

Legislative Assembly of Alberta

Title: **Wednesday, March 23, 2005** **1:30 p.m.**
 Date: 05/03/23
 [The Speaker in the chair]

head: **Prayers**

The Speaker: Good afternoon.

Let us pray. Renew us with Your strength. Focus us in our deliberations. Challenge us in our service to the people of this great province. Amen.

Please be seated.

Vignettes from Alberta's History

The Speaker: Hon. members, we have a historic vignette for today. On this day in 1937 the late Hon. Colonel John Campbell Bowen was appointed Lieutenant Governor of Alberta. He was the sixth Lieutenant Governor of Alberta and served from March 23, 1937, to February 1, 1950.

head: **Introduction of Visitors**

The Speaker: The hon. Minister of Economic Development.

Mr. Dunford: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to members of the Assembly His Excellency Mr. Aly Diane, ambassador to the Republic of Guinea. With His Excellency today is the honorary consul of Guinea in Alberta, Mr. Giovanni De Maria, who is based in Calgary. The members for Calgary-McCall, Calgary-East, Calgary-Fort, and myself were pleased to host our honoured guests at an official luncheon earlier today. This is the ambassador's first visit to Alberta, and like Alberta, Guinea is rich in natural resources; in particular, bauxite, gold, and diamonds. I would ask that our honoured guests please rise and receive the traditional warm welcome of the Assembly.

head: **Introduction of Guests**

The Speaker: The hon. Deputy Speaker.

Mr. Marz: Thank you, Mr. Speaker. On your behalf I would like to introduce 13 visitors from the Barrhead-Morinville-Westlock constituency and Tokoro, Japan. The town and county of Barrhead formally twinned with the town of Tokoro in 1991, and each year Tokoro sends a group of high school students to spend a week in Barrhead. They're seated in your gallery this afternoon, and I would ask them to please rise and receive the traditional warm welcome of the Assembly.

The Speaker: The hon. Member for Lacombe-Ponoka.

Mr. Prins: Thank you, Mr. Speaker. I would like to introduce to you and through you to all members of the Assembly two members from my constituency. They are part of a group of 58 people from the Lacombe upper elementary school that was supposed to be here today, but because of the weather the trip was cancelled and they could not be here. Present today and seated in the public gallery are Mrs. Sandra Scott and her daughter Talia Scott, who's in grade 6. They came in advance of the bad weather to watch Sandra's father and Talia's grandfather, the hon. Member for Highwood, at work today. They are accompanied by Mrs. Judy Groeneveld, wife of the hon. member. I would ask that they rise and receive the traditional warm welcome of the Assembly.

The Speaker: The hon. Member for Airdrie-Chestermere.

Ms Haley: Thank you very much, Mr. Speaker. It's a real honour for me to be able to introduce to you and through you to members of the Assembly two young men seated in the members' gallery today. The first happens to be a young man who is 27 years old today. It's his birthday. He works for our Deputy Premier and Minister of Finance. He's worked for government for four years now. He is currently working on writing his GMAT at the end of March, and on top of that, because that's not quite enough, he decided that he would get married on April 9 in the middle of our convention this year. Seated with him is a young man who is going to very soon be a major part of his life as his stepson. His name is Austin Mulligan. He's seven years old. He's in grade 2 here in Edmonton, and he got an excellent report card last week. In addition to that, he's a hockey player, got his first hat trick about two weeks ago, and he loves reading. I'm very proud to introduce two very special men in my life, Mr. Jeff Haley and Mr. Austin Mulligan. Please rise and receive the warm welcome of the Assembly.

The Speaker: I take it that the hon. member has announced today that she will soon become a grandmother.

Dr. Swann: Mr. Speaker, it's my honour and pleasure to introduce visitors from the international community of Initiatives of Change, a group working voluntarily for peace and reconciliation around the world and bringing spirituality to politics. I would ask them to stand as I mention their names: Catherine Linton from the United States via New Zealand, Chris Evans from England, and Niketu Iralu from Nagaland in northeast India. I'd ask the members to give them the traditional welcome.

The Speaker: The hon. Leader of the Official Opposition.

Dr. Taft: Thank you, Mr. Speaker. It's my pleasure to introduce to you and all members of the Assembly some very special guests. Linda Trimble is a well-respected political science professor at the University of Alberta. In fact, she's so well respected that I believe this morning she learned that she's going to receive the Rutherford award for excellence in teaching, which, indeed, is a real honour. With her are a group of her students from the University of Alberta, 12 political science students as well as I think four graduate students. So I'd ask them all to rise and receive the warm welcome of all members of the Assembly.

Thank you.

The Speaker: The hon. Member for Edmonton-Calder.

Mr. Eggen: Thanks, Mr. Speaker. I'm pleased to introduce to you and through you to the Assembly several former students and a colleague of mine from my days as a teacher at W.P. Wagner high school. They are joining us today to see democracy in action, so I hope we might serve them well in that regard, and I am delighted to have them as my guests. I would ask each of them to stand as I read their name: Naveed Chaudhry, Brendon Bruno, Chris Eddy, Brandon Fletcher, Cody Hooper, Chris Jenson, Alycia Knorr, Kyle Polacsek, and Chris Sager. Please give them the traditional warm welcome of the Assembly.

The Speaker: The hon. Member for Edmonton-Manning.

Mr. Backs: Thank you, Mr. Speaker. I'd like to introduce to you and through you to the members of this Assembly a member of the

executive board of the International Union of Operating Engineers and a very well-respected person in the construction community in Alberta, Lionel Laverdiere. Please stand and get the warm welcome of this House.

head:

Oral Question Period

The Speaker: First Official Opposition main question. The hon. Leader of the Official Opposition.

Securities Commission

Dr. Taft: Thanks, Mr. Speaker. There are now reported allegations that executive managers of the Alberta Securities Commission obstructed the work of enforcement staff by directly influencing whether the regulators would pursue cases against certain companies and individuals. One staff member was even quoted as saying: it was made clear that certain people and companies were not to be troubled and were being protected from regulatory activity. End quote. This would be corruption in its purist form. My questions are to the Minister of Finance. Can the minister identify which people and which companies were being protected by Securities Commission executives and why? We would like names.

Mrs. McClellan: Well, first of all, Mr. Speaker, I would point out to the hon. Leader of the Official Opposition that he himself in his opening statement said that there were allegations. Allegations are exactly that. They are allegations, and I don't think the hon. leader expects me to provide information that could have very serious repercussions to people, based on allegation.

1:40

In fact, Mr. Speaker, what I have done I think is entirely appropriate to what I should do. When I was made aware in early January that there were some concerns raised – that was brought to me through my deputy – I wrote to the commissioners. I'll be happy to table that letter with the Assembly at the appropriate time. In that letter to the members of the commission, I said that I had been advised that a member of the commission had brought forward some information regarding concerns. I suggested that this would bear some further investigation and asked them to do that and report to me through my deputy on what actions they were prepared to take.

The Speaker: The hon. minister will table the letter later, I gather.

Mrs. McClellan: I will.

The Speaker: The hon. leader.

Dr. Taft: Thank you, Mr. Speaker. To the same minister: did members of this government or any of its staff in any way influence the executive managers to protect certain people and companies?

Mrs. McClellan: Mr. Speaker, certainly I did not. To the best of my knowledge none of my staff would have done that. I would remind the hon. member that the commission operates as a commission, certainly at arm's length from government. I am responsible for them in my department, but I have absolutely – absolutely – no knowledge, none, of my staff being involved in any of that. In fact, the first information that I have come through my deputy. I think he very appropriately raised this with me when he first had an indication of some possible irregularities.

The Speaker: The hon. leader.

Dr. Taft: Thank you, Mr. Speaker. Well, given that this alarming information would not have come to the attention of the minister or to the public light without six brave whistle-blowers, when will this government finally institute whistle-blower protection legislation?

Mrs. McClellan: Mr. Speaker, I have absolutely no information nor do I have any reason to believe that any of the persons who had concerns had any reservations about bringing them forward. None. And the staff and the members involved in this, I believe, will through my very swift action in responding to their concern continue to have confidence that if they have a concern in this area or any other area of this government, it will be responded to appropriately and quickly.

The Speaker: Second Official Opposition main question. The hon. Leader of the Official Opposition.

Dr. Taft: Thank you, Mr. Speaker. The securities industry works hour to hour, minute to minute, day by day. The timelines are tight; things happen now. The troubling report that this minister has referred to was presented six weeks ago. Who knows how many millions or billions of dollars have been traded since then? Why was the Finance minister sitting on this report for that length of time? Who is she trying to protect?

Thank you.

Mr. Hancock: Point of order.

The Speaker: Point of order noted.

The hon. Deputy Premier.

Mrs. McClellan: Mr. Speaker, I guess the allegations have no boundary. I've made it very clear to the Leader of the Opposition that immediately upon receiving this complaint, I responded. I am prepared to table the letter. I read only portions of it to the Assembly, but it is the gist of the letter. I am quite prepared to share that with the hon. member. The Securities Commission continues to operate and operate, I believe, well.

When he talks about sitting on a report, there is a press release . . .

The Speaker: We have a point of order on that particular matter. The hon. leader.

Dr. Taft: Thank you. The letter is one thing, Mr. Speaker. Will the minister table this report in the House immediately? Will she table the report?

Mrs. McClellan: Well, first of all, Mr. Speaker, I think he's looking for reports that I don't have, but I will table the press release – I think I have every right to do this – that states that there are two reports that have been provided to the part-time commissioners, one on February 16 and one on March 21. It states very clearly that the February 16 report addresses the complaints, the March 21 report addresses the responses to the complaints – that is common practice – and that the part-time commissioners will be reviewing both of those reports and making their report to the minister shortly. I am sitting on nothing or hiding nothing.

Dr. Taft: Well, once again, then, if she's sitting on nothing or hiding nothing, to use her words, why won't she table the two reports she's just referred to?

Mrs. McClellan: Well, Mr. Speaker, apparently the hon. Leader of the Opposition doesn't understand. I don't have the reports. The reports are in the hands of the commissioners, who requested those reports. The latest one, March 21: "The Part-Time Commissioners" – I'll read this – "will be reviewing the two Mack Reports and will be making their report to the Minister shortly." When I receive that report, I will respond.

The Speaker: The third Official Opposition main question. The hon. Member for Edmonton-Manning.

Temporary Foreign Workers

Mr. Backs: Thank you, Mr. Speaker. Unemployed Alberta tradesmen and apprentices, aboriginals, youth, underemployed immigrants, and displaced farmers are all out of luck. They have all been incredibly shortchanged by this government's push to bring in you're-deported-if-you're-late three-year temporary foreign workers. The first 680 are already on their way. The instrument being used is the employer-dominated convenience association CLAC, which this government recognizes as a union. To the Minister of Human Resources and Employment: given that the Canada/Alberta agreement spreads the okay to all companies in the region if only one gets approval to hire temporary foreign workers, will this government rescind any approvals to date until all unemployed Albertans and Canadians are put to work?

Mr. Cardinal: Of course, Mr. Speaker, that's a very similar question that I got, I believe, Monday, Tuesday, and Wednesday now. It is an important question. Employment of Albertans is important because that is our top priority. Employment of Canadians is important; that is still our top priority. Employment of the other people mentioned is our top priority. But I want to address one issue, and that is in relation to who does the approvals in relation to foreign workers coming into Canada or Alberta: the federal Liberals. It's the federal government. The federal government controls the temporary foreign workers program, and if you have concerns about the administration of that program, you should contact the federal government.

The Speaker: The hon. member.

Mr. Backs: Thank you, Mr. Speaker. A supplementary to the same minister: given that the Treaty 8 chiefs of northern Alberta after a unanimous resolution called this government's temporary foreign worker policy, quote, explosive, unquote, will this government withdraw its support for this policy and put real resources behind training aboriginal Albertans?

Mr. Cardinal: Mr. Speaker, of course, when you're dealing with the First Nations, for example, they are, I know for a fact – I used to be the MLA for that particular part of the province at one time – tired of living in poverty. They want to participate in the economy in Alberta and other areas of Canada. The only way to eliminate poverty is by creating jobs, and that's not easy sometimes. But the jobs are there in that particular region. That is why our provincial policy is to ensure that if an industry is looking for employees, Albertans be given the first opportunity, which includes the aboriginal people and Canadians.

Mr. Backs: A second supplementary to the same minister, Mr. Speaker: will this government stop foreign labour recruiters from

promoting to Alberta contractors the 18,500 recently fired employees of the Venezuelan national oil company and, instead, push to get qualified Albertans and Canadians actually working?

1:50

Mr. Cardinal: Mr. Speaker, I think only the Liberals would micromanage private companies when it comes to hiring.

The concern you mention, of course, again relates to the federal government's approval process. I think I filed in the House the other day the process these private industries have to go through in order to get foreign workers into Canada and into Alberta, and you can be assured it's a complicated and costly process, and it is not a top priority for the companies. It's not the top priority for the employees. It's definitely not a top priority for our government either.

The Speaker: The leader of the ND opposition, followed by the hon. Member for Cardston-Taber-Warner.

Police Service Investigation

Mr. Mason: Thank you very much, Mr. Speaker. The Edmonton Police Service is now conducting a criminal investigation into Edmonton's two daily newspapers resulting from the publication of police radio transcripts of a stakeout at the Overtime bar. This criminal investigation was launched in response to three complaints, at least two of which originated from within the police service itself. The EPS decision to pursue the Edmonton media for exposing police wrongdoing raises important questions. My question is to the Solicitor General. What policy does this minister propose to prevent police services from conducting investigations in pursuit of their own political interests?

The Speaker: The hon. minister.

Mr. Cenaiko: Well, thank you very much, Mr. Speaker. The issue that the hon. member brings forward is the fact that there is an investigation, the allegation is that of a criminal nature, and the criminal investigation is being handled by the Edmonton Police Service. Whether it was in regard to the information leaked or utilized through the *Journal* or through the *Sun* or whether it was information that was leaked regarding any other investigation, it's the breach of the laws that is being investigated, and it would be improper to really discuss the investigation itself.

The Speaker: The hon. leader.

Mr. Mason: Thank you very much, Mr. Speaker. Why does the Solicitor General refuse to recognize that in publishing the police radio transcripts, the news media performed a valuable public service and should not in turn be targeted by police?

Mr. Cenaiko: Mr. Speaker, I agree with the member in the fact that the media have a tremendous role to play in providing information to all Albertans and all Canadians, for that matter. One of the issues in this case is the fact that there is respect of the freedom of information and protection of privacy over the police radio system. That's one of the areas at issue.

The Speaker: The hon. leader.

Mr. Mason: Thank you very much, Mr. Speaker. If this is indeed a legitimate investigation and given that the Solicitor General

himself read and commented on the Overtime police radio transcripts, does this not now make the Solicitor General an accessory after the fact?

Mr. Cenaiko: Hundreds of thousands of Albertans out there read that same newspaper article, Mr. Speaker, so I really can't answer that question. I can tell you, though, that as the Edmonton Police Service receives any allegation of criminal investigation, they have to conduct an investigation to determine if in fact the allegation has any merit to it before they proceed with meeting with the Crown's office.

The Speaker: The hon. Member for Cardston-Taber-Warner, followed by the hon. Member for Drayton Valley-Calmar.

Taxation Policy

Mr. Hinman: Thank you, Mr. Speaker. Alberta has been leading the way in tax relief for big business and the corporate world because it understands the burden and drain on the economy of taxes. I believe Alberta is also leading the way with its fair flat tax and higher personal exemption of \$14,500; however, on the 29th of January, 2001, Premier Klein promised Albertans that the only way taxes are going in this province is down. In the 2002 budget provincial taxes were raised by \$541 million. Most of those tax increases are still in place today. Will this government fully reverse these tax increases in this our centennial budget? To the hon. Deputy Premier.

Mrs. McClellan: Mr. Speaker, there will be a budget in this Legislature in the very near future. In fact, I would be pleased to share with the House now that our intended budget day is April 13. At that time I would anticipate that all of those questions that the hon. member has raised will be deliberated.

The Speaker: The hon. member.

Mr. Hinman: Thank you. Will this minister take another major step forward to boost the economy here in Alberta by removing the burden and drain on the income of all hard-working Albertans by eliminating the health care premium tax and raising the basic person exemption to \$20,000?

Mrs. McClellan: Well, Mr. Speaker, first of all, I would ask the hon. member to just take some time prior to our budget deliberations to review what personal exemptions are in all 10 provinces and territories in this country. I think he would quickly find that not only are Alberta's personal exemptions the highest; we treat the spousal exemption much better, much differently than other provinces.

As far as a commitment, as I indicated, we will have a budget speech in this House on the 13th. We will have the required and appropriate days to deliberate that, and I look forward to the hon. member getting into that debate.

The Speaker: The hon. member.

Mr. Hinman: Thank you, Mr. Speaker. I will ask the minister one other question. Will this government put the people of Alberta first, ahead of government and big business, in their centennial budget and resume its proper role as we go forward into this next century to serve and protect the freedoms of Alberta rather than tax and grow the branches of government by adopting a plan to increase . . .

The Speaker: Hon. member, there are about four questions now.

Mr. Hinman: . . . per capita funding to local government, thereby allowing them to reduce the mill rate, stimulating the strengthening and growing . . .

The Speaker: The hon. Deputy Premier.

Mrs. McClellan: Well, Mr. Speaker, I really look forward to the hon. member participating in the budget debate because I think he's got a good part of his speech on that particular section written. It will be very good, I think, to have that debate and that dialogue. But, again, before we enter into that, I invite the hon. member to become very well informed about the considerable tax advantage that people who work, live, and raise their families in this province enjoy today. It is envied across the country. There's no question about it.

Mr. Speaker, we have as a government and under the leadership of our Premier long stated that a good fiscal environment, that a competitive tax environment would indeed speed up economic growth. This province is sure evidence that good tax policies, good fiscal policies work.

The Speaker: The hon. Member for Drayton Valley-Calmar, followed by the hon. Member for Edmonton-Mill Woods.

Automobile Insurance Rates

Rev. Abbott: Thank you, Mr. Speaker. On February 18, '05, the Minister of Finance asked the Alberta Automobile Insurance Rate Board to review premiums for compulsory auto insurance. I understand that today a response has been issued by the board supporting voluntary reductions that insurers are filing. My questions are for the Minister of Finance. What improvements will drivers see to their auto insurance premiums with the changes now being requested by industry?

