The hon. Member for Edmonton-Gold Bar stated:

I believe the notion of communities . . . to develop policies that are particular to their region, their geographic region, their

demographics, is a good one. I think we've always supported that.

Mr. Chairman, this confirms our belief in communities being able to address their own needs.

The hon. Member for Leduc stated:

I would [like to] say that the theory of actually creating community-oriented specific services for the protection of children has some appeal to it.

Mr. Chairman, through this enabling legislation we will actually create authorities that will work towards improving the quality of services to Alberta children and families.

As we move into Committee of the Whole, I look forward to debate that will further fine-tune the proposed Child and Family Services Authorities Act.

The two amendments have now been circulated, the first of which is a proposal that section 1(c)(vi) be struck out and the following substituted:

(vi) early intervention designed to promote and maintain the safety and healthy development of children and families;

Mr. Chairman, this is a definition under the Child and Family Services Authorities Act, and I believe this is an important definition because it involves services that would be provided by the authorities.

The second amendment, which is identified as B, refers to section 23(15) being amended in the proposed section 95 by striking out the following: “liable to a fine of not more than \$2000 and in default of payment to imprisonment for a term of not more than 6 months.” That is to be substituted by the following: “liable to a fine of not more than \$10 000 or to imprisonment for a period of not more than 12 months, or to both a fine and imprisonment.” Mr. Chairman, this is going to be a strong statement that we as a province will not tolerate placing our children at risk.

I look forward to the debate, and I hope we can debate these two amendments and come to some resolution. Thank you.

4:40

THE DEPUTY CHAIRMAN: Hon. Member for Calgary-McCall, if I have this correct, you want both these sections to be under one amendment. Am I right?

MR. SHARIFF: That's correct.

THE DEPUTY CHAIRMAN: Thank you.

The hon. member for Highwood-Beverly.

MS HANSON: Edmonton-Highlands-Beverly.

THE DEPUTY CHAIRMAN: Edmonton-Highlands-Beverly.

MS HANSON: Thank you, Mr. Chairman. Just as a comment on the Member for Calgary-McCall's introduction, the Liberal Party had supported the initiative from the start. We do have, as you know, some problems with the Bill and have a number of amendments that we will put forward later.

The first amendment here, “Section 1(c) . . . is struck out,” I'm just trying to find. Okay. That's child and family services: “‘child and family services’ means the programs and services for which an Authority has assumed responsibility.” Is that what that is, member, and in place we're putting in section (vi) there? In place of “early intervention designed to prevent family isolation and breakdown” we're now saying “early intervention designed

to promote and maintain the safety and healthy development of children and families.”

I'm not sure why you would want to take the word “prevent” out of there. I think that often the families you go into are families where early intervention is important, because they may be heading for trouble. “Promote” is a word that sometimes bothers me. “Promotion” is a pretty vague word. You're not quite sure what you're talking about. But I do believe that broadening it out to “maintain the safety and healthy development of children and families” does give a better idea of what is intended by this Bill.

In regard to section B, that is 23(15), the members will notice that the Liberals have one that is pretty well the same as that. It was something that the Member for Calgary-McCall and I agreed upon. You have taken out the section that says “is guilty of an offence and liable to a fine . . . in default of payment.” So you've left it all the same except that the fine has been raised from \$2,000 – no, you haven't. You've taken out “in default of payment” and left it so that the fine is “not more than \$10 000 or to imprisonment for a period of not more than 12 months.”

I did feel earlier that the penalty for

- (a) wilfully causes a child to be in need of protective services, or
- (b) obstructs or interferes with, or attempts to obstruct or interfere with, a director, a child welfare worker, a peace officer

was really a very small penalty. I think we have to remember throughout this Act that children are totally powerless to protect themselves. If someone believes that whatever they are doing in the way of child abuse or neglect is all right, and if they feel that the family is sacrosanct, I think it's fairly common for people to try to keep out anyone that's a government representative.

The business of the family being included in this Act is one of the things that has bothered me. In most cases it is much better for children to be brought up in a family, but when you put family into this, it sort of spreads out the whole thing. Other individuals are here when I believe that the Act should be simply for children, period. Children are the central concern of this Act, and for that reason I think this amendment is a good one.

I'll sit down.

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

MRS. HEWES: Thanks, Mr. Chairman. I'd like to ask the Member for Calgary-McCall a couple of questions about these amendments, the first one really. The second one, amendment B, I don't have any real problems with.

