

Legislative Assembly of Alberta

Title: Tuesday, March 31, 1998 1:30 p.m.

Date: 98/03/31

[The Speaker in the chair]

head: **Prayers**

THE SPEAKER: Good afternoon, and welcome to day 36 of this session.

Let us pray.

From our forests and parkland to our prairies and mountains comes the call of our land.

From our farmsteads, towns, and cities comes the call of our people that as legislators of this province we act with responsibility and sensitivity.

Lord, grant us the wisdom to meet such challenges.

Amen.

Please be seated.

Just a point of interest, hon. members. In 1997 the Alberta Legislative Assembly rose on its 36th day of the spring session.

head: **Introduction of Visitors**

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

MR. HANCOCK: Thank you, Mr. Speaker. Today I am pleased to introduce to you and through you to members of the Assembly His Excellency José Tomás Letelier, ambassador of the Republic of Chile. His Excellency is accompanied by Mr. Dennis Biggs, consul general in Vancouver, and Mr. Domingo de la Cruz Chavez, honorary consul in Alberta. I'd like to take this opportunity to officially welcome Ambassador Letelier to Alberta and to wish him an enjoyable and productive stay in our province. Premier Klein and 38 Alberta businessmen had the pleasure of visiting Chile during the recent Team Canada mission to Latin America. That visit created many opportunities for enhanced relations and trade and a number of contracts. I'd ask that the ambassador and his party please rise in your gallery and receive the recognition and the warm welcome of this Assembly.

THE SPEAKER: The hon. Minister of Labour.

MR. SMITH: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to all members of the Assembly the Hon. James Flaherty, Minister of Labour for Ontario, and the four guests accompanying him: Ms Maureen Shaw, who's president of the Industrial Accident Prevention Association; Ms Pat Coursey, president of the Safe Communities Foundation; Mr. Craig Rix, executive assistant to the Minister of Labour for Ontario. They've come to talk about the province of Alberta's success in community-based health and safety training programs. They were part of a presentation at Canada's largest oil refinery, the Strathcona oil refinery, to accept a \$100,000 cheque from Esso and Esso Foundation across Canada to participate in this very worthwhile foundation. So I would ask all of them to rise and receive the warm welcome of this Assembly.

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

MRS. O'NEILL: Thank you, Mr. Speaker. I rise today to introduce to you and through you to Members of the Legislative

Assembly a delegation of eight from Alberta's finest and oldest infantry unit, the Loyal Edmonton Regiment. These fine representatives are seated in your gallery, sir, and I would ask that they rise as I call their name and remain standing to receive the warm welcome of the Assembly. They are the honorary colonel of the regiment, Robert Chapman; Honorary Lieutenant Colonel Robert Matheson; the former senior officer of the regiment, Colonel Chuck Marshall; the regiment's current commanding officer, Lieutenant Colonel Grant McLean; Major David Haas; president of the regimental association, Captain Chris Atkin; Regimental Sergeant Major Gordon Descoteaux; and company Sergeant Major Richard Cunningham. I'd ask everyone to extend the warm welcome of this Assembly.

head: **Presenting Petitions**

MS BARRETT: Mr. Speaker, I'd like to present a petition today signed by 3,835 Albertans from communities in every corner of this province calling on the government to reverse its decision to eliminate child care operating allowances and asking the government to instead implement an arrangement that rewards quality child care in Alberta.

head: **Notices of Motions**

MRS. BLACK: Mr. Speaker, pursuant to Standing Order 34(2)(a) I'm giving notice that tomorrow I'll move that written questions appearing on the Order Paper stand and retain their places with the exception of written questions 57 and 58.

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 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, and 70.

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

MS BARRETT: Thank you, Mr. Speaker. I rise to give notice that under Standing Order 40 today I will request leave to adjourn the ordinary business of the Assembly to move the following motion of urgent and pressing necessity:

Be it resolved that the Legislative Assembly urge government to reverse the cuts in operating allowances for licensed day cares due to take effect on April 1, 1998, negatively impacting tens of thousands of middle-income Alberta families, especially given the double standard with licensed family day home agencies, which continue to receive hefty administrative allowances from taxpayers.

I have copies for distribution.

head: **Introduction of Bills**
Bill 38
Public Health Amendment Act, 1998

MR. JONSON: Mr. Speaker, I beg leave to introduce Bill 38, the Public Health Amendment Act, 1998.

Mr. Speaker, the purpose of this act is to strengthen our ability to protect Albertans from the transmission of communicable diseases and to reflect the new role as an appeal body of the current Public Health Advisory and Appeal Board.

Thank you, Mr. Speaker.

[Leave granted; Bill 38 read a first time]

head: **Tabling Returns and Reports**

THE SPEAKER: The hon. Minister of Labour.

MR. SMITH: Thank you, Mr. Speaker. It gives me great pleasure to be able to table four copies of the following two reports, both delegated administrative organizations or organizations that work on behalf of the government in the private sector: one is the Alberta Boilers Safety Association and, secondly, the Safety Codes Council three-year business plan, 1998 to 2000.

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

MR. WHITE: Thank you, Mr. Speaker. I rise today to table copies of a mail-back from the *Edmonton Sun*. It's asking the government to reconsider the timing on Bill 27. I'd table that for the Calgary caucus members that just don't have time to get back home at the moment.

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

DR. PANNU: Thank you, Mr. Speaker. I have three tablings to make. The first one is a news release made yesterday by the Alberta Urban Municipalities Association asking the government to defer any further consideration of Bill 27 until such time as parties have been consulted.

The other two are the two letters of March 25 from the mayor of Calgary, Mr. Duerr, in one of which he draws attention to the fact that the Minister of Energy acknowledged that the bill he has before the Assembly, Bill 27, is designed to get the municipalities out of the business of electricity utilities.

THE SPEAKER: The hon. Minister of Family and Social Services.

DR. OBERG: Thank you very much, Mr. Speaker. Today I have five tablings. The first one is a copy of the news release from July 24, 1997, entitled Child Care Subsidy for Low Income Parents Will Increase. The second one is entitled The Facts on Daycare Funding Changes, which came out in the fall of 1997. The third one is called Day Care Matters, which came out in the spring of 1998. The fourth one is called Day Care Funding Changes, which came out on March 16, 1998. The fifth and final one is an interprovincial comparison of day care funding in 1997.

1:40

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

MS BLAKEMAN: Thank you, Mr. Speaker. I have two tablings today. The first is a letter to the Premier from McDougall United Church urging the government to join with them in recognizing the need for protection of sexual orientation under human rights legislation.

The second tabling is four copies of more letters and E-mails from individual concerned citizens asking the government to do the right thing and include sexual orientation under protection from discrimination.

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

MR. SAPERS: Thank you, Mr. Speaker. With your permission I have two tablings today. The first is five copies of a document prepared by the Alberta Union of Provincial Employees and the

Canadian Health Care Guild entitled We are out for Justice. It outlines the bargaining team's request to the Capital health authority.

The second is five copies of a supplementary document put out by the same two employee groups also entitled We are out for Justice, which talks about what has led them to their strike action today.

head: **Introduction of Guests**

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. It is a great honour and pleasure for me today to introduce to you and to the members of the Assembly some 27 grade 12 students from St. Matt's school in Rocky Mountain House. They are accompanied by six parents: Mrs. King, Mrs. Martel, Mrs. Baird, Mrs. Ouellette, Mrs. Kerklaan, and Mr. Noad, as well as their teacher, Mr. Darren Brick. I would ask them to stand and that the Assembly give them a warm welcome.

THE SPEAKER: The hon. Minister of Advanced Education and Career Development.

MR. DUNFORD: Thank you, Mr. Speaker. I'd like to introduce to you and through you to the members of the Legislature a student leader. Patrick Cleary is currently the president of the students' union at the University of Calgary and was one of the student leaders that went a long way in assisting us to be in a position to table Bill 35 yesterday, putting a cap on tuition levels. So I'd ask Patrick to rise with his friend Leah Rajesky and receive the warm welcome of this Legislature.

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

MS BLAKEMAN: Thank you, Mr. Speaker. I'd like to introduce to you and through you to members of the Assembly a woman who's very important in my life. Joanne Janzen is the constituency manager for Edmonton-Centre and an ever-present whirlwind of activity and support. She's accompanied today by Allan Dimeck, an energetic young man who is developing an interest in politics. They're seated in the public gallery, and I'd ask them to please rise and accept the warm and traditional welcome of the Chamber.

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

MR. LOUGHEED: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to the members of this Assembly Mrs. Val Minchin and her children, accompanied by a friend and also by Mrs. Ethel McGowan from the constituency of Wainwright. I'd ask them to please rise and accept the welcome of the Assembly.

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

MR. STELMACH: Well, thank you, Mr. Speaker. It's a real pleasure to introduce to you and through you to Members of the Legislative Assembly 21 visitors seated in the members' gallery. They're 15 students representing various grades, a home education group from Fort Saskatchewan, Lamont, and the Bruderheim area.

They're accompanied by six parents: Mrs. Janice Peters, Mrs. Alison Matthew, Mrs. Bobbi Potyok, Mrs. Theresa Kennedy, Mrs. Iona Copeman, and Mrs. Jean Van Buren. I'd ask them to rise and receive the traditional warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Edmonton-Castle Downs.

MS PAUL: Thank you, Mr. Speaker. I'd like to introduce to you and through you to all Members of the Legislative Assembly constituents of mine and also the family of a very important man in the mechanics of the Legislative Assembly, the owner and operator of our cafeteria. His wife Sharon Malayko, their two sons, Chris and Landon, and Katie are with us today. If we could give them the warm welcome of the Assembly.

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

MR. SAPERS: Thank you, Mr. Speaker. It's my pleasure this afternoon to introduce to you and all members of the Assembly Fran Stark, who is a labour negotiator with the Canadian Health Care Guild. She is currently embroiled in a dispute involving LPNs in this city that are employed by the Capital health authority. Fran is accompanied by a number of members of the guild, and I would ask that they all rise and please receive the warm welcome of this Chamber.

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

MS BARRETT: Thank you, Mr. Speaker. I'd like to introduce today some people seated in the public gallery with whom I had a meeting earlier today. They are representatives, I think, of the day care community across the province. They are Melissa Heath, from Kids 'R' Us in Wetaskiwin, Luisa Jacob from Kids 'R' Us at NAIT, Sandra Heath from Kids 'R' Us at McCauley, Kristyn Schopf from Kids 'R' Us at NAIT, Sharon Laton from the South Edmonton Child Care Centre, along with Mona Innes and Indira Mangal from the South Edmonton Child Care Centre, Marcelle Arnold from Mt. Pleasant Day Care, Barbara Meeuse from Northland Daycare, and John Amerongen from the Grant MacEwan day care. They are directors, staff, and volunteers on boards. I'd ask them all to rise and receive the warm welcome of the Assembly.

head:

Oral Question Period

Health Care Labour Relations

MR. MITCHELL: Mr. Speaker, in the past two weeks two separate groups of health care workers within the Capital health authority have been forced to take the extraordinary measure of going out on an illegal strike, risking fines to show this government the kind of injustice that they have been facing. These people do not want to break the law, but this government – and make no mistake about it, it's this government – has left them absolutely no choice. Licensed practical nurses are amongst the lowest paid health care workers in this health care system, and it's not noted for paying people particularly well. To the Premier: why won't the Premier take responsibility for settling this labour dispute when it was his 5 percent rollback policy that circumvented the collective bargaining process and created this problem in the first place?

MR. KLEIN: Mr. Speaker, the door is always open to negotiation, and I'll have the hon. Minister of Labour supplement.

MR. SMITH: Well, thank you. Mr. Speaker, there were late negotiations last night. The offer is 9 to 9.5 percent over a three-year period. There are seven essential service agreements that have been signed over the last year with ranges of 7 percent to over 10 percent over three years, fully reclaiming the 5 percent that was negotiated in 1994. That was all done without illegal strike activity taking place. It's also important to note that this is occurring at a time when average collective bargaining settlements in the private sector are averaging 1.75 to 2 percent per annum.

MR. MITCHELL: How can the Premier say that his health care labour policies are fair when a nursing assistant whom I met today who works at the bedside with increasing pressure and increasing responsibility is making only \$2 per hour more than she was making 23 years ago?

MR. KLEIN: Well, Mr. Speaker, I don't know the circumstances of that particular individual other than what the hon. member has told me, and the hon. member isn't always correct.

Relative to that specific question, Mr. Speaker, and the negotiating routes available to both union and management, I'll have the hon. minister supplement.

1:50

MR. SMITH: Thank you, Mr. Speaker. There is ample opportunity for negotiations to take place, as they have taken place. What we see now is the next process, which is that they're filed with the Labour Relations Board. The Labour Relations Board, as I understand it, in this particular agreement has received a cease and desist order for the Alberta Union of Provincial Employees, which it is filing with the courts and proceeding ahead with a 3 o'clock hearing on the cease and desist with the health guild. Both parties are following the legislation as it's been set out. I think one thing that is important is that business has to go on. They have to negotiate.

There is evidence, Mr. Speaker, over the last 15 years that settlements in the area where they're deemed to be essential services have resulted in increases that are above the norm that are carried out throughout the labour framework in Alberta. An offer is on the table. Negotiations occurred till last night at about 1 a.m., and we'll see where we go from here.

MR. MITCHELL: How can the Premier say that his health care labour policies are fair when the Edmonton General hospital, for example, can afford to hire only 6 percent of its 318 licensed practical nurses on a full-time basis? Six percent are full-time.

MR. KLEIN: Mr. Speaker, relative to labour negotiations, the floor of the Legislative Assembly is not the place to negotiate. This is a dispute between the LPNs and the Capital regional health authority. The Department of Labour, under the capable guidance of the minister, is there to offer services, mediation services, to assist with negotiations. We are neither management nor labour. The responsibility of the Department of Labour is to be there to facilitate.

Relative to the situation with respect to health generally and the allegations that there's simply not enough money, Mr. Speaker, some interesting research. In 1984 this province was spending the highest per capita amount on health care. Very interesting headlines in those days: care for terminally ill comes too late for most; hospital cutbacks hurt care, according to a nurse; funds needed for hospital unit. These things were going on when we

were spending the most money of any province in the country. Nothing changes.

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

Role of Minister and MLAs in School Board Issues

DR. MASSEY: Thank you, Mr. Speaker. The Minister of Education and a handful of MLAs continue to take unfair swipes at the Calgary board of education. In Edmonton the minister chastises teachers for not accepting a contract proposal. Political criticism of both teachers and school trustees and unacceptable interference in local school districts are fast becoming the hallmarks of this government. To the Minister of Education: instead of using your bully pulpit to continually criticize the Calgary board of education, will the minister simply halt the delaying tactics and table the review that was ordered over six months ago?

MR. MAR: Well, regrettably, Mr. Speaker, whenever I say anything good about the Calgary board of education, nobody ever reports it. As an example, I recently said that the Calgary board of education has undertaken a review of its space requirements. I think that's a good review to take. Earlier this week the Calgary board of education announced that it was going to be meeting with its stakeholder groups to find out what those stakeholder groups want to see as part of the public education system in Calgary. I applaud that. But not only should the Calgary board of education and other boards of education in this province be congratulated for things they do right; they should also be criticized constructively when things don't go the way they should be going.

The hon. member here mentioned the fact that yesterday in question period I had made comments about the negotiations between the Edmonton board and its ATA union local. I simply presented the facts in the House here yesterday afternoon. I don't think there's anything wrong with that.

Now, with respect to the specific question being raised by the member about the review of the Calgary board of education, I think that review is a good process to go through, but, Mr. Speaker, it is a large undertaking. The Calgary board of education does have, to the best of my knowledge, the largest number of students of any school board across Canada, and with a half a billion dollar budget, we can understand that it is a major undertaking to review the activities of that board. The hon. Member for Calgary-North West has been charged with the responsibility of producing that. He has asked me for more time before the tabling of that report because it is a large enterprise. Accordingly I want that report to be correct rather than punctual, and if we need to have some flexibility in providing more time for the document to be made available, then we'll do that.

DR. MASSEY: Thank you. My question to the same minister: how does the minister, by publicly entering the Edmonton negotiations on the side of the school board, help resolve that dispute?

MR. MAR: Well, Mr. Speaker, I'd ask the hon. member to refer to *Hansard* yesterday, but if he wishes me to repeat the facts that I laid on the board yesterday, in 1994-95 the Edmonton public board negotiated a 5 percent rollback with its local of the Alberta teachers' union. In '95-96 the school board returned 1.15 percent

of that through the collective bargaining process and in 1996-97 returned a further 1.75 percent. Now, the offer that was on the table with the board was 2.9 percent for 1997-98. The Alberta teachers' union local was asking for 3.02 percent.

The difference in what the ATA union local was asking for and what the board was offering amounted to \$70 a year. That was the difference between what the union's position was and what the board's position was. That would have resulted in a teacher's salary at the top of the scale of \$53,430. That's what the board was offering. What the ATA was asking for was \$53,500. Seventy dollars a year is hardly worth going on strike over.

DR. MASSEY: Mr. Speaker, my third question, then, is to the Premier. What action can you take to curb this truly, truly harmful meddling of the minister and some of the MLAs in local school affairs? What action can you take to stop their meddling in local school affairs? It's harmful.