Mrs. McClellan: Mr. Speaker, in fact I do have a news release which I will be pleased to table at the appropriate time for tablings in the House from the Automobile Insurance Rate Board. As I indicated to the hon. member opposite yesterday, I expected to have a response to this in the next day or two. Well, today we do have that response.

What the Automobile Insurance Rate Board informs all of us is that a number of companies, representing at least 50 per cent of the business in the Alberta market, have filed for premium reductions. They range from 4 to 7 per cent, and they will take effect between April 1 and July 1. Other insurers have also indicated that they intend to file as well. So for our insured public this means, I think, very good news and certainly rate reductions.

The Speaker: The hon. member.

Rev. Abbott: Thank you, Mr. Speaker. My first supplemental to the same minister: does this action go far enough? I mean, is this what was recommended by the Automobile Insurance Rate Board?

Mrs. McClellan: Mr. Speaker, the rate board does comment in its news release on that specifically, and with your permission I would just read a very brief sentence. This is from the board chair.

With major insurers voluntarily reducing premiums on average in line with the board recommendation, it's not necessary to mandate

reductions . . . At this time the board is recommending the minister accept reductions that are voluntary and reflect the individual positions of insurers, rather than mandate reductions.

So for this present time I will accept that advice.

The Speaker: The hon. member.

2:00

Rev. Abbott: Thank you, Mr. Speaker. My final supplemental to the same minister: will all drivers, including commercial drivers, see these reductions?

Mrs. McClellan: Well, Mr. Speaker, these reductions apply to private passenger vehicle policies below the grid, which is about 80 per cent of the market. I think that is certainly what we expected to see.

The Speaker: The hon. Member for Edmonton-Mill Woods, followed by the hon. Member for Calgary-Hays.

Protection of Children Abusing Drugs

Mrs. Mather: Thank you, Mr. Speaker. Private member's Bill 202 has raised the hopes of parents across the province because it would provide them with a tool to parent their children who are experiencing a breakdown and abdication of their lives to a chemical. The government has recently stated that it will not support this bill with the legal backing it requires. My question is to the Minister of Children's Services. Given that this bill is not receiving the support that it needs, what are this ministry's plans to help parents aid their drug-addicted children?

The Speaker: Hon. members, this bill is still before the House. It's still in the process of being dealt with. We don't know what the resolution of the House will be with respect to this. The question is very premature.

Hon. member, go to your supplementary.

Mrs. Mather: To the Minister of Justice: given that the problem of crystal meth and other drugs has existed for years in urban and rural areas, why is this ministry claiming this bill has come too quickly?

The Speaker: Once again, this bill is still the property of the House. It's before the House. It hasn't been dealt with in the House yet. I think it's premature again.

Go to your third question, hon. member.

Mrs. Mather: To the Minister of Children's Services: given that this ministry is charged with the protection of children in Alberta, is there an intention to work towards receiving government support for the intention?

The Speaker: The hon. minister if you wish.

Mrs. Forsyth: Thank you, Mr. Speaker. I can let the hon. member know that the government of Alberta and the Ministry of Children's Services support all children who are in need. I think that reflects back on the PCHIP legislation when it hit this House as a private member's bill many years ago and then became a government bill. I can tell the hon. member that this minister supports the intent of the bill as do many members who are sitting around, and we'll look forward to the debate.

The Speaker: The hon. Member for Calgary-Hays, followed by the hon. Member for Edmonton-Glenora.

Protection of Personal Information

Mr. Johnston: Thank you, Mr. Speaker. While not frequent, we do hear about public information entrusted in the hands of government making its way to the public. My first question is to the Minister of Restructuring and Government Efficiency. Given recent vulnerabilities identified federally and ongoing concerns about the security of private information, what are we doing to ensure that the Alberta government computer systems are safe from attack?

Mr. Ouellette: First and foremost, Mr. Speaker, the government of Alberta places a high priority on protecting the privacy rights of Albertans. There are a number of measures in place to reduce risk. These include policies and standards, building a training and awareness program, designing a security architecture, and monitoring security attacks against our systems.

Over the last year there have been marked security improvements; however, it would be foolish to ever think any computer is invincible. The key is to stay one step ahead by continually changing and improving our computer systems and educating our workforce. We accomplish this in part by being one of the only jurisdictions in Canada to have information technology staff devoted exclusively to privacy protection.

The Speaker: The hon. member.

Mr. Johnston: Thank you, Mr. Speaker. My first supplemental is again to the same minister. What steps are we taking to protect personal information?

Mr. Ouellette: The government of Alberta is a leader in the development of information technology standards for personal information protection. In fact, its privacy design standards won an international award in 2003. We've just introduced a new privacy planning tool which gives ICT project teams for all ministries recommendations and advice on how to protect personal information at the earliest stages of project planning. This new tool, which includes an online questionnaire, is intended to be used by every ministry for all ICT projects. The new privacy planning tool has been almost two years in the works, and I'm confident that it will prove to be yet another successful project contributing to an effective, efficient government of Alberta.

The Speaker: The hon. member.

Mr. Johnston: Thank you, Mr. Speaker. My final question is again to the same minister. Recently, March 15 of 2005, the office of the Information and Privacy Commissioner issued a news release warning that newer digital photocopiers and fax machines pose a security risk when returned at the end of their lease. How is the government responding to this latest risk?

Mr. Ouellette: This is a relatively recent discovery within the last year, Mr. Speaker, and I'm pleased to say that the Alberta government is out in front of it. In fact, it was my ministry that first contacted the Privacy Commissioner to advise that this might be a problem. Since the discovery my ministry has now made it standard practice to ensure that all hard drives and memories are removed from the digital photocopiers and fax machines prior to returning these machines to the vendors. I'm pleased to report that in its news release the office of the Information and Privacy Commissioner singled out the Alberta government's actions against this potential security threat as a good example for other organizations to follow.

The Speaker: The hon. Member for Edmonton-Glenora, followed by the hon. Member for Whitecourt-Ste. Anne.

Fatality Inquiries

Dr. B. Miller: Thank you, Mr. Speaker. Good governments have a reputation for being open and transparent. Unfortunately, this government does not. Now they are proposing government policy intended to seriously limit the role of the public in supposedly public fatality inquiries. My question is to the Minister of Justice. Can the minister justify the rationale behind prohibiting members of the media and others such as advocacy groups from being invited to participate in supposedly public fatality inquiries?

Mr. Stevens: Well, Mr. Speaker, yesterday there was second reading with respect to amendments on the fatality inquiries legislation, and part of those amendments dealt with a provision which would define interested parties for those that have a direct and substantial interest. The role of the media in this public inquiry process is to attend and to report; in other words, to report the news with respect to this event. Parties who are interested parties or persons under the legislation have an opportunity to participate by having counsel asking questions, assisting in defining the scope of the inquiry. In my estimation, that is not the role of the media in a typical situation.

The Speaker: Hon. members, I'm not sure if this bill is before the House today or tomorrow, but if it is before the House, the purpose of question period is not to debate bills.

Proceed, hon. member.

Dr. B. Miller: To the same minister: was the role of the media in previous public inquiries what prompted the change in direction of government policy?

The Speaker: Once again, now, we've got a bill before the House, and the purpose of question period is not to debate the bill. That's why we have an agenda for that.

So, hon. member, proceed with your third one.

Dr. B. Miller: Well, it's not up today.

The Speaker: Well, I'm sorry. It's before the House.

Hon. member, proceed with your third question.

Dr. B. Miller: Okay. The third question: can the minister explain to this House and explain to the members of the media who are asking the question – so it has some urgency – why this government is closing another door? Why is this government closing another door to open and transparent government?

Mr. Stevens: Mr. Speaker, this question relates to something that is a public inquiry. It is open to the public. The public have the opportunity to attend. They can sit in and witness what is going on. They can report what is going on. There is absolutely nothing in the suggestions that we have put forward by way of amendment that in any fashion is going to impact upon the ability of the media or members of the public to sit in that courtroom and observe what is going on.

The Speaker: The hon. Member for Whitecourt-Ste. Anne, followed by the hon. Member for Edmonton-Strathcona.

2:10

BSE Testing

Mr. VanderBurg: Thank you, Mr. Speaker. The BSE crisis has taken its toll on Alberta's producers. Producers are certainly feeling it in my constituency, in Whitecourt-Ste. Anne. This past weekend I met with some very confused and frustrated farmers. They explained to me that the gold standard BSE testing in Canada is more sensitive, even as sensitive as 15 times that of what's used in the United States. My question is to the Minister of Agriculture, Food and Rural Development. If our beef industries are so linked, why are we not using the same standard of testing?

The Speaker: The hon. minister.

Mr. Horner: Thank you, Mr. Speaker, and thank you to the hon. member for the question because it is somewhat of a confusion point amongst a number of our producers. I'd like to point out that the gold standard test that the member mentioned is a confirmatory test. In other words, we have preliminary tests that we do, and in both countries those preliminary tests are using the same methodology. So on the preliminary test we are the same, but on the gold standard test both countries are using testing standards that have been developed by the World Organisation for Animal Health, the OIE. On that basis, the guidelines allow for some variations on the gold test standards in the lab, but it would appear that both testing procedures will give you the same result.

Mr. VanderBurg: Well, then, given that Alberta exports 75 per cent of Canada's beef, why is there not an Alberta solution to this issue?

The Speaker: The hon. minister.

Mr. Horner: Thank you, Mr. Speaker. As I said in my previous response, the guidelines are set out by the World Organisation for Animal Health, or the OIE. Because we are trying to make sure that all of our science is transparent and be recognized in the world as following transparent science in relation to testing, that's the test that we follow. In addition to that, in Canada it's the Canadian Food Inspection Agency that directs BSE testing and ensures that all of the labs are conducting BSE testing at the same high standard.

Mr. VanderBurg: Well, given that Alberta and most provinces import beef, then, from the U.S., will the minister press the Canadian Food Inspection Agency for a review of testing standards with the intent to harmonize the standard that's used in both Canada and the U.S.?

The Speaker: The hon. minister.

Mr. Horner: Thank you, Mr. Speaker. Again, as I said earlier, we are following OIE testing guidelines as is the United States, but as the member rightly points out, we are an integrated marketplace in North America. It would be beneficial if we were working from the same playbook, as it were, using similar protocols. I know that the CFIA is aware of these differences in the testing protocols between our two countries, and they are, as part of our ongoing negotiations with the U.S., working on harmonizing those protocols as well as other issues as it relates to trade.

The Speaker: The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Lethbridge-East.

Opening of Alberta Office in Washington

Dr. Pannu: Thank you, Mr. Speaker. The Alberta government's hypocrisy is as blinding as the American Fourth of July fireworks display. If Ottawa gets within a country mile of provincial jurisdiction, the Tory caucus howls, yet this government feels free to track mud all over Canada's jurisdiction. Yesterday the Premier made a series of comments about Canadian foreign policy on issues ranging from missile defence and weaponization of space to oil drilling in the Alaskan wildlife refuge. My questions are to the Minister of International and Intergovernmental Relations. Given the Premier's comment on missile defence yesterday, is it this government's position for Alberta to have an independent foreign policy?

Mr. Stelmach: Mr. Speaker, the Premier yesterday attended the opening of our Washington office, which is collocated in the Canadian embassy, and had commented on various questions that arose with respect to federal policy. He made it very clear that although these are his own personal feelings, much of this rested either within the federal government jurisdiction or the American government.

The Speaker: The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. Again I ask the minister: is the Premier's attack on Canadian foreign policy on foreign soil a prelude to this government planning to announce a unilateral declaration of sovereignty?

Mr. Stelmach: Mr. Speaker, someone has to speak up for Alberta's interests, and the best person to do that is the Premier of this great province of Alberta.

Dr. Pannu: Mr. Speaker, given the fact that yesterday's trade office opening, dismally planned by the man earning \$450,000 a year, was held during the Easter break, when much of the Washington press corps was in Texas, will the minister share with this House exactly what the Premier's ghost town junket is accomplishing for the taxpayers?

Mr. Stelmach: With glee. Mr. Speaker, let me clarify the opening preamble, another mistake on behalf of the hon. member. About two months ago we actually issued a press release with all of the costs of opening the office in Washington. The salary of our envoy is that of a senior official within government, and it's within the \$250,000 range with all of the expenses, not the \$450,000 that the hon. member mentioned. The cost of the office – the start-up costs, staffing, two other people – is roughly \$1 million, and that's what's been budgeted. Any other payments made to any other official, including our envoy, will be duly recorded and presented in this House in our annual reports. So I suggest that they read at least the press report, that we were very open with the total costs of opening the office, and they're nowhere near what the hon. gentleman has talked about.

The Speaker: The hon. Member for Lethbridge-East, followed by the hon. Member for Wetaskiwin-Camrose.

Medication for Seniors

Ms Pastoor: Thank you, Mr. Speaker. A report released today by the University of Lethbridge found that approximately one-third of residents in 24 long-term care facilities in Alberta had received

psychotropic drugs in the last two years. Last week when I raised the issue of medication for seniors, according to *Hansard* the minister passed the buck to the physicians and directed me to take it up with them. My question is to the Minister of Health and Wellness. Given the findings of this report and given that this minister is responsible for the health care system, what is the minister doing to ensure that these drugs are being used appropriately and only when necessary?

The Speaker: The hon. minister.

Ms Evans: Thank you, Mr. Speaker. The intent of comments made previously was to note that if guardians or families of persons in care are concerned about the prescriptions, they should check with the physicians. The physicians are responsible for prescribing the drugs.

But let me further expand on some of the issues surrounding accountability. The health region has mechanisms to monitor the appropriate use of medications. The Pharmacy and Therapeutic Committee, comprised of physicians, psychiatrists, pharmacists, and other health care professionals, develops clinical guidelines to ensure the appropriate use of all medications. These research findings that have been illuminated by the hon. member opposite will be reviewed by the committee. I'd say, further, that the region is implementing a number of additional practice guidelines to ensure appropriate use of medications.

The Speaker: The hon. member.

Ms Pastoor: Thank you. My supplemental question to the same minister: how does the minister explain the findings of the report that less than half of some psychotropic drug prescriptions had the accompanying documentation on why the drug was being used?

Ms Evans: Mr. Speaker, in the review I think that some of the detailed answers, such as the question that the member opposite is asking, will come to light, and I'd be prepared to comment at the time that we hear further from the committee.

The Speaker: The hon. member.

Ms Pastoor: Thank you, Mr. Speaker. To the same minister. Given that last reply, I would like one more thing for you to think about. Given that the report recommends further research, is the minister prepared to invest department resources into finding out exactly why seniors are being prescribed so many psychotropic drugs?

2:20

Ms Evans: I think the hon. member has made a very valuable suggestion. We can certainly look at that in terms of the increased and improved quality of care in long-term care facilities. With the Minister of Seniors and Community Supports we are working together to try and improve not only the continuum of care for those fragile elderly that need our support but to examine all aspects of drug use. Perhaps it's premature to say, but we are embarking on a further detailed examination of how drugs are used generally by seniors with a view to expand their learning about the appropriate use of drugs, not only those prescription drugs but those off-the-shelf drugs that frequently are prescribed as alternative therapies to seniors.

Thank you very much.

The Speaker: The hon. Member for Wetaskiwin-Camrose, followed by the hon. Member for St. Albert.

Protection of Personal Information

(continued)

Mr. Johnson: Thank you, Mr. Speaker. A constituent has informed me of a situation where a municipality is considering a bylaw that would require pawnshops to provide client information to the RCMP as part of an effort to reduce crime involving stolen goods. My first question is to the Minister of Government Services. Does the minister have any concerns about this as it pertains to Alberta's privacy legislation?

The Speaker: The hon. minister.

Mr. Lund: Thank you, Mr. Speaker. All businesses within the province have to operate under the protection of personal information and privacy. As such, the operations have to only collect information that is necessary for them to continue operating their businesses, and if they collect that information, they have to be very, very careful how they store it and who they give it to.

I would be very concerned if a municipality was passing a bylaw that would require all of the customers to give the information that seems to be implied by the proposed bylaw because if they're collecting from all customers, then in fact they may be collecting information that is unnecessary and may be violating a person's privacy.

Mr. Johnson: My supplemental question is to the same minister. What should pawnshop owners or other businesses do if they are being asked by the police to disclose information about their customers?

Mr. Lund: Well, Mr. Speaker, under the legislation there is the ability for businesses to give information to law enforcement agencies. However, once again, it is very specific. The police force or whatever law enforcement agency it might be could be operating under the provincial legislation, or they could be operating under the federal legislation. They would have to determine that. In any case, it would have to be very specific for the investigation of an incident. So I would really caution any municipality that's considering doing this that they be very familiar with the personal information protection legislation.

Mr. Johnson: My second supplemental question is to the Solicitor General. Even if there were no specific municipal bylaws, can the owners of pawnshops be required to provide police with personal information about their customers?

The Speaker: The hon. minister.

Mr. Cenaiko: Thank you, Mr. Speaker. There's nothing in the province's privacy legislation specific to pawnshops, but as my colleague pointed out, Alberta's personal information legislation does provide the fact that they must disclose information to the police with regard to an investigation. So if it was required during the course of a criminal investigation, the information would have to be disclosed to them.

The Speaker: The hon. Member for St. Albert, followed by the hon. Member for Airdrie-Chestermere.

Physical Activities in Schools

Mr. Flaherty: Thank you, Mr. Speaker. The rising tide of childhood obesity is a threat not only to children's health and the future

of the health system but also to their ability to engage fully in the learning opportunities at school. Many schools are struggling to accommodate the new requirements for 30 minutes of daily physical activity due to the lack of facilities, the lack of qualified teachers, and scheduling difficulties. To the Minister of Education: when will the government provide a solid action plan backed by adequate resources to implement the mandated 30 minutes of daily physical activity recommended by the Learning Commission and subsequently accepted by this government?

Mr. Zwozdesky: Mr. Speaker, obesity amongst children and, for that matter, amongst anyone in the population is a very important issue and one that we're taking very seriously. That is one reason why we have looked at one way of reversing that trend.

In response to the hon. member's question, I did send out a clarification on this issue a week or two ago to all the school boards and school trustees so that it could be communicated to the particular jurisdictions as to how we intend to proceed with the implementation of the required 30 minutes of daily physical activity as part of the school programming, starting in grades 1 through 9 this fall. In response to that, the public so far and the teachers and the parents and so on involved have indicated that it's a good idea to do that. I've also indicated that we would not be asking the day to be stretched or elongated to accommodate it. This will be done within the school day and at this point does not require additional facilities to be built or additional equipment to be bought or anything to that nature.

The Speaker: The hon. member.

