

Legislative Assembly of Alberta

Title: **Tuesday, March 17, 1998** 1:30 p.m.
Date: 98/03/17
[The Speaker in the chair]

head: **Prayers**

THE SPEAKER: Good afternoon.

Let us pray.

O Lord, guide us so that we may use the privilege given us as elected Members of the Legislative Assembly.

Give us the strength to labour diligently, the courage to think and to speak with clarity and conviction and without prejudice or pride.

Amen.

Please be seated.

head: **Introduction of Visitors**

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

MS BARRETT: Thank you, Mr. Speaker. This is funny. It's like NDP old home week in your gallery. [interjection] Well, it is.

Seated in your gallery today to watch the proceedings is the former leader of the Official Opposition New Democrats, Ray Martin, who served in this Assembly from 1982 to 1993. Accompanying Ray is Cindy Lowe, who was the administrative director for the caucus that I sat in from 1986 to 1993. They are accompanied by their colleague from Investors Group, Stan Davis. I'd ask all of them to rise and receive the warm welcome of the Assembly.

head: **Notices of Motions**

MRS. BLACK: Mr. Speaker, pursuant to Standing Order 34(2)(a) I'm giving notice that tomorrow I will move that written questions appearing on the Order Paper stand and retain their places with the exception of written questions 33 and 40.

I'm also giving notice that tomorrow I'll move that motions for returns appearing on the Order Paper stand and retain their places with the exception of motions for returns 38 and 39.

head: **Tabling Returns and Reports**

THE SPEAKER: The Provincial Treasurer.

MR. DAY: Thanks, Mr. Speaker. First, I'm tabling the annual report for the fiscal year ended March 31, '97, of the Members of the Legislative Assembly pension plan. That will include items related to actuarial liabilities, pension benefits, and statement of receipts and payments. Just as a reminder, of course, this will reflect the actuarial and the benefits related to members elected before 1993 since post-1993 there is no pension plan for MLAs.

I'm also tabling the March fiscal update, Mr. Speaker, as required by the Government Accountability Act when supplementary estimates are tabled in the Assembly as our ongoing openness and transparency policies dictate. We also do a fiscal update at that particular time, and that update includes, as I'm tabling today, the fact that the surplus is now forecast at \$2.347 billion. There are also spending increases of \$130 million from the lottery fund to Alberta Health, \$4.4 million to pay accrued interest in school debentures that have been repaid early, a million dollars

for emergency assistance due to the closure of the winter road to Fort Chip, and dollars related to some achievement bonuses. I might also point out that revenue is expected to be \$284 million higher than was forecast in the third quarter, that being a direct result of the ongoing vibrant economy in Alberta.

THE SPEAKER: The hon. Minister of Energy.

DR. WEST: Yes, Mr. Speaker. I'd like to file today with the Assembly the answers to questions asked by other members during the Committee of Supply on the Department of Energy on February 23, 1998.

THE SPEAKER: The Minister of Transportation and Utilities.

MR. PASZKOWSKI: Thank you. Mr. Speaker, I'm pleased today to table information on the government's executive vehicle operations. This is in response to a request from the hon. Member for Spruce Grove-Sturgeon-St. Albert asking for the cost-benefit analysis of the executive fleet operations.

THE SPEAKER: The hon. Minister of Labour.

MR. SMITH: Thank you, Mr. Speaker. I wish to table six copies of a letter dated February 10 that was the basis for and the answer to a question asked by the Member for Edmonton-Gold Bar on March 16.

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

MR. MacDONALD: Thank you, Mr. Speaker. I rise this afternoon to table four copies of a report on a conference that was held in Jasper by the Alberta Congress Board the last of October. This report is entitled Reinventing Your Communities.

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

MS BARRETT: Thank you, Mr. Speaker. I rise to file five copies of a letter signed by over 100 seniors from the Golden Horizon Seniors Society as well as the Filipino Senior Citizens Association opposing Bill 22 and the perceived tax grab.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise to table the results of the What Do You Think survey that was contained in my Mill Creek report last fall and up to Christmastime, which contains responses to everything from private school funding to health care to the environment and provides me with specific direction on how my constituents want me to represent them on those and other issues.

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

DR. PANNU: Thank you, Mr. Speaker. I rise to table five copies of a survey done by TeleResearch Inc. of Edmonton on 800 Edmontonians concerning some important issues.

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

MR. HANCOCK: Mr. Speaker, as you will recall, the Legislature

unanimously passed a resolution endorsing the principles of the Calgary framework. I am pleased to table with the Legislature today 1,847 additional responses to the Dialogue on Unity consultation. Although these responses were received after the debate in the Legislature was completed, we nonetheless reviewed the responses to ensure that we were informed about the views of Albertans.

Seventy-five percent of these respondents supported the Calgary framework. This mirrors the remainder of the documents which we received. This brings the total to 52,772, which is approximately 5 percent of Alberta households and the highest participation rate of any public consultation in Canada.

I'm tabling one document here and have provided the other 1,840 to the Clerk's office previously.

THE SPEAKER: The hon. Minister of Public Works, Supply and Services.

MR. WOLOSZYN: Thank you, Mr. Speaker. I'd like to table four copies of a summary of the structural condition of the Maple Leaf processing plant in Edmonton as prepared by Reid Crowther.

head: **Introduction of Guests**

THE SPEAKER: The hon. Member for Redwater.

MR. BRODA: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to this Assembly grade 6 students from Georges H. Primeau school in Morinville. There are 136 visitors. With them are teachers Mrs. Sowinski, Mrs. Blackburn, Mrs. Ostafichuk, Ms Armitage, and Ms MacMillan and also parents Mrs. Grant, Mrs. Maltais, Mr. Gow, Mrs. Taylor, Mr. Mabbutt, Mrs. McCollom, Mr. Simpson, Mr. Harrigan, Mrs. Kard, and Mrs. Brochu. They are seated in the members' gallery, and I would ask them to please rise and receive the warm welcome of this Assembly.

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

MRS. FORSYTH: Thank you, Mr. Speaker. It gives me great pleasure to introduce through you and to you Linda Spencer, who is the director of programs from the southern Alberta branch of the Kidney Foundation of Canada and is here to watch the debate on Bill 206. She's in the members' gallery, and I'd ask her to rise and receive the warm welcome.

head: **Oral Question Period**
Health Care Funding

MR. MITCHELL: Mr. Speaker, when you consider the somewhat unique supplementary budget process that the Treasurer is introducing today, a number of things come to mind: the Treasurer as king of supplementary supply, budgeting after the fact, crisis budgeting, seat-of-the-pants budgeting, and Dick Johnston. The fact is that when Dick Johnston was spending, the problem was lack of management, and with the way this government has been cutting, the problem is still lack of management. What does it say about the Premier's management when the Premier brings in \$100 million now at the last minute to fix the millennium computer problem that the Auditor General told them to fix three years ago?

1:40

MR. KLEIN: Mr. Speaker, this has been an ongoing process

relative to a number of issues that surround this very difficult problem. This problem relative to medical equipment – and I'm not talking about medical equipment that runs up charts and so on; I'm talking about the kind of equipment that sustains life, life-support systems – came to our attention approximately four months ago. We have been working on getting a handle as to what this would actually cost. Our best estimate is something in the neighbourhood of \$130 million. We're talking here about lung machines. We're talking about pacemakers, dialysis machines. We're talking about equipment that supports life. If this equipment goes down, we risk the lives of countless numbers of individuals. So we have to deal with it.

MR. SPEAKER, again I say that we've been working on this problem now for about the last six months. We got the final estimates earlier this month, and the figure turns out to be about \$130 million.

MR. MITCHELL: Well, there's all kinds of equipment in this health care system that's in poor repair and in need of replacement, Mr. Speaker.

My second question: how could the Premier be so negligent as to bring in a budget last March which created code reds, corridors crammed with gurneys, exhausted health care workers, shortages of specialists and rural physicians, and canceled surgeries, because he missed the mark on the deficit by over \$2 billion?

MR. KLEIN: Well, this is not anything similar to the days of Dick Johnston, Mr. Speaker. I recall and our friend sitting in the gallery today recalls also the introduction of a balanced budget, I think it was in the year 1991. Well, if we're guilty of anything, it's that we're guilty of budgeting on the best side, on the good side of the ledger. Because of prudent budgeting and prudent management of our resources, we have been able to generate substantial surpluses that have gone to pay down the debt, surpluses that have freed up money – interest payments that we would otherwise be paying to banks – for the benefit of Albertans.

MR. MITCHELL: Mr. Speaker, doesn't the Premier understand that when he mismanages the budget, he not only creates havoc, but people like nurses and doctors and patients across this province have to live and sometimes literally die with the consequences?

MR. KLEIN: Mr. Speaker, generating surpluses year after year after year is hardly mismanaging the budget. The CEO of any business around the world responsible for organizations generating surpluses year after year after year would be getting very substantial and very handsome bonuses. This is politics. All we get is the support of Albertans, and that's good enough for me.

THE SPEAKER: Second Official Opposition main question. The hon. Member for Edmonton-Glenora.

Regional Health Authorities

MR. SAPERS: Mr. Speaker, the clock is ticking close to midnight under the Balanced Budget and Debt Retirement Act, but the Premier has yet to commit to funding to deal with the bed shortages and the red alerts in our health care system. Today the Provincial Treasurer has announced a \$2.347 billion budget surplus for the current fiscal year, a surplus created because of poor budgeting and underfunding of critically important services in this province, including health care. Meanwhile health care in

this province remains on the critical list because of a lack of funding. Will the Premier commit today to when he is going to give long-term, stable funding to regional health authorities so they can deliver the health care services that they deserve, rather than indulging in this game of trickle-down, pressure-point, crisis funding?

MR. KLEIN: Mr. Speaker, I would remind the hon. member that there is already in the system and committed in this budget year long-term, sustainable money that amounts to over \$4 billion – \$4 billion – relative to some of the pressure points that perhaps exist in some regions and not in other regions. The hon. Minister of Health is doing an assessment of the situation, and hopefully we'll be able to deal with this by the end of this fiscal year, which is the end of this month.

MR. SAPERS: Will the Premier assure Albertans that the projected operating deficits in 16 of the 17 regional health authorities for this fiscal year and for the next fiscal year will be fully covered by the Premier's next spending announcement, expected sometime prior to March 31, 1998?

MR. KLEIN: Well, again, I'm going to have the hon. Minister of Health supplement, but whether these deficits are deficits that will be there on a sustained basis, we don't know at this particular time. The minister has alluded to short-term deficit financing, very, very short-term deficit financing, as being appropriate in some cases, Mr. Speaker, as long as there are assurances that it will be on a short-term basis and that within a short period of time those regional health authorities will be back in the black.

Relative to the process and the details surrounding this particular situation, I'll have the hon. minister supplement.

MR. JONSON: Mr. Speaker, as has been indicated in the Legislature before, I have been meeting with regional health authorities both collectively and individually, as have many members from the government side. I think that we've had very thorough discussions and have a good idea, a good concept of what present and future needs are within the system.

Mr. Speaker, in direct answer to the question, no, I will not guarantee that we will cover every deficit that is produced. Every regional health authority has the obligation to plan their budget carefully and responsibly, and I think that certainly the vast majority, probably every one of them, looks at it from that point of view. I think the days of automatically accepting a debt or a deficit as having to be the case are gone as far as this government is concerned, and that's the way it should be.

MR. SAPERS: Given the fact that taxpayers contribute nearly \$2.5 billion to regional health authorities, the single largest expenditure line in the province's consolidated budget, will the Premier now take steps to ensure that the RHA budgets are included within the government's consolidated budget reporting?

MR. KLEIN: Mr. Speaker, they are allowed a short-term deficit only, and certainly that is the responsibility of the Department of Health to monitor. We have said quite clearly that the minister will only sign off – and by the way, the minister has to sign off on permission to run a short-term deficit, and before the minister does that, there has to be every assurance that this in fact will be for the short term.

1:50

Relative to some of the other issues, as I pointed out, the hon.

minister is examining along with his officials the pressure points that exist in the system, and thankfully, because of prudent financing we can look after those problems. It was a midterm adjustment the last time around when pressure points were indeed identified after massive restructuring of the system to achieve more efficiencies and to challenge the regional health authorities to find better and more effective ways of doing things.

Yes, when you go through the kind of massive restructuring we undertook, there are bound to be areas where corrections will have to be made. I said that right at the outset. If the opposition members will recall my words, I said that if we reach a road-block, we always must have within our fiscal plans and our business plans the ability to detour, to go around it, and, yes, to reach the same destination within a responsible and prudent fiscal framework.

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

Energy Revenue

MR. ZWOZDESKY: Thank you, Mr. Speaker. Albertans are getting very concerned about the unfortunate and very steady slide in oil prices, which reached a 10-year low yesterday of about \$13.28 per barrel. I don't think this signals any panic, but I do think it's time for the Treasurer to take some serious precautionary steps in order to balance his new budget without cuts to essential programs. There was a spending problem, there is now a revenue problem, and we need better budget management. My question is to the Provincial Treasurer. Since a potential revenue problem is imminent, will the Treasurer temporarily slow down his debt repayment plan and place at least \$200 million to \$300 million into a fiscal stabilization fund before the magic day of March 31 in order to deal with any budget shortfalls in 1998-99?

MR. DAY: Mr. Speaker, I usually appreciate the suggestions brought forward by my finance critic, and I appreciate some of what I'm hearing today. I don't know who I'm listening to though, Jekyll or Hyde, because a couple of minutes ago we were getting attacked because it looked like we were going to be spending some dollars. Now this member, the finance critic, is quite properly saying: you have to be really concerned about the spending problem. So it would be interesting if they could get their act together over there. But I do listen most carefully to the finance critic here, and this is something that we're concerned about. No question about it.

When we do our projections on what we think oil will average out to for the year, we consult with industry analysts provincially, nationally, and internationally. When we did that consultation and through the Minister of Energy doing that consultation a few months ago, we based it at a certain price which most analysts said is a fair and reasonable price to expect. Over the last two months across the province, the nation, and internationally all of the analysts have begun to rejig their own forecasts, and where they were saying before that it might be \$17.50 or it might be \$18, some are saying now it might be \$16; some are saying it could be \$15, \$15.90. So we are looking at that and consulting with analysts, consulting with industry around the province and saying: where should this be?

It's a concern; we're keeping an eye on it. We think it will be short term, but we are watching it carefully.

MR. ZWOZDESKY: I'm not sure I got an answer to the question, Mr. Speaker.

Let me ask the Treasurer this: Mr. Treasurer, will you postpone the premature tax cuts that were recently announced until the revenue picture stabilizes and until you can get a better handle on the revenues and projections for our province?

MR. DAY: Mr. Speaker, there's nothing premature about fulfilling a commitment that we are going to maintain the most competitive tax position in the country. There's nothing premature about that at all. As a matter of fact, it's somewhat gratifying as other provincial budgets come down, Manitoba's for one just recently, that they also recognize the importance of sending a signal to taxpayers that their load is not going to increase. The federal Liberals also followed our same lead there in recognizing that.

So we're looking at the types of pressures that we're facing and are most concerned about where that price is. We'll base our projections, as I said earlier, on industry analysts, but as far as making an adjustment related to what we've done to fulfill a commitment, there's nothing premature about that, and we continue to maintain that commitment to Albertans.

MR. ZWOZDESKY: Well, Mr. Speaker, let me ask the Treasurer this question. Mr. Treasurer, if you're not going to slow down your debt repayment plan and if you're not going to postpone these premature tax cuts, can you tell me what contingency plan you have built into Budget '98-99 that would cope with a sharp downturn that exhausts even the \$420 million revenue cushions you've built in there? To use the Premier's words, what detours are you planning?

MR. DAY: Well, the contingency plan is clearly in place, Mr. Speaker, and as we've operated for the last few years successfully, last year and this year will continue to be successful. We take a look at what the prices are and what analysts are saying prices are going to be averaging out to over the year related to oil and related to corporate taxes. We then do the analysis on how many dollars will be brought in, and then we say that we have to protect ourselves against an economic downturn. In doing that, then, we look at the projections of money that we think will come in over the year, and we take 10 percent of that and set it aside. Call it a contingency fund. Call it a stabilization fund. We call it a revenue cushion. We set that aside. It's in place to protect against a possible downturn in the economy.

