

## Legislative Assembly of Alberta

Title: **Wednesday, March 20, 1996** 1:30 p.m.  
Date: 96/03/20  
[The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

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

Amen.

Please be seated.

head: **Presenting Petitions**

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

MR. SEVERTSON: Thank you, Mr. Speaker. I wish to present a petition signed by two of my constituents calling upon the Legislative Assembly of Alberta to immediately enact legislation which would prohibit direct or indirect provincial financing of private business enterprises through loans, loan guarantees or equity investments and which would override other legislation which enables the government to extend such financing.

Thank you.

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

MR. YANKOWSKY: Thank you, Mr. Speaker. I rise to table 168 petition letters from Albertans regarding the definition of "child of the marriage."

head: **Reading and Receiving Petitions**

THE SPEAKER: The hon. Member for Medicine Hat.

MR. RENNER: Further to the report of the Standing Committee on Private Bills that was concurred with by the Assembly yesterday, I would move that the petitions for private Bills I presented in the Assembly on Monday, March 18, 1996, now be deemed to be read and received.

[Motion carried]

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

MR. DICKSON: Thanks, Mr. Speaker. I'd ask that the petition I had introduced the other day dealing with access to the supports for independence office in downtown Calgary be now read and received, please.

THE CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government to ensure that seniors can live with dignity and independence by means of a strong health care system which includes necessary home care.

head: **Notices of Motions**

MR. DINNING: Mr. Speaker, I wish to give oral notice that tomorrow afternoon I will move first reading of Bill 25, the Alberta Corporate Tax Amendment Act, 1996.

head: **Introduction of Bills**

### Bill 20 Fuel Tax Amendment Act, 1996

MR. DINNING: Mr. Speaker, I request leave to introduce Bill 20, the Fuel Tax Amendment Act, 1996. This being a money Bill, His Honour the Honourable the Lieutenant Governor, having been informed of the contents of this Bill, recommends the same to the Assembly.

[Leave granted; Bill 20 read a first time]

### Bill 21 Financial Institutions Statutes Amendment Act, 1996

MR. DINNING: Mr. Speaker, I request leave to introduce Bill 21, the Financial Institutions Statutes Amendment Act, 1996. This being a money Bill, His Honour the Honourable the Lieutenant Governor, having been informed of the contents of this Bill, recommends the same to the Assembly.

[Leave granted; Bill 21 read a first time]

head: **Tabling Returns and Reports**

MRS. McCLELLAN: Mr. Speaker, I'd like to file five copies of a new guideline prepared by the clinical practice guidelines program, which I am proud to say is jointly funded by Alberta Health and the Alberta Medical Association. This particular guideline pertains to foot and ankle X rays. The new guideline will be discussed by the Alberta Medical Association at a news conference at 2:30 this afternoon at the Grey Nuns community health centre.

Thank you.

MR. DINNING: Mr. Speaker, I'm pleased to file with the Assembly today five copies of a news release that was made public this morning regarding the appointment of the board of directors of Alberta Treasury Branches including the appointment of Mr. Marshall Williams to serve as chairman. I've also attached a letter from the co-chairman of the selection panel which reflects their recommendations of who should be appointed to this panel and the fact that the government has accepted their recommendations fully and without alteration.

THE SPEAKER: Hon. members, the Chair would like to take this opportunity to table with the Assembly all documents that have been received by the Speaker's office up until lunchtime today with respect to the question of privilege that was raised yesterday. I would like to take this opportunity to say that the Chair hopes to be able to make a finding on this tomorrow afternoon.

head: **Introduction of Guests**

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

MR. EVANS: Thank you very much, Mr. Speaker. It's my pleasure today to introduce to you and through you to members of the Assembly two of my constituents from the Banff-Cochrane constituency who reside in the town of Canmore. They're newlyweds Tiffany and Matthew Kraatz. They're both involved in the tourism industry in the Bow Valley, but they're here today

to learn a little about a day in the life of an MLA. They're seated in the members' gallery. I would ask that they rise and receive the warm welcome of the Assembly.

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

DR. MASSEY: Thank you, Mr. Speaker. With your permission I'd introduce to you and through you to members of the Assembly a Mill Woods constituent: Heather Rempel. Heather is a keen student of politics, a community activist, and a trivia whiz. She's in the public gallery. I'd ask her to stand and receive the traditional welcome of the Assembly.

MR. ROSTAD: Mr. Speaker, I'd like to introduce to you and through you to the Assembly a special guest from South Australia. Danielle Lennon is a student attending high school in Wetaskiwin as a Rotary exchange student, and she's here from January till December of '96. On returning to Australia, she will be entering nursing school and will be graduating from that soon. She's accompanied also by Warna Moore, who's the president of the Rotary Club of Wetaskiwin, and Diane Roth, who's director of international services for the Rotary Club of Wetaskiwin. They're seated in the members' gallery. I'd ask that they stand and receive the warm welcome of the Assembly.

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

MR. SEVERTSON: Thank you, Mr. Speaker. It is my pleasure to introduce to you and through you to members of the Assembly 50 grade 6 students from the Innisfail junior/senior high school. They are accompanied by their teachers Ken Griffith and Grant Klymyk and parents Linda Boese, Lee Thompson, Colleen Kline, Colleen Forsythe, Cam Gillrie, Sylvia Mathon, Carolyn Richards, and Joanne Wells. They're in the members' gallery. I'd ask them to rise and receive the warm welcome of the Assembly.

1:40

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

MS LEBOVICI: Thank you, Mr. Speaker. It gives me great pleasure this afternoon to introduce to you two classes from St. Justin school. I've had the opportunity to meet with them once already, and they impressed me with their knowledge of the political process and their very good questions. Accompanying them this afternoon are their teachers Mr. Dave King, Mr. Ben Steman, and also Miss Debra Hudec, and the parent helpers are Mrs. Judy Piercy and Mrs. Leona Hrabec. If they'd please rise and receive the warm welcome of the House.

Thank you.

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

MR. TRYNCHY: Thank you, Mr. Speaker. I am honoured today to introduce a family from my constituency. They're here to watch government in progress, and one of the young ladies is studying government. They are the Seibel family from Peers. I'd asked them to rise in the members' gallery and accept the warm welcome of the Assembly.

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

MR. WHITE: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to members of the Assembly 18

young students that come from all over the world. They're here in Edmonton trying to better themselves in life, and to do so they must have competence in English. They are from the Alberta Vocational College, and they are here in a language training program to hear and find out what happens on the floor of this Assembly. They're here with one of their teachers Ms Thu Vu. With your permission, sir, I'd ask that they rise and receive the warm welcome of the Assembly.

head:

### Oral Question Period

#### Stone Creek Properties Inc.

MR. MITCHELL: Mr. Speaker, a special group of businessmen are members of an organization that's been termed FORK, or Friends of Ralph Klein. Membership in this exclusive club allows members access to the public purse for business ventures such as the SilverTip development north of Canmore. There the Alberta Social Housing Corporation are bankrolling the development of a golf course community for the extremely wealthy. Why is the Alberta Social Housing Corporation the registered owner of land that is being used by this golf course development which is owned by the Premier's associates Hal Walker and Bud McCaig?

MR. KLEIN: Well, Mr. Speaker, I can say that I have not been involved in any way, shape, or form in negotiations relative to this particular property. If the leader of the Liberal opposition wants to know any details relative to this piece of land, I will ask the minister to answer.

MR. THURBER: Well, Mr. Speaker, there are several departments of this government that are in the process of selling off surplus properties, and in some cases it's land. Now, there are different ways that we do that in order to get the best dollar for the Alberta taxpayer, because we believe that's of ultimate importance, trying to get the money out of this property. There are various circumstances that surround different sales of property. In some cases we take a mortgage on it. They receive title at that time, and then they make payments over a period of time. In other cases we maintain the ownership of it until it's been completely paid for. I don't know the circumstances on this particular lot that they're talking about, this particular property, but certainly it could be that it hasn't been paid for so the title has not been transferred.

MR. MITCHELL: But they're getting the benefit from it, Mr. Speaker.

Is it the policy of the Alberta Social Housing Corporation to own parts of an exclusive golf course development just so that the Premier's associates such as Hal Walker and Bud McCaig can avoid paying property tax on this upmarket development?

MR. KLEIN: Mr. Speaker, once again the leader of the Liberal opposition is using the immunity of this House and is taking advantage of that immunity to impugn the reputation of people who are outside the House and cannot defend themselves.

MR. MITCHELL: Why does the Alberta Social Housing Corporation just happen to have money to bankroll exclusive golf course developments owned by associates of the Premier but doesn't happen to have the money for the seniors' housing project, for example, planned by the Marda Loop Housing Society in Calgary?

MR. KLEIN: Again, Mr. Speaker, I will defer to the hon. Minister of Municipal Affairs to provide, if there are more details to provide, any details associated with this situation.

MR. THURBER: Well, Mr. Speaker, I stated the other day in the House and I repeat it again: there are many ways that we dispose of surplus property of this government. It can be purchased on an agreement for sale. It can be purchased on a mortgage setup. In a lot of cases we reach the best agreement we can. They're allowed to pay for it over time. They just do not get title to it at that point in time.

MR. MITCHELL: Mr. Speaker, the owners of Stone Creek Properties, which is developing the exclusive SilverTip golf course resort, have been given a number of advantages and perks from this government. This company was able to avoid an environmental impact assessment. They were able to use the Alberta Social Housing Corporation to act as a land bank for them and get the government to pay. They were also able to get the government to pay for a \$4 million interchange to provide better access to their exclusive golf course development. In addition, these friends of the Premier were able to procure a \$7 million loan from the Alberta Treasury Branches against land which costs \$3.2 million. Can the Treasurer, the minister in charge of the Alberta Treasury Branches, explain what collateral these developers have provided for this \$7 million loan?

MR. DINNING: The Provincial Treasurer does not get involved in the day-to-day financing activities of the Treasury Branches and will not discuss on the floor of this Assembly the matters that are between a client of the Treasury Branches and the Treasury Branches. For me to do so, Mr. Speaker, would draw me into the trap of the member across the way. Were I to do so, where would I stop? Into whose affairs would he want me to delve next? Were I to cross that line, he would be the first on his feet, along with his so-called buddies from behind, saying that the Treasurer is revealing confidential information about Albertans, which he should not be doing. I won't fall into the member's trap.

MR. MITCHELL: Is it the policy of the Treasurer to allow the Alberta Treasury Branches to loan money to the Premier's associates when they do not even give a personal guarantee for that loan?

MR. DINNING: Mr. Speaker, the member across the way has opened a can of worms. I know several of my colleagues in cabinet would like to supplement my answer, so I would encourage them to do so. The member across the way is clearly a desperate man doing desperate things. It's a tragedy that he would cast aspersions upon the efforts of Albertans who are builders in this province. The man across the way is trying to undermine their efforts to build a better future for this province.

DR. WEST: The Leader of the Official Opposition had mentioned the overpass. I would like to just say that it serves the residents of Cougar Creek and the Benchlands and was unanimously voted on in resolution by the council and the mayor of Canmore. They were re-elected unanimously, and they passed another resolution to proceed with that overpass. That plan for that overpass has been in the works for the last 10 years, and we had advanced it. We modified it. Originally the outlets were developed for \$20 million, and we pared it back so that we're spending the minimum

on that overpass. There have been innuendos and allegations made about that. We are doing it to serve the area, to serve the people who live in the Benchlands and the Cougar Creek residents, and it's totally - totally - supported by the people of Canmore.

1:50

MR. MITCHELL: No trouble cutting health care and education; lot's of . . .

THE SPEAKER: Final supplemental.

MR. MITCHELL: Mr. Speaker, how long do the Alberta taxpayers have to hold this land for these developers, pay the taxes, and cover the carrying costs before the developers pay us for it?

MR. THURBER: Mr. Speaker, I've mentioned several times here before that there are different contracts on different portions of surplus property that this government is trying to get rid of. We don't think it's to the benefit of the taxpayer to hold onto this land forever, but we also use a little bit of jurisdictional compatibility when we're talking with the real estate market. We don't want to unload a whole bunch of land in one particular area at one time. We do it very judiciously. We have different contracts, and until they've paid for the land, they don't get the title. It's just that simple.

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

#### Health Care Privatization

MR. SAPERS: Thank you very much, Mr. Speaker. We're on the eve of a deadline for exemptions to be added to the North American free trade deal. It's a deadline that has serious consequences for the protection of publicly funded health care. The Alberta strategy, however, seems to be more concerned with opening the door ever wider for for-profit health care than it is concerned with providing any protection for our publicly funded system. Now, while other provinces are taking precautions to protect their public health care services, this government is allowing deals to be made with companies such as Hotel de Health. Why hasn't the Premier developed a clear strategy that would protect Alberta's health care system from being taken over by commercial interests?

MR. KLEIN: Mr. Speaker, we have, and again I have to reiterate that this government has no intention whatsoever of ever violating the fundamental principles of the Canada Health Act.

MR. SAPERS: That's why they pay a half a million dollar a month fine, Mr. Speaker.

Why won't this government, Mr. Premier, do something to protect public health care for a change and take the time to list all of the health care services that should be protected from NAFTA?

MR. ROSTAD: Perhaps I could answer that on behalf of the Premier. In NAFTA there is provision for exempting measures that are inconsistent with the provisions of NAFTA, and in fact the deadline is March 31, this month, to do that. There are two provisions. There's one called annex 1, where you make specific note of specific issues that you want exempted, but there is an annex 2-C-9, which in fact covers all social services, which

includes health services. It is an all-encompassing exemption. It allows you, against annex 1, to change your provisions and renew and grow in your health and social services area, whereas if you list the specific services in annex 1, you are exempting services as they existed in January of 1994 and you do not have the provision to in fact change or grow in those particular areas. We are assured through – I won't say by all the provinces – by far the majority of the provinces and the federal government that by incorporating the annex 2-C-9 exemption, we are well, well protected and not threatened by any U.S. private enterprises.

MR. SAPERS: Given, Mr. Speaker, that British Columbia, Saskatchewan, and Quebec have taken the time to list these exemptions in the annex and given that this province is already being penalized for violating the Canada Health Act, will the Premier confirm that his government's refusal to specifically exempt health care from free trade before the deadline is in fact a deliberate act to allow for more for-profit health care in Alberta?

MR. ROSTAD: Mr. Speaker, perhaps British Columbia and Saskatchewan because of a philosophical bent want to list their provisions in annex 1. We are completely assured that we are protecting all of Alberta's interests to save our health care system as it is and as it may evolve through time by using annex 2-C-9. By listing specific items in annex 1, again you limit those provisions to what they were on January 1 of '94. We may want to change things as we grow. Perhaps they don't, but I think in this progressive province we do. Also what you do by listing your specific services is you set yourself up from another government, then, knowing exactly what you've got there and wanting to negotiate something different from that. Annex 2-C-9 allows us to grow. We have protected all of Albertans' interests in health care and with all the Canada Health Act provisions incorporated in that.

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

#### **Military Medical Staff**

MR. YANKOWSKY: Thank you, Mr. Speaker. The Capital health authority is currently trying to arrange a partnership with the federal department of defence to staff hospitals and community health centres in the region. I understand negotiations for this program began a year ago and are still under way. It is also my understanding that this arrangement may provide increased staff and research funds for the Capital health authority. My questions are all to the hon. Minister of Health. Will the minister please inform this Assembly if Alberta Health will have a role to play in these negotiations?

MRS. McCLELLAN: Mr. Speaker, my department has not been involved in these negotiations formally, but the Capital health authority have kept my staff very informed of the progress of the discussions. I can tell the hon. member and all hon. members that certainly this arrangement, should it be finalized, has advantages for both parties and I believe for our health system in general. Medical military staff will be able to work in our very fine civilian hospitals and continue to keep their skills upgraded, and certainly the people in the region will gain from the medical expertise that that staff will bring to this community.

THE SPEAKER: Supplemental question.

MR. YANKOWSKY: Yes. Thank you, Mr. Speaker. Could this type of arrangement benefit other regional health authorities?

MRS. McCLELLAN: Mr. Speaker, my understanding is that this base is one of three in Canada that will have a medical centre component to it. The opportunity I suppose for areas around the capital could be there if there are opportunities for medical personnel to work there, but generally the benefits will be felt more in the Capital region because that is where the bulk of the staff will be as well as the military personnel. I think all of the medical community in Alberta will benefit, though, from having that expertise come into our province and perhaps bring skills that will enhance our medical delivery system.