MR. KLEIN: Well, Mr. Speaker, if anyone can be accused of dabbling in local affairs, it would be the Alberta Liberals. They dabble in every local issue possible and berate people through the Legislature and are out there on picket lines and are attending rallies and stirring up the troops. You talk about dabbling; these people are the dabblers of all dabblers. [interjections]

THE SPEAKER: Okay, hon. members. I do know that this is the 36th day of this session. I do know that it's the 31st day of March. What I'm not sure is, if there's a full moon out tonight or not.

Third Official Opposition main question. The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Mr. Speaker. [interjections] They like me already.

Sexual Orientation

MS LEIBOVICI: In anticipation of the Supreme Court decision on Delwin Vriend this Thursday, the Premier has set up a task force. The mandate of this task force is to look at the province's legal options if the court rules that Alberta should include sexual orientation in our human rights legislation. Albertans deserve to know what the criterion was that the Premier used to choose the four ministers sitting on that task force. My questions are to the Premier. Can the Premier first explain why he chose the Provincial Treasurer, who has already made his views on sexual orientation very clear to the Alberta public, to be a member of this task force?

2:00

MR. KLEIN: Mr. Speaker, I'm happy to answer that question relative to all members on the task force. First of all, I think it's reasonable and indeed a responsible act on the part of the government to discuss some options in anticipation of the court ruling, no matter what that ruling might be. I can't comment on what it might be at this particular time.

Mr. Speaker, we have the hon. Minister of Justice and Attorney General because certainly this is a matter of law. We have the hon. Minister of Intergovernmental and Aboriginal Affairs on this because he is responsible for constitutional matters, and certainly this case refers in a very significant way to the Constitution. Certainly, we have the Minister of Community Development involved because she is the minister responsible for the legislation.

Without getting into the ruling, there could be financial implications relative to the ruling, and the person logically responsible for dealings on financial matters is in fact the Provincial Treasurer.

MS LEIBOVICI: Can the Premier explain what those financial implications are?

MR. KLEIN: Mr. Speaker, everything in this case is hypothetical, but the financial implications refer to pensions.

MS LEIBOVICI: Given that this is an issue of basic human rights, can the Premier guarantee, given the makeup of the task force, that the decision is already not predetermined to ensure that the human rights of individuals in this province will be overridden by this government? Is the Premier prepared to make that guarantee right now?

MR. KLEIN: Mr. Speaker, I can give the hon. member assurances that nothing has been predetermined because we don't know what the judgment is going to be. So, no, the group that has been brought together is there because of their specific responsibilities relative to this particular case.

Private Health Services

MS BARRETT: Mr. Speaker, I lived in the United Kingdom when then Prime Minister Margaret Thatcher took her axe to the National Health Service. She did it in exactly the same way that Bill 37 will do it in Alberta. She allowed for private, for-profit hospitals to dip into taxpayers' money in exactly the same way that this legislation calls for private, for-profit hospitals being allowed to enter into arrangements with regional health authorities funded by the taxpayers, funded by Alberta health care premium payers. My question to the Minister of Health is this: will he stand up today and assure Albertans that if this act passes, under no circumstances will taxpayers' dollars ever go into a private, for-profit hospital? It's simple. Yes or no will do.

MR. JONSON: Mr. Speaker, the importance of Bill 37, which I am sure there will be ample opportunity to debate in this Assembly at the appropriate time – the purpose of the bill, as indicated when it was introduced, is to first of all provide proper legislation relative to the approval of possible private health care facilities. We've had the discussion in the Assembly before with respect to HRG. It is designed to make sure that our legislation conforms to the Canada Health Act and that we are able to protect the principles of the Canada Health Act. That is the purpose of the legislation.

MS BARRETT: I noticed he wouldn't answer yes or no, Mr. Speaker.

Why is the minister creating a brand-new category of health facility called approved treatment facilities and not even defining what services they can be approved for, other than to create a new avenue to approve HRG and other private, for-profit hospitals?

MR. JONSON: Well, Mr. Speaker, I am sure I have previously indicated that with respect to both the overall issue of opting-out physicians according to the Canada Health Act and this whole area of accrediting private health care facilities, because this has not been a major issue facing the province over the years, we were somewhat lacking in the appropriate assessment and approval

process. Both of these pieces of legislation are designed to address and provide for our control over such developments. The hon. member, although I believe she has advocated this in the past, seems to be at odds with that thrust.

MS BARRETT: Not at all.

Mr. Speaker, I'll try the Premier then. Given that the Premier is on record saying that the private facility changes would probably bring about more private, for-profit health care, will he acknowledge that the motivation behind the changes are to open the door to HRG and other private, for-profit hospitals?

MR. KLEIN: No, that isn't the intent whatsoever of the legislation, Mr. Speaker. The intent of the legislation, as I understand it, is to give the minister some control over the situation to ensure that all the principles of the Canada Health Act are followed.

THE SPEAKER: The hon. Member for St. Albert, followed by the hon. Member for Edmonton-Calder.

Health Care Workers' Strike

MRS. O'NEILL: Thank you very much, Mr. Speaker. As everyone is well aware, the Capital health authority is involved in a labour dispute with two unions representing the licensed practical nurses and the nursing attendants. Today as I was driving along Jasper I noticed that a number of picketers were in front of the General hospital. While I strongly endorse and indeed truly respect the process of collective bargaining, I do strongly object to the residents of the Capital region being held hostage to the unions' demands. So my question is to the Minister of Labour. Does the Minister of Labour know who is picketing and what unions are involved in this strike, if it is indeed a strike?

MR. SMITH: Well, Mr. Speaker, I guess I want to say thank you for the question because it shows an Edmonton area MLA that's involved and concerned about the issue as opposed to the usual ramblings that I hear from other directions of the House.

MR. SAPERS: Point of order, Mr. Speaker

MR. SMITH: It's the Canadian health services guild, and it's the AUPE. The AUPE has been involved in a work stoppage before. It's those two unions representing about 1,200 workers. The guild represents over 4,000 LPNs throughout Alberta that have signed off an agreement which gives them between 4.4 and 9.65 percent over three years to March 31, 2000.

MRS. O'NEILL: My second question, then, although I had difficulty hearing the answer to my first one, is again to the Minister of Labour. What role is the department playing in getting these two sides back to the table?

2:10

MR. SMITH: Mr. Speaker, that's a good question because the role of the Department of Labour is to set the legislative framework so that both parties in this negotiation are extremely aware of the parameters of what they're negotiating. They knew when they started negotiating that they were deemed to be an essential service. They knew that if they were an essential service, the ability to strike was declared illegal. They know from past records of settlement that settlements occur without illegal strike action. The law of yesteryear is the same as the law today, which

will be the same as the law of tomorrow. The Department of Labour has established through legislation, through serious consultation with labour and with associations and with business, labour legislation that works, labour legislation that's effective.

We know that the parties are frustrated, Mr. Speaker. We know that frustration is an insufficient reason to flaunt the law, and we know that the next step, if they cannot negotiate an agreement over the next two weeks, is compulsory arbitration that can be applied for by either party. So they have the choice of returning to the bargaining table or moving to compulsory arbitration. The courts are involved from a legal perspective to address and deal with individuals and groups who willfully break the law.

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

Electric Utilities Deregulation

MR. WHITE: Thank you, Mr. Speaker. Alberta Power, city of Calgary, city of Edmonton, city of Red Deer, Alberta Federation of REAs, the Alberta Irrigation Projects Association, the Consumers' Association of Canada, and now the AUMA are all expressing concern about this government's policy to limit the return of the benefits to Albertans from the existing power generating units. Let's be clear, Mr. Premier, no one is saying scrap the deregulation policy. What they're saying is: provide the necessary time required to understand the full implications and explain those implications clearly to Albertans. To the Premier: is it . . . [interjections] Kind of shortens up with a question to the Premier, sir. Mr. Premier, in that you have been given all of this advice, what is it about a delay in this policy change that gives you fear?

MR. KLEIN: Mr. Speaker, nothing gives me fear. There is a process. First of all, I understand the bill is now in committee, so there is plenty of time to raise these issues. But relative to who's for and who's against the bill, as I said in the Legislative Assembly last week, if there's one thing that's sure about politics, it's that you can't please all the people all the time. Now, TransAlta is on record as being in favour of the legislation. EPCOR is on record as being in favour of the legislation. Nova Corporation, a huge consumer of electricity, is on record as favouring the legislation. The industrial electric consumers association of Alberta is on record as supporting the legislation. I understand that today the hon. member's mayor, Mayor Smith, is on record as supporting the legislation. I will have the hon. minister supplement, if he so wishes.

DR. WEST: Mr. Speaker, at approximately a quarter to 12 this morning I spoke to Mayor Bill Smith, and he unequivocally gave me his wholehearted support behind this bill. He asked that the Assembly move forthwith to pass this bill and that the wholly owned subsidiary of the city of Edmonton – I'll repeat that: the wholly owned subsidiary of the city of Edmonton – EPCOR endorses it 100 percent also.

Speaker's Ruling Anticipation

THE SPEAKER: Hon. members, we spent almost four minutes on that exchange of questions, and this bill is up for discussion tonight in committee. It's cleared second reading. Let's not use the question period for just an extension of the debate.

Electric Utilities Deregulation

(continued)

MR. WHITE: Given that this is the single most important change in electricity policy in this century, Mr. Premier, and you are the best person to explain this policy to all Albertans, why are you not doing so?

MR. KLEIN: Mr. Speaker, as I've pointed out many times in this Legislative Assembly, this matter has been under public discussion now for something like four years. The legislation puts in place the framework for deregulation over a fairly long period of time stretching into the year 2020. That is a long period of time. It espouses the philosophy that competition usually serves – and in a free market system we've seen it – to drive down prices. As I said in the House, "Competition equals lower prices."

Mr. Speaker, relative to further and future consultation, it's the intention of the government to have this bill passed. Then after the bill has received third reading and proclamation, the regulations – and I think this is important – will be the subject of another full round of public consultation. If that discussion on the regulations requires amendments to the act, the hon. minister has given assurances that the act will be brought back in 1999 to have whatever amendments are necessary incorporated into the act. Four years of public consultation, the act, more public consultation, amendments if required: that to me is probably the most democratic process one could ever think about.

MR. WHITE: Mr. Premier, in that you cannot or will not guarantee lower rates for Alberta consumers, will you at least provide a personal assurance that you honestly believe that the majority of the changes in this policy will result in a lower price for Albertans for power?

MR. KLEIN: Mr. Speaker, you know, this goes to the essence. No, nothing in life is guaranteed, but certainly all the studies have pointed to competition as being a major factor in lowering prices. The regulated system now offers no guarantee that prices are going to be lower. As a matter of fact, it gives the power companies the opportunity to go before the Alberta Energy and Utilities Board year after year after year after year for rate increases. Is that what he wants?

THE SPEAKER: The hon. Member for Calgary-Lougheed, followed by the hon. Member for Edmonton-Glengarry.

Provincial Tax Regime

MS GRAHAM: Thank you, Mr. Speaker. My question this afternoon is to the Provincial Treasurer. Recently the provinces of Saskatchewan and Manitoba introduced budgets which included cuts to their personal income tax rates. Considering these changes, I'm wondering if the Provincial Treasurer can advise whether he has analyzed the situation and can tell us how the personal tax rates in these provinces now compare to those in Alberta.

MR. DAY: Mr. Speaker, it's been quite a phenomenon to watch since we lowered our tax rate. There has been a rapid succession of tax rate lowering in other jurisdictions. The federal Liberal government, of course, lowered theirs, and British Columbia has just in their recently announced budget lowered their rate from 50.5 to 49.5. Saskatchewan, by the time their taxes are lowered,

will be at the 48 percent rate. That's 48 percent of the federal rate. Manitoba will be at 50 percent of the federal rate following their reduction. Alberta stands at 44 percent of the federal rate, which is substantially lower than the others.

Albertans, I think, Mr. Speaker, can be proud of the Klein government for again setting the pace and setting a trend that other provinces follow. It seems that the wisdom of this transcends partisan lines, because we've got a Liberal government that followed us and lowered their taxes, another Conservative government followed us, and two NDP governments lowered their taxes also.

2:20

MS GRAHAM: Mr. Speaker, aside from personal income tax rates, I'm advised that the Saskatchewan budget also included research and development tax credits and a film tax credit and that the British Columbia budget introduced tax breaks for specific industries, and of course Alberta to some extent has been pressured to do the same. Will Alberta now target specific industries with tax breaks or tax credits in the foreseeable future?

MR. DAY: That's a pretty important discussion, Mr. Speaker. As you know, our policy in Alberta has been that we should offer a low, broad-based tax policy, low to all industries and low to all businesses. That's, in fact, what we do. Our tax rates are lower than other provinces on the business side, the capital side, and the industry side. Because other provinces are not able to offer that same broad-based low taxation policy to all businesses, what they're doing is getting into a bit of picking winners and losers in certain industries and choosing which ones they want to support.

However, that does have certain implications for our industry. For instance, the film industry in Alberta, for research and development in Alberta, that does have certain implications. The tax review committee is looking at those right now. As a matter of fact, Mr. Speaker, it has received a presentation from across the province from various industry groups who have some strong feelings on this particular issue. I would think that hopefully by maybe the end of April we will have some recommendations to look at related specifically to the film industry and to the R and D industry. We've told folks in both those industries that we are taking a look to see if there's something more that we could and should do besides offering the present low rates that we already offer.

MS GRAHAM: Mr. Speaker, my final supplementary is also to the Provincial Treasurer. Given the recent changes, then, in British Columbia, Saskatchewan, Manitoba, and also previous changes in Ontario, how does Alberta compare overall to the rest of Canada from a taxation perspective?

MR. DAY: Well, it's a comparison that is being done and being looked at carefully by Canadians right across the country, because as the workforce becomes increasingly mobile and transportable with transportable skills, people are able to choose where they want to live and still be able to conduct their business. One of the things that people and businesses look at is, in fact, the tax environment: in which province will they have the most money left over once they've completed their day's work or their month of work or consultant work or their hourly wage, whatever it might be? Increasingly it's becoming obvious to Canadians that Alberta is the place, the province in which to live if they want to have more money left over, more money in their jeans and in their wallets and their purses than any other province. As a

matter of fact, when you do the average of all the costs – and that includes health care premiums and personal income costs – when you weigh everything in on average, not only are we number one in the country in terms of lowest, but we pay 34 percent less than that Canadian average. So it's a very, very important advantage for Albertans.

Where we do have a concern, Mr. Speaker – we show up very favourably with other provinces, but when you compare our rate to the rate people pay in the United States, that is not that favourable. No provinces can stand up to that much lower rate, and in fact we are hearing that is resulting in some of our young and bright people moving to the United States, because though it's the least taxed here in Alberta, in fact they pay even less tax south of the border. So we need to take all of these things into consideration.

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

Seniors' Health Care

MR. BONNER: Thank you, Mr. Speaker. With only 78 beds Peace River already has a shortage of long-term care beds. Sixteen people are on a waiting list for long-term care beds. Citizens are worried that plans for the Peace River hospital complex call for only 50 long-term care beds, only two-thirds of what they have now. To the Minister of Health: with an aging population and a shortage of long-term care beds already, why is this government cutting the number of long-term care beds in Peace River?

MR. JONSON: Well, Mr. Speaker, some days ago the Minister of Public Works, Supply and Services and I had the opportunity to visit hospitals in the Peace River regional health authority area and also in the Mistahia area, and we were certainly giving priority to looking at the overall situation with respect to Peace River.

Mr. Speaker, subsequent to that visit, we communicated to the Peace River regional health authority that we are prepared to recommend funding of renovations and improvements to their major long-term care building in Peace River. This would maintain their long-term care capacity in Peace River. In addition to that, we have indicated approval to go ahead with the new acute care 30-bed hospital in Peace River. In addition to that, in discussions that we had when we toured the McLennan hospital in the southern part of the region, there is additional long-term care capacity there, and I think there are actually residents in Peace River that would be able to relocate there if necessary. We also visited the Grimshaw hospital to look at the capacity that could be accessed there. So we have certainly, I think, had a thorough look at it and are responding.

MR. BONNER: To the same minister, Mr. Speaker: given that home care for seniors is already inadequate, especially when night comes, what extra resources will be made available to the health authority so proper home care is available to vulnerable seniors 24 hours a day?

MR. JONSON: Well, Mr. Speaker, in my meetings at least in the area I did not have this particular problem identified to me. Perhaps it was to the Minister of Public Works, Supply and Services. I will certainly discuss that with him. But as we have indicated generally for the regional health authorities of the

province – and the Peace River regional health authority is part of the overall regional health authority system in the province – we are looking at the presentations they've made with respect to overall funding and assessing them.

MR. BONNER: To the minister responsible for seniors: will you intervene to obtain the necessary resources so that seniors in Peace River don't have to worry about bed cuts or the lack of proper home care?

MRS. McCLELLAN: Mr. Speaker, we've been working with seniors' groups in close consultation with the Ministry of Health on all of these areas. I would remind the hon. member that we are embarking on a study that will look at the impact of the aging population on our province's programs and policies. I would further remind the hon. member that the Minister of Health has indeed embarked on that study on long-term care needs, which is chaired by the hon. Member for Redwater. So I don't believe that it's required that I intervene. In fact, I would say that we are already way ahead on this subject. The hon. member perhaps is just a bit slow in catching up.

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

Day Care Subsidies

MRS. BURGNER: Thank you, Mr. Speaker. Agenda for Opportunity, which was presented in the House with our budget earlier this session, identified that our children and our families were an important component of the Alberta advantage. Many of our children and our families use our day care services, and recent announcements regarding changes to funding of day care create concerns for those families, for those children and, indeed, for the department that manages them. My questions this afternoon are to the Minister of Family and Social Services. With the changes being made to Alberta's day care system funding effective tomorrow, can you please identify the impact of these changes to the department's day care budget?