As far as having a separate set-aside fund called a stabilization fund, when we consulted with the Auditor General, it was not his advice that we do that. When we consulted with the accounting profession, it was not their advice that we do that. When we listened to a former critic from across the way, it was not his advice that we do that. That was a type of accounting which the Auditor General and other auditor generals do not approve of, so we take a revenue cushion instead. That, in fact, is a stabilization fund. It's a cushion that's in place, and it has to be accounted for. It has to be budgeted. It is in place.

As I said earlier this week, we should be able to absorb a downturn on the price of oil. How much of a downturn? If it gets below \$15, we've got some concerns. If it stays up around \$16, we think we can ride this out.

THE SPEAKER: The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Calgary-North Hill.

VLT Plebiscites

DR. PANNU: Thank you, Mr. Speaker. The TeleResearch poll

leaked to the New Democrats, copies of which I tabled today in the House, shows that by a margin of almost 3 to 1 Edmontonians want a binding plebiscite on VLTs on the ballot during the municipal election. Yet every municipality that has either held a plebiscite or is thinking of holding one has been threatened with lawsuits by the hotel industry. My question is to the Premier. How can the Premier justify allowing municipalities to be bullied and sued for being democratic while the VLT revenue goes directly to the province?

MR. KLEIN: Mr. Speaker, the same question was put to me yesterday by a member of the media who alluded to the municipalities being bullied by thugs and so on. I don't know to what extent this is happening. I was a municipal councillor for nine years, and I had people come to me, and they argued their points. They used different tactics, and if I didn't like those tactics, I was a big enough boy to boot them out of my office.

DR. PANNU: Mr. Speaker, let me ask the Premier another question. He didn't answer my first one. Will the Premier agree to pick up the legal costs of any municipality that is sued by his buddies in the hotel industry, and if not, why not?

MR. KLEIN: Mr. Speaker, I would remind the hon. member that it was the municipalities themselves who recommended through the course of the Gordon review, the public consultation process, that the VLT issue be settled on a municipal basis. The recommendation is in the report, and all we did as government is say: we accept your recommendation.

DR. PANNU: My final supplementary to the Premier, Mr. Speaker. Why doesn't the province simply turn over all responsibility for VLTs to municipalities, including revenue, since municipalities are the ones that face all of the headaches from them, including threat of lawsuits?

2:00

MR. KLEIN: Mr. Speaker, lottery money is accounted for in the quarterly reports; it's accounted for in the budget projections; it's accounted for in public accounts. You will find that those dollars go to people throughout the province, including those who live in municipalities. They are not excluded from benefiting from those dollars. Those dollars go to education; they go to health; they go to roads. There are separate dollars that go to community organizations and cultural organizations through programs like the Wild Rose Foundation. There are some dollars that go to international aid, dollars that go to volunteer community organizations through the community facility enhancement program. So these dollars go to benefit the community at large, this community we call Alberta.

THE SPEAKER: The hon. Member for Calgary North-Hill, followed by the hon. Member for Calgary-*Buffalo*.

Calgary Snowstorm

MR. MAGNUS: Thank you, Mr. Speaker. My questions are to the minister of transportation. In consideration of the heaviest snowfall in 113 years in Calgary and still snowing one inch per hour with 30 kilometre per hour winds expected this evening, what actions have been taken to keep the city moving as far as mobilization of emergency equipment and snow-clearing equipment? I understand Calgary is in gridlock now.

MR. PASZKOWSKI: Thank you, Mr. Speaker. This is a very critical situation in Calgary in that it has been snowing there since last night and has accumulated to virtually record proportions. It is something that has to be dealt with and dealt with with immediate action.

The group responsible for maintenance in the area has mobilized all their snow-clearing equipment. They have called on all of the surrounding region that may have maintenance equipment that can be made available to assist in this particular initiative. Hopefully, through the co-operative process of all the groups that are involved in maintenance in the southern part of the province, we'll be able to cope with a very difficult situation.

MR. MAGNUS: Thank you, Mr. Speaker. My first supplementary to the same minister is: with such a huge accumulation of snow and temperatures expected to hover around 3 degrees centigrade, what is the risk of flooding in Calgary?

MR. PASZKOWSKI: Parts of Calgary are built on a flood plain, and of course any community that does have flood plains is always at risk when there is flooding. The hope now is that the weather will not moderate too quickly and indeed will allow for a slow demise of the snow. Certainly the areas that are low-lying are at risk. It's very unfortunate. Nevertheless from time to time we have to deal with emergencies such as this.

MR. MAGNUS: My second supplementary to the same minister, Mr. Speaker, is: what action is the province considering taking to help the Calgary area at this time, and is there a contingency or a disaster plan in place for this kind of occurrence?

MR. PASZKOWSKI: All of the emergency measures teams have been contacted in every community in the area that's affected with this severe snowfall, and they've been mobilized. They've all been advised of possible actions that may be needed. As a result of it, should the emergencies arise, all of the communities have been notified; all their teams are in place. Hopefully we won't have to deal with it on an emergency basis. Nevertheless, we are prepared.

THE SPEAKER: The hon. Member for Calgary-Buffalo, followed by the hon. Member for West Yellowhead.

Sexual Orientation

MR. DICKSON: Thank you, Mr. Speaker. When the Alberta government makes representations to the Supreme Court of Canada or to any other group or body, it's seen by many as speaking on behalf of Albertans. While respecting the sub judice rule, I think it's fair and important to find out what the government is saying on our behalf and what it means. My questions are not about any pending court case but rather about the current policies of this government. My question is to the Premier. Is it the policy of this government that it has absolutely no obligation to regulate private-sector activity even if that activity denies an Albertan a place to live or a job just because that individual is gay?

MR. KLEIN: Mr. Speaker, perhaps through his supplementary he can tell this side of the House what he's driving at.

MR. DICKSON: Mr. Speaker, we'll try to be clearer on this question. How can the Premier claim that his government has

chosen to, quote, remain neutral on the sexual orientation issue when the effect of refusing to amend the human rights act has been to allow many Albertans to be mistreated, to be denied a job, to be denied a place to live?

MR. KLEIN: I would suggest, Mr. Speaker, that this matter is indeed sub judice, and it would be inappropriate for me to comment on a matter that is before the courts.

MR. DICKSON: Mr. Speaker, my final question would be this: just how far will this Premier go in allowing the basic rights of a, quote, small group of citizens, close quote, to be violated just because the abusers may be private citizens or private groups?

MR. KLEIN: Mr. Speaker, again, if he is alluding to the Vriend case, which has not been adjudicated yet by the Supreme Court of Canada, then I would suggest that it would be inappropriate for me to answer the question.

Perhaps one of their other members can ask a very straightforward, honest question relative to this situation.

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

Government Vehicles

MR. STRANG: Thank you, Mr. Speaker. My question today is to the Premier. I've had some questions from my constituents about government vehicles, especially your use of government cars. What exactly is the situation?

MR. KLEIN: If you're talking about my vehicles, Mr. Speaker, I don't have a government vehicle. There are four security cars. Two operate here in the city of Edmonton and two in Calgary. Again, I don't have a government vehicle, my wife doesn't have a government vehicle, and no one in my family has a government vehicle. I don't order government vehicles, and I don't tell security what government vehicles to get. I leave this entirely up to the security division responsible for Executive Council.

MR. STRANG: Thank you, Mr. Speaker. I appreciate the answer from the Premier.

On that note, my first supplementary is to the Justice minister. How many security vehicles do we have, and what quality are they?

MR. HAVELOCK: Well, Mr. Speaker, I can relay to the House that we do have four security vehicles, as the Premier alluded to. We have two in Calgary and two in Edmonton, and those vehicles are used to cover the entire province. The quality of the cars meet our performance requirements. As far as the number of vehicles, that's determined by security personnel. They make recommendations with respect to not only equipment but manpower, and the existing program is a result of that process. I might add that we've had this process in place for a number of years.

MR. STRANG: Thank you, Mr. Speaker. My second supplementary is also to the Justice minister. Are you telling us that we are using outdated procedures, a security system with manpower, vehicles that haven't been changed with the times?

MR. HAVELOCK: Mr. Speaker, I hope I didn't say that.

[interjections] I didn't realize it was that critical an issue to generate this type of response. What I said is that the process hasn't changed. Our security personnel make recommendations, and those highly considered recommendations are then acted upon. As far as our security transportation needs, they are reassessed on an annual basis. That frequent revisiting, so to speak, includes standard procedures such as security concerns given threat, manpower, and the equipment that's necessary.

It is important to note, Mr. Speaker, that each jurisdiction has different security needs. We have an obligation to provide reasonable and proper security, and we feel it's prudent to follow the advice of our professionals. In fact, if we don't follow the advice of our professionals, why do we have them? I think it would be totally irresponsible for this government to simply ignore the security needs of the Premier and the security needs, quite frankly, of all members of the Legislature.

Environmental Laws Enforcement

MS CARLSON: Mr. Speaker, Albertans expect that the front line of defence in protecting the environment is the Department of Environmental Protection, yet information from this department indicates that their confidence is misplaced. Plans to regionalize regulatory services will further reduce expertise and – and I quote – would spell disaster for industrial environmental enforcement and monitoring in this province. Will the Minister of Environmental Protection tell us how he addresses that concern?

2:10

MR. LUND: Mr. Speaker, in reorganizing the Department of Environmental Protection, we have divided the province into six regions. Within each region we make sure that there is the expertise necessary to carry out the requirements under the acts and to provide advice and to take information from the citizens within that area. As far as the industrial inspections, permits, those kinds of things, some of the permits or licences are very complex. We've got very complex issues to deal with, and the staff that handles those in large part is situated in the city of Edmonton. You may have three or four plants scattered around the province that require the expertise of one individual. When you get into the smaller plants and the industries that can be handled within the region, that is the way we are handling it. For example, doesn't it make sense that we would have someone out close to a plant instead of in the city of Edmonton to make sure that the monitoring is being done in a proper manner and to have the ability to go to the plant on an unannounced inspection, to work with the plant operators to make sure that the environment is being protected?

MS CARLSON: More expert staff's going to be lost in this downsizing measure.

Mr. Speaker, will the minister's department, who couldn't do the job in Ryley because they didn't have expert staff – even the Environmental Appeal Board said so. How can he justify losing even more now when he's not going to have enough expertise to do the job across the province? You know that's true. Downsizing is what's going to happen.

MR. LUND: The fact is that the Environmental Appeal Board did not say what the hon. member just said. The Environmental Appeal Board requested that an individual come to the hearing. Mr. Speaker, the individuals at the hearing felt they were confident in handling the questions. The department does have on

staff the expertise that the Environmental Appeal Board alluded to. So, yes, we've had to downsize and rightsize the department.

I guess the hon. member's probably getting into the mode that they will champion, when we see 50 percent of their leadership advocating deficit budgeting. So I guess this is what they want to get into, Mr. Speaker.

MS CARLSON: Mr. Speaker, how is this minister going to restore confidence in this province with all of the people there when he doesn't have a proper monitoring system in the province and can't properly apply it because he hasn't got the expert staff anymore?

MR. LUND: Mr. Speaker, I find that really offensive. It's very, very offensive to the expert staff that we have in our department. Our department staff are known around the country as being experts in their field, and for the hon. member to stand up and say that we don't have that expertise on staff is absolutely wrong.

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

Government Vehicles

(continued)

MR. McFARLAND: Thank you, Mr. Speaker. Earlier today the Minister of Transportation and Utilities tabled information on executive vehicles. Whenever I'm driving around the constituency, I'll have to frequently refer to constituents who say: "Gee, that's a nice truck. Is that a government vehicle?" I have to tell them, "No, it isn't." Too often that becomes an election issue, and too often I have to respond to the constituents as though it's a government vehicle. My question to the minister: will he inform my constituents through the TV camera here and the opposition how many vehicles are actually in this mysterious executive fleet that we have?

MR. PASZKOWSKI: Thank you. Mr. Speaker, we actually have two fleets. One is central vehicle operations, and the other is executive vehicle operations. I assume the hon. Member for Little Bow is referring to executive vehicle operations. Today we have 74 vehicles in that fleet. Sixty-two are distributed and 12 are part of the fleet. This is down almost half from where it was in 1993.

MR. McFARLAND: Thank you. Mr. Speaker, I know who takes care of the oil changes and maintenance work on my vehicle, but will the minister inform us how many people and what's the cost of managing this executive fleet?

MR. PASZKOWSKI: There are four people involved in managing the executive fleet. The average cost of the executive fleet – and there's just been a study done, which was tabled here today – is \$70 per month. Interestingly enough, \$70 per month equates to a taxi trip to the International Airport and back from downtown Edmonton.

MR. McFARLAND: Thank you, Mr. Minister. My third and final question: what accountability and what allowance provision is there for individuals accessing these executive vehicles for personal use?

MR. PASZKOWSKI: There is provision to allow a minister to use

the vehicle for his own personal use. However, that personal use is taxable. The study has indicated that the average of all of the vehicles that were part of the executive fleet were taxed in excess of \$3,000 per vehicle per year. Of that, roughly \$1,050 came back to the provincial coffers in the form of taxation.

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

Private Schools

DR. MASSEY: Thank you, Mr. Speaker. I quote from a May 24 article:

Dressed in navy, red and white uniforms, Webber Academy students will study Mandarin Chinese, Spanish and use the best computers available.

Webber students will also pay a tuition of \$6,300, and as students of a private corporation will be subsidized by this government to the amount of just over \$1 million. My questions are to the Minister of Education. Why is the government in the private school business with the Webber Academy?

MR. MAR: Mr. Speaker, I think the first thing the hon. member should know is that to be eligible for public funding, private school operators must be a not-for-profit society or nonprofit corporation. I have done a corporate search of the school in question, and I've reviewed the notice of intention to operate an Alberta private school that was filed for the 1997-98 school year by Webber Academy. The documents that Webber Academy has filed with the provincial government are in order. Accordingly, they are eligible for funding.

On the issues of accountability that the member has raised in previous days, Mr. Speaker, he should know that private schools are required to file three-year education plans and budget reports. They must file at the beginning of their school year their notice of intention to operate, and following the end of the school year, they must follow up with their education results report and audited financial statements. These have been in order for private schools. We monitor that. The consequences of not doing those things are serious for private schools. For example, if a notice of intention to operate is not filed, then the funding that would go to that private school can be withheld.

So we do monitor these situations. Webber Academy's paperwork appears to be in order. Accordingly, they are entitled to funding.

DR. MASSEY: Thank you, Mr. Speaker. My second question is to the same minister. How do your claims of equity for Alberta students fit with the government-supported, limitless per pupil spending allowed private schools?

2:20

MR. MAR: Mr. Speaker, members of the public elect to send their sons and daughters to private schools for a number of different reasons. I think it's important to note that only 60 percent of the instructional grant that goes to students in the public school system will go to private schools. Accordingly, I think the most important thing is noting that the amount of money we spend, that we grant to private schools to operate their schools, is only about 1 percent of what we grant for support of the public school system.

Mr. Speaker, I think it is critical to support the notion of choice in education, keeping in mind that to a large measure when

parents elect to make that choice, they know at the outset that they'll be responsible for paying tuition. They know they make that choice with some support from the government but without support for capital, for transportation, for administration. Having gone through an extensive public consultation process, I think we have now come to a point where we can say that a compromise has been struck with respect to support for private schools.

DR. MASSEY: Thank you. To the same minister: how do you square private school subsidies with information in a letter to you from the public Windsor Park school that they lack money for basic textbooks?

MR. MAR: Mr. Speaker, the instructional grant that goes to public schools, including Catholic schools, throughout the province is equitable. It is currently \$3,700 per student. On top of that \$3,700 there's money that goes for their operations and maintenance, for their capital, for their transportation. Out of that \$3,700 envelope we think it's appropriate to grant that to school boards, and for school boards who are charged with the responsibility of spending that money on learning resources, textbooks should be included in that.