Amendment A, replacing section (vi), “early intervention designed to prevent family isolation and breakdown,” Member for Calgary-McCall, seems to be on an entirely different subject. I didn't hear in his explanation – perhaps I wasn't paying careful enough attention – why (vi) was taken out and the amendment substituted. Mr. Chairman, I think both ideas merit some attention in the Bill. As my colleague for Edmonton-Highlands-Beverly has mentioned, I've had real concerns about the emphasis on family as opposed to children, but having said that, I think they are two very different thoughts. Section (vi) as it exists in the Bill says, “early intervention designed to prevent family isolation and breakdown.” The amendment is a very different thought: “designed to promote and maintain the safety and healthy development of children and families.” As I say, both thoughts have merit, but they are stand-alone. I'm not sure why the

member would want to take (vi) out and put (vi) in. Why didn't we have the new (vi) added on? Perhaps there is an explanation that escapes me in his earlier comments.

Amendment B, Mr. Chairman, closely resembles some suggestions that we had made, and I think it is satisfactory. It does lend a bit more weight to that particular section.

MR. SHARIFF: Mr. Chairman, I'll just take a couple of minutes basically to first acknowledge the concurrence on the second amendment from the Member for Edmonton-Highlands-Beverly and the Member for Edmonton-Gold Bar. I appreciate that that's a movement in the right direction.

Just to clarify the first amendment, the initial section (vi) was indicating “early intervention designed to prevent family isolation and breakdown,” and it's been substituted with another clause which says “early intervention designed to promote and maintain the safety and healthy development of children and families.” If you look at the concept of family isolation, it can have many impacts. A person living in a far, remote place may consider himself or herself or the family itself as being isolated. It may have a totally different impact as far as the delivery of this service is concerned. This amendment is going to address the need of making sure that we as a society promote healthy development of our children and of our families.

With that explanation, Mr. Chairman, I believe you can now call the question. Thank you.

[Motion on amendment A1 carried]

THE DEPUTY CHAIRMAN: On the Bill itself, are you ready for the question?

SOME HON. MEMBERS: Question.

DR. PERCY: With regards to Bill 26, the issue we've raised a number of times in the Legislature concerns the boundaries of the Bill and their overlap and consistency with the regional health authorities. The issue we have raised and have been concerned about and are certainly going to address at some point through amendments concerns, then, what happens when regional health authorities change their structure. For example, had this Bill been passed and had Sherwood Park and the county of Strathcona then decided to move to the Capital regional health authority, would it in fact move lock, stock, and barrel? Would it require, then, a change in the legislation? Would it be done through regulation? Those are some of the issues that we're concerned about and need to be dealt with, Mr. Chairman.

4:50

MRS. HEWES: Mr. Chairman, just a couple of things. I appreciate the answers given to me by the Member for Calgary-McCall, although it really isn't an answer and perhaps there isn't an answer in existence as to why a different thought entirely was put into the amendments.

I'm also pleased to hear that the Member for Calgary-McCall had been discussing the matter at some length with the member from our caucus from Edmonton-Highlands-Beverly. I hadn't seen these amendments and to my knowledge neither had that member, and if there were discussions taking place about where there could be some common understanding, then I think it would have been logical for this to be shared as well. Then perhaps some of our questions could have been alleviated.

One question I would like to ask in addition, Mr. Chairman,

and perhaps the Member for Calgary-McCall can give us some explanation. There is nothing in this Bill about a funding formula. Now, if this Bill is to copy the health authorities Act, which it clearly is – and the potential is here for coterminous boundaries – one of the major flaws that we see in the health authorities Act is that there is no funding formula. We are still waiting for it. A good deal of the chaos between health authorities, with one health authority wanting to move to another one or part of its boundaries being changed, results from the absence of a firm funding formula.

Now, to produce another Bill of the same quality with the same piece of essential information missing I think is folly. I would have thought that the government by now would have learned that this kind of Bill should contain some reference to a funding formula so that people know what they were going to be getting into, so that authorities, as they are given the responsibility for child welfare within their boundaries, will have some clear understanding of what resources they can expect the government to provide and on what basis. The fact that it didn't occur in the health authorities I think should have been the lesson that hopefully this government would have understood and learned and would not have repeated the error. So perhaps the member has an answer for me and for members of our caucus in regard to that.

If I were being asked to sit on a child welfare authority, as are many good citizens of this province going to be asked, I would want to know that off the top. I would certainly want the regulations, which I think we've got an amendment regarding, and I can't for the life of me understand why the government wouldn't want those sent to the Law and Regulations Committee. Above all, I would want to know the extent of the resources that are going to be provided to the authority before I accepted any position. I think that's the very least we can provide for the people who are going to take this responsibility, Mr. Chairman.