2:30

DR. OBERG: Thank you very much, Mr. Speaker, and I'd like to thank the hon. member for asking me this question. It's been getting kind of lonely down here for the past few weeks.

There have been a lot of things said in the media about cuts to day care. The hon. leader of the third party today went out to the media and said day care is being cut by \$4 million or \$5 million. What I'd like to do today in response to the hon. member's question is just show a document called the 1998-99 Government and Lottery Fund Estimates. Section 3.2.10 shows day care programs gross expense as \$60,594,000 in 1998-99. The comparable 1997-98 forecast was \$60,161,000. There are no cuts to day care. We have changed from operating allowance to child care subsidy, as I've said in this session at least five times. But to the hon. member: there have been no cuts to day cares in this province.

MRS. BURGNER: Mr. Speaker, I appreciate the hon. minister's comments. However, when there are changes, they often impact what parents pay. So can you please provide this Assembly with information as to what information parents have about these changes and what notices they've received?

MR. SMITH: Tell the whole story.

DR. OBERG: Well, again, thank you very much, Mr. Speaker. I certainly will.

One of the reasons that I did the five tablings today was to show the members of this Assembly what communication has been made to parents. On July 24, 1997, Child Care Subsidy for Low Income Parents Will Increase: this was the news release that started this program off. In the fall of 1997 we had a document entitled The Facts on Day Care Funding Changes. That showed exactly the increases in threshold. It showed that a two-parent, two-children family threshold would increase from \$35,000 net to \$42,480. That's almost a 20 percent increase from the threshold that we were doing. Spring of 1998: "Funding changes start in April." This was to let the parents know what was happening to day care. We then found that we had to boost the funds for infant care, and we put out another issue called Day Care Funding Changes, "Funding for Infant Care."

Mr. Speaker, another important aspect, if I may, is this weekend we launch the second ad campaign around the province, entitled Important Information for Parents. Today I even announced that in case that wasn't enough, the communication director is moving from Family and Social Services.

MRS. BURGNER: Mr. Speaker, in order to determine how the rubber hits the road, how many more parents will now be eligible for day care subsidies effective tomorrow?

DR. OBERG: Mr. Speaker, an excellent question. We had 8,150 people that were eligible for day care subsidy under the child care subsidy before April 1, 1998. Starting tomorrow there will be another 1,800 children per year. That's an increase of between 20 and 25 percent that will be eligible for child care subsidy. Another fascinating point with regards to this program is that prior to April 1, 1998, 77 percent of the children who were subsidized were on full subsidy, and 23 percent were on partial subsidy. Effective tomorrow 87 percent of the children will be fully subsidized, and 13 percent will be partially subsidized.

THE SPEAKER: I think we are going to now arrive at the last set of questions for this afternoon. It certainly was wrong. It was not a full moon last night; it was a new moon.

The hon. Member for Edmonton-Ellerslie.

Grizzly Bears

MS CARLSON: Thank you, Mr. Speaker. The Status of Alberta Wildlife report indicates that the grizzly bear is a species that may be at risk and detailed work is needed on their status. The government has been conducting a study to count these bears for many years yet has been unable to produce accurate numbers. Why does the Minister of Environmental Protection not oppose a moratorium on hunting these bears until he has more accurate numbers, instead of opening the hunting season tomorrow?

MR. LUND: Mr. Speaker, the fact is that using the same assumptions over time, we estimated along about 1980 that the grizzly bear population was somewhere around 500 animals in the province. We estimate today that it's about 800. But I think it's important to recognize that we are trying to get some more detailed information on the population of grizzlies. We are running a study in the southwest part of the province using DNA. Once we have those numbers, we'll be able to more accurately

predict what the numbers should be in the rest of the province simply because we know that the numbers of bears that are actually out there, using the DNA, will be below the actual number.

MS CARLSON: Well, Mr. Speaker, how can the minister legitimately use 800 bears, which is 200 less than his own provincial target, as the base for the provincial population, when you know that your staff and other visual sightings may be counting the same bear more than once, if they can even tell the difference between a grizzly bear and a black bear?

MR. LUND: Well, Mr. Speaker, I know that it's impossible to catch up to the bear and tag it and/or put some mark on it so you don't count it a second time. However, as I explained in the answer to the first question, the DNA work we are doing will make sure that we're not counting the same bear twice. But if the hon. member would please go and talk to some people who are in fact out in the back country, the number of bears that they observe gives you an indication of whether the population is going up or down.

We've had this hunt on for years, and the fact is that the grizzly bear population in the province of Alberta is increasing. It's increasing at a reasonable rate. So why would you stop the hunt when it has clearly been shown that the hunt doesn't have a major impact on the rate of increase of the species in the province of Alberta?

MS CARLSON: Mr. Speaker, every expert in this province says that the grizzly bear population is at risk and is not increasing. Why doesn't the minister properly address the habitat needs of these bears and the corridor requirements, which are something that he could control, and protect them instead of just going out and shooting them?

MR. LUND: Well, Mr. Speaker, you know, I've said it in this House before and I'll have to say it again: that kind of rhetoric really annoys me. That hon. member is saying that the experts in my department don't know what they're talking about, and I take exception to that. We have leading experts in the department, and they are saying that the bear population in fact is increasing. Those experts are telling me that we harvest about 12 animals a year, that three-quarters of those are male bears and do not affect the population. Furthermore, many of those bears are old, and they become dangerous. So in fact we don't believe that the hunt is having any major impact on the bear population.

THE SPEAKER: Okay. I guess we have to have one of these now and then. Just out of interest, there were still seven private members who did not have a chance to raise a question today. That should be considered.

head: **Members' Statements**

THE SPEAKER: We'll now move in the following order. First of all, the hon. Member for Calgary-Currie, followed by the hon. Member for Edmonton-Gold Bar, followed by the hon. Member for St. Albert.

2:40

HMCS Tecumseh

MRS. BURGNER: Thank you, Mr. Speaker. Seventy-five years ago on Saturday, May 31, 1923, it was announced that a half-

company of the new Royal Canadian Naval Volunteer Reserve would be formed in Canada. I want to acknowledge the kickoff of a very long celebration to recognize this significant anniversary. In 1935 the Calgary half-company was renamed the Calgary Division RCNVR and was authorized to increase its complement from 50 to 80 men. With the outbreak and early rumblings of war in Europe, when the hostilities broke out, our Calgary naval reservists were dispatched to Esquimalt within 24 hours in the year of 1939.

Recruitment resumed in 1941, and we had an influx of volunteers, accentuating the need to rebuild the facilities that were housing our reservists. In 1941 all naval reserve divisions across the country were christened and commissioned as ships. The Calgary division was christened the *HMCS Tecumseh* after the Shawnee Indian chief who had served with the British army and Canadian militia in the War of 1812.

Mr. Speaker, we know of the many historic events that occurred during that war and the number of soldiers and sailors who gave their lives; 4,143 men and 270 WRENs enlisted at *Tecumseh*. Of these, 52 were killed in action, including Lieutenant Robert Hampton Gray, the only Canadian naval serviceman to be awarded the Victoria Cross.

Mr. Speaker, I want to identify that in 1987 *Tecumseh* became the home of the 746 Communications Squadron as well as the sea cadet and navy league cadet corps. Again, in 1992 *Tecumseh* felt the need to assist with the pull of war, this time in the Persian Gulf. Many have assisted in missions of security closer to home. Most recently, several *Tecumseh* personnel were deployed to combat Manitoba's flood of the century and also provide security at the APEC meeting in Vancouver. Lastly, our ship the *HMCS Calgary*, which is named after a recommissioned ship, has served nationally for us in this capacity.

I just want to highlight the inauguration of their celebrations this year and urge all of you to visit their Naval Museum at *HMCS Tecumseh* in Calgary.

Thank you.

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

Independence of Judiciary

MR. MacDONALD: Thank you, Mr. Speaker. Recent events in this province have caused me grave concern about the confidence others have expressed in our justice system and the courts. I have great faith in our judicial system. Criticism of judicial sentencing is an understandable and justified response, but one must not forget that the judge is the person who was there. He or she has a duty to listen to and consider all of the evidence that is put forward in the presentencing report. It would be terribly wrong for the judiciary to act on the basis that decisions must respond to political favour. Decisions must be made free from the influence of political considerations. This is a very hard concept for some to comprehend, but it is one basic fact that has its origins in the *Magna Carta*.

Contrary to what other hon. members in this Assembly might think, the judiciary does not attempt to stifle public debate. An independent judiciary does not and should not feel challenged or threatened by this Assembly. No one should interfere with the integrity, fairness, and impartiality of our justice system. The role of the judge as an independent authority must be preserved and enhanced. However, the freedom of individuals to talk about different levels of government, their policies and practices is paramount to any idea of democratic rule. The freedom to

criticize and express opposite viewpoints has long been thought to be a protection against state oppression and nepotism.

Members of the judiciary have a public duty to be fair-minded, to put such claims to acute scrutiny, and most importantly, to treat everyone with even-handedness, irrespective of wealth or influence. This is what independence of the judiciary is all about and why it is so fundamental to the administration of justice.

There are always, Mr. Speaker, bad apples in any barrel. Sometimes there will inevitably be one among us who will say or do something that will undermine the public confidence in the judiciary, but these instances are aberrations, not the norm.

Thank you.

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

Loyal Edmonton Regiment

MRS. O'NEILL: Thank you, Mr. Speaker. As a member from the capital region I wish to bring to the attention of the House that tomorrow is the 90th anniversary of Alberta's first and oldest infantry unit, founded on April 1, 1908, as the 101st Regiment. After restructuring and name changes, it became better known by the title it bears today, the Loyal Edmonton Regiment.

This local militia unit has an estimable record of service to our country in frontline combat through two world wars, in which 1,310 of its members were killed. In the First World War the unit was known as the 49th Battalion and fought through the grim trench warfare of the western front, where two of its members won the Victoria Cross. In the Second World War the Loyal Edmonton Regiment fought in the invasion of Sicily, then in the Battle of Ortona on the Italian mainland, and finished the war in northwest Europe.

The regiment's citizen soldiers have also enriched the community through accomplishments in their civilian careers, which, for example, include one Premier of Alberta, one Leader of the Opposition, two justices of the Supreme Court of Canada, one Alberta trial justice, one Edmonton city solicitor, and a mayor of Edmonton who became a Canadian Senator, Major General William Griesbach.

The present-day unit continues peace-time militia soldiering by men and women voluntarily devoting their spare time to learning the skills required of soldiers against the possibility Canada may again have need for people trained in the art of war, however much we pray that that will never come about.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Edmonton-Glenora on a purported Point of Order.

Point of Order

Questions outside Government Responsibility Imputing Motives

MR. SAPERS: Thanks, Mr. Speaker. I'm rising citing *Beauchesne* 409(6), which reads in part, "A question must be within the administrative competence of the Government." I'm making reference to a question put from the Member for St. Albert to the Minister of Labour, in which in part the question sought the minister's opinion as to what unions might be on strike or taking job action against the Capital health authority. That came right after the minister had said that the Minister of Labour doesn't have a role in those wage negotiations that are going on between the Capital health authority and some of their employee groups. So I would have come to the conclusion independently that the

question was out of order, but certainly in rereading 409(6), it seemed to me that it clearly wasn't in the Minister of Labour's competence. He'd already said that he wasn't going to be interfering.

Then, Mr. Speaker, I would also like to refer you to Standing Orders 23(j), "uses abusive or insulting language," and (i), "imputes false or unavowed motives." The Minister of Labour went further than he should have in simply not answering the question because it was probably not within his area of competence. He went on to suggest that members of the Liberal opposition were somehow out of touch. I thought that was curious. I wouldn't want the minister to be leaving a misimpression with the House, but I don't recall seeing the Minister of Labour at any of the picket lines. I don't recall seeing the Minister of Labour at any of the Capital health authority meetings where myself and my colleagues have been. I didn't see him talking with members of the unions that have been out on picket lines, where myself and my colleagues were over the last few days. So I find it hard to understand how the Minister of Labour would know what it was that members of the opposition were up to. I also don't recall seeing him at any of our caucus meetings. So those comments as well were out of order and should be retracted by the minister.

THE SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Thank you, Mr. Speaker. In response to section 409(6). When I listened to the minister's response, I felt he was simply reporting which unions may be involved in the strike action, not indicating that as a department or himself he would interfere in that labour action. So I quite frankly don't see how the response nor the question was out of order.

Also, using the phrase "out of touch." I look at *Beauchesne*, and I can't seem to find it in there as being unparliamentary. In fact, I find the member to be a little sensitive. Perhaps it's the tie he's wearing today. Nevertheless, I think he should just let those types of things go.

THE SPEAKER: Hon. Member for Edmonton-Glenora, it's not appropriate to raise two points of order on the basis of one.

In terms of the administrative competence side, that's certainly a different interpretation than the one that the chair had, but perhaps the chair will listen more attentively to what goes on in the Assembly during question period. Today was one of those days when it was very difficult to hear exactly what was being said, and if the chair did miss a word or two, then I guess that seemed to be the scenario today. The noise that came did not come from one particular quarter; it came from all quarters of the House.

2:50

Secondly, the comments that you made with respect to Standing Orders and the comments made by the Government House Leader. Neither comment of either member seemed to play with what actually was said. So let me just read again into the record what was said. This is the hon. Minister of Labour.

Well, Mr. Speaker, I guess I want to say thank you for the question because it shows an Edmonton area MLA that's involved and concerned about the issue as opposed to the usual ramblings that I hear from other directions of the House.

Period. That's black and white. Unfortunately, the chair cannot make a ruling on innuendo or any other supposition. This is a statement of black and white, and as far as the chair can interpret

this, the ramblings could be from behind the Minister of Labour, this side of the House, and the like. There's nothing in here about Liberal MLAs or anything else with respect to that.

So thank you very much for again exercising your parliamentary skill with respect to another point of order.

head: **Motions under Standing Order 40
Day Care Subsidies**

THE SPEAKER: The hon. leader of the ND opposition on a Standing Order 40.

Ms Barrett:

Be it resolved that the Legislative Assembly urge government to reverse the cuts in operating allowances for licensed day cares due to take effect on April 1, 1998, negatively impacting tens of thousands of middle-income Alberta families, especially given the double standard with licensed family day home agencies, which continue to receive hefty administrative allowances from taxpayers.

MS BARRETT: Thank you, Mr. Speaker. I'll address the urgency of the issue without rereading the motion, as it has been distributed. The urgency is that tomorrow is the day that parents who, let's say for example, have three children will start paying \$1,500 a month to have their children in day care. This is a complete change from the funding policy that is in place as we speak today but will be changed tomorrow.

Currently, Mr. Speaker, for a child that is up to one year old, the operating allowance for the day care is \$160. As of tomorrow it's \$58. If you have a child over four and a half years old, the operator gets an allowance of \$48 per month. That's going to drop to \$17 per month as of tomorrow. There is \$4.5 million dollars being taken out of the operating allowances for child care, and this is a very dramatic change. I would point out that the administrative allowances for family day homes are remaining the same. So children up to three years old: for the first 10 children \$95 a month is paid; for all other children, \$63. For three years and over: the first 10 children at \$65 for so-called administrative allowance; \$50 for all other children beyond that 10. That is not being affected.

Now, as was pointed out to me today, it would appear, according to what the minister has had to say, that this should have little impact, particularly on day cares that have a high number of subsidized places. However, as the director of the Northland Daycare centre told me this afternoon, often the feeding and clothing of inner-city kids becomes the responsibility of the day care. Because the subsidies are subject to wild fluctuations because in the inner city you're in and out of the workforce constantly, they're having to take that out of their operating budgets. They're not going to have that money in the operating budgets as of tomorrow.

Finally, Mr. Speaker, I think this is ultimately the most important point of all in terms of urgency. In anticipation of what's happening – and the minister is right. He did say how many times it's been announced. He did. The message I think did get through to the parents, and they have been scrambling to go into what is now being called black market care for children. I think it's sufficiently urgent.

THE SPEAKER: Might we have unanimous consent to proceed with the motion as proposed by the hon. leader of the ND opposition? All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: The motion is defeated.

Prior to moving to Orders of the Day, might we revert briefly to Introduction of Guests?

HON. MEMBERS: Agreed.

THE SPEAKER: The hon. Member for Olds-Didsbury-Three Hills.

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

MR. MARZ: Thank you, Mr. Speaker. It's a pleasure to introduce to you and through you to members of this Assembly a friend and constituent from the county of Mountain View, who is seated in the members' gallery and who is apparently in town accompanying her husband, Ben, at the AAMD and C convention at the Edmonton Inn. I would ask Mrs. Ben Penner to rise and receive the traditional warm welcome of this Assembly.

head: **Orders of the Day**

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

**Bill 211
Legislative Assembly Amendment Act, 1998**

MR. SAPERS: Mr. Speaker, I'm pleased to offer Bill 211 for the approval of the Assembly at second reading.

The Legislative Assembly Amendment Act, 1998, is a very straightforward bill. What it would do is change the Legislative Assembly Act of Alberta, amend it so that there would be two sittings of the Legislature every year. The two sittings would not be at the whim of a House leader's agreement; it would be the law of this province. It requires a change to section 4, and that section would require that

one sitting of the Legislative Assembly must begin on or before February 15 and [the other] sitting must begin on or before October 21 in any year.