Having said, Mr. Speaker, that \$3,700 is an appropriate number, we recognize some of the pressures the schools boards are facing with respect to increasing costs and meeting with their wage settlements and such. Accordingly, we are increasing the per student instructional grant rate April 1 of this year, September 1 of this year, and September 1 on each of the following two years after that.

THE SPEAKER: The hon. Member for Calgary-McCall, followed by the hon. Member for Edmonton-Calder.

Computers in Schools

MR. SHARIFF: Mr. Speaker, technology is an important tool for student learning. I have been hearing from school administrators and parents in my constituency that they are struggling to meet the technology in schools framework recommendation of 5 to 1 ratio of students to computers. My question is to the minister who has developed a reputation for accepting recommendations from task force committees, the Minister of Education. Does the minister expect schools to provide a computer for every five students?

MR. MAR: Mr. Speaker, that recommendation was made by a task force, but to be clear, the government has never set a ratio of any kind for computer-to-student needs. I agree with the hon. member that technology is an important tool in student learning. However it is just a tool, and at the end of the day I'm very strongly of the view that teachers, schools, and school divisions need to determine what level of technology they need in order to meet the learning needs of their students. They need to look at what their students need to learn, how technology can be used to support that learning, and the age and grade level of those students.

MR. SHARIFF: Mr. Speaker, my first supplemental is to the same minister. How are schools and teachers expected to provide technology training to students?

MR. MAR: Well, Mr. Speaker, I think this is a very good question. The Department of Education has been working on learning outcomes in the area of technology. That is to provide

an outline of what students should know and what they should be able to do at grades 3, 6, 9, and 12. That learning is expected to take place within the curriculum of certain subject areas; for example, the ability to use the Internet in order to do research for social studies or the ability to use computers to graph for math programs. Technology training is not a goal in itself, but it is an integrated part of the regular curriculum in our schools.

MR. SHARIFF: My final supplemental is also to the same minister. Given that the Calgary board of education, in its document titled *An Empty Promise*, identifies a need of \$50 million to provide enough computers for its students and an additional \$15 million annually for maintenance, can the minister assure my constituents and the students sitting up there that the government is providing sufficient funding to support the use of technology in schools?

MR. MAR: Well, Mr. Speaker, first of all, the Calgary board of education has based its cost estimates on a figure of \$3,500 per computer workstation. In my strong view, that is a high figure, and there are many jurisdictions in the province that have provided computer workstations at a significantly lower unit cost. For example, in Grande Yellowhead, they estimate that the cost of their computer workstations is between \$1,200 and \$1,400 per unit. As for maintenance costs, they should represent about 10 percent of the annual computer budget. The Calgary board of education's estimate in this regard is excessive.

Mr. Speaker, in the past we have provided money for technology integration, and we continue to do so. The amount would be about \$85 million in technology for the years 1996-97 through 2000-01. To the positive response of school boards, they've indicated that they're quite pleased with the fact that starting April 1, 1998, we will no longer require that they provide matching funds to meet the money we put in.

Also, Mr. Speaker, I just want to say one thing about the computers for schools program. Telus has supported a program called *Blue Eagle*, and that program and the computers for schools program have helped many schools obtain computers for their use from local business communities. We very much support those types of partnerships.

THE SPEAKER: The hon. Member for Edmonton-Calder, followed by the hon. Member for Bonnyville-Cold Lake.

Municipal Transportation Infrastructure

MR. WHITE: Thank you, Mr. Speaker. Calgary's \$64 million Deerfoot Trail extension ranks 14th on that city's list of priorities, yet this government in its wisdom has decided that this particular project is Calgary's top priority. It's obvious that local priorities don't count when this government makes a decision. The \$64 million question goes to the minister of transportation. What evidence does the minister present that this project should rank ahead of all the projects that the city of Calgary has prioritized first?

MR. PASZKOWSKI: Thank you, Mr. Speaker. I think it's important to note that Calgary also receives in excess of \$31,500,000 to deal with the other projects that are listed within Calgary as well. This is simply part of the ongoing infrastructure maintenance that is required. It's part of Calgary's growth and certainly allows for a ring road around Calgary to alleviate some of the pressures that are there in Calgary. Further to that,

Calgary does receive a substantive amount of money to deal with the internal pressures of growth that are affecting Calgary.

MR. WHITE: A supplementary, Mr. Speaker: why would this government decide in its wisdom that municipal decisions and municipal priorities rank less than theirs?

MR. PASZKOWSKI: Mr. Speaker, there are many factors that enter into the prioritizing process, and certainly safety is one of them. Highway 22X has one of the higher fatality rates of any road in Canada, and we have to deal with that as well. Certainly, from my perspective at least, safety is one of the key elements of funding for roads, and that's one of the reasons that money is being put aside to assist not only in highway 22X; it also takes some of the pressures off some of the other roads as well.

MR. WHITE: Mr. Speaker, will the minister commit, then, that elected councils in the city of Edmonton and the city of Calgary will have in future a little more representation than they've had in the past in this regard?

MR. PASZKOWSKI: Mr. Speaker, the Premier has structured a task force which includes the city of Edmonton, the city of Calgary, the president of AAMD and C, the chairman of AUMA, as well as three key ministers in the process of ongoing discussions as to the pressures of infrastructure. Indeed, this province is in a growth mode, and indeed infrastructure is a key part of it. Consequently we're very, very anxious to deal with the local communities, with the local municipalities in finding ways of dealing with those intricate pressures that may affect not only Calgary and Edmonton but Grande Prairie, Lethbridge, Brooks, Medicine Hat, and all of the other communities in this province as well.

head:
2:30

Members' Statements

THE SPEAKER: Three hon. members have indicated their interest today to provide the Assembly with a member's statement. We'll proceed in the following order: first of all, the hon. Member for St. Albert, followed by the hon. Member for Calgary-Buffalo, followed by the hon. Member for Airdrie-Rocky View.

St. Patrick's Day

MRS. O'NEILL: Thank you, Mr. Speaker. Today, St. Patrick's Day, as many of you are aware, is known as a day for the wearing of the green. What you might not know is the origin of some of the lore that surrounds this grand day. Around the year 400 AD Patrick was born in Scotland. He eventually came to Ireland as bishop and shepherd of the Celtic people, and beyond his own great accomplishments several legends evolved.

We all know of St. Patrick's teaching about the Trinity by using the shamrock, of which there are many growing on the fair isle. But you might not know this wee tidbit of lore. When Patrick was dying on this day in 465 AD, he urged his friends to celebrate comfortably his exit into eternal life. To this end his last request was that each of them take a wee drop of something to drink to ease their pain, and so it is out of reverence for the saint and in compliance with his last words that we Irish sometimes like a wee dram. And I, Mr. Speaker, have not kissed the Blarney Stone.

Sadly I will speak of the troubles. They originated way back

in 1690 at the Battle of the Boyne. The Irish and French under King James II clashed with Dutch and English troops under William of Orange. The Williamites won the day, and the Catholics lost. Hence the orange and the green, the Catholics and the Protestants, and the subsequent long, sad chapters in the history of Ireland.

But the Irish are a resilient group. Scrappers, some people call us. Admittedly we're fighters, but fighters for what is right. While we may have long memories, passionate and stubborn hearts, we also have an abundance of ready wit. The land of saints and scholars has given the world sensitive poets, fiery politicians, profound playwrights, mellow and lyrical musicians and dancers.

So it is, Mr. Speaker, that today I say on St. Patrick's Day, as my mother always did, that there are two kinds of people in this world: those who are Irish and those who wish they were.

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

Alberta Bar Association

MR. DICKSON: Thank you, Mr. Speaker. Peter Lougheed, the late Neil Crawford, Senator Ron Ghitter, the late Gordon Wright, and my predecessor, Sheldon Chumir: each of these MLAs made a major contribution to this Assembly and to this province. What did these men have in common? Representing as they did three different caucuses, they were all lawyers, members of the Alberta Bar. They were excellent representatives of a profession I'm proud to share with them.

It's been 27 years since I became a member of the Alberta Bar, and in that period I've witnessed lawyers provide leadership in their communities, in their local government, and in virtually every field of activity you can imagine. Whether it was the late Justice Joe Kryczka in terms of international hockey, whether it was Jack Perraton in terms of championing the Calgary expo bid, or Joe Shoctor promoting theatre in Edmonton, what's more is that this kind of community leadership is the norm not the exception within the Alberta Bar.

As Shakespeare well knew and as I'm reminded this afternoon, there's always an audience to poke fun at lawyers. I hope that in the course of good-natured ribbing we don't lose sight of the enormous contribution that lawyers have made to our province. It's easy to blame the lawyers when the client makes a foolish decision. After all, a client, whether it's a single individual or the provincial cabinet, can try and say: it's the lawyers who told us to do it. The reality is that lawyers act on their client's instructions. All the lawyer can do is offer advice on the options available, and it's always the client who makes the choice and the ultimate decision.

Morris Schumiatcher, the Calgary-born lawyer and scholar observed:

The great interest of man on earth is justice. It has been called the ligament that holds civilized beings and civilized nations together. If that be so, then the lawyer whose chosen duty is to espouse the cause of justice for the citizen, performs the most honourable of all services for man.

Roscoe Pound described the profession as a group of men pursuing a learned art as a common calling in the spirit of public service, no less a public service because it may incidentally be a means of livelihood.

Thanks, Mr. Speaker.

THE SPEAKER: The hon. Member for Airdrie-Rocky View.

Independent Schools

MS HALEY: Thank you, Mr. Speaker. Last year in this Assembly I introduced a private member's bill. The intent of that bill was to increase funding for independent schools from the existing 50 percent of the basic instructional grant to 75 percent. In dollar terms that would have been a increase from \$1,815 to approximately \$2,700. In actual terms with that increase these Alberta children would still be funded at less than 50 percent of what their counterparts in the Catholic, public, or charter schools receive. The bill was a result of just under 900 constituency contacts over a three-year period of time.

I wanted to raise the profile of that issue, and as I'm sure all my colleagues would agree, the bill did just that. In response the Minister of Education proposed a task force to study the issue and have it return to government with recommendations. As all are now aware, the task force did complete its work and did make recommendations, all of which have been accepted by government: 26 recommendations, only one of which had anything to do with funding.

My purpose in rising today is to thank the minister, the task force, and my colleagues for the way in which they handled this very contentious issue. I didn't get the 75 percent, but at the end of their deliberations the task force provided all of us with a very comprehensive report and a recommendation to increase funding from the current 50 percent to 60 percent of the basic instructional grant, or from \$1,815 to \$2,316, over the next two-year period starting in the next fiscal year.

In the end government will increase spending by \$5.7 million to independent schools that educate about 4 percent of Alberta students. They will receive \$35 million in total or about 1 percent of what the public and separate education systems receive. In response to this decision, calls are once again coming in from across the province, this time to thank us for listening to their concerns. Ironic, is it not, Mr. Speaker, that an increase of \$388 million to the public education system elicited only calls for more? It's worth thinking about.

THE SPEAKER: Hon. members, might we revert briefly to Introduction of Guests?

HON. MEMBERS: Agreed.

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

THE SPEAKER: The hon. Minister of Transportation and Utilities.

MR. PASZKOWSKI: Thank you, Mr. Speaker, it's my pleasure on behalf of Grande Prairie-Smoky and my colleague from Grande Prairie-Wapiti to introduce to you and through you to the members of the Assembly grades 7, 8, and 9 students from the secondary schools of Sexsmith and La Glace. They're part of a band that was performing and competing in the Edmonton area. They're accompanied today by their music director, Duane Paulson, by supervising teacher, Erie Scratch, as well helpers Corinne Shillington and Barbara London and bus driver Rob Everton. They're seated in the members' gallery, and I'm very proud to ask them to rise and to receive the usual warm welcome of the Legislature here today.

THE SPEAKER: On a purported point of order, the hon. Member for Edmonton-Ellerslie.

Point of Order Imputing Motives

MS CARLSON: Thank you, Mr. Speaker. I rise under 23(h) and (i) in Standing Orders. Earlier in question period when I made a comment about the Environmental Appeal Board being critical of the Environmental Protection staff with regard to the Ryley landfill, the minister indicated that I was incorrect. In reference to that I will quote some information from the Alberta Environmental Appeal Board report and recommendations on appeal 96-059, which deals specifically with the Ryley landfill. On page 41 in comments that came forward:

The Board could not consider all of the available evidence due to the withholding of information by the Department . . . the absence of department officials to discuss and fully provide evidence.

On to page 43, where they say, "As the hearing progressed, the credibility of the Department's evidence fell," and on to page 44, where they talk about the department's advisers not having the best evidence.

There were several instances during the hearing that illustrated the confusion or lack of information held by some of the Department's witnesses.

Those are some quotes from this report. There are many more indicating that the lack of available expertise in the department is causing a problem in this province.

2:40

MR. LUND: Mr. Speaker, as I clearly indicated in my answer to this question, the board was somewhat concerned with the ability to answer all of the questions that were put to the board at the hearing. However, the staff that was at the hearing felt that they could handle it adequately. Beyond that, the department person who had actually written the approval and had studied the soils is a renowned scientist in soils and their constituents. So the fact is that we do have that expertise on staff. It's unfortunate that he was not out at the hearing, but circumstances prevented him from being there. It's not that we don't have that expertise on staff, and that's what I was talking to.

THE SPEAKER: Hon. members, might I refer you to *Beauchesne* 494, Acceptance of the Word of a Member:

It has been formally ruled by Speakers that statements by Members respecting themselves and particularly within their own knowledge must be accepted. It is not unparliamentary temperately to criticize statements made by Members as being contrary to the facts; but no imputation of intentional falsehood is permissible.

And the operative line:

On rare occasions this may result in the House having to accept two contradictory accounts of the same incident.

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

[Mr. Tannas in the chair]

THE CHAIRMAN: I'd call the Committee of the Whole to order.

Bill 206 Human Tissue Donation Procedures Statutes Amendment Act, 1998

MR. JONSON: Mr. Chairman, I appreciate the opportunity to

speak to Bill 206. I want at the outset to indicate that as a member of this Assembly I certainly support Bill 206. However, over the past few weeks I have received several submissions from a variety of interested parties in the health care system about the specifics of this bill. In light of some of the points those groups and individuals raised as well as because of some legislative issues raised by my officials, I would like to propose an amendment package. If I might, Mr. Chairman, I would like to comment further as those are being distributed.

In this particular series of amendments there are a number of sections to be addressed. First of all, the definitions of "potential donor," "tissue," and "transplant" have been more clearly defined and have been made consistent with the Human Tissue Gift Act.

Referring then, Mr. Chairman, to section 37.1. Section 37.1 has been rewritten to require hospitals to adopt policies and procedures regarding human tissue donation and to give the minister the authority to prescribe these policies and procedures. The reason for doing so is to allow for the content of the policies and procedures to change as new requirements are identified.

As an example, Mr. Chairman – and I think this is a very important area in which we need to adapt – once policies and procedures being developed following the national/provincial strategy on human tissue donation are completed and approved, they would be able to be easily adopted into the regulations. In this way problems or concerns which arise may be addressed immediately, without the need to wait for a legislative sitting.

Sections pertaining to the Regional Health Authorities Act are being struck since section 5 of the Regional Health Authorities Act is worded broadly enough to include human tissue donation policies and procedures. As a point of clarification, Mr. Chairman, the Regional Health Authorities Act was not intended to include a specific list of directions that the minister may give to the RHAs. Instead, this legislation outlines the responsibilities of and the relationship between the minister and the regional health authorities.

Mr. Chairman, I would like to make two final notes. First of all, there are a number of housekeeping changes in Bill 206. Some section numbers have changed from the original bill due to the changes in relation to the definition of "spouse." Also, I would like to indicate that there was one reference in the bill in which the word "irrevocable" was used. I would like to draw to the hon. members' attention that that reference has been deleted.