THE SPEAKER: Final supplemental.

MR. YANKOWSKY: Yes. Thank you, Mr. Speaker. Will the minister please advise this Assembly if the proposed agreement will have any effect on the current staffing at the Edmonton Royal Alexandra and University hospitals?

MRS. McCLELLAN: Mr. Speaker, I have been assured that the current staff in the Capital region will not be impacted negatively by this move. The Capital health authority I understand will be meeting with their union leaders to discuss this arrangement with them. It is an arrangement that is in progress. It is a positive arrangement. I think it's important that the staff who currently are in our system hear the details of that arrangement from the Capital health authority, so I'm pleased that they are going to do that. Certainly the Capital health authority's priority to this point has been to ensure that there was no negative but rather a positive impact on the medical staff that they have in this region.

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

#### **2:00 Petroleum Marketing Commission**

MR. DALLA-LONGA: Thank you, Mr. Speaker. The oil industry doesn't ask for much from governments, and they haven't asked much from this government, but what they do want and should expect is a level playing field, fairness, and open disclosure when dealing with this government and any decisions that affect the way business is done, particularly such as the privatization of the APMC. Many people in the oil industry at all levels are angry and want the privatization of the APMC, which handles approximately 10 percent of this province's revenues, to be handled in an open and accountable manner and therefore want the minister to stop right now and start the process all over again. My first question is to the minister. How do you propose to deal with the anger, distrust, and confusion which the oil industry currently has over the entire process of privatizing the APMC?

MRS. BLACK: Mr. Speaker, I think clearly the relationship between the Department of Energy and the industry as a whole has been very good and has been one that has evolved over a relationship of dealing with the industry associations in an open and up-front fashion and involving them in the stakeholder processes for looking at restructuring.

In particular, Mr. Speaker, when the ministry reviewed the restructuring proposals it was going through two years ago, we held roundtables in Calgary with industry stakeholder groups and

talked about how we could effectively assist the industry in the development of the natural resource for the benefit of Albertans. As a result of the roundtable processes, the major restructuring proposals for the Ministry of Energy came forward.

Let's be very clear. At the time of that roundtabling, the question that was asked of the industry players was: is it the role of the government to be in the marketing business? The industry came back with a unanimous no, it is not the role of the government to be in the marketing business. That indeed is what prompted the announcement that we would be moving away from the traditional structure of the Alberta Petroleum Marketing Commission.

Mr. Speaker, that's exactly what we did in the number of months that followed. We merged in the functional responsibilities of the APMC into the department as we restructured the balance of the department and left the marketing function to go out and be dealt with again by stakeholder involvement. Throughout this process we have had the members from CAPP and SEPAC involved, right from 1994 through today, and they are still involved.

THE SPEAKER: Supplemental question.

MR. DALLA-LONGA: Thank you, Mr. Speaker. My next question is to the minister as well. I would like to know as well as many people in the industry: what criteria did you use to determine the merits of each of the rumoured three successful bidders in this process of privatization?

MRS. BLACK: Mr. Speaker, I believe I made a commitment to the House that I would file the criteria, which I started to list off in a question last week, and I will do that. As the hon. member opposite knows, I have a task force from my department along with private-sector support that is out discussing this issue with the proponents for marketing. I'm not prepared to get into a discussion on that until they conclude their discussions with the private sector. The second thing is that I don't deal in rumour; I deal in fact. When I have something to report, I in fact will report back to this House.

MR. DALLA-LONGA: Well, then, Mr. Speaker, on the issue of rumours and criteria I've been asked by some of the participants about this process and in turn I am asking the minister: why were the unsuccessful candidates informed only through a mere form letter without proper justification for their proposal or bid not being chosen?

MRS. BLACK: Mr. Speaker, as I said in the House last week, there were 24 unsolicited proposals that came forward to deal with the marketing concept. There are 40 marketers within the province, and 24 proposals came forward. An evaluation was made through a task force group from within my department and an outside associate. The field was narrowed down based on criteria to actually eight players, and the evaluation has continued on. Naturally it would be reasonable to expect that there would be some of the proponents that would not be successful, and they were indeed informed of it. I have not been directly involved in that other than to have updates as to how the process is proceeding. Again, when I have a report back, I indeed will share that with the hon. member.

THE SPEAKER: The hon. Member for Bow Valley.

### Child Support Payments

DR. OBERG: Thank you, Mr. Speaker. Recently a constituent came to see me with what seemed to be a very legitimate concern. She stated that her and her husband are the noncustodial parents of two children and presently are paying child support. They recently had their child support payments increased from \$600 to \$1,800 per month with one of the premises in the judge's decision being that income tax deducted amounted to 26 percent of this payment. Therefore, the actual expenses were only three-quarters of \$1,800. My question to the Minister of Justice: with the recent budget of the federal government should people such as my constituents have their amounts readjusted downwards to reflect the changes in the law?

MR. EVANS: Well, my understanding of the changes that are proposed by the federal government, Mr. Speaker, would provide that the payor would not be able to deduct the amount of the payment from income tax, and the recipient of the moneys would not have those moneys taxed in his or her, normally her, hands. The new rules are not intended to apply until the 1st of May 1997 and aren't supposed to have any impact on pre-existing agreements or orders unless the parties agree to them. However, for the future there will be a different set of criteria that are looked at by the courts in determining, on the one hand, how much money the payor has available to him or her to pay and, on the other hand, how much money is going to be actually in the hands of and available to the payee to be used for maintenance of the children.

THE SPEAKER: Supplemental.

DR. OBERG: Thank you, Mr. Speaker. With the birth of the noncustodial parents' next child two months from now, will this automatically lead to a reassessment of total child support payments, as their expenses are going up and the risk is that the noncustodial parents will not have enough support for their own family, or will they have to go to the expense of petitioning the courts for this decision?

MR. EVANS: Well, it's not a perfect system, Mr. Speaker. Clearly, what is in place today, as the Member for Bow Valley has stated, is a court order, and if the parties wish to change a court order because of changed circumstances, the only way they can do that is to petition back to the court for a review of the decision on what is an adequate maintenance award and request a change given the differing circumstances. I appreciate where the hon. member is coming from. That is a costly process, and it's sometimes a cumbersome process, but it is the only process that is available to us to vary maintenance orders.

THE SPEAKER: Final supplemental.

DR. OBERG: Thank you, Mr. Speaker. Again, in the same situation with my constituent: why is not the full amount of the income of the custodial father or in this case the stepfather of the two children used in recognition of child support payments?

MR. EVANS: Well, a judge who makes an order for maintenance does take into account, Mr. Speaker, all of the factors that are present in a given situation, such as the stepfather's income, or in loco parentis, as we call it, the parent who is taking on responsibility but has not become legally recognized as the new parent.

Again, it depends on the circumstances. It's up to the judge to decide the ability of those who have custody of the child to care for the child in a manner that that child was accustomed to prior to the ex-spouses separating. So I would presume that in the example the Member for Bow Valley is talking about, at the time of the initial order that fact situation with the stepfather was taken into account.

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

**2:10 Murphy Farms Inc.**

DR. NICOL: Thank you, Mr. Speaker. I'd like to table four copies of some documents that will support my question today. On a recent trip to the United States the minister of agriculture met with a number of groups, trying to encourage them to come into Alberta to promote our value-added development of agriculture. This is a very commendable action on the part of the minister, except that one of the groups he met with was Murphy family farms from North Carolina. This company is owned by Wendell Holmes Murphy, and he has some questionable background that I'd like to have the minister clarify for the House. [interjections] Does the minister feel it's wise to attract a company whose environment record includes spills of animal wastes into sources of drinking water?

THE SPEAKER: Order. There's a little too much noise on the government side to hear this question. Hon. member, will you repeat it?

DR. NICOL: Thank you, Mr. Speaker. I will repeat it. I was just asking if the minister feels that it's wise to attempt to attract a company to Alberta that has an environmental record which includes spills of animal wastes into drinking water.

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

MR. PASZKOWSKI: Well, thank you very much, Mr. Speaker. It's unfortunate that the general feeling and the general trend seem to be developing that anyone that's progressive, anyone that wants to be a builder or a developer in this province has got a questionable background. I think that's really, really a tragedy and unfortunate.

We did indeed meet with the Murphy Farms. I had an opportunity to firsthand see a hog operation in the new venues that are laid out today, and that was really primarily what we met about. So I did have an opportunity to go out and see firsthand the opportunities that the hog industry has for this province.

I want to share with the House that indeed we feel one of the most valued opportunities that we have for development in this province is the hog industry. The hog industry is growing throughout the world, and there is tremendous opportunity for expansion of the hog industry in this province. Now, what we have to do is work with our producers and create the correct and proper environment so that indeed we allow the industry to flourish and to grow. We're major producers of feed grains in this province, and indeed we want to add value to that feed grain before it leaves this province.

Murphy Farms had an environmental problem that they have dealt with, and indeed sooner or later those types of things can happen. They have adequately dealt with their problem. Indeed they were the unfortunate victims of floods, and the hon. Member

for Lethbridge-East should be very, very familiar with what floods can do to an area. They can devastate an area, and they can create all kinds of hazards and problems that are unforeseen. Unfortunately they were caught in the same dilemma. If there's a way that we can control nature, if there's a way that we can have complete control of nature, then disasters like that don't happen throughout this world.

THE SPEAKER: Supplemental question.

DR. NICOL: Thank you, Mr. Speaker. I think the pork industry does have great potential in this province, and we should all be encouraging it.

I'd like to ask the minister if he's trying to encourage the pork industry by bringing into Alberta a company that deals with contract farming and in the process destroys the family farm environment that we have in Alberta.

MR. PASZKOWSKI: Well, Mr. Speaker, this is a rather interesting socialist philosophy that we have tried to dispel and that we have not been working with. Indeed the hog industry probably epitomizes the opportunities of private enterprise in allowing individuals to develop an industry that's a healthy and good-growth industry. The process in the hog industry is one that indeed allows for the entrepreneurial growth of the agricultural industry.

What we saw in the United States and what we've seen in many places in Canada has been opportunities for the industry to flourish and to grow by the development of individual farmers that today as we have it structured in Alberta is not proceeding. What we saw was firsthand integration of the industry whereby the industry has allowed farmers who under normal circumstances would not have been allowed to get into the industry become established in the pork-growing industry. This is a process that we see can be very successful in this province, and we plan on working with our primary producers to try and enhance the opportunities for value adding right here in Alberta.

THE SPEAKER: Final supplemental.

DR. NICOL: Thank you, Mr. Speaker. The idea of contract farming is more like the feudal system rather than free enterprise.

I'd like to ask the minister if he's trying to attract into Alberta an investor who's been dogged by controversy over conflict of interest while he was a state legislator and who had bribery allegations after he left the legislature.

MR. PASZKOWSKI: Well, Mr. Speaker, this is very unfortunate. We're back into the character assassination that the hon. Leader of the Opposition seems to be so thrilled in dwelling on. It's very, very unfortunate because we have a very successful operator who is doing great successes with the industry.

I want to spend a moment talking about contract farming and the need for contract farming. All of industry is wanting to have the opportunity to get in the process of developing products that indeed can fit niche markets. That's Canada's strength. That's Alberta's strength. We're not massive producers of any particular product. What we do is successfully produce very good quality material that fits the needs of our customers, and that can be achieved only through contract farming. If you don't contract farm, then you simply take whatever is produced out there. In order to be entrepreneurial, in order to develop products that the

customer demands, you have to work with the producer so that he's meeting that unique need.

We have as a department, Mr. Speaker, changed our whole philosophy. We no longer simply sell what we grow; we're growing what we can sell. That is an important change in our philosophy.

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

### Treasury Branches

MR. HERARD: Thank you, Mr. Speaker. Alberta Treasury Branches, despite the opposition's continued attempts to discredit what they do, was established to provide a banking alternative with special attention to lending activities pertaining to agricultural operations, independent businesses, and consumer-related financial needs. Beginning with the Alberta Financial Review Commission in March, a number of groups and individuals have recommended that the government improve the governance of Alberta Treasury Branches. To the Provincial Treasurer: how will today's announcement of Alberta Treasury Branches' first board of directors address the concerns raised by the Alberta Financial Review Commission, the Auditor General, Gordon Flynn, and the Mazankowski report and others?

MR. DINNING: Mr. Speaker, the hon. member raises an important question because it has to do with the advice that we did get from the Auditor General as recently as '93-94, when he suggested that an advisory committee "could assist management by providing new perspectives on operational policies and plans." The Financial Review Commission acknowledged that Treasury Branches are a major financial institution; governance and review are more important than ever therefore.

Most recently, in the Mazankowski report, the report of the working group chaired by the Rt. Hon. Don Mazankowski, the working group recommended that a board of directors be established as soon as practicable and that they should have the following responsibilities:

- approving the strategic direction and business plan . . .
- monitoring and assessing corporate and management performance . . .
- overseeing general corporate policies;
- controlling and monitoring business and financial risk;
- ensuring the integrity of internal control and management information systems.

Mr. Speaker, there's no doubt about it. There's been a preponderance of weighty and very solid recommendations and evidence that we should take the step that we have taken today, and I applaud all members, both sides of this Legislative Assembly, when they endorsed the Treasury Branches Statutes Amendment Act of the spring of 1995. We put in place a selection panel process to come back with recommendations on directors, and that's why today's announcement is the next important step in seeing improved governance for the Treasury Branches to improve their financial performance, to protect, further, depositors and taxpayers in this province, and to improve overall accountability of this ninth largest financial institution in the country.

2:20

THE SPEAKER: Supplemental question.

MR. HERARD: Yes, Mr. Speaker. To the Provincial Treasurer: given that Alberta Treasury Branches is an organization that has assets of \$10 billion and maintains over a million accounts, what

steps have been taken to ensure that the board has the experience and mandate to ensure that the Alberta Treasury Branches continue to prosper and grow?

MR. DINNING: Mr. Speaker, the hon. member has asked an important two-part question in that he's asked about both the experience of the directors and the mandate that this board is going to have. I would remind all hon. members that we commenced an independent process whereby a well-respected Edmonton lawyer by the name of Louis Desrochers . . .

MR. KLEIN: A Liberal.

MR. DINNING: Did you say, "A Liberal," Mr. Premier?

He is a well-respected Edmonton lawyer. As well, the dean of the Faculty of Management at the University of Calgary, Dr. Mike Maher, as well as three senior officials of the government are part of a selection panel. They engaged the firm of Ernst & Young to have them call for, receive, and vet nominations, and they did so, received some 450 nominations.

With the material, Mr. Speaker, that I filed in the Assembly earlier today is a letter from Dr. Mike Maher, serving as co-chair of the selection panel. We have accepted the 15 recommendations, the 15 names that they recommended, without alteration. I'm proud to say that all members have agreed to serve.

Clearly, their criteria in making that selection – it's in the letter – are:

- amount of previous board experience;
- nature of business experience, including industry representation, entrepreneurial/small business versus corporate, profession/occupation;
- geographic location.

So we think we've got a good board on the basis of that criteria.

Importantly, Mr. Speaker, I spelled out the mandate in my first response, but I just want to read one important brief section of the Treasury Branches Act which says that

the directors [of Treasury Branches] shall establish reasonable and prudent investment and lending policies, standards and procedures in respect of investment portfolios and loans in order to avoid undue risk of loss and to obtain a reasonable return.

That's a very important mandate for this Treasury Branches board of directors.

THE SPEAKER: Final supplemental.

MR. HERARD: Thank you, Mr. Speaker. My final supplemental to the Provincial Treasurer. A lot of people are asking: is the appointment of the Treasury Branches board of directors the first step in a plan to privatize Alberta Treasury Branches?

MR. DINNING: Mr. Speaker, as I said on May 3, 1995, there is no for-sale sign on the doors of the Alberta Treasury Branches. When I think of the conversations that I've had with some of the Alberta-based directors of some of the five larger national banks, they have said: "Do not sell Treasury Branches. You've got to stay in the business so that the big five banks will continue to do their job even better and to keep them honest." That's basically what some of those private directors have suggested.