The subsequent amendment would be:

If the first sitting of the Legislative Assembly continues until October 21 then the requirement for 2 sittings in any year is deemed to have been met.

Mr. Speaker, when the current Premier was first elected in 1992, one of the things that he talked about was being open and transparent and bringing government closer to the people and streamlining and reducing regulation and red tape. He also said that it was very important that the government be seen, and he talked quite openly about having two sessions a year and speculated that perhaps there could be a legislative change. That was in 1992.

Subsequent to 1992, when only two parties made up the members of the Assembly, the Government House Leader at the time and the Official Opposition House Leader at the time sat down and drafted what I think is really an historical document in many regards. It was a House leaders' memorandum of agreement, which was binding on the Assembly, and that agreement

called for two sittings of the Assembly. So clearly there was some intent to follow through on the Premier's musings that this would be an appropriate thing to have happen in Alberta.

Albertans have come to expect openness and transparency from the government. Beyond that, they've come to demand it. Government can no longer get away with saying that it's here to help in doing the right thing; government must be seen to do its business in the open. People need to be able to reach their own conclusions about the actions and activities of their government, and the only way they can do that is if it is accessible to them. The best way to guarantee that it's accessible to them is by making sure the doors to this Chamber, which in and of itself is highly symbolic of free speech and freedom of assembly, are open to the public at a time when the members of the Assembly are called to order to discuss the important business of the province.

Mr. Speaker, the Legislative Assembly of Alberta has had in the past a rather checkered history of having two sessions, and its history of late of having only one rather short sitting is out of step with the rest of the country. We've heard as recently as today in question period questions put to the Treasurer, for example, asking where Alberta stands in comparison to other jurisdictions. A fair question. So it might be of interest to members of this Assembly to know where Alberta stands in comparison to other jurisdictions when it comes to the openness of government and the willingness of government to be held accountable through public sessions of the Legislature.

These public sessions of the Legislature are important for several reasons, Mr. Speaker. They're important, of course, because it gives private members in the Chamber an opportunity to hold the government accountable by asking them questions during question period. It's also important because it allows citizens of this province to bring forward petitions in the form of private bills. It is also important because it allows the people of Alberta an opportunity to fully appreciate how the government is putting into motion the vision that it has put forward in throne speeches, budget documents, television addresses, and election promises.

3:00

Getting back to where Alberta stands in comparison to other jurisdictions, it might be interesting to note that Saskatchewan in 1997 held two sittings of the Legislature. Manitoba in 1996 and in 1997 held two sittings of the Legislature; in Ontario, two full sittings of the Legislature in each of '96 and '97; Quebec, two sittings of the Legislature in '96 and '97; New Brunswick, two sittings in '96 and two sittings again in 1997; Nova Scotia, two sittings in '96 and '97. Prince Edward Island: I don't have statistics available for 1996 but certainly two full sittings in 1997. The only jurisdiction that did not have two full sittings of the Legislature in those years was British Columbia, and of course they were punctuated by an election. I think that with some of the shenanigans that are going on in that Assembly, we may not want to use that as a model in any case. Mr. Speaker, clearly there are eight other jurisdictions that rank far ahead of Alberta when it comes to making sure the government is open and accessible to the people of this province.

If the number of sittings in and of itself is not compelling, perhaps we could look at the number of sitting days. What you find is that in Alberta in 1997 we had 38 sitting days. In British Columbia in 1997 there were 82. Even though it was only one sitting, they still had clearly twice as many sitting days of the Legislative Assembly. In Saskatchewan they had 75 sitting days in 1997. In Manitoba they had 81 sitting days in 1997. In

Ontario they had 122 sitting days in 1997. Compare that to Alberta's meagre 38 sitting days. In Quebec, 79 sitting days; in Nova Scotia, 40 sitting days. Now, in P.E.I., Prince Edward Island, there were still 40 sitting days in 1997.

Mr. Speaker, the people of Alberta are being cheated out of openness and accountability by a government that refuses to be held accountable, to be called to order, and to debate its business in public. In the same time period that this government has had only 38 sitting days of this Legislature, they have passed nearly 300 orders in council, which have affected the lives of every citizen of this province and in some cases in very dramatic ways. The government has behind closed doors changed the regime for gambling and gaming activities in this province. They have changed the work routine for licensed practical nurses and for registered nurses. This government has made hundreds and hundreds of patronage appointments by order in council in between these sitting days and all the time have been saying that somehow they're caring and listening and being responsive when clearly the facts are against them.

There is really no excuse, Mr. Speaker, for not having this government called to order. Some would argue that it's an expense, that every day we're in session it's too expensive. Well, the marginal expenses that may have to be added – the hiring of *Hansard*, of pages – pale in comparison to the cost to taxpayers of not having an opposition on guard holding the government accountable for its excess. Imagine what has happened in the past when government has decided in its arrogance that it can run roughshod over democracy and make decisions outside of the Legislature. That has led to decisions that created the losses in Bovar, in NovAtel, in Swan Hills, billions and billions of dollars of losses without this government standing and answering tough questions in this Assembly.

Mr. Speaker, one jurisdiction in this country has taken the bold initiative of actually legislating two sessions. Even though eight of 10 last year had two and, in the past, nine of 10 have had two sessions a year, only Nova Scotia has actually passed a law that compels two sittings of the Legislature. If I refer to the Assembly debates of the Nova Scotia Legislature on Tuesday, September 21, 1993, I find the following quote, put forward by Mr. John Holm. Mr. Holm said that he thinks

that Nova Scotia is the first and only provincial [jurisdiction] in Canada that has such legislation if, in fact, this does pass and gets put into effect . . .

He was speaking to the proposed bill at that time.

. . . the only jurisdiction where there is an actual requirement in law that the Legislature meet at least twice per year.

If Mr. Holm was talking about the lowest rate of income tax in Canada, I wonder whether or not we would see the Treasurer, amongst others, leap to his feet and defend the honour of Alberta and say that it is important that we be number one in this regard as well. The fact that this government has chosen to maintain low taxes and symbolic tax cuts is very, very indicative of where this government's priorities are when it comes to the democratic process: the symbolism of a tax cut, which won't be of much benefit to most of my neighbours or most of my constituents, compared against the lack of democratic accountability. Mr. Speaker, it's not a trade-off that I feel very comfortable about.

Later on in the debate on the law that created two sittings of the Assembly in Nova Scotia, Alexa McDonough, who was then sitting in the Nova Scotia Assembly, had this to say.

I also think there is a certain logic to a practice that has been established in a number of other jurisdictions, I don't believe it has been built into the legislation, but a practice that there be one

session dealing primarily with budgetary matters and the other session dealing primarily with legislative initiatives other than budget.

Mr. Speaker, of course this is a logical way to proceed. All we have to do is look at the agenda that we are faced with today in this Assembly. We have just gone through a budget debate. Granted it was a very truncated and manipulated budget debate, not one as expansive as there are in several other jurisdictions, including British Columbia, where there might be in excess of 500 hours of budget debate, or in Ontario, where in addition to the dozens of days of budget debate, there are also approximately two dozens days of pre-session budget debate where the Treasurer takes it upon himself to travel the province and hold public hearings on the budget before it is brought into the Assembly. We're not talking about summits. We're talking about the actual budget that receives public scrutiny so that the members of the Assembly in Ontario can be informed by that public airing of the fiscal initiatives of the government.

Given that we don't have that structure here, Mr. Speaker, and what we have instead is a much more compressed budget process, the fact remains that we've just gone through that budget process, and now we are faced with a bill like Bill 27, which is a massive change that will affect Albertans for years and years to come. This bill, if it becomes law, will deregulate electrical generation and will affect the rate structure for years and years and years to come and is the type of bill that actually screams out for public consultation and discussion.

Now, the government may consult on broad policies for a number of years, but when they actually put together a bill, it's at that time that public attention can be focused on the actual content and the wording of the bill. So Bill 27 serves as a wonderful example of why we should have one session of the Legislature that focuses on the budget. After all, this province is a \$14 billion a year going concern, and every man and woman in this Legislature has been asked by their constituents to be accountable for how that \$14 billion plus is being spent. So we have one session that focuses on that, and then we have another session that focuses on the nitty-gritty legislation, the actual mechanics of government and the relationship that government would have with those who are governed.

The government would be invited to table its legislation after the budget, adjourn the Assembly, allow that legislation to be debated, allow for all-party input, have the government's own standing policy committees meet and encourage robust debate at that level, and then in the fall come back into the House and have the ability to have informed debate on those matters which Albertans have highlighted as being of significant importance. It seems to me that Albertans deserve no less of that informed debate than the residents of Nova Scotia enjoy in their Assembly.

Mr. Speaker, the Government House Leader in Nova Scotia back in 1993 had this to say.

I think most governments would not favour, if you will, two sessions of the House every year and being subjected to two periods of Question Period.

But, as I say, we made a commitment and the rationale here is that if we are going to provide better government to the people of Nova Scotia, then we have to be more accountable to the people of Nova Scotia and we are willing to take the step at this time to ensure that there are two sittings each year so that [all] members of the Assembly and the people of Nova Scotia, through those members, have the opportunity to put forth their grievances but also to demand accountability. That accountability will come in the form of questions but more importantly, as we see today, and perhaps what has lacked significantly in years past, there will

be more financial accountability. Perhaps if there had been more financial accountability throughout the years, then perhaps we would not find ourselves in the financial difficulties we are in today.

Mr. Speaker, this was said in the Assembly of Nova Scotia, but never could a truer word have been spoken in the Assembly of Alberta.

What is it that that responsible government has cottoned on to that this government seems to reject or ignore? What is it about the need for accountability that the government of Alberta refuses to embrace?

3:10

Mr. Speaker, I would suggest that question period is difficult for this government. They are forced to answer some difficult questions, and I understand their sensitivity and their desire to avoid the scrutiny that question period offers. But that's the price of admission. The voters of Alberta made a decision. They said: we want to have the Progressive Conservatives form the government, and we want to have the Alberta Liberal Party form the Official Opposition. That was the will of the people of this province. They never said: we want that government to ignore democratic principles, to ignore the precedents of this democracy, to run roughshod with their arrogance over the people of this province, and to ignore legitimately put questions about important public issues. That was never a feature of the election.

Just in case people will look at the government of Nova Scotia and say, "Well, that's somewhere back east, and it doesn't really matter," let me remind this Assembly of a certain Mr. Peter Lougheed. When Mr. Lougheed was first elected Premier of this province – and I believe it was a Conservative government even at that time – this is what was contained in his first throne speech, which I believe was read by Grant MacEwan at the time.

The "open government" concept will also be fostered by the decision of my government to call the Legislative Assembly into Session twice a year, beginning in this year, 1972.

Twenty-six years ago.

The addition of Fall Sittings will make my government more frequently accountable to the people for its decisions and policies. In addition, this reform will enable the expanding public business of the province to be handled more efficiently and expeditiously. Emerging problems and contemporary issues that call for debate should then receive greater public scrutiny, with less delay than has been the case in the past. Laws needing amendment will be changed more quickly, to serve faster and more effectively the needs of Alberta.

Mr. Speaker, if anything, the business of this province has become more complex in the last quarter century. If anything, the need for a government to quickly react to emerging issues has been made more acute. Look at what's happening in our health care system. We have already in this Assembly had to have an emergency debate on the deterioration of our health care system, not a debate that could await the pleasure of the Premier or of the government in calling this Assembly to order. Albertans deserve to know that their government is doing its job, is going to work, and is paying attention to the issues that are important to them. This was recognized in 1972, and it's no less important today.

I would like to further add the words of Mr. Lougheed himself, which are found in *Alberta Hansard* of October 25, 1972, when he sets out the objectives of what a fall sitting might be. He says:

I start my remarks today first of all in extending to members of both sides of the House a welcome back to the chamber, a welcome back although I think it's fairly clear from comments that I've heard from members on both sides that they have been very, very active in their role of M.L.A.

I'll end my quote at that point, Mr. Speaker, just to underline the fact that we all know that not all of the work we do as MLAs occurs in this Chamber. We know that the day-in, day-out work of meeting the needs of our constituents happens back home in our constituencies, but they do expect, when we're elected, that we put in the time here. Even our paycheques indicate that expectation. It's full-time money, and I think Albertans expect that they are electing full-time MLAs.

I'll carry on with my quote.

The sitting today, Mr. Speaker, as all members are aware is a historic one in Alberta. It is the first regular fall session. There have been incidents where specific fall sessions were held to deal with specific items, but in terms of commencing a series in a sequence of regular fall sessions, by way of general fall sessions, this is of course the first.

Unfortunately, it was doomed to be one of few subsequent to the election of the current Premier.

Now, Mr. Lougheed goes on.

The objectives of the fall session, I think there are a number of them. The first one, of course, is a public input into the legislative process. In my view, that is probably showing itself as the most effective reason for a regular fall session. I noted, for example, the question in the question period by the Member for Hanna-Oyen of the submissions that we received with regard to Bill 1 and Bill 2. It gives the public, in my view, an opportunity . . . to access legislation that has been presented in the spring, consider it and [then] make [subsequent] submissions.

THE SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. In 1866 a New York judge was heard to remark in his courtroom that no man's life, liberty, or property are safe while the Legislature is in session.

MR. SAPERS: But you don't like judges.

MR. HAVELOCK: I listened to you, hon. member, if you don't mind.

Those words, just as they did 132 years ago, hold true today. There is an unfortunate propensity, Mr. Speaker – and we're just experiencing it right now – for politicians to consume time. Despite limited audience appeal, we enjoy listening to ourselves. Twenty-minute meetings take two hours. Speeches are designed to fill some imaginable void with our musings about issues which few have either the stamina or interest to reflect upon. Such is certainly the case with respect to Bill 211.

So, Mr. Speaker, to avoid prolonging the agony of those in this House, including myself, I will succinctly outline why this bill should be defeated at second reading. Sittings do not equate to effective government. To better represent our constituents, we need to spend time with them. We need to listen directly to them. Espousing political philosophy in the confines of this building and trying to change the unchangeable, being in our respective positions, accomplishes little. Rather, it isolates us from what really matters to our electors.

Further, Mr. Speaker, the opposition should realize that being good at its job does not need the theatre or perceived glamour of question period to provoke debate on issues that concern Albertans. Legislative sittings do not equate to accountability. Thoughtful, well-researched arguments on important matters do. We should not ignore the commitment of this government to hold sessions if there is urgent legislation to address or issues requiring our immediate attention. The unity debate of last fall is a good example of such commitment.

Finally, Mr. Speaker, I can think of nothing more unconscionable than wasting limited taxpayer resources by having fall sittings because they are legislatively required, not because they are needed.

In conclusion, Mr. Speaker, if the sponsor of this bill and his colleagues find themselves with such an abundance of time that they feel compelled to support Bill 211, then as a first step I have a humble suggestion. Why not as a caucus improve your attendance record during those sittings which are actually necessary? If you did so, then you would likely find, as I do, Bill 211 to be an insult to your sensibilities.

Thank you, Mr. Speaker.

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

MR. MacDONALD: Thank you, Mr. Speaker. It's with pleasure that I rise to speak to Bill 211. I would like to congratulate the hon. Member for Edmonton-Glenora for bringing this bill forward. This bill is very necessary when we consider what is going on in this province.

I have been elected to this Assembly for over a year, and my attendance in this Assembly on the days that I have been permitted to come here has been 100 percent. I have not missed a day, Mr. Speaker. I certainly hope that continues, because I was elected to do a job, and in order for me to do my job, there has to be a fall session of this Assembly. I was honoured to be elected as a representative of Edmonton-Gold Bar. There were many people I met on the doorsteps who said: if we vote for you, you have to keep the government's feet to the fire. It's very difficult to keep the government accountable if there is no fall session of the Legislative Assembly.

Now, the hon. Member for Edmonton-Glenora, when he brought this bill forward – it was with trepidation, I would think, that he had to bring this forward – the idea was that we have to enact a law to have two sessions, to have open and accountable government. I can't comprehend why we would need this bill, but we do need it. It's necessary when you look at the Assembly here and look at the public view, the public confidence in the whole apparatus of government.

3:20

This morning, Mr. Speaker, I was in Private Bills. I have 100 percent attendance there as well. One of the hon. members in this House asked the gentleman who appeared before us from the Canadian Wheat Board: well, why are you so anxious this spring to come forward with your amendment? And the reply was simple: because we do not know if there will be a fall session of the Assembly, and we want to maintain competitiveness with other wheat pools in western Canada. I was astonished at that.

Mr. Speaker, if we are to look at the history of this province – and I would like to take all hon. members back to 1927, '28, and '29. These are the years leading up to the Great Depression and the economic calamity that not only hit this province but was worldwide in its repercussions. In 1927 perhaps we were asleep at the switch in this province; there was one session of the Assembly. In 1928 there was one session of the Assembly. In 1929, how many days did we sit? Thirty-four. In 1930 there was an exception; there was a two-day session in April of that year. In 1931 through to 1935, whenever the government had to take a very active role, there was one session of this Assembly.

I hope this year was not history setting for the government of this day, because there has to be open and accountable government, and you cannot do it in cabinet meetings or cabinet retreats.

You cannot do it at a Growth Summit. It just doesn't work that way. There has to be an exchange between not only members of the Official Opposition but the third party as well and government members. Eighty-three people, regardless of their views or their political party affiliations, all have good ideas. We all want to enhance and encourage Albertans to grow as this province ages and develops.