With that, Mr. Chairman, I'll leave the amendment package with the Assembly. I look forward to their comments and the discussion over the amendments. Thank you.

THE CHAIRMAN: Okay. The amendment that's moved by the hon. Minister of Health we'll call amendment A1.

I'd call upon the hon. Member for Calgary-Buffalo.

MR. DICKSON: Thank you very much, Mr. Chairman. Just for the record I'll say that this is the first time I've seen the amendments that are referred to by the Minister of Health, as the page brought them to me a moment ago.

Since we spoke to this at second reading, I've had the benefit of some advice from a number of sources, and I just wanted to identify that in responding to the amendments being put in front of us. I think you'll recall, Mr. Chairman, that this member and I think virtually every member in my caucus had expressed support for the principle of the bill. I think we talked at some length about the perceived need for some provincial leadership, for provincial co-ordination in an area where that simply doesn't exist now.

Subsequent to second reading I've had some communication from Dr. Kinsella at the University of Calgary and Dr. John Jarrell of the Calgary regional health authority about a number of objections to Bill 206. I've been aided greatly by the Kidney Foundation of Canada, who were kind enough to fax and deliver some material to me, and I had a chance yesterday morning to meet with the executive director of that organization. I've also received, once again courtesy of the Kidney Foundation, an excerpt from the discussion document Organ and Tissue Donation and Distribution in Canada. This is an advisory document for the Federal/Provincial/Territorial Advisory Committee on Health Services.

Now, what I'm trying to do is relate the amendments to the 13-point strategy, to the discussion document that was produced by the federal, territorial, and provincial ministers. The 13-point strategy clearly identifies a number of areas of responsibility for provincial health ministries. As I go through it, what I'm trying to do is match the bill and the amendments to the recommendations in what seems to be generally acknowledged as a pretty solid piece of work and a helpful document. It looks like 2.4 in that 13-point strategy, in terms of adopting national donor data banks and procurement standards through legislation and regulation, clearly would be a responsibility for the provincial government, and presumably that's what Bill 206 addresses.

2:50

Other items I noticed: 7.1, 7.2, and 7.3, in terms of using national guidelines to develop provincial procurement policies. This seems to be not addressed so expressly, but it seems to be implicit in the bill.

Points 9.1 and 9.2 deal with establishing mechanisms for cost recovery and removing physician disincentives for identification and retrieval of organs. This is an area that gives me always a concern, because I think we've seen in a number of Third World countries what happens with the business of harvesting organs. So that's a particular concern. I've been looking through the amendment package to try and identify, Mr. Chairman, the extent to which that's going to be aided, curtailed, or regulated by the regulations. I'm not sure I've found that in the federal/provincial/territorial provision.

There are some things around provincial communication strategies. I guess what I've been hoping we would get is some sort of an undertaking from the Minister of Health in terms of how he's responding to some of those other elements of that strategy independent of the bill, because Bill 206 in many respects doesn't go far enough. There isn't enough detail to know what the province's intention is.

Page 14 of the discussion document talks about:

There was consistent support for the use of consensus building approaches such as have been used by Organ Sharing Canada . . . and by the Bureau of Biologics, Health Protection Branch, Health Canada.

Yet it seems that where we're at with this bill – there has been in this case one of the largest of the 17 health regions indicating some concerns with the bill, and we've had a set of amendments come forward. I frankly have had no opportunity, Mr. Chairman, to go back to the Calgary regional health authority to determine whether these amendments respond to all or some of those concerns. I have a great deal of difficulty with dismissing the concerns with the limited information we've got. This may be frustrating for the Member for Calgary-Fish Creek because she's been working on this for a very long time, but the reality is that

for my colleagues and I, we're dealing with much of this on sort of a first instance basis.

The executive director of the Kidney Foundation I met with was extremely persuasive. While I'm clearly convinced of the need for a provincial program and standards, the question is whether the bill with these amendments takes us closer to that, because there seems to be clearly a difference of opinion between one regional health authority and at least one organization that's actively supporting the bill.

So, Mr. Chairman, I have a lot of questions, and the amendments put in front of me simply give me a whole lot more questions. I want to be able to support the principle of the bill, but I frankly need some time and I expect my caucus colleagues need some time to be able to take the amendments and get some constructive input from those people who had expressed some interest. When we first got the bill, I as the Health critic sent out copies of the bill as widely as we could. Feedback is coming in much slower than one would hope, but it continues to come in, and that was without the benefit of seeing the amendments. So I have that concern.

I'd like to assist in moving the bill forward, but I'm also concerned, if we say that consensus is important in terms of moving to get where we want to, whether in fact there's a tension implicit between at least some of the proponents of the bill and at least some members of the medical ethics community and one of the largest regions. Now, it would be helpful if the Minister of Health could stand in his place and affirm that the amendments have met the objections of the Calgary regional health authority and are fully and enthusiastically supported by that region. If he can do that, then that effectively removes the reservation and the concerns I've got. Absent that advice, my preference frankly would be that the amendments be not further debated and voted today but that we be afforded some additional time and some additional opportunity to do, if you like, due diligence.

We take the job of lawmaking on an issue as important as this very seriously. I shouldn't speak for my colleagues – this is a private member's day – but I suspect some of them may share my sentiments. So I'd invite the minister to add that bit of narrative that was not in his original presentation of the amendment package. That would be very helpful.

Thank you very much, Mr. Chairman.

THE CHAIRMAN: The hon. Member for Calgary-Fish Creek.

MRS. FORSYTH: Thank you, Mr. Chairman. I'd like to begin the debate by thanking the minister for bringing forward the amendments to Bill 206. Before I get into the specifics of these amendments, however, I would like to make a few general comments.

THE CHAIRMAN: Hon. member, we are in fact on the amendment; right?

MRS. FORSYTH: Right, and I'm going to speak to them.

I believe that these amendments are good amendments, but I want to reassure all members of the House and the people of Alberta that the original form of Bill 206 was also strong legislation. The bill was thoroughly researched and written with the greatest of competence and in no way drafted incorrectly. The outcome of the original version would certainly have resulted in the same outcome that these amendments are designated to meet

but with one variation: these amendments will make the workability and the administration of the bill stronger and more comprehensive. The version of Bill 206 which I introduced and which passed second reading is, in my opinion, equally as sound legislation as the amendments which came forward today.

During debate on bills, whether they are government or private members', we all recognize areas which we feel can be strengthened or need to be clarified. The amendments from the minister are just that. They are amendments which will make Bill 206 a stronger bill. They in no way diminish the intent of the original version; they only strengthen the direction.

The members of this Legislature who spoke to this bill in second reading all commented that this type of legislation is needed and is needed now. Comments were made saying that this bill should include a variety of things, from educating the public to complementing the goals of the federal/provincial/territorial discussion on tissue donation and distribution, which I am tabling copies of, Mr. Chairman. With these amendments Bill 206 addresses the concerns raised in second reading.

Mr. Chairman, after this bill passed second reading, I again had conversations with other members, with organ and tissue donation organizations, and with the people initially involved in the creation of the bill. There were many comments made to me on how this bill could be streamlined to remove overlap with existing legislation. I also heard comments and suggestions on how we could strengthen aspects of the bill. I listened to those people. I listened to them because they are the experts in the field, and each and every person offered good, solid arguments for amending certain sections of this bill.

Second reading allows all members of the House to raise issues with the concepts and premise of legislation, and that is exactly what was done during second reading of Bill 206. Many ideas which would make this bill stronger began to flow from debate in second reading.

Mr. Chairman, this issue, this global problem deserves to have the strongest possible legislation in place, legislation which is geared to bettering the lives of people on waiting lists for organ donation and to facilitating the integration of a successful organ donation process in all 17 regional health authorities. Alberta has taken the lead. This is the first in Canada, and I believe that other provinces will soon follow. In fact, I've already received calls from two other provinces regarding this bill. Canada again is looking to Alberta to lead the way with innovative legislation.

These amendments do not change the intent of Bill 206. They streamline it to ensure it accomplishes everything it is intended to do. Mr. Chairman, I am pleased to support these amendments. As the mover of this bill I believe it is important to discuss these amendments in more detail and to dispel concerns raised by some parties.

3:00

Firstly, as everyone will notice, many of the original sections of the bill have been removed entirely or replaced with new sections. This is not a housekeeping issue, Mr. Chairman. The movement of sections from one area of the act to another was done for a better administration of the bill and to remove duplication within acts. Most notably, all amendments to the Regional Health Authorities Act have been removed for the simple reason that the minister and the regional health authorities have the authority to accomplish the goals which were set out in those sections.

The underlying focus of Bill 206 is to increase organ donation

within Alberta, and sections of Bill 206 have been removed or amended to ensure that this is done in the most expeditious way. The status quo is no longer acceptable, and members who have spoken to this bill in the House and to me on a personal side all agree that change is needed. The issue of organ donation will always be with us, Mr. Chairman, and Bill 206 addresses that issue in an upfront and concise manner.

The second most notable change offered by these amendments focuses on a new section, section 28(3) of the Hospitals Act. This amendment amalgamates many of the sections put forward in the tabled version of Bill 206, reinforcing this government's commitment to streamline legislation and reduce regulation when appropriate. The Department of Health has offered a great deal of support during our review of the bill after second reading and has proposed creative suggestions in dealing with all questions raised during and after this debate.

The third major amendment put forward deals with consent for organ donation. I believe each and every hospital and regional health authority does try to obtain family consent when possible, but this is family consent. When I signed my organ donation card, that was my decision, a decision I made with my family, but in the end it was I who signed the card. I admit I have difficulty understanding why families sometimes go against their loved ones' wishes and withhold donations. I personally do not feel they should have that right. If I sign my donor card, I have done this for a reason. I have done it because I want to donate my organs if at all possible. Mr. Chairman, I am perhaps the exception rather than the norm. Although I personally feel a family should not have the right to take away someone's last wishes, I do understand that most families need the reassurance that they have the ability. Therefore, I support the removal of any changes to the section of the Human Tissue Gift Act relating to consent.

I also want to reassure this Legislature, the regional health authorities, and people considering donation that I will not be putting forward an amendment to strengthen consent for donation. I have brought Bill 206 forward to lay the foundation for a highly effective organ donation program in Alberta, not to increase family suffering when a family member has passed away. I do want to stress, however, that consent for organ donation is the single most important aspect of donation. Without it there can be no transplants, transplants, Mr. Chairman, which people literally die waiting for.

There are some very serious issues that I must deal with now. Since Bill 206 has passed second reading, I along with many members of the Legislature have received correspondence from one of the regional health authorities. This was written correspondence from Dr. John Jarrell, chief medical officer of the Calgary regional health authority, which flagged some very controversial issues. I would now like to address those concerns which the Calgary regional health authority has highlighted.

First, the region states that they have concerns with the bill because the regional health authorities will have to implement policies and procedures in relation to organ donation, that these policies are not outlined in the bill. There is a very simple reason for this. The bill sets the framework for the policy. It is a building block. It is not the be-all and end-all of organ transplant legislation. There needs to be and will be consultation with regional health authorities and medical professions regarding the policies which need to be implemented on a specific hospital basis and provincewide. I have never suggested that this bill was brought forward to tell physicians or frontline staff how to do their job. This is simply not the intent of the bill.

A second issue that the Calgary regional health authority raises is in its relation to the definition of "potential donor." Dr. Jarrell states that this definition makes the attending physician responsible for assessing the suitability of a deceased or dying person to be a donor of organs or tissue. Mr. Chairman, this is already the case, and as far as I know, it always has been. I do not think I or any other Albertan would want it any other way.

The CRHA also recommends that the concept of "potential donor" should be based primarily on the notion of previous consent having been given. Identifying a potential donor is not intended to include consent. There are two separate steps. One follows the other as simple progression. Once a person has been identified as a potential donor in accordance with standard medical practices, then and only then should consent be requested. Being identified as a potential donor in Bill 206 does not mean that you have consented to donation. That is something I believe I have to stress. Identification as a potential donor is a separate step from consent.

Mr. Chairman, another concern that Dr. Jarrell has identified I believe is nothing more than fear mongering or a scare tactic at best. I would like to quote what the regional health authority has communicated here.

Bill 206 raises serious ethical concerns by placing front line medical, nursing and other staff in an untenable conflict of interest position. They may have to choose between "treating towards possible recovery" and "treating towards organ donation."

No – and I'm going to emphasize "no" – medical professional ever had to choose between treating towards hospital recovery and treating towards organ donation. There is no question that every – and I stress "every" – patient is always treated towards recovery. Treatment for recovery and treatment for organ donation are no different. They merely reflect different places or a continuing amount of care. Anything else would be a breach of physician ethics. No physician or frontline staff will have to be in that situation. Saving a person's life is first and foremost the most important part of medicine. If doctors ever feel they must make that decision, then I respectfully submit that they need to re-evaluate their career choice.

Nowhere in the bill is such a treatment choice stated or alluded to, Mr. Chairman. In stating that a choice may in fact exist, the region demonstrates exactly why Bill 206 is needed. There are obviously some grave concerns with organ donation in that region which need to be addressed, and they need to be addressed quickly. The CRHA stresses that an education program is needed to support any change to the organ donation process, and with these statements I agree.

The concerns raised by Dr. Jarrell are unfounded. The simple fact is that Bill 206 only establishes the general framework for a donation protocol. Bill 206 is a building block for increasing organ donation, not a roadblock. Bill 206 is a positive initiative and the first one of its kind in Canada, an initiative, Mr. Chairman, that complements, not impedes the federal/provincial/territorial program. Again, I want to reinforce that Bill 206 merely provides a framework of consistency and accountability for Alberta hospitals, and it seems that regional health authorities and everyone else agree with it. I want to reassure you and all Albertans that medical professionals, particularly those with extensive knowledge about organ donation, will be fully involved in the development of the actual guidelines hospitals are to follow.

I'd like to also table a letter from the Capital regional health authority, who support the overall intent and objectives of Bill

206. The Palliser regional health authority, in the gallery watching, also supports Bill 206.

Mr. Chairman, I have tried to address the concerns raised during second reading and those raised outside of the Legislature. Bill 206 with these amendments is a very strong bill, a bill that all Albertans can be proud of. I urge all members of the Legislature to support these amendments to Bill 206. Let's remember: don't take your organs to heaven; heaven knows we need them here.

THE CHAIRMAN: On the amendment, Edmonton-Highlands, followed by Calgary-Buffalo.

MS BARRETT: Thank you, Mr. Chairman. As usual, I will be brief in supporting the amendments sponsored by the member who's also sponsored Bill 206. I believe the concerns that were raised by the Calgary regional health authority have been more than thoroughly addressed in this amendment. We've got a definition of "potential donor." We have the boards being specifically identified as having the power "to establish [their own] policies and procedures governing the donation and transplant of human tissue."

I think the bill, before we looked at this amendment, made absolutely clear – the minister was to set guidelines so that we have a provincewide approach to organ donation under the circumstances of hospitalization and near-death and immediate postdeath conditions. That's supposed to be a framework. Alberta surely can develop the policies in co-operation with the health care professionals and the boards, which I wish were elected. But right now, in any event, most of them seem to be onside with this bill and this amendment. I see no reason for not proceeding with quick passage of the amendment and the bill itself at the committee stage.

In closing, I would like to say that I think the sponsoring member did a very good job of responding to the concerns written out by the Calgary regional health authority in a positive and constructive manner. I believe these amendments just clarify what it was that they needed clarification of and don't set the course of the bill away from its original intentions.

Thank you, Mr. Chairman.

3:10

MR. DICKSON: Mr. Chairman, you may recall that when I'd spoken before, I'd invited the Minister of Health, I'd invited the sponsor of the bill to address the concerns that had been expressed in the spirit of what I took from the federal/provincial/territorial report, which was the importance of consensus around the issue. Now, what I gather is that there was some tension implicit before between the position of the Calgary regional health authority and the proponents of the bill, and now what I hear the sponsor say gives me some additional concern. This isn't just one of the 17 RHAs; it would be the region that presumably would deal with approximately half of the organ and tissue donations and transplants in the province.