I know that even the Member for Edmonton-Roper – and there are several of my colleagues in the Assembly who agree that the Treasury Branches has both a proud past, but it has a very important future to play in this province. I'm proud that all members of this Assembly – all members of this Assembly – have

adopted the practice of allowing a new board of directors to get in there and do the job that's right for Albertans, both depositors and taxpayers in this province.

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

### Child Support Payments

(continued)

MR. DICKSON: Mr. Speaker, thank you. On March 6 the federal government outlined a new child support strategy, and one element of that strategy was to make child support payments taxable. In other words, child support would no longer be deductible for the paying parent. The federal government has promised that the extra tax revenue which will result will be used exclusively to beef up support for low-income families. The supplement to the child tax benefit will in fact go from \$500 to \$1,000. My question, firstly, is to the Provincial Treasurer. What is the estimated windfall to the province of Alberta as a consequence of making child support payments nondeductible?

MR. DINNING: Mr. Speaker, I know even the federal government would acknowledge that it's unknown as to what if any windfall will occur in this province.

I would certainly endorse what the hon. member is saying in many ways. I am delighted to hear what he's suggesting. In Agenda '96, Mr. Speaker, we made it clear that we wanted to make sure that the taxation benefits accrued to those who we believe are probably more in need than any other group, and that is young families who are starting off, young families with children who over the last number of years have seen a noticeable decline in their take-home pay and the governments have taken even more of what's left of that.

When the government proposed its employment tax credit, I didn't hear the support that I think I'm beginning to hear from the Member for Calgary-Buffalo to ensure that that up to \$1,000 benefit that would go to families with children based on employment income between the income levels of \$6,500 and \$50,000 would flow back to them first and foremost as of January 1, 1997. So I would encourage the hon. member to stand up at his seat and speak loudly and clearly in support of making sure those dollars stay in the pockets of Albertans who need them the most, and that's young working families who are trying to make a start, Mr. Speaker.

THE SPEAKER: Supplemental question.

MR. DICKSON: Thanks, Mr. Speaker. Well, we know what the federal government is going to do with its portion.

My question will be to the Provincial Treasurer then: are we to assume . . .

MR. DINNING: What do you stand for, Gary? Tell us what you stand for.

THE SPEAKER: Order, hon. Treasurer. [interjections] Order. [interjections] Order. Will the Assembly please allow the hon. member to ask his supplemental question?

MR. DICKSON: He can't wait for the next question.

Mr. Speaker, will this Premier commit to turn over the province of Alberta's share of the windfall to low-income families instead of putting that money into general revenue?

MR. DINNING: Well, what I'm asking the hon. member is just for once in his life to take a stand, to take a stand on behalf of constituents. I ask the hon. member.

I will acknowledge that this plan more than any incremental revenue that we might get from the picking of the pockets that Ottawa proposes – this proposes a \$70 million benefit that would flow to low to middle income working families with children. All I want the hon. member to do is acknowledge that that is the right place for those dollars that he is talking about. That is the right place for those dollars to flow. Will you let the hon. member stand, Mr. Speaker, and show his support for what is a very, very sound idea and good for Alberta families?

THE SPEAKER: Final supplemental.

MR. DICKSON: Thanks, Mr. Speaker. My final supplemental question will go to the hon. Minister of Justice. [interjections] Anything to get a concrete answer. My question to the minister: since we can anticipate a large volume of variation applications in front of the court, as was suggested earlier, what kind of budget and what specific plans is the Department of Justice going to put in place to deal with those many parents that are coming back looking for variation of orders made before this new wrinkle in the tax provision?

MR. EVANS: Well, Mr. Speaker, I'm going to try to give a concrete answer. We're trying to work with the federal government to find out a little bit more from them in terms of the information that they have available to them as to how many changes they expect in this province, what kind of moneys are going to be available, and certainly how many variance applications there will be. As I mentioned earlier in my response to the question from Bow Valley, it's quite clear that the federal government doesn't anticipate that these changes would have any impact for any orders that were made prior to May 1, 1997. So, on the one hand, the federal government's saying that we're looking at perhaps up to 250 millions of dollars per year in additional moneys Canada-wide. I think there's still a little due diligence that's necessary on those estimates before we have much of an idea.

There wouldn't appear to me to be much likelihood of variance applications by those who are on the receiving end but more likely by those who are on the paying end. I'm not sure whether the federal government, Mr. Speaker, has taken that fact into account in trying to figure out what the amounts might be. I'm not sure either that it is terribly realistic to assume that we will have nearly as many variance applications as the hon. member opposite is talking about. So we're going to continue to work with the federal government to come to grips with this issue as well to get a better sense of what their guidelines are going to be for determination of appropriate payments in the various jurisdictions across Canada.

2:30

There is a provision that gives us the right here in this province as in other provinces to set our own guidelines. We're going to have to see as we look through this process and see what they're suggesting at the federal level whether or not we set up our own guidelines.

We'll deal with this change that the federal government has initiated, and we'll do it with the existing budget if at all possible.

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



### Student Loans

MRS. BURGNER: Thank you, Mr. Speaker. Students across this province recently signed petitions calling for postsecondary education to be a priority of public spending, and these were presented in the Legislature on Monday. Student financial assistance is an essential component of providing a truly accessible adult learning system. What I'm hearing from students in my constituency, some of whom are visiting with us in the Legislature this afternoon, is that government is reducing its commitment to the student loan program. My questions today are to the Minister of Advanced Education and Career Development. Can the minister tell this Assembly whether this claim is true? Is the government's commitment to student assistance weakening?

MR. ADY: Mr. Speaker, there's really a good short answer to that one: absolutely not. This government has a strong commitment to an accessible and well-financed student loan program, and that hasn't changed. As a matter of fact, the hon. member could tell her constituent that we will be funding about 56,000 students this year, in the year 1995-96, and that we'll be supporting student finance in the amount of about \$388 million in the forthcoming year, which is a \$23 million increase over the previous year.

THE SPEAKER: Supplemental question.

MRS. BURGNER: Thank you, Mr. Speaker. I know we ask parents of dependent students to contribute toward the cost of their children's education. What is the minister's response to the many parents that have expressed to me a concern that these amounts that we are asking are too high and unrealistic for their contribution?

MR. ADY: Well, Mr. Speaker, the member makes a good point. I have heard that concern from students and from MLAs, that parental contributions may be too high. For example, currently a family earning \$60,000 would be expected to pay about \$21,600 over a four-year program for a student that they had in the postsecondary system. Presentations have been made to me on that issue and, I feel, with some validity.

Consequently, changes have been recently made on parental contributions in Budget '96 that will reduce the parental contribution rate. In the example that I've used, Mr. Speaker, instead of paying \$21,600, as I explained earlier, under the new program that amount would drop to \$13,700 for parental contribution, which I believe is quite significant. Some 5,700 students' parents will now benefit from that reduction on their contribution.

So this is more evidence of not only what we're doing to improve our student loan system but also what we're doing to help the many hardworking families who have students in the system.

THE SPEAKER: Final supplemental.

MRS. BURGNER: Thank you, Mr. Speaker. My final question: student loans are also expected to cover tuition costs, but what about the other costs these students have to pay out of their own pockets, like student union fees and athletic fees and the like? Does the student loan program handle those kinds of additional expenses the students must endure?

MR. ADY: Mr. Speaker, we will continue to increase the annual loan limits that we provide to students because the province's

tuition fee policy limits the annual increase of tuition to students to \$223.75 as an increment each year, the maximum that can take place. This applies to what we call fees for instruction, the actual tuition fee policy, meaning course fees, all library fees, computer fees, lab fees, and material fees.

However, the hon. member is correct. There are other fees levied on students in the system, like fees to join the student union, athletic fees, and others like those, that are not covered by our policy. Nor should they be, because they are not instructional fees. We do acknowledge that students have to pay these fees. They're extra to them, so we've moved to increase the amount we loan by more than the level set in our tuition fee policy. This year we will be recommending an increase of \$300 to cover these extra noninstructional fees for students that are in our postsecondary system.

THE SPEAKER: The time for question period has expired.

There is a point of order that was carried over from yesterday to allow the Leader of the Opposition to respond to the point raised by the hon. Member for Bow Valley.

The hon. Leader of the Opposition.

### Point of Order

#### Offending the Practices of the Assembly

MR. MITCHELL: Mr. Speaker, thank you very much. I welcome the opportunity to respond to the Member for Bow Valley's point of order yesterday, which raised some questions about what I had said concerning a study done for *The Journal of Pediatrics* which I referred to in this Legislature. I'm very pleased to see that at least one member of that caucus has read the study. There are doubts about whether the Minister of Health in fact has. It is a very important study.

What I would like to do for the record is read from the summarized portion of this study, a summary of about 14 pages. The reason that I want to read from this, Mr. Speaker, is that it points out what has been distilled by the authors of this document, of this scientific study as being very important and very significant. So I will read this. Under results: increased rates of readmission were most marked for jaundice and dehydration; the infants readmitted to our hospital had evidence of increased severity of illness as indicated by higher serum bilirubin and sodium concentrations; two deaths occurred in infants with hyponatremic dehydration, one in '92-93 and another in '93-94.

Mr. Speaker, it's interesting that they would single out and conclude that from 14 pages of documentation in their summaries. They didn't include that sentence about the two deaths because it was irrelevant. They included that sentence because clearly it must have been relevant.

I go on to their specific conclusions: in Ontario shorter neonatal hospital stay was associated with increased readmission rates for conditions that may not give rise to symptoms or signs on days 1 to 3 of life; in our hospital the severity of jaundice and dehydration in readmitted infants increased; the severity of illness data raises the question of whether shorter neonatal hospital stay of apparently healthy infants is always safe.

Mr. Speaker, I backed up the reference to that report by a statement made by Medicine Hat's Dr. Donald Davis of the Society of Obstetricians and Gynaecologists of Canada. He said: doctors are concerned that there is neither the level of care nor the experience to move into the early discharge programs.

My questions focused on the risk observations in this study, this scientific study in *The Journal of Pediatrics* and borne out by the

statement of Dr. Donald Davis that early discharges may well be causing higher risks for infants, and that is being revealed in increased rates of readmission, Mr. Speaker. I asked the minister why she has focused on 24 hours when 48 hours would be more appropriate and still gives the flexibility to doctors to make decisions along with mothers about earlier discharge than that.

Mr. Speaker, I may have overdrawn the conclusion, as I said. It further indicates that babies have in fact died because of early discharge. I may have overdrawn that. I think it is a very important observation in the study to have drawn the observation about two deaths or they wouldn't have included it in their summary. I will say that I drew a stronger conclusion than this study drew itself, and if I have misled the House or I have contributed to a lack of clarification in this issue, I apologize for that.

2:40

However, Mr. Speaker, what I have not overdrawn is the risk that is involved in earlier discharges. This is a very real problem. It is a problem that is not being addressed properly by this government, and I have no regrets, no qualms whatsoever that I have raised these questions on behalf of mothers and newborn infants in this province. I only wish that this government would focus on that part of the study as much as they have on the other part.

Thank you, Mr. Speaker.

DR. OBERG: Mr. Speaker, I realize I've already spoken, but I would ask your indulgence. I had asked for three specific points on this: first of all, an apology to the Assembly; second of all, an apology to the people of Alberta; and third of all, that it be stricken from *Hansard*. I'd like your opinion on that.

THE SPEAKER: When a point of order is raised, there is no provision for striking the record. We can't do that. That's why it's so important to say the correct thing the first time, and all members should bear that in mind, that there is no provision for correcting the record. When inaccurate information is made, it's there. All hon. members should be careful of what they say.

Now, the hon. member has apologized for overdrawing the conclusion. [interjections] Well, if it's considered to be overdrawn, the hon. member has said that he apologizes for that. The Chair believes that the hon. Leader of the Opposition has made the requisite apology but wants to use this occasion to remind all hon. members that they should be more careful with the words they throw around this Assembly.

### Point of Order

#### Allegations against Nonmembers

MR. DAY: I would remind the opposition leader that when he's in court facing the million dollar lawsuit, "if" ain't gonna work. I'd also like to add, Mr. Speaker – quoting *Beauchesne* 511, referring to "the freedom of speech accorded to Members of Parliament is a fundamental right." It's very important for us to note that. *Beauchesne* 491 says that "the Speaker has consistently ruled that language used in the House should be temperate and worthy of the place in which it is spoken." Then 493(4), with those two admonitions in mind, says:

The Speaker has cautioned Members to exercise great care in making statements about persons who are outside the House and unable to reply.

MR. VAN BINSBERGEN: Mr. Speaker, we just settled that.

MR. DAY: If the member from out Hinton way would just put his foot in it for a minute, he would understand that I'm dealing with another point of order.

Mr. Speaker, again today we heard from the Opposition House Leader references to people outside the House in a demeaning and derogatory way. Now, he's already facing a million dollar lawsuit, as we understand.

MRS. ABDURAHMAN: That's even the wrong person.

MR. DAY: I'm sorry. Did I say House leader? The Opposition House Leader is quite rightly panicked that I have mistaken him for the Leader of the Opposition. That is to whom I am referring.

Mr. Speaker, this is a very grave point. We have addressed this a number of times, even in the last couple of weeks, here in the House. I'm guided by *Beauchesne*, which says I need to accept members' statements as they are and not impugn motives, so I'm not going to. But it can be seen as one of the highest acts of cowardice to say things about people outside the House when they are unable to reply, and that's why we have this rare privilege of immunity inside this House. It's a very rare privilege accorded to very few in our society. Judges are one instance that I can think of. I don't know of many others that are accorded that privilege of immunity. Again we heard it today, because the opposition leader does not for whatever reason have what it takes to address those issues outside this House, where he would be subject to the full force of law. Citizens' names again are put to question and put to some kind of public disrepute in a very cavalier manner.

Mr. Speaker, I owned a dog once that had free reign of the backyard. It was a fenced backyard. This dog, however, could not keep from digging in the dirt. Time after time – it didn't matter how many times I addressed it – the dog continued to dig in the dirt. I finally had to put a leash on the dog and tether her in the middle of the yard. I didn't want to do that. I wanted her to have the full freedom of the yard.

Mr. Speaker, I don't know what other application you could take from *Beauchesne*, but I would suggest that the opposition leader needs a leash put on him. He has obviously shown he does not respect the freedom that he has within these walls. He needs a leash put on him because he keeps digging in the dirt and all of us get dirty in the process.

MR. BRUSEKER: Mr. Speaker, with respect to the purported point of order raised by the Government House Leader, I can accept that the Government House Leader takes exception to some of the questions we raise, but to do so in an insulting and derogatory fashion, as he just did, is inappropriate.

THE SPEAKER: Well, we had two occasions today where people outside the Assembly were referred to in the questions – it was the Leader of the Opposition and the Member for Lethbridge-East – where the Chair did not feel that the personalities involved were in any way related to the policy of the government. The Chair feels that the hon. Government House Leader has raised the appropriate sections of *Beauchesne* and has reminded the Assembly and everybody in it of the practice of the parliamentary system in our country. The Chair would again urge hon. members to pay attention to those citations, because your role here in questioning the government, hon. members, is to question them on the policies of the government, and that can be done without raising the names of people who are outside this Chamber and have absolutely no

way of defending themselves against these allegations. If anybody has the feeling that they are true, then I don't know why they are not repeating them outside the House. I think there better be some time spent on the crafting of these preambles to questions.

Could there be permission to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

The hon. Member for Calgary-Currie.

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

MRS. BURGNER: Thank you, Mr. Speaker. I appreciate there's a lot of serious conversation going on this afternoon with respect to the names of people mentioned in the House, so it's my privilege to introduce to you and through you to this Assembly a group of 29 students from Mount Royal College who are sitting in the members' gallery. These students are accompanied by their teacher Janet Alford and have spent the day touring the Legislature, visiting with the press, the Liberal opposition, and the Minister of Advanced Education and Career Development, and I think they've had a very thorough day, including watching question period this afternoon. I would ask you to afford to them the warm welcome of this Assembly as they pursue their studies in political education. Please rise.

head: **Orders of the Day**  
2:50

head: **Written Questions**

MRS. BLACK: Mr. Speaker, I move written questions appearing on today's Order Paper stand and retain their places.

[Motion carried]

head: **Motions for Returns**

MRS. BLACK: Mr. Speaker, I move motions for returns appearing on today's Order Paper stand and retain their places with the exception of Motion for a Return 178.