This idea that legislative sessions are a speed bump in the grand plan of things is unacceptable. It's unacceptable that you would even contemplate that democracy has a price. I would like to remind all members of this House of the comments that were made by an hon. member here, the late Grant Notley. I would like to quote from *Hansard* Mr. Notley's remarks regarding the reasons for a fall session.

Mr. Speaker, in entering this debate I want to make a few initial and general comments about the fall session. I personally feel that a fall session is worthwhile. I would, however, suggest that perhaps as we consider the approach to governing the province we might well make some more substantive changes and have a longer session in the fall. Perhaps we should spend a little less time in the spring, and concentrate more on the budgetary aspects and the estimates. I think it is very important that we carefully evaluate the estimates of each department and then, in the fall, place our emphasis on legislative proposals. I quite honestly suggest that we are a big province now. We are spending one and one-third billion dollars this year, and it is simply not good enough to run the province, as members of the legislature, on just [four] few weeks a year. We find this out with our very heavy legislative agenda, and I personally believe that for us to fulfill our responsibilities adequately we need to spend more time and not less time. The principle of the fall session is a good one, and is one that I personally support.

These are very wise words, and I would suggest that all hon. members of this Assembly pay heed to what Mr. Grant Notley said.

Mr. Speaker, this session and a fall session and the time between them could be used for quiet reflection on certain bills that have come forward. For instance, here in this session of note are Bill 21, Bill 27, and Bill 34. Bill 27, for instance: there needs to be a lot of homework done on this bill yet. I think there should be a consultation process throughout the province regarding this bill, and the time between the spring and the fall is a perfect time to do this. The Assembly can listen to what the public has to say about the legislative proposals that have been put forward here. There's no shame in listening to the public. That should not be a problem at all. A fall session will allow each minister to go around the province and gather information regarding certain legislative agendas that they are proposing. It shouldn't be a problem.

In closing, Mr. Speaker, before I cede the floor, I would like to say that I feel democracy has no price, and the idea that has been floated around – I believe it was a \$30,000 per day figure to run the Legislative Assembly. I just don't understand this. Democracy knows no price.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Leduc.

MR. KLAPSTEIN: Thank you, Mr. Speaker. It's my pleasure to rise and speak to Bill 211, the Legislative Assembly Amendment Act. This is a matter often alluded to by members across the way, so I am pleased that we have the opportunity to address this formally in the House today.

Bill 211, sponsored by the Member for Edmonton-Glenora,

proposes that we legislate two sittings of the House each and every year. There is no provision in this bill for the times it may not be necessary to sit more than once a year. Mr. Speaker, the reality is that we may run into situations where government legislation or urgent issues in the public interest will have already been addressed in one sitting of the Legislature.

Bill 211 simply requires this Legislature to sit twice per year, thus ignoring potential variances and timing of issues and relevance of legislation. To hold a session of the Legislature only because it is legislated is irresponsible and not cost-effective.

Mr. Speaker, the government has agreed to a more responsible approach. We have committed to holding a fall session when it is necessary. If there is an urgent matter, such as in December 1997 when we convened the Legislature for the unity debate on the Calgary declaration, or if there is pressing government legislation which needs to be addressed, we will hold a fall session. But I repeat: to legislate that we sit every fall, regardless of whether or not we have a need, is simply irresponsible.

Every province in Canada is required under the Constitution Act, 1982 to sit once every 12 months. The province of Alberta is bound by this legislation. Under the Constitution there is no obligation for any province to sit more than once a year. Surely, Mr. Speaker, if it was necessary to sit twice a year to ensure government accountability and democracy, the issue would have been addressed in our country's Constitution.

Alberta has accepted this obligation, and consistent with the Constitution Act, part 1, section 4 of Alberta's Legislative Assembly Act states that "there shall be a sitting of the Legislature at least once every 12 months." We are not doing anything new here. Historically, fall sessions are not the norm in this province. In fact, Mr. Speaker . . .

THE SPEAKER: I'm sorry to interrupt the hon. Member for Leduc, but the time permitted for this matter today has concluded.

head: Motions Other than Government Motions
3:30 **Tobacco Tax**

509. Mr. Tannas moved:

Be it resolved that the Legislative Assembly urge the government to reclassify the taxation per gram of smokeless tobacco products to the same level as cigars and cigarettes per gram of tobacco.

THE SPEAKER: Before I call on the hon. Member for Highwood, I would like to draw to all members' attention that according to Standing Order 39.1(1), Motion Other than Government Motion 509, which is shown on the Order Paper to have been amended, followed the appropriate procedure as outlined in the Standing Order.

The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Speaker. This afternoon I wish to focus on five elements of this issue. First, smokeless tobacco, or spit tobacco, is not harmless. Second, spit tobacco is addictive. Third, smokeless tobacco should be classified for taxation purposes at the same rate as cigarette tobacco. This reminds me of an argument put forward by the hon. Member for Vermilion-Lloydminster when his department changed the taxation on spirits, when he said: we were just taxing alcohol, and alcohol is alcohol. Well, tobacco is tobacco. Fourth, I wish to show clearly that the tobacco industry is targeting specifically children and young adults

with flavoured smokeless tobacco. Fifth, the tobacco industry clearly sees sugarcoated and flavoured tobacco sachets as initiation products, which are targeted for young people to become addicted to tobacco products.

Tobacco use is the leading cause of preventable death and disability in Alberta. In 1994 tobacco use was responsible for an estimated 3,214 deaths, or about 20 percent of the total deaths in the province. Smokeless tobacco products contribute to this epidemic.

Mr. Speaker, I want to note the industry use of the term "smokeless," because it's really a euphemism, similar to saying that someone passed away instead of that he died. Spit tobacco is not harmless, and using the term "smokeless" serves to gloss over that point.

Mr. Speaker, it's been demonstrated over and over again in numerous studies that smokeless tobacco greatly increases the risk of oral cancer and that it can lead to various other mouth, throat, and stomach disorders. For example, 40 percent to 60 percent of smokeless tobacco users develop oral leukoplakia, a type of lesion in the mouth which can become cancerous. I expect that other hon. members will elaborate on this issue in the debate. Suffice to say at this time, then, that smokeless tobacco use is certainly not a healthy habit.

The motion under debate seeks to reclassify the tax on smokeless tobacco products so that they are taxed at a rate which is equivalent to the tax on cigarettes. Numerous studies have shown, Mr. Speaker, that tobacco consumption is affected by price, and this is particularly true for young people.

Mr. Speaker, the widespread availability of spit tobacco products is a major motivation behind this motion. I know it would be ruled unparliamentary to show these spit tobacco products in the House, as they would be ruled out of order as props. However, if you could bear with me, I could use an imaginary bag of spit tobacco products.

First, take out the cans, and you could show the regular brands like Copenhagen or Skoal or Cougar. These contain the most nicotine and the most grams per tin. These varieties are preferred by experienced, longtime users of spit tobacco. Next, we could bring up another tin, or a series of them. We'd have flavoured spit tobacco, with products something like mint, wintergreen, cherry, cinnamon, spearmint, and so on. These varieties are the preference of only a few of the longtime users. Third, then, we have what are called Bandits. They come in the same size and shape tin as all of the other products I've mentioned. Bandits are small sachets a little wider and thicker than a stick of Trident or Dentyne chewing gum. Bandits are available in many flavours.

Finally, we have the flavour packs, or what are commonly known as kiddie cans. These are basically smaller versions of the Bandits but with one major difference. Flavour packs are sugarcoated. That is to say that each little sachet is sugarcoated, and they are flavoured with things like cinnamon - you can't tell the difference between it and Dentyne - mint, and many other flavours that make them smell and taste just like gum. All of these products come in identical shape and size round containers as the regular spit tobacco, only the kiddie can contains 25 of these sugarcoated sachets of tobacco.

Bandits and kiddie cans are commonly known as initiator, or starter, products and are spoken of as such by the tobacco companies themselves. Tobacco companies market these flavoured products specifically targeted for youth. Their goal is simple: to entice youth into using their products by offering flavoured varieties and therefore become new customers who have become

addicted to nicotine. Flavoured, smokeless tobacco is basically addictive candy. Flavours like wintergreen, mint, cinnamon, cherry, and spearmint may be gum flavours as well, but smokeless tobacco is not like gum. Smokeless tobacco is known to be unhealthy. Furthermore, it is clearly not a healthy alternative to smoking.

Mr. Speaker, my original intention with this motion was to see smokeless tobacco being taxed at the same rate per gram as cigarette tobacco, but after finding out about the sugarcoated and flavoured cheek pouches, I wouldn't mind seeing these types of products removed from Alberta's stores and their sales banned. However, that's beyond the scope of the motion today.

Mr. Speaker, the use of spit tobacco is growing at an alarming rate in Alberta in large part because of these initiation products. The problem is especially worrisome among Alberta's children. While the use of smokeless, or spit, tobacco by adults has remained relatively constant over the past 10 years, Alberta youth are now using smokeless tobacco at rates that are more than double the Canadian average. A recent analysis of tobacco use among Canadian youth shows that one in five, or 20 percent, of Alberta youths aged 10 to 19 have used chewing tobacco compared with only one in 12, or 8 percent, of other youths across Canada in the same age bracket.

Mr. Speaker, the rise in spit tobacco use in Alberta and really all across North America can be attributed in large part to the marketing and advertising strategies of tobacco companies. Tobacco companies have instilled the general perception that smokeless tobacco products are safe and socially acceptable. Although recent federal legislation now prohibits tobacco advertising, the effects are still evident.

Again, Mr. Speaker, the motivation behind this motion is to discourage adolescents from ever trying spit tobacco. Young people are price sensitive, and if spit tobacco products are less affordable, then young Albertans are less likely to begin using them. It is especially important that initiation products be less affordable so that young Albertans never begin the graduation process the tobacco companies hope for.

Mr. Speaker, I wish to acknowledge and to thank Joel Palmer for his assistance on this matter. I encourage all members of the Assembly to join me in support of this motion, and I look forward to the debate.

Thank you.

THE SPEAKER: I'm going to leave the chair for a few minutes, and I'm not going to call on the hon. Deputy Speaker to be in the chair, as this is a motion in his name. I'm going to call on the hon. Member for Calgary-Montrose to assume the chair.

Hon. Member for Calgary-*Buffalo*, please proceed.

[Mr. Pham in the chair]

MR. DICKSON: Thank you very much, Mr. Speaker. Always a treat to see a new face in the chair. I'll do my very best to not have to challenge the Speaker to make a whole series of rulings in the next few minutes.

I stand and speak in support of Motion 509. Mr. Speaker, one of the things we do in our caucus is that we have the chance to share ideas before we come into the House, so we're always able to make sure that the points of view that are important in the Alberta Liberal caucus are given full voice in this Assembly. Whether there are four of us in the Assembly or 18 members in the Assembly at any given time, I think Albertans want to know

that the points of view which are important to our caucus will be represented here.

When we look at this, Mr. Speaker, on the one hand, I think we've got a hopelessly unequal match. When you have somebody like Terry Bradshaw, the star quarterback for the Pittsburgh Steelers, and somebody like Bum Phillips, who was the coach of the Houston Oilers, promoting nonsmoking tobacco, I think: how many young people in North America have seen those commercials and seen those sports icons using chewing tobacco? On the other hand, we have the very courageous group involved with the Alberta Tobacco Reduction Alliance and plan.

I'm encouraged when I see a motion like 509 because it reminds me that notwithstanding the enormous pots of money that are available to tobacco manufacturers, notwithstanding the enormous kind of advantage they have in terms of speaking to the public certainly in Canada and throughout the continent, there's still enormous potential for well-intentioned citizens and small groups to make significant impact on what's determined to be something with a serious social problem.

3:40

Mr. Speaker, I think the point of this motion, the reason I can so readily support it, is that tobacco is tobacco. Whether it's tobacco smoked in a hookah or a water pipe, whether it's tobacco chewed, whether it's a cigar, or whether it's a cigarette, it doesn't really matter. It's still tobacco, with all of the noxious health properties and health hazards that go along with it. What this motion recognizes is that whether it's apple-flavoured tobacco or cinnamon-flavoured tobacco, it doesn't really matter.

Mr. Speaker, I'm indebted and I think my colleagues are indebted – we had the benefit, thanks to the Member for Highwood, of looking at a number of packs of chewing tobacco. I might add that I think the 18 members of my caucus represent diverse parts of this province and diverse backgrounds, but I think most of us were fascinated and surprised to see the way that chewing tobacco is packaged and marketed and presented. It was fascinating. I don't know how many times I've walked into convenience stores and I've never noticed this product. But when you look at the way it's cleverly designed in terms of packaging, in terms of aroma, in terms of taste to broaden the appeal of tobacco, I suppose that, on one hand, one can acknowledge the marketing genius that's always at work in those large tobacco manufacturers in the tobacco industry to expand the scope of their product. We have to recognize that it's driven certainly not out of a concern for the health of our population but rather out of a concern for generating profit.

So this is, I think, an excellent idea. My caucus has had the benefit of receiving a presentation from the sponsors of the Alberta Tobacco Reduction Alliance and plan, and I think we were impressed with the plan. Although this is private members' day and I'm not going to pretend to speak for my entire caucus, I think there was a lot of support in the Alberta Liberal caucus for the elements of the Alberta tobacco reduction plan.

Mr. Speaker, I think what's being put forward is in many respects a pretty innocuous proposition. The Member for Highwood has said: you know, there could be a far more aggressive strategy in terms of dealing with this. The Member for Highwood, consistent with his usual path of moderation and an even-tempered approach to legislation, has adopted what one might regard as a modest middle course in terms of dealing with tobacco reduction. All he's called for is that we ensure that with tobacco products, whether they're smoked in a water pipe, as I say, or chewed or smoked in a cigar or a cigarette, it doesn't

matter; the same kind of tobacco tax ought to apply. Really, who could argue against that?

So I'm going to be interested if there are some members in this Assembly who think this is unfair, unreasonable. I'd be interested in hearing their comments, but I'd just remind them that this is a very cautious element in the Alberta tobacco reduction strategy. I think there are many of us in this Assembly who would like to see us go much further, to be much more aggressive in terms of dealing with what is one of the most serious health issues that we deal with in this province and in this country.

If we want to talk about preventative health – and we've heard the Premier speak in this House and publicly outside the House about health strategies. I heard just the other day that there was a convention in Red Deer where members of the Progressive Conservative Party came to share ideas, and I understand, although this is only hearsay, one of the proposals discussed was trying to find ways to build rewards for Albertans who lead healthier lifestyles. It's a noble sentiment but a real issue in terms of how you manage to enforce that. What we're presented with here is a really concrete, modest, incremental, if you will, opportunity to reduce tobacco consumption, perhaps as a byproduct of it, or at least to ensure that the same level of taxation applies to all tobacco products.

Mr. Speaker, it's clear, when one looks at smokeless or chewing tobacco, that it's targeted to a youthful population. I think probably most of us have had the experience of noticing, sometimes distressingly, that if you drive by a high school in this province – certainly I know that in the city of Calgary I'm always astonished at the huge number of young people standing outside shivering, sometimes in minus 20 degree temperatures and, teenagers being teenagers, usually without jackets, standing there for the opportunity to smoke a cigarette. I've always been struck that despite all of the good evidence and the empirical data and health information available to us and to young people, smoking is still very popular, and the use of tobacco products is still very popular among youth. I think it's fair to say that they don't need an incentive in terms of a differential tobacco tax treatment. They don't need that sort of incentive, which would simply promote an expanded role for youth tobacco use.

So I think this proposal is one well worthy of support. I might just mention, because I'm not sure I heard the sponsor mention this, that the Alberta Tobacco Reduction Alliance is made up of a number of groups. This isn't a small number of people with pointy heads that have gone off to Mount Rundle and come down deciding that this is going to be the solution to dealing with reducing tobacco use and abuse. In fact, we have very credible constituent groups. We've got the Alberta Blue Cross. We have the Alberta Medical Association. We have the Alberta Cancer Board, the Nechi Institute, with a big focus on aboriginal addictions, the college of physicians in this province, the regional health authorities of Alberta, all 17 of them I understand, and the Canadian Cancer Society.

So the community speaks to us, members. The community speaks to us through these agencies and through these groups. I suggest there probably isn't a nonprofit organization in Alberta that has a broader base of support than the Canadian Cancer Society. When they come in front of us or to us as part of the Alberta Tobacco Reduction Alliance, they're entitled to our most careful consideration, and I'm confident that members in this Assembly would afford no less than their most careful consideration of the recommendation.

If we had the time and the opportunity, I'd be happy to go

further and say that we could do some compatible things to further this. We could address the \$6 million that the Alberta government has invested in securities with the largest tobacco manufacturers in North America. We could address the funding that's available to people dealing with health-related illness. We could address the question, as the province of British Columbia and the state of Florida have done, in terms of challenging those tobacco manufacturers and ensuring that they accept some responsibility for the enormous health cost that they end up off-loading on the taxpayers of the province of Alberta. I know the Minister of Family and Social Services has often talked about the responsibility we have to ensure healthier lifestyles. I would hope that this is a motion that not only receives strong support, not only receives enthusiastic support but receives unanimous support, because it warrants and deserves that kind of attention, Mr. Speaker, and I'm hopeful that people will give it that kind of significant attention. So I'll thank again the Member for Highwood for giving us this opportunity to join with him and with the Alberta Tobacco Reduction Alliance in this kind of a campaign.

Thank you very much, Mr. Speaker.

3:50

THE ACTING SPEAKER: The hon. Minister of Family and Social Services.