When I hear the Member for Calgary-Fish Creek talk about "fear mongering" and that physicians should "re-evaluate their career choice," that their concerns are unfounded, I'm uncomfortable with that, Mr. Chairman. I'm not a medical doctor and I'm sure there are members in this Assembly that have far more experience than I do, but I expect that somebody who is the chief medical officer for the second largest region in the province – I expect those concerns to be addressed more directly than in the fashion we've heard so far.

I don't share the view of the Member for Edmonton-Highlands,

who said that all of these concerns have been addressed in the package of amendments. It seems to me that, surely, aren't we heading to exactly the opposite conclusion that came from this? This is a difficult area. We're trying to build the broadest, strongest possible consensus to encourage people to make donations. We're trying to marshal resources so that this becomes a province that can be proud of its organ and tissue donation record. The flavour that I'm getting here in this committee session, though, is one that's much more adversarial, and we're going to take and beat this one region over the head because they don't quite get it. I'm not comfortable with that, Mr. Chairman, on an issue as important as this.

I just have to come back and say again that the Member for Calgary-Fish Creek talked about the first bill, the original draft. Well, I didn't see the original draft, and I don't know how many other iterations of it there were before this bill, Bill 206, came into the Assembly. I didn't see the amendments until I picked them up 20 or 30 minutes ago, so I continue to have those concerns. My concerns are compounded now, and I'm not quite sure why we're having such a tough time trying to work in a positive way to do something that I'd expect all Albertans should be proud of. I'm very uncomfortable if it now becomes a question of we're going to bludgeon somebody into submission until they see the truth or the value of all elements of the bill and all elements of the amendments. That's not my style, and I don't think it's the style of members of my caucus. I'm particularly concerned about that.

For those reasons, Mr. Chairman, and since I didn't get the answers I was hoping to get from the Minister of Health or from the sponsor of the bill, I'm going to simply ask again for the sponsor to adjourn debate on the bill so that we have the opportunity to get that additional input. I know that the Minister of Health's style in bringing in health legislation is typically to seek the broadest possible consensus. I respect that, and I think that's the way we ought to approach every piece of legislation, particularly one as important as this and in an area that needs such a broad consensus. I don't think beating up on the critics or dismissing the critics as being just not bright enough to see the value of the bill is the way we ought to embark on this.

I think this style is putting at risk what all members supported, and this is my frustration, Mr. Chairman. We had member after member in every caucus talk about the value of doing a better job co-ordinating it. So why is it that now it's come down to this sort of push-and-pull scenario? That doesn't make sense to me. I just invite the Member for Calgary-Fish Creek to adjourn debate so that we'll have the benefit of sitting down and talking to the chief medical officer in the city of Calgary and finding out how we can come up with a plan that can address all of those objections, not just some of them but all of them. Every Albertan is a winner, and every Alberta who requires tissue or organ donation then would have that opportunity.

Those are the comments I wanted to make, Mr. Chairman.

THE CHAIRMAN: I'm sorry. I didn't hear what the hon. member said.

MRS. SOETAERT: To adjourn debate until next week on this issue.

THE CHAIRMAN: Oh. We're just trying to anticipate that, hon. Member for Calgary-Buffalo. You moved that the debate adjourn on a private member's public bill, and we don't find that you're able to do that.

MR. DICKSON: No. I'm sorry, Mr. Chairman. I'm fully aware of that. That's why I didn't move that. I'm inviting the member to do it because she does have that opportunity. I'm not suggesting that I have the power to seek adjournment. I'm saying that I think there are compelling reasons why we ought to do it, and I've invited her again to take that advantage.

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

I've got three people at the same time. [interjections] All right; he has deferred. The hon. Minister of Health, if Calgary-McCall has deferred. I guess he has.

MR. JONSON: Mr. Chairman, I would just like to indicate that while I do not support the position taken by the Health critic of the Liberal Party, I would like to refer him to the last section of the amendments and also to the bill itself. The bill is structured, I think, in such a way that there will be the opportunity to work with regional health authorities with respect to establishing the actual specifics of policies with respect to organ donation and procurement and so forth. So in the structure of the bill, I think the bill and the passage of the bill are extremely important, and there is a process for addressing many of the concerns that the member has alluded to in his remarks. Therefore, I would not favour adjourning debate. I think we need to move forward with the bill.

THE CHAIRMAN: The Member for Spruce Grove-Sturgeon-St. Albert, followed by Calgary-McCall.

MRS. SOETAERT: Thank you very much, Mr. Chairman. As you know, I spoke in support of the intent of this bill in second reading because I really do feel that if we can do anything to increase the awareness of organ donation, then it is incumbent upon us to do that. My concern as a responsible member of Her Majesty's Loyal Opposition is that I have legislation in front of me in a timely fashion so that I can make sure I've done my homework. Now, we want an opportunity to speak with the Calgary health authority. Imagine if the opposition didn't do their homework with bills: things like Bill 26 would have snuck right through.

I realize this is a private member's bill that in principle I have supported at second reading. But right now, without the opportunity to have a good look at these amendments to see if ethically they have met the concerns of some groups, to see if all the questions have been answered, and to give it due process so that this will be a good piece of legislation – I remember in second reading I expressed concern over section 4(3) in section (5), where if I have signed my donor card, it is absolutely mandatory that my organs will be procured. However, the reality of living that, of being a person in the hospital, a nurse or a doctor, and the reality of forcing that procedure upon people may not be realistic. I don't feel that that's been addressed in my quick perusal of these amendments.

3:20

I'm concerned that many of the guidelines set up for the board of a general hospital – and I mentioned this in second reading. The process that we are asking hospitals and health authorities to do will no doubt cost money. The reality of a private member's bill is that it cannot be a money bill, and I haven't seen how that's going to be addressed. So I think that as we download the responsibility of increasing organ donation and the procedures that

go with it, to ask more responsibility of RHAs without dollars attached isn't really fair, and that has not been addressed in any amendments. I said earlier that I realize it cannot be a money bill if it is a private member's bill, but I do think we have asked several things of health authorities and hospitals, giving more responsibilities but not attaching dollars to it.

Mr. Chairman, I am sure that we will speak to this legislation today, but I am hoping that we can have a little bit of time, possibly a week, to contact the people who did express concerns. If we can do that, then maybe next week it will go through committee. If not, then I have some concerns and have not had the opportunity to address them.

So with that, Mr. Chairman, I just want to express my concerns that we have not been given enough information to seriously look at these, to address the concerns of the different groups that have contacted us. I look forward to that opportunity of contacting those people so that we can be a responsible opposition. If we can see that the concerns of Dr. Kinsella and Dr. John Jarrell and the Kidney Foundation of Canada have been addressed and see if the issues between the federal and provincial recommendations have been acknowledged – I truly would like to support this bill, but I have to say that with the concerns that have come forward this week, I'm not sure the amendments address all of those concerns. I would like some time to do a little bit of research on that, and I would appreciate the opportunity to do that.

Thank you, Mr. Chairman.

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

MR. SHARIFF: Thank you, Mr. Chairman. I would like to take a few minutes to make some remarks on the amendment proposed by the hon. Minister of Health on Bill 206. The recommendation by the minister that he is satisfied with the proposed amendments and that there is no need to adjourn this gives me the confidence to support that we proceed to vote today.

I just want to bring up a few factors for the record that are proposed in this amendment, particularly if you look at section 28.3(2), which directs

the board of each general hospital [to] establish policies and procedures governing the donation and transplant of human tissue in accordance with any guidelines established under subsection (3), and the policies and procedures shall be included in the rules of the hospital.

Mr. Chairman, as you know, today in Alberta there are over 200 people waiting for transplants, people who are waiting for organs such as hearts, livers, kidneys, lungs. You know, I feel very strongly that we should not be wasting any time in passing this bill, proclaiming it, and seeing to it that those people who are waiting for organ transplants receive them, and this bill aids in that process. The tactic of trying to delay this further – I'm not sure if it's going to make any difference. Particularly, I'd like to remind some of my colleagues to put themselves in the position of those loved ones, the spouses who are waiting for their partner to receive an organ transplant or the parents that are waiting to hear that some donor is coming forward for their child. It is painful. It is really painful, and we should not be delaying this process. Today the technology does exist, and denying this bill would be wrong.

Mr. Chairman, parents who have lost children know how painful this process is. I am one of those parents, and I know how hard it is. This bill provides hope, a much needed hope for many families in this province, and I do not wish to delay this for even a moment if I can avoid it.

The amendment that is being proposed – and I want to make some reference to the preamble under section 2(b), which reads as follows:

Whereas an increase in human tissue donations and transplants will greatly enhance and restore the health and well-being of Albertans in need of transplants; and

Whereas the Legislative Assembly believes in the right of Albertans to donate human tissue and encourages them to do so.

Two critical points: we believe in the right of Albertans to donate, and secondly, we are encouraging them to donate whenever possible.

In the debate that was raised earlier with regards to ethics, you know, we put a lot of . . . The time has run out? Okay, Mr. Chairman.

THE CHAIRMAN: I'm sorry to interrupt the hon. Member for Calgary-McCall. The time is nearly over for this portion of consideration of the bill at this time, so I would look for a motion to rise and report progress.

The hon. Member for Calgary-Fish Creek.

MRS. FORSYTH: Yes, Mr. Chairman. I move that the committee rise and report.

[Motion carried]

[The Deputy Speaker in the chair]

MRS. GORDON: Mr. Speaker, the Committee of the Whole has had under consideration a certain bill. The committee reports progress on the following: Bill 206. 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. I would also like to table copies of documents tabled during Committee of the Whole this day for the official records of the Assembly.

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

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

head: **Motions Other than Government Motions**

Age of Consent for Sexual Activities

507. Mr. Magnus moved:

Be it resolved that the Legislative Assembly urge the government to encourage the federal government to increase the age of consent for sexual activities from 14 to 16 years of age.

[Debate adjourned March 10: Mr. Magnus speaking]

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

MR. MAGNUS: Thank you, Mr. Speaker. As you are aware, just the way the time's worked out, I've given half of this speech last Tuesday and half this Tuesday.

I'd like to begin by tabling four documents sent to me. It's a letter sent by the Calgary Local Council of Women, who agree with this in its entirety with one exception. They wish that the age of consent could in fact be raised to 18.

Mr. Speaker, critics who might argue that the state is attempting to micromanage families are missing the point. The motion does not seek to have the state directly involved in family affairs unless some sort of crime is committed. It simply seeks to protect children under the age of 16 from sexual predators by making predatory sexual offenders subject to stiffer penalties and by denying that the consent of a 14 or 15 year old is a valid defence. There are people who will say, "What about children who are married before they are 16?" First of all, this would not affect people who are already married. In Alberta, as an example, in order to get married under the age of 16, you must have parental consent. Marriage before 16 very rarely happens today in any event.

3:30

Mr. Speaker, there are two objectives behind making predatory sexual offenders who victimize 14- and 15-year-old children subject to the same penalties as children under 14. First, stiffer penalties will serve as a deterrent to potential sexual predators. The age of the victim will become a more serious concern in these cases, and what age the offender thought the victim was will have no bearing on the defence of such a situation. This places responsibility where it should be, with the adult. The second objective is to make the punishment fit the crime. Why shouldn't a predatory sexual offender who violates a 15 year old receive the same punishment as an offender of someone under 14? The offender in these cases usually ends up spending very little time behind bars, but the victim and their family have to deal with the pain and the scars of this incident for the rest of their lives. It's a matter of justice. It's a simple matter of protecting the young and the weak in our society from those who would prey upon them.

At the age of 14 and 15 children are in a critical period of their development, especially their sexual development. This is puberty and the formative years leading into adulthood. Adults have absolutely no right to violate the innocence of these children by preying on the naiveté and curiosity of youth. When peers act on these adolescent curiosities, it's one thing, but when an adult takes advantage of children, it's quite another. Children can be scarred for life if they are violated by an adult, especially if that adult violated a position of trust or authority.

The fact is, Mr. Speaker, that adults should not be engaging in sexual activity with individuals under the age of 16. Unfortunately, this type of activity still exists, and part of the problem is that the law as it currently exists is not severe enough. It does not sufficiently discourage adults from this contemptible and unacceptable behaviour. It is disturbing to realize that a predatory offender could avoid being convicted of sexual activity because the offender was able to convince a naive 15-year-old victim or the courts that the sexual activity was consensual. This is not a case of two consenting adults. It's the case of a child being influenced, manipulated, and desensitized by an adult. We have to make that distinction, and we must be consistent in our application of what defines a child. Clearly, in all other cases except the issue of sexual consent, a child is under 16 years of age.

The issue of protecting children from sexual abuse and exploitation has been under review in Canada since the early 1980s. The Committee on Sexual Offences Against Children and Youths established by the federal government reported in 1984 that in the vast majority of cases the perpetrators of sexual abuse were known to the victim. Typically, the sexual offender tends to be

someone with influence and authority over the child: a parent, a stepparent, a guardian, a friend of the family, and so on.

Mr. Speaker, clearly a child under 16 years of age is not equipped with the knowledge of understanding willpower or even the physical strength to resist an adult with such immense power over that child. Whoever the perpetrator may be, they must be made to realize that society does not accept this predatory sexual behaviour and that punishment for such behaviour is going to be extremely serious.

Canadian children are legally protected from certain kinds of harmful contact, neglect, and abuse at the hands of adults. Some of these safeguards are in the Criminal Code, the Child Welfare Act, and the Young Offenders Act, but a lot of the protection that these acts offer ends when a child reaches the age of 14. I believe that 14 is too young an age to lose the full protection of the state in cases of sexual abuse by predatory offenders.

At a recent meeting of justice ministers in Montreal it was agreed to consider increasing the age of consent of sexual activity from 14 years to 16 years of age. However, the provinces must pressure the federal government to make this issue a priority. It's clearly a priority in the provinces, but we're dealing with federal jurisdiction, and it's time to give 14- and 15-year-old children better protection from sexual predators. As elected officials we owe it to the youth and children of Alberta and all of Canada to take this vital step.

Currently consent cannot be used as a defence when the victim is under the age of 14. Convicted offenders are subject to a maximum life sentence. However, if the victim is 14 or 15, consent can be used as a defence, and the penalty is a maximum 5-year sentence. A 5-year maximum sentence is simply not adequate punishment for predatory sexual offenders who are convicted of sexually abusing children under 16. This type of crime is equally as serious when the victim is a 14 or 15 year old as it is when the victim is 13 years old, and the punishment should match the severity of the crime.

Mr. Speaker, in legal terms Motion 507 seeks to have the government of Alberta press the federal government to amend the Criminal Code. Essentially, the necessary amendments may be as follows: sections 150, 151, and 152 would be amended by making them applicable to children under the age of 16 rather than the current under the age of 14. Section 150.1 states that consent cannot be used as a defence by the accused if the victim is a child who is not the person's spouse and who is under the age of 14 years, regardless of whether the accused believed the victim was 14 years of age or older. Simply put, Motion 507 seeks to have that age of consent changed to 16 years.

Even after amendments in 1988 dealing with the issue of child sexual abuse, the Criminal Code of Canada does not protect children who are 14 and 15 years of age in the same way as it does those under 14. Recommendations from the Citizens Against Child Exploitation group are that the age at which a young person's consent is valid should in fact be raised from 14 to 16 in their opinion. Therefore, this motion is an effort to revive that recommendation by pressing the federal government to act on it.

Mr. Speaker, I realize that this change to the Criminal Code will not put an end to predatory behaviour and child sexual abuse. However, raising the age of consent to 16 will act as a deterrent. It will make some of these predatory sexual offenders think twice before they act on their sick impulses. The changes will also equip police and judges with the necessary tools to protect children from this type of abuse and punish offenders accordingly. As I said at the outset, this is a step towards protecting children.

It won't solve all of the problems that exist, but it is a step. Alberta's children deserve our help and protection.

Mr. Speaker, this motion is for my friend Sarah.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Gold Bar, followed by St. Albert.