Mr. Flaherty: Thank you, Mr. Speaker. The message hasn't got out in St. Albert.

To the same minister: given the commission's clear intention that this activity be integrated into a larger wellness initiative and supervised by appropriately trained educators, why is the minister claiming in this Assembly that everything from recess and field trips to lunchtime roughhousing will fulfill the requirement?

Mr. Zwozdesky: Mr. Speaker, I would ask the hon. member first of all to check with his local school board or school boards for the area that he represents. I'm sure that they've got the communiqué by now. It went out, as I say, a week or two ago.

Specific to his question, I think it's important to realize that in September '06 we will be bringing forward a new health and wellness framework, a new curriculum, as it were, that will take the best of what we are already doing in the school system and adding to it some new initiatives to help improve overall student health and wellness and their overall outcomes.

The Speaker: The hon. member.

Mr. Flaherty: Thank you, Mr. Speaker. Supplemental to the same minister: how can you assure schools and parents that the activities will remain planned, supervised, and safe if indeed recess and lunchtime activities are going to fulfill this requirement of yours, sir?

Mr. Zwozdesky: Mr. Speaker, I indicated in the communication – let's make it clear to everyone – to the school superintendents and to the school boards, who in turn will communicate the message to the teachers, that we're talking about daily physical activity, which in the simplest form can be as simple as bending and stretching and running and jumping and hiking and walking and so on or as complicated, on the other hand, as a full phys ed component, which is in the system now as well.

Now, should a field trip require walking to get to the location, that is a physical activity. Should recess involve some outdoor activity of running around the schoolyard, such as children are apt to do particularly in the younger ages, that too will qualify as will noon hour activities as will after school activities.

The important difference, however, is that we're asking teachers to simply make the explanation, to make the connection with students that what they are doing is a physical activity and alert them to the benefits of that activity.

The Speaker: The hon. Member for Airdrie-Chestermere, followed by the hon. Member for Calgary-Currie.

Border Closure to U.S. Cattle

Ms Haley: Thank you very much, Mr. Speaker. My questions today are to the minister of agriculture. As all members of the Assembly know, the United States border is closed to Canadian cattle. What members may not be as aware of is the fact that the Canadian border is also closed to U.S. cattle coming up here. For the most part that wouldn't matter except in specific cases such as a bull stud, for an example that I have in my riding. He is no longer able to import the Holstein bulls that he requires for his genetic bull stud. My question to the minister is: being that the CFIA said at the end of February that perhaps we could re-examine that, is this being done, and if not, are you as the minister lobbying them to open that border?

The Speaker: The hon. minister.

Mr. Horner: Well, thank you, Mr. Speaker. This is just one of the many issues that is surrounding the BSE issue. I can certainly understand and sympathize with the producers who are suffering from a limited supply of genetics or breeding stock, but, you know, we have to be careful what we ask for. The reason is that the rest of the world is watching what we're doing in Alberta and Canada and across our border.

Throughout the entire process we have been working closely with the U.S. to harmonize our animal disease surveillance regulations. We've been ensuring our regulations are synchronized to make it much easier for other international markets to reopen their borders to North American beef. If we moved ahead without the U.S., I think there could be some very potentially negative ramifications to our other international trading partners, so we have to be careful about that. That could actually delay the border opening further for both countries, and that is a serious concern of ours.

2:30

Ms Haley: Well, my last question, Mr. Speaker, is this: we're asking the Americans to open their border. Is it not time or would it not be appropriate to start showing some good faith here and perhaps start to ease the restrictions of our own border closure?

Mr. Horner: Again, Mr. Speaker, we are working on pushing to reopen the border to our cattle because the science supports it. Likewise, we're working very hard to help the USDA with its legal challenges in that regard. If they're successful, it is going to allow them to implement their proposed rule permitting live young cattle crossing the border. At the same time we are working with the CFIA and the Canadian federal minister to work on harmonizing our regulations on both sides of the border.

To that end, Mr. Speaker, and in answer to the member's question, we are working on making sure that we're doing everything we can to ensure normalized trade relations as soon as we possibly can, but

we don't want to do anything that's going to jeopardize either one of those two things happening.

head:

Recognitions

The Speaker: Hon. members, in 30 seconds I'll call upon the first of seven members to participate.

The hon. Member for Stony Plain.

Jennifer Heil

Mr. Lindsay: Thank you, Mr. Speaker. I rise today to recognize the outstanding achievements of a very special Albertan from the community of Spruce Grove. Jennifer Heil did Alberta proud last weekend when she won a gold medal in dual moguls while competing at the world freestyle skiing championships in Finland.

Mr. Speaker, Jennifer is a shining example of a world-class athlete and a fierce competitor, a true Albertan. She is leading the pack in her sport, and even though she has only been on the world circuit for four years, she has won nine World Cups and is the number one ranked female mogul skier in the world. She is absolutely outstanding, and we will all certainly have our eyes on her next year as she races for gold in the 2006 Olympics in Torino, Italy.

I ask my colleagues to join me in congratulating Jennifer on her outstanding accomplishment. Thank you, Mr. Speaker.

The Speaker: The hon. Member for Battle River-Wainwright.

Mohamed El Mais

Mr. Griffiths: Thank you, Mr. Speaker. It is with great pleasure that I rise this afternoon and recognize the achievement of an extraordinary 6th grader from Calgary. Hailed as Calgary's CanSpell king, Mohamed El Mais won the 2005 *Calgary Herald* CanWest CanSpell regional championship last Saturday.

The final showdown came between Mohamed and runner-up Matthew Fergel, with Mohamed braving the pressure and edging out his opponent in an exciting finale. The win, Mr. Speaker, has earned Mohamed the opportunity to represent the Calgary area at the Scripps Howard national bee in Washington, DC, in May of this year. In addition, Mr. Speaker, the achievement has earned both Mohamed and Matthew the opportunity to compete at the CanWest CanSpell national spelling bee final in Ottawa in April.

We wish both boys the best of luck in the upcoming competitions. Thank you.

The Speaker: The hon. Member for Cypress-Medicine Hat.

Medicine Hat Boston Pizza Royals Hockey Team Foremost High School Falcons Basketball Team

Mr. Mitzel: Thank you, Mr. Speaker. I'm pleased to rise today to recognize two teams from southeast Alberta.

The Medicine Hat Boston Pizza Royals pee wee AA hockey team won the provincial championship this past weekend in Fort Saskatchewan. The Royals, coached by Chad Stadnicki, Kelley Dean, Warren King, and Darcy Haaf, went two and one, losing their only game to St. Paul. In the final game against Fort Saskatchewan and going up 3-0, they fought off a late drive to win the final 3-2. I'd like to congratulate the Royals for their successful season and for winning the championship.

Mr. Speaker, the other team I'd like to recognize is the Foremost high school Falcons basketball team, who won the 1A provincial championship this weekend in Ridge Valley just east of Grande Prairie. The Falcons, coached by Garth Van Gaalen and Cole Dixon, went three for three, beating Hay Lakes in the first game,

Ridge Valley in a close game in the second, and blowing away the team from Lundbreck in the final with good defence and pressure, winning 79-50. I'd like to congratulate the Foremost Falcons for their successful season and for winning the provincial championship.

Thank you.

The Speaker: The hon. Member for Leduc-Beaumont-Devon.

Team Martin

Mr. Rogers: Thank you, Mr. Speaker. It gives me great pleasure to rise today to recognize some exceptional Albertans.

Last weekend two Edmonton-based rinks, skipped by Randy Ferbey and Kevin Martin, squared off in the final of the Canada Cup. Kevin Martin was successful, and not only did he win the Canada Cup but he secured for himself and his team a berth in the upcoming Olympic trials.

On behalf of this House and all Albertans I'd like to congratulate these fine Albertans. Thank you.

The Speaker: The hon. Member for Edmonton-Mill Woods.

Meals on Wheels

Mrs. Mather: Thank you, Mr. Speaker. It is with pride that I ask this Assembly to recognize an outstanding service, Meals on Wheels. Meals on Wheels is a not-for-profit organization that relies on volunteers to provide nutritional meals which promote health, well-being, and independence for their clients.

Volunteers who deliver meals include students gaining work experience, parents with their preschool children, retirees, corporate teams promoting community involvement, ESL students and new Canadians, and shift workers. Meals are heart healthy and diabetic friendly, tasty with generous portions and lots of choice, and are modified to meet individual needs.

This program offers more than just a meal. It offers friendship and connection with the community as well as independence for many housebound clients. Thank you.

The Speaker: The hon. Member for Edmonton-Decore.

Justin Yaassoub

Mr. Bonko: Thank you, Mr. Speaker. I rise today to recognize the achievements of Justin Yaassoub. Justin attends Queen Elizabeth high school and I'm proud to say is a member of my constituency of Edmonton-Decore.

Justin was recently recognized as one of this province's Great Kids award recipients. Justin's involvement ranged from the Bright Nights festival, Food Bank volunteer, DARE program mentor with the Northmount elementary school, raising money for his renaissance program for the school, tsunami fundraising for the Red Cross, as well as involvement with the political process in the last provincial election and with the campaign as well.

I'd like Justin to receive one of the centennial medallions that we're able to hand out to distinguished Albertans. I'd like Justin to rise with his father, Ali, to receive the traditional warm welcome as well and be recognized.

The Speaker: The hon. Member for Edmonton-Calder.

Promotion of Peace

Mr. Eggen: Thank you, Mr. Speaker. I rise today to recognize several groups in Alberta whose goals and demands are echoed across the globe.

On Saturday, March 19, peace activists around the world took part in rallies, marches, and other public protests to wage peace against the illegal and aggressive policies of the Bush administration around the world and particularly in Iraq. I took part in the rally and the march that was organized by activists here in Edmonton as part of a global day of action. Similar activities have been organized by groups such as CANDIL, Canada Democracy and International Law in Calgary, and the Wetaskiwin Citizens for Peace.

Right here in Edmonton there are a number of groups who deserve recognition for their efforts to promote peace. These groups include the Edmonton Coalition against War and Racism, Project Ploughshares, and the U of A Coalition against War and Racism.

This week saw the sad occasion of the second anniversary of the American invasion of Iraq. The war in Iraq, which was wholeheartedly supported by the Conservative government, has led to the deaths of tens of thousands of soldiers and civilians. Thank you.

head: **Presenting Petitions**

The Speaker: The hon. Member for Edmonton-Manning.

Mr. Backs: Thank you, Mr. Speaker. I have a petition here from some good Albertans from Drayton Valley, Newbrook, Vegreville, Alder Flats, Chestermere, Redwater, Morinville, Spruce Grove, and Stony Plain calling on the government to

prohibit the importation of temporary foreign workers to work on the construction and/or maintenance of oil sands facilities and/or pipelines until the following groups have been accessed and/or trained: [underemployed] Albertans and Canadians; Aboriginals; unemployed youth under 25; under-employed landed immigrants; and displaced farmers.

The Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Speaker. I have also a petition, signed by 104 Albertans. This petition reads:

We the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government of Alberta to prohibit the importation of temporary foreign workers to work on the construction and/or maintenance of oil sands facilities and/or pipelines until the following groups have been accessed and/or trained: Unemployed Albertans and Canadians; Aboriginals; unemployed youth under 25; under-employed landed immigrants; and displaced farmers.

Thank you.

2:40

The Speaker: The hon. Member for Edmonton-Rutherford.

Mr. R. Miller: Thank you, Mr. Speaker. I, as well, rise today to present a petition containing 103 names, and the petition reads:

We the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government of Alberta to prohibit the importation of temporary foreign workers to work on the construction and/or maintenance of oil sands facilities and/or pipelines until the following groups have been accessed and/or trained: Unemployed Albertans and Canadians; Aboriginals; unemployed youth under 25; under-employed landed immigrants; and displaced farmers.

Mr. Speaker, these 103 names are comprised of mostly citizens of Calgary but also many from Lethbridge and other areas in southern Alberta.

Thank you.

The Speaker: The hon. Member for Edmonton-Decore.

Mr. Bonko: Thank you, Mr. Speaker. I would like to submit this petition with regard to the undersigned, approximately 106 signatures here of people who would “prohibit the importation of temporary foreign workers to work on the construction and/or maintenance of the oil sands facilities.”

head:

Introduction of Bills

Bill 35

Employment Pension Plans Amendment Act, 2005

Dr. Brown: Mr. Speaker, I request leave to introduce Bill 35, the Employment Pension Plans Amendment Act, 2005.

This bill will allow private-sector pension plan members better access to information and more transparency. In addition, it gives the superintendent of insurance more effective ways of ensuring that their funds are secured and that the plans are properly funded and liquid.

Thank you, Mr. Speaker.

[Motion carried; Bill 35 read a first time]

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I'd move that Bill 35 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

head:

Tabling Returns and Reports

The Speaker: The hon. Deputy Premier.

Mrs. McClellan: Thank you, Mr. Speaker. I have actually four tablings. I'll be quick. The first is the Automobile Insurance Rate Board news release that I spoke to earlier today.

The second is the report on premium redundancy, which I received from the Automobile Insurance Rate Board and which I have referred to in answering a number of questions.

Next, Mr. Speaker, I would like to table a copy of a press release from Alan D. Hunter, QC, who is counsel for part-time commissioners, regarding the Securities Commission discussion.

Finally, Mr. Speaker, I would table the required number of copies of the letter that I referred to earlier that I wrote to the members of the Alberta Securities Commission, requesting their investigation and advice.

Ms Evans: Mr. Speaker, I would like to table the requisite number of copies of responses to the hon. Member for Edmonton-Centre relative to questions in question period yesterday, essentially identifying that private CT and MRI clinics are not part of Alberta's public health care system. Questions about safety and value are medical issues, and we rely on the College of Physicians and Surgeons to determine the appropriate use of this technology. So I have those.

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

Mr. Horner: Thank you, Mr. Speaker. I wish to table the annual report of the Livestock Identification Services Ltd., which incorporates the Brand Act, the Livestock Identification and Brand Inspection Act, the Livestock and Livestock Products Act, and the Stray Animals Act, and their associated audited financial statements for the year ended March 31, 2004.

The Speaker: The hon. Minister of Government Services.

Mr. Lund: Thank you, Mr. Speaker. I have the required copies and wish to file the Freedom of Information and Protection of Privacy annual report 2003-2004.

The Speaker: The hon. Minister of Advanced Education and Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I have the honour today of tabling the requisite number of copies of a unanimous House leaders' agreement relative to two items for the Standing Orders.

The first is relative to an agreement with respect to the Members' Statements and Recognitions which would give effect to an agreement whereby the current Members' Statements and Recognitions would be replaced by a new agreement for six members' statements per day, two minutes each, apportioned in accordance with the schedule attached to the agreement.

The second relates to Motions Other than Government Motions to be heard on Monday evening, such that one motion would be heard each Monday evening, debated for up to 60 minutes with five minutes for close, and then moving to government business thereafter. If a motion was dealt with earlier than the 60 minutes, it would automatically move to the government business thereafter. So the House leaders' agreement provides for those two changes and purports to come into effect immediately. In fact, it says it comes into effect on March 21.

So in tabling this document, there are two things I would like to point out to the House. First, I would want to request unanimous consent to putting into effect the changes proposed by the House leaders' agreement, copies of which the House leader of each party has and the independent member has, and secondly to address the issue of having it come into effect on April 4 rather than on March 21 as stated in the agreement. I think all members would agree to that. I would point out one error in week six and seven of the table, where numbers have been transposed, and I've corrected the numbers on the filed copy. It doesn't change the overall allocation other than to correctly give the third party an allocation where one hadn't been given, but it doesn't change the overall numbers.

So I'd ask, Mr. Speaker, if we could have unanimous consent for the House leaders' agreement to be put into effect effective April 4.

The Speaker: Hon. members, all of the documentation with respect to parliaments' historical citations and notations can be given by the chair with respect to this matter, but the chair is going to make comment before we proceed on this matter today.

The chair has indicated on several occasions that it is a positive step when House leaders can agree on how the business of the Assembly is to be conducted. I'm not sure if all members of the House have seen this agreement, and it's very difficult to deal with something that members haven't seen, so I'm going to sit down now at this point and see that the document be circulated to all members. Pending that, we'll recognize the hon. Minister of Infrastructure and Transportation.

Dr. Oberg: Thank you very much, Mr. Speaker. I'm rising today to table the requisite number of copies of the memorandum of understanding for the entry of temporary foreign workers for projects in the Alberta oil sands, specifically referencing the fact of details of comprehensive plans to ensure that available and qualified Canadians are made aware of the employment opportunities in the project and have an opportunity to apply. I would really ask the members

in the Legislative Assembly before they ask questions on matters such as this that they actually read the agreement.

The Speaker: The hon. Member for Edmonton-Calder: tabling returns and reports.

Mr. Eggen: Thank you, Mr. Speaker. I have several documents to table today, each of which is in protest of the recent dismissal of one Don Hill, who formerly hosted the *Wild Rose Forum* on CBC Radio. I'm tabling the appropriate number of copies, number one, of a news article by Penney Kome, dated Monday, March 7, 2005; number two, an open letter from Bev Muendel-Atherstone; and, number three, a second open letter, this one from Bob Ware and Diana Hobson, who are key organizers for The Friends of Don Hill campaign.

Thank you.

The Speaker: The hon. Member for Edmonton-McClung.

Mr. Elsalhy: Thank you, Mr. Speaker. I rise today before you and this esteemed Assembly to table, with permission, the appropriate number of copies of letters I received electronically from five concerned citizens of this province all expressing their support for a total smoking ban in public places. The first is from a Mr. Rob Virgil, and it's a copy of a letter that he wrote to the Premier urging him to show some leadership in this area and support a total ban; the second one is from Garry Dewar, and it's a copy of a message that he sent to the hon. Minister of Health, again supporting a total ban on smoking in public places; the third is from a Dr. Kate Reed, who is a physician, emphasizing the risk of second-hand smoke; the fourth is from a Ms Lois Kelly, who disagrees with allowing bars, casinos, and bingos to have smoking; and the fifth is a similar one, from a Ms Linda McGeachy, voicing similar concerns with bars, bingo halls, and casinos and supporting a full smoking ban in public places.

Thank you.

2:50

The Speaker: The hon. Member for Edmonton-Rutherford.

Mr. R. Miller: Thank you, Mr. Speaker. I rise today to table the appropriate number of copies of correspondence to my office from a constituent by the name of Gloria Spooner, who is a teacher assistant at Ellerslie Campus North, and she's raising some serious concerns she has regarding what she perceives to be the lack of a coordinated distribution system of information and equipment resources for special needs students in the province.

