

Legislative Assembly of Alberta

Title: **Monday, April 12, 1999** 1:30 p.m.

Date: 99/04/12

[The Speaker in the chair]

head: Prayers

THE SPEAKER: Good afternoon. Let us pray.

As we begin a new week, help us, O Almighty, to also begin with the principle of You as the giver of all things.

Amen.

Please be seated.

head: Introduction of Visitors

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

MRS. BURGNER: Thank you, Mr. Speaker. It is a real privilege to introduce to you and through you to the members of this Assembly a guest in your gallery. Barb Scott is a distinguished Calgarian, serving 21 years as an alderman in the city of Calgary representing ward 8. She has recently been appointed a citizenship court judge and in fact invited my family to participate in Family Day citizenship court at the Harry Hays Building in Calgary and of course has been recently recognized by the government of Canada with the award of the Order of Canada. Barb is in your gallery, Mr. Speaker. I'd ask her to please rise and receive the warm welcome of the Assembly.

head: Presenting Petitions

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

MS OLSEN: Thank you, Mr. Speaker. I'd like to present a petition signed by 32 Albertans stating:

We the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government to increase funding of children in public and separate schools to a level that covers increased costs due to contract settlements, curriculum changes, technology, and aging schools.

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

MR. WICKMAN: Thank you, Mr. Speaker. I wish to table a petition with dozens and dozens and dozens of names forwarded to the Legislative Assembly saying:

We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government of Alberta to hold widespread public hearings involving as many existing clients who want to be heard before making any changes to the Assured Income for the Severely Handicapped program.

Hundreds of names.

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

MR. MacDONALD: Thank you, Mr. Speaker. I'm delighted this afternoon to present a petition signed by 135 residents of St. Albert. It is a Save Our Schools, SOS, petition where the people who have signed are urging

the Government to increase funding of children in public and separate schools to a level that covers increased costs due to contract settlements, curriculum changes, technology, and aging schools.

Thank you.

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

MS CARLSON: Thank you, Mr. Speaker. Today I am presenting a petition signed by more than 880 people from throughout the province, particularly from the Calgary area. It reads as follows:

We the undersigned residents of Alberta petition the Legislative Assembly to urge the Government to introduce legislation to halt the grizzly bear "harvest" in Alberta.

Thank you, Mr. Speaker.

MR. GIBBONS: Mr. Speaker, with your permission I'd like to present two SOS petitions with 81 names from St. Albert and 21 names from Edson. This is to

increase funding for children in public and separate schools to a level that covers increased costs due to contract settlements, curriculum changes, technology, and aging schools.

head: Tabling Returns and Reports

MRS. McCLELLAN: Mr. Speaker, I have two filings today. The first is a filing of a letter I've sent to the Marlowe household of Edmonton. This is a response to a letter that was filed in the Assembly last week.

The second, Mr. Speaker, is a filing of an information bulletin that I'm issuing today about the importance of commemorating Holocaust Remembrance Day, which is being marked internationally tomorrow, April 13. I had the opportunity last fall to visit Yad Vashem, and that visit reminded me that the life of each person, each child who died in that holocaust had meaning, and our society should work towards protecting its most vulnerable members.

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

DR. PANNU: Thank you, Mr. Speaker. I have copies of two petitions and a letter signed in total by 85 teachers from three different schools in this province. The signatories to these petitions and the letter are requesting the government to withdraw Bill 20 and hold hearings before proceeding with the bill. Particularly, they have concerns about the abolishment of the Board of Reference.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I have three tablings this afternoon. The first is a letter from Dr. Brock Dundas, president of the Calgary Regional Medical Staff Association, whereby he urges the Premier to rescind Bill 7, that there are strong objections to this bill, and that "this is the first step on the road to Managed Health Care." He suggests that it would be wise for the Premier to speak to physicians.

The second letter is a letter from Dr. Sandy Murray, who is a family physician in Red Deer, Alberta. He also protests the intent of Bill 7 and indicates that there is "no reasonable justification for this rather totalitarian piece of legislation." Those are direct quotes.

My last tabling is the dissenting opinion on the northern river basin human health monitoring program by Sally Ann Ulfsten, wherein she indicates that the report that has been put forward is inadequate and that she as a member of the committee did not see the final draft on that human health monitoring study.

Thank you.

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

MS CARLSON: Thank you, Mr. Speaker. I'm happy to table today the appropriate number of copies of five letters from people throughout the province, from Manning, Jasper, and Edmonton, all

of whom express grave concerns regarding the current funding for education and its impact on the future of our education system in this province.

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

MRS. SOETAERT: Thank you very much, Mr. Speaker. I have two tablings. The first one is a copy of a petition signed by 31 teachers from St. Albert, Edmonton, and Morinville expressing their concerns about Bill 20.

The second one is a copy of a letter to the minister from Bill Fraser expressing his concerns over Bill 20 and asking that it be withdrawn until more study, consultation, and planning is done.

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

MS OLSEN: Thank you, Mr. Speaker. I have five copies of five different letters addressed to the hon. Minister of Education and the Premier in relation to the constant underfunding of education in the province.

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

DR. MASSEY: Thank you, Mr. Speaker. I have copies of four letters to file this afternoon. The first is to the Premier from Dave Kent protesting the funding of education.

The second is a copy of the letter to the Member for Innisfail-Sylvan Lake protesting the cuts to education, from Dale Karpluk.

The third is a copy of a letter from Barb Tarnowski to the Minister of Education protesting the underfunding and the effects of underfunding on classrooms.

The fourth is a copy of a letter to the Member for West Yellowhead protesting the conditions that are being caused in classrooms due to underfunding, and it's from Paula Nolan.

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

MRS. SLOAN: Thank you, Mr. Speaker. I'm pleased to table this afternoon five copies of Disabling AISH, a critical analysis and contrasting views on the Alberta government's review of the AISH and assured support programs. The document is the result of information provided by the public to the Official Opposition. Approximately 500 responses were received. The survey provides an accurate measure of opinions on AISH because the questions were open-ended and the responses came from those who have the best understanding of the program.

THE SPEAKER: The hon. Minister of Education.

1:40

MR. MAR: Thank you, Mr. Speaker. I have two tablings today. First of all, I have the requisite number of copies of a news release announcing the teachers who were finalists for the excellence in teaching awards. These awards will be presented on May 8.

Secondly, Mr. Speaker, I'm tabling six copies of a letter I sent on behalf of the government to the students and staff at Austin O'Brien high school here in the city of Edmonton to commend them on their fund-raising efforts to provide assistance through the Red Cross to Kosovar refugees.

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

MR. DICKSON: Thank you, Mr. Speaker. I'm pleased this afternoon to table a number of documents: firstly, a report entitled Feed the Children: A Report on Child Hunger in Calgary that resulted from a solicitation/invitation from Mayor Al Deurr; next, correspondence from the Calgary Council of Home and School Associations addressed to the Minister of Education raising a concern with respect to textbook funding; next, correspondence from a group of concerned parents at John Ware junior high school in the city of Calgary with respect to a number of problems we're seeing in Calgary classrooms; then, to save time, three other pieces of correspondence from parents also concerned about education issues in Alberta classrooms.

Thank you.

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

MR. MacDONALD: Thank you, Mr. Speaker. I have two tablings this afternoon. The first one is a letter that I have written to the Minister of Labour regarding information on the latest discussion paper for the power engineers' regulation.

The second tabling this afternoon is a completed discussion paper that I had the opportunity of getting from the Institute of Power Engineers at a public meeting that was held regarding this controversial subject on April 7 at the Northern Alberta Institute of Technology.

Thank you.

head: Introduction of Guests

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

MR. WICKMAN: Thank you, Mr. Speaker. It's my privilege to introduce to you and through you to Members of the Legislative Assembly 70 visitors from the fine school of St. Teresa Catholic elementary located in the riding of Edmonton-Rutherford. They're grade 6 students, they're seated in both galleries, and they're accompanied today by three teachers, Mr. Charlie Stuart, Mrs. C. Hamel, Mrs. Michelle Armstrong, and five parents, Mrs. Janice Kozicky, Mr. Joe Doyle, Mrs. Shirley Urkow, Mrs. Linda Kennedy, and Mrs. Cathrine Waring. I would ask all 70 to please rise and receive the warm welcome of this Assembly.

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

MR. LOUGHEED: Thank you, Mr. Speaker. I'm pleased to introduce to you and to the members of this Assembly 30 grade 10 students from Archbishop Jordan high school in the adjacent constituency of Sherwood Park, and they're accompanied by their teacher, Mr. Jim Ryan. I'd ask that they would rise in the members' gallery and receive the warm welcome of the Assembly.

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

MRS. LAING: Thank you, Mr. Speaker. It isn't often that I have the privilege of introducing some constituents from Calgary-Bow. Today I'm very pleased to introduce to you and through you to the members of this Assembly 48 students from Bowness high school in my constituency. They're accompanied by teachers Mrs. Morin, Mr. McAllister, Mr. Gordon, and Mr. Kerber. These students are from the constituency of Calgary-Bow and also from that of my colleague the Member for Calgary-North West. I'd ask them to stand now and receive the warm welcome of this Assembly.

MRS. SLOAN: Mr. Speaker, I'm pleased to rise today and introduce to you and through you to members of the Assembly a young woman who is a keen student at St. Theresa's elementary school, but she is distinguished because she is also a very keen forward on the Edmonton Girls Hockey Association Atom Stars, a team I had the privilege of managing this winter. Jessica Romaniuk is accompanied today by her mother. I would congratulate her on her star performance at the April ice tournament in Calgary this past weekend and the two goals that she scored to assist her team in winning the gold medal in that tournament. I would ask her to rise and receive the welcome of the Assembly.

THE SPEAKER: The hon. Member for Fort McMurray.