MR. MacDONALD: Thank you, Mr. Speaker. I rise this afternoon to say a few words regarding Motion 507. I would like to congratulate the hon. Member for Calgary-North Hill for bringing this matter to the attention of this Assembly, even though this is a matter which is totally within federal jurisdiction, not the jurisdiction of the province.

This Motion 507 states:

Be it resolved that the Legislative Assembly urge the government to encourage the federal government to increase the age of consent for sexual activities from 14 to 16 years of age.

Currently in Canada, Mr. Speaker, a child under the age of 14 cannot consent to take part in any sexual activities. In the early 1980s the federal government commissioned a study to report on the whole issue of child abuse, and the age of consent was one of the areas looked at. In 1984 the Badgely committee, appointed by the federal ministers of Justice and Health, released a report on sexual offences against children and youth. In that report there were many references made to age and consent. These are the two key dimensions that the hon. member is talking about, age and consent.

I will listen with interest to this debate from all members of the House for further guidance on this issue. Thank you, Mr. Speaker.

3:40

THE DEPUTY SPEAKER: The hon. Member for St. Albert, followed by Edmonton-Manning.

MRS. O'NEILL: Thank you, Mr. Speaker. I am honoured to have the opportunity to rise today to speak to Motion 507 because the intent of this motion is truly admirable. It represents a sincere effort to protect Canadian children under the age of 16 from sexual abuse at the hands of adults. It has my unqualified support, and I urge all members of the Assembly to support it as well. This motion is another clear message to the federal government that Alberta is serious about protecting children from predatory adults.

Mr. Speaker, the problem of child sexual abuse is a heartbreaking one. There are so many tragic cases of children being forced into sexual activities by an adult that are truly saddening. Sexual abuse robs children and adolescents of their developmentally determined control over their own bodies and of their own preference, with increasing maturity, for sexual partners on an equal basis. Sexually abused children may develop an unusual and abnormal interest in promiscuous activities, which in childhood and adulthood may contribute to further abuse. This is the case where the child has to deal with acts committed by a stranger or acts that are incestuous. In either case the child suffers, becomes a victim, and the experience can lead to profound emotional and behavioral problems for the child. As elected members of this Assembly we have the ability and, more importantly, the responsibility to help protect children from these situations. This motion represents a sincere effort to do just that.

Many children under the age of 16 are physically and emotionally unable to protect themselves from adults, particularly adults

who hold power and authority over the child. Clearly, children under 16 are still vulnerable to the advances of adults because in our culture and in general they are taught to respect adults. Often children under the age of 16 are not yet capable of knowing exactly what it means to consent to sexual activities. When an adult takes advantage of a 15-year-old child's innocence, the offender is guilty of a serious crime. As such, these sexual offenders should be dealt with in a serious manner.

Mr. Speaker, it must be made completely clear that this motion does not seek to change the current exemptions for offenders who are peers of the victim. These are to be maintained. When two adolescents engage in sexual activities, we have a far different situation than what this motion intends to remedy. Motion 507 does not target adolescents who are near the same age; rather, it targets pedophiles. Pedophilia is defined as an adult's preference for or addiction to sexual relations with children. It implies an encounter with a child by an adult for sexual purposes. It is sometimes, and incorrectly, characterized by the word "nonviolent," but this makes it no less damaging to the victim. Sexual intercourse with children by adults results from an abnormal erotic attraction to children. Most victims of pedophilia are girls. It is alarming to know that statistics show the incidence of pedophilia with young children is rising, even though this may be because the secrecy surrounding such acts is becoming less effective.

Mr. Speaker, by pressing the federal government to increase the age of consent for sexual activities, this motion is aimed at pedophiles. With the change urged by this motion, adult sexual offenders would no longer be able to use consent as a defence when the victim is 14 or 15 years old. We can eliminate situations where an adult sex offender convinced that child that they somehow consented to the sexual activities. In so doing, children will receive greater protection from those disgusting sexual abusers of children.

Mr. Speaker, in our modern-day society we have strict laws to protect children from the harmful effects of such things as alcohol, drugs, and tobacco. Children are not legally permitted to buy or consume these substances. The effects of child sexual abuse by an adult are just as harmful, if not more so, to a child as any of these substances, and children should be protected accordingly.

When an adult pressures or coerces a child into sexual activity, the psychological and emotional scars that the victim experiences are profound, and they may last for the rest of the victim's life. Those who prey on children under 16 absolutely should not be allowed to use consent as a legitimate defence for their contemptible behaviour. By raising the age of consent from 14 to 16, countless children will be protected and saved from sexual wrongdoing by adult offenders. Certainly potential offenders will think twice before entering into sexual activities with a child when they know that consent cannot be used as a defence.

Mr. Speaker, the purpose of the motion is straightforward. If the federal government acts on this motion, adult sexual offenders of children will no longer be able to claim that their sexual activities with children were consensual. This is such an important step towards giving children protection from these offenders that it cannot be overstated.

Again, Mr. Speaker, I support this motion fully and completely with my mind and with my heart. I seriously hope that all members of this Assembly on both sides will join me in support of it as well.

Thank you.

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

MR. DICKSON: Thanks very much, Mr. Speaker. The motion before us I think expresses a genuine concern of probably – well, I'd like to think every member in the Assembly would be concerned about the things the Member for St. Albert said. I think there are few things that most of us, whether you're a parent of a daughter or not, would regard more reprehensible or more appropriate for society's and the community's condemnation than the sexual abuse of children. However, I do have three points I wanted to make relative to this. I'll make them briefly because I expect that many members want to speak.

The first one. The motion is very straightforward. I listened to the mover of the motion say that this was to target, in my words, middle-aged men, adults who should know better than to abuse children. I take that comment, but this was also a recommendation of the Badgely report that was done in 1984. They said that if you're going to change the age, they also wanted to remove the provision that now says, in effect, that you're excluded from prosecution if you're simply a couple of years older, if it's two adolescents that are relatively close to each other in age. That was the other key recommendation.

Badgely was about age and was about consent. The Badgely report, as I recall, was roundly criticized at the time. Then when the Fraser Special Committee on Pornography and Prostitution did their report just a couple of years later, they looked at the Badgely report's recommendations. There was a lot of concern about that notion of taking out that defence, if you will, that if the other person is within a couple of years of the victim, there wouldn't be a prosecution. The reason is simply this: it's got to be clean enough to focus on somebody who's not another teenager. The intent of it is to deal with an adult who's abusing a child. I think that's clearly the thrust of the motion.

3:50

I take the member at his word in terms of what his intention is, but my concern is somebody is going to look at this and say: "Hmm, this looks like the Badgely report coming in. We'll do that, and we'll also take out that provision," because the two were married in the Badgely committee report, that there'd be no defence if it were another adolescent being the perpetrator, if you will, or the person that committed the assault. I'm not sure where the sponsor is at on that particular issue, but I'd want to disassociate myself right now from any step that would criminalize teenagers, any step that would make a 17-year-old youth criminally responsible for having sexual relations with somebody under 16. So there's that concern.

The second one is that when we look at this motion and no matter how sincerely committed members are to it, it's always so easy to tell the federal government how to change the Criminal Code. It's always so much tougher to deal with the things within our own legislative competence. This province is the one that's responsible for our child welfare system. This province is the jurisdiction responsible for our education system, for identifying children at risk. This province is responsible for dealing with children who have been abused, who have mental health issues, mental health problems.

I think sometimes by adopting a motion like this – I mean, everybody shares the sentiment. This isn't the question, whether child abusers should be addressed aggressively. But there's sometimes something a bit seductive about this. If we vote for this, we can sort of say that we've really done something to

protect Alberta's children, and we're not maybe putting as much energy into the things that we vote on, the things that we have the legal jurisdiction to be able to deal with, those things I mentioned.

AN HON. MEMBER: So where's the harm?

MR. DICKSON: The question was, "Where's the harm?" That's a fair question. One can say there's next to no harm in passing this kind of motion, but my concern is there may be harm, Mr. Speaker. There may be harm if we either try and convince ourselves or, what's worse, try and convince Albertans that we're taking positive action to protect Alberta children. There are Members of Parliament elected to revise the Criminal Code. We have the privilege of being elected to make sure that our education and our child welfare systems and our health care system address the needs of children at risk, and I'm anxious to see that happen.

Those are the three issues I wanted to make relative to it. This is no criticism of the motion or the sponsor, but I just think it's important to recognize those particular elements and those limitations. That ought to be part of the debate around this, because otherwise we simply deal with this, it moves off the table, and we haven't maybe addressed some of those other issues that are every bit as important for children of this province, and most importantly they're things within the legislative competence of the provincial Legislature.

Thanks, Mr. Speaker.

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

MRS. FORSYTH: Thank you, Mr. Speaker. I rise today to speak to Motion 507, brought forward by the hon. Member for Calgary-North Hill, which urges the government to press the federal government to raise the age of consent for sexual activities. This motion is praiseworthy, and I am very pleased to say that I give it my full support.

Motion 507 is consistent with the work this government is doing to protect children. It is yet another example of our commitment to giving children the tools they need to grow and develop in a safe environment, protected from the injustice of adult sexual offenders. Mr. Speaker, raising the age of consent would strip adult sexual offenders of one of their instruments of abuse. They would no longer be able to defend themselves by way of convincing a 14- or 15-year-old child that the sexual activity was consensual. It happens all too often that a child is coerced with psychological or physical threats into saying that the sexual advances of an adult were consensual.

Mr. Speaker, Motion 507 primarily concerns sections 150 through 153 of the Criminal Code. The amendment that is sought under this motion is to section 150.1(2), which states that

in respect of a complainant who is twelve years of age or more but under the age of fourteen years, it is not a defence that the complainant consented to the activity that forms the subject-matter of the charge.

The change would be to increase the age of the child from 14 to 16, where consent cannot be used as a defence by the accused. It is a slight change but one with so many positive benefits for children.

Mr. Speaker, this motion also complements Bill 1, the Protection of Children Involved in Prostitution Act, which received Royal Assent in this session of the Alberta Legislature. When children are involved in prostitution, they sometimes evade the law by claiming that they are simply having consensual sex with

the john. This shields the child and the john, who for all intents and purposes is committing statutory rape, from legal action. By revoking the defence from sexual offenders, children will be protected until a later age, until such time as they are old enough and mature enough to make a reasonable, informed decision with regard to consensual sexual activities.

Sexual abuse is the involvement of dependent developmentally immature children and adolescents in sexual activities they do not fully comprehend, to which they are unable to give informed consent, or that violate the social taboos of family roles. Mr. Speaker, when an adult sexually violates a child under the age of 16, it is morally wrong. It is also criminal, and the crime is no less severe when the victim is 15 than when the victim is 13. We should treat it this way legally.

Mr. Speaker, in closing, I would like to reiterate that I support this motion, and I urge all the members of this Assembly to support it with me. Thank you.

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

DR. PANNU: Thank you, Mr. Speaker. I rise to speak to this motion, which I very much support in principle, in its intention and its motivation. Exploitation of young children by adults is a deeply regrettable fact in our society, so we need to take actions, whatever they may be, which would protect children as children from exploitation, sexual abuse by adults who engage in such criminal behaviour.

There are two issues here. One is of course the issue of consent, and surely age has something to do with whether or not children at a certain age are able to give consent. I think we certainly witness in our midst now that children take longer to mature today than they did perhaps 30 years ago. Children also are less likely to spend enough time with adults, whether these adults happen to be caring adults, whether these are parents, whether these are teachers and others, and spend more and more time with people of their own age. Their maturity, again, is somewhat extended and postponed as a result of the new social setting in which our children today grow. So I guess there is certainly a strong argument in favour of increasing the age from 14 to 16 for assuming consent on the part of teenagers who may find themselves entrapped in sexual relationships with adults.

There's no doubt that all of us in this House would want to protect children from exploitation, sexual exploitation in particular. It's destructive. Its effects, its consequences last for a lifetime and may destroy the lives of children and their future forever. We need to be strict with those who offend in exploiting children in their teen years. So I certainly am supportive of the intent of the motion. It certainly is an expression of our collective will, and we would certainly request the federal parliament and the federal government to examine it seriously because it's our collective will.

4:00

The question, however, of child protection, children's safety is very much related to the social context and the economic context in which children grow up. Children who grow up under circumstances of poverty, children who grow up under conditions where family stability may be absent are more likely to be exposed to exploitation by adults who engage in such predatory behaviour.

While I am willing to support this motion, I also want to draw the attention of my colleagues in this Assembly to the fact that we

all must work together to remove social and economic conditions which reduce children's safety, which increase the probability of children being exposed to such predatory behaviour by adults, to address these conditions, to reduce these probabilities by working both on the side of seeking changes in the Criminal Code but also pursuing changes in the social and economic conditions which will reduce the probabilities of children being exposed to such exploitation and such sexual abuse.

With that caveat I invite members on all sides of the House to pay attention to how we together can in fact work on both sides, on the side of making changes in law that are needed – and those that are sought by this motion I certainly support – and also seeking the creation of social, economic, and educational conditions which will help our children protect themselves and help their parents to protect them and help all of us as adults to protect our children from such predatory behaviour, which all of us condemn in the strongest language.

Thank you.

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

MS OLSEN: Thank you, Mr. Speaker. I, too, would like to make a few comments on the motion. I understand where the hon. member is coming from in putting this motion forward. I have been an investigating police officer in many instances of sexual assault, and I do find at times that it's a very frustrating process knowing that there is a certain set of criteria to meet and you don't always meet it under the Criminal Code. You have to have certain elements that meet the requirements.

I guess my biggest concern is that I find the motion very general. It merely says, "To encourage the federal government to increase the age of consent for sexual activities from 14 to 16 years of age." The member talks about this affecting or impacting I believe it is section 150, the section on consent, within the Criminal Code. He's talked a lot about sexual predators, and I understand that more than I understand this motion and where it's going.

We all have children, and I may have a 17-year-old son – I will in about four years. When he's 17 and he's dating a 16-year-old girl and regardless of what I tell him, the fact that I have explicit instructions of what he should not do, he goes out and these two kids do their thing, because they're growing up. My son comes home, and then the mother and the father of the 16-year-old girl come to my house. The next thing you know the police are on the doorstep and my son is being charged with a sexual offence under this particular motion the way it is. So then I have some concerns, because when you're convicted of a sexual offence in court, you have what's called a criminal record. When you have that criminal record, you get a big letter S beside it, and let me tell you that trying to cross a border, trying to do anything with that is very difficult.

Now, I don't have a problem with that when it's an actual sexual predator. He belongs in jail, where he should be. But I have a problem with that when you end up with kids who put themselves in compromising positions and then we end up with the potential for one of them then being charged, as this member puts forward, under the Criminal Code, which is just way too serious for that kind of thing.

You know, aside from that concern, I like what the hon. Member for Calgary-Fish Creek has done in terms of Bill 1 and in a previous bill, an amendment to the Child Welfare Act, where

we're defining abuse for anybody under the age of 18 within the Child Welfare Act, within the new prostitution bill, and that fits. We're doing the right thing there, because when you have a young person involved in prostitution, there's where your predators are. There's where you have to prove consent, and what we've done is we've made that easier. That test is much easier to go into the courtrooms with.

I'm wondering if the hon. member would consider putting forward an amendment to his motion that would specifically state an age range. You're talking about predators. We're talking about the average age of the gentlemen in this room. We're not talking about 16- and 17-year-old kids. At least that's not the intent that I understand. So that's what the motion should say, and that's what the motion should do. As it stands now, we can be urging the federal government to do something we may be very, very sorry for down the road, and I'm not so sure that I'm willing to put kids in that position. I want you to all think back to when you were 17 and what was going through your mind at that time.

Drawing on the experience from the hon. Member for Calgary-Fish Creek – I guess that's the other thing as well. If we have 18 in one piece of legislation, why 16 in this motion? Why not urge the government to go that far? But, again, I say that's a very dangerous place to go.

I also commend the Member for Calgary-Fish Creek for taking on a challenge that falls within an area of responsibility that she can deal with, where she can make a difference, because she has put forward a piece of legislation within the competence of this jurisdiction, the provincial government, albeit it doesn't take as much to get into a court under that particular piece of legislation.