Thank you.

The Speaker: The hon. Member for Edmonton-Manning.

Mr. Backs: Thank you, Mr. Speaker. I'm pleased to rise in this House and present five copies of a letter from the Minister of Human Resources and Employment to one of his constituents outlining the policy with the Alberta/Canadian agreement on temporary foreign workers and indicating that relevant construction unions must be consulted before a permit is issued.

Also, I'd like to present five copies each of five letters protesting the temporary foreign worker policy of the government.

Thank you.

The Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Speaker. I have one tabling today, which is a document from Enron Wholesale Services' legal department. It's a monthly report, November 2000, and it is a synopsis of significant transactions and matters.

Thank you.

The Speaker: The Government House Leader on a point of order.

Point of Order

Allegations against a Member

Mr. Hancock: Thank you, Mr. Speaker. Earlier in question period today there was a question raised by the hon. the Leader of the Opposition to the Minister of Finance, and I'm rising under Standing Orders 23(h), 23(i), and 23(j).

Citation 23(h), Mr. Speaker, indicates that a member will be called to order "if, in the Speaker's opinion, that member makes allegations against another member." Under 23(i) it requires that the "member be called to order by the Speaker if, in the Speaker's opinion, that member imputes false or unavowed motives to another member" and (j) "uses abusive or insulting language of a nature likely to create disorder."

Now, Mr. Speaker, I'm of a mind in raising this point of order, which I raised during question period, to also advise the Minister of Finance that she might consider raising this matter as a question of personal privilege. Under *Beauchesne's* 64, "the House has occasionally taken notice of attacks on individual Members," and if you look at other sections of *Beauchesne's* on pages 19, 20, and 21, it reflects on the integrity of a member, and it's clear from *Beauchesne's* in that context that castigations of the character of a member do impugn a member's ability to carry out their duty. I think the aspersion that was cast this afternoon is of such a significant nature that I will in fact be having a discussion with the Minister of Finance with respect to whether she should raise a question of privilege.

But I thought it was appropriate to at the earliest possible opportunity raise the point of order under 23(h), (i), and (j) because in the questions – and I even hesitate to repeat the allegation – centring around allegations that had been made with respect to the chair, I believe, and executive director of the Securities Commission – I believe that was the context – and allegations made with respect to their conduct, which the Minister of Finance had indicated she had referred appropriately for investigation, the hon. member asked: what is she trying to hide or who is she trying to protect? The words I wrote down were: "Who is she trying to protect?"

Now, in that context, Mr. Speaker, in the context of allegations – and I don't know what the allegations were, but they're obviously of a serious nature with respect to a body which is an independent commission to oversee the effect of our securities market in this province. Allegations of that nature are so serious as to go to the integrity of the person being addressed, and this question was posed in a manner in which it was very clear: "Who is she trying to protect?"

That is an allegation which if it was made outside the House might well be the substance of a lawsuit. It ought not to be made inside the House. I think it is so serious, Mr. Speaker, that I think the hon. member should be admonished now, and I would encourage or at least I would talk to the Minister of Finance about whether she should bring a question of privilege.

The Speaker: The hon. Member for Edmonton-Gold Bar on this point of order.

Mr. MacDonald: Thank you very much. Mr. Speaker, I rise and on behalf of the hon. Member for Edmonton-Riverview withdraw that remark and apologize to the entire Legislative Assembly.

Thank you.

The Speaker: Hon. members, one of the traditions here is that if comments are withdrawn and sincere apologies are offered, the matter is generally dealt with. The Government House Leader is quite clear that the statement that was attached – and this is not paraphrasing; this comes from the Blues – “Why was the Finance Minister sitting on this report for that length of time? Who is she trying to protect?” clearly would have violated all of our rules, all of our traditions, all of the historical precedents, and there would have been no alternative but to find the appropriate ruling that it was a question of order. Whether or not anything else transpires is subject to the future.

head:

Orders of the Day

head:

Government Bills and Orders Second Reading

Bill 13

Railway (Alberta) Amendment Act, 2005

The Speaker: The hon. Minister of Infrastructure and Transportation.

Dr. Oberg: Thank you very much, Mr. Speaker. I'm certainly pleased to move second reading of Bill 13, the Railway (Alberta) Amendment Act, 2005.

Mr. Speaker, this fairly short bill does three very important things. In the past there have been significant disagreements between railways and road authorities over the maintenance of rail crossings. The act currently provides a mechanism for resolving these disputes over the cost of construction of the actual road crossing; however, there is no mechanism that deals with the ongoing maintenance of the particular crossing. Bill 13 corrects this oversight and basically states that either party, either the railway or the municipality, can now apply to the Land Compensation Board for a ruling.

Under this bill disputes over construction costs will also be heard by the Land Compensation Board. They're currently being heard by the Surface Rights Board, and in reality the Land Compensation Board is a better board to deal with it as they're the ones that typically deal with costs. The Land Compensation Board has indicated that it will do this.

Bill 13 also sets out a 30-day time limit to appeal decisions made by the provincial railway administrator. What has been in place up to this point is that there has been no time limit on the appeal, so an appeal could occur six months to six years afterwards. This now sets it up for a 30-day time limit, again, which seems to be very consistent.

So, Mr. Speaker, there are only relatively few things that are done with this bill. It is a very important bill. I'll just put a plug in for short-line railways. They're very important to the future of this province, and I see a huge future for short-line railways in this province.

With that, I would like to move second reading of Bill 13, the Railway (Alberta) Amendment Act, 2005.

The Speaker: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much, Mr. Speaker. I have a number of concerns about this Railway (Alberta) Amendment Act, 2005.

I've given it two potential other names: the Alberta Apprenticeship of Duddy Kravitz or Government Planes, Trains, and Automobiles.

On the surface Bill 13 appears rather innocuous, much like the barely exposed tip of an iceberg in Canada's arctic waters. Bill 13's changes appear to be of the grammatical variety, changing or to and as well as spelling out the powers of the operator of the railway, the road authority, and the Land Compensation Board to resolve disputes arising from land acquisition rights where railways cross roads, this resolution to take place, as the hon. member, indicated within 30 days.

3:00

My concerns lie primarily with section 30, number 6 on the second page, which outlines the minister of transportation's role in making regulations affecting the Surface Rights Board and the Expropriation Act. Viewed in isolation, this act appears to facilitate land disputes. The other side of this Janus coin has to do with the government-sanctioned potential land grab. Whether given the season of Easter or in my role as opposition infrastructure watchdog, I'm going to play the role of a doubting Thomas and enter into speculation of the land variety. If my speculations come even close to the truth, then the value of Alberta muskeg is about to go through the roof.

While I do not normally engage in conspiracy theorizing, when you start to connect the dots, a pattern emerges which becomes a railroad-to-riches map leading to Fort McMurray. A number of questions have to be asked, the answers to which are currently cloaked under FOIP declarations. For example, what was Rod Love, who was a private consultant for a company promoting a rail link to Fort McMurray, doing on a government plane which flew to Fort McMurray the same week in which the Premier later floated the plan of a proposed railway to Fort McMurray? Was this chance circumstance, star alignment, or is the government back in the business of being in business, that it claims to have abandoned?

Unanswered question 2 has to do with another floated trial balloon. Is this an extension of the roads for royalties or a type of railroads for royalties spinoff? This wouldn't be the first time that a government regulation enriched government members and their connected Conservative supporters at the taxpayers' expense. In 1992 when Rick Orman reduced royalty levels by two-thirds, a number of government-seated MLAs, who were later referred to as Tory oil, benefited directly by the reduced royalties they had to pay on their gas and oil leases.

Is the royalty rail or road link to Fort McMurray already a done deal? Will it follow in the tracks of an already existing northern railway, or has an alternate route already been surveyed and staked? Has the land necessary already been purchased by a government-friendly P3 company in anticipation of being awarded a nonbid government contract?

Is the purpose of this act to give the minister the power of expropriation of the remaining parcels of land, which reluctant muskeg managers have refused to part with? How arm's length is the Land Compensation Board from the Alberta government? Is its arm's length longer or shorter than the supposedly independent Alberta Energy and Utilities Board, which receives 60 per cent of its operating budget from the private industry over which it sits in judgment? With other funding coming from the government, is it any wonder that in over 97 per cent of the cases the EUB rules in favour of private oil and gas drilling interests against the wish of affected public intervenors? Will this independent Land Compensation Board simply rubber-stamp government land expropriation grabs and decide on the level of compensation based on government connections and dictates?

Will this next in the long line of private ripoffs at public taxpayers' expense P3 projects be announced this summer during the beer and barbeque days, outside of this House's sitting, like so many other decisions made by this government, behind closed caucus doors?

Is this the Alberta government's muskeg equivalent of the Trans-Siberian railroad, or could it possibly be that on the issue of the Railway (Alberta) Amendment Act I'm simply off track? [interjections] Mr. Minister, if I could specifically have your attention because this is the most important of the questions.

If either or both of these road or rail projects proceed, will this minister commit to an open and accountable bidding and financing process?

I look forward to the minister of infrastructure's direct responses to my multitude of questions.

The Speaker: The hon. Member for Calgary-Currie.

Mr. Taylor: Thank you, Mr. Speaker. I think I'm going to be somewhat shorter in my concerns. I know that gets some people on the benches opposite rather excited, that I should say I'm going to be short, but anyway.

Amendment 7 states that appealed presentations must be made within 30 days. I heard what the minister said and certainly appreciate his comments that the appeal period as it sits now is quite lengthy, and that's probably not fair, but I wonder whether 30 days is fair either. It's not a very long time, I don't think, for a person to put together adequate representation if they did wish to file an appeal on this. So my recommendation, should this come up for an amendment in committee study, would be that the appeal period be at least 60 days.

That's the sum total of my concerns on this bill, Mr. Speaker. Thank you.

The Speaker: The hon. Member for Edmonton-Decore.

Mr. Bonko: Thank you, Mr. Speaker. If we remember our history, what an accomplishment the railway is. It connected our country from coast to coast. In bringing forward Bill 13, the question that comes to mind is: who's going to benefit from this bill? What provisions within this bill allow for the landowner to appeal after the 30-day decision with respect to the railway?

As farmland becomes more and more important in this country, it becomes a very real concern. Railways do carry goods of many values and for a variety of purposes and industries. Dangerous goods might be a concern, especially with travelling past towns, municipalities, and rich farmland. Is this where the bill could provide dispute resolutions for the landowner? If not, who is he or she to go to if they're not happy with the cleanup and the costs incurred with the cleanup?

Is this where it begins and ends: access and compensation? When does access for the purpose of advancement outweigh the rights of the landowner, in many cases generational landowners whose land remained clean and undisturbed? Creosote is a means of preserving timbers. It's the first concern of contamination. As a kid it never came out of my clothes. I can imagine the problem with soil contamination. Is this the part of the bill that would help the landowners and farmers reach resolve?

What about fires? When dry conditions occur in this province, which they do on a regular basis – you need only check the *Farmers' Almanac*; it's a reference that's been around for a hundred years, and it was a regular publication in my grandparents' house. If sparks occur when travelling past or going through towns or rich farmland and a fire is caused, who pays? How does one prove this?

These may be a stretch, but they are very real concerns, Mr. Speaker. Thank you.

The Speaker: The hon. Member for Edmonton-Calder.

Mr. Eggen: Thanks, Mr. Speaker. I rise this afternoon to speak some qualified support for Bill 13. I believe that it is an indication that there is in fact some movement toward building railways in Alberta, and I think that this is something that's long overdue. We had a much more extensive railway network in the past in this province, and by forces that were not entirely looking, I think, at the best interests of Albertans, a lot of that railway has in fact been torn up over the last 20 years.

As we move into this next century, it's important for us to look for alternate transportation systems and systems that are giving us the most efficient use of energy and land as well. So a railway does qualify in both of those categories, and I think we would be well suited to make those sorts of choices in favour of railways in the future.

I do have some reservation, though, as I said before. You know, it just seems that there's a bit of a speediness built into this Bill 13 whereby, as the previous members have mentioned, there is a 30-day limit on being able to appeal railway crossings. Now, I know from my own personal experience that railway crossings in rural areas can be problematic and certainly potentially dangerous. As well, the question of maintenance, be it through erosion or snow removal or other forces, over time does in fact become an issue. Perhaps that might not become readily apparent to the residents in the area until a period longer than 30 days might arise. So, you know, it does put pressure on people living adjacent to railway crossings to actually make that appeal on a faster basis. Then, of course, when a new railway line is coming through, again this is going to be potentially problematic.

3:10

I think one of the things we are looking for in the future here is to have less level crossings across railways. Indeed, that's part of a viable and useful railway line in the future. But we do have to look for all of the ensuing problems that are associated with that. Railway lines for extended lengths without level crossings do have the problem of cutting communities and dividing communities with long stretches of track. You know, I just hope that we can be assured that Bill 13 is not rushing in the favour of some future railway project that will come across our path very quickly but, rather, that it's just a useful and practical tool, I suppose, for building railways in Alberta.

The Speaker: Hon. members, if I call on the hon. Minister of Infrastructure and Transportation, that will close debate at this point of reading. Any hon. member wishing to participate?

Then the hon. Minister of Infrastructure and Transportation.

Dr. Oberg: Thank you very much, Mr. Speaker. To everyone who commented, thank you very much. All the creative alliterations, the mixed metaphors, and the scintillating similes will certainly be sent to the presidents of the four major short line railways in Alberta – I will make sure of that – so that they can respond directly to the hon. members who made those statements.

With that, Mr. Speaker, I will move the motion on Bill 13, second reading.

[Motion carried; Bill 13 read a second time]

Bill 16**Business Corporations Amendment Act, 2005**

The Speaker: The hon. Member for Calgary-Nose Hill.

Dr. Brown: Thank you, Mr. Speaker. I'm pleased to move second reading of Bill 16, the Business Corporations Amendment Act, 2005.

The Business Corporations Act of Alberta came into effect in 1982, and it's not been substantially amended since 1987. The proposed amendments to the Business Corporations Act will allow Alberta's legislation to keep pace with those in other jurisdictions, and in particular it will help to harmonize the Business Corporations Act of Alberta with the federal counterpart, the Canada Business Corporations Act.

Some of the proposed changes in the bill would allow greater use of electronic technology to facilitate shareholder and director participation in the governance of the corporations. For example, shareholders will be able to participate electronically in shareholder meetings, and directors will also be able to indicate their approval by electronic means.

In addition, the major thrust of this legislation is the enhancement of shareholder protection. One example of this: adding the power for the court to require directors to disclose any profit or gain from corporate contracts. Secondly, directors would be required to comply with the new expressed due diligence provision, and that requirement would require directors to exercise their powers with the care, diligence, and skill that a reasonable, prudent person would have exercised in comparable circumstances.

The legislation also provides various strengthening of the accounting procedures and the accounting accountability for corporations. For example, if an accountant is disqualified by virtue of having shares in that corporation, they would no longer be able to act as the auditor of the corporation. Secondly, a corporation would be required to state, if they do replace their auditor, the reasons for replacing their auditor. In addition, the auditor would be allowed to comment on the reasons for the corporation's dismissal of the auditor.

There are also expanded disclosure requirements for directors and officers, and that would include any interest in material transactions as well as the material contracts.

The amendments would also enhance Alberta's act in a number of ways which would encourage corporations to incorporate here in Alberta. Some examples of these changes would be that proxy forms would only need to be sent in with a notice of meeting when the corporation has more than 50 shareholders. Financial statements of a corporation need not be tabled at the inception of a corporation until they have finished their first financial year.

Thirdly, only 25 per cent of the directors would need to be resident Albertans compared to 50 per cent at the present time, and that would bring us into conformity with the federal legislation, the Canada Business Corporations Act, which also only requires 25 per cent of their directors to be residents.

It would also cure certain inconsistencies and inefficiencies in rules regarding takeovers.

These amendments, Mr. Speaker, would allow for the first time the incorporation of unlimited liability corporations in Alberta. Currently Nova Scotia is the only jurisdiction which allows the incorporation of unlimited liability corporations, and these unlimited liability corporations are of special interest presently in Canada because of the preferential tax treatment in the United States. In the United States unlimited liability corporations are accorded a special tax treatment, and in effect they are treated as partnerships. Here in Canada they would be treated the same as any other corporation however. So there will be no net loss of revenue to the Alberta

government. This would allow American corporations a more tax-friendly method to conduct business here in Alberta.

In addition, unlimited liability corporations would provide certain advantages in terms of borrowing because the shareholders of unlimited liability corporations would stand fully behind the liabilities and obligations of the corporations unlike the normal limited liability corporations, which, of course, shelter directors and shareholders from any liability.

In summary, Mr. Speaker, our legislation as well as introducing a new business vehicle in terms of unlimited liability corporations will support the government of Alberta's policy to enhance the province's reputation as being a business-friendly jurisdiction. It would also incorporate more businesses to participate in the Alberta advantage. In addition, there are significant new safeguards for shareholders included in the legislation, and this will enable shareholders to have greater confidence when they invest in Alberta corporations.

Mr. Speaker, this concludes my remarks in moving second reading of Bill 16, the Business Corporations Amendment Act, 2005.

The Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Speaker. It's a pleasure to rise and participate in the debate about Bill 16, the Business Corporations Amendment Act, 2005, as presented, and I listened to the hon. member with a great deal of interest. Certainly, these are noteworthy goals that the hon. member is promoting with these amendments: shareholder protection, new safeguards for shareholders.

These amendments are possibly a result of some of the unsavoury practices that have been going on across the border in America. We see WorldCom. We see the former executive – Ebbers? I should know the name, but it's escaped me. We need to ensure that investors have confidence in our regulatory authorities. That's only one spectacular corporate failure and scandal in America. Enron is certainly another one, and we all know and we're all astonished at the implications of Enron's failure even here in this province, Mr. Speaker. We have to restore confidence in the whole issue of corporate governance and the accounting profession, and hopefully this bill will do that.

3:20

But one must be very careful. These are detailed changes to the act, and we're going to have to have a close look at these amendments, and hopefully it is legislation that we can support. We on this side of the Assembly certainly have to look at this in detail. I don't know what sort of consultation has been done by the government in regard to the drafting of this bill. I would only think that it has been extensive. We're going to have to do some research on this issue over the break, and I look forward to further discussions in the Assembly in regard to this.

In conclusion, if this bill is what the hon member stated, then it is an improvement, certainly when you look at the number of years that have passed since there was an amendment to the Business Corporations Amendment Act.