[Motion carried]

#### **UN Convention on the Rights of the Child**

M178. Mrs. Hewes moved that an order of the Assembly do issue for a return showing copies of all working documents, correspondence, and recommendations written by the government's interdepartmental committee on human rights that pertain to the UN convention on the rights of the child for the period January 1, 1991, through to December 31, 1993.

MRS. HEWES: Mr. Speaker, speaking briefly to this motion, you, sir, will recall, as may some other members, that I have presented Bills to this House on two occasions in regard to the convention on the rights of the child, Bill 224 in 1991 and Bill 207 in 1993. In each case the Bill was defeated. At that time many individuals and organizations expressed concern at the position taken in the House. There was a somewhat confrontational debate on the issue and some dismay expressed at some of the comments made. I believe it was most unfortunate that the Bill was not passed on either occasion.

However, Mr. Speaker, I have to remind members that the province of Alberta is the only province that has not signed this convention. All other provinces of the country have, including the federal government. The minister has assured us from time to time that all legislation in Alberta conforms to the convention, so it is somewhat puzzling to the public as to why the convention has not been signed.

The reason that I bring this motion forward at this time is that the timing is very necessary. At present, Mr. Speaker, we are partway through a major undertaking to reform child welfare in the province of Alberta. Hundreds of volunteers, many appointed by the province, are working on steering committees and working groups to plan how child welfare will be dealt with in Alberta, and the issue of the convention on the rights of children is frequently raised by these committees and the individuals who are participating. It is raised in addition by a number of other organizations of the government. The Human Rights Commission raised it last year, and just recently the Calgary coalition raised it and presented the issue to the government again.

We do know from past history that there were discussions at great length and correspondence between this government, the intergovernmental affairs minister of the day, Mr. Jim Horsman, and the Prime Minister of the day, the Rt. Hon. Brian Mulroney. Mr. Speaker, at the time arguments were raised pro and con, and there was an interdepartmental committee on human rights struck to deal with the matter. I think it would be very helpful if we had information and understanding about that committee's reports and the correspondence and the discussions. Why did the government make the decision not to accept what we believe the committee's recommendation was? What internal reports were done to provide the background to the government members at the time? On what basis or on what information to the government members, to the government caucus, was the recommendation declined? It's very important that these documents be made public so that our publics who are working hard at this point in time have some understanding of the government's reluctance, which seems incompatible with the current work that is going on, the work of their very own committees.

Mr. Speaker, I'm hopeful that the government will accept this motion for a return.

MRS. BLACK: Mr. Speaker, on behalf of the Minister of Community Development the government would indicate that we are accepting Motion 178.

[Motion carried]

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

head: **Committee of the Whole**

[Mr. Tannas in the Chair]

THE CHAIRMAN: I'd like to call the Committee of the Whole together. Again we'll respect the convention of only one member standing and talking at a time.

#### **Bill 205** **Limitations Act**

THE CHAIRMAN: We begin this afternoon, then, by inviting the sponsor, the hon. Member for Calgary-Egmont, to speak to this, perhaps answer some of the questions that were raised earlier, and let us continue.

Before asking the hon. member to speak, maybe we'll wait till a few of the members find their seats.

We appear nearly ready. Calgary-Egmont.

MR. HERARD: Thank you very much, Mr. Chairman. It's indeed an honour to rise in committee stage on Bill 205, the Limitations Act. I'd like to begin, as I did in second reading, by recognizing the considerable work that's been done with respect to this Bill by a number of parties: Parliamentary Counsel, Mr. Reynolds; Chief Legislative Counsel, Mr. Pagano; the tireless efforts of Mr. Clark Dalton, who I see in the gallery today and who, I'm sure, will probably provide more of his good counsel as we go along; our researchers Maureen Geres and Elan Gough; and of course the Minister of Justice, whose good counsel and support has really been helpful. Of course, I wish to thank all hon. members for their unanimous support of this Bill at second reading.

It's my pleasure to begin debate today on the proposed amendments to Bill 205, the Limitations Act. There's been much debate in this Assembly, in fact good debate, on this Bill. As you're receiving your amendments, I'd like to address a few of the issues that were raised by members from across the way during second reading of Bill 205.

The Member for Calgary-Buffalo raised a concern regarding survivors of incest and whether they are considered persons under disability under Bill 205. To clarify for the member, victims of sexual abuse are protected under section 6 of Bill 205, which deals with persons under disability. Persons under disability include adults who are unable to make "reasonable judgments in respect of matters relating to the claim." Quite often victims of sexual abuse experience extreme psychological and emotional problems and are not able to disclose their abuse for many years. Limitation periods are suspended under section 6 until such time that a person realizes that they have a claim, regardless of how long it may take. To that and to help the hon. member, I would refer him to a 1992 Supreme Court decision, *KM versus HM*, which established this principle.

3:00

Bill 205 is unlike the laws in B.C. and Ontario, where there is no limitation period for victims of sexual abuse. Even if a person comes to realize that they have a claim, the person may sleep on their rights. Bill 205 will suspend the limitation period as long as a disability exists but recognizes as well that limitation periods reflect a need to provide repose, a need to foreclose claims based on stale evidence, and to ensure that plaintiffs act diligently and do not sleep on their rights.

The member also raised a concern regarding persons who are victims of incest when they are minors and the sexual abusers are the victims' parents or guardians. I will be proposing an amendment today to Bill 205 that will address these cases of incest. Section 6(1.1) is added and reads:

Where an action is brought by a claimant against a parent or guardian of the claimant and the cause of action arose when the claimant was a minor, the operation of the limitation periods provided by this Act is suspended during the period of time that the person was a minor.

Mr. Chairman, the Member for Calgary-Buffalo also questioned the length of the ultimate limitation period in Bill 205. He correctly noted that the Alberta Law Reform Institute recommended a 15-year period. The institute initially opted for a 10-year period in its report for discussion and then changed its view to 15 years in the final report.

Throughout the consultation process, comments on the length of the ultimate limitation period varied. Some professional groups suggested that 10 years is too long. Others say that it's about right, and others say that it's too short. So, Mr. Chairman, there's no unanimity, nor is there likely to be, on this point.

The purpose of the ultimate limitation period is to relieve potential defendants from the threat of possible legal action indefinitely. If the period is too long, defendants are unfairly put at risk of stale claims arising and are put to the expense of maintaining records and insurance long after the action occurred. At the same time, the period must provide potential claimants with sufficient time to discover that a cause for action exists.

As I've mentioned before, Mr. Chairman, liability insurers state that 95 percent of all claims are lodged within five years of completion of the professional service. They also suggest that the remaining 5 percent of the claims initiated after five years are claims that rely upon the mists of time obscuring records, recollection, and availability of personnel who were directly involved. The proposed 10-year ultimate limitation period runs twice as long as experience shows is necessary. Bill 205 provides a fair balance between the rights of the plaintiff and the rights of the defendant.

I'm quite sure, Mr. Chairman, that if we were to ask the director of the institute today, he would probably tell you that the ultimate period would be somewhere between these two points, but he would certainly not, in my opinion, say that 10 years is out of the question. In reality, when you add the discoverability period with the ultimate limitation, you really end up with a period of about 12 years. So I think that at the 10-year mark we're doing both sides justice.

An issue was raised by the Member for Sherwood Park regarding who should have the burden of proving the ultimate period. Bill 205 carries forward the existing principle that the defendant must plead and prove any limitations defence that the defendant has to a claim. Mr. Chairman, this is a rule of judicial origin and has been for some time sanctified by our rules of court. The defendant has the overall burden of proving that the claim was not brought within the ultimate limitations period, and the claimant has the burden of proof to show that a claim was brought within the discovery period. So that's as it should be.

I'd also like to discuss records maintenance and how long they must be kept. I would remind members that under the present regime there is no ultimate period for some actions. Professionals that are faced with the uncertainty of when a claim may arise are put to the expense of maintaining records forever. Another example, Mr. Chairman, is victims of car accidents. While discoverability rules do apply currently, there is no ultimate period. Under Bill 205 records will have to be kept for a period of 10 years, the length of the ultimate limitation period. Records concerning persons under disability would have to be kept longer. Presumably, though, businesses and others will be able to identify those problem areas and isolate them. Again this scenario is certainly better than the present situation for many professionals.

The Member for Calgary-Buffalo also addressed the issue of transitional provisions. Section 13 of the Bill opts for a clean break as soon as possible from the old Act but at the same time makes concessions to both sides, to both claimants and defendants. Section 13(1) benefits defendants in those cases in which the time available to a claimant to commence the proceeding is reduced; for example, if the limitation period was six years under the old limitations law, it would be two years from the point of discovery and ultimately 10 years after the claim arose under the new law.

Section 13(2) makes a concession to claimants by stating that a claimant, if that person is in the time period of the present Act, will be able to have no less than two years after Bill 205 comes into force to bring an action. On balance, Mr. Chairman, this seems to be the best solution to the transitional issue. The alternative is to have both Acts operate in parallel for a period of time with respect to actions that have occurred in the past, and it would only complicate and confuse the law.

Mr. Chairman, the final issue that I wish to comment on is conflict of laws. To clarify, conflict of laws occurs in situations where the law of more than one jurisdiction can apply. The legal rules that have been developed to determine which law applies when and where are called conflict of laws rules. Generally, the law relating to a procedure before the court is governed by the jurisdiction where the matter is heard. Substantive laws that apply to the substance of an issue are governed by other rules, and sometimes that can be the law of another jurisdiction. To remove the often difficult task of categorizing limitations legislation to determine whose law applies to a claim, Bill 205 states that, regardless, limitations law is governed by Alberta law if an action is brought in this province.

Having said that, Mr. Chairman, I'd like to turn to the proposed amendments. These amendments are the result of extensive consultation with various professionals and interested groups and the Department of Justice. They do not – I insist do not – change the intent of the Bill. In fact, the amendments create a better, more comprehensive piece of legislation. The majority of the amendments are simple grammatical changes and changes that make the legislation gender neutral.

I'd like now to go through the amendments and explain the rationale behind them to the members of the Assembly. I would note, Mr. Chairman, that the amendments are broken down into two sections, and I'm advised that Amendments to Bill 205 (No. 1) should be labeled A1, and Bill 205 (No. 2) should be labeled A2. I'll be referring to A1 at the beginning.

### 3:10

This first package of amendments includes changes for grammatical purposes and changes to make the wording gender neutral. Section 1(j) is amended by removing references to the word "duty," and section 1(c.1) is added to insert the definition of "duty." Now, these amendments provide clarity by removing one definition out of another. Section 1(i)(iv) is amended by words "a writ of" before "habeas" to improve the wording.

Mr. Chairman, the amendments to section 3(1)(a)(i) and section 3(2)(c)(i), (ii), and (iii) are to make the wording gender neutral. Subsections (3)(a) through (e) are amended for editorial purposes, changing the wording from the past tense to the present tense.

Section 4 refers to the more general terms of the Bill, so it is moved to the end of the Bill and is renumbered as section 10.1

Section 5(1) and section 6(1) are amended also for editorial purposes.

Section 7(1), (3)(b), and (4)(b) and sections 9, 10, and 14(3) are amended to improve the grammar and to make the section gender neutral.

Now, with respect to the package that is labeled – did you say 1B, Mr. Chairman? The second section is now 1B?

THE CHAIRMAN: No. A2.

MR. HERARD: Thank you. I mislabeled that.

Now, the second amendment package includes amendments that are more substantive. Section 1(h)(i) is amended to change the

definition of persons under disability to specify a minor who is not under the custody of a parent or guardian. Essentially it would be the parent's or guardian's responsibility to commence an action on a claim on a minor's behalf. This is with the exception of the cases where the action is against a parent or guardian, as I earlier stated. So this should take care of some of the concerns that were raised by members from the other side.

Judicial review is not a remedial order, and therefore clause (i)(iii) of section 1 is amended to exclude regulations and additions to statutes.

Section 3(1)(a) is amended by substituting "his" with the word "the" to allow the test to be based on the circumstances rather than just the individuals. Unnecessary words are removed from section 3(1)(a)(ii) and (iii). The words "to some degree" and "was sufficiently serious to have warranted" are struck out because these words don't add anything to the clarity of the Bill, Mr. Chairman, and therefore they have been removed.

Two areas in section 8 are amended. The first amendment is the addition of the word "expressly" before "provides." This will ensure that agreements to increase limitation periods are expressed and not implied and therefore clear to both parties. The next amendment to section 8 is to remove the possibility of agreements reducing a limitation period. Concerns have been raised regarding situations where there is an imbalance of power between two parties and one party may be in a stronger bargaining position to reduce the limitation period. So agreements now, Mr. Chairman, could only increase and not decrease the limitation period.

We have added section 12.1 to exclude aboriginal claims from this Bill. The section reads:

An action brought, after the coming into force of this Act, by an aboriginal people against the Crown based on a breach of a fiduciary duty alleged to be owed by the Crown to those people is governed by the law on limitation of actions as if the Limitation of Actions Act had not been repealed and this Act were not in force.

It's a long way of saying that the old limitations provisions will in fact apply to actions brought by aboriginal people against the Crown. To clarify, aboriginal people have a fiduciary relationship with the Crown. This fiduciary relationship is a trustlike relationship in which one party undertakes to act on behalf of another party.

Finally, Mr. Chairman, section 13(2) is amended by substituting "his" with the word "the" to allow the test to be based on all of the circumstances rather than just the individual's.

Mr. Chairman, I hope that I was clear when addressing the proposed amendments to this Bill. At first glance the amendment package appears to be quite lengthy, but I would remind the members that most of the amendments are for editorial purposes and in an effort to make the wording gender neutral. Once again, these amendments do not alter the intent of the Bill. I believe that these amendments create a more effective and inclusive piece of legislation.

Mr. Chairman, I look forward to any comments or questions that all members of this Assembly may make.

I would move amendments A1 and A2 as presented in this House.

Thank you.

THE CHAIRMAN: Okay.

The hon. Member for Edmonton-Strathcona on the amendments, moved one at a time.

MR. ZARIWNY: I'd just like to get a better understanding. I'd like to speak generally to what was said.

THE CHAIRMAN: On the amendments?

MR. ZARIWNY: Yeah. Thank you, Mr. Chairman. I'd like to applaud the endeavour of the opposite side for bringing this particular Bill to the stage that it has been brought. I do, however, have a number of concerns that I'd like to communicate in the Assembly to the other side and also through my colleague the Member for Calgary-Buffalo.

Now, these may have been addressed in the amendments, and since I haven't had time to examine them, I may be repeating some things that are there. I'd like to focus first of all on section 1(i), which deals with the remedial orders. These are orders which are not affected by the Bill. It lists declaration and certain judicial reviews and habeas corpus. However, by not being included in the list of excluded remedial orders, it seems that the other common law or prerogative orders – for example, *mandamus*, prohibition, *quo warranto* – are subject to the new two-year limitation period. As these other common law and prerogative orders are significant forms of relief available to citizens against government, including the relief of section 24 of the Charter, I believe that the failure to exclude these forms of remedial orders from the operation of the Bill would seriously undermine the rights of ordinary citizens. That's not to say that I'm not going to support the Bill, but I'd like to see some changes brought about in the Bill.

Now, in addition to that, I would add that the rationale for expressly excluding habeas corpus from the two-year limitation period I believe is a recognition that that particular remedial order has been since the 17th century an important tool for protecting the citizens from the state; the state's power of imprisonment, for example, being the principle power of the state that could have an impact on the citizen. I believe all of these can be changed very easily with an amendment, I would suggest to the House, again through my colleague from Calgary-Buffalo.

Now, in the modern era it seems that the state is involved in all aspects of our life, and other prerogative orders have become no less important for the citizen against the ever increasing powers of the state. They are exercised through departments of government, boards, and tribunals that permit, license, and otherwise regulate modern society. *Mandamus*, prohibition, and *quo warranto*, for example, might by way of amendment be added to the list of section 1(i).

### 3:20

There is another remedial order that I think should be addressed as well. I believe it's excluded from the two-year limitation period. That's the order sought by a person who has suffered injury or damage as a result of a breach of trust or fiduciary duty. Now, you alluded to that, but I think it needs to be expanded. There are cases where a person claiming has, for example, because of the fiduciary trust relationship, placed the utmost confidence and trust in the defendant, and the defendant has had the moral authority or dominance or control over the claimant such that there may be no reasonable expectation of the claimant finding out about the breach of trust or the fiduciary duty in time to sue under Bill 205.