In some of the instances that I heard the hon. member describe, I daresay that if I were the investigating police officer and I came across a situation where, as he describes it, a sexual predator – believe me; I would be using as many sections of the Criminal Code as I could to ensure that a conviction was obtained in court. If the evidence is there, you use it. For most of these offences you can receive a maximum of 10 years in jail, and it can be indictable or summary conviction. If it's indictable, that's very, very serious, and proceeding that way is extremely serious.

I want to encourage us to work towards making changes that are reasonable. That's not to say that the intent of this motion is not good, but it's too general. It's not clear enough. I cannot accept putting young teenagers in jeopardy, and I know that the hon. member said that that's not what his intent is, but that's what this does. It's far too general, and I am asking if he would entertain an amendment to his motion to tighten this up a bit.

That's all I have to say on the motion right now, and I'll leave it to another hon. member.

4:10

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

MR. RENNER: Thank you, Mr. Speaker. I'm pleased to participate in the debate on this motion this afternoon. I find myself in a rather unique position. This is probably one of the first times that I have participated in a debate on a motion before this House that I hadn't clearly adopted a position on prior to the discussion. I have quite frankly felt that the debate, the to and fro, on the merits and concerns with this motion has been most informative. I'm really quite happy that I have an opportunity to more or less sum up the debate on this. Through listening to what other speakers have had to say over the last hour or so, I have come to the conclusion that I think this is a motion that merits support.

There have been points made, and I think the most important of those is that we have to consider that the purpose of this motion and urging the federal government to change legislation is to protect a young person from an adult who uses coercion or any number of less than honourable ways to have sexual relations with a young person. The present legislation would indicate that if that young person is of the age of 14 years, then they can indicate – in a trial or even before a trial comes about, if there is a question as to the morality or to the legality of that sexual relationship, they can indicate that consensual sex had in fact taken place. Frankly, I think the point has been well made by a number of speakers that an individual who, while they may be sexually mature, is intellectually not reaching an age where they can make an informed decision with respect to consent – I think we have a case where an argument can be made and has been made that there is unreasonable coercion and that in fact this was not an informed consent that took place and there is reason for society to protect young people from adults.

I also took particular note of the argument that has been made by some members that we do need to be concerned that we don't have teenagers who find themselves mutually attracted to one another ending up being charged with criminal offences. I think that is a legitimate concern. I don't think anyone in this House would want to see a 16 year old end up with a criminal record for getting involved in a sexual relationship with a 14 or 15 year old. I think the point has been made that that is not the intent of this motion.

In the broader context of the federal legislation there is a clear distinction that is made. I have been convinced by the arguments that have been made in this House that that distinction can clearly separate when you have a situation where it is clearly an adult, a mature adult, who is dealing with a young person in a less than honourable way. I really think that is what the purpose of this motion is.

I would like to congratulate and thank the Member for Calgary-North Hill for bringing this motion forward. I know that the member has put a lot of thought and effort into this motion. He feels very strongly about it. Until I had the opportunity to listen to the debate, to be involved in and hear both sides of the issue, I didn't truly understand the member's passion, and frankly now I do understand the member's passion. He has a very valid concern that I think we as provincial legislators should be concerned about and take an interest in. While it's clearly not within the jurisdiction of the provincial Legislature, it certainly is within our jurisdiction to urge the federal government to take action in this regard. On that note, Mr. Speaker, I would encourage all members to support this motion.

Thank you very much.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Mill Woods in the minute and a half remaining.

DR. MASSEY: Thanks, Mr. Speaker. In a minute and a half I can't raise the questions that the motion has raised in my mind, but I think a number of them have been covered. I guess my major question is: what has the government done within its power to make sure the conditions under which this kind of predatory behaviour occurs don't occur? I don't think I've heard much in response to that question as asked by members on this side of the House. The cuts to social services, the cuts to education programs, the increase in child poverty are questions that this motion raises in my mind.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Question.

THE DEPUTY SPEAKER: The question is called, and we only have a few seconds before I'd have to interrupt anyone else.

On Motion 507 as proposed by the hon. Member for Calgary-North Hill, all those in favour of the motion, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Carried.

[Several members rose calling for a division. The division bell was rung at 4:18 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Amery	Fritz	Melchin
Barrett	Gordon	Oberg
Black	Haley	O'Neill
Blakeman	Hancock	Renner
Broda	Herard	Severtson
Burgener	Jacques	Shariff
Cao	Jonson	Stevens
Clegg	Klapstein	Strang
Day	Laing	Tannas
Ducharme	Langevin	Taylor
Dunford	MacDonald	Thurber
Fischer	Magnus	Trynchy
Forsyth	Mar	Woloshyn
Friedel	McFarland	Zwozdesky

4:30

Against the motion:

Bonner	Massey	Soetaert
Carlson	Olsen	White
Dickson		

Totals: For - 42 Against - 7

[Motion carried]

head: **Government Bills and Orders**

MR. DAY: Mr. Speaker, I have received a certain message from His Honour the Honourable the Lieutenant Governor, which I now transmit to you.

THE SERGEANT-AT-ARMS: Order!

THE SPEAKER: Hon. members, the Lieutenant Governor transmits supplementary estimates of certain sums required for the service of the province and of certain sums required from the lottery fund for the fiscal year ending March 31, 1998, and recommends the same to the Legislative Assembly, dated March 16, 1998, Edmonton, Alberta.

Please be seated.

head: **Government Motions**

23. Mr. Day moved:

Be it resolved that the message of His Honour the Honourable the Lieutenant Governor, the 1997-98 supplementary supply estimates, No. 2, for the general revenue fund, and all matters connected therewith be referred to Committee of Supply.

MR. DAY: Mr. Speaker, I am pleased again to table the March fiscal update and also copies of the 1997-98 supplementary estimates.

[Motion carried]

24. Mr. Day moved:

Be it resolved that the message of His Honour the Honourable the Lieutenant Governor, the 1997-98 supplementary supply estimates for the lottery fund, and all matters connected therewith be referred to Committee of Supply.

[Motion carried]

25. Mr. Day moved:

Be it resolved that pursuant to Standing Order 58(6) the number of days that the Committee of Supply will be called to consider the 1997-98 supplementary supply estimates, No. 2, for the general revenue fund shall be two days.

[Motion carried]

26. Mr. Day moved:

Be it resolved that pursuant to Standing Order 58(2.1) the number of days that the Committee of Supply will be called to consider the 1997-98 supplementary supply estimates for the lottery fund shall be one day.

[Motion carried]

head: **Government Bills and Orders**

head: **Second Reading**

Bill 27

Electric Utilities Amendment Act, 1998

[Adjourned debate March 16: Dr. West]

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

MR. WHITE: Thank you, Mr. Speaker. I rise to speak to Bill 27, the Electric Utilities Amendment Act. First, I must say on behalf of myself and at least a good deal of my caucus that we intend to look upon this bill favourably, at least at this stage, and recognize that this stage is the stage prior to any amendment or addition or deletion and is dealing with the general intent of the bill.

Now, in order to speak to this bill, I must go back into the history of the management of electric utilities in this province and by way of explanation say that electrical energy, the production of energy and the transmission and the distribution of electrical energy, in this province has been regulated for quite some time, and most recently, in the mid-'80s, EEMA, the Electric Energy Marketing Agency, was established such that the energy was pooled and then disseminated.

This bill doesn't do anything to the downstream transmission. It still remains a utility, as it should. In fact, the transmission of energy through the province from generator to distributor has to be regulated in that manner because we can't run two sets of lines all over the place in order to serve customers. That certainly can't be done. Neither can you in a distribution area have two maintenance people running up to try and maintain lines and the like, either in a rural or an urban setting. There are a number of people that object, and we'll get to that a little later.

On to the generation. Now, the history of generation is that there was always a competition to become the next generator in this province so as to maximize the return for one's dollars in private industry. Recognizing that there are three major generators and one small generator that is municipally owned, around a void in all of this legislation is the city of Medicine Hat. At one time they had the foresight to buy their own local gas field and have been distributors of natural gas to their customers in that city and restricted to that city. As well, they've been generating their own electricity in that city, and under previous utilities acts and those that currently are in place in this province, they're limited to their customers alone.

However, generation being regulated, the competition was always to become the next generator to replace some of the generation capacity that would fall off its useful life; i.e., each utility plant had a term definite in that its life was set out, and when it came full term to replace that facility – it could no longer be maintained; it was too expensive to maintain – it would be then decommissioned and be taken out of the grid. The way the grid was built up, recognizing that consumption of power is of course not a linear thing – it varies up and down with the season, it varies up and down with the time of day, and it varies up and down with the weather of course. In the management of a utility of this nature you have to plan for the very peak to be able to produce enough energy to match consumption kilowatt for kilowatt.

Now, in order to do that, the logical way and the way EEMA was set out is the board of EEMA would buy power from a generator, first of all buying the cheapest power to put into the grid and distributing that. That would take up the lowest portion of the need graph, if you will, and on up until you ended up with the most expensive piece of equipment coming on-line in order to produce overall at the least cost for all the customers. The generation portion of a customer's bill would then be fixed at the rate of the input costs.

Now, that works very, very well, and the system worked quite well for a long time, until such time as most recently, when across North America we've come into deregulation and allowance for some private enterprise to enter the market. Personally I don't have any difficulty with that. In fact, I think that it is the way of the world, and certainly we have to get to a place where we may – and I stress “may” – be able to as customers reap some of the benefits that competition can and will serve. But it's not necessarily guaranteed.

4:40

Now, look at it from this point of view. At present and under the intent of this legislation and past legislation, any new generation, any generation that comes onstream now, is in fact privately owned and operated, which is reasonable. Cogeneration, that generation that is being produced now that generates both heat and electrical energy at the same time so as to maximize the utility of the input energy, comes from a user that uses both heat and

electricity and can vary the cost of selling the output, depending on how you account for it.

Well, when that generator comes on the market, what price does that generator now sell at? That's very difficult to set in a regulated environment. It's much, much easier to let the market decide that, with some reasonable regulations so as to not take unfair advantage, whether it be a combine or whether it be price-fixing or that sort of thing. I believe there's reasonable provisions in the act as proposed to cover that sort of thing.

Now, once you have these new generation units – and I recognize that as time goes on, there's old generation units that fall off, become less efficient and simply can't be made to be efficient enough to be on the grid any longer. They fall off, and that capacity of generation is then opened for these private operators to fill the bill.

Historically, as I recall from 1980 to today, I think it averaged somewhere between a very, very low of about 3 percent growth in demand for energy up to a high of almost 6 percent at one point. I could stand to be corrected on those numbers. That's just from memory from my days as an alderman in the city of Edmonton and having to deal with this sort of thing at that time.

Now, all things being equal, which things never are in this business, one would say: yes, proceed with all haste. However, that is not the case. Things aren't equal, because generation plants have different capacities to add to the grid, have different dates for when they were commissioned, and therefore all the accounting and debt retirement for each plant is different. There have been repairs and renovations and additions to sometimes increase the capacity, to sometimes maintain the capacity at the present value without dropping any, just making it less expensive to produce the power that is generated. All of these things are plant specific, and each one of them has a different owner, of course. Well, not all of them have different owners, of course. There are three main producers in this province. TransAlta produces, as I recall, about two-thirds of the generation capacity, and almost the remainder of the 100 percent is eaten up by the other two main generators, being EPCOR and Alberta Power. There are a number of smaller producers, Wind Power and other producers, around and about but not of any great magnitude.

Now, in order to sustain the principle that we the citizens of Alberta and therefore the users of power have backstopped, if you will, the purchasing of the plants in order to produce this power and therefore through the government of Alberta have guaranteed the return on investment – and I think it worked out to something in the order of 12 percent of an investment on the equity in one of these plants – you can see why being the next generator, a greater generator was the object of the exercise of any utility. They jostled and jockeyed to set the next year's forecast of generation requirement and then would jockey and jostle to get into position to make application for the next generating unit.

Consequently, at one point we got into a major contest between EPCOR, which was Edmonton Power at the time, and TransAlta, which, I might add, has a vast network of grassroot politicians and political support in this province. Aside from their corporate interests, they do allow and encourage a lot of their staff to become involved in local politics, and it makes it exceedingly difficult for anyone else, then, to have the political clout in the energy field that that particular firm has. However, it has been maintained reasonably well, with some bumps and grinds along the way. Particularly Edmonton Power, now EPCOR, had some difficulty at one point in being commissioned, their Genesee 1 and 2, and even, before commissioning, in getting to the construction

phase. There were a lot of delays in that, and whether that was justified or not, I guess only history will tell. Of course, there are still lots of opinions on both sides of the argument on that.

In maintaining the interests of the consumer, the principle should be maintained that all of the value of the assets and the utility of those assets, being the generation of power, should be returned to those that sponsored and backstopped the development of that utility. Now, that could be maintained. I know the minister will tell you that to the best of his knowledge everything will be fairly equal along about 2020. Well, I'm not so sure of that. That may be the case. I haven't seen any studies to say that will be the case. We've seen a couple of attempts. We know very little about the value of the report from London Economics in that they have produced a couple of different numbers now but don't seem to back them up at all. There doesn't seem to be anything that says: this will be the residual value at 2020.

I should, for the sake of the record, explain residual value too. That would be the value of an asset that remains, that is an estimated value based on the asset that is depreciated, the value of the asset that produces income less the depreciated value. So it's an accountant calculation, and it really means that there is some value in this asset after the debt has been fully retired on it, because it still produces electricity and will produce electricity at this rate for X period of time. That's of course a value that will move over time because of the cost of new generation, the cost of repairing or maintaining the generation unit as it is at that point in time, not at this one.

So the minister is probably right. It's a guess at best what the value will be, but what is not a guess is that there will be value, considerable value, after 2020. The question is: how is that dealt with? This member is of the opinion, after a fair bit of thought, that that should be vested with and should be returned to us the investors or the backstop investors, the people of Alberta, the customers, if you will, in some manner. Now, I'm not naive enough to think that it can be pegged now, nor am I naive enough to think that there won't be a great deal of jockeying and jostling at that point as to deciding how that number is calculated. But there has to be an attempt, and it has to be and it should be laid down in this legislation such that there's a term definite, that they can say at that point: yes, then we'll do that evaluation.

Yes, there is need for some certainty certainly over the next 10 years for the generators of electricity so that they know what the value of their assets are for that period and how they can enter into the market in the production of new energy such that they know at some term definite, whether it be 2020 or sometime before that, what the value will be so that they can plan the development of their capital assets and/or the disposition of those.

4:50

Now, we've had a number of individuals that have complained to the minister about the haste with which he's moving on this matter. Well, the difficulty with not doing anything is outlined, although not expressly said, in a letter from the mayor of the city of Calgary in which he is concerned about the lack of generation capacity today. Where he gets his information I'm not sure, but he says something about rotating blackouts. Well, that may be the case; I don't know. One thing I do know is that if you continue with uncertainty in the business, you certainly aren't going to gain any friends, nor are you going to gain any more generation capacity. So something has to be done, and it would be best if this Legislature didn't do it this spring and would do it in the fall after having a fairly good hearing about it in public so that the public understands what their energy bills will do or are

expected to do and how they are to be paid for their continuing use of the utility and be paid back or potentially paid back out of these residual values that I mentioned earlier. So one thing we can't do is sit aside and just wait.

There are some distribution agencies and rural electrification association members that believe they should be protected in some manner. Well, they may have a point in order to gather their customers in a very short period of time, but protection would be very, very short lived. I'm talking about two or three years or something to that effect, but very, very short. We don't want to hold them out as having a distribution monopoly forever, and certainly there will be resellers of power in this province, and they must have their head and be allowed to sell the wares in order to achieve that goal. Deregulation and privatization are actually in existence today.

Now, the area that the mayors have pointed out is the same area that I pointed out earlier: a hundred percent of the benefit of these residual values would go to the customers, those that have been sustaining this industry all of this time. I can't see why the minister could not amend this legislation to read that there is some point, perhaps it be 15 years out, in order to review the matter, to maintain the principle. You'd have to state the principle in the act so as to have some gauge to measure that. I think it could be well for this member to review that possibility, and this member would like to further speak of it.