At this time, Mr. Speaker, I would adjourn debate on Bill 16. Thank you.

[Motion to adjourn debate carried]

Bill 22**Animal Protection Amendment Act, 2005**

The Speaker: The hon. Member for Drayton Valley-Calmar.

Rev. Abbott: Thank you, Mr. Speaker. It's a pleasure for me to rise today and move second reading of Bill 22, the Animal Protection Amendment Act, 2005.

As I outlined when I introduced this bill, Mr. Speaker, it will update and strengthen the legislation to apply to anyone causing distress to an animal. It will help prevent animals from becoming distressed, and Bill 22 will provide protection for those who report an animal in distress. It also requires a person who is responsible for an animal to provide adequate food, water, shelter, and other essentials. Those who properly care for their animals are protected under this legislation.

Mr. Speaker, the Animal Protection Act was enacted in 1967 and applies to all animals in Alberta, including livestock, companion, research, and zoo animals. The last major amendments to the act were made in 1988 and 1989. The expectations of Albertans toward the care of animals have changed over the last decade, and we are proposing changes to the legislation to meet these expectations. Albertans who are responsible for the care of animals in our livestock, research, education, and entertainment industries or institutions also recognize that expectations of animal care have progressed and that updates to our current legislation are necessary.

Mr. Speaker, we consulted with Alberta's livestock industry, provincial humane societies, municipalities, and other stakeholders in drafting these amendments. In fact, I'd like to thank former member for Leduc, Albert Klapstein, who led a review on this issue.

Last year the government of Alberta distributed a discussion paper to gather feedback from stakeholders on required changes. All of the input was taken into consideration when drafting this bill. The proposed changes strengthen the current legislation, that already effectively deals with animals in distress.

The duties of a person who is responsible for an animal will now be included in the act. This will help prevent animals from becoming distressed. It will also give peace officers the ability to deal more effectively with abandoned animals. Further clarification as to when an animal is in distress is also included in the bill.

In addition to protecting animals in Alberta, Mr. Speaker, we will also protect those who legitimately report animals in distress. The opposition members may call this whistle-blower legislation. This legislation will be strengthened to ensure that no action can be taken against any person who reports the distress of an animal to a peace officer unless, of course, it is done maliciously or without reasonable or probable grounds. Anyone who follows reasonable and generally accepted practices of animal care, management, husbandry, hunting, fishing, trapping, pest control, and slaughter will be protected from action under this act.

Mr. Speaker, Alberta is a leader in animal protection, and these amendments will help ensure that both the welfare of animals and those who take proper care of their animals are protected in our province. I would urge all members of this Assembly to give Bill 22 their full support.

Thank you.

The Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you very much. It's a pleasure to rise and speak on Bill 22, the Animal Protection Amendment Act, 2005. In discussions about this bill earlier, it certainly is legislation that I would solidly endorse. I would like to thank the hon. Member for Drayton Valley-Calmarr and staff from Agriculture, Food and Rural Development for their time in providing a brief in regard to this bill. I appreciate that.

The Animal Protection Act is being changed because of the problems that exist on farms, unfortunately, throughout Alberta. The changes are a result of increased food costs and the inability of

some farmers to take care of their animals. Farmers are stuck in a very bad situation with BSE. It's totally out of their control, and unfortunately there have been cases of some neglected animals. This act will provide tools to peace officers, give them the ability to rescue animals before they become further distressed.

Under the previous act it's been stated that the peace officer had to wait until an animal was in a state of distress before he or she could rescue it. This act provides officers the opportunity to use their judgment on whether an animal will become distressed and take it in to protective custody, I guess we could call this, before any further deterioration may occur.

This bill also puts more responsibility on all animal, livestock, and pet owners, not only farmers but pet owners too, so that they will have to properly take care of their animals. In conversations that have been recently held with the director of enforcement for the SPCA, that director stated that in recent years with the fall in value of livestock they are finding a few cases, some cases, where animals are being left without proper care – no feed, no water, et cetera – and this bill is the result of a need to aid those abandoned animals before they become distressed.

[Mr. Shariff in the chair]

Certainly, I can only think of a former researcher with the Official Opposition who has gone on maternity leave. One would visit her office and you would see posters, not photographs but posters, of various cats and dogs and calendars with cats and dogs on them. This researcher was very respectful of animals, and I think that if I was not to support this legislation, I would hear from that individual.

With that, Mr. Speaker, I think it is time that we consider this legislation. I certainly hope all members of the Assembly will support the hon. Member for Drayton Valley-Calmarr in this legislative proposal.

I would like to remind all members of this Assembly that these certainly are troubling times for some Alberta farmers, and we need good oversight to ensure that the animals are not getting harmed either through neglect or any form of abuse. Since the price drop in cattle and diversified livestock on game farms, there have been, unfortunately, as I said, some cases of neglect. There have been more animals in distress, and the peace officers involved should be able to immediately react to a situation or a perceived situation of coming distress before the animal is harmed.

This bill will change the previous legislation to provide more powers to peace officers so that they can perform their duties to protect animals. As I understand it, Mr. Speaker, the SPCA does not foresee large changes in their enforcement measures. Even with their new powers they believe that they will be able to react quicker. As I understand it, they are in support of amendments to the act, and so am I.

In conclusion, if we looked after our pets and we looked after our farm animals, there would be no need for this amendment, but unfortunately there are some situations where that does not happen. Again I would ask all hon. members of this Assembly to consider these amendments.

Thank you.

3:30

The Acting Speaker: The hon. Member for Edmonton-Caldar.

Mr. Eggen: Thanks, Mr. Speaker. I rise this afternoon as well to speak in favour of Bill 22. I think that it's important that we stay, here in this province, on the same track as other jurisdictions across

the country in regard to animal protection legislation. Indeed, you know, I think it's in a larger sense a positive thing any time that we reach out to other species that we share this province with. In fact, it enriches our own lives as well. So I applaud the breadth of this potential legislation, and with perhaps a couple of exceptions, as I say, I think that we can support it.

I think that one issue that is apparent with this more extensive legislation is that anyone who is causing distress to animals may be prosecuted as opposed to just the owners. I think that that is a very useful thing in the current state of our agriculture, with a lot of feedlots proliferating across the province. That gives us just a greater breadth, being able to prosecute people who are mistreating animals.

Including hunting, fishing, trapping, and pest control under the exceptions to the rule, I think, is probably somewhat appropriate as well. The extended ability for peace officers to seize an animal in this legislation is very appropriate.

Again, we've seen some horrific situations. Sometimes it's a combination of larger problems we see across the province with animal neglect on farms, where some farmers have given up the ghost, so to speak, on their ability to run solvent operations. Nonetheless, the results of some of these abuses to animals are quite horrific. So, you know, if we have something stronger in place, I think people might think twice before they leave their animals to starve in the winter and such things that we've seen in the last few years here in the province.

I believe that the farmers and animal rights activists and pet owners and all sorts of individuals across the province who are stewards and have a vested interest in the welfare of animals would be accepting this potential legislation, and I would like to stand behind it as well.

Thank you.

The Acting Speaker: The hon. Member for Edmonton-Decore, followed by Calgary-Varsity.

Mr. Bonko: Thank you, Mr. Speaker. I rise in support of Bill 22 as it reads, the Animal Protection Amendment Act, 2005. The purpose for this is, obviously, as it says, to provide protection for the animals.

I consider myself to be an animal lover, whether it be for personal use or whether it be for the means of farming or ranching. Game ranching may be the cause or a concern with regard to who is the loser in this particular case. When we look at game ranching, do we talk about the animal or the owner? What about elk velvet farms? In order to be able to get the velvet, one needs to be able to get the antler. Is this painful for the animal, and who is in distress? I would think so, but then, again, I'm not the animal. How would we address this particular concern with regard to being able to harvest a particular aphrodisiac for consumption? When the animal is in distress, would this act address this particular piece?

When we refer to section 10, Mr. Speaker, a peace officer may without warrant enter during business hours. We realize that the abuse doesn't normally take place during business hours. It takes place at all times of the day. Will this act be able to prevent such a thing? I don't know, but it certainly is worth raising a question for. Not everything occurs during the daytime hours, as I said, and I hope that this will provide more teeth because some zoos are being able to operate and have been around for many, many years.

One such zoo has been around. I'll refer to it as GuZoo. It operates here within Alberta, and it's very unfortunate, but this GuZoo has been around for a long time. It has been raised in

question period by opposition members for many years now. In fact, I'm holding up a decaying carcass picture here that was taken at the GuZoo. Is this the method in which the animals are fed, off each other, or is this something which the bill will prevent happening: decaying, rotting corpses out there?

Mr. R. Miller: Will you table that picture?

Mr. Bonko: I will do that. Not today, but I will do that.

Elk running in decaying corpses as well as water holes not fit for human consumption, let alone animals. Wolves, which are in fact supposed to be in the wild, are in captivity with filthy water conditions and no shelters. We have pictures at GuZoo with oxen, which like to have it cool and be able to graze, but unfortunately there's nothing in this legislation or in this farm that allows for that animal to be able to seek such refuge with regard to shelter and/or water.

So these are just a couple of questions. I wanted to know if this bill would protect. In fact, that's why I raise this GuZoo. This has been allowed to operate and allowed to fly under the radar of this government for many, many years. I hope this, in fact, is raised and is certainly addressed within this sitting. I'm hoping it will provide the SPCA with more teeth as well as more special constables in the way of funding. Zoocheck Canada is an advocate which I'm sure will be watching and listening with great intensity as this debate continues and this bill continues to slide through further readings.

These are just a few comments that I have today, Mr. Speaker.

The Acting Speaker: Standing Order 29 kicks in. Any questions for the hon. member? The hon. Minister for Agriculture, Food and Rural Development.

Mr. Horner: Yes, Mr. Speaker. I just had a question for the hon. member in terms of game farming, whether he supports the practice or whether he does not support the practice of game farming.

The Acting Speaker: The hon. Member for Edmonton-Decore.

Mr. Bonko: Thank you, Mr. Speaker. I think with the line of questions that I've had up to this point, it's quite clear that not only my opinion but the opinion of my caucus is that we do not support game farming as it's not sustainable.

The Acting Speaker: Any other questions?

The chair recognizes the hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much, Mr. Speaker. I rise in support of this bill. I realize that might cause some confusion across the way, but I am concerned about animal abuse. I hope that there will be an amendment during the committee stage that would address the need for more enforcement officers, given the extent of the problem of animal abuse in this province.

There have been a couple of very sad cases of animal abuse that I don't believe were intended. There was one particular case where the rancher was so ill that his wife was otherwise involved in caring for him, and unfortunately no one in the community knew that their animals were starving. This was not deliberate abuse, but possibly through enforcement officers we could have further eyes and ears out in the community that could intervene and not only help the ranchers but help their animals through no fault of their own.

Another problem that rural ranchers have experienced with the closed border and the advent of BSE and chronic wasting disease is

the foreclosures: the fact that they can't afford to keep their ranches. Their farms are being foreclosed at a very sad rate. What happens is that groups then take over the responsibility. When a bank forecloses on a ranch, there are potentially hundreds of animals dependent on the upkeep. Obviously, we've had this example of hundreds of animals dying because of an apparent feed mix-up. So it's rather important that when these animals are taken away from their owner, there's an appropriate mechanism to provide for their safety and feeding, and it looks like this piece of legislation will go a long way to addressing it.

Another concern I have is with regard to pet owners who by training animals, either by intent or by neglect, turn these animals into vicious beasts, basically. What happens as a result is that certain breeds get a bad reputation, but the problem more often applies to the owner's treatment rather than to the breed's characteristic. So, hopefully, some larger dog breeds will get a break, and it will be their owners that are put on the end of a government leash rather than the animals themselves.

3:40

The Acting Speaker: Standing Order 29. Any questions?

The hon. Member for Calgary-Currie.

Mr. Taylor: Thank you, Mr. Speaker. I want to go on record as supporting my colleague from Calgary-Varsity in his call for a way to bring more enforcement officers on stream.

As we've discussed this bill – and in many respects I think this is a very good bill proposing some very good amendments – it does seem to focus on the troubles on the farm these days and the need to protect farm animals. I certainly do not want to downplay that, but I want to expand it and extend it a little bit if I can, please, to the protection of animals in urban areas, to pets primarily, obviously, and I want to bring it back to this issue of the number of enforcement officers that SPCAs around the province have at their disposal.

There are a couple of issues, actually. One is if an animal is being abused or neglected. Neglect is easier to prove, I would argue, than abuse is unless you catch the act of abuse as it is happening, and I'll bring up an example of that in a second. There's that issue. Then, of course, once you've removed the animal for its own protection, what do you do with it if you don't have appropriate facilities to look after the animals?

Those are both issues, I think, within the city of Calgary. Last year I became aware of a story of an incident in the city of Calgary involving some bad neighbours in a particular community. There had been quite a lot of trouble in the neighbourhood. Quite a lot of neighbours had felt intimidated by these particular people. It eventually came to my attention in the form of a complaint. There were a number of complaints around this individual, but one of the most severe ones – and, certainly, it relates to this bill, Mr. Speaker – was ongoing complaints from people in the community that this individual was abusing his dogs.

As is sometimes the case when we're dealing with abusive people and people who would abuse their animals, this particular individual seemed to be rather tuned in to knowing how to get away with his crime. So he might abuse the animal while the neighbours were witnessing this, but by the time the enforcement officer could get there, everything appeared to be fine. The animals in question were rather large dogs, and this individual, as the story was told to me by a number of different sources, was very good at abusing, intimidating, torturing, working the dog up into an emotional frenzy without leaving any obvious physical scars, so when the enforcement officer would show up, there would be no grounds on which to lay a charge. There would be no hard evidence.

The problem comes in that the humane society obviously wished to take action against the individual but couldn't catch him in the act because they only have, I believe – and I could be a little off and a little out of date in my figures – two enforcement officers for the city of Calgary. For a city of a million people and Lord knows how many million pets – dogs and cats and fish and birds and gerbils and ferrets all put together – two enforcement officers to look after all of that and all those complaints.

The other issue from a Calgary point of view, from an urban point of view, again involving the Calgary Humane Society, is a shortage of space in which to shelter the animals that they do seize or the animals that are turned over to the Humane Society. The Humane Society has been working, Mr. Speaker, for a number of years on trying to get bigger, newer, better facilities. Of course, the issue there is funding and being able to come up with the funding, and thus far they've been unable to do that. Although they have funding initiatives in place, they do not have the money yet, as I understand it, to go ahead and build a facility of the size that they need.

Bill 22, the Animal Protection Amendment Act, 2005, is I think very, very good as far as it goes. But I wonder if it might be possible, Mr. Speaker, to take it a little further and take into consideration as we get into committee study some of the urban issues, perhaps, that exist as well, or more specifically although it may not be exclusive to the urban experience, issues around the abuse and neglect of animals who are kept as pets rather than kept as livestock. Just a little more attention paid to that.

One other concern, if I may, Mr. Speaker, on this bill that I would like to talk about in perhaps a little more detail at the appropriate time, and that's the amendment that would remove the responsibility of the minister to pay the expenses of someone who takes in a distressed animal. I gather that the caretaker, whether it be a humane society or an individual, might be able to require the owner of the animal to pay out before that animal is returned to the owner.

A couple of questions about that. Does this now make the caretaker of the animal in distress responsible for retrieving the money from the owner of the animal? Of course, if the answer to that question is yes – and I don't know that it is – then the obvious follow-up question is quite simply: how is the caretaker going to get paid if the owner of the animal couldn't afford to take care of the animal or animals? That is the sad circumstance that brought these animals into the care of the caretaker in the first place. Will the owner of the animal want the animal returned if they already abandoned it?

So, Mr. Speaker, let me reiterate that I think that overall this is a very good bill, and I'm happy to support it in principle.

Mr. MacDonald: Is this the Rin Tin Tin bill?

Mr. Taylor: Well, you can call it that if you want, hon. member.

Although I'd be happy to support this in principle, when we get to committee study, I think these are some of the areas that perhaps we need to focus on a little bit more. With that, Mr. Speaker, I will close my contribution to this debate and congratulate the hon. member on bringing it forward.

The Acting Speaker: Standing Order 29. Any questions?

The hon. Member for Cardston-Taber-Warner.

Mr. Hinman: Thank you, Mr. Speaker. In general I think we all have the consensus here in this Assembly that we are concerned and care for the proper protection of animals. I guess from a rural aspect, though, I have to look and ask a few questions. The first one would be under section 1(2)(a) where they've expanded it from

“deprived of adequate food, water, care or shelter.” I guess I just have to ask the question: why have we gone on to talk about “adequate . . . ventilation, space, food, water or veterinary care or reasonable protection from injurious heat or cold”? As we expand the list, it seems that we exclude more things, and perhaps it should be added on there inadequate sunlight, improper nutrition, insufficient exercise, or possibly even not sufficient companionship.

I often wonder why we expand, trying to include more when actually we exclude more. Perhaps just an amendment to put something in there for the purpose of this act that an animal is in distress if it is not being properly cared for. It goes back to, I guess, common sense. It seems like with the proliferation of laws and rules and regulations we get burdened down more and more. I guess I'd just like to see that common sense prevails more than words and statutes to try and do something. To me that's the reason why we have a legal system and a judge is to bring people forward that we obviously have a difference of opinion with. Here, on different husbandry practices.

I'm from a rural area. I've got hundreds of deer that live on my property, and I can show you very distressing pictures of how cruel nature is and what goes on in nature. Animal husbandry people are trying to look after them, so I don't think that it's necessarily the job of this government to be running around with policemen and almost wondering if they're pursuing and could take on a bounty-hunting job to go and find animals in distress and thereby be able to collect money from the government or the former owner. I just worry about which direction we're really trying to go here in trying to protect the animals.

I would just hope that as we get into committee, that common sense will prevail, and we'll try to keep it as simple as possible rather than trying to add to it. There are such things where I understand, you know, they're necessary to change from the Lieutenant Governor to the minister, and I appreciate those things.

Thank you.

3:50

The Acting Speaker: Standing Order 29. Any questions for the hon. member?

Does anybody else wish to participate in the debate? The hon. Member for Calgary-Nose Hill.