MR. BOUTILIER: Thank you, Mr. Speaker. I'd like to introduce to you and to members of the Assembly today a citizen from my constituency of Fort McMurray. Ms Peggy Haggard is a community-minded individual and very active in her city of Fort McMurray. She's a teacher at perhaps one of Fort McMurray's most spirited elementary and junior high schools, the Thickwood Heights school, and is also the president of the local chapter of the Alberta Teachers' Association. She's seated in the public gallery, and it's with great pleasure that I ask her to rise and receive the warm welcome of the Assembly.

head: Oral Question Period

THE SPEAKER: First main question. Leader of the Official Opposition.

West Edmonton Mall Refinancing

MRS. MacBETH: Well, thank you, Mr. Speaker. The scandalous details of this government's involvement in the refinancing of West Edmonton Mall continue to unfold. First we find out that the refinancing of West Edmonton Mall was discussed at a March '94 meeting of the agendas and priorities committee and a June '95 meeting of the cabinet. Interestingly, neither of these meetings was mentioned in the Auditor General's special report. Now we find out that the former Provincial Treasurer approved in April of 1996 an agreement which provided the former acting superintendent of the ATB with a \$124,000 severance package, the same day that a government of Alberta news release stated that this superintendent had been in fact a valuable employee. My questions are to the Premier. Did the Premier mention these two meetings, the agenda and priorities and the cabinet meeting, in the statutory declaration that he filed with the Auditor General but refuses to share with Albertans?

MR. KLEIN: Mr. Speaker, every question that was asked by the Auditor General was answered in the statutory declaration, at least from my point of view it was. Every single question. There were 16 pages of questions, and all of them were answered. Indeed all information that was requested of my office by the Auditor General was provided to the Auditor General, and at the end of the day he released his report, and that report, I'm happy to say, said that there was no inappropriate political involvement in the West Edmonton Mall/ATB affair whatsoever.

MRS. MacBETH: Well, Mr. Speaker, what it said was that there was no evidence yet.

Will the Premier confirm that the \$124,000 severance package to the former acting superintendent was discussed and approved by cabinet? Or did the former Provincial Treasurer make the decision unilaterally?

MR. KLEIN: Mr. Speaker, I don't recall any discussion relative to that particular incident or severance, but relative to the hon. member's question relating to severance pay to valuable employees, the two are not inconsistent. In many cases when there's a severance, letters of recommendation are written on behalf of the employee who is leaving saying that this employee has performed a valuable service. It's not uncommon, and I'm sure that when the hon. member was in government, she had occasion to sever a relationship with an employee and at the same time provide that employee with a letter of recommendation.

MRS. MacBETH: Well, the tune kind of changed a little later.

Mr. Speaker, can the Premier explain the signature, then, of his own deputy minister of Executive Council, which effectively is an officer of cabinet, on the April 4, '96, severance package agreement?

MR. KLEIN: Mr. Speaker, I don't get involved in the micromanagement of the government.

Mr. Speaker, again, I ask the hon. member to stand up and say that when she was in cabinet, when she was a member of Executive Council . . .

1:50

MR. SAPERS: We're asking you.

MR. KLEIN: Well, I'm posing the question, Mr. Speaker. Maybe I'm not asking it directly, but I'm just wondering out loud. Did the hon. member, when she was a minister of the Crown, ever sever a relationship and at the same time provide the employee who was leaving with a letter of recommendation?

MRS. MacBETH: Well, let's go on, Mr. Speaker. [interjections] We'll keep on it; don't worry.

School Curriculum

MRS. MacBETH: When this government mandates that a new curriculum be taught, principals, teachers, and parents are forced into a very difficult situation. A new curriculum should be an exciting and a modernizing step for our young people, but in Alberta in 1999 it means that schools are presented with a choice: either divert resources away from the classroom or step up fund-raising from parents. My questions are to the Premier. What additional assistance was given to elementary schools over the past four years to help them with the \$20,000 average cost of implementing new curricula at their school?

MR. KLEIN: Well, Mr. Speaker, all I know is that we provided substantial additional funding over the past two years. We have committed this year, the next year, and the year after that some \$600 million in additional funding.

Relative to the question that is specific to curriculum, I'll have the hon. minister reply.

MR. MAR: Mr. Speaker, commencing this fall, September of 1999, the instructional grant rate, which will include money for curriculum materials, will go to nearly \$4,000 per student. That's just for basic instructional grants. That is separate and apart from the money that we give to school boards for transportation, administration, for the buildings. So for a classroom size of 26, that would translate to over \$100,000 that we will be granting to school boards.

With respect to specific curriculum materials, the hon. member knows that previously we would give money to school boards specifically for things like curriculum changes. However, Mr.

Speaker, school boards said that they were in the best position to recognize the local needs and the local concerns and had the best opportunity to use the money on a local basis. Accordingly, school boards themselves asked for flexibility and asked for block grants for instructional materials.

Mr. Speaker, we are providing money for basic instructional grants. That includes teachers' salaries, which range from \$39,000 to \$66,000 a year depending on the level of experience. It also includes dollars for textbooks. It includes money for assessment materials, as an example. So every student in the classroom is allocated money for instructional materials at a rate of roughly \$4,000 per student.

MRS. MacBETH: Well, none for the schools in the past.

Mr. Speaker, let's look at the present. Of the \$2.2 million announced for implementing the new high school math curriculum, how much of it is available to individual schools for substitutes while teachers go for in-service training?

MR. MAR: Well, Mr. Speaker, it's clear from the responses that we've received from school boards and from the regional consortia that are being given this \$2.2 million for services and for materials and resources for the implementation of the math curriculum that it is money that will be well spent. It's a response to legitimate concerns that were expressed by teachers and by the regional consortia that there was insufficient time and resources for the implementation of a new math curriculum. It's been well received, so I'm confident that the regional consortia will use that money properly to ensure that the new math curriculum, starting with the junior high level and going into the secondary schools in high schools, will be well spent money.

MRS. MacBETH: Mr. Speaker, that was the present list; look at the future. Given that the implementation cost for the new K to 9 language arts curriculum was estimated to be \$9,000 per grade, where are elementary schools to find the \$54,000 extra that they will need in order to implement the curricula?

MR. MAR: Well, Mr. Speaker, the answer to the second supplementary is really no different than the answer to the main question.

The basic instructional grant rate is going up. She asked about the future. It's going up by 3 percent commencing September of 1999. Mr. Speaker, it's going up by an additional 2 percent after that and an additional 2 percent after that.

So, Mr. Speaker, the hon. member knows that in the present we are funding changes that are being implemented in the math curriculum, and in the future we are investing in education and increasing our basic instructional grant rate over the next three years by 7 percent. On its aggregate that adds up to \$600 million. That is a significant amount of money, and we should not discount that, and we should not discount the fact, again, that for a classroom size of 26 that is over \$100,000 per classroom.

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

Private Health Services

MS LEIBOVICI: Thank you, Mr. Speaker. Deliberately this government slashed hundreds of millions of dollars out of the health care system and created chaos. In this province it's blown up one hospital and has sold another at fire sale prices. Then this government fought the federal government to the tune of \$3 million to

allow private clinics to extra bill Albertans, and now they are determined to put in place a system of private, for-profit hospitals. My questions are to the Premier. Why will he not admit that this government's goal all along, its hidden agenda, has been to privatize the Alberta health care system?

MR. KLEIN: That's not the plan.

MS LEIBOVICI: No plan. That's what a lot of people are wondering about.

As a result of the blue-ribbon panel is this government now developing legislation which would allow private, for-profit hospitals in this province?

MR. KLEIN: Mr. Speaker, the report that evolved from Bill 37, the blue-ribbon panel, is designed, if and when legislation is produced, to protect the public health system as we know it today and to make sure that those who practise within the system abide by the fundamental principles of the Canada Health Act. It's as simple as that. Even the Liberals should be able to understand it.

MS LEIBOVICI: Given that this report is designed to provide for private, for-profit hospitals in this province, will this government enact legislation that will disallow private clinics from charging any extra fees?

MR. KLEIN: You know, Mr. Speaker, the hon. member raises an interesting point. I'm sure that we all saw ads that appeared in the Edmonton newspapers relative to MRI clinics, ads that clearly said: if you want an MRI scan, come on in and it will cost you about \$750 for one component, one part of your body. So my immediate reaction was: does this violate? This is a private clinic offering a medical service.

I'm informed the new scanner does not violate the Canada Health Act. There are already several private MRIs across Canada and in Alberta, including one co-owned by the brother of the hon. leader of the Liberal opposition. We're told that private MRIs are consistent with the Canada Health Act, which only covers medically necessary physician and hospital services. MRI is considered a diagnostic service and doesn't fall under the Canada Health Act.

A key point and one the opposition does not raise is that the public health system in Alberta has doubled its MRI capacity in Edmonton in the past few months with a new MRI at the Royal Alex and a replacement MRI at the University hospital. As well, the government is planning to fund a new MRI in Lethbridge, Red Deer, and Grande Prairie over the next year.

2:00

So the service is available through the public system if recommended by a physician, but it is also available in a very private, for-profit setting, yet it does not violate the Canada Health Act. The hon. leader of the Liberal opposition should know that because she has someone in her family directly connected with that kind of activity.

Pension Legislation

MS BARRETT: The Ontario Court of Appeal has stated that the obstacle to same-sex pension plans in the income tax are contrary to Canada's Charter of Rights. As recently as last week, I believe, the federal Finance minister agreed to change the Canadian tax act so that there would not be any discrimination against same-sex couples when it comes to benefits, including pension benefits. Bill 30 goes contrary to that and specifically rules out equal treatment of same-

sex couples when it comes to employment pension plans in the private sector, Mr. Speaker, not just the Alberta government sector. So my question to the Premier is this. In changing its employment pension plan legislation, why is this government refusing to accept the recommendations of its own ministerial task force, which would have ended unjust discrimination against Albertans involved in same-sex relationships?