Thank you, sir.

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

MR. MacDONALD: Thank you, Mr. Speaker. It's a pleasure to rise this afternoon and talk about Bill 27. Bill 27 is very, very important to the consumers of this province. I think when this session is over, the public of Alberta will remember it of course for Bill 26, where this government forgot about human rights, and they may – and I hope I'm wrong on this – talk about Bill 27, regarding consumers' rights.

Mr. Speaker, in going through this bill – it's quite large bill – if the Minister of Energy could in due time answer this question for me, I would be very grateful. They talk in here about the amendment of section 18, that there's going to be the creation of this electric transmission council. I understand this is going to be made up of persons having a material interest in the Alberta electric industry. I certainly hope that the voices of consumers and consumer groups, not only the residential consumers of electricity but also the industrial users, will be heard on this electric transmission council. It's very, very important because we know the past history of privatization and how it had to be conducted very quickly so that the public perhaps couldn't catch up to the events as they unfolded.

I certainly hope that this is not the idea with this Bill 27. It certainly is not in the interests of this province, because we've had a very reasonable, well-maintained, and accessible-for-everyone electrical grid. Of course, all members in this House would recall that when the Winter Olympics were on, TransAlta Corporation had an ad where there was a small farmhouse in an isolated area. The electrical rate, the power bill, for that farmhouse was \$1-plus per day. TransAlta is to be commended for this. That is the sign of service, not only for the small isolated farmhouse but also for the big industrial users.

In Alberta the relative rates for electricity among the different types of customers may change with this competition. Deregulation of electrical markets towards the principles of greater

competition and customer choice have occurred in the United Kingdom and in New Zealand. It has currently been implemented in various U.S. states, including California, Montana, New York, Pennsylvania, and Maine, to mention a few. Now, according to the Electricity Association of the United Kingdom, the annual cost of domestic electricity has fallen by over 18 percent, and that's between 1990 and 1997.

I understand that outside the largest city in the U.K., London, Alberta Power has constructed a large gas-fired electric generating facility. In fact, it was a source of pride because many people from this province went over and were involved in the start-up after construction was completed and in the training of the U.K. personnel. The U.K. now has the fifth lowest domestic electricity prices in the European Union. I'm satisfied with this, but I want to be sure – and perhaps the minister can answer this for me – if those reduced costs were in turn given to the consumers. I'm not sure, Mr. Speaker, if they have been, if this generating capacity with the reduction in costs has been given to the consumers.

In New Zealand, where the deregulation process began almost a decade ago, the average cost of electricity has dropped. Mr. Speaker, we know how this government likes to compare themselves to New Zealand and the social experiments that went on there with Mr. Douglas. However, the average cost of electricity has dropped, but the consumer in New Zealand has not seen this passed on to his or her household. I certainly hope this doesn't happen in Alberta.

We read in today's paper the concerns that the city councillors have regarding the deregulation of electricity generation in this province.

5:00

Now, Edmonton is rather unique. The Edmonton area has located to the west and a little bit to the south some of the largest generation of electricity facilities in the province. Some of them were built in the '60s. Some of them were built and commissioned early in the '90s, and that's the Genesee facility that EPCOR is now maintaining and operating. Edmonton is in a unique position. The city of Edmonton had its own utility. Now, over here at Rosedale, I understand that some of these generating units are being decommissioned, taken out of service. They're very old. We have the Clover Bar facility on the south side of the river on the eastern outskirts of the city. These facilities are run by TransAlta and by EPCOR, Mr. Speaker.

We all know that they're coal-fired generating plants. The minister may be able to tell this House – I believe the entire coal royalty for the province is in the range of between \$20 million and \$22 million annually. I'm assuming that the majority of that coal royalty is coming from around Lake Wabamun, Genesee, Keephills. If we are to develop this sort of emission standard and we are going to be selling our emissions, like the deal that Suncor made – I believe Suncor made a deal with a corporation from America regarding their emission standards and how much and when their sulphur dioxide emissions are to be. After the deregulation are we going to have the transfer of these environmental credits? What measures are there going to be in Bill 27 to ensure that the environment of this province is adequately protected? We know that Wabamun, Keephills, Sundance are all coal-fired power plants.

DR. WEST: Ninety-five percent.

MR. MacDONALD: Yes.

We need to ensure that the environment is protected. I do not

notice anything in this bill to ensure that that is to go ahead. It's very cheap to have a coal-fired generating plant. Now, the one here at Clover Bar is gas fired. The one at Dow Chemical, the 400 megawatt power generation facility that's going to be built at Dow, is going to be gas fired. The one at Joffre is going to be gas fired. There's a difference, and we're getting near cogeneration here, Mr. Speaker, and we have to be very, very careful about this.

If power rates are going to be so much cheaper with this deregulation, why are these large corporate enterprises so anxious to build their own generating facilities, and the capacity of those generating facilities is going to be greater than their own local industrial needs. So obviously they want to sell a little bit to the power grid, just like Suncor has been doing for years and years. Suncor, because of their geographical location in Alberta, when the oil sands were first developed thought it was prudent that they have their own source of electricity. They built three boilers up there, and they have been for years, whenever they had a surplus, putting it into the grid of this province. So this is not a new and innovative idea that corporations with their cogeneration can sell power to the Alberta grid. We have to be very careful about this. The consumers of this province have to be protected.

Now, in reading this bill, I don't know whether to support it or not to support it at this time, because it doesn't have to fill the basic principles set out by the Minister of Energy in the overview framework document dated September 17, 1997. The principles set out in the framework document are that all consumers in Alberta share the benefits and the responsibilities for costs associated with existing regulated generating units; consumers receive the residual benefits created by the transition to a competitive marketplace; decisions about the removal of existing generating units from regulated service must be in the interests of both the owners of the generating facilities and the consumers of electricity in Alberta. I'm going to stress not only residential consumers but industrial consumers as well, because we all know that a low cost and a reliable source of electricity can be an economic incentive. This is something we must not lose sight of.

Deregulation of the electricity industry through Bill 27 will put downward pressure on electricity rates: I certainly hope that the minister is right with this idea, but I'm going to take a wait-and-see approach on this, because I'm not so sure.

Now, Mr. Speaker, to support the principles of this bill is one thing, but to see it unfold and to see it unfold over such a length of time is another. I have to think about this, because what we're looking at here is opening the door, and we don't know what's going to happen. We have no idea what's going to happen. The councillors, as I said before, have their apprehensions. The minister can stand up and assure us that the status quo will be maintained, and that's a reliable, cheap, efficient source of electricity for us all.

I would like, Mr. Speaker, to ask the minister in due time if he can explain to us how much longer the present generating capacity in this province will meet our needs. This is very, very important. There is talk of the need of another generating facility the size of the one that was just commissioned in the early '90s out at Genesee. Who is going to do this? Is it going to be TransAlta? Is it going to be Alberta Power? Is it going to be EPCOR? Is it going to be Nova at Joffre? Is it going to be Dow Chemical at Fort Saskatchewan? Or is it going to be a hodgepodge of individuals?

There are a number of other issues that must be considered, Mr. Speaker, when evaluating this bill. The issues should be

considered from the perspective of the impact that deregulation will have on the electricity prices for consumers, particularly, as I said earlier, residential consumers. In Bill 27 the stated principle is to provide full benefits to customers, downward pressure on electrical rates, the return of the full residual value to the generating facilities, the mitigation of the market power to ensure a level playing field, and increased competition and facilitation of customer choice in retail operations of distributors.

There are a number of provisions within Bill 27 which do not support these principles. The most obvious yet subtle distinction in Bill 27, Mr. Speaker, from the previous legislation in 1995 is the establishment of the objective of sharing, sharing the benefits and responsibilities among all consumers in Alberta. This is a move away from the previous principle of serving the interests of all consumers in Alberta.

There's also significant detail as it relates to market surveillance of market power, the roles and functions of the independent assessment team in establishing power purchase arrangements, and the public auction of the power purchase arrangements that will be determined through regulations. Section 6 of the EU Act in 1995-96 stated that the decisions of removing a regulated generating unit from regulated service should be in the interest of all consumers of electricity in Alberta. The amended section 6 reads that the benefits and responsibilities of deregulation of existing generating units be shared among all consumers of electricity in Alberta. This is evidenced by the government's stated intent in Bill 27 to provide a fair residual return of benefits to consumers rather than a whole residual return of benefits.

5:10

Bill 27 makes a very important distinction between the base life and effective term of existing generating units for the purposes of recovery of residual benefits by customers from these plants, and that is very, very important for the ratepayers of the city, Mr. Speaker. The base life is the period of time ending on the date on which the unit is forecast to be decommissioned. The effective term is the period of time beginning on January 1, 2001, to December 31, 2020. Under Bill 27 the financial arrangements to sign to protect consumers and return the value of investments made by customers under a regulated environment is arbitrarily based on the effective term rather than on the base life of the plants.

All consumers in Alberta, Mr. Speaker, share the benefits and the responsibilities of costs associated with existing regulated generating units. Financial instruments that are to provide for the sharing of the basic life and life extension period of the generating units among consumers of electricity in Alberta are based on the effective term provision. The minister needs to provide some rationale to Alberta consumers as to why 2020 was chosen as the termination date for the power purchase arrangements and the return of residual value to customers. Where are the studies that prove that 2020 is the most effective date?

The mechanism utilized by the Department of Energy under Bill 27 to value the residual benefits and stranded costs incurred through removal of existing generating units from regulation are through the independent assessment team. The minister will appoint a qualified person or persons to act as the independent assessment team, the IAT, to ensure that the team is not directly associated with any stakeholder. What appointment process is contemplated by the minister? What are the terms of reference for the appointment of qualified individuals in Bill 27?

Great reliance is put on this independent assessment team under Bill 27. The IAT is given significant power and latitude to

develop a power purchase arrangement that is just and reasonable and provides for a recovery of residual benefits and stranded costs through the year 2020. Much of the evaluation process will be determined by regulation. The minister is able to make these regulations, providing for the guidelines followed by the independent assessment team including modeling or forecasting the future financial performance of generating units, the financial and economic assumptions used in modeling, developing the term conditions of power purchase arrangements and financial instruments, ensuring that interested parties receive adequate notice with respect to consultation sessions, and to make representation to the IAT, the treatment of costs and valuations in the holding of the public auction.

Thank you, Mr. Speaker.

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

DR. PANNU: Thank you, Mr. Speaker. I rise to speak to this massive bill, Bill 27, the Electric Utilities Amendment Act, 1998. It runs over 80 pages, a thick document to read, to be able to absorb, to understand its underlying principles. To be able to make some informed comment on it is certainly a challenge. I would certainly confess that.

The bill's ramifications are such that they worry Albertans. Concerns have been expressed publicly by the city of Calgary, by, I understand, the city of Red Deer, and certainly most recently – that is, this morning, since yesterday – by the various members of Edmonton city council. They are all urging us – the minister, the government – not to rush this very, very important bill through the Legislature. It's claimed, of course, by the minister and the government that the negotiations and consultations have been going on among stakeholders over the last two years, but as it turns out, those negotiations have bypassed important communities, decision-makers who represent those communities. They certainly have not satisfied those representative bodies that speak in the name of and in the interests of those communities.

Red Deer, Calgary, Edmonton as three municipal jurisdictions certainly have a capacity to study this massive bill, however briefly. They do have some institutional capacity to look at the bill to get some advice to be able to make some comments on what this bill might mean for them and for their citizens. However, there are a very, very large number of small businesses in this province, certainly over a million, I suppose at least, families that use electrical power daily. We live, obviously, in an advanced industrial society, and electricity is certainly the lifeblood of the kind of society in which we live. Recent ice storms in eastern Canada are, I think, very powerful reminders of what happens when this important resource is somehow taken away by nature or for whatever reason. If it fails us, life becomes chaotic. It's almost unthinkable to live without a reliable and affordable supply of power.

In this century I think we need to remind ourselves of the history of the regulation of electrical utilities on this continent, in this province, in this country, and in the U.S. Regulation was brought in after the bitter lessons that were learned during the '30s. So regulation was not something imposed by ambitious, thoughtless, government bureaucrats or by a few politicians driven by ideology but was the result of pragmatic understanding of the difficulties which stand in the way of ensuring a reliable and affordable supply of a utility without which civilized life seems impossible today.

5:20

This bill claims to create conditions associated with, of course, market forces. Through the unleashing of market forces this bill seeks to both ensure that we get energy at cheap prices and that the customers, users of this utility, have a choice. The rhetoric of choice and the rhetoric of level playing field are all too familiar to all of us. I think one must take this rhetoric with some grains of salt. The Minister of Energy, who is the initiator of this bill, who is responsible for bringing it forward after long and hard work – I'm sure he has worked very hard on it himself as has his department – of course promises us that deregulation will lick the present problems and will also necessarily create new opportunities for all of us.

I looked through the materials that are posted by the minister of the department on the Internet as background information to this bill as well as looking at the bill. What I find puzzling is an absence of a clear statement about the need for this all-embracing bill to be brought forward at this stage. What's not stated by the minister in clear language are the problems that the electrical utility industry faces in this province now. We are not informed whether or not we in Alberta receive electricity in a way that we consider reliable. There's no evidence here, in the minister's background papers, that there is a problem of unreliability of the existing arrangements. There's no information either about the relative cost at which we receive electricity when compared to other provincial jurisdictions. In spite of the fact that such information is absent, the minister continues to assume that there are problems and problems that can be addressed only by way of the sweeping legislation that's proposed in the body of this bill.

Clearly the issues that the minister must address as minister responsible for energy, both its development and its provision as a utility to Alberta citizens, are the questions of reliability of supply, of the quality of service, and the competitive cost, the price at which we as consumers get it. He must also, of course, address the question of whether or not the benefits, the assumed benefits, the alleged benefits of deregulation will be equally distributed and available to all users. To all these four questions – the question of reliability, the question of quality of service, the question of cost, and the question of who will benefit – all we find are assertions: no compelling evidence, not even compelling logic which would persuade us to accept what this bill seeks to accomplish.

This morning I was listening to CBC Radio news. [interjec-

tions] I wish my colleagues would pay as much attention to the CBC Radio as they pay to the national flag sometimes. However, let me continue, Mr. Speaker. What I heard on the news was a statement by the Premier talking about this bill, and he said the bill fits our philosophy. I was rather amused by that. I was quite surprised that the Premier of the province would justify this bill not in terms of its pragmatic strengths, not in terms of its substance, but more in terms of the ideology that is embodied in the bill. That's, I think, a major concern that Albertans have and should have given the fact that the Minister of Energy is also very much committed to that ideology and wants to deregulate regardless of whether or not we all see that the proposed bill will benefit all of us.

Given the time, Mr. Speaker, I can only appeal to the minister that the bill is massive in its implications for all of us, for our lives over the next 20 years or more. He shouldn't rush it through this Legislature in this session. Give us time. Give Albertans time. Trust them with their judgments and with their interest. Let them examine this. Let small businesses examine this. Let ordinary consumers have a chance to look at this bill and bring it back into the next session of this Assembly, perhaps, hopefully changed in light of the inputs that he received from citizens of Alberta, small businesses, and others. It's far too important a bill to be rushed through in the manner in which it appears to me it's being rushed through.

The consequence of deregulation for us to see: Auckland. This beautiful city of Auckland, which I visited two years ago in New Zealand, has been in deep crisis over the last month now. Now, it's not obviously very easy and straightforward and simple to attribute the crisis there, the failure of the electrical utility system, merely to deregulation. But does it not raise some questions about what kinds of consequences deregulated provision of this very essential utility may have for us? Auckland residents have been without electricity for more than a month, and they continue to do their demonstrating out in the streets, saying that something has to be done about it. But who should do something about it? It's not regulated.

Mr. Speaker, thank you for reminding me that the time is up. I'll have to stop at this moment.

Thank you.

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