DR. OBERG: Thank you very much, Mr. Speaker. It's certainly a pleasure to get up today and speak to Motion 509. I must commend the Member for Highwood for bringing this motion forward. I think this is a very progressive motion, and I think it's something that will benefit all Albertans.

Mr. Speaker, the previous speaker talked about the Tobacco Reduction Alliance, and one of the issues that they've consistently brought forward is that quite simply if we taxed the categories of tobacco at the same rate, we would have enough money in the province of Alberta to run a very significant antismoking campaign that could make our health care costs go down. It would benefit the people of Alberta, and quite frankly it would reduce the incidence of lung cancer in Alberta.

It's one of those anomalies when you can go out and purchase smokeless tobacco, chewing tobacco such as Copenhagen, things like this, and actually end up paying a lower amount of tax per gram than if you went out and bought cigarettes. Cigarettes have seen the taxes go up over the past several years, and I think that is a positive step, despite the fact that I am against taxes going up. But in this case, this is an incentive not to smoke. So this is one of the few cases in which I am in favour of taxes going up because it does work as a deterrent for people who smoke.

This has been demonstrated time and time again across Canada. In eastern Canada when the tobacco tax was dropped, what happened was the amount of people that smoked went up. So certainly it is a significant deterrent.

Should smokeless tobacco be taxed at a rate higher than cigarettes? The answer is no, but it should be taxed at the same rate. It makes absolutely no sense to tax it at a different rate. Mr. Speaker, I think it's incredulous that this has occurred. This is what the Tobacco Reduction Alliance has stated: if you took this money and put it towards an antismoking campaign, it would benefit all Albertans.

Mr. Speaker, I don't need to stand here and spout on for 20 minutes as other speakers have. I think it's completely legitimate. I'm positive that everyone in this Assembly will see the wisdom behind this motion, and I think everyone else should have a chance to speak. It's something that you know and I know

benefits the people of Alberta. It will decrease smoking. It will aid in stopping smoking. So I find this motion self-evident, but again I must congratulate the Member for Highwood for bringing this forward.

Thank you.

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

MR. MacDONALD: Thank you, Mr. Speaker. It is a pleasure to rise this afternoon and speak to Motion 509. I would like to also offer my congratulations to the hon. Member for Highwood for bringing this forward.

I can recall a couple of weeks ago at our caucus table three cans that were sitting on the corner of the table. I had no idea. Then they came around in my direction, and I was astonished to find out that this sort of marketing was being used to attract young people to this product in this province. We had a little test, and I would like to thank the hon. member for providing us with that sample. It certainly was an excellent sample to help explain his motion.

Now, the highlight of his motion as I see it, Mr. Speaker, is to "urge the government to reclassify the taxation per gram of smokeless tobacco." Currently I understand it's 4 cents per gram, and this level of taxation should come to the same level as cigarettes per gram of tobacco.

I certainly support this motion if the intent is to use the increased revenues from this smokeless tobacco, which could reach up to \$15 million annually, to develop effective strategies for tobacco control and reduction of tobacco consumption not only by young people but by all Albertans. I would think the government should revisit the strategies outlined by the Alberta Tobacco Reduction Alliance during the fall of 1997 in such areas as tobacco for youth, clean indoor air, healthy and safe workplaces, and support for tobacco users who want to quit.

Now, smokeless tobacco products, besides the sample that was graciously provided to us, include two main types: chewing tobacco and snuff. The only individuals I know who use snuff these days are engineers on the railroad. They use it as a means of keeping them awake at night. They pull that from their overalls' pocket, and they have a little bit. Apparently it keeps the engineers alert at the controls of the diesel locomotives.

These products are made from dark or burley leaf tobacco. Most smokeless tobacco is grown in Kentucky, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin. I had no idea, Mr. Speaker, that there was a tobacco industry in Wisconsin. I thought they just made cheese, lots of cheese, but apparently they make smokeless tobacco products as well.

People who use chewing tobacco have a habit that's better suited for outdoors and outdoor activities. I can think of two groups of people that young Albertans would look up to who use this form of tobacco, and that is the rodeo hands, the cowboys – they use a lot of tobacco, and they're certainly looked up to – and also the professional baseball players, some of whom will be down here at John Ducey park very soon. These are role models for Alberta youth. I think we have to be very careful how we select our role models and what our role models do. This is something that young people look at and that they will try to emulate, Mr. Speaker, and we have to be very, very careful of this.

Now, the current provincial tax rate for smokeless or cut tobacco products in Alberta, as I said before, is 4 cents per gram

of tobacco. If you add the federal excise tax, that's an additional \$2.13 per 200 grams. The federal excise duty is an additional \$3.67, and the 7 percent GST – these prices keep adding and adding, and soon we're looking at a price of \$26 and change for a can. This is very expensive. The money perhaps could be better spent elsewhere. But whenever we compare this level of taxation to the level for cigarettes – if you have the equivalent number of grams of tobacco for cigarettes, it comes close to \$40, Mr. Speaker, and that's significantly different. So if the taxation levels were higher, perhaps the youth of this province would be carrying around something else in their pocket besides a can of snuff.

DR. WEST: That's totally irrelevant and has been since the history of man began. You know it. The forbidden fruit. You can always find the comfort of forbidden fruit.

4:00

MR. MacDONALD: Mr. Speaker, if the hon. member across the way would like to take part in this debate, he's quite welcome to speak regarding this Motion 509.

The Alberta Liberal caucus – and I'm a member – intends to support this motion. It is viewed as a component in the development of effective strategies for tobacco control and reduction in tobacco consumption in Alberta rather than as a way for the government to boost taxes to deal with potential revenue shortfalls. Our support for this motion, as I said before, is contingent upon the fact that \$15 million in additional revenue collected from raising the provincial tax rate on smokeless tobacco products be dedicated to initiatives presented by such groups as the Alberta Tobacco Reduction Alliance. These are very important initiatives, and we will see what comes of it, Mr. Speaker.

With those few short remarks on Motion 509, Mr. Speaker, I would once again like to cede the floor to one of my hon. colleagues. Thank you.

THE ACTING SPEAKER: The hon. Member for Drayton Valley-Calmar.

MR. THURBER: Well, thank you, Mr. Speaker. I rise today to speak to Motion 509, which urges the government of course to reclassify the taxation of smokeless tobacco to the same level as cigarettes per gram. I support the intent of this motion, because I believe it is one step, particularly in discouraging young people and the youth of Alberta in the use of smokeless tobacco.

Mr. Speaker, tobacco use in Alberta is a serious problem. After many years of declining tobacco use, tobacco consumption in Alberta has risen, very much so and disproportionately, just in the last few years. The increase in smokeless tobacco users has occurred almost entirely because the youth consumption has been increasing rapidly, and a very important point of this whole motion is to try and get it away from the youth and get away from starting people at a very young age on an addictive habit.

Mr. Speaker, Alberta has the highest rate of smokeless tobacco consumption in all of Canada. This is partly because smokeless tobacco is often associated with the cowboy lifestyle, which is so common in and important to Alberta. Smokeless tobacco use is something which seems to go hand in hand – you talked about railroad engineers. I've been around cowboys and oil workers in the oil patch most of my life, and it's very seldom that you see people in the oil patch or around rodeos, bull riders and bronc riders and all the rest – they've got to have their can of Copenhagen. I guess as an adult that's their choice, whether they decide

to chew tobacco or smoke cigarettes or whatever they want to do. But it's the children that worry me.

Another reason for the recent increase in smokeless tobacco in Alberta is because teenage Albertans are beginning to consume smokeless tobacco at alarming rates. There are several reasons which may explain this recent rise in youth consumption, but, Mr. Speaker, I'm not totally sure that affordability is the main concern with the youth of today. I know many people who were going to quit smoking when the price of cigarettes went to a dollar a package, and I think you could find some in this room if you looked around a little bit. They are now at about \$5 a package, and these good folks are still smoking and contributing heavily to the tax revenue. I would rather see an education process where it clearly points out the addictiveness and the health problems that result from the use of these products. As I said before, I'm not sure that the cost of smokeless products is high enough to discourage youth from buying the products, and I'm not sure it would anyway. But I do support the intent of this motion, because it's one step in that direction.

Mr. Speaker, another reason that youth consumption of smokeless tobacco is rising is the recent availability of initiation products. The hon. Member for Highwood mentioned the kiddie cans of smokeless tobacco which are marketed to be attractive to children and the very young people that have access to them. We all know what children are like in a candy store. Most every youngster I can think of certainly has a sweet tooth. The kiddie cans exploit this fondness for sweets that is so common among children and, let's be honest, adults as well. The hon. Member for Highwood had some samples here the other day, and basically they were just like eating candy. Once you get that taste and become addicted, then you're hooked for the rest of your life. Another reason why more Albertans are using smokeless tobacco is because tobacco companies are creating the impression that smokeless tobacco products are not harmful and that they are socially acceptable.

In recent years legislation aimed at reducing cigarette consumption, such as prohibiting smoking in public places, has also prompted many people to quit smoking, but because they are addicted to nicotine, they change the product. They go to some of the smokeless tobaccos, and they're able to use them in any kind of surroundings.

Tobacco companies have tried to create the illusion that smokeless tobacco is a safe alternative to smoking, but, Mr. Speaker, that's simply not true. Smokeless tobacco can be just as unhealthy as smoking. Smokeless tobacco is clearly not an accepted alternative to cigarette smoking, particularly for the youth. It is time that Albertans be alerted to this, and this motion is a step towards promoting that awareness and discouraging smokeless tobacco consumption.

Mr. Speaker, a good example of the ill effects of smokeless tobacco and a response to these ill effects comes from major league baseball. I was driving back to the city here a few weeks ago, and I heard a program on the radio where they talked about baseball and the major problem they have with chewing tobacco amongst their ranks. Now, major league baseball finally realized that not only were the players suffering illnesses from smokeless tobacco use, but also by using smokeless tobacco, they were not serving as an appropriate role model for the children and the youth of North America.

One real strong example of this comes from Len Dykstra, an outfielder for the Philadelphia Phillies, who says that he started chewing tobacco because his hero, hall of fame infielder Rod

Carew, chewed tobacco. Now Carew is an advocate of the national spit tobacco education program and blames major oral problems on his years of spit tobacco. Dykstra, on the other hand, is addicted and has been unable to quit.

Mr. Speaker, another even more compelling example is the case of Brett Butler – and this was the one that they talked about on the radio – a centre fielder for the Los Angeles Dodgers, who was diagnosed as having cancerous lymph nodes in his neck attributed to his prolonged use of smokeless tobacco. Butler's cancer put a face on the fight against smokeless tobacco just as Magic Johnson did for AIDS. Examples such as these demonstrate the harmful effects of smokeless tobacco and how role models can influence youngsters.

Spit tobacco is often associated with a particular lifestyle, although not always. I talked about the different lifestyles where it's very predominant, in the rodeo and in the oil patch and the bull riders and the cowboys and things like that and the farmers. For different reasons they've taken up this habit. Maybe it's because of too much dust. Maybe they can't smoke in certain areas and don't want to smoke, and they've taken up these other addictive habits.

Mr. Speaker, this motion is a good way to make Albertans more aware of the damaging effects that can result from extended use of smokeless tobacco and to discourage smokeless tobacco use by young Albertans. Those are the ones that I'm concerned about. As I said before, if you're an adult and you choose to smoke or you choose to chew tobacco or you choose to smoke cigars or a pipe, that's your business, but when tobacco companies are obviously targeting the very young people in this country and trying to get them addicted before they even reach the age of majority, that's wrong. It's wrong; it's wrong.

Mr. Speaker, I will close by saying that I support the intent of this motion, as I said before, but I do not believe that cost or increased taxes will totally do the job. It won't do what's intended by this motion. There still needs to be a comprehensive education process and a complete ban on kiddie packs and products that try and bring children into this and have them become addicted at a very young age.

Thank you, Mr. Speaker.

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

MS OLSEN: Thank you, Mr. Speaker. I, too, rise today to speak to this motion and in support of this motion. I had the opportunity of going to school in Louisville, Kentucky, and have toured tobacco plants and have an understanding of how the produce is grown and how the money is made in that particular state from the sale of tobacco. It's a major industry. It's actually an unappealing environment to be in when you're around the tobacco factories that are in downtown Louisville, Kentucky, and certainly out in the country areas around the state where they indeed grow the produce.

4:10

My concern for the particular smokeless tobacco issue is certainly around the issue of marketing to children. We've seen the demise of advertising gimmicks like Joe Camel. I can't remember what particular brand of cigarettes Joe Camel was supposed to be advertising, but Joe Camel was intended to attract teens. That is indeed what happened. With a lot of pressure from the public, Joe Camel is now in the deepest, darkest holes of the camel kingdom. I'm a little concerned that we have a product

now that certainly is marketed towards our youth. It's certainly appealing for our kids. Many of the other members here have spoken to the actual impact this product has on our youth when they indeed are looking at their role models and their role models are users of certain products, in this case tobacco.

As a matter of fact, as a police officer when I would arrest youth, I would search them. That became one of the trends. These kids would have these packages of tobacco on their persons, and it became noticeable probably around '92, '93. That's when this whole spitting tobacco kind of epidemic seemed to start. That's when I noticed kids carrying this and for the life of me couldn't understand why. But it was cheap. It was cheaper than the average pack of cigarettes. They seemed to think it was kind of a novel thing. It was a trendy thing to do.

Certainly we know through the marketing at the rodeos and at the ball fields that Copenhagen and Skoal are advertisers. They support rodeos. They support the baseball industry. But they are also contributing to some health problems with our children and putting these kiddie tobaccos in, as the hon. Member for Highwood showed us. I had no idea of the extent they were marketing to kids, and I'm actually very appalled. Indeed, I would like to see that particular product taken right off the market. I certainly would support any effort for that.

If the intent of this motion is to redirect the increased revenues of the tax increases on cut or smokeless tobacco, as it's known, towards tobacco control measures and reduction strategies, then I certainly would endorse that and support that. I as a member of the Liberal caucus have consistently supported the nonsmoking position. That's for health reasons, and this certainly impacts our youth as well. I know that many of the public health nurses have also brought forward this concern to the schools and are doing some work in the schools. However, we do see a reduction in those types of preventative programs and money available for those programs. I think those should be high priorities. If we're going to talk about prevention and education in the schools, we should be looking at those particular issues.

I'm also a believer in a comprehensive tobacco control strategy which would limit youth access to tobacco products. I do know, actually just prior to leaving the Edmonton Police Service, that there is a federal enforcement group that specifically does try to target the underage users and sellers of tobacco to youths. I'm happy that's occurring, but I'm not sure it's doing the job we'd like to see and or that there are a great number of apprehensions from that program. So any increase in tobacco taxes I certainly would support, but I would also support money being directed to the control of and the education about the particular products so that our kids in the schools understand what the effects are, the health consequences, of using tobacco.

With that, I will cede the floor to another member.

THE ACTING SPEAKER: The hon. Member for Calgary-Cross.

MRS. FRITZ: Thank you, Mr. Speaker. Before I speak to Motion 509, I'd like to take a moment to compliment you on your first time in the chair. It's great to see a colleague who's adjacent to my riding – and it suits you, I must say. It's good to see you there.

Mr. Speaker, I'm going to just speak very briefly to this motion. I think it's been well debated. We've heard a great deal of support for the motion. I know that when the hon. Member for Highwood came and asked me if I would speak to the motion, I was quite surprised. I didn't know that they sold smokeless

tobacco products in kiddie packs and what's been put forward here. He was very passionate about it, actually, when he spoke to me, because it was just so outrageous. He said that this is a smokeless tobacco product that is harmful and that the people that it's harming are our youths, that this is an initiation for our youths to smoking and that what tobacco companies are hoping for is that our youths will actually graduate to smoking full tobacco products. I was also surprised to learn that this particular product contained over 2,000 chemicals and that the small packages it's sold in are easily accessible. As we said earlier, it's flavoured with flavours that are enticing to our young people, especially because it's coated with sugar, and that on its own of course means the product itself is not distasteful. Of course, the product is affordable.

[The Speaker in the chair]

More importantly, Mr. Speaker, we can't ignore the fact – and we say it often. We know it's true. But our young people with their invincibility don't seem to understand it. Perhaps that's where, as the hon. Member for Highwood mentioned, education in this area will assist. They don't seem to understand the true power of addiction and what that really means, that addiction will lead directly to death through cancer and that the high blood pressure they may get from using this product can lead to death as well. Also, it's quite outrageous when you read the statistics to know that this particular addiction, the tobacco addiction, causes more deaths than those that are directly related to other drugs, to car accidents, to homicide, to AIDS, to all of those combined. When one of the hon. members mentioned earlier that our province is one area where this product has the highest usage, that certainly let us know the seriousness of the issue that the hon. member has brought forward.

Mr. Speaker, I would like to say in closing that the intent of the motion is admirable and that the initiation products are dangerous to young Albertans. I really believe this motion is a very sincere attempt to discourage young Albertans from ever trying this type of tobacco. More importantly, it also promotes public awareness of the dangers of smokeless tobacco products. I know I'm giving this motion full support, and I've heard that other members of the Legislature are as well. So thank you, hon. Member for Highwood, for bringing it forward.

Thank you, Mr. Speaker.

4:20

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

MRS. SOETAERT: Thank you very much, Mr. Speaker. I'm pleased to be able to have a few minutes to speak to this motion. I support it, but I have some concerns that it won't do what the hon. member wants it to do. I know that when something costs more, we think twice about purchasing it.