MR. KLEIN: Mr. Speaker, the bill is now before the Legislative Assembly for debate. The hon. leader of the New Democrats will have ample opportunity to debate the bill. I think it's up tomorrow. Bill 30.

If the hon. Minister of Labour, who has introduced the bill and is carrying the bill, wishes to comment, I guess that's entirely up to him.

MR. SMITH: Thank you, Mr. Speaker. The comments from the Leader of the Opposition with respect to federal law and recognizing same-sex spouse, defining marriage, defining spouse for the purposes of income tax rules has certainly not had final results communicated to my office. The employment private pensions act sets a minimum standard, and if companies or collective agreements or bargaining agents or unions want to include whatever set of arrangements that they can mutually come to agreement upon, they're more than entitled to do the same.

MS BARRETT: Oh, I think that's a misstatement of the legislation.

Mr. Speaker, to the Minister of Labour then: how can the government justify prohibiting private-sector employers from extending pension benefits, which is what this bill does, to partners in same-sex relationships just like it would have done for regular common-law couples? What's the justification?

MR. KLEIN: Mr. Speaker, I don't believe it does. There are a number of companies that have agreed, either through negotiation or as a matter of company policy, to extend benefits to same-sex couples. So in fact it exists today in this province, but relative to the intent of the bill, again I'll have the hon. minister reply.

MR. SMITH: Thank you, Mr. Speaker. I would suggest that this is exactly the type of debate we'd like to encourage in tomorrow's discussion.

MS BARRETT: Well, will the Minister of Labour or the Premier, whoever wants to do this, state categorically that this bill will not prevent private-sector employers from extending pension rights in conformity with this legislation to same-sex couples? Let's hear it categorically.

MR. SMITH: Well, again, you know, I think we're speaking, Mr. Speaker, on something that is in the future and would be discussed in that framework.

MS BARRETT: Chicken.

MR. SMITH: As the poulet on the other side of the House has discussed, Mr. Speaker, there is more than ample opportunity for mutual agreements to be reached in this province to extend same-sex benefits at this point, right now.

THE SPEAKER: The hon. Member for Wetaskiwin-Camrose, followed by the hon. Member for Calgary-Buffalo.

Highway 13

MR. JOHNSON: Thank you, Mr. Speaker. For some time now there's been concern about the condition of highway 13 east from Camrose to Daysland. In February of this year I tabled a petition with over 2,000 signatures from my constituents asking the government to address safety concerns on highway 13 east of Camrose. Can the Minister of Transportation and Utilities advise what work has been done and what work is planned on this designated primary highway?

MR. PASZKOWSKI: Highway 13 is a major east/west part of our corridor. It's immediately south of highway 16 and certainly a critical part of our road link. Late last fall the road developed some tire-track depressions that really increased the risk of hydroplaning as well as wet, icy conditions. In light of the time of the year and in light of the need for timely action, these tire depressions and ruts were filled with pavement on a basis to try and make the highway as safe as possible. It is our intention to further add a chip coat seal to this particular highway to indeed make it a good all-round highway.

MR. JOHNSON: Mr. Speaker, can the same minister advise my constituents when highway 13 will be widened, as it should have been in the first place?

MR. PASZKOWSKI: The highway work is subject to overall provincial priorities and certainly budget availability, and we plan to begin the widening and resurfacing of this highway within the time lines of the next five years. Highway 13 from Camrose to highway 56 is tentatively scheduled for the year 2003 for widening and resurfacing.

MR. JOHNSON: Thank you, Mr. Speaker. To the same minister: will there be any immediate measures taken to improve the safety at Legacy junction on highway 13 at the junction of highway 56?

MR. PASZKOWSKI: With the building of the huge grain-handling facility, of course, the traffic volumes and the type of traffic has increased and changed dramatically. Certainly as far as the interchange is concerned, we are now having a look at that particular interchange. A study is being done to see just what is necessary, what should be done there, and obviously it would be incorporated when we start construction in the year 2003.

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

Child Poverty

MR. DICKSON: Thank you, Mr. Speaker. On March 18 the Premier boasted to a Calgary audience that he was proud of that city's growth. He said, and I quote, we did it so that Calgary and all Alberta could enjoy renewed prosperity, close quote. Last week we learned from the city of Calgary that there's an estimate that more than 6,000 children simply don't get enough to eat. There are more than 9,000 other children in that city who have intermittent hunger needs that go unmet. Most of these hungry children live in Bowness, Ogden, northeast Calgary, and the downtown core. My question firstly to the Premier: how can this Premier boast of prosperity and at the same time ignore the tragedy of so many hungry children?

MR. KLEIN: Well, first of all, Mr. Speaker, we do not ignore the tragedy of hungry children. That's why we have a Department of Family and Social Services, to make sure that our children are indeed fed.

I haven't read the report. I've read a summary of the report, and I've also heard some very interesting comments relative to that report and the assumptions made in that report and the methodology that was used to obtain those results. I would like to review that methodology because I do think that it is flawed.

Mr. Speaker, this study doesn't help matters. Its numbers are based entirely on assumptions. It simply assumes -- and the figures match almost to the person -- that all children in welfare families or families earning minimum wage are going hungry. It assumes that. There is no factual evidence, as I understand it, in the report to back this up. It assumes it. It also assumes that children are going hungry in families earning below the Stats Canada low-income cutoff. These are unproven assumptions. I would suggest that we need better information.

I'll cite another report that says exactly the opposite. This report was undertaken by the Calgary regional health authority. They did a survey of eating habits and found that over 90 percent of parents said that their children eat a balanced diet.

2:10

I would also allude, Mr. Speaker, to this editorial in the *National Post*, because I think they put it absolutely right. It says in this editorial that

there is no justification for this shorthand except that the authors don't think welfare cheques are large enough -- so all welfare recipients *must* be hungry. The "periodically hungry" figure is even more dishonest. The authors took the total number of child clients at one Calgary food bank, doubled this figure and subtracted the number of chronically hungry children to arrive at 9,536. The 28,889 children "at risk" of being hungry are those Calgarians who earn less than Statistics Canada's Low Income Cut-Off, even though this is a relative measure of poverty that shines no light on the amount of food consumed.

It goes on to say that "children in poverty is an important issue. But we need a higher standard of evidence" -- and I quote what the *National Post* says -- "than the fakery on display in" the Feed the Children report.

MR. DICKSON: This sounds a lot like shoot the messenger and ignore the message.

Mr. Speaker, my follow-up question: does this Premier, who himself is from the city of Calgary, dispute the finding of the city of Calgary that welfare rates are simply too low to pay for adequate food and rent for a mother with two children?

MR. KLEIN: Mr. Speaker, relative to welfare rates we think that we have struck the right balance. Relative to welfare rates I think that this government has a commendable record in terms of supporting those who truly need help in society and getting those who can work off the welfare rolls and back into the workforce. I would say that we have without doubt the best record in this country, perhaps in North America, in getting people off the welfare rolls and back into the workforce but establishing programs that look after those who truly need help in society, those people who cannot fend for themselves.

Relative to the comment in the hon. member's preamble, yes, I still think that Calgary is a marvelous city. I still think that it is dynamic. I still think, as the *Globe and Mail* pointed out, that it is the best city in Canada in which to live and work and raise a family. Mr. Speaker, this hon. member is from Calgary and to stand up and to downgrade and to insult the city of Calgary is shameful to say the least.

MR. DICKSON: Mr. Speaker, it's never shameful to stand up and provide advocacy for people who need help.

Mr. Speaker, my final question is this: given the observation in the report that, and I quote, the charity model can be inconsistent while need is constant, close quote, will the Premier acknowledge this afternoon that child hunger can't be sloughed off to churches and charities, that it needs prompt and decisive action from his government, and it needs it now?

MR. KLEIN: Mr. Speaker, if there are people truly in need in society and people who qualify for welfare, those people will be looked after. If there are people who can work and need assistance to get back into the workforce through skills upgrading or job retraining, that assistance also will be there.

Again, Mr. Speaker, I would ask the hon. member to look at the report objectively -- objectively -- and look at the other side and really examine in his own conscience whether or not he thinks the methodology used was absolutely without question correct. I think not. I have some very serious concerns about the methodology used to obtain these figures.

Now, it's so typical of the Liberal Party to grasp at anything that is negative. It is not advocacy, Mr. Speaker. It is negativity; that's what it is. It's what these people are so good at, at being negative. They are by no stretch of the imagination advocates. They are a bunch of very negative people, and that's all there is to it.

THE SPEAKER: The hon. Member for Calgary-Bow, followed by the hon. Member for Edmonton-Riverview.

Excellence in Teaching Awards

MRS. LAING: Thank you, Mr. Speaker. The excellence in teaching awards are in their 11th year, and the finalists have just been announced. Of the 128 finalists for the 1999 excellence in teaching awards 15 teachers were selected from the city of Calgary. My question is to the Minister of Education. What measures are taken to ensure that these awards truly reward teachers who are making the most significant contribution to the education of students and are not just a popularity contest?

MR. MAR: Well, Mr. Speaker, first of all I want to take this opportunity to congratulate this year's excellence in teaching award finalists. There are 128 finalists. They have been selected from nearly 500 teachers that were nominated. There were roughly 2,300 Albertans who were involved in the nomination of these teachers. From these nominations 125 finalists were chosen, and three finalists were chosen for the Telus innovative use of technology award.