Dr. Brown: Thank you, Mr. Speaker. My concerns with respect to the bill revolve around the exception provided under the proposed section 2(2) as it relates to hunting, fishing, and pest control. The exception is that reasonable and generally accepted practices of hunting, fishing, and pest control would be excepted from the requirement not to cause distress. The hon. Member for Drayton Valley-Calmar referred to a number of groups with which consultations had been carried out, and those included a number of groups in the agricultural sector and in the animal sector, including the Society for Prevention of Cruelty to Animals. I'm curious as to whether or not sportsmen's groups such as the Alberta Fish and Game Association might have been consulted with respect to the provisions of this bill, the Trappers Association, the aboriginal and Métis communities with respect to the application of this.

My concern is that the definition of reasonable and generally accepted practices of hunting, fishing, and pest control is necessarily going to be interpreted by a court of law, and those reasonably accepted practices could vary according to different circumstances, different parts of the province. For example, in the far north in the aboriginal communities certain practices may be the norm whereas in the more urban areas around Calgary and Edmonton they may not be the norm.

Of course, in the course of hunting, distress is necessarily caused to an animal. I'm wondering how this legislation might apply to bowhunters, for example. Would they be required to use certain types of arrow tips? Would they be required to have a certain power, number of pounds of draw on the bow? Would they be required to accomplish certain standards of marksmanship? All of these would be within the definition of what might be reasonable and generally accepted practices.

So my concern is with respect particularly to how these things might be interpreted and how they might apply to the hunting, fishing, and pest control, as I mentioned, particularly to sportsmen's groups, sportsmen, trappers, and the aboriginal and Métis communities.

The Acting Speaker: Standing Order 29(2)(a), any questions? The hon. Member for Calgary-Varsity.

Mr. Chase: Possibly my fellow hon. member from Calgary could clarify whether it's his interpretation that this bill has sufficient expansion to deal with wild animals – he pointed out examples of hunting, fishing, northern, southern – or is this bill primarily a domestic animal consideration? I'm just not quite sure about the interpretation of this bill. Possibly the presenter of the bill would wish to clarify further.

Thank you.

The Acting Speaker: The hon. Member for Calgary-Nose Hill.

Dr. Brown: Certainly, Mr. Speaker. My reading of the bill is that it is a broad application to any animal to be in distress. That would include wild animals or wild animals kept in captivity on game farms or the like as well as domestic animals. So it is certainly one of very broad application, and that's why I'm concerned, particularly with the nature, the very general wording of the exceptions to causing distress to the animal. As I said, in the normal course hunters necessarily cause distress to an animal when they kill it.

The Acting Speaker: Any other questions?

Anybody else wishing to participate in the debate?

The hon. Member for Drayton Valley-Calmar to close debate.

Rev. Abbott: Well, thank you, Mr. Speaker. First of all, let me just say that we've heard some sad stories today, which I believe shows the importance of passing Bill 22 as soon as possible. I would like to, first of all, thank all members for their input and their suggestions. I also thank them for their support. I've heard a lot of support today, but I've also heard a lot of questions, and I think they're very good questions that the department and I will look into. We will go back and do some research on those, and certainly we will bring some answers forward in our comments when we go into Committee of the Whole. In fact, we will try to incorporate these comments and suggestions as much as possible in the next stage of the bill.

Therefore, I move second reading of Bill 22.

[Motion carried; Bill 22 read a second time]

Bill 14

Student Financial Assistance Amendment Act, 2005

The Acting Speaker: The hon. Minister of Advanced Education.

Mr. Hancock: Thank you, Mr. Speaker. With your permission, I rise to speak to Bill 14 and move it for second reading.

Bill 14 is the Student Financial Assistance Amendment Act, 2005. This amendment act proposes some minor changes to some sections of the Student Financial Assistance Act related to loan limits and regulation-making powers. The three housekeeping amendments proposed in Bill 14 are intended to add clarity and better reflect the current student finance operational practices.

The main amendments are to the section on loan limits. These amendments will help ensure that loan limits allow for some flexibility for extenuating circumstances, clarify ministerial authority, and amend how loan limits are based. As the legislation stands, the Minister of Advanced Education is allowed to establish annual and lifetime loan limits for certain categories of students. The bill proposes deleting reference to categories of students. The concern is that the current wording of this section makes it hard for the Minister of Advanced Education to use discretion, to make the kinds of exceptions that may be required on a case-by-case basis. By taking this reference out, the legislation will have the flexibility to determine how loan limits should be set and whether there needs to be an opportunity for the limits to be exceeded in some exceptional cases.

The second amendment looks at existing wording that says that lifetime loan limits are based on the "outstanding principle amount . . . owed by the student," which essentially amounts to a form of revolving line of credit. That's not the intent of the section. It's not the department's policy. It hasn't been consistent with the practices across the country. So we need to clarify that lifetime loan limits are based on the total aggregate loans received by a student over his or her lifetime.

The final amendment proposes a minor housekeeping change to add clarity to the section on regulation-making powers. We want to clarify that the Lieutenant Governor in Council has the authority to make regulations related to eligibility requirements for financial assistance and the establishment of loan limits, including providing the Minister of Advanced Education with the authority to set loan limits.

Mr. Speaker, Alberta has one of the most generous student financial assistance programs in the country. These amendments will help to ensure that the program remains flexible and responsive to the needs of students. I would just add that these amendments being proposed now are being brought forward in order to clarify the existing student loan regime and bring the legislation up to the practice that we have in place and to make it more flexible.

I would advise the House, as I have on other occasions, that we are doing an affordability review this year. We will be involving stakeholders, students, parents, and others across the province in discussing how postsecondary education can continue to be affordable for students and how finances can be removed as a barrier to advancing an education. This bill is not the bill that's being promised to do that. That is to come, and we're going to do that after a thorough discussion involving anyone who wants to be involved in the discussion. So as we move forward this year, I encourage members of the House to bring to my attention any instances that they've heard of where the student finance system that we have in place now does not assist students or where there are real or perceived barriers to the success of students.

Mr. Speaker, I again indicate that's not the purpose of this bill. This bill is cleaning up what's in place right now. The affordability review is something that will take place over the course of this year and, hopefully, will result in changes, whether they need to be legislative changes or not, at a future session.

4:00

The Acting Speaker: The hon. Member for Calgary-Currie.

Mr. Taylor: Thank you, Mr. Speaker. It's a pleasure to rise today and engage in debate and continue debate on Bill 14, the Student Financial Assistance Amendment Act, 2005.

I guess that I want to start off my contribution to the debate with a question. If we're about to undertake a system-wide affordability review in advanced education in the province of Alberta, then unless the Student Financial Assistance Act is collapsing under the weight of its own flaws, why do we need this amendment act to take care of, by the minister's own admission, you know, some housekeeping, some tidying up of details, especially when some of the tidying up seems to be to bring the law in line with the ministry's practices? Because that suggests that the ministry right now is engaging in practices that are in contravention of this government's own law. Again, I suggest to you that if that's not causing a huge problem, if this affordability review is about to launch, about to begin, you really have to wonder what the urgency of this bill is.

Now, I must admit, Mr. Speaker, that I'm on the horns of a dilemma to a certain extent because, of course, we in the Liberal opposition support making postsecondary education more affordable. That not only includes such issues as affordable tuition and proper base operating funding of our colleges, universities, and technical institutes, which we happen to believe requires a substantial infusion of cash on a regular annual basis over the next few years, but it also includes reducing the debt loads of students. Part of affordability is taking into consideration before that debt load is amassed what the debt load of the student is going to be at the end of four years of university or two or three years of a diploma or applied degree program, something like that.

So in a sense, Mr. Speaker, this bill and this debate on this bill force me to argue against some of the very things that we believe in. But it does that because of another thing that we believe in on this side of the House, and that is that we want to support lifelong learning, lifelong access to education, lifelong access to affordable education. Given the current system, we think that we should be allowing students to receive the maximum allowable lifetime loans, pay all or some of them off, and then return again to school and be eligible for loans again. Well, that's a revolving credit scheme, I guess, because that sounds an awful lot like the way my personal line of credit works.

The minister opposite has made it clear already that this is not what he wants it to be. He does not want it to be a revolving line of credit for students, and that's the goal behind changing from outstanding principal to an aggregate amount that the student may receive during a student's lifetime. The only problem with that, Mr. Speaker, is that the student financial assistance regulation, section 27, itself uses the outstanding principal model of lifetime loan limits rather than the total aggregate amounts received.

So while we talk about wanting to bring what we're doing in this province in line with what other provinces in Canada do, we're also boasting about how generous the student loan program is in this province, and I would submit, Mr. Speaker, that you can't have it both ways. It's got to be one or the other. Either it's the most generous or one of the most generous programs in the dominion of Canada, or else it isn't.

Now, I quote from the regulations, student financial assistance regulation section 27(1).

Subject to subsection (2), a student is not eligible for a loan if that loan would result in the outstanding principal amount of all loans owing by the student exceeding the aggregate loan limit specified by order of the Minister or such higher aggregate loan limit as the Minister directs with respect to that student.

That gets to another issue that the minister brought up, which is his own ability, his discretion, to deal with some students on a case-by-case individual basis and determine extenuating circumstances and

say: okay, in this particular case involving this particular student, I find it advisable to allow for a higher limit than we normally would.

The Student Financial Assistance Amendment Act, 2005, also talks about setting loan limits based not only on categories of students, and the theory behind this apparently is that categories of students make it difficult for the minister to use his discretion.

Now, I'm looking at the student loan limits order, section 1(4), and, Mr. Speaker, if I'm reading this correctly – and if I'm not, I stand to be corrected and certainly would be eager to be corrected, but until such time as I am, I think I'm reading it right – this order I think gives exactly this kind of ministerial discretion. It says:

In the case of a student enrolled in a masters, doctorate or other professional program, the annual loan limits set out in subsections (1) to (3) are subject to any increase the Minister makes on a case-by-case basis . . .

Let me repeat that: "Subject to any increase the Minister makes on a case-by-case basis."

. . . where, in the opinion of the Minister, there are extenuating circumstances that warrant higher annual loan limits.

So I don't know why we need to make this change to the act since it seems that the minister already has the – can I use the term in this House? – "wobble room" that a minister would need in these circumstances. Nobody's called a point of order yet, so I guess we can use the term "wobble room."

So I'm left asking the question: why are we doing this? Are we fixing something that's not broken, or are we breaking something that's not broken? If we are breaking something that's not broken, why are we doing that, to what end, to what purpose?

You know, the borrowing limits established under section 17(1)(b) of the act for the purposes of section 17(2) of the act are \$40,000 in the case of most undergraduate students, \$55,000 in the case of an undergraduate dental hygiene student, \$60,000 for somebody enrolled in a school of chiropractic, \$95,000 for somebody who wants to grow up to be a dentist – gosh, if it costs that much to become a dentist, no wonder every time I get a bill from my dentist and I submit it to our benefit plan, I end up having to pay a little extra, if they're that far in debt before they even start practising – \$75,000 for law, \$95,000 for medicine, and, Mr. Speaker, the list goes on: \$50,000 for optometry and pharmacy and veterinary medicine and most masters degrees except for an MBA. An MBA has a loan limit of \$60,000, a doctorate has a loan of \$60,000, so on and so forth.

4:10

An Hon. Member: How much does it cost to be a talk show host?

Mr. Taylor: Oh, far less than it costs to learn how to be a dentist.

An Hon. Member: I'd like to get on your show.

Mr. Taylor: Mr. Speaker, I'm sorry, but I can't afford to invite anybody to be a guest on my show today, so I will continue with the floor.

The situation here that I would lay out to you is this. You have a son or daughter, and your son or daughter is ready to go off to university and take a four-year undergraduate program, baccalaureate program, which, depending on the program that they're going to take, may or may not result in launching them on what will be their ultimate lifelong career path. But even if it does, there's a very good chance – we all know this – that at some point your son or daughter during the course of their working life is going to want to take a break from work and return to school to upgrade.

Maybe that upgrade is going to be a master's degree. Maybe it's going to be an MBA. Let's say that it's going to be an MBA. Let's say that they've got a four-year undergraduate degree, and some

years down the road they want to go back to school and get their MBA, by which time they may very well be married with children of their own, financial obligations, a mortgage to pay, a loan on the car, et cetera. But they're building their career. They're building their net worth. They're building their family lives themselves.

Now let's say, Mr. Speaker, that your son or daughter is the son or daughter not of a parliamentarian necessarily but of somebody who hasn't been able, or perhaps willing, to afford to send their son or daughter to university and pay the bills themselves. Let's say the circumstances were such that that student has already topped out at \$40,000, the loan limit for undergraduate students. But let's say that they, you know, have graduated, they have gotten a good job, they're on a career track, and they're absolutely diligent about paying back their student loans. So they've whittled the total debt that they've accumulated down significantly, and now they want to go back to university and get their MBA.

If they've paid back the money that they have borrowed from the people of Alberta, why shouldn't they be entitled to go back to the people of Alberta and say, "I want to improve myself, and I'd like your help to be able to do that, and I promise to pay the money back?"

How is that different, Mr. Speaker, from someone going to the bank, borrowing money, perhaps for the first time – I don't know – to buy a piece of furniture for their first apartment and paying it back, going back to that same bank the next time and saying: "I paid that loan back. Now would you give me a loan? I'd like to buy a car?" Then they pay that loan back, and then they go back to the bank, and they say: "Now, Mr. Bank Manager or Ms Bank Manager, I would really like it if you would give me a mortgage, and I promise to pay that back too. But perhaps before I get the mortgage paid off, I might come back to you again and say now I'd like to open a line of credit and borrow against that so I can renovate this house so that this house, in which you have an interest as my creditor, as my lender, as my mortgagor, is going to be worth more to both of us."

So how is it different? You know, we allow people to do that all the time in the private sector, and this government is so enamoured with the private sector that you would think that they would be falling all over themselves to adopt rules and regulations that mirror the private sector.

Mr. MacDonald: They don't like private-sector airplanes.

Mr. Taylor: Well, that's true, but you know that there's an exception that proves every rule, so I guess the airplanes are the exception. So why would this government on behalf of the people of Alberta, albeit with some prodding through the election and the success of the members on the benches on this side of the House, decide to make postsecondary education such a priority that they want to take it off a 12-year starvation diet? Why would they, having made it a priority, now want to make it more difficult for anyone in this province to get an education, especially when they say that access and affordability and excellence in postsecondary education are what they're all about?

I don't think it goes far enough. I think what we should have in this province is the postsecondary equivalent of Alberta's Commission on Learning, K to 12, to undertake a thorough, comprehensive review of the entire postsecondary education system to see what works like a charm, to see what actually stinks out the joint, and everything in between and make the needed changes. The Learning Commission was a big success K to 12. It would be an even bigger success if the government would hurry up with implementing the recommendations they accepted. You know, I think that approach to postsecondary education would be a stroke of brilliance. But failing that, I'll settle for a grade of B or B-minus or C. You know,

that's better than an F, right? So the affordability review is worth, I think, at least a C and perhaps as much as a B if they do it right.

If they're going to do this affordability review – and they've said time and time again that they're going to. They've given every student in the province of Alberta a one-year tuition fee rebate this year while they, from the students' perspective, hold the line on tuitions. From the colleges' and the universities' perspective tuitions continue to go up of course. It's just that the government is paying the increase this year. They've given a one-year break, a rebate, if you will, on tuition while they conduct this affordability review. They talk about this a great deal. So if we're going to do that, then why is any of this necessary? Why is any of this necessary? I'm not at all convinced that it is.

So I won't be supporting Bill 14, Mr. Speaker. I'll be interested to hear what my colleagues and what the members opposite have to say about it, but I'm very skeptical about the intentions of this bill. I think it's unnecessary, and I don't think it would kill this government or the people of Alberta to leave this alone, pending the results of the affordability review.

Thank you.

The Acting Speaker: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you, Mr. Speaker. Bill 14, Student Financial Assistance Amendment Act, 2005. My esteemed colleagues must wonder how it is possible to criticize in detail such a thin gruel piece of legislation as Bill 14. I would suggest that the recipe for success would be to provide greater explanation within the bill in the first place so that I and other members of the opposition, which together represent the majority of Alberta voters in spite of the number of Legislature seats that we occupy, could appreciate the bill's intent.

My first question has to do with section 17(a), which states: "The Minister may, subject to the regulations, establish . . . the maximum amount that a student may receive in any one academic year in the form of loans". This is quite clear in its time period, but doesn't clarify what the maximum is or how the maximum is arrived at. For example, does it take into account local inflation rates? Does it take into account cost-of-living factors such as the difference between housing costs and availability in Calgary or Fort McMurray as opposed to Lethbridge? Do the loans take into account the cost of the particular faculty that the student is enrolled in? For example, medicine and law courses and accompanying textbooks would be considerably more expensive than other faculties.

The (b) portion of section 17 states that the minister may, subject to the regulations, establish "the maximum amount that a student may receive during the student's lifetime in the form of loans." I hope that this province believes in and would not restrict access to lifelong learning. Are loan limits going to be placed on a person's second or third degree, a master's, or a doctorate degree? At what point does a successful student cease to qualify for loans? For example, are loans as available to senior citizens as they are to recent senior high school graduates?

4:20

I also have concerns about the intent of section 22(1)(c), which has to do with "establishing different forms of financial assistance for some or all of the purposes of this Act." There appears to be a number of tiers, or levels, of financial assistance rather than a level playing field. This suggests that the government is recommending a two-tiered, third-way approach to postsecondary financing, which creates a series of different levels of funding.

How are these different levels of loans arrived at? For example, if it is determined that there is a shortage of geologists, students

enrolled in these courses will receive loans at the expense of students, for example, pursuing a fine arts degree. Will that be the case? I hope that this is not the case as it would suggest a brave, new world approach to micromanaging education, which the Alberta government has frequently decried.

I also have concerns about the intent or meaning of the phrase "for some or all of the purposes of this Act." Which is it: some or all? What are some of the restrictions on financial assistance that are different from all for the purposes of this act? To facilitate understanding of the intent of this act, I would suggest that the hon. government members consider either providing more detailed elaboration or consider highlighting the amendment within the larger context of the appropriate section of the bill for further clarification.

Thank you.

The Acting Speaker: Standing Order 29(2)(a). Any questions? The hon. Member for Edmonton-Rutherford.

Mr. R. Miller: Thank you, Mr. Speaker. I would just like to ask my hon. colleague – he referenced in the bill clause 17(b), which indicates that the minister may, subject to regulations, establish "the maximum amount that a student may receive during the student's lifetime in the form of loans." I'm wondering if my colleague is suggesting that perhaps the government has decided that it might not be worth investing in a student who has utilized the maximum financial aid, perhaps paid back their debts in a responsible fashion, and now requires additional support to further their education.