I know that in high school now in parts of the province it's cool if your back jean pocket has, you know, the markings of carrying a can of chewing tobacco. You're cool if you have that mark. Maybe they don't even chew it as much as they carry it around in that back pocket to be cool, but the addiction to that is very serious. I know this is on the rise. That's why I'm supporting this motion.

But I'd have a level of comfort if there was a commitment of the money that this government gets from the sale of that tobacco going directly back into education, advertising the ill effects of it

for example. You know, the impaired-driving commercials are very, very powerful. It's all well and good to raise taxes and to ask people to pay more – and maybe they'll think twice about purchasing it – but in reality if they haven't learned anything by it, I don't know what we've gained.

I heard the Member for Drayton Valley-Calmar say that education is the answer. Well, where do you think kids get educated? At home and at school. At the rate we're cutting school budgets, when do you think these programs are going to be taught? [interjections] Now the Minister of Education is having a little snit fit again because he finally started paying attention. I would venture to say that every time we say this should be dealt with through education, put your money where your mouth is. I would love to see a commitment that this money raised from the increase in taxes went directly back to health programs in school, to advertising against chewing tobacco, et cetera. But just to raise taxes to throw into a pot to do with whatever, I have some problems with that.

If there was a commitment – and I know the member can't commit that. I know this is a step in the right direction, but certainly, then, it has to get to the front bench, where we say: okay, if we're going to raise taxes, I want this money directed to those high school kids who are chewing tobacco. Younger than that, junior high . . .

AN HON. MEMBER: This is a motion.

MRS. SOETAERT: I realize it's a motion to urge the government. Hello. I've spoken to more of these than you have.

But I also want a commitment that . . . [interjections]. I love to wake them up, Mr. Speaker. They have the opportunity to speak as much as I do. I love to wake them up regarding the issue of putting your money where your mouth is. If you're going to say that these kids should be educated, then put the money into those programs.

I guess I support the notion of raising the cost of these because it may be a bit of a deterrent, but I'm afraid it isn't the deterrent that would really make a difference. No doubt, the deterrent is in educating young people about the ill effects of chewing tobacco. They probably don't realize just how bad it is for them. What we save in prevention, we will save in health care costs.

Mr. Speaker, I do support this motion, but I also want all members to know that just raising taxes is not the answer to this. It's a step, but certainly educating children, spending money on advertising, spending money on health programs in the schools – I mean, how much do you want them to do? If you want them to educate them on aspects of health, they have to have the money to do it.

So, Mr. Speaker, I do support the motion, and I'm sure many other members now will be urged to their feet after hearing my comments. Thank you.

THE SPEAKER: Hon. members, under Standing Order 8(4) I must put all questions to conclude the debate on the motion under consideration. Before the attention of the hon. members is Motion 509, as proposed by the hon. Member for Highwood.

[Motion carried]

THE CLERK: Under Motions Other than Government Motions, Motion 510, Mr. Marz.

THE SPEAKER: The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Speaker. On a point of order. I wonder if I might seek unanimous consent of the House to waive Standing Order 8(2)(c), with respect to scheduling, and if we might move to Government Motions at this time in light of the fact that the hon. member would only have three minutes to speak. It might be fairer to this member, on behalf of all members, to allow him to present his motion in its entirety a week from today.

THE SPEAKER: Hon. members, under Standing Order 8(2)(c) it's required that Government Motions or Government Bills and Orders shall be called. Because of the time, the hon. Member for Medicine Hat is asking that we waive the current Standing Order so that we might be able to proceed to the next item of business. As far as unanimous consent, are all members in favour of this motion as put forward by the hon. Member for Medicine Hat?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? So ordered.

head: **Private Bills**
head: **Second Reading**

Bill Pr. 1

Tanya Marie Bryant Adoption Termination Act

THE SPEAKER: The hon. Member for Calgary-Lougheed on behalf of the hon. Member for Calgary-Fort.

MS GRAHAM: Yes. Thank you, Mr. Speaker. On behalf of the Member for Calgary-Fort I now wish to move second reading of Bill Pr. 1, Tanya Marie Bryant Adoption Termination Act.

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

MRS. SOETAERT: Thank you very much, Mr. Speaker. I've spent a few years on the Private Bills Committee, and as these bills come forward about people wanting to change their names or disassociate with past relationships, I don't think it's fair that they have to come here. I think for many it's heart-wrenching or bitter or, at the very least, very difficult. Maybe as legislators and maybe as government people – I know those of you in Private Bills, and we've discussed this before – we should really address that type of legislation. When people are adults, certainly they can make those kinds of decisions about their lives without having to present before this Assembly. That's just my humble submission on those kinds of private bills that continue to come forward. Thank you.

THE SPEAKER: The hon. Member for Calgary-Lougheed to close debate on behalf of the hon. Member for Calgary-Fort.

MS GRAHAM: Yes. I move to close debate.

[Motion carried; Bill Pr. 1 read a second time]

Bill Pr. 2

**Innovative Insurance Corporation
Amendment Act, 1998**

THE SPEAKER: The hon. Member for Leduc.

MR. KLAPSTEIN: Thank you, Mr. Speaker. I move second

reading of Bill Pr. 2, the Innovative Insurance Corporation Amendment Act, 1998.

Passage of this bill along with an amendment that has been agreed to by the petitioners will increase the capital requirements for licensing of the Innovative Insurance Corporation by the superintendent of insurance from \$1 million to \$3 million to comply with the present Insurance Act and extend the time that Innovative Insurance Corporation will have to raise the required capital a further period, to within two years from June 26, 1998.

I would encourage all members to support second reading of Bill Pr. 2.

[Motion carried; Bill Pr. 2 read a second time]

Bill Pr. 4

Millennium Insurance Corporation Act

MRS. TARCHUK: Mr. Speaker, I move second reading of Bill Pr. 4, Millennium Insurance Corporation Act.

This bill has been recommended by the Standing Committee on Private Bills, having met all basic formal requirements, and I would encourage members to support it.

[Motion carried; Bill Pr. 4 read a second time]

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

4:30

Bill 34

Municipal Government Amendment Act, 1998

MR. KLAPSTEIN: Mr. Speaker, the Municipal Government Act is one of the most important pieces of legislation in Alberta. It sets out the framework within which the province's municipal authorities operate and, in so doing, affects the vast majority of Albertans. The government acknowledges the key role of the Municipal Government Act and is firmly committed to ensuring the act's continued viability and relevance.

The current act, which was enacted in 1994, has already been enhanced by amendments passed in 1995, 1996, and 1997. Albertans can be proud of the fact that other provinces frequently look to the Municipal Government Act as a model when considering revisions of their municipal legislation. Various stakeholders have raised some concerns related to the act, and the government has concluded that a number of changes are appropriate if the Municipal Government Act is to maintain its effectiveness in meeting the present and future needs of Alberta municipalities and their residents.

The purpose of Bill 34, the Municipal Government Amendment Act, 1998, is to improve the act by streamlining administrative processes, enhancing equity and efficiency, and responding to procedural gaps within several general theme areas, including municipal governance, assessment and taxation, manufactured homes, assessment appeals, planning and development, freedom of information and protection of privacy, and housekeeping items.

Let me begin in the area of municipal governance. A number of financial and administrative issues have arisen which can only be resolved legislatively. For example, amendments have been prepared to allow a council to pass a bylaw to set fees related to the hire of taxis and limousines, to allow municipalities to enter into maintenance agreements with third parties regarding former forestry roads, to allow the minister to intervene when a municipality is required to hold a by-election but fails to do so within 90 days, to require a council to provide an annual written perfor-

mance evaluation of the chief administrative officer and require the chief administrative officer to advise council in writing of its legislative responsibilities, to exempt road closures from petitioning provisions since the legislation already requires that road closures be advertised and a public hearing take place, and to repeal some restrictions related to borrowing and loans and guarantees which are already provided for in the debt limit regulation.

In the area of assessment and taxation the amendments will accomplish two things. They will implement some of the recommendations of the nonprofit tax exemption review committee and clarify other assessment and taxation procedures.

Mr. Speaker, the first matter I will deal with relates to the recommendations of the review committee. The proposed amendments, which implement some of the committee's recommendations, include treating agricultural societies and community associations in a similar fashion, allowing any municipality to enter into a tax agreement with a taxable professional sports franchise under which the sports team would pay a defined amount in place of property tax, excluding a nonprofit organization from business tax if the organization is exempted from property tax, clarifying that any part of an exempt property that is licensed under the Gaming and Liquor Act would be taxable unless the licence is a class C or a special-event licence such as for a weekly bingo or a wedding in a community hall, allowing municipalities to make exemption of a facility owned by a nonprofit group conditional upon an agreement over any disposition of the property, and allowing municipalities to cancel by bylaw all or part of the tax on any property held by charitable or benevolent organizations, agricultural societies, and community associations and other property listed in the community organization 1998 property tax exemption regulation.

The Municipal Government Amendment Act, 1998, contains a number of other amendments on assessment and taxation. Without getting into a lot of legislative details, the amendments will allow an assessor to have access to all of an accredited agency's information pertaining to permits issued under the Safety Codes Act, clarify that linear property which is part of a rural gas distribution system is exempted from assessment except when the line supplies a municipality with a population of over 500 or provides services to a major industrial user, allow a municipality to apply to the minister to authorize corrective action when an error has been found in the property tax bylaw after the tax notice has been sent, and allow municipalities to collect or seize rents to recover unpaid property taxes owed by tenants on land leased from another municipality, a railway, an irrigation or drainage district, or a regional airports authority.

Mr. Speaker, based on submissions from many stakeholders, new provisions are added to provide a tax recovery process for manufactured homes similar to the tax recovery process relating to land. This process will provide municipalities with another option for dealing with manufactured homes and tax arrears. To reflect the change in the industry, the terms "mobile unit" and "mobile home park" have been changed throughout the act to "manufactured home" and "manufactured home community" respectively.

Other changes relating to manufactured homes include allowing municipalities to pass bylaws regarding the following: to require manufactured home community owners to report on the ownership and movement of all manufactured homes within the community; to make tax installment payments compulsory; to provide for a special supplementary assessment bylaw relating to all manufac-

tured homes in the municipality, not just those in manufactured home communities; and to identify criteria which designate the owner of a manufactured home community as the assessed person. This particular bylaw may apply to one or more manufactured home communities within a municipality.

The amendments dealing with assessment appeals were requested by a number of stakeholders. The proposed changes will streamline the appeal process by reducing the number of assessment complaints heard by an assessment review board if the information requested by the assessor to prepare an assessment has not been provided, allowing an assessment review board to dismiss a complaint if the complainant did not explain why the assessment or tax information was incorrect, reducing the minimum time lines with the consent of all parties, providing guidelines under which assessment review boards and the Municipal Government Board can establish panels consisting of one member, and authorizing regulations to address administrative and jurisdictional difficulties involving assessment review boards and the Municipal Government Board.

The amendments relating to planning and development clarify environmental reserve easements and provide for regulation-making powers regarding specific development limitations on environmentally sensitive lands.

There are some amendments that deal with the application of the Freedom of Information and Protection of Privacy Act to municipalities and the Municipal Government Act. These amendments will help ensure that the principles of accountability and open government reflected in the Municipal Government Act will be maintained when the Freedom of Information and Protection of Privacy Act becomes applicable to local government bodies on October 1, 1999.

Finally, there are some amendments of a housekeeping nature to maintain consistency of wording and intent within the Municipal Government Act and with other acts.

Mr. Speaker, that concludes the major areas of change that Bill 34 proposes. The bill is evidence of the government's determination to respond to the changing legislative needs of Alberta municipalities. It is important to emphasize that the proposals have been developed through a lengthy process of consultation with Alberta's local governments and many other stakeholders. The amendments enhance the operation of municipal government by establishing or clarifying certain procedures and addressing some uncertainties over the powers of municipalities. The collective result is that the province's municipal authorities will be better placed to continue providing the high quality of service that Albertans have come to expect from the level of government closest to them.

Mr. Speaker, this bill addresses the needs of Albertans and will help maintain the Municipal Government Act as a model of municipal legislation in Canada. This bill is commended to members for their support.

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

4:40

MR. GIBBONS: Thank you, Mr. Speaker. I'm pleased to stand today to speak on Bill 34, the Municipal Government Amendment Act. I'd like to thank the Member for Leduc for all his work in bringing this act together. I'd like to thank the Minister of Municipal Affairs, because starting right after the election last year, it was from our first meeting in April 1997 with her and her department and my concerns around this act that they started to do this. The most important item was to streamline this act and make it a much more workable act.

The main concerns about this act started after its inception, and the concerns from it were being addressed mainly as the province was changing over time. The hidden deficit from the continuous downloading brought many concerns and many changes to the local governments. The municipalities' elected officials, who are the closest to Albertans, were finding that there were flaws within what was put out in 1994. What transpired after the inception of the act in 1994 was that the government had to continually amend and amend, to a point where there were more amendments to the act than the act started out to be.

The main part of this new act are some items like manufactured homes, assessment taxation, government, and planning. As I've been talking to stakeholders in this, they're relatively quite happy with what has transpired to date due to the fact that there was consultation starting in September and then again after some submissions were in from the AAMD and C and the AUMA and all the other stakeholders, municipalities, and cities. There was also another form that was sent out in December.

At this time the Liberal caucus can offer only that they support this bill. We are being very cautious because we haven't talked to all stakeholders at this particular time. There will be some concerns and there will be questions from members on this side to the hon. Member for Leduc. The general outline of the bill does not really focus or amend any one section or policy area for municipalities. Instead, it changes a wide variety of the sections. Many of the changes are improvements to the legislation which have been needed since introduction of this act.

Now, section 3, as I'm talking throughout this, will allow municipalities to negotiate an agreement with companies regarding use and maintenance of forestry roads. The transportation department will eliminate their forestry road regulations within the next year. These new sections are required as a result. Maybe I should be asking these questions: can this be construed as another case of downloading to the municipalities, or are the municipalities taking this on in agreement? A question on that: does this new section 27.6, found on page 3 of this act, ensure that the quality and standards of these forestry roads will be maintained following the transfer of responsibilities?

It's fine and dandy to go in and build these trunk lines for exploration, forestry, and so on, but what happens afterwards? Is it turned over in a certain fashion, with standards that are available, that citizens of Alberta can use? It is Crown land. As I briefly go through this, I question it. Another one: once a company no longer uses a road, who becomes responsible for its maintenance? Is that already covered in the current agreement between the province and the forestry company? To the member in charge of this, that's a major question that we have.

Section 7 would allow the minister to "set another date for the by-election." Sections 162 and 163 of the act simply outline the rules for when and under what circumstances a by-election should occur. It is not clear why the minister would need to interfere in local democracy in such a dramatic way.

In a case we had in our city in this past year, our own city voted not to have a by-election because they're one year away. A question on this, maybe after the statement I just made, is: what situation could possibly arise that would require the minister to involve herself in the local democratic process? Has an incident ever occurred where this would be necessary? Does this not open the doors for the minister to potentially manipulate the local democratic process?

Just by going through this, there are some items like under section 12, property tax bylaws, errors and omissions. The

purpose of this change is to add a provision to allow municipalities to obtain ministerial approval to correct errors in property tax bylaws relating to taxes, rates, or requisitions after the notice has been mailed out. This I think is a very good item due to the fact that up to now, nothing happened until the next year. For this reason the purpose of the amendment would be to allow the municipalities to correct major errors and reduce use of an over/under levy.

[The Deputy Speaker in the chair]

At one time in my past life I represented both Edmonton and Calgary in a number of cases under nonprofit tax exemption. Our main objective and concern on this was the fact that we should be dealt with and treated the same as the agricultural societies that are out in the country. I'm very pleased that this one has been looked at, thanks to the committee on nonprofit taxation, headed up by the Member for Calgary-Glenmore. The purpose around this one was to amend the same exemption provisions relating to agricultural societies for property held and used by registered community leagues. The reason around this was that the nonprofit tax exemption review committee recommended that the community associations should be afforded the same as the agricultural.

Outside of having areas and community leagues in the cities, in Edmonton and Calgary, where there is a liquor licence similar to that of a curling rink, they understand it. When they become a community and that's going to be their community hall, they understand that they are in the tax area of being charged. Again, there are day cares in Edmonton, which is another major concern. Those that I went to, had many meetings with and dealt with on this particular item, they knew that they were in the position where they were going to be taxed. Out of 142 community leagues in Edmonton and 129 in Calgary, there is a very small percentage of those that are not adhering to the actual previous act, but to clean this up, I'm behind this totally.

I'll just flip back a couple of pages. Under section 11 the newly written section would allow municipalities to exempt a bylaw closure of roads from being subject to a petition by a vote of the electorate. The result of this section would be to eliminate any possibility of local voters having a chance to vote on the bylaw related to the road closure. I guess this one is really the one that I have a lot of concerns about, and maybe it's just a matter of a clear statement from the hon. Member for Leduc on this one. If this section was in force three years ago, then technically the city could have prevented any discussion, debate, or even a vote regarding Keillor Road. It's not clear what the compelling argument would be to eliminate even the possibility of a plebiscite on a local matter such as a road closure.

Then I go a little bit further, and maybe I'm being cynical. The question on this one: is it possible that the municipalities have asked for this type of limit because they need to close roads – and this is the cynical part of the question – as a result of provincial cuts and downloading and therefore can't afford to have public debates or votes which result in reopening or closing of a road? Another question: why would the government try to limit the ability of local voters to vote on local issues? What is the compelling reason for limiting democracy?