Mr. Speaker, these awards honour Alberta teachers for their creativity, innovation, and effectiveness in teaching. These finalists are examples of the many dedicated and committed teachers throughout the province who raise the enthusiasm of students, help students recognize their abilities, and open their minds to discover the power of learning. Every year starting in November, parents, principals, superintendents, and Albertans at large are encouraged to nominate outstanding teachers. As I've indicated, many hundreds of teachers were nominated.

MRS. LAING: Thank you, Mr. Speaker. My question, again to the Minister of Education: would you please tell what criteria are used to select the finalists for the excellence in teaching awards and for the Telus innovative use of technology award?

MR. MAR: Mr. Speaker, there are a number of criteria that the selection committee look at. They look for clear examples of how the nominees have excelled in the following areas: achieving positive

results in student learning and attitudes; fostering student intellectual, social, emotional, and physical growth; establishing a stimulating learning environment; motivating students to exceed their own expectations; attending to individual student needs; involving parents in student learning; working co-operatively with colleagues; in-depth knowledge of subject matter and curriculum; creativity, flexibility, and innovativeness; involved in professional development; and involved in cocurricular and extracurricular activities.

Mr. Speaker, with respect to the Telus innovative use of technology award, the selection committee looks at clear examples of how the nominee has used electronic technology in meeting the criteria previously mentioned.

MRS. LAING: Thank you. My question to the same minister. Partnership is very important in education. It provides a welcome interaction, support among business, schools, and the community. Can you please tell the Assembly what organizations are involved in supporting these very important awards?

MR. MAR: Mr. Speaker, over the last 11 years this award has gained a great deal of support in and around the province of Alberta. It's annually presented by a partnership that includes education stakeholders, members of Alberta's business community, and the government. The Excellence in Teaching Awards Foundation and its business and education partners co-ordinate this event for all Alberta teachers. The awards are presented by Xerox and the Excellence in Teaching Awards Foundation, which is supported by Alberta Education. The foundation members include the Alberta School Boards Association; the Alberta Teachers' Association; Fraser Milner; Syncrude; Telus; The Document Company, Xerox; and the *Edmonton Journal*. The awards are also sponsored by the Alberta Chamber of Commerce, the *Calgary Herald*, and the Alberta school employee benefit plan.

THE SPEAKER: The hon. Member for Edmonton-Riverview, followed by the hon. Member for Calgary-Egmont.

Assured Income for the Severely Handicapped

MRS. SLOAN: Thank you, Mr. Speaker. Today the report by the Official Opposition outlining the results of a public consultation on AISH was released. The findings of the report showed that the government's process was flawed and untrustworthy, that there were large concerns with the benefit level, and that there was little support for cutting off AISH recipients with an asset test. My questions today are to the Premier. Given this government's hard lesson surrounding the AISH consultation process, will the Premier commit in the future that consultations will not be manufactured to market predetermined changes?

2:20

MR. KLEIN: Mr. Speaker, I don't know that to be the case, nor do I believe that to be the case. As a matter of fact, I know that that is not the case. I know that there was full and complete consultation not only with the public but with people in the disabled community, and I believe that the report was thorough.

Mr. Speaker, I don't know the methodology again used by the Liberal Party and how they spent taxpayers' dollars to obtain this particular information. I wish that perhaps the hon. member would share with me the methodology used. Were members of the general public asked as well, or were these all AISH recipients? I'd be very interested to know, and I would be interested to know who the Liberal Party hired and what expertise these people had to conduct that kind of survey. [interjections] No. I would like to have all this

information, and I would like to know how much this report cost the Alberta taxpayers.

Mr. Speaker, there are numerous professionals in the Department of Family and Social Services, and I have the greatest confidence in those professionals and the people they retain, professionals retained by the department. I have every confidence in these people to prepare a true and accurate account of what should be done in preparation of the legislation that is going to be tabled this week relative to AISH.

MRS. SLOAN: Thank you, Mr. Speaker. I'd be more than happy to provide the Premier with the methodology of our report when his minister provides a detailed accounting of how their closed process was constructed.

My supplemental question to the Premier is: how can the Premier justify using an asset test as a method to cut off AISH recipients when there is not solid public support for this change?

MR. KLEIN: Well, Mr. Speaker, there is never solid public support, and there is never 100 percent public support for anything that the government does or, I might mention, anything that the opposition does. As a matter of fact, they get about 8 percent support for the kinds of things that they do. You are never going to get a hundred percent, if that's what the hon. member means by solid, but what you try to do is you try to get consensus, you try to judge the feelings of the general population, including those who are directly affected, and you try to bring in legislation or regulation that really reflects the views and the wishes and the desires of the Alberta public. That's precisely what this legislation is intended to do.

MRS. SLOAN: Thank you, Mr. Speaker. Will the Premier commit, then, not to pass the amendments to the AISH Act until this government has fully and properly consulted Albertans about what they are doing to the AISH program?

MR. KLEIN: First of all, Mr. Speaker, I'm told that there was a full and complete public consultation process, so that has already taken place. The public consultation has already taken place. Relative to the legislation and the amendments that might be put forward by the opposition Liberals, well, that is a subject for debate when the legislation is tabled, and I would ask the hon. member to await with great anticipation that opportunity.

THE SPEAKER: The hon. Member for Calgary-Egmont, followed by the hon. Member for Edmonton-Norwood.

Year 2000 Compliance

MR. HERARD: Thank you, Mr. Speaker. As we get closer to the year 2000, there is an increasing number of news stories with respect to Y2K, and some of my constituents have called with specific concerns. Would the Minister of Public Works, Supply and Services please provide Albertans with an update on the state of preparedness for the year 2000 within Alberta?

MR. WOLOSHTYN: Thank you, Mr. Speaker. The member is correct; the year 2000 does continue to receive a lot of attention. As I mentioned last year, the government of Alberta has been addressing the year 2000 issue on a co-ordinated basis since 1996. That's when my Department of Public Works, Supply and Services put in a project office with that purpose in mind. The project office, with input from the chief information officer, developed a strategic plan and a framework to assist government departments with their respective year 2000 readiness initiatives.

I might stress, Mr. Speaker, that each department is responsible

for their own systems, but to assist on common Y2K issues facing all departments, the cross-government year 2000 project office provides advice and information to the departments. The government had set a target of March 31, 1999, for year 2000 readiness of mission-critical systems. Mission-critical systems are those that are integral to the government's doing business, and I plan to release further details on how this is progressing later.

MR. HERARD: Thank you, Mr. Speaker, to the same minister: given that some of my constituents have pacemakers, do mission-critical systems include pacemakers and other health sector devices?

MR. WOLOSCHYN: As I'd indicated, Mr. Speaker, each department is responsible for their own areas, and in this case Alberta Health has been working with the regional health authorities regarding year 2000 readiness, including pacemakers as well as all other equipment. As I understand it, the results of the testing on pacemakers is very positive, and I'd ask my colleague the Minister of Health to expand.

MR. JONSON: Mr. Speaker, a very, very major commitment has been made by government, as I think members of the Assembly know, towards making the health system and its equipment year 2000 compliant. We have committed some 170 millions of dollars. Unfortunately, that amount of money has to be committed to this particular need which could of course have served well in other parts of the health care system. We are putting a priority on this. We will probably have to go a bit beyond that particular budget. In terms of our time lines and our testing and repair or replacement of equipment where necessary, I think we're on schedule.

As far as pacemakers are concerned, that's one of the rather good-news stories of this whole exercise in that I'm informed that they are and will be compliant.

MR. HERARD: Thank you, Mr. Speaker. My final question to the Minister of Public Works, Supply and Services: given that the minister is only responsible for Y2K within government, is there co-ordination taking place between the public and private sectors on important services like power, water, and gas distribution systems?

MR. WOLOSCHYN: Yes. Thank you, Mr. Speaker. There is an organization called Y2K Alberta, and this group is made up of the essential service providers: the utilities sector, the three levels of government, the health care sector, provincial organizations that respond to accidents or emergencies. They've been working together for the past several months to determine the readiness of essential services and to develop appropriate contingency plans.

This particular Y2K committee has developed a web site as one mechanism to share information with the public. This was announced in a press release dated around March 4 of this year. Alberta Transportation and Utilities, through disaster services, has facilitated development of this organization.

THE SPEAKER: The hon. Member for Edmonton-Norwood, followed by the hon. Member for Calgary-West.

Institutional Confinement and Sexual Sterilization

MS OLSEN: Thank you, Mr. Speaker. Hundreds of sterilization victims took up the government's offer to settle their claims. That decision is now coming back to haunt them. My questions are to the Minister of Justice. Who negotiated the fee agreements that led to sterilization victims losing up to 30 percent to contingency fees?

MR. HAVELOCK: Well, what typically happens, Mr. Speaker, is that any agreement entered into by a plaintiff with their lawyer

regarding contingency fees is negotiated by those two parties. I can advise that, for example, a number of the individuals were represented by the Public Trustee, and a process was put into place to have a court-appointed trustee -- I believe the individual was from Parlee McLaws -- appointed to act for and on behalf of the individual plaintiffs who were subject to the Public Trustee's purview and authority. We did that because of course there was a perceived conflict that you could not have the Public Trustee acting for and on behalf of these individuals when in fact the Public Trustee was an employee of the government, but typically these arrangements are negotiated between the plaintiff and the lawyer.

2:30

MS OLSEN: Thank you. My second question also to the minister: given that liability was admitted, why weren't the lawyers paid on a negotiated fee for service? Why didn't those negotiations happen?

MR. HAVELOCK: Well, if you're talking about individual plaintiffs, I can't answer that question. It's up to them to make that determination. However, if she's referring to the Public Trustee, to reiterate, an individual was appointed by the courts to represent the sterilization victims, and then an arrangement was made between that trustee and the lawyer who was retained to represent the clients. Again, we did not directly get involved in those negotiations because of the perceived conflict. Now, I can't get into a lot of the discussion on what was paid, what was negotiated, et cetera, because it is subject to client/solicitor privilege.