The adoption of the discovery principle in this case I think is laudable, but we might also want to look at the 10-year ultimate limit. I believe the Bill puts the beneficiaries of trust and fiduciary relationships at risk, losing twice: once at the hands of the person he trusts and who the law says must act in good faith and with the utmost care and, secondly, at the hands of the court applying this new limitation law and denying any relief after 10 years.

The other area that I have some concern with and, again, am very much prepared to work with the other side on is section 3(4), which exempts from the 2-year limitation period remedial orders for the possession of real property. However, as drafted, such claims would be subject to the ultimate limitation period. On the issue of the ultimate limitation period, again I ask the question and very much would like to get the answer: why 10 years? Why not 30 years, for example, like British Columbia has?

Ultimate limitation periods are a significant departure from the traditional approach to limitation periods in Canada. Further, in section 5(1) the operation of the 10-year ultimate limitation period is suspended if the defendant fraudulently concealed the facts. Worded in this fashion, particularly since the onus is placed on the plaintiff under section 5(2) to prove that the defendant fraudulently concealed the facts, the Bill I think is a departure from the present law. I would very much like to have an explanation of why that's the case.

The various fraud sections that suspend the limitation periods are worded in a manner similar to section 6 of the present Act, which reads: "When the existence of a cause of action has been concealed by the fraud of the person setting up this Part." This "concealed by the fraud" style of wording has been interpreted as not requiring actual fraud and in some cases as not even requiring intention. Whether the running of the limitation period has been suspended under the present Act will depend upon the relationship between the parties and the actual circumstances of the case.

I am concerned that the wording of section 5 of Bill 205 does require actual fraud, which would require actual intention to commit the fraud and to conceal facts before the running of the ultimate limitation period is suspended. This, in my opinion, is a marked departure from the present law, under which the real concern of the courts has been the concealment of the fraud itself considered in light of the equities of the case and not the actual intention of the fraud or the defendant.

Bill 205 also seems to affect the proceedings of the Acts of the Parliament of Canada. I would suggest, again through my colleague the Member for Calgary-Buffalo, that can simply be handled by adding another section, subsection (2)(c): a remedial order the granting of which is subject to a limitation provision in any enactment of the Parliament of Canada.

It also seems that section 13(2) appears to be retrospective on the existing limitation rights of citizens. I didn't catch what you were saying when you said that it will be retroactive, but I'd like to use an example here. If I have a contract with you that you breach under the present Limitation of Actions Act, I have six years from the breach to sue you. Section 13(2) provides, however, assuming the Bill is enacted, proclaimed, and in force on, say, April 1, 1996, I must sue you within two years of April 1, 1996. Consequently, I've lost four years, and that's changed my own legal rights in that case.

There's just one other area that I'd like to deal with, and it concerns the rationale for expressly excluding the habeas corpus. On second thought, I have dealt with that, and I won't pursue it any further.

Thank you. That's all I have to say to this.

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

MR. DICKSON: Thanks, Mr. Chairman. The first chance I've had to view the 46 amendments was just now, as we embarked on the committee stage. I just say by way of background that the sponsor of the Bill had approached me some time back and said

he was interested in looking at amendments outside the House to see what exactly the concerns were and how best those could be addressed, and I appreciated that courtesy. When my researcher contacted the senior policy analyst in the Department of Justice, he was told that he didn't have authority to discuss the proposed amendments with my researcher. I had communicated that, then, to the sponsoring member. I asked him to talk to the people in the Department of Justice and make it clear to them that they could in fact discuss the amendments. Well, the upshot of it is that we didn't get further communication from the Department of Justice, so we now are presented with 46 different amendments.

You know, I appreciate the comment of the sponsor, the Member for Calgary-Egmont, who says that many of the amendments are of a minor nature and not of great moment and consequence. But in the time I practised law, Mr. Chairman, I found that when we're taking away the right of somebody to sue, which is really one of the most fundamental, basic remedies that any citizen, any resident in this country has, we have to be absolutely clear and unambiguous and very careful that when we deprive somebody of that kind of remedy, it's only in the clearest circumstances.

What I had done when I had first seen the Bill was to circulate the Bill to the Canadian Bar Association, to plaintiffs' counsel, to insurers, to defendants' counsel, and I can tell you, Mr. Chairman, that I'm getting a great deal of input and feedback and plenty of ideas and suggestions for change. I applaud the work of the Member for Calgary-Egmont, because I see that some of those concerns have been addressed in the package that he's put in front of us. But I just make this observation: we've got 46 changes in here and I want to be certain before we finish this stage that I've gotten the input from those stakeholders and that we're sure we've canvassed that range of opinion so that when we get around to voting on this Bill, it truly is the product of the most careful scrutiny that we can bring to bear on it. I can't say that at this point.

I'm particularly interested in the amendment proposed to section 12, the addition of 12.1. I'm wondering if the sponsor can give us a fuller explanation. I'd like more information in terms of the background for that. It's a curious provision, and I can see some concerns with it. But to be fair to the sponsor, the Member for Calgary-Egmont, I wonder if he'd be prepared, Mr. Chairman, to give me some background on where 12.1 comes from, where the impetus comes from for that particular change, and his explanation in terms of the impact he expects that will have if this amendment were to become law.

So I might take my seat and encourage the member to address that. Thanks.

**3:30**

**THE CHAIRMAN:** The Member for Calgary-Egmont.

**MR. HERARD:** Well, thank you, Mr. Chairman. Certainly we did get quite a number of requests for more information with respect to Edmonton-Strathcona's comments, and now we are getting more from Calgary-Edmonton.

One of the things I'd like to say with regards to his comments is that he's quite right. I did approach the hon. member and say that I'd be prepared to work with him on his amendments. The way he put it, though, is not exactly the way I understand it. It seems that when the researcher was dealing with the department, they weren't willing to share their amendments. In that respect, I wasn't there, so it's third party. I just say it for clarification.

With respect to consultation with all parties, we have to

remember, I think, that the law institute has been working on this for a number of years. I don't know if it's since '86 or '89, but certainly there's been an awful lot of consultation take place with respect to this law or these proposed changes. Two other jurisdictions have also taken this particular form and this particular draft Bill and have or are in the process of enacting legislation, and I refer to B.C. and Ontario. So there's been a lot of consultation, and I appreciate that the longer you look at these things, the more ideas you get.

At the same time, I did want to comment on the one thing that the hon. Member for Calgary-Edmonton raised with respect to section 12.1, I believe. As I recall, that section deals with the amendments we're recommending to make sure it's absolutely clear that any right that our aboriginal community has today continues, because there have been some concerns expressed by a number of chiefs of aboriginal communities with respect to Bill 205. This is, I think, our duty: to make sure that whatever limitations, rights they had before this Bill, they continue to have. These are very important people, very important issues, and we would not want to limit their rights in any way, shape, or form when it comes to aboriginal land claims.

**MR. DICKSON:** I appreciate that explanation. So I take it from the Member for Calgary-Egmont that this is in effect a bridging thing to ensure that there's no limitation of rights, and in fact it's an empowering thing rather than a restrictive measure. Well, okay. I take that point.

I don't have with me the Canadian Bar Association representations, Mr. Chairman, because I hadn't been expecting that this was going to come up. My understanding from Standing Orders was that we would have some days yet before this must come back into the committee as a private member's Bill, so I hadn't been expecting it this afternoon. I'd ask the sponsor from Calgary-Egmont: will he identify for me those recommendations from the Canadian Bar Association, Alberta branch, that he chose not to incorporate in the Bill? Perhaps he could just touch on those so we know what he's elected not to include and, if so, the reason why those proposals weren't included. They touched on a series of different parts of the Bill.

**MR. HERARD:** Mr. Chairman, I'm not aware that we did not deal with all of their concerns with respect to this limitations of actions Act and the amendments that we have currently before committee. However, just to be sure, I will ask my assistants from the Department of Justice to in fact confirm that. But many of the concerns that were addressed, as I recall them – I don't have them before me either at this point in time – were mainly areas that we've covered before which were grammatical, dealing with gender neutrality, and dealing with clarifications, particularly with a couple of clauses that we've taken right out of the Bill. So I can't be any clearer than that at this point because I'm not sure exactly what the member's referring to without having it in front of me.

**MR. DICKSON:** If the sponsor of the Bill and the critic are both unsure what the Canadian Bar Association has to say about it, maybe it suggests that the views have already been incorporated or may not have been of such great weight in the first place. But that's not fair, Mr. Chairman.

The other thing I wanted to ask was the provision – and I haven't had time to look at this either. There'd been a concern about section 1(h)(ii), the person under disability. There was a

question of harmonizing the definition with the definition in the Dependent Adults Act. Can the member confirm that we've succeeded in doing that?

MR. HERARD: Mr. Chairman, I believe that what we have done is clarify the concerns that were raised by the hon. member. We have made, I think, the appropriate changes to the definitions. It is my view that if the hon. member wants to look at those changes in the amendments, I'd be pleased to take some comfort from the fact that he's a trained legal professional, as to whether or not he agrees that the concerns are now behind us.

MR. DICKSON: What I'd propose to do is this, Mr. Chairman. I'm anxious to see this Bill go forward, and I'd like to see it dealt with this session for two reasons: the seriousness of taking away somebody's right to sue or to limit it and the fact that I have a hunch that the government may be very interested in adopting this. It won't languish as most private members' Bills are wont to do. I'd propose that we adjourn debate at the committee stage on Bill 205 at this time, Mr. Chairman.

THE CHAIRMAN: Calgary-Buffalo, just for absolute clarification. You're proposing – do you wish to move it, or were you proposing it and wanting Calgary-Egmont to respond?

MR. DICKSON: No. I was in fact purporting to move adjournment of debate in the committee stage on Bill 205. [interjection]

THE CHAIRMAN: The motion is not debatable. It's votable.

The hon. Member for Calgary-Buffalo has moved that we adjourn debate on the amendments to Bill 205 at this time. All those in favour of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: The motion is defeated.

SOME HON. MEMBERS: Question.

THE CHAIRMAN: I have Calgary-Egmont rising.

**3:40**

MR. HERARD: Yeah. Just for clarification, Mr. Chairman. I did move two amendments to Bill 205, and I'm wondering if we can in fact vote on other things before we deal with those two amendments.

THE CHAIRMAN: No. They're before us, and we either adjourn or we vote on them. Now that we've turned down a motion to adjourn, we must proceed with them and at least have the vote on A1, if not A2.

The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Chairman. I'll be pleased to join debate this afternoon on Bill 205 in committee stage. I'm persuaded by the comments from my colleague for Calgary-Buffalo and from Calgary-Egmont. This Bill has found its way into the legislative Chamber on at least two occasions at this point. It has been given a tremendous amount of time and

resources to prepare the Bill to come forward and to be dealt with appropriately in Committee of the Whole stage.

The difficulty that my colleague from Calgary-Buffalo has and certainly all of us in our caucus have in attempting to move this forward is that we don't have the information with us to get confirmation that a number of the aspects of the Bill that we're looking for in terms of the amendments have in fact been incorporated. I appreciate that the Member for Calgary-Egmont may be caught in the position, as we are, that he does not have the information at hand to confirm that. Having said that, it struck me as reasonable that Calgary-Buffalo would move we adjourn debate at this time so we can have that information at hand and ensure and confirm that the issues that need to be dealt with have in fact been dealt with in the amendments that came forward.

It is one of the private member's Bills, Mr. Chairman, that has received a great deal of interest and input from various organizations. Those with a concern about this Bill have brought forward, have commented that we should be very careful as members of this Assembly that we at least address, if not incorporate, all of those concerns and have some debate and some discussion why or why not some of those aspects of the amendments were included or were not included. I am in the same position as my colleague from Calgary-Buffalo in that I'm just now for the first time looking at the several pages of amendments and attempting to determine if these indeed do address the concerns that were raised in second reading and whether they've been addressed in the interim period coming out of second reading for those organizations, those groups, and those interested, having made comment coming out of second reading.

I did raise in second reading – and, Mr. Chairman, I don't see any reference to it in the amendments brought forward – a matter that deals specifically with section 7(5)(b), if I've got that right. I think I've got that right. It's (5)(a), so section 7(5)(a). I did discuss the matter at one point earlier on last week with the Member for Calgary-Egmont. I again just mentioned what I saw as an interesting problematic aspect of this particular section of the Bill, in that the onus of proof for the new and proposed 10-year limitation period lies on the party that is attempting to rely upon the 10-year provision. It becomes a matter of record-keeping, and one of the things that the Bill is attempting to do is to get away from professional organizations and so on having to maintain their records for a longer period of time in the event that a suit of some kind comes forward and then the documentation must be available for the full proceedings that would take place with that kind of litigation or whatever form that comes in.

The problem as I saw it is that for these professional organizations to have to take and accept the burden of proof to prove noncompliance with the 10-year limitation period, they would therefore have to maintain their records even longer, in fact in perpetuity. If a suit came 12 years after or 14 years after and the claim was made by the professional organization as defendant that the plaintiff had missed the 10-year limitation period upon which he or it relies under this particular Bill, the onus would then be on that professional organization to come forward with appropriate documentation to prove on the burden of proof that it now has as a result of the wording of the Bill. It would have to maintain documentation so that it could satisfy the court that the limitation period had expired and in fact it was longer than a 10-year period.

I don't see that issue being addressed, and I think it is an important one. I don't know if Calgary-Egmont had any discussions with assistants from the Department of Justice about that



particular issue or from the professional organizations, who through their record-keeping mechanisms foresee a problem, as I have seen, in the draft form of the legislation. It did concern me at the time in second reading. It continues to concern me this afternoon in Committee of the Whole. I don't know, Mr. Chairman, if the Member for Calgary-Egmont did address or attempt to address that specifically.

I had the understanding, as did my colleague from Calgary-Buffalo, that there would be some attempt to work through amendments prior to Bill 205 coming back to Committee of the Whole so some of those issues could be addressed and that there may be some collective or agreed upon amendments coming forward prior to the Bill being introduced that might address some of those things that had been raised in second reading.

I have listened to the explanation of the Member for Calgary-Egmont on the inclusion now of section 12.1, which, as my colleague from Calgary-Buffalo indicates, is an empowering section, as opposed to a punitive section, that will then allow the aboriginal community to be governed by the limitations as it exists today as opposed to being under the new legislation. I appreciate that, but I suppose there is always a balance as to whether we are inclined to create two sets of rules, which I think probably is clear enough on its face that there won't be any concern about legal interpretation with that particular section. I appreciate the reason for it being there, but we do then end up with a Bill at this stage that does create different rights for different communities in Alberta, which were not contained in the Bill at second reading.

MR. DICKSON: An independent native limitation system.

MR. COLLINGWOOD: An independent native limitation system, as my colleague from Calgary-Buffalo suggests.

It is difficult to co-ordinate a system of justice that does create a different set of rights for different communities in the province of Alberta. It potentially has the result of becoming somewhat cumbersome, somewhat more expensive, somewhat less streamlined than it would if the Bill, in its attempt to streamline the process or create greater clarity in terms of limitation rights, had gone forward in that form.

I guess what I'll do in making my comments this afternoon, Mr. Chairman, is address that issue back to the Member for Calgary-Egmont, if in fact any discussions did take place about the record-keeping, about the onus of proof being left to the defendant. I'm thinking of course of professional organizations or professionals in their own right who may then, in looking at that and interpreting that, as I have, realize that they may have to keep records indefinitely rather than being satisfied with a 10-year limitation period and being able to deal with their documents through their record-keeping systems at the 10-year period and rather than having to hold on to them to prove that the 10-year period had expired if a suit comes their way.

I'll leave that question with the Member for Calgary-Egmont. I understand, Mr. Chairman, that others may have some comments as well.

**3:50**

THE CHAIRMAN: The hon. Member for Calgary-Egmont.

MR. HERARD: Thank you, Mr. Chairman. It may have been the noise on this side of the House or that side of the House, but I don't really understand the concern that the hon. member has with respect to the onus of proof. As I think I said in my remarks, we have a balance here between defendant and plaintiff,

both having burden of proof on either the limitation or the fact that there is in fact a claim.