Mr. Chase: Well, you've grasped exactly what I was talking about. I'm a teacher. I've been a teacher for 34 years, and I'm sure hon. members across wish I was still a teacher. I've been engaged in the learning process, basically, for about 50 years of my life either on one side of the desk or on the other side. The idea of lifelong learning and the pursuit of excellence is extremely important to me. The notion that the government would arbitrarily determine at what point education is no longer important or should no longer be funded by the government, that to me is sort of a scary Orwellian scenario.

Did that clarify, hon. member, what you were hoping to hear?

The Acting Speaker: Does anybody else wish to ask a question? The hon. Member for Edmonton-Rutherford.

Mr. R. Miller: I just wanted to clarify that, yes, in fact that was the answer I was looking for. Thank you, Mr. Speaker.

The Acting Speaker: The hon. Member for Edmonton-Calder.

Mr. Eggen: Thank you, Mr. Speaker. I rise this afternoon to speak on Bill 14 with a general sort of supportive attitude. I think that, you know, it's in most respects just a question of perhaps some clarification of some ambiguities that did exist in the previous legislation. So we don't have a big problem with that as such, but I do want to draw the House's attention to perhaps a larger concern which this bill is addressing, and that's the whole question of student finances.

It seems to me that what we've done over these past 10 or 15 years is made postsecondary education unaffordable to a large sector of our population here in this province. You know, I think we are running into what would potentially be a crisis situation, where we're not allowing access to postsecondary education to quite a large sector of the population who simply sees it as being unaffordable. Now, it seems that in this session of our Legislature we're going to release money into postsecondary education. My concern is that it is not addressing the fundamental problem that is keeping

more and more students out of postsecondary education, and that is accessibility and a knowledge that it will be affordable over the long haul for someone, say, on low income.

Myself, also having some experience in education, it tells me that more students are choosing not to go to university, for example, simply based on cost. You know, even the most conservative view of human beings would suggest that if you want to maximize your labour potential from your population, then you must make sure that you provide access to the people who are most able to be successful in postsecondary education regardless of their socioeconomic position in our society. So even looking at perhaps the most narrow or conservative or callous view of humans as being worker units, then denying access to postsecondary education to worthy candidates is inefficient at best.

This small amendment, really, to the student finance act also does have some troubling aspects in respect to having a maximum student loan amount for the entire lifetime of a student. Now, I recognize the practicality of that in some respects, but in other ways it sort of flies in the face of what we would hope to recognize as the purpose of postsecondary education, and that is to renew our knowledge and our employability, I guess, on an ongoing basis throughout our careers and lifetime. You know, who's to know where life will lead us in terms of postsecondary education, and who's to know what a maximum in fact is? I think we can leave that to financial institutions to look at individual circumstances of individuals and their financial state and make appropriate decisions based on that. So the maxing out aspect of this bill I have some difficulty with. Hopefully, we can resolve that before the bill is either passed or rejected.

Thank you.

The Acting Speaker: Standing Order 29(2)(a). Any questions?

There being none, the chair recognizes the hon. Member for Cardston-Taber-Warner.

Mr. Hinman: Thank you, Mr. Speaker. I just want to expand a little bit on a few of the points that have been brought up. I agree with many of the points that have been brought to this point, but I have one constituent who specifically approached me for the minister to take this into consideration. This idea of lifelong learning, as some of the other hon. members have brought up, it's a very difficult situation for a father who has three or four kids to go back to school. The loan requirements – this one specific constituent is not able to get enough of a loan to be able to go back to school because he has a family.

I'd just like the minister to be mindful of that and to realize that we are in a much different situation now with lifelong learning and needing to retrain. So perhaps some of those numbers need to be flexible and do it on a one-on-one basis in some of those areas.

Thank you.

The Acting Speaker: Standing Order 29(2)(a). Any questions or comments?

There being none, the hon. Member for Edmonton-Decore.

Mr. Bonko: Thank you, Mr. Speaker. On Bill 14, Student Financial Assistance, in the end who benefits from advancing these loans? Over several years they'll be paid off, but in the meanwhile who really benefits? Well, of course, small towns benefit, villages benefit, hamlets benefit, and large cities. There are these new graduates that come armed with the knowledge that they've acquired over several years, and of course with the knowledge comes the debt that they've incurred as well. The hon. Member for Calgary-Currie mentioned thousands of dollars in debt, but it's not so much debt but

investments that are incurred over the years, and they're going to be paid through services that these people seek.

4:30

If someone such as myself wanted to go back for the purpose of lifelong learning – we hear all this talk about lifelong learning, but when it comes right down to it, the government is more interested in pinching pennies in the loan program than providing students with the resources that they need – I would incur 40,000-plus dollars to be able to go back and finish a degree. Political science or if I decided to go for something different, for surgery – who knows? But, again, it's very expensive and the fact that the loans may not take into account being able to go back again once the loans are paid off.

We have talked about work shortages, people for retraining. If those people wanted to seek retraining and wanted to go into debt but later on, halfway through, paid off, to return to the workforce, to go back to try and do something else, they're going to be penalized. I'm not sure if that's the case in this particular case.

My own children, I've got two. Of course, as you know, children right now as they're growing up want to experience life and are not sure exactly where they want to go. If their feet are moving, they're going in the right direction, I always tell them. But if they decide to go back to school for postsecondary and incur loans, again as a parent with two kids – I can't imagine someone with three or four, the financial burden on them because the loan program won't guarantee them enough, because they'll be living in poverty long enough to be able to reap the benefits of it. I'm just concerned with regard to that.

Is this government really determined to find a fix? I think they have to find a more consultative process out there – we had members of the universities here as well – at least speak to those kids that are enrolled in these programs to find out the financial burdens that they're facing and find out one-on-one. They, in fact, indicated to us that they would like to be part of a panel process to be able to meet with the members, meet with the bill decisioners, to come and hammer this out so that we go through the process once and have dotted the i's, crossed the t's so that we're coming to a fully recognized piece that will become a bill instead of having to go back and review it once again.

Thank you, Mr. Speaker.

The Acting Speaker: Standing Order 29(2)(a). Any questions or comments?

Hon. Member for Edmonton-Gold Bar, are you rising to ask a question or make a comment?

Mr. MacDonald: I'm rising to participate in the debate, Mr. Speaker.

The Acting Speaker: Okay. There being nobody else wanting to ask a question or make a comment, the hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you. I appreciate that, Mr. Speaker. When we see Bill 14, Student Financial Assistance Amendment Act, 2005, it is with interest that I note that suddenly this government and this minister are interested in postsecondary education. Certainly, it has been referred to in this Assembly by another hon. member. There was a reference made to the starvation diet that postsecondary students have been on in this province for far too long.

This idea that before this bill becomes law, we have a commission or a study of the complete postsecondary education system and

exactly how we can make it better is a very good idea, and I think it should be a top priority. It certainly took us on this side of the Assembly a long, long time and many hours of discussion before we could convince this government to go ahead with the Learning Commission, the blue-ribbon commission. The former Member for Edmonton-Mill Woods and a very distinguished educator, Don Massey, was promoting the idea of having a learning commission for the longest time, and finally this government did the right thing, and they implemented the Learning Commission.

Now they're having difficulty implementing some of the key recommendations of that commission, but it was a step in the right direction. Perhaps if we had a commission on postsecondary education, we would see firsthand just how skinny the students are after the starvation diet that they've been put on by this government.

Now, there are many different views on this, and certainly I'm quite familiar with the views of some of the government members, but accessible, affordable postsecondary education should be a cornerstone. It should be a basic cornerstone for all Albertans regardless of your age. Whether you're going back to school at age 35 or you're entering university from high school or whether you're entering a technical school or a community college, it doesn't matter. Those facilities have to be affordable, and they have to be accessible.

Is Bill 14 going to be an improvement? I don't know, but at a quick glance I don't think so. Here we have again more ministerial control without any specified guidelines. This government, it's been pointed out, likes to use ministerial discretion like it was some sort of royal prerogative. Specific rules and regulations help to establish accountability, and I'm disappointed – I'm very disappointed – that this government is again, it looks like, trying to do away with any of the rules around accountability.

How mysterious and how secret can ministerial control be? Well, for all hon. Members of this Legislative Assembly, I did not know that a ministerial order did not necessarily have to be a public document. Now, perhaps I should have. Perhaps I had a great deal more respect for the system, if I could use that term, Mr. Speaker, than I should have. Perhaps I should have been a little bit more suspicious. I was disappointed, again, to realize that not all ministerial orders are public.

I found this out the year before last with a ministerial order, Mr. Speaker, to create this Utilities Consumer Advocate, this advocate that is still in hibernation. Hopefully, it's going to come out of hibernation soon and protect utility consumers. But this is an example of a mysterious process. Why should we give more ministerial control with Bill 14 without any specified guidelines? I'm going to have to watch this with interest and with caution.

Now, we hear all the talk about lifelong learning, but when it comes right down to it, this government seems to be interested in penny-pinching in one area and then living lavishly in another area. We're talking about lifelong learning. Well, let's use the farmers as a valid example. I have to return a phone call to a farmer later on this afternoon, Mr. Speaker, who is very interested in the idea of returning to school and getting trade qualifications so that he can work off the farm and participate in the oil sands construction boom that is currently going on. He wants to; he doesn't have the qualifications. I think we should be helping this individual along.

We should not be talking about lifelong learning and then signing some sort of deal last June to recruit workers on a temporary basis from foreign countries. Some of these workers, for gosh's sake, tried to overthrow a government in Venezuela, and they were sacked because of their activities. They tried to overthrow a government, and they lost their jobs. This is a pool of labour that this government

would rather attract into this province than trying to help out our farmers who, through no fault of their own, have very little income.

4:40

If we're going to be serious about lifelong learning, let's help some of the farmers who are interested and some of their families who are interested in trade certification so that they can participate in the economic boom that is occurring. We have given tax concessions to many of the major oil companies. We have given massive royalty reductions to facilitate this construction. Let's make sure that we give the jobs to Albertans and Canadians before we go on these recruiting missions and then in the next breath talk about how important postsecondary education is to Albertans and how important lifelong learning is.

Now, Mr. Speaker, that's only one part of postsecondary education. There are those that would say that that is not part of postsecondary education, but I would certainly, hon. member, beg to differ.

We can't be creating a system that's going to exclude some students because of income. We've got to be very, very careful about this, what's good and what's bad public policy. When we look at the Student Financial Assistance Amendment Act, Bill 14, I don't think it is a step in the right direction.

Look at the amount of money that some students are burdened with upon graduation, and I know, again, that there are those that say: well, look at the increase in income level and how quickly they can pay that money back. But what about the people who could not afford to go there in the first place? What about all the students who just simply cannot afford to go? We're creating a postsecondary education system where there are many people who will not be able to go. They may have the ability, they may have the desire, but they don't have either the individual or the family income.

It has been discussed in this House, Mr. Speaker, by many people in the past about the economic miracle that has occurred in the last decade in Ireland. In the previous decade postsecondary education became affordable and it became accessible for all young people, and they have one of the most vibrant economies in all of Europe. I don't know if the Irish would appreciate this, but I was almost going to refer to it as all the economies in central Europe. I think they prefer to be a little distance away, and we've got to be respectful of all people who grow up on islands because certainly they're usually very independent, and they have their own opinions.

Now, when we look at some of the student groups – and there was one in here yesterday, Mr. Speaker – they have complaints. They have a wish list of what they would like to see occur with postsecondary education in this province. Are they concerned about the removal of reference to categories of students in the context of ministerial setting of loan limits? Are they concerned about this? Are they concerned about changing the lifetime loan limit from being defined as outstanding principle to amount received from the student's lifetime? They are, but they're more concerned about the cost of accommodation, the cost of tuition. They're more concerned about affordability and access.

Again, in conclusion, if we are sincere about improving our postsecondary education system, let's look at having a blue-ribbon panel, a blue-ribbon commission. In fact, we could get some former members of this Legislative Assembly to sit on that, Mr. Speaker. Perhaps we could get the former Member for St. Albert, Mary O'Neill, who I understand was a teacher. She may even have been a professor. I don't know. But certainly that would be one individual that, perhaps, we could get to sit on this blue-ribbon panel. I don't know if the previous Member for St. Albert has something to do right now or not, but certainly we could consider this.

The postsecondary education system: we could have a good look at it just like we did with the Learning Commission. It was another idea from this side of the House that I'm pleased to see the government adopt. I'm very interested to see how they're going to proceed with improving our postsecondary education system. Forget about making it unaffordable and unaccessible by high tuition fees. Let's change the policy and make it accessible and affordable by having tuition fees that people can certainly pay for, and they're not left after graduation with a huge debt.

Thank you.

The Acting Speaker: Standing Order 29(2)(a), questions or comments? The hon. Minister of Agriculture, Food and Rural Development.

Mr. Horner: Thank you, Mr. Speaker. I was listening with great interest to what the Member for Edmonton-Gold Bar had to say, and he piqued my interest when it came to Venezuela as I've travelled to the country many, many times and used to do business in Venezuela and appreciate the hard work of those residents in Venezuela and the difficulties that they have. I'm just curious whether the member is aware of the history of their current president and how he came to power as well as whether he's aware of the direction his government is headed.

I just wanted also to thank the hon. member for his, I guess, endorsement of us appointing the previous MLA for St. Albert to help us in government in some committee. But I'd really like to know his comments on Venezuela.

The Acting Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you, Mr. Speaker. Certainly, President Chávez was democratically elected by the citizens of Venezuela. A state-owned oil company, which certainly this hon. member doesn't endorse, is one of the largest employers in the country and also one of the largest sources of revenue for the government.

This hon. member can appreciate that we do not interfere with democratically elected governments. That is something that, perhaps, the Americans might not appreciate. But Mr. Chávez was elected. There was an attempted coup. He was put in a military base by individuals. Yes, he was held at a military base. Many citizens there without adequate food started to rattle and clang pots and pans in the streets, and the people who placed him in the military establishment, or the military base, decided it was in the interests of the country to release him. He was restored as president.

The Acting Speaker: Hon. members, this is supposed to be brief questions and comments. The chair recognizes the hon. Member for Calgary-Varsity.

Mr. Chase: Yes. To the hon. Member for Edmonton-Gold Bar: I'm wondering how you would recommend empowering postsecondary students. How could they gain this government's ear in terms of whether it be financing or just input? How could postsecondary students receive input from this government? How would you empower them?

Mr. MacDonald: Well, certainly, I would hope that this government would implement, as the hon. Member for Calgary-Currie stated earlier, a complete commission to study postsecondary education. They could hold public hearings at the campuses: the University of Alberta, the University of Lethbridge, the University of Calgary, Athabasca University. They could also go to the community colleges. I would also like to see them go to the not-for-profit

universities as well and hold a series of public hearings so they can see first-hand the experiences and hear from the students just how difficult it is to get an education without going into deep debt. So let's have a blue-ribbon commission that holds public hearings.

Thank you.

4:50

The Acting Speaker: The hon. Member for Drayton Valley-Calmar.

Rev. Abbott: Thank you, Mr. Speaker. A comment and a question. First of all, the comment is that myself and other government MLAs did meet with CAUS, the Council of Alberta University Students, this morning. As a matter of fact, they were very happy with Bill 1 and with what's happening in the Legislature and postsecondary education in general.

My question, though, is: you mentioned this farmer going to school, and I've noticed that the Liberals have been putting a lot of petitions in about displaced farmers. I wonder if the Liberals realize that farmers in Alberta are in fact still working. In fact, they're working very, very hard. They may not be making any money, but they go to work every single day. Yet it seems that the Liberals want to send them to school or off to Fort McMurray to do a trade or something. The farmers have to look after their farms so that they can raise the food for us to eat. I wonder if the Liberals realize that.

The Acting Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes, Mr. Speaker. I'm pleased. I don't know what part of the oil patch the hon. member worked in, but I worked all over the province in the oil patch, and some of the hardest working people that I worked with were farmers who had trade certificates and worked off their place.

The Acting Speaker: Hon. members, the five minutes allocated for this section has expired.

The chair recognizes the hon. Member for Edmonton-Beverly-Clareview.

Mr. Martin: Thank you, Mr. Speaker. It's interesting to be back and listening to the debate after 10 years. We start off in the Student Financial Assistance Amendment Act and end up talking about Venezuela and the foreign workers, but I guess that in principle on the bill, anything goes.

I want to say, Mr. Speaker, that I know that this is a narrow bill and it's a housekeeping bill, and that's fine. But I think that the important point that we have to look at here – and we're into endowment funds, we're into this, and we're into that, and the hon. Member for Edmonton-Gold Bar talked about it – is that it was very much part of the NDP policy. The one thing: during the last election having an advanced learning commission was part of our policy.

It makes sense because I was there as a trustee, and we went through some very tumultuous times, you might say, with the teacher strikes. The one thing that the Learning Commission – and I have to admit that I was a bit dubious about where they would go to begin with because I thought, well, maybe the government will just bring in another bunch of government people, and it would be sort of a whitewash. But I was pleasantly surprised. The commission did a very good job.

The thing that was important with the Learning Commission, Mr. Speaker, is that it focused us on what was important in education. There are still a lot of things that have to occur. The job's not done by any stretch of the imagination in public education, but at least there's a bellwether there. We know what they should be doing so that the opposition and people in Alberta, anybody, can see if they've not followed through. For instance, a couple of things that

they still haven't done for needy students is the junior kindergarten and kindergarten. It was very important to the Learning Commission. But now there is something that we can judge the government with.

I think for exactly the same reasons we should do this in advanced education. Sure we have the short-term problems that we have to deal with. The short-term problems, of course, are accessibility and the student debt that we're talking about. We have to deal with them. We don't need a commission to deal with that, and we know it in the short term. But in the long term I think – and I don't know whether it's the Member for St. Albert or whoever – we'd want the best minds that we could get to look at the whole advanced education system in Alberta, spend some time at it, and come back with some very serious recommendations.

Then it seems to me, Mr. Speaker, that we could decide: is an endowment fund the way to go? Is this the way to go? Is that way the way to go? In other words, we would have a plan, and again it would set a focus that all Albertans could judge the government on as they have in the Learning Commission. It seems to me, Mr. Speaker, that that's what we should be doing.

I'd say to the hon. minister that the approach so far is piecemeal. I'm sure that some good things will flow out of it, but is it the right thing to do over the long haul? Let's deal with the short-term problems, as I said: accessibility. Let's deal with student debt. We can do that fairly quickly. But over the long haul we need to know: should there be more money going into universities? Should it be going into junior colleges? What should we be doing for the high school students to get them ready? What sorts of programs should we offer? We don't really have a clue here. So I'm suggesting that we . . . [interjection] Well, then you're a smarter man than everybody else, Minister, because everybody I talk to doesn't think that we have a plan.