What I can also mention, Mr. Speaker, is that with some of the arrangements that are being made now where individuals are represented by counsel, if settlement is made, we are in fact discussing with counsel whether or not they could look at lowering their contingency fee, because quite often what's happening is that the Public Trustee is still managing the affairs of the individuals who are coming forward. It's our goal to try and ensure that as much of the settlements reach the hands of the plaintiff while providing counsel with fair reward for their effort in the case.

In fact, probably a week or two ago I did indicate that we are reviewing the entire area of contingency fees. Some months ago I wrote to Justice Côté, who heads up the Rules of Court Committee, and also to the president of the Law Society and outlined some options with respect to contingency fees that I'd like them to consider. So we are looking at the issue generally.

We need to recognize, too, Mr. Speaker, that the contingency fee arrangements enable plaintiffs who otherwise could not afford to retain counsel to represent them before the courts. It's worked reasonably well, although again some questions have been raised with respect to the amount that's paid out on a contingency fee basis and also whether or not in some cases lawyers will actually act for plaintiffs if it isn't on a contingency fee basis. Those are a couple of the issues we've been trying to deal with.

MS OLSEN: My final question to the minister: given that the minister said that he wanted the lion's share of the settlement to go to the victims, can the minister advise us now how his actions have achieved that goal? There are about \$12 million that are not going to the victims as a result of these fees from your hired lawyers.

MR. HAVELOCK: Well, Mr. Speaker, any fees that were negotiated were not done through the previous minister or myself. Again, we tried to make the process as independent as possible by having the trustee appointed through the courts, and then the fee was negotiated. The standard fee in most instances is anywhere from 30 to 35 percent, but again because of solicitor/client privilege, I can't get

into the specifics of what was paid out. Nevertheless, it's our goal to, yes, ensure that most of the moneys are received by the client.

We also need to keep in mind, Mr. Speaker, that when this issue was first raised, counsel for, I believe, Ms Muir took the case on on a contingency fee basis and I think quite appropriately so, because liability had not yet been established. There were a lot of legal issues to work through, and I think that the contingency fee arrangement worked very well in that case.

Again, as I've indicated, it's an issue that we continue to review. We're working with the Law Society, and we are also looking at establishing a consultation process where we can solicit the views of Albertans on this issue.

THE SPEAKER: The hon. Member for Calgary-West, followed by the hon. Member for Edmonton-Gold Bar.

Paskapoo Slopes

MS KRYCZKA: Thank you, Mr. Speaker. There have recently been media reports in Calgary regarding work by developers in the Paskapoo Slopes area of west Calgary near Olympic Park. Many Calgaryans are concerned about the possible effects of development on the archeological sites within the Paskapoo Slopes area and whether the historical significance of this site is being properly protected. My questions today are to the Minister of Community Development. Could the minister please advise this Assembly what the role of her department is in the protection of the Paskapoo Slopes and what the current status is of this sensitive area?

MRS. McCLELLAN: Mr. Speaker, first I should say that I and my officials are aware of the community concerns regarding this site. Secondly, I should say that this Paskapoo Slopes area is not a designated historic site. However, my department does have a responsibility for protecting and preserving our historic and cultural resources. I should also say that the city of Calgary has a responsibility in this area.

An historic assessment was done of this site in 1997. There were found to be some archaeological areas and sites that could be important to the province, and my department is working with the developer and the city of Calgary in reviewing this. I should also tell the hon. member that my staff people have inspected this site and determined that none of these sites of archaeological importance have been affected by the recent clearing in that area.

MS KRYCZKA: Thank you, Mr. Speaker. My first supplemental question is also to the Minister of Community Development. Could you outline the process that you will follow in handling this matter?

MRS. McCLELLAN: Mr. Speaker, Community Development has already identified the next steps that the developer must follow to proceed with the site development. For some of the sites we've determined that development would pose no threat from a cultural or historic perspective. However, for other sites it is understood that further study and evacuation are necessary before we can determine whether those sites are important. The developer cannot do anything further in those areas until that requirement has been met.

I should also, though, inform the hon. member that the developer has met all of our requirements for site development thus far and has indicated that he plans to fulfill any outstanding requirements before he proceeds with his development.

MS KRYCZKA: Thank you. To the same minister, second supplemental. I would encourage her to speak any further as she would wish on time lines to resolving this matter.

MRS. McCLELLAN: Mr. Speaker, there are no firm time lines. However, the developer does understand that until the requirements of identification have been met, there will be no further development in those sensitive areas.

My department is continuing to work with the city of Calgary and the developer to address those community concerns. The next step, I guess, is for the developer to continue to work with us in accordance with the requirements that we've laid out.

head: Statement by the Speaker

head: Oral Question Period Rules

THE SPEAKER: Hon. members, as we go forward now that we find a little bit of a sojourn here, might I just ask all of you to just refamiliarize yourself with two important pieces of information that we govern ourselves by in terms of the conduct of business in this House.

The first one is Standing Order 23(e), which deals with questions. I received a number of notes here this afternoon from hon. members asking about the relevancy of certain types of questions. Standing Order 23(e) reads:

A member will be called to order by the Speaker if, in the Speaker's opinion, that member:

(e) anticipates, contrary to good parliamentary practice, any matter already on the Order Paper or on notice for consideration on that day.

Because of the agreements between the various leaders, announcement is given on a previous Thursday of what the Order Paper would read on the following Monday. If one takes a look at the Order Paper for today, Projected Government Business, one would look at evening designated supply subcommittees: Health, Education, Family and Social Services.

A very, very rigid interpretation would have eliminated about five questions today. However, the interpretation taken here is some degree of flexibility. Because, again, of the unique kind of agreement that exists in this Assembly for designated supply subcommittees, whereby we have a 20-minute speaking rule on behalf of the representative of Executive Council, a 20-minute speaking rule on behalf of the critic from the Official Opposition, and a five-minute speaking rule for the third party with respect to this, it does not necessarily allow all members to participate. So there is some degree of flexibility with respect to that. Nevertheless, in anticipation I just draw that to your attention.

2:40

The second thing that I'd like to draw to your attention, once again, is the agreement between the various House leaders that was agreed to several years ago. Signatures are attached to the particular document and repeated again and alerted to all hon. members at the beginning of this session. When I read from that particular document:

A Member asking a question shall, in the discretion of the Speaker, be allowed a succinct preamble, a main question and two supplementary questions to which there shall be no preamble. Any Member who, in the discretion of the Speaker, abuses the opportunity to give a preamble shall be called to order.

Let me see here. One, two, three, four, five, six, seven times today I might have interjected. This is called question period, an opportunity for hon. members to raise questions of the government. Today there would have been six occasions when the Speaker could have interjected to literally rule out questions and at least seven occasions, then, to interject with respect to preambles. That would have been some 12 or 13 interjections by the Speaker. It would no longer have been called the question period; it would have been

called: interjections by the Speaker period. That certainly is not what the intent would be for anybody to want to do.

So that answers the questions on the various notes that I've received from hon. members. We'll have flexibility, and we'll move forward.

Today six hon. members have indicated their desire to participate in Recognitions. We'll begin in 30 seconds by calling on, first of all, the hon. Member for Livingstone-Macleod, followed by the hon. Member for Edmonton-Centre. During that 30-second time frame, might we have permission to revert to Introduction of Guests?

SOME HON. MEMBERS: Agreed.

THE SPEAKER: Then the hon. Member for Edmonton-Riverview.

head: Introduction of Guests

(reversion)

MRS. SLOAN: Thank you, Mr. Speaker. I appreciate the indulgence of the members of the Assembly this afternoon to introduce to you and through you 10 visitors from the Ben Calf Robe adult education program. These individuals are upgrading at the Ben Calf Robe school, which is a native school affiliated with the Ben Calf Robe Society and Grant MacEwan College. I would ask Mr. Carl York, who is the teacher accompanying the group, Ms Delilah Calahasin, Mr. Rennie Schaksen, Mr. Steve Keewatin, Ms Joyce Koyczan, Ms Mary Tompkins, Ms Brenda Farnel, Ms Karen Lariviere, Ms Pamela Bird, and Ms Karen Bourke to rise and receive the warm welcome of this Assembly.

Recognitions

THE SPEAKER: The hon. Member for Livingstone-Macleod.

125th Anniversary of RCMP

MR. COUTTS: Thank you, Mr. Speaker. Today under Recognitions I would like to recognize the Minister of Community Development and the historic resources division within her department and the Provincial Archives for their display in the pedway part of our Legislature Grounds. This display, members of the Assembly, highlights 125 years of service to Canadians by the Royal Canadian Mounted Police. That celebration is being celebrated this year.

The display contains accountings of the birth of a police force, done by proclamation by Sir John A. Macdonald on May 3, 1873, when he founded the North-West Mounted Police by statute and by legislation. The story of how the law moves west started on July 8, 1874, when the great trek started out in Fort Dufferin, Manitoba, and ultimately led to the establishment of Fort MacLeod. I encourage all members of this Assembly and visitors to visit this display.

THE SPEAKER: The hon. Member for Edmonton-Centre, followed by the hon. Member for Calgary-Fort.

Murray Billet

MS BLAKEMAN: Thank you, Mr. Speaker. I'd like to recognize and thank a constituent of Edmonton-Centre for his many years of community activism and advocacy on human rights. Murray Billet has recently announced that he is resigning as spokesperson for GALA, the Gay and Lesbian Alliance. I know that it is not easy to be a public spokesperson, especially for human rights. Some people don't appreciate the message, some don't want anyone to rock the boat or upset people, and, sadly, sometimes people are abusive, threatening, even hateful.