I do want, though, to afford the members from the other side, who, from what I understand, don't have amendments ready today – is that correct? [interjection] I would be in favour of adjourning debate on this particular area provided that I get some indication that we can in fact share. Now, you've seen all of our amendments, and that should be instructing to you. We of course have to see if we could share your amendments so that based on what we've already amended, we could see how much is actually still required and so on. So I'd be prepared to work, again, make that offer, as long as I get some indication that you're prepared to do that.

MR. DICKSON: Mr. Chairman, I'd just back up and tell the member and others that when I moved the unsuccessful adjournment motion, my intention had been that before the end of this week, we will have aggregated, consolidated all of the input we've got from the stakeholders we've consulted. We'd be able to share with the Member for Calgary-Egmont the further amendments to the Bill that we think are required, and we'd have an opportunity to speak. My expectation would be that this thing could come back Tuesday of next week when we deal with private members' Bills, and we would be able to resolve it at that time. That's still my intention, through the Chair to the Member for Calgary-Egmont.

I think what we want to do is use the time in this Assembly economically, and that means that if we can share concerns outside, we can move quickly to deal with it next Tuesday. I'll give him my undertaking this afternoon that he'll have, or at least the Justice department will have, before the close of business on Friday the amendments that our caucus thinks are necessary to address the shortcomings or gaps, if you will, in Bill 205, that we're looking at this afternoon.

THE CHAIRMAN: Calgary-Egmont.

MR. HERARD: Thank you, Mr. Chairman. Based on that undertaking, I would move that we adjourn debate on Bill 205.

THE CHAIRMAN: Okay. The hon. Member for Calgary-Egmont has moved that we adjourn debate on the amendments to Bill 205. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: Carried.

Hon. Deputy Government House Leader.

MR. EVANS: I move that the committee now rise and report.

[Motion carried]

[The Deputy Speaker in the Chair]

THE DEPUTY SPEAKER: Order. The hon. Member for Calgary-Egmont.

MR. HERARD: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration a certain Bill and reports

progress on Bill 205. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

head: **Public Bills and Orders Other than**  
 head: **Government Bills and Orders**  
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**Bill 208**  
**Highway Traffic Amendment Act, 1996**

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

MRS. GORDON: Thank you. Before I begin to debate the merits of Bill 208, I wish to summarize in some detail a position that is of the utmost importance to all Albertans. The position I'm referring to, Mr. Speaker, is that of a firefighter. This individual usually reports to the fire chief and/or deputy chief and is responsible for fire fighting, combating, extinguishing, preventing fires and the saving of both life and property. They're responsible for rapidly and efficiently performing various duties, often under emergent conditions, frequently involving considerable hazard.

Their work includes routine duties related to the maintenance of apparatus and fire fighting equipment and fire department property. Often when carrying out the specific orders and directions received from a superior in the normal course of maintenance duties and in fire fighting, considerable independence of judgment and action is needed by the firefighter in circumstances of extreme urgency, where referral to or by a superior for instruction is not always possible.

As evidenced from what I've said, Mr. Speaker, this position is one of not only great responsibility but indeed trust. The foregoing has been a job description for a firefighter in the town of Lacombe, a volunteer firefighter. Lacombe is one of the many municipalities in this province that continue to utilize most efficiently and effectively a volunteer fire department, with 18 capable, keen individuals who are proud to serve in this important voluntary capacity.

As well, Mr. Speaker, I would add that Lacombe is indeed fortunate. With a population of close to 8,000, they continue to use the services of a very capable volunteer fire chief, Mr. Des Cooper. Des' ongoing commitment to the Lacombe fire department is exceptional and notes mentioning. He has served a total of 28 years: 15 as a firefighter, 13 in his present position as volunteer chief. Presently there are 388 such volunteer fire departments operating in Alberta, with close to 8,500 individuals volunteering their time and energy to man these brigades. I would like to take this opportunity to congratulate all of these individuals. Our communities are better off because of their involvement. The service provided by them is invaluable. My thanks and appreciation for a job well done.

This Bill, Mr. Speaker, reflects my continued commitment to all the volunteer firefighters in this province. In May of 1995 Mr. Gene Ostropolski, fire chief, Blackfalds fire department, contacted me with respect to legislation recently enacted by the

government of Ontario which allows Ontario firefighters to use flashing green lights in or on their personal vehicles when responding to a fire call and/or an emergency. Bill 192 had overwhelming, near unanimous support. The Bill received first reading on November 21, 1994, and received Royal Assent less than three weeks later.

There has been no evidence from the government of Ontario indicating any problems pertaining to this legislation. If passed, Bill 208 would allow Alberta firefighters to respond more promptly and to arrive at the fire hall or emergency site more readily, which could in turn make a vital difference to victims involved in emergency crises. As indicated in section (2), a municipal bylaw must approve and authorize any such use. This leaves the decision with the municipality. They can choose to implement green lights or not. Autonomy remains with the local jurisdiction. It is their call.

4:00

Often slow-moving traffic, pedestrians, and busy intersections hold up firefighters on their way to the fire hall in response to a fire call. The flashing green lights identifying the possessor as a firefighter responding to an emergency should help to facilitate the required clear passage. Currently firefighters have no practical means of identifying themselves to the public or to law enforcement officers in order to expedite their response.

A letter received by me November 15, 1995, from Phil Irwin, fire chief, Blackfalds fire department, further emphasizes the point, and I quote. Unlike full-time fire departments where the staff is on duty at the fire station 24 hours a day, volunteer departments such as ourselves rely on their firefighters traveling either to the hall or to the fire from their residences or places of employment. Several members of the Blackfalds fire department work 10 kilometres away and are faced with having to fight traffic in order to respond to the fire call. There have been numerous occasions where a flashing green light would have helped our members. On two separate occasions our personnel were held up at accident scenes by police while they were responding to a fire call. Only after they were able to prove who they were and that there was a fire were they able to proceed. A flashing green light and the proper education for police officers and the public would have been of great benefit. A flashing green light, as proposed by your Bill, will assist in letting the public know we are on an emergency call. A volunteer firefighter has to run the gamut of irate drivers, overly cautious drivers, and plainly ignorant drivers while trying to do his job. End of quote.

Mr. Speaker, the flashing green light would not – and I emphasize not – impart any special privilege to the firefighter. As stated in section (4), the authorized firefighter cannot “operate a vehicle in contravention of this Act, the regulations or a municipal by-law.” Thus the normal rules of the road would apply. No special privilege exists. Compliance with the Highway Traffic Act would be enforced. The onus would fall upon the respective fire departments to ensure that their members used the flashing light properly and responsibly. Any firefighter discovered to have abused the lights would be held accountable to enforcers of the law as well as his or her superior in the fire department. The fire chief would be held accountable to the municipality.

Quite simply, Mr. Speaker, this Bill would amend the Highway Traffic Act to allow volunteer firefighters the use of green flashing lights on or in their vehicles when traveling to an emergency call. It is needed because volunteer firefighters must use their own personal vehicles. The light would alert others on the road that emergency personnel are on the way to the scene.

Time would be saved, safety enhanced. The cost: approximately \$100 per light.

Having worked on this initiative for a number of months and having met with many groups and associations, I wish to tell you very briefly what they have said. The Alberta Fire Chiefs Association believes that when fighting a fire, every second counts. This morning I received a letter from the association. President E. Dave Hodgins has written the following:

Thank you for the opportunity to discuss the use of a green flashing light on the private vehicles of firefighters.

During our meeting, concern was expressed about certain proposals that were being considered. One of our recommendations was that the use of green lights by fire fighters should be subject to authorization by the municipality. We also discussed the need for a clear and concise statement indicating that the use of the lights by firefighters was not to be considered as authorization to contravene provisions of the Highway Traffic Act. Since our meeting, Bill 208 has been received and reviewed.

This letter is to advise you that the Alberta Fire Chiefs Association has no objection to the Highway Traffic Act amendments proposed by Bill 208.

Mr. Speaker, I wish to table six copies of this letter with the House.

The Insurance Bureau of Canada discussed this Bill with the members of the Alberta advisory committee last fall. They offer their full support and feel at present that the lack of identification of such vehicles delays response time, possibly creating dangerous driving situations. The Alberta Association of Municipal Districts and Counties endorses the proposal as they believe the use of flashing green lights holds the potential for substantial benefits to public safety and protection of property. The Alberta Urban Municipalities Association feel that their concerns are addressed in Bill 208 by the fact that the Bill gives municipalities the local autonomy to choose whether to allow the use of green lights or not. They have gone on record as not opposing the concept. As well, Mr. Speaker, several fire chiefs, individual firefighters, and municipalities have written letters of support, often relating personal incidents. Their personal and professional experiences are unique and should lead us to a definitive answer.

At this time I would like to thank former Blackfalds fire chief Gene Ostropolski for bringing his concerns forward. As well, I acknowledge the assistance provided to me by Lacombe fire chief, Des Cooper. With appropriate education of the public and law enforcement officials I feel this legislation could serve volunteer fire departments very well. The benefits in terms of lives and property saved would far outweigh the costs of public education.

Over the years, Mr. Speaker, several members of volunteer fire departments have asked to have flashing lights on or in their private vehicles. Repeatedly their request has been denied. Today I would ask all members of this Assembly to say yes by voting in favour of Bill 208. I guarantee volunteer firefighters and fire departments will thank you.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Leduc.

MR. HAVELOCK: Terry, just say yes.

MR. KIRKLAND: Thank you, Mr. Speaker. I stand in support of the Bill, but I wanted to share my eloquent words rather than just keep it short and say yes, as the hon. Member for Calgary-Shaw suggested.

[Mr. Herard in the Chair]

Mr. Speaker, in researching this Bill, I of course went to those individuals that are impacted directly by it. That of course is the volunteer fire department in the city of Leduc and also the volunteer fire department in the county of Leduc, that looks after the Nisku industrial park. Now, in both cases those fire chiefs, Rick Sereda from the city of Leduc and Bob Galloway from the Nisku volunteer fire department, had some reservations initially, and they advanced them to me. I indicated I would take them to the Legislature to ensure that in fact all areas and avenues have been advanced.

Now, the hon. Member for Lacombe-Stettler spoke very complimentarily and eloquently of the volunteer firefighters in her area, and certainly I think when we look at the city of Leduc fire department, that has some 40 volunteer firefighters, and also the Nisku fire department, which has almost a comparable number, they do a very admirable job for the city and a very admirable job for the county at great savings, I would add, to those municipalities. The Nisku volunteer fire department has a particularly large challenge with the many industrial buildings that exist in that particular park, so in fact they are very close and very passionate about their job.

The initial concern that was brought to my attention by these two gentlemen – and it has been allayed by the Member for Lacombe-Stettler – was the fact that this exact request was defeated in a resolution at the fire chiefs' conference in Banff last year. Now, in speaking to Bill MacKay, who is the executive director of the Alberta Fire Chiefs Association, he indicated since that time that the board of directors had met, had formed a committee to evaluate and determine whether it was a positive undertaking in light of the resolution defeat. He assures me that they have researched the matter at length and have determined that there is no difficulty with the Bill. So my concern initially that perhaps the Bill might circumvent the organization that represents the volunteer firefighters and the fire chiefs associated with them has been set aside, and I appreciate that clarification by Mr. Bill MacKay.

The reservations initially advanced by the fire chiefs of Nisku and Leduc about the Bill will be clarified, I assume. One was on insurance liability, being that if in fact you have a green flashing light associated with your car and you are proceeding to do service for or provide service on behalf of your municipality, wouldn't that carry an insurance potential or an insurance liability over to the county?

4:10

Now, that was a lengthy discussion when it came to actually attempting to implement this at the Banff conference. As a result of that unknown aspect, it was researched at length. The Insurance Bureau of Canada was consulted, and Alan Wood, in my understanding, indicated that there should not be that financial implication. I would also suggest that if that is explored further – and I certainly think it is worthy of exploring further – the safety net here is that a municipal bylaw must be passed before members actually are entitled to use these green flashing lights. The Bill represents it, and I commend the member for including it. I think that is very desirable, and it allows all the municipalities to research it on their own time to ensure that there are no unforeseen costs associated with it.

Now, the Member for Lacombe-Stettler indicated that these lights would cost in the vicinity of about a hundred dollars per set, and that I think is a very valid figure. When you look at 40 volunteer firefighters in the city of Leduc, that can amount to a fair cost, that council itself will have to raise, or they'll have to

develop a policy to determine whether the actual firefighters themselves would pay for that cost.

Another concern that was advanced by those that I consulted was perhaps the duplication of or the detracting from green lights that are presently used at command posts at emergency sites. This is a method of using or identifying command posts at emergency sites in the United States of America. It hasn't caught on in its fullest form in Canada at this point, but in talking to Bill MacKay about this particular matter, he indicated that in their research they felt this was something that could be accommodated. Command posts at emergency sites are rare, and it would be his contention and what was conveyed to him that those that deal with those matters indicated that there was some willingness for them to revisit the flashing green to acknowledge and identify their sites. So that concern has been addressed.

There was also a concern expressed by the fire chief and the assistant fire chief in Leduc that perhaps this would give the firefighters authority to operate outside of Alberta traffic Act laws and regulations. The Bill addresses that in its final clause, clause (4), so that particular concern would be allayed, and I'm sure that those members of those two fire departments would be pleased to hear that.

Now, Mr. Speaker, I think that our volunteer firefighters in the province of Alberta provide an excellent service to all their communities. More often than not they're putting their lives on the line. They are a very dedicated group of individuals, and for the most part do and undertake the dangerous tasks that they have at an absolute minimal cost to the municipality and with very small remuneration to themselves. It's the passion and the desire to do it that keeps most of them there. If we can acknowledge them or assist them in some way by bringing in the green flashing light, then certainly, as I indicated in my opening comments, I support that.

From my own personal viewpoint – and the Member for Lacombe-Stettler spoke about this – they encounter frequently drivers of questionable courtesy on the road when they're proceeding to a fire under the present circumstances. I witnessed that same lack of respect and courtesy for flashing red lights, and it's unfortunate that we all get in a rush and live in our own little worlds in our cars and do not give due respect to those that are proceeding to emergency situations. I'm not convinced it will achieve a tremendous amount for them, but if there's a level of comfort and if it has resolved the situation that the hon. Member for Lacombe-Stettler pointed out, where firefighters got caught up in a police Check Stop, if the green flashing lights accelerated or expedited that particular process, then I see it as a benefit and positive.

So looking at the Bill, Mr. Speaker, I would suggest that the Bill will receive, I would speculate, solid support from both sides of the House, and I would ask all members to give it due thought. I know that there are many in this House that are not familiar with the volunteer component of fire fighting, as they live in cities and they have paid professionals to do that. The volunteers certainly in the city of Leduc, where you have 15,000 people, do have traffic congestion not unlike the city, and it would facilitate their movement about the city. Likewise, when you stop to think of the 6,000 people or so that work in the Nisku industrial park, if there's a fire during the rush hour traffic, then I could see this facilitating those members moving to and responding to the emergency that they have been notified of.

So with those comments, Mr. Speaker, I will offer my support to the Bill. I would ask all members to give it due consideration and also offer their support.

THE ACTING SPEAKER: The hon. Member for Three Hills-Airdrie.

MS HALEY: Thank you, Mr. Speaker. I welcome the opportunity to participate in this discussion of Bill 208, the Highway Traffic Amendment Act, 1996. Due to their restricted budgets rural communities must rely heavily on the assistance of volunteers to carry out some of the most essential services in a municipality. It's definitely true of the volunteer firefighters in these communities, who donate their time and efforts to help save lives and respond to fires and emergencies.

These volunteer firefighters often put their lives at risk when responding to an emergency, and I believe that we must try and give these men and women all the tools at our disposal to ensure that they can get to that emergency without incident. This is exactly what Bill 208 is trying to accomplish: to give those volunteer firefighters an extra hand in getting to the emergency site expeditiously and safely.

Many of those firefighters must respond to an emergency call from their place of work or from their homes. Sometimes there isn't enough time to go to a fire hall, and they must respond directly to the emergency site. They often do this by driving their own personal vehicles. While responding to an emergency from home or place of employment, these firefighters must go through traffic, traffic jams, slow drivers, people crossing the streets, and many of the other factors that would slow down any driver, never mind a firefighter responding to a call.