I think that some of the steps that we're taking are probably going to be good ones in the future. But the point is that if we believe the Learning Commission worked well on public education – and I take it the minister believes it does, and the government believes it does – then why would the same sort of approach not work dealing with advanced education? It makes a lot of sense to me. I think that the Learning Commission was a good approach for everybody as it worked out. I think the government believes it was a good approach. So again I ask the minister: why not? Before we start spending all sorts of money in all sorts of areas that may not be appropriate, we could take the time to take a good, long look at advanced education.

Thank you, Mr. Speaker.

The Acting Speaker: Standing Order 29(2)(a), any questions or comments? The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you, Mr. Speaker. I would be interested in the hon. Member for Edmonton-Beverly-Clareview's experienced opinion of the free tuition Ireland model that the Member for Edmonton-Gold Bar mentioned previously.

Mr. Martin: Yeah, in an ideal world. Again, what we should start with is freezing tuition. We've had dramatic increases the last number of years. As I recollect, in the province of Alberta we've increased more than any other place in Canada. So at least freeze it and begin to work back in tuition. If we want to deal with our economy, our social and economic economy, the best way is to get as many kids there. It's part of the accessibility thing. The tuition is becoming a problem. It's especially becoming a problem for lower income kids, so I'm suggesting that this would be a good step. Freeze it, and work towards lowering it as quickly as we can.

[The Speaker in the chair]

The Speaker: Under Standing Order 29(2) the hon. Member for Vermilion-Lloydminster.

Mr. Snelgrove: My question to the hon. member is: why is it that when you encourage the government to spend money on students' education, you want to call it an investment, but as soon as you consider the part that the student puts out, you call it debt when they're both exactly the same thing? They're both investing in their future. Why is it that when you deal with the student terminology, it's debt, but when government does it, it's investment? What's the difference?

Mr. Martin: Certainly, it should be clear even to this member that it's investment by both, but the reality is that these students are ending up with a lot of debt. It's not a very good investment for them. If they don't have any money and they can't get the jobs and they're in total debt, how do they invest in the economy? Many of them are not even getting the proper jobs that they're trained for because, again, we don't have a particular plan here.

I mean, the investment is the education. It's a good investment by government. It's a good investment by the student. If it's too high, the point that I'd make is that if the tuition becomes a problem, then only the kids with money or the parents with money will get there. So they will not make that investment in higher education if they don't have the money. That's when it becomes an accessibility problem.

I think we have to recognize that this is starting to happen, and putting our heads in the sand and denying it is not going to work. I guarantee you that.

The Speaker: Additional questions under the Standing Order section?

Then the chair is prepared to accept additional speakers. The hon. Member for St. Albert.

Mr. Flaherty: Thank you, Mr. Speaker. Just generally looking at this bill, I would tell you that in my own lifespan, if it wasn't for the services – I went back to postsecondary and university level when I was an adult student, 21 years old.

5:00

One of the things that I'd like to mention regarding the bill is the fact of this information that you've made changes and even the loan factor that we've discussed this afternoon. I think it's very, very important to look at the business of communication to our student population. That's one thing that I think would be very, very important, trying to identify in terms of how this information will get to the student population.

Another issue, if I may just mention it, is the whole question of postsecondary institutions right now, and I'm thinking more or less of Grant MacEwan, the status of university degrees. It very much concerns me about what happens to a lot of students that want to come back to postsecondary in terms of diploma programs. I've asked the minister: what would happen to these students in terms of the transition that will take place? I think that's very significant.

It's also important that we look at the whole question of the total complexity of all the institutions across the province, and I want to compliment the government in terms of the number of parts of the Learning Commission that they've implemented. I think they're attempting to do a good job of that. But it seems to me that we should be looking at the complexity of institutions across the province and have a commission which would enable us to get a good vision of what every institution does, their specializations.

Therefore, I think this would be very much in order. So I just thought I'd mention that.

The other thing I'd just briefly mention. When I was at Red Deer College as the vice-president of student services, we started the first residence in Alberta there, sir. It does concern me that a lot of our information regarding residential housing across the province is the matter of Infrastructure. I'm not sure where that is, but I'd like to hear maybe the minister tell us where that is in terms of the residential housing for students and what's happening in that dynamic.

Anyway, I think that's about it, Mr. Speaker. Thank you for allowing me to share those few visions with you.

The Speaker: Standing Order 29(2)(a) kicks in. Additional speakers?

Shall I call on the hon. Minister of Advanced Education to close the debate?

Mr. Hancock: Well, thank you, Mr. Speaker. We've certainly had some interesting comments about the full range, I guess, of postsecondary education in the province today, as one hon. member pointed out, ranging from foreign workers in Venezuela to what's actually happening here at home. I appreciate the comments.

I appreciate the fact that people are interested in postsecondary education, in advancing education, and making sure that Albertans have the opportunity to maximize the human capital, to be the best that they can be, and that's certainly what I aspire to as minister, that's what our government aspires to. I think that with the help of members in the House we can really make our postsecondary system, right from moving to literacy to moving to PhDs and beyond, sing in this province.

It needs to be affordable. It needs to be accessible. I think the comments that are being made this afternoon on those points are absolutely bang on. Every Albertan ought to have the opportunity to advance their education, and every Albertan is qualified to advance their education, so really the challenge to us is to make that system happen. Of course, that gets into the issue of how we allocate resources, how we can make sure that the resources that we have available are allocated so that the most people can get the best value out of the process.

Some comments were made about Ireland, for example. We have to look at the best practices around the world to see what we can bring into our system here, but we also have to be cautious not to jump to facile solutions. I'm looking at Ireland, for example, to see what's happened there. One of the things I'm given to understand – I'm looking for more research – is that in actual fact by lowering the tuition costs, there hasn't actually been an increase in the take-up. In actual fact I'm told that there's not a higher proportion of people going to advanced education there just because the tuition fees have been lowered.

Now, I'm looking for more information on that, and I think we ought to. I think we ought to take the time to explore and find the best practices around the world and see what we can do to make sure that our postsecondary system is leading edge and gives Albertans the opportunity to have the best education that they possibly can and lead in the world. So I think it's important to look around.

One of the members started talking about the fact that there needed to be opportunities for farmers who were struggling and perhaps should be getting a job in the oil patch, and we've had questions in this House about the foreign workers' agreement and what might happen with foreign workers coming in. The reality, Mr. Speaker, is that we do aspire to have every Albertan have the opportunity to take those jobs that are here. Those Albertans who want to, need to be able to step forward and access the opportunities that are there. I'm not aware of any of those Albertans being denied

an opportunity to upgrade, to get into a process where they can get an apprenticeship job if they want. If people can sign up for a job and get an apprenticeship program, the space will be there. So, yes, Albertans have to take up. Yes, we have to make sure that the transition programs that are necessary for aboriginal people who need to upgrade can get that opportunity to do so. Yes, we need to do those.

However, Mr. Speaker, today we were talking, actually, about Bill 14, and Bill 14 is a very simple bill. It's not about changing anything that's happening, but it is about the fact that in the current act there are some things that are not as clear as they ought to be and can be interpreted in a number of ways.

The hon. Member for Calgary-Currie indicated and read some policy statements, and he was absolutely right about the policy statements and the way the act is being interpreted. But it's been brought to our attention that the act could be interpreted in another way to suggest that those policy statements might not be the right interpretation. So the purpose of this bill is not to do all the things we've been talking about this afternoon. We've committed to do a review, and we're designing the form of that review. It won't be necessarily the Learning Commission format, but it will be something I think similar in substance to do that so that we have a full and complete review with the opportunity for all Albertans to have input to it.

However, it is also important to make sure that our act is clear and that it can be utilized in an appropriate way and that when an Auditor General looks at what we're doing, the Auditor General can say: yes, what you're doing is in accordance with the act. If there are instances where that's not as clear as it ought to be, then it behooves us to move as quickly as possible to make those amendments.

So while the hon. Member for Calgary-Currie suggests that we ought not to be here doing this, quite frankly I would like to agree with him. I think these are minimal. They're not the most important thing we're doing in postsecondary education, although they did engender a good discussion this afternoon, but what they are is fixing the stuff that needs to be fixed so that the law that we have right now is clear and the policies we have are clearly policies which are being interpreted in accordance with the law.

Now, when you talk about people who ought to be able to come back into the education system for adult learning opportunities later on in life, absolutely they should. Absolutely. And if they haven't reached their lifetime loan limit, if they're moving into a master's program or a PhD program and those loan limits are higher, absolutely they should be able to access them.

So what we're talking about is that we ought to look at all of the policies and find out how we can make student loan policies that are affordable and make sure that resources are available. When we're establishing different forms of financial assistance for some or all purposes of the act, obviously what we're talking about is saying that a loan might not be the most appropriate way of financial assistance in all purposes. So for the purposes of the act we might need a different form.

All of those things need to be discussed. The purpose of this bill is to clear up perhaps the ability to interpret the existing act in a couple of different ways, and it should be clear which way it was intended to be interpreted.

[Motion carried; Bill 14 read a second time]

Bill 20

Alberta Personal Income Tax Amendment Act, 2005

The Speaker: The hon. Member for Bonnyville-Cold Lake.

Mr. Ducharme: Thank you, Mr. Speaker. It is a pleasure to move second reading of Bill 20, the Alberta Personal Income Tax Amendment Act, 2005.

Under the changes proposed the act will be amended to parallel recent changes to its federal counterpart. There is also some clarification needed of amendments made last year to the royalty tax rebate and some technical amendments to ensure that the act is consistent with the current administration.

The federal Income Tax Act changes regularly, and it is important for the smooth running of the tax system that Alberta's legislation be consistent in wording and intent. By changing our legislation to parallel its federal counterpart, we keep the rules consistent across the country and prevent a patchwork defect in legislation. Tax returns are complicated enough without that.

5:10

Among the changes to parallel the federal act the government is putting forward changes to relax slightly a definition of "impairment" used to calculate the credit for mental or physical impairment. Under the old wording a person had to have impairment in "feeding and dressing." Under the proposed new wording a person must have impairment in "feeding or dressing."

A further change to parallel the federal act and be consistent with the current administration affects the eligibility criteria for the education credit. The amendment requires that students be at least 16 years of age to qualify for the postsecondary education credits. In general, both the federal and provincial education tax credits are granted to students enrolled in postsecondary and vocational job training courses that qualify for the purposes of the tuition fee tax credit. In the case of vocational schools, fees paid on behalf of students who are under 16 years of age do not qualify for the tuition fee tax credit. This amendment clarifies that a similar restriction applies for the purposes of the education tax credit. Generally, young students taking accredited courses at colleges or universities will still be eligible for this credit. Young people in either basic or secondary school who also take classes for personal interest will not, even if the class is at a designated institution. It's also important to note that the act has been administered according to the federal wording, so there is no significant change in how the rules apply.

There are also proposed changes to the foreign tax credit. The intent of the foreign tax credit is to prevent double taxation of income from foreign sources. Among the changes under the current legislation the taxpayer must be a resident of Alberta on December 31 to qualify. People who leave Canada during the year are denied the credit. This means people are often taxed twice on income they earned while living in Alberta. The proposed change will correct this by allowing people who were residents of Alberta but have moved to a jurisdiction outside of Canada during the year to claim the credit for the part of the year they were resident in Alberta.

Third, there are proposed changes to the treatment of part-year residents. A part-year resident is a person who arrives in Canada from abroad or who leaves Canada for another country midway through the tax year. Among the proposed changes, section 40 of the act unintentionally provides preferential treatment to part-year residents of other provinces who have business income in Alberta over Canadians who live in those provinces full-time and have business income in Alberta.

Changes will ensure that the legislation dealing with the credits of past-year residents does not result in the part-year residents of other provinces being treated better than full-year residents of those provinces. As well, the legislation currently denies the pension tax credit to all individuals who moved from Alberta to a residence outside Canada. The credit is denied both when the individual was

a resident of the other country and when the person lived in Alberta. The denial of the credit happens even though one person may have been taxed on enough pension income while an Alberta resident to make him eligible to claim the entire credit. The proposed amendments will rectify this situation and allow such individuals to qualify for the credit. These changes are consistent with the current administration of the act, and there is no change in how the rules apply.

Finally, last year's changes were made to the act to match amendments to the royalty tax deduction in the Corporate Tax Act. However, we found the legislation did not accurately reflect the intended calculation of amounts available for the credit, so some clarification is needed.

Mr. Speaker, the changes proposed in this amendment act will align the provincial act with its federal counterpart, prevent double taxation by ensuring tax credits are not unfairly denied, and clarify aspects of the Personal Income Tax Act. I look forward to hearing the debate on Bill 20. If any questions or concerns arise during the debate, I undertake to respond to them at the next stage of the bill process.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Edmonton-Rutherford.

Mr. R. Miller: Thank you, Mr. Speaker. I'd just like to indicate that I would agree with almost everything that the mover of the bill has indicated. It is primarily a housekeeping bill which brings some clarification to various aspects of the existing bill and parallels federal legislation. I would like to thank the Finance minister for giving myself and my staff the opportunity to meet with some of her staff to go over the bill, and it was very helpful for us in understanding some of those clarifications that are being made.

I do have a question regarding the . . .

The Speaker: Hon. member, I hate to interrupt you, but under Standing Order 19(1)(c) I must now put the question on the following motion for consideration of His Honour the Lieutenant Governor's speech.

head:

Consideration of His Honour the Lieutenant Governor's Speech

Mr. Lukaszuk moved that an humble address be presented to His Honour the Honourable the Lieutenant Governor as follows.

To His Honour the Honourable Norman L. Kwong, CM, AOE, Lieutenant Governor of the province of Alberta:

We, Her Majesty's most dutiful and loyal subjects, the Legislative Assembly, now assembled, beg leave to thank you, Your Honour, for the gracious speech Your Honour has been pleased to address to us at the opening of the present session.

[Adjourned debate March 9: Mr. Hancock]

[Motion carried]

Government Motions

Address in Reply to Speech from the Throne

15. Mr. Hancock moved on behalf of Mr. Klein:
Be it resolved that the Address in Reply to the Speech from the Throne be engrossed and presented to His Honour the Honourable the Lieutenant Governor by such members of the Assembly as are members of Executive Council.

[Government Motion 15 carried]

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

Bill 20
Alberta Personal Income Tax Amendment Act, 2005
(continued)

The Speaker: I'll recognize the hon. Member for Edmonton-Rutherford.

Mr. R. Miller: Thank you, Mr. Speaker. I was a little caught off guard by all of that, but I gather that I get the rest of my speaking time, and I'm happy to have it. I was just getting into my comments on Bill 20, and if I remember correctly, I was thanking the minister for having allowed my staff and myself to meet with her staff and provide the . . .

An Hon. Member: It bears repeating.

Mr. R. Miller: So we'll have that on the record twice now, then, I understand. That's good.

As I had indicated earlier, that was quite helpful. I believe I was just about to ask or at least put on the record my question regarding the age limit of 16. I'll have to look into that a little more before we deal with this bill at committee, but I'm wondering if perhaps we might be somehow excluding bright young people under the age of 16 who would be attending some sort of postsecondary institution. That does, of course, happen on occasion although it might be rather rare.

Beyond that, Mr. Speaker, I'm not sure that I really have an awful lot to say on this bill. I understand that at least one of my colleagues will have some comments on it, so I think I will cede the floor for the time being and look forward, as I said, to the opportunity to raise a question or two at committee level.

Thank you.

The Speaker: The hon. Member for Edmonton-Beverly-Clareview.

Mr. Martin: Well, thank you, Mr. Speaker. I won't take long because I know the Member for Edmonton-Gold Bar is just dying to get into it, and I don't think we'll get into foreign workers here.

The bill seems to be housekeeping. The only question that I have: I take it that the intent of this particular bill is to be revenue neutral. If that's not the case, I would like the hon. member to know that the only group that I can see that there is where it's not revenue neutral – and he mentioned that – was in terms of the foreign workers living in other places. I would hope that the minister or the member would talk about this if there's anything in there that isn't revenue neutral. That's my understanding of it.

Thank you, Mr. Speaker.

The Speaker: Standing Order 29(2)(a) kicks in. If there are questions – hon. Member for Edmonton-Rutherford, are you participating in the question and answer portion?

Mr. R. Miller: Yes.

The Speaker: Proceed.

Mr. R. Miller: Thank you, Mr. Speaker. I was just going to ask the Member for Edmonton-Beverly-Clareview if he had been made aware of some electronic mail correspondence that my office had received from the Alberta director of the Canadian Taxpayers Federation indicating that, as far as they could see, this particular bill was in fact revenue neutral?

5:20

Mr. Martin: Yes. I am aware that Mr. Carpay said that, and I quote, as far as I can tell, it probably will not increase or decrease anybody's taxes. It looks like this bill will help to clarify certain ambiguities which have arisen over time, which often arise in spite of the best intentions of legislators to be clear. That's his assessment.

The Speaker: Standing Order 29(2)(a) is still available.

If not, I'll recognize the hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Speaker. At this time I have some questions for the hon. member to get on the record, and I look forward to a timely response. My questions in regard to Bill 20, the Alberta Personal Income Tax Amendment Act, are around the new proposed section 25, and we're discussing natural gas or related hydrocarbons or mineral deposits and the royalties from such. There are some changes in here that may or may not be housekeeping changes.

Now, in regard to the attributed Canadian royalty income, we are making significant changes to the existing section. Who is to benefit from these changes and by how much?

Thank you.

The Speaker: Standing Order 29(2)(a) is available.

Additional members that wish to participate? The hon. Member for Calgary-Varsity.

Mr. Chase: This is strictly a question of clarification. The hon. mover of the bill put forward the idea that we can capture revenue from our, sort of, snowbirds. They go down to the States during the winter months to enjoy the warmer climes. I'm just wondering if within this bill we have the opportunity to derive revenue from what I would consider almost sunbirds; in other words, those coming up from the southern climes to Alberta's mountains to escape the heat that they're experiencing in the south. If they were to have a temporary residency in Alberta, would we be able to collect revenue from them based on their time and stay in this province?

The Speaker: Standing Order 29(2)(a) is available.

Hon. member, has the question been called? The question having been called, that's the end of it.

[Motion carried; Bill 20 read a second time]

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I move that we adjourn until 8 p.m.

[Motion carried; the Assembly adjourned at 5:24 p.m.]