Mr. Billet has been unfailing in his advocacy. He never shrank from an issue. He never allowed himself or his cause to be silenced. He was fearless in promoting a message of acceptance, of understanding, and, yes, even of activism. I know that Murray has met with or written to many of you in this Assembly. He certainly kept me on my toes as his MLA. He pushes hard and won't accept pat answers or rhetoric. He and others working with him have made tremendous gains in this province. I know that Murray will not go quietly into obscurity; I fully expect him to continue his work in other ways. As a citizen, a human rights advocate myself, and as an MLA I thank him for his hard work and perseverance. Thank you, Murray.

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

Avro Arrow Museum

MR. CAO: Thank you, Mr. Speaker. Last Sunday I attended the opening function of the brand-new A.V. Roe Canada Heritage Museum in my constituency of Calgary-Fort. This museum has exhibits that explain the early days of the aerospace industry in Canada. I believe it is the only one of its kind in Alberta. The amazing fact is that it is organized from the grass roots of ordinary Albertans who volunteer their own time, money, and skills. It started out with a group of friends and volunteers led by Doug Hyslip. Last year the group won the prestigious prize of the Gemini Award for the flying model of the Canada-made supersonic jet, the CF-105 Avro Arrow.

Due to the changing world politics and economic focus, the Canadian aircraft industry was shifted south. During the opening ceremony I met with Albertans who actually had worked in the Ontario plant on the development and construction of the first Canadian supersonic aircraft.

The mission of the museum is to educate the Alberta public and to honour Canadian achievement by telling the A.V. Roe story. Also, the objective of the volunteer and sponsor group is to develop and build a two-thirds scale piloted replica of a CF-105. I would like to recognize them in their task.

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

Sultana Qureshi

DR. MASSEY: Thank you, Mr. Speaker. On behalf of the constituents of Edmonton-Mill Woods I'm pleased to recognize the accomplishments of Sultana Qureshi. Sultana has won a Garfield Weston scholarship valued at over \$50,000 for her high academic scholarship and outstanding community service. In Sultana's words, "Life is short, and there is so much I want to accomplish." Her actions to date prove that she means what she says.

Sultana, fluent in six languages, does everything from volunteering at the Grey Nuns hospital and winning the 1998 Alberta debate and speech championships to managing a youth-centred multicultural magazine debuting this spring. Sultana has done this and much more while achieving first-class academic honours at Old Scona academic high school. The scholarship will support Sultana's studies at the University of Alberta as she pursues her career goals of becoming an astronaut and cardiologist.

For citizens in Mill Woods, Sultana's accomplishments come as no surprise. Her parents, Fayyaz and Anwar Qureshi, have long been outstanding citizen role models in this community.

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

U of A Health Sciences Program

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise to salute the University of Alberta for continuing its fine tradition of excellence, this time through its formal launch today of the interprofessional health sciences education program. This is a brand-new initiative at our fabulous university, which involves six different faculties engaged in the education of health professionals who are taking a team approach "to develop a more integrated health system that focuses on the needs of the client as a whole person."

The U of A's Coordinating Council of Health Sciences is one body guiding this tremendous initiative. It's an innovative plan that streamlines efficiency, provides comprehensive wellness planning, and even helps reduce costs en route to better delivery. It's also an important first for Canadian universities and an incredible first for our very own University of Alberta here in Edmonton.

Congratulations to president Rod Fraser; vice-president Doug Owram; Don Philippon; the six faculty deans; members of the administrative group chaired by Cheryl Cox; Art Quinney, chair of the CCHS; and everyone else involved in this innovative inter-professional program.

I was pleased to attend this launch today along with other colleagues and the Minister of Health, all of whom have pledged their support to see it succeed.

Thank you.

2:50

Dr. Wilbur Bowker

MR. DICKSON: Mr. Speaker, this afternoon I wish to recognize the huge contribution made by Wilbur Fee Bowker to the Alberta and Canadian bars, to the University of Alberta, and to this province. Dean Bowker, as he was known to thousands of law graduates at the University of Alberta, died on March 30, 1999. Dr. Bowker attended the University of Alberta, graduated in arts and law in 1932, later studied at the universities of Minnesota and Yale. After the Second World War he joined the Law faculty for what became a 23-year stint, 20 of those years as dean. He was appointed director of the Alberta Law Reform Institute in 1968, then retired.

The contribution he has made has been absolutely enormous. Evidence of that is the Department of Justice building named in his honour. In 1989 he received the president's award of the Canadian Bar Association. He received the justice medal of the Canadian Institute for the Administration of Justice.

I extend my sympathies to his widow, Marjorie Bowker, and just express again my tremendous admiration for his contribution. Thank you.

head: Orders of the Day

head: Government Bills and Orders

head: Second Reading

Bill 21 Irrigation Districts Act

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

MR. STEVENS: Thank you, Mr. Speaker. I'm pleased to rise today to move second reading of Bill 21, the Irrigation Districts Act.

Mr. Speaker, I wish to start with a review of the history that brought us to where we are today. The legislation that currently governs irrigation within the 13 irrigation districts in Alberta is the

Irrigation Act of 1968. It has been under review for the past two years as part of the province's commitment to assess and update all provincial legislation. The MLA review committee appointed by the Minister of Agriculture, Food and Rural Development was chaired by the hon. Member for Dunvegan with the assistance of the hon. Member of Cardston-Taber-Warner and myself. It was truly a pleasure to work with these hon. members and with the talented and conscientious support staff from the minister's department.

Under the terms of reference we were to review and recommend changes to the rules and procedures for the orderly formation, operation, and dissolution of the irrigation districts and to examine the roles and responsibilities of the boards of directors for the districts, the Irrigation Council, the Irrigation Secretariat, and the irrigation tribunal. The goal was to ensure that new legislation would enable the boards to perform their functions in the most efficient and effective manner in serving the needs of irrigators, other users, and the provincial economy. The review was conducted through an initial series of public meetings, a report back to participants, preliminary draft legislation that was also reviewed by participants in the review process, and follow-up meetings with irrigation districts, the Alberta Irrigation Projects Association, and the Irrigation Council. I wish to acknowledge with thanks the commitment and valuable contribution of all participants.

Mr. Speaker, the new legislation recognizes that irrigation is big business and has a major role in Alberta both today and in the next century. Over 60 percent of the irrigation in Canada is located in Alberta, a total of 1,285,000 acres of irrigated land in the 13 irrigation districts. These irrigated acres comprise approximately 4 percent of the cultivated land in Alberta but produce about 16 percent of the value of production. These facts speak to irrigation allowing for higher value crops to be grown because of the predictability of water supply. The spin-off includes an increase in value-added processing such as the two new potato processing plants recently announced for southern Alberta.

Irrigation districts provide for more than water transportation for crops. The irrigation infrastructure benefits other agricultural activities such as feedlots. It also provides water to 50 municipalities, numerous acreages, and rural industrial users. And do not forget the benefits to recreation and wildlife habitat: lakes and canals for boating and fishing, and wetlands under the auspices of Ducks Unlimited for waterfowl habitat and nature appreciation.

I'd like to point out some of the major changes of which members should be aware. First, the name of the legislation has been changed to the Irrigation Districts Act to signify that this legislation applies only to irrigation within the 13 irrigation districts. In other words, the Irrigation Districts Act does not apply to an additional 250,000 acres of irrigation in Alberta under private licences obtained through Alberta Environmental Protection and governed by provisions in the Water Act. The irrigation districts will be given more autonomy, and they will also have greater responsibility. To carry out its purposes, the districts will have the capacity, the rights, powers, and privileges of an actual person subject to certain limitations set out under the act, regulations, and bylaws. The act will provide checks and balances to ensure that irrigators are supportive of a board's decision.

The role of the Irrigation Council will change from one that approved many of the day-to-day operations of the districts to one that monitors the operations and financial performance of the districts, acts on behalf of the minister as required, conducts hearings with respect to petitions and all matters of appeal except for appeals that are to be heard by the Land Compensation Board. The Irrigation Council will assume the duties previously held by the Irrigation Appeal Tribunal, which will no longer exist. The items that can be appealed and who is eligible to appeal are now more clearly defined.

3:00

Many of the Irrigation Council's current functions will now be the responsibility of the Minister of Agriculture, Food and Rural Development. It will now be the minister who will appoint the first board of a new district, designate the chair and vice-chair, appoint members to fill vacancies on boards of directors within a district, and dismiss members of a board or an entire board under specific circumstances. The minister will appoint members of the Irrigation Council, designate the chair of the council, and determine the rate of remuneration for council members. The minister will also handle petitions for the formation, dissolution, or amalgamation of districts and will establish land classification standards and the criteria to be used in assessing parcels for irrigation.

Each district will be required to submit an annual report to the minister containing an annual financial statement, a summary of activities undertaken to address seepage problems, and a list of all parcels added to or deleted from the district during the year. Districts will be allowed to enter into any business venture. However, if the activity requires an investment of more than the district's annual income from irrigation charges, the district will be required to hold a plebiscite and obtain the approval of a double majority; in other words, approval by more than two-thirds of the irrigators who exercise their vote and also by more than two-thirds of the irrigation acres represented by the total votes cast.

Whereas the current Irrigation Act has primarily emphasized the rights of the irrigation districts and the farmers which they serve, this legislation recognizes the rights of others: rights of appeal and the right to receive notice in specific instances are clearly specified. For example, generally the districts will now be required to provide prior notice of anticipated action to those affected.

There are 10 parts to Bill 21. A brief outline of those parts will assist in an understanding of the scope of the bill.

The first part addresses the powers and duties of the irrigation districts and the agreements into which they may enter.

Part 2 covers governance of the districts, including how a board of directors is constituted. It also outlines the powers and duties of the Irrigation Council and Irrigation Secretariat.

Part 3 addresses elections and the petitioning process.