Once they do get to an emergency site, they often have to provide identification to the police on-site. This must be very frustrating for them as all of this is time consuming, and they have no means of identifying themselves to the public or law enforcement officers in order to clear their way. Mr. Speaker, all you have to do is talk to a volunteer firefighter, and they will tell you that when fighting a fire, every second counts. A slight delay such as having to produce identification papers can be the difference between life and death or between limited damage and extensive damage.

Bill 208 would amend the Highway Traffic Act to allow both full- and part-time firefighters to utilize a flashing green light on their personal vehicles when responding to emergency calls. This flashing green light would be used for recognition purposes only. It would serve to notify police and the public that the firefighters are responding to a call. The public would know when they are responding to an emergency, and they would clear the way for their passage.

This flashing green light would not impart any special privileges to the firefighter, who would still have to obey all of the traffic laws when responding to an emergency while driving his or her own private vehicle. A flashing green light would facilitate an expedient response from firefighters, which could in turn make a vital difference in many situations.

Mr. Speaker, what is proposed in this Bill is something that volunteer firefighters have been asking for for a very long time. Bill 208 would give municipalities the autonomy to decide whether to allow the use of flashing green lights in their communities. So it's not mandatory. It is optional, should a municipality feel that the flashing green light would help its volunteers arrive faster at the scene of a fire.

I know that this Bill has wide support across the province, and the Member for Lacombe-Stettler has received many letters from the municipalities and the fire chiefs endorsing this Bill. This Bill also has the support of the Alberta Fire Chiefs Association, the

Insurance Bureau of Canada, as well as the Alberta Urban Municipalities Association. The sponsor of this Bill has consulted heavily with all three organizations in drafting this piece of legislation as well as with the many volunteer firefighters and fire chiefs across the province.

People who risk their lives every day in order to serve the community as firefighters tell us that a flashing green light would help them in carrying out their duties. I truly believe that they are right, and that is why I'm supporting this Bill today. I'm going to encourage everyone to do the same thing this afternoon.

4:20

THE ACTING SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I'd like to say a few things on the subject of Bill 208, the Highway Traffic Amendment Act, 1996. Quite frankly, I'm tempted to give this Bill the green light, if I may be so bold. I'm tempted to do that to a large extent because of the sponsor of the Bill, the Member for Lacombe-Stettler, for whom I've gained quite an appreciation and respect in the course of the last – what is it? – two and a half years as a hard worker on behalf of her constituents and the people in the province in general. I also have that sneaking suspicion that there lurks a rather liberal heart within that Tory breast. Nevertheless, I'll go on and speak to the Bill. This was my introduction, of course.

Mr. Speaker, the subject of the Bill pleases me greatly. It makes the job of volunteer firefighters easier without a shade of a doubt, and I think therefore that it ought to be supported. I've checked with the deputy fire chief of Hinton, Colin Hanington, who was very much in favour of the Bill and asked me to support it, which wasn't very hard for me to do of course. I've tried to get ahold of other fire chiefs, was unable to, but I was assured by others in the fire fighting forces that there would be widespread acceptance of this Bill and agreement with it.

Now, as was stated before by the Member for Leduc, he had a few reservations – actually I shared those, too, but they have already been stated – regarding insurance and liability and so on. So I won't take any time to deal with those, especially since in the final analysis the green light – if I may refer to it once again – must be given by the municipalities. They can wrestle with those problems, I think, and solve them to their own conclusion.

So, Mr. Speaker, I will leave it at that, and I will let members know that I will vote in favour of this Bill. Thank you very much.

THE ACTING SPEAKER: The hon. Member for Vegreville-Viking.

MR. STELMACH: Well, thank you, Mr. Speaker. I am pleased to stand in support of Bill 208 this afternoon. I also wish to commend the Member for Lacombe-Stettler for bringing it forward. Quite frankly, I'm pleased to hear the support from the opposition for this Bill. There's no doubt that the municipalities that would be most affected by this piece of legislation will be rural, and it's these rural communities, as indicated by the Member for Three Hills-Airdrie, that depend on volunteer firefighters to respond to various emergency calls.

In my constituency, Mr. Speaker, these men and women that are volunteers often put their lives at risk in order to save ours. As a former reeve and also the appointed fire chief of the county of Lamont I have great respect for the number of volunteer firefighters, having worked with them and watched them perform

in the various instances of emergency. Many operate their own businesses, often closing them down when the fire alarm or the siren rings and driving to the fire hall and then from that fire hall driving to the location of the fire, whether it be right in the small urban community or out to a rural area. Many have saved lives, whether it be through fighting the fire and saving someone in the home. Many times, Mr. Speaker, they are the first respondents arriving at vehicle accidents, rollovers, and farm machinery accidents and have saved numerous individuals in the county that I am familiar with, implementing the jaws of life.

Training is done on their own time. They're not paid. In fact, they spend considerable time training and also raising funds through various fund-raising activities, volunteering their time for that. So there's no doubt that the government of Alberta has great respect for the volunteer firefighters of the province, and if there is anything we can do, we'd certainly like to help them in their important tasks. Mr. Speaker, the flashing green light legislation is something many of the volunteer firefighters have been asking for for many years and have been turned down before, but I think that if we are able to deal with many of the concerns that this legislation might have had earlier, then we should get unanimous support for the amendment to the Highway Traffic Act.

Part of the concern is that there is no effective way to control the mechanical condition of these private vehicles, and the second is that there's no effective way to control access to these private vehicles by family members and friends. Abuse by family and friends is indeed a concern, but it would be the responsibility of the individual firefighter to ensure that this particular privilege is not abused. It has been my experience that the men and women, the service firefighters, are some of the most responsible and trustworthy people I've met, and I'm sure that they would take every precaution to make sure that this type of abuse did not happen. The fire chiefs would also be involved in dealing with any abuse from their own members, and so will the respective municipal councils. As for the mechanical condition of private cars, I'm not sure that this is a legitimate concern. They would be driving those same vehicles whether they had a flashing green light on them or not.

Volunteer firefighters do have to drive their private cars to the emergency. This would not infer any special rights for the firefighter. The particular firefighter would still have to observe all of the traffic rules, so it would not be any different than for a firefighter to drive his or her own car to the emergency right now. I think the additional protection of a flashing green light would indicate that indeed this individual is in a hurry and has to get to the fire hall as soon as possible.

Mr. Speaker, this type of legislation was passed in Ontario just over a year ago and did in fact receive unanimous support in their Assembly. To date, we have not heard any complaints. We do have a model now that we could look at and see if it's working or not. The only problem that they've found in Ontario thus far is that there is some difficulty in educating individuals about the flashing green light, that they should pay particular attention and give these individuals the right-of-way. This is quite a difficult item, I guess, to educate the general public, because in this province we know and we have heard many times that not only do firefighters using the flashing red lights but emergency response vehicles, like ambulances and police, have a difficult time getting the attention of the person traveling on the highway so that they would pull over and allow these individuals to go by.

The Alberta provincial Fire Chiefs Association is in support of this proposal, and they also feel that the flashing green light would allow for the monitoring of the volunteer firefighters. With the use of the flashing green light, these people would be automati-

cally identified as firefighters, and if they were to break any traffic rules or if their conduct in the community were less than appropriate, the fire chiefs would be able to deal with that almost immediately because they would be able to identify these individuals.

**4:30**

Mr. Speaker, the use of flashing green lights by firefighters in Ontario thus far seems to be working well. The flashing green light would provide identification for firefighters responding to an emergency instead of having to stop and show paper identification to police officers at accident scenes, again reducing response time to an emergency.

Again, Mr. Speaker, we're referring more to rural municipalities where we rely only on these volunteer individuals to provide not only the fire fighting expertise but to be available at various accident sites to either extricate the individuals from the vehicles or in case of serious rollovers, to help remove the victim. The flashing green light would facilitate a much speedier response for firefighters, which, in turn, could make a vital, significant difference and improve many situations and, I'm quite sure, even ensure that lives are saved.

So this is why I support Bill 208, and I ask everyone in this Assembly to support this worthwhile Bill. Thank you, Mr. Speaker.

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

**MR. WICKMAN:** Thank you, Mr. Speaker. I'll just speak a few words on Bill 208, the Highway Traffic Amendment Act. In my usual fashion I won't stray from the main topic or the main thrust of the Bill. I want to say, first of all, that it's a positive Bill, and as reflected within our caucus in its usual positive manner, when we see something good, one by one we will usually stand up and support what is good.

It's been pointed out that a similar Bill has been passed in Ontario, introduced by a member of the opposition. The bad news was that they were in opposition; the good news was that at least they had the sense to introduce something that was good.

**MRS. SOETAERT:** And the government had enough sense to pass it. It doesn't happen here.

**MR. WICKMAN:** The government had enough sense to follow the lead of the opposition, and it was good that the researchers over there corresponded with Ontario towns. Something good.

Now, to the Member for Lacombe-Stettler in particular, the one question that I do have, which she'll have the opportunity to address during committee stage, may have been pointed out during the debate when I was out of the legislative Chamber here. Section (4) talks in terms that it can't be "construed so as to permit a full-time or volunteer firefighter to operate a vehicle in contravention" of the bylaw. What's the penalty? Like, how do you prevent that from happening? How do you prevent a volunteer firefighter - I'm not saying it would happen, but how do you prevent abuse or misuse of that particular privilege? I don't see any penalty or any means of discouraging that type of activity other than saying that he shouldn't do it.

The last comment I would make in terms of Bill 208 - and again the good judgment shown by the Member for Lacombe-Stettler. It's unfortunate that that good judgment doesn't always extend to those other types of activities, where we see the red flashing light on top of video slot machines, I believe, Judy, you

call those things that light up, eh?

On that note, Mr. Speaker, I'll conclude.

**THE ACTING SPEAKER:** The hon. Member for Dunvegan.

**MR. CLEGG:** Well, thank you. Before I start a few remarks - it's certainly great to see a good-looking Speaker in the Chair. Sometimes some of the Speakers aren't as good looking, but certainly you are, Mr. Speaker.

Obviously, I'm going to speak in favour of this Bill which I feel very strongly about. The intent of Bill 208 is very straightforward. It gives some protection for firefighters when they're going to a fire or an accident. The reason I wanted to speak more about this Bill is because of my experience which goes back - and I look around the Chamber. When I started with the MD back in 1966 . . .

**MRS. SOETAERT:** Wow.

**MR. CLEGG:** Yes. I was the same age as the Member for Spruce Grove-Sturgeon-St. Albert at that time.

We decided in the MD of Fairview that we would have a fire department. Well, we did that . . .

**MRS. SOETAERT:** Point of order, Mr. Speaker.

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

#### **Point of Order Allegations against Members**

**MRS. SOETAERT:** Did the Member for Dunvegan indicate we were close to the same age? Standing Order 23(h), imputing false . . . Something. Did he indicate that I was as old as he was? I'm not quite at the 40 mark but getting darn close. So just to clarify something.

**THE ACTING SPEAKER:** On the point of order.

**MR. CLEGG:** Yes, on the point of order. Appearance is often quite deceiving. However, what I did say, Mr. Speaker, was that the hon. Member for Spruce Grove-Sturgeon-St. Albert is now about the age I was back in 1966. So I don't really think that there is a point of order.

**MRS. SOETAERT:** Well, Mr. Speaker, I'll thank him then.

**THE ACTING SPEAKER:** I would agree that there's no point of order. You can resume your debate.

#### **Debate Continued**

**MR. CLEGG:** Well, thank you, Mr. Speaker. Like I said earlier, I want to go back in history a little while. When I started with the MD, we decided we should have a fire department, and we got people in from Edmonton to train us to be firefighters. By the way, I took the training to be a firefighter. Well, obviously, to have the firefighters within the MD of Fairview did not work because my neighbour, who happened to be my brother-in-law, had a big fire, and I was five miles out on a tractor. So we quickly joined with the town of Fairview and had a joint fire department. The people in the town of Fairview had a truck, and we bought a truck, and they ran the fire department both within

the MD of Fairview and the town of Fairview.

I might add, Mr. Speaker, that in fact I'm sure that in the constituency of Dunvegan there is not one paid firefighter, not one. So you can see the importance of this Bill. This is something that the volunteer firefighters of not just rural Alberta – and of course we can always question rural, whether it's a town of 1,500 or 3,000. Certainly if small towns and small rural municipalities had to pay firefighters, you can see that they could not, would not have a fire fighting crew because it would be just impossible to pay them. So it was always our belief, because we had the joint agreement with the town, that whatever the fire department wanted, within reason – within reason – was what they should have.

We had fire chiefs in the town of Fairview. One name that comes to my mind is the late Fritz Anthony, who was a fire chief in the town of Fairview, 30 years' volunteer time – 30 years. Then when he retired, another fellow, who ran a grocery store, was fire chief for 20 years. So you can see that these volunteer firefighters are certainly a large part of rural fire fighting in Alberta.

So this Bill just gives them a little, well, maybe safety and certainly maybe they will save a few seconds or minutes getting to a fire. This Bill does not give them any right to break traffic laws. Whether you're a volunteer fire department or whether you're a paid firefighter, you still have to follow the laws of the land.

So with those few remarks, I'm extremely happy to support this Bill. I just want to make sure that all volunteer firefighters in the province of Alberta – I support them 100 percent. This is something that they want. It's certainly something that's reasonable. It's something that will protect property and people, and it will give some protection to the volunteer firefighter.

Thank you, Mr. Speaker.

4:40

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

MR. BRACKO: Thank you, Mr. Speaker. I am privileged to stand up and speak in support of Bill 208, the Highway Traffic Amendment Act, 1996. Anything we can do to support our volunteers is very important for I believe our volunteers are the heart and soul of our communities. Again, the heart and soul of our communities, and anything we can do to assist them is very important.

It's important that we support this Bill for the fact that in rural Alberta distances are tremendous: two or three hours sometimes to go from one area to another, even longer from Edmonton up to Peace River, High Level, six to eight hours to reach some of the destinations. Sparsely populated areas need the same fire protection as anyone else, especially the urban areas in our province. Only a few seconds may be the difference between life and death. It's important that we give the firefighters every advantage possible. So we strongly support this initiative and thank the Member for Lacombe-Stettler for introducing it.

I have a couple of questions, one on the municipalities. There are some areas where a town may supply fire fighting services to the town, to the MD, and perhaps to another MD that is close to it, but all the areas have to have municipal bylaws passed to allow this to happen. Could that be clarified by the member who introduced this? Why isn't there just maybe a general Bill to allow them to travel to any municipality across the province without having to have municipalities approve it? Again, maybe that's not needed, and I would like some clarification from the

member who presented the Bill.

I think we need to learn from Ontario, Mr. Speaker. They're having trouble with the information going out to all Ontario people to know what the green light means, the symbol. It would perhaps be very easy for us to do it from a provincial perspective, get the information out so that all Albertans recognize and understand what the green light stands for so that we don't have the same confusion or the length of time it's taken to educate the people of Ontario. That's just another concern, a suggestion that we do in order to make it work better in our own province.

I would ask the member if she perhaps could get the Fire Chiefs Association to look at having the fire chiefs come up with a consistent policy in cases of abuse if there is any so that it's consistent across the province. They can get together. They are the leaders in fire fighting. Perhaps they could work with the municipalities in this area.

With that, I thank the member for bringing this forward. It's a good first step, but I wish the member was up on the front bench, because she would support our Liberal caucus position of having a provincial 911, which is very important and very vital to all of Alberta, not just rural Alberta but urban areas. Many people from urban areas go and tour rural Alberta, bring the tourist dollars to the rural communities, the rural areas of our province, and everyone benefits. It's a win/win situation. So I strongly am asking the member to support us in this fight for a provincial 911 service, which would benefit all Albertans.

MR. WICKMAN: Way to stay on top of it, Len. That's appreciated.

MR. BRACKO: Yes.

The last point is: a co-ordinated ambulance service. I would hope she would continue on that too across this province to make sure it happens, a reality, supporting our caucus in this endeavour. With these three things it would greatly improve and benefit all Albertans, especially rural Albertans.

Thank you, Mr. Speaker.

THE ACTING SPEAKER: The hon. Minister of Municipal Affairs.