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

DR. MASSEY: Thanks, Mr. Chairman. Could you clarify for me the procedure. The amendments that have been presented from the government side are going to be followed by amendments from the opposition side; is that the understanding? I heard you calling for the question on the Bill, and I was . . .

THE DEPUTY CHAIRMAN: I was calling for the question because we voted on the government amendments by Calgary-McCall and the amendments were carried. I said: are you ready for the question? I saw somebody scurrying back to their chair, because you obviously have to be in the chair to talk. So we have no amendments on the floor. This Chairman has no idea if there are 10 amendments, one, or a thousand.

The hon. Member for Mill Woods.

DR. MASSEY: Thank you. First of all, my comment about the kind of co-operative effort that the two members have tried to put together on this Bill. I think it should be acknowledged that it is an admirable effort, and it's certainly one intended to serve the best interests of children and families. That kind of co-operation is the kind I think we should be looking at for a lot more of the kinds of endeavours that are undertaken in this House. So I applaud the member opposite and our own critic for their work and their attempt to take it out of the realm of politics, because I

think both of them with their experience have realized that the issue is too important to be tossed around as a political football.

I would like, if I could, to reiterate a question that was posed earlier by Edmonton-Gold Bar, and that's the difference between the change from "family isolation and breakdown" to the inclusion of "early intervention designed to promote and maintain the safety and healthy development of children in families." They are two different thoughts. They're quite different, and I wondered if the hon. member could give us a bit more of the reasoning why one was taken out and the second one substituted. What was found wanting that caused that change to come about?

With his indulgence I wonder if he might also explain a little bit more about how exactly the \$10,000 figure was arrived at as an appropriate penalty. It obviously had to have been discussed and there must be some reasons why the numbers. I realize, the member said in his comments, that they wanted no question. They wanted it to be abundantly clear the severity of any infractions and that there were heavy consequences, but I wonder if he could explain just briefly how that \$10,000 was arrived at rather than maybe \$20,000 or some other figure. Was there a reason for that?

Thanks, Mr. Chairman.

THE DEPUTY CHAIRMAN: The hon. member for Edmonton-Highlands-Beverly.

MS HANSON: Oh, that's me. Sorry. You called me Beverly-Belmont last time, Mr. Chairman, so I wasn't sure who it was.

I'd just like to make a few comments before we introduce our amendments. I do have eight amendments to different sections of the Act. The Liberal caucus has supported this initial plan that was proposed by the commissioner for children a year and a half ago. The reason we supported it is because it encompassed Liberal values, including early intervention, community-driven services, and increased control by aboriginal families and aboriginal communities, but that support was contingent upon the government maintaining full legal responsibility for the protection of children in this province. We do have some concerns about the Bill in this respect. I know that we are told that the Child Welfare Act is still with us, but this Bill having people other than children mixed up in it – it seems to me that it's not as clear as it might be.

You know, for about a year and a half, Mr. Chairman, communities have been working really hard on trust to develop a new child welfare system. Communities understood something had to change. There are about 300 working groups preparing to submit proposals to their regional steering committees. There have been thousands and thousands of hours go in and nearly all volunteer, but these people, aside from developing this process, are learning about their communities and they're learning about children's services, because children's services has always been something that we didn't really discuss very much in our communities. The people who had been involved in child welfare didn't want to tell their neighbours about it. People have been talking to neighbours, and I think it's been a wonderful process in that respect, in that it has been getting people together to think about really a core social issue.

5:00

In the last couple of months I've talked with individuals, committee members, interested agency and organizational staff. The expressions of concern of the people are similar, and they are the source from which we developed the amendments that we're presenting today.

Mr. Chairman, the Member for Calgary-McCall and I have worked together, and we put considerable effort into coming to an agreement that would address both community and Liberal concerns, but to this point we've only partially conceded. The Liberal amendments cover seven sections of the legislation, and the general areas are . . . [interjection] This is not the amendment. This is just the general areas that the amendments cover.

Mr. Chairman, the first concern we have is that government accountability, responsibility, and legal liability be included under section 8 in this Act, and that is not clear to us. A serious concern is women's shelters. Women's shelters should not be included under the children's authority, and the services that this authority will be responsible for should be clearly spelled out. Agreements between the authority and the government must state services, funding, and responsibilities of both government and the authority. I think these things are crucial for the comfort of the volunteers, and given the volunteer effort that has gone into this, we have to spell out exactly what they're responsible for and what the government is responsible for. They need to know that it's not going to suddenly become a wall out there and that when there's a problem, the government can say: that's not our problem; go and talk to the authorities.

MR. COLLINGWOOD: Just like the regional health authorities.

MS HANSON: Like the regional health authorities; right.