Part 4 covers the formation, amalgamation, and dissolving of districts and the process to be followed when parcels are added or deleted from a district.

Part 5 is about the assessment role in each district. The assessment role is a record of all parcels in a district that contain irrigation acres or acres subject to terminable agreements and is the basis on which billing notices are sent out each year. The assessment review board is also covered here.

Part 6 is about rates, charges, and procedures for collecting fees and charges.

Part 7 addresses the issues around seepage damage and seepage control plans of districts.

Part 8 states which decisions are appealable and procedures for appeals.

Part 9 includes a listing of regulations and bylaws as well as covering several miscellaneous aspects such as liability protection, tax exemptions, and offences.

Finally, part 10 is the transitional provision and consequential amendment provision.

Mr. Speaker, the new legislation better recognizes the socio-economic benefits of irrigation and will provide more opportunities for nonirrigators to voice their concerns or to appeal the decisions of a district board in situations where they believe they have been treated unfairly or their interests do not appear to have been considered.

The new act will provide greater flexibility in managing water to

meet crop production requirements and make more effective use of the water. Irrigators will be allowed to apply to the district for a permit to apply water to an alternate parcel for one year, thereby improving their ability to rotate crops for disease control. In situations where the district believes that it has more than enough water to meet its needs, irrigators will also be able to apply for an annual permit to irrigate additional land, provided they are willing to bear the risk of having the water turned off in the event of a water shortage later in the season. Districts will be allowed to apply surcharges for volume of water used, water delivered under pressure, and type of delivery, such as pipeline. The procedure to add or delete parcels to or from a district has been streamlined in cases where no objections are filed.

With that, Mr. Speaker, I'd like to hear from other members on their perspective on Bill 21. Thank you.

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

DR. NICOL: Thank you, Mr. Speaker. It's a real privilege this afternoon to get up and address the issues that have been raised in the Irrigation Districts Act. As the member who introduced it said, this is a new title to a bill that has been in place for quite a while under the name of the Irrigation Act. It will really help to provide direction and a clearer definition of the mandate of the irrigation districts: what their authority is, how they react and respond to their members, which are now called irrigators instead of the historic water user concept. This is a clear distinction that is probably going to help a lot of the farmers in the areas as they look at themselves as water users in the context of applying it to a crop that then would become part of their farming operation as opposed to a water user who is a large industrial/commercial user of water which can be handled the same way. So the irrigation districts are basically being set up under this act to deal with the provision and the administration of water for irrigators; in other words, the people who own irrigated land and are using that water to raise crops.

This is basically part of what they were looking for. When we first started public discussions on the new Irrigation Districts Act, the irrigation districts themselves didn't know what to expect. The Alberta Irrigation Projects Association was kind of, "Well, this is something we want, but we're kind of wondering what's going to happen." Through a number of iterations, the irrigation districts and the Alberta Irrigation Projects Association have all come to the conclusion now that this is as good as it's going to get for them. They like it. They feel that it does provide them with greater flexibility and also a degree of accountability, which is important for the irrigator members of the irrigation districts.

The act also looks at some of the aspects of what's going on in the real world out there in the sense that it provides the irrigation districts with a supervised method of getting involved in extra activities beyond just being water providers to the irrigators. This is something that has been building in southern Alberta with the irrigation districts getting into using the power that's involved in some of the drops in their canals to produce electricity. This is a way they have of raising money so that they can keep the water rates low for their members, for their irrigators.

The Eastern irrigation district is working with the Lethbridge Community College on a carp project, which is going to provide all farmers the option of having effectively a method of controlling weeds in their reservoirs, dugouts, and other water bodies. This is being done by introducing triploid carp in a sterilized way so they can't reproduce and get into the wild in Alberta. So this is one of the things that is adding to the activities of these irrigation districts as they become partners in these kinds of activities. The new Irrigation

Districts Act provides them with a method to get approval from their members, their irrigator members, to undertake the raising of moneys and the payment of the debts that are associated with the operation of these extended activities.

This is something they're really excited about, not that they all want to get involved in a big way in the extra industrial activity, if you might want to call it that, but it also does give them an option so that when the opportunity arises, they can then get into very sympathetic activities that deal with the way they're operating.

Another aspect of the bill that I guess needs to be commented on as we go through: the flexibility that's going to be provided through this to the irrigation districts to effectively deal with different alternatives of allocating water. There are a number of references where there are relationships between the acreages that are authorized within the irrigation district, the amount of water they have under their licence, how they allocate this to the irrigators on a per acre basis or such, and this is going to effectively allow them some options.

One of the things that comes up here is in section 12, where they're dealing with maximum sizes of the irrigation districts. When the act goes through a real process of trying to provide the irrigation districts with the flexibility to make sure that their irrigators are getting the quantity of water they need per acre to best suit the management they have, the crop rotation they have, to put a restriction other than qualifying acres on what size the irrigation districts can cover seems to put a restriction on it in the context of flexibility.

We see this in, you know, the Western irrigation district, that's just adjacent to Calgary. As Calgary moves out there, it consumes some of those irrigated acres adjacent to the city. Those other acres have to be expanded, and it's possible that they can, through new delivery methods, increase the efficiency of delivery so they can effectively take the same amount of water and serve a larger number of acres in their new expansion with a more efficient delivery system. I don't see why we have that restriction in there yet when we're really trying to give those irrigation districts the opportunity to really serve the needs of the irrigator members that are in there. This is something that I would like the member to address as we get further along in the debate.

Another aspect that comes up is, I guess, the plan that the irrigation districts have to submit every three years in the context of how they're going to deal with seepage control or other aspects of seepage out of their canals that affects land adjacent to the canal, whether it's on the irrigator's acreage or whether it's on a nonirrigator's acres. The act, at least the way I read it, says that priority has to be given to seepage control, seepage action on behalf of the nonirrigator owners of the affected land. I would suggest that what we should be doing is putting into the legislation a responsibility on behalf of the irrigation districts for the appropriate and wise management, use, and environmental impact control of their waters, but we shouldn't be saying that they have to take a priority.

What this does, then, is it opens to judgment a debate between a nonirrigated acreage owner and an irrigated acreage owner or an irrigator within the system as to who needs to have their land fixed in a priority way. What we should be doing is having that built into the discussion that is involved in the development of that seepage control plan that's in place for the irrigation district. It might be more appropriate or more relevant to deal with some of the land that is being damaged on an irrigator's acreage before you do the other if you can deal with some negotiation or compensation, whereas to have just an absolute priority given to the nonirrigated land would in essence seem to create a legislated parameter within the context of the freedom or the flexibility that the irrigation district will have to develop and implement their seepage control plan.

The other one is that the seepage control plans are not mandatory. This is set out in sections 155 to 160. This kind of implies that you only have to upgrade it every three years. If a new problem comes up, what flexibility would the irrigation districts have to go to the Irrigation Council or to their members and say, "All of a sudden we've got a problem we think now is a higher priority"? I hope that because they have this seepage control plan in place, it allows for the flexibility to deal with these kinds of crises or arising situations.

In the context of the bill, also, I think it's appropriate that it seems to give a better balance between the board and the irrigators that are within the district. The irrigators will now have a greater opportunity to hold the board accountable by having the option to develop a petition and in essence require the board to hold a meeting so that they can have a public discussion on an action taken by a board. I think this is good. I've heard very favourable comments on this, in this case more from the irrigators than from the board members, but it's still something that each of them would suggest is an improvement. Also on the idea that there is an appeal mechanism to the Irrigation Council for decisions, that the irrigators can in essence have as a last resort or a last arbitrator the Irrigation Council.

It's also interesting to note, if I read the sections right, the water charge that the Irrigation District charges to a nonirrigator: some of the municipalities that are served by the irrigators, some of the acreage owners that are served by irrigators, or, as we're seeing more and more, some of the industrial users that are putting in storage facilities and getting water through the irrigation districts. There'll be an option there now for the irrigators to in essence appeal the fees that are charged for those waters to keep a balance between their use of the water, their cost of the water, and also what is being charged to the nonirrigator users.

Mr. Speaker, it's also interesting to note, again I guess if I'm reading the legislation right, that there is an option in there where the irrigation districts can charge variable fees to their irrigators to compensate for water use on a volume basis. If we remember back to the debate on the Water Act, this was one of the things that a lot of people were very emotional about -- the idea of charging for water, whether or not we were going to put a fee on water -- and now it shows up here again in the Irrigation Districts Act, which gives the irrigation districts the right to charge for water on a volume basis. When we were debating the Water Act, it was not appropriate for the public, the people of Alberta, to be charging a volume-based fee for water.

3:10

The other aspect that comes up is in the context of compensation for any lands that are damaged or any land that is taken out of irrigation. This is going to also, I guess, create a need for time to get some experience to see how that works.

[Mrs. Gordon in the chair]

Another aspect that I guess has precipitated a couple of calls to my office is the option that is there now to appoint members to the board who are not irrigation farmers. This is going to be an interesting dilemma or situation. Even though the act requires that 50 percent of the members be irrigators, there still is the option, then, of more and more influence on the irrigation district being caused by or being controlled by individuals on the board who are nonirrigators. Some of the irrigators who have contacted my office and spoken to me about this are concerned that, you know, even if it were 60-40, that means there are only two or three irrigators who have to effectively be convinced or influenced by the nonirrigator board members to support their cause, and they could find the irrigation district in some

cases being operated in the interests that may not be perceived to be to the benefit of the irrigators as opposed to the general, nonirrigator members of the board. This is especially true in some of the irrigation districts where we're seeing acreage owners or environment groups being very strong in terms of their aspects.

Now, if it is in essence the right or the ability of the irrigation districts to appoint to their boards members who, say, are involved in some of their secondary, corporate activities, that's a little different from seeing it as persons who have conflicting views in terms of the water use.