MR. THURBER: Thank you, Mr. Speaker. I'm very proud to stand in support of Bill 208 because I know personally, as do other members in this House, about how the 8,500 volunteer firefighters in this province work.

There are criticisms of a process to allow them to have the flashing green lights for recognition purposes, but I think you have to stop and take a look at what type of people these are. They're the cream of the crop in the community. They're total volunteers. They're able to take time away from their jobs. They in fact run at risk sometimes for their jobs and their businesses to volunteer on a fire fighting brigade. There are 388 volunteer fire departments in this province. Again, these are the top people.

The criticisms that say that these people shouldn't be allowed to have green lights as a form of recognition on their vehicle is not valid. These people have drivers' licences. Their vehicles are as good as anybody else's. There's a criticism that sometimes their vehicles may not be inspected so that they could travel to the fire. Well, they're not inspected now, but if you put some flashing green lights on top of them, at least you'd know that they were going to help somebody in a rescue or a fire, and it would open up the traffic for them in case of accidents and that. If somebody saw somebody coming with a green flashing light on their vehicle, they would give them a little bit of room so that

they could get to that accident, and in some cases it may save lives.

Some of the other criticisms. They say that there is no effective way to control access to these private automobiles by other family members and friends. Again I say that these are very responsible citizens. They're not going to go out there and use the green light to go down to the store to get groceries just to move traffic out of their way. There's a great deal of support for this type of identification in emergency and fire fighting in this province.

The Ontario Ministry of Transportation passed this Bill quite quickly some time ago, and in over a year's time there have been no complaints or reports of misuse of this privilege of the green flashing lights. The only problem, as I see it, is trying to educate the public, and I believe that can be done quite effectively. Once the public sees these green flashing lights in use, they will become very curious, and the education process will take place quite quickly, I believe.

Most volunteer firefighters even in smaller towns and in large urban areas have to go through traffic, and it gives them an opportunity to be recognized so that people have the opportunity to get out of their way. Ordinarily, if they see somebody just hurrying down the street, people say, "Well, he's just in a big hurry for no reason." But if he had the flashing lights, I would suspect that people would give way and let them get there to save a life or to save somebody's property. It would not only serve to warn the public that there was somebody heading to an accident or a fire, but it could help the police as well. If the police saw somebody in a car with green flashing lights, they could help them through the traffic to get to their destination.

I think, Mr. Speaker, that every member in this House should support this Bill. It's not giving them special privileges. All it is doing is giving them some recognition so that they are in fact able to get to the accident or the fire without any inhibitions from other people.

The criticism that these can't be controlled: I don't believe that's true, because as I said before, these people are responsible people, and they're not going to use them in an irresponsible manner. There may be the odd case, but so far in Ontario there hasn't been any. There have been no complaints on how they're using it. It doesn't give them any special privilege. It just is the fact that you could recognize who was going and where they were going.

[The Deputy Speaker in the Chair]

To follow up on that, to drive in contravention of the Highway Traffic Act, you would have to have a siren, and that's not what we're allowing. This is just simply a point of recognition.

Mr. Speaker, again, I support this Bill, and I would urge everybody in this House to support this Bill. With those few comments, I'll take my place.

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

MR. COLLINGWOOD: Thank you, Mr. Speaker. I'm pleased this afternoon to rise and join debate on Bill 208, the Highway Traffic Amendment Act, 1996, and I rise this afternoon to speak in favour of Bill 208.

The sponsor of the Bill and the debaters this afternoon have indicated that there is significant support in the community and in the emergency response community of Alberta for the inclusion of this to give assistance to the volunteer firefighters, who can overcome one more impediment in attempting to deal with often

difficult situations where they are required to respond as quickly as possible to emergency situations. I'm very pleased to hear that the sponsor of the Bill and others who have commented this afternoon have had some considerable discussion with those who will be impacted and involved with this Bill and that the response coming back is generally in favour of moving in this direction at this point in time.

4:50

I heard the sponsor of the Bill make reference to Mr. Dave Hodgins and to her discussions with him about the Bill. I certainly want to, while I'm taking my place, acknowledge the contribution Mr. Hodgins has made in his activities and in his profession as a firefighter in Alberta. Mr. Hodgins was a short time ago the fire chief in the county of Strathcona. He and his staff served our community extremely well while he served his tenure as the chief of our fire department in Strathcona county.

I have heard comments made about the criticisms and the potential abuses. Like other members of the Assembly, Mr. Speaker, I'm not all that concerned about abuses with this special privilege that is being offered to these volunteer firefighters. If they are in fact on their way to an emergency, it will serve no one's purpose if they then find themselves being pulled over by a peace officer because of a contravention of the Highway Traffic Act, which pretty much kind of defeats the whole purpose in the first place. So I am satisfied that those who will be given the special privilege will treat it with respect and will follow very carefully the rules of the road simply because to not do that would put them in a much more awkward position than if they did not have that special privilege. Certainly they'll be accountable and answerable to their superiors and to that particular municipality. I'm sure that they will want to avoid any kind of circumstance like that.

I do want to make some comments about the Bill while I have the opportunity in second reading and perhaps leave these questions with the sponsor of the Bill for Committee of the Whole. I'm sensing that the members of the Assembly will move the matter through. First of all, there is inclusion in this Bill of full-time firefighters. There is inclusion in section (2) for full-time or volunteer firefighters to carry on their vehicle, other than an emergency vehicle, a lamp producing intermittent flashes of green light. I have listened very carefully to the debate, and I have heard all members of the Assembly speak about the volunteer firefighter component in the province of Alberta, the important work they do, the impediments they have to deal with, the difficulties they sometimes have in responding to emergency situations.

For myself, Mr. Speaker, I don't necessarily think that is the case for full-time firefighters. A full-time firefighter, as has been defined in the legislation, in the Bill, as put forward by the sponsor suggests that it is a "person who is regularly employed in the fire protection services of a municipality." Now, to my way of thinking, that means that that individual, when they're on the job, they're on the job, and when they're not on the job, they're not on the job. So the potential for the requirement of having a full-time firefighter respond in the same kind of way that a volunteer firefighter has to respond may not necessarily be the same kind of scenario. I appreciate fully the need for this kind of requirement for the volunteer firefighter, but I'm not sure I'm as convinced of the need for this special privilege for a full-time firefighter who is not at the hall or wherever they are in responding to an emergency situation in their emergency vehicle, which of course is given much broader privileges under the Highway Traffic Act.



So I leave the question with the sponsor: why are we including the full-time firefighters if those kinds of responses – where they may be called from their business, where they may be called from their home – really are not the same kind of circumstances that would befall a volunteer firefighter?

I also want to comment that while I appreciate very much the fact that we have the opportunity in this Assembly to deal with this particular matter in the form of a private member's Bill, the purpose as I see it, Mr. Speaker, is to give a legal authority to these individuals to have this special right accrue to them. As I read the Highway Traffic Act, the legal right already exists. The reason I say that the legal right already exists is by virtue of section 8(c) of the regulations section in the Highway Traffic Act. Now, in terms of legal authority, the Lieutenant Governor in Council, by virtue of the Highway Traffic Act, already has the authority in section 8(c).

The Lieutenant Governor in Council may make regulations . . . prescribing the classes of vehicles that may be equipped with flashing or rotating lights and the colour of those lights.

So the authority today rests with the Lieutenant Governor in Council by virtue of section 8(c) of the Highway Traffic Act.

Now, again, I don't take away from the importance of having this discussion, of the debate, and of the need to move forward, but I do wonder how we're now reconciling the existence of section 8(c), that currently exists in the Highway Traffic Act, that gives the Lieutenant Governor in Council the authority to do exactly what is being proposed by the sponsor of the Bill, when we are now going to include into the Highway Traffic Act under section 59.1 a provision that would already, in these circumstances, fall into the regulations at 8(c).

The other question that I will leave for the sponsor of the Bill in terms of the format of the Bill is that the proposal is to add a section 59.1. At this point, in the Highway Traffic Act, Mr. Speaker, section 59 is a section that deals only with sirens. The only aspect of section 59 as it currently stands in the Highway Traffic Act deals with sirens. It simply says, "No vehicle other than an emergency vehicle shall, while on a highway, be equipped with a siren." Now, what we're dealing with in this particular Bill are vehicles that are not emergency vehicles. So it's different than what section 59 relates to. We're not dealing with sirens; we're dealing with flashing lights.

Now, section 17.1 of the Highway Traffic Act as it currently stands is the section that deals with what constitutes an emergency response unit. The emergency response unit can have sirens and flashing lights. That is the section that deals specifically with vehicles, yes, indeed designated as emergency response vehicles but vehicles that are entitled to carry flashing lights. So I guess I'll just comment that I'm a little concerned that we may include into the Highway Traffic Act under a section that deals specifically with privileges attached to sirens privileges now attaching to a flashing green light.

Admittedly – and I think that Ontario has proven with its situation to this date – the public is very ignorant about what a green light means. I'm encouraging the hon. Member for Lacombe-Stettler, the sponsor of the Bill, to work with government, as we all will, to plan for an education program that will help all Albertans who are motorists understand what the green flashing light means. I think Ontario has demonstrated that that kind of education process is very, very necessary if we are to accomplish what the Bill is attempting to accomplish, and that's to get primarily volunteer firefighters to the scene of the emergency as soon as possible.

The reason I raise that, as well, is because we must not create confusion in the minds of the public – and the Minister of

Municipal Affairs referred to this – that there is any obligation on the part of a motorist to make way for a vehicle with a flashing light. Currently under the Highway Traffic Act the obligation of a motorist to make way for an emergency response vehicle is by virtue of that emergency response vehicle's siren, not its flashing lights. So practically speaking, if a motorist is toddling along and a vehicle behind it has a green flashing light on its dash, there is no obligation, there is no requirement for that individual to make way for that vehicle because it's not an emergency response vehicle. So that's why I say it becomes extremely important that the public becomes aware that as a courtesy, merely as a courtesy, it will make way for a vehicle carrying that green flashing light because it means that that individual in that vehicle is on his way or her way to an emergency and their services are required.

5:00

So, Mr. Speaker, I think those are my comments about the Bill. I'm happy to see it move into committee stage. I'm looking forward to having further debate about some of those aspects of the Bill, to recognize some concerns I have about what may be seen as some confusion that may result in the Bill as a result of where we're locating in the Bill how we'll deal with the regulations as they currently stand. I look forward to debate at that time.

Thank you, Mr. Speaker.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I just have a few short comments to make about the Bill. I'm always short and sweet and young.

THE DEPUTY SPEAKER: Hon. member.

MRS. SOETAERT: Yes? Do you want to go to that side first?

THE DEPUTY SPEAKER: I probably should. I thought he had already been in debate, but the hon. Member for Olds-Didsbury has not been in debate yet. Sorry.

MRS. SOETAERT: He can go. It's okay.

THE DEPUTY SPEAKER: Then I'll recognize Olds-Didsbury. Sorry.

MR. BRASSARD: I'd be happy to bow to a lady. Go ahead.

MRS. SOETAERT: Well, Mr. Speaker, it's so rare that there's someone gracious to me on that side that I will gladly accept that and speak briefly so that the Member for Olds-Didsbury can get up.

Mr. Speaker, I want to mention that the volunteer firefighters in my riding – there's a fire hall in Parkland Village and in the village of Calahoo – are remarkable people, and I think that if this Bill will help them do their job, then I have a responsibility to support it.

The other thing about supporting this Bill is that the original idea came from Ontario, from an opposition member, and lo and behold the government of the day supported it. Maybe, too, that side could learn from that, that there are good ideas on the opposition side, and if they'd put away arrogance and partisanship for a moment or two, they might be able to support one or two of our Bills. So that's another positive thing about this Bill.

I want to mention, too, that if this will help get through the city of Spruce Grove in a quick manner to get to the Parkland Village fire hall, or if it'll help people get down those narrow highways of 794 or 37, that very narrow highway – and I'm sure the minister of transportation is listening to this – if this is going to help those firefighters get to the fire hall quickly, then I will support the Bill.

My one question to the hon. Member for Lacombe-Stettler is: how are we going to make the public aware that this is now in place? What education programs are we going to put out there? Are we going to advertise it? How is it going to work so that people will know what these green flashing lights are? Because it will be a new concept in Alberta.

Since the Member for Olds-Didsbury deserves some time, I will gladly, with your permission through the Speaker, allow him to take his turn. Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Olds-Didsbury.

MR. BRASSARD: Thank you very much, and thank you, Mr. Speaker. It's obvious from the discussion that's taken place today that this type of legislation is very much required in this province. Fighting a fire in the city or the rural area is really not much different except that some of the circumstances are different. For instance, these men and women, these volunteer firefighters, must often answer a call directly, before having a chance to go to the fire hall first. They originate from all over the place, where in the cities they are able to all come together collectively and take off from there. In the city, of course, we give firefighters the courtesy of moving out of their way, because we know that they're pressed for time and that every minute counts in this emergency. Well, this Bill really is designed to help the rural areas give the same kind of courtesy to the rural firefighters who are trying to get to an emergency situation also.

The difficulty at present is that volunteer firefighters have no way of identifying themselves. The law obviously won't let them use a red flashing light. A yellow light really doesn't cause any differentiation between a service truck or a truck hauling cattle or whatever. So we need something different, and a flashing green seems to be most appropriate.

You know, I have some firsthand experience with some of these things, Mr. Speaker. We used to own and operate a dealership, and many times I was called to help someone out with the service truck. It's a real unique experience to lie on the side of a road trying to hook up the service truck to an abandoned vehicle and have the cars whizzing by you because they really don't know what the flashing yellow lights on your truck mean. It could be a cattle truck or a cattle liner just pulled over to the side of the road, and you get absolutely no respect, I guess, at all.

As a matter of fact, I did mount a red and blue flashing light on my service truck mostly to get the attention of the RCMP, who usually called us out, but of course they didn't think very much of my idea and forced me to take it off. I would've given anything to give some kind of a designation to what was happening on the highway and get some of the courtesy that goes along with it.

I do believe, Mr. Speaker, that a flashing green light, as I said, is a good choice. Amber and yellow lights are really so commonly used in transportation trucks and snowplows and so on that I think we need this differentiation. I recognize that there's going to have to be an education process take place, but I don't think that's unusual, and I don't think it would take all that long, certainly not in the rural area where I live.

Mr. Speaker, to wrap up just a little bit, I think that it's been

pointed out that the flashing green light would serve to notify the police and the public that the firefighters are responding to an emergency call. The flashing green light would provide instant identification of these volunteer firefighters instead of having to stop and show proper identification. At least the RCMP and whoever would be able to give them the proper courtesy and allow them to get to the point of destination. The ability to access the emergency area would also be improved. If everyone is gathered around a fire in the country and they see a vehicle approaching with a flashing green light, then it's natural courtesy to allow them access.

So, Mr. Speaker, in that the Alberta Fire Fighters Association, the Insurance Bureau of Canada, and the AUMA all support this Bill and certainly given all the glowing remarks today, I would ask every member in this Assembly to support this Bill.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: To wrap up debate, the mover of the Bill, the hon. Member for Lacombe-Stettler.

MRS. GORDON: Thank you, Mr. Speaker. I certainly wish to thank all of those that spoke today. I very much appreciate it, as do the firefighters of this province. I would share with the hon. Member for West Yellowhead, I believe green is a go. Some of the issues and concerns that have been addressed today we certainly will deal with and work with and talk about in Committee of the Whole.

THE DEPUTY SPEAKER: All those in favour of second reading of Bill 208, the Highway Traffic Amendment Act, 1996, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no. Let the record show unanimous.

[Bill 208 read a second time]

5:10

MRS. BLACK: Mr. Speaker, I move that we call it 5:30 and adjourn until 8 o'clock this evening.

THE DEPUTY SPEAKER: If I may put words in your mouth, hon. Deputy Government House Leader, we have under Orders that we're going to begin in Committee of Supply this evening. So could we move that we now adjourn and that when we reassemble, it will be in Committee of Supply this evening at 8?

MRS. BLACK: Oh, I'm sorry. I thought I had said that, Mr. Speaker.

THE DEPUTY SPEAKER: Is that right? Good. Other than being deaf, absent minded as well the Chair might be.

All those in favour of the motion by the hon. Deputy Government House Leader, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no. Carried.

[The Assembly adjourned at 5:11 p.m.]