The primary responsibility of the authority should be the safety, the security, and the well-being of children, period. It shouldn't be cluttered up with other things and other people.

The last broad concern we have is that standards must be stated and enforcement of those standards must be ensured. The regulations should be developed publicly and publicly released before the Bill's passage so that people – for a lot of people it's difficult to read a Bill and find out how that relates to what they're doing on a daily basis. But you can look at the regulations and know exactly what you can do and what you can't do, if you would be responsible or not, and we feel very strongly about that.

So the amendments have been distributed, and I will start with amendment one. It's on 1(c). This is a small amendment. Section 1(c) in the Bill defines the meaning of child and family services as “the programs and services for which an Authority has assumed responsibility” and then lists what services they “may include.” What we are doing is changing “may” to “shall” because it's imperative, just as I mentioned a moment earlier, that everyone has a clear understanding of exactly what the responsibilities of the authority are and also to ensure that there will be consistency of delivery among regions. Without a clear accounting of basic programs and services that an authority will be responsible for under child and family services, we run the risk of diluting services even further. While we need to offer the community flexibility in assessing need and designing programs, it's incumbent on the province to ensure that a core level of service and programs is provided within each region.

Mr. Chairman, this is amendment A. Would you like me to do (i) and (ii) together under this clause?

THE DEPUTY CHAIRMAN: Hon. member, I was just going to interrupt you. These are your amendments. The Notice of Amendments I've got says A, B, C, D, E, F, G, and H. Now, obviously you tell me as Chairman how you want to lump these together, and that's what we'll do.

MS HANSON: Okay. I am speaking to amendment A(i), and I would like to lump A(ii) along with it. Okay? All of A, (i) and (ii).

THE DEPUTY CHAIRMAN: Hon. member, that would be amendment A1, and then you'd go to B, which would be A2?

MS HANSON: That's correct; A2.

THE DEPUTY CHAIRMAN: All right, hon. member. So we're working on A, (i) and (ii), right now.

MS HANSON: Yes. I've just finished with amendment A(i). In regard to A(ii) on subclause (iv), which is “the funding of women's shelters and other safe living arrangements for victims of family violence,” I take issue with women's shelters being put in a child and family authorities Bill or in with children. Sixty percent of the women in the province who use shelters have children; about 40 percent of them do not. For that reason alone I don't think they fit in here.

Women's shelters have taken 25 years to have their need recognized and to develop a funding process under Family and Social Services, to develop a continuum of care so that when people leave the shelters, they're not just dumped right back into an abusive situation because of poverty or lack of anyplace else to go. The Alberta Council of Women's Shelters and many, many shelters are really insulted about this. They don't see that it fits at all. The issue around the women who use shelters is very different. I feel very strongly that this should be taken out of this Bill, particularly since the public who are involved have been very vocal. We have repeatedly for the last year or so asked the minister for an explanation as to why he felt women belonged under the authority of children's services. We've never been able to get an answer for that.

Actually, in the draft legislation which we saw a month or two before this Bill came forward, it was the drafter of the legislation who felt compelled to include the wording that the Bill does not address the needs of abused women without children.

With that, Mr. Chairman, I'll sit down. Someone else would like to speak.

THE DEPUTY CHAIRMAN: Before I call on the Member for Stony Plain, I just have to clarify a mistake that the Chair made – it doesn't happen very often, but it does happen once in a while – when I was talking to the hon. Member for Edmonton-Highlands-Beverly about the numbers on these sheets. It will be starting at A2 because we've already had amendment A1 from the government side. So it will be A2, A3, A4. That's the numbers we'll go by.

The hon. Member for Stony Plain.

MR. WOLOSHYN: Thank you, Mr. Chairman. I move that we now adjourn debate.

THE DEPUTY CHAIRMAN: The hon. Member for Stony Plain has moved that we adjourn debate on Bill 26. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY CHAIRMAN: Opposed, if any?

SOME HON. MEMBERS: No.

THE DEPUTY CHAIRMAN: Carried.

The deputy deputy deputy House leader, the Minister of Community Development.

MR. MAR: Well, thank you, Mr. Chairman. In my capacity as the assistant vice-deputy deputy interim part-time House leader, I move that we now rise and report.

[Motion carried]

5:10

[The Deputy Speaker in the Chair]

THE DEPUTY SPEAKER: The hon. Member for Dunvegan.

MR. CLEGG: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain Bills. The committee reports the following with some amendments: Bill 33. The committee reports progress on Bill 26. I wish to table copies of all amendments considered by the Committee of the Whole on this day for the official records of the Assembly.

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

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

[At 5:13 p.m. the Assembly adjourned to Monday at 1:30 p.m.]