4:50

As I go through here and I get into planning, I have talked to a few stakeholders, and they feel this is one particular area that they are very pleased with. One question I do have on this one is an urban/rural discrepancy, and it's around development. Is

there a difference in how this act is going to work as to whether or not a subdivision is being planned and built in the municipalities versus that of a major subdivision inside major cities? If I can get an answer back on that, it would be greatly appreciated.

I'm going to take my leave, but I would greatly appreciate it if you could look at this further and if I could get some answers from the minister and the Member for Leduc in Committee of the Whole. I will take my leave and ask somebody else to stand.

Thank you.

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

MR. DICKSON: Thank you, Mr. Speaker. Bill 34 is one of those large amendment statutes. There's no statement of principle, so in speaking to it at second reading, I can't avoid referring to some of the specific sections.

I've got a series of questions that I hope the government will be able to answer before the bill leaves this stage. I'll start with the last provision, section 59 of Bill 34. What the bill purports to do is to ensure paramountcy of the Freedom of Information and Protection of Privacy Act. Now, what it does, however, in terms of those areas when a council meeting can be closed, is simply incorporate by reference division 2 of part 1 of the Freedom of Information and Protection of Privacy Act. We run into the same problem that we've seen, Mr. Speaker, sometimes on motions for returns, where the government has simply said: we're bound by an exception in the freedom of information act.

The difficulty is that the way it's worded now, it doesn't distinguish between mandatory exceptions and discretionary exceptions. You have mandatory exceptions to disclosure in the freedom of information act, division 2, sections 15, 16, and 21, and with section 15 you have a four-part test that has to be met before one can refuse disclosure. That's not addressed here. There's no provision for any test. If it's referenced at all, it simply would provide in division 2, part 1, of the FOIP Act that the material wouldn't be made available. That's a problem, because if you look at section 217 of the very large Municipal Government Act, what you find is that this is the provision in terms of what kind of information should be made available to electors. There are discretionary exceptions in the FOIP Act, sections 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, and 28. In each one of those cases the public body has to make a determination whether they're going to claim an exception.

So the result of simply saying, if this information that's mentioned anywhere in division 2, in any of those exceptions, it will be withheld, you have this kind of perverse result that information that an Albertan would be able to get under the FOIP Act, if the public body were a provincial government department, would not be available at the municipal government level. That was never the intention, Mr. Speaker.

I think we understand what the government attempts to do. It's legitimate to say that if there's a mandatory exception, then you wouldn't be able to get the information municipally either, but the way it's been drafted, in fact it's far more exclusionary and far less open. In fact, access by citizens is encumbered in a way it wouldn't be if they were trying to access information from a provincial government department. So we need some explanation in terms of why there aren't sort of two elements: a test for the mandatory exceptions and a different test for the discretionary exceptions. It wouldn't be tough to craft that, and presumably somebody in Municipal Affairs has or can readily do that.

Now, the other concern is at page 18 of the bill. I refer to the page number simply because it's too confusing going through and talking about sections in the bill and sections being amended. I'd appreciate an explanation in terms of why it is with this particular section on page 18, section 436.03(1) and (2) – I've got more notes than I need here, Mr. Speaker – that you can't register more than a single tax recovery lien against a manufactured home. It seems to me that it'd be an easy matter to sort out in terms of priorities. It would be the same municipal body. So I'm confused in terms of why in the new section 436.03(2) there's a prohibition against subsequent encumbrances being registered. It happens all the time on freehold property with subsequent encumbrances that there are laws to be able to sort out creditors' rights and conflicting priorities. There's probably a good explanation; I don't know what it is.

Section 166 is really problematic. This appears on page 4. Why is it that if a vacancy occurs in a municipality, those citizens in that particular ward are denied a voice on their municipal council? Why would we countenance any delay in terms of a by-election? Surely to goodness, a 90-day period affords a municipality adequate time to be able to install somebody. The consequence of section 7 on page 4 of Bill 34 is that citizens at the municipal level will go for a period of time without representation, beyond 90 days. It seems to me that it's too broad a discretion. We're playing fast and loose, I suggest, with the democratic rights of Albertans in that particular municipality, and I don't think that's good enough.

Next, turning quickly to page 29 and the provision there. This would be the amendment to section 484.1. The ministerial power to enact regulations I think is excessive, Mr. Speaker. We have a provision there that "the Minister may make regulations . . . respecting any other matter relating to assessment review boards," subsection (e). There has got to be a provision in these regulations sections that says: you can't go beyond the scope of the act.

We're giving a whole new sort of power to ministers that's never existed in a parliamentary system that I know of. We see it repeated in successive statutory instruments, and I just have to express my concern with that. I mean, it's not tough to craft an appropriate regulation-making power, but what we see on page 29 is excessive; it's too broad. If members turn to page 30 in the bill, we see again section 53, the new section 527.1. We have the power to "make regulations respecting . . . (d) any other matter relating to the Board." There has got to be a limitation so the board cannot expand its jurisdiction by regulation. What's the point in us talking about bills here if the Lieutenant Governor in Council in secret can expand the jurisdiction of the board? So that's an excessive regulation-making power.

5:00

The other issue, then, was just I think the one I've already identified, which I started off with, the FOIP provisions on page 35, section 59, the new section 301. Hopefully we'll get some clarification.

The other matter that I find a bit puzzling is that I've looked at the explanatory note put out by Municipal Affairs, by the department, that goes through and explains the amendments. It's not at all clear that the access provisions in section 3 of Bill 34 – this is in effect I think a really problematic provision, Mr. Speaker, and I hope we'll get some further explanation in terms of the provision for forestry roads, what seems to me a fairly extraordinary provision in terms of forestry access roads that doesn't make good sense in the explanatory note.

So those were the primary concerns I've identified, and I

suspect there are some other members of my caucus that also have some issues around this. While I'm waiting and to afford the minister and the sponsoring member as much time as possible to try and respond to those questions, I'm going to move at this time that we adjourn debate on Bill 34, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Buffalo has moved that we adjourn debate on Bill 34. All those in support of that motion, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Carried.

Bill 35
Colleges, Technical Institutes and Universities
Statutes Amendment Act, 1998

THE DEPUTY SPEAKER: The hon. Minister of Advanced Education and Career Development.

MR. DUNFORD: Thank you, Mr. Speaker. I'm pleased to bring forward Bill 35, the Colleges, Technical Institutes and Universities Statutes Amendment Act, 1998, for second reading.

Mr. Speaker, the amendments in this umbrella act will legislate the cap on tuition fees at postsecondary institutions. Although this cap has already been established in the Advanced Education and Career Development tuition fee policy, we are responding to requests from student leaders to legislate this cap.

Earlier today I had the honour and the pleasure of introducing Patrick Cleary, who is president of the students' union at the University of Calgary. Pat Cleary along with Stephen Curran, Heather Taylor, both from the University of Alberta, Heather Wilkey from the Mount Royal College, also Jon Westcott, who is the president of the students' union at the University of Lethbridge: all of these people met with me on numerous occasions. As a matter of fact, many of these students were in attendance and met with the Premier of the province when the potential to establish a cap for tuitions was in fact discussed.

That, of course, led to the process whereby, unlike what was suggested in this House by the hon. Member for Edmonton-Glenora, we in fact did then go through a process where we took this planned initiative – it went to a standing policy committee. It was an open and public hearing. In fact the member, I believe, was even in attendance at that particular meeting. I must commend the students that presented their position on that particular evening. It was very well stated. The students were very articulate, very forthright in their particular position.

Well, from that discussion it became the responsibility of our department then to draft legislation and move it from the standing policy committee to the cabinet and to the caucus. So I wanted to take this opportunity to thank all of my caucus colleagues. After a long and extended debate, somewhat heated at times, we in fact stand here in front of you today, Mr. Speaker, having the full support of our caucus for this piece of legislation.

We have come together as a team so well in this discussion that it enabled me to do something perhaps a little unprecedented earlier today, when I was able to arrange a conference call throughout the province of Alberta. The Member for Edmonton-

Glenora is making signals to me that he wasn't invited. Yes, that is true. He is not a student leader. The people that were invited to participate today were not only the outgoing members of the various student unions around the province, but we also invited the incoming student union presidents so that they would be in a position to get a better feeling for the current status of some of the issues that are out there existing between students and this government.

I think we had quite a good discussion. I was able to confine my remarks to, I think, under five minutes, which is relatively unusual, and we then allowed time for questions and answers. As you know, Mr. Speaker, and other members here in the Legislature today will know, we have a very spirited group of student leaders out there today. So the questions were not only large in number but were also very direct, very specific, to the point, and certainly wanting to understand what it was that we were doing and attempting to do with this legislation.

Now, each of the three acts that I mentioned – the colleges, the technical institutes, the universities statutes – are all being amended in the same way, and that is as follows. The existing sections dealing with the setting of tuition fees by boards of governors are being redrafted for consistency. The substance of those sections is not changing. A new section is being added to each of the acts to ensure that an institution's revenues from tuition fees remain less than 30 percent of its net operating expenditures in each fiscal year to the year 1999-2000 and that they don't exceed 30 percent thereafter. Each institution must report on its compliance with this new requirement for the fiscal year in question.

Mr. Speaker, this is an area where I think we'll see a shift in the debate now over time. We had been focusing up until this point on the specifics of this 30 percent. Should it 20 percent? Should it be 17.5 percent? Should it in fact be free? As a consequence of a 30 percent cap we will see the discussions, the issues between the students and the minister now more clearly defined, I believe, into the area of: what is revenue from tuition, and what in fact are net operating expenditures? Students, as sharp as they are these days, don't take long to quickly understand that if we don't have administrators out there that are controlling costs in an effective and efficient way, then of course up are going to go the net operating expenditures, and up goes their tuition with it. So we're going to be discussing issues like that. We'll certainly be discussing issues something similar to what we've had in the past in terms of board governance.

5:10

Now, another amendment that's being made is that the minister may for a term certain period waive the requirements that an institution's revenue from tuition fees remain less than 30 percent of its net operating expenditures. Now, this is an area of our bill that is subject to some misinterpretation, and I want to make sure that we spend time on that this afternoon so we don't have this thing go spinning out of control on us. We're talking about a period of time when the institution's revenue from tuition fees may in fact increase beyond the 30 percent. Should that occur, the institution's board must commit not only to the student leaders involved at that institution but to the minister not to increase tuition fees during that period and must in fact submit a plan to expand the institution's enrollment.

I want to make sure, Mr. Speaker, that this is fully explained, and I'm going to go over it again. For a limited period of time the minister may waive the cap in respect of a particular institution – now, the opposition might want to pay attention to this,

because this is where the students are going to come at this bill – if during the period of the waiver the institution has committed in writing not to increase its tuition fees and the institution expands its enrollment.

Mr. Speaker, we expect demand for postsecondary education to increase by some 23,000 students by the year 2005, and we must be careful not to limit access. This ministry lives and dies on its ability to provide access to the system. So an institution at the tuition cap may have empty spaces that it could fill without increasing its net operating expenditures. If the cap is not waived for that institution, it won't be able to fill these vacant seats, because to do so, to increase its revenue, would push its revenue over the cap.

I want to assure this House – and I make this commitment to the members of this Legislature as well as the postsecondary system – that this waiver will allow the institution to exceed the cap but only during a defined period in which it expands enrollments. So there are two features there. One is that there will be defined period. The tuitions must remain where they are, but there must be an increase in enrollment, because tuition could, then, not increase during that period, and the institution would be required to bring its tuition revenue back to the 30 percent level after the waiver period. The students picked up on this immediately and understood then what we were talking about. This is the one area of this bill, which is otherwise, I believe, straightforward and open and certainly accountable, where there might be some difficulties.

Now, there are other things that we'll want to discuss, but, Mr. Speaker, I would adjourn debate at this particular time on Bill 35.

THE DEPUTY SPEAKER: Would you move the bill as well, hon. minister?

MR. DUNFORD: I'm sorry. I moved to adjourn debate.

THE DEPUTY SPEAKER: Right. We haven't moved the bill yet.

MR. DUNFORD: Sorry?

AN HON. MEMBER: Move the bill.

MR. DUNFORD: Oh, I want to speak on it again. I don't want to stop.

AN HON. MEMBER: Move second reading.

MR. DUNFORD: Oh, okay. I move second reading of Bill 35.

THE DEPUTY SPEAKER: And adjourn debate.

MR. DUNFORD: And adjourn debate.

THE DEPUTY SPEAKER: Right.

The hon. Minister of Advanced Education and Career Development has moved that we adjourn debate on Bill 35. All those in support of that motion, please say aye.

HON. MEMBERS: Aye.

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

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

Bill 12
Alcohol and Drug Abuse Amendment Act, 1998

[Debate adjourned March 30: Mr. Sapers speaking]

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

MR. SAPERS: Thanks, Mr. Speaker. I was speaking last time on Bill 12 and was, I believe, in midsentence. There were a couple of things that I was reflecting on about the Alcohol and Drug Abuse Amendment Act. We already have reviewed the impact that it's going to have on confidentiality and the internal conflict that it might put some counselors into. I was going to add that one other concern I had about the bill is that it would tend to represent a tendency by the government to be very piecemeal in its approach to confidentiality and privacy issues and the application of the freedom of information and privacy legislation. This patchwork approach has caused considerable discomfort amongst Albertans who rely on the government to always come down on the side of the protection of privacy and maintaining confidentiality.

Mr. Speaker, once upon a time I relied on data from government agencies to do research and analysis work, and I'm not at all opposed to the release of information for research purposes, nor am I opposed to the release of information for treatment purposes or to maintain public order and safety, but we have to be very vigilant that this does not represent a lax attitude or a letting down of our guard when it comes to the importance of privacy. Also, the fact that we live in an age now where there is such quick access to information, and there have been so many breaches of security of computer systems, it just makes me very, very cautious whenever we do anything that removes an impediment or removes a barrier to accessing information about individuals. The fact is that there are so many opportunities now for people to take advantage of access to computer systems or get access to databases that might be legitimately . . .

Speaker's Ruling
Decorum

THE DEPUTY SPEAKER: Hon. members, it is becoming increasingly difficult to hear the hon. Member for Edmonton-Glenora. I wonder if the crosscourt discussions could cease and we could hear Edmonton-Glenora. Then he would be able to finish his remarks.

Debate Continued

MR. SAPERS: Thanks, Mr. Speaker. What I was saying is that there are so many opportunities for people to breach security systems of computer databases and to access information that might in one way be made legitimately available but could be used for a purpose other than what was contemplated. So whenever I see this particular government come forward with legislation that would make personal information that was held very close to the vest more available in the public domain, it just makes me nervous, and therefore I tend to be very cautious.

I take some comfort in the fact that this bill was sponsored by the member that it was sponsored by, and I take some comfort in the fact that we're talking about AADAC, which is an organization that I have immense respect for. I should note at this point

that I've learned of the retirement intentions of the director, Leonard Blumenthal, and I would wish him well in whatever his future may bring him. He has certainly served the people in this province well in his tenure with AADAC. So my concerns about the bill have nothing to do with the sponsor or with the organization but just simply have to do with what I perceive as a lack of attention being paid by this government to privacy and confidentiality issues.

Mr. Speaker, I'll conclude my remarks on Bill 12 at this time and would ask other members who may feel so inclined to join the debate.

5:20

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

MS BLAKEMAN: Thank you. I'd just like to speak one more time while this bill is in third reading. I understand the impetus for this bill, and the sponsoring member has been very forthcoming about the reasons for it. I did put forward an amendment in an attempt to clarify or to define the parameters in which the releasing of information on AADAC clients could happen. The amendment was not accepted. I still have great concerns about that.

This is not any kind of slur or showing any lack of belief in the competency of the staff of AADAC at all. I think it's a great concern because the way it's worded right now, the staff of AADAC are not protected if someone does misunderstand the rulings or decides to deliberately take advantage of it, but more likely to misunderstand what's available to them. In the bill it's not specific who the staff people are that are authorized to do this and to release information. I think it is a serious privacy matter, and we are trying to balance here between the public health and safety needs and the personal privacy issues of an individual.

So I am struggling to support what's going on in this bill and at the same time recognizing that the intent behind it is a good one and for an honourable purpose. But I think a mistake is being made here, and I hope that we do not come to grief in the future. I wish it had been more clearly defined as to who was to be releasing this information and under what specific circumstances and that a third party could have been involved so that there was protection for both the client and for the staff people.

One other point I want to raise while we're in third reading is

that in January 1997 the government did release a report of an MLA review committee: Towards an Addiction-free Alberta, a Reconsideration of the Role and Mandate of AADAC. Now, this report had several recommendations in it about AADAC, none of which asked for a loosening of these disclosure rules. Also, if we were going to open up this act and amend it, why didn't we see more of the recommendations that were brought forward by that review committee?

So I just bring those points to the attention of the sponsor of the bill and my hon. colleagues on the other side. That'll conclude my comments. Thank you very much.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Currie to close the debate.

MRS. BURGNER: Thank you, Mr. Speaker. I just want to identify to my colleagues across the floor that we will take their considerations and comments as we implement the legislation, and I move third reading.

[Motion carried; Bill 12 read a third time]

THE DEPUTY SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I move that the House do now stand adjourned and reconvene this evening at 8 p.m. in Committee of the Whole.

THE DEPUTY SPEAKER: The hon. Government House Leader has moved that the Assembly do now adjourn until 8 p.m. this evening and that when we meet, we do so in Committee of the Whole. All those in support of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Carried.

[The Assembly adjourned at 5:24 p.m.]