So those were some of the issues that were raised by a couple of irrigators that actually came and spoke with me.

There was another issue that came up in the context of the debate over the bill, when it was going to come. This was the idea of commutation for acres taken out. This is an issue that occurs if for some reason a block of acres is going to be removed from a district. If the district as of the date of that action has not yet fully depreciated the costs of the infrastructure that's associated with delivering the water to those areas and then moves that water to another area, in essence the current irrigators, the ratepayers, are going to be paying twice for infrastructure. They're still not finished paying for the infrastructure that was over here, while they're now paying for this new infrastructure that is associated with delivering to those new acres.

3:20

I know the argument comes up from some people: well, it's possible that that new irrigated acreage won't have a high infrastructure cost. But it's also possible, Madam Speaker, that it will actually cost. They may have to put in a new canal to deliver to those acres. So you end up with a double charge to the irrigators in that area within the budget of that irrigation district.

Madam Speaker, I guess in that context those are the main issues that have been raised when people have talked to me about this act. The general sense of the community is that they like it. The change in the definition from water user to irrigator I think is one that, from a perspective of identity creation, was good for the farmers in the irrigation districts. It sets them aside.

The interesting issue is that this act no longer deals with the aspects of all the irrigation. It's set up to provide more autonomy at the irrigation district level, yet it still has checks and balances so that the public can feel that, yes, the public dollars that are involved in some of the headworks dam construction and the cost sharing that's involved in the rehabilitation can be looked after in the public interest under the context of this bill.

Thank you.

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

MR. DUNFORD: Yes. Thank you very much, Madam Speaker. I know it might seem unusual for a small city, so-called urban MLA to speak to this bill, but I want to do that today first of all by commending the Member for Calgary-Glenmore for carrying this forward and also by thanking my colleague from Lethbridge-East for his support of the principles of this bill.

The only remark I want to make in relation to the principles of the bill is to commend both the mover of Bill 21 and also the minister of agriculture for having the wisdom to recognize that within the irrigation system here in Alberta we have some very responsible and some very honourable people. Under the chairmanship of the Member for Little Bow I had an occasion a number of years ago to sit on a committee where we were dealing with some irrigation

matters, and I have to say again that the people I was involved with during that particular function were men and women of high integrity and certainly of responsibility.

So for one who believes in trying to move authority and responsibility down into the community, you will find, Madam Speaker, that I'm a big supporter of this particular bill. I want to take this time, then, to congratulate all of the people that are involved with the 13 irrigation districts, some of the individuals that are involved in their association, in particular Mr. Stan Klassen, who is the executive director, a man that I know will act in a most responsible way and in a way that will show high integrity. I want to congratulate all of them.

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

MR. DICKSON: Thank you very much, Madam Speaker. I was very encouraged when I heard my colleague from Lethbridge-East talk about the kind of support that exists among the members of the irrigation industry for Bill 21.

You know, when you grow up in the Drumheller Valley, irrigation sounds like something incredibly exotic. I was amazed when I had a chance in Lethbridge a number of years ago to meet with Mr. Stan Klassen and people in that industry and tour some of the amazingly extensive infrastructure that's been developed not just in that Lethbridge area but in other parts of southern Alberta.

I guess I've come to realize just how significant an industry this is to agriculture in southern Alberta and frankly to the lifeblood, if you will, of the province. So I'm very much encouraged to hear that that kind of support exists for the act. Knowing the Member for Calgary-Glenmore, I'm sure he's invested a lot of energy in speaking to people who are affected and tried his very best to integrate their concerns into the bill.

I have one specific question, and I'm hopeful that this will be answered before we have to vote on the bill at second reading. As a Calgary MLA I've had meetings and received lots of concerns from people in the Chestermere Lake area with respect to irrigation issues, I think with the Western irrigation district, and these have had to do with the Chestermere Lake levels, trying to find some accommodation for irrigation needs of that part of the province as well as of those people living in Chestermere -- I expect it's a village. So I'm interested in terms of what sort of impact this bill is going to have on some of the tension -- that sounds too dramatic -- some of the differences that have in recent history existed around water levels at Chestermere.

I do have some other queries that arise from what I consider some odd provisions in the bill, and I'm hoping I can get some clarification on that. Firstly, if we look at section 189 of the act, this is one that starts off routinely enough. It follows section 188, which sets out some offences. We understand what happens there. Presumably the offences are prosecuted under the summary convictions act. There's no reference. Court is not defined in Bill 21, so I'm assuming that these matters would be typically dealt with in the Provincial Court of Alberta, the criminal division.

When we read section 189, what we have there is a set of layered-on powers. Not only does the court have the power to determine whether an offence has been committed under section 188 but then the power to impose certain penalties. Penalties are significant: a maximum fine of \$5,000 for the first conviction and a maximum of \$10,000 for subsequent convictions.

When we go on to read section 189, what we find is that once a person has been convicted, the court, in this case the Provincial Court, criminal division, "may, having regard to the nature of the offence . . . make an order having any or all of the following effects," (a), (b), and (c).

Now, what's interesting about this is that we're accustomed to courts exercising powers under the Criminal Code, where we see restitution and we see some compensatory orders. When we're talking about irrigation, it seems to me that the costs that may be involved in remedial or preventive action -- I can imagine millions of dollars being involved in the event of some rupture, some change to an alignment of an irrigation canal, an irrigation stream. It just strikes me: is our Provincial Court adequately equipped? Are the processes under the summary convictions act under section 188 adequate to be able to deal with what may be fairly large dollar claims?

When we look at section 189(1)(a), what we're looking at there is really a mandatory injunction. You may be able to direct "the offender to take any action the court considers appropriate to repair any damage." So it's not a pecuniary, or dollar, value award that's being imposed. You really have a mandatory injunction. You know, that may well be appropriate, and there may be some time reasons why you have to proceed, but I would just wonder whether you have adequate provision. If somebody goes to get a mandatory injunction and they go to the Court of Queen's Bench, there are certain kinds of safeguards and checks and balances, and there would have to be ample affidavit evidence. There would be cross-examination on affidavits. So before a court decided to issue this kind of an order, there would be some checks and balances. I'm not sure what the checks and balances are that are envisaged here for an order under section 189.

3:30

I'm not saying that this isn't an appropriate remedy, but I certainly have some questions just in terms of how you actualize this remedy. This sounds like one of those things where you could sit down and say: "Well, this makes some kind of sense. Let's just co-ordinate all our remedies: single court, single act." I guess I have some question in terms of: is this appropriate for a Provincial Court to be doing? How do we ensure, before somebody is ordered to pay \$3 million or undertake \$3 million worth of rehabilitation work, that that's fair? What concerns me, I guess, is that that's not clear in the bill itself. So that's one question I had.

Now, the other question I wanted to raise was with section 174. I'm not going to do a detailed sectional analysis, but I just want to highlight for the Member for Calgary-Glenmore, the mover of the bill, some of the areas where I have some concern in terms of principle and so on. In section 174 we have: the Irrigation Council, when an appeal is being heard, before it undertakes a hearing of the appeal may commence mediation. Well, that's excellent, but you know, when the Court of Queen's Bench is involved in doing a quasi-mediation exercise, you make sure that the trial judge isn't participating in the pre-trial conference or in the case management thing. When the Freedom of Information Commissioner is awaiting an inquiry under his powers, he does not participate in an attempt to mediate. He has some excellent people working in his office, who work hard and often very successfully, but it's a different person.

Now, when I look at section 174, I don't see anything that prevents your fact finder from being engaged in a mediation which is unsuccessful, then take off their hat as mediator and put on their hat as Irrigation Council, and then proceed to make a decision. Well, I know the Member for Calgary-Glenmore would be alive to the problem with that. The mediator has got to be independent of the fact finder and the adjudicator, and that's not clear in section 174. So there may be something I just am missing on a quick read, or there's some other explanation but it's not apparent.

The next question I had was on section 176. I see here a need for a Standing Committee on Law and Regulations provision because I

see extensive regulations being made. Actually, most of the subordinate law-making here happens expressly outside the scope of the Regulations Act. We've got district-making bylaws; we've got bylaws being made that aren't subject to the Regulations Act. I'd just put the Member for Calgary-Glenmore on notice. I think this could be improved by making provision for the regulations to be reviewed by the Standing Committee on Law and Regulations.

The other question I had was on section 175, the privative clause. Privative clauses, fortunately, are found rarely in Alberta statutes. A privative clause, of course, effectively ousts the jurisdiction of a court to review decisions that are being made. We may see them in the Workers' Compensation Act and in a few statutes, but they're not very common. I presume that the argument is that the Irrigation Council has some very specific expertise that would be lost if there were appeals to the Court of Queen's Bench or some other court, but I question: have we looked at that and resolved that we want to give the Irrigation Council absolutely the last word?

Now, the other concern I have is with section 179. This deals with a six-month limitation for bringing a negligence action against an irrigation district. We're familiar with the provision in the Municipal Government Act that if you're going to sue the city, you have to give notice of claim within a period of time and so on. But I wonder. I can see causes of action existing, and six months seems to me like it may be unreasonably short. I think my experience is that often, if you look at the analogous case of a claim brought against the city of Calgary under the Municipal Government Act because somebody ran into an uncovered sewer -- I was going to say pothole. Potholes aren't that big in Calgary. [interjection] That's the next one, the minister of transportation says.

My point is simply this. In the city it's I think fairly easy for people to find out, to bring an action under the Municipal Government Act. Even there people often don't know, and it's not uncommon that people are out of time and end up having a claim for negligence against the city statute barred because they haven't met the notice requirements to the clerk of the municipality.

The Irrigation Districts Act is not going to be top of mind to a lot of people, and I wonder whether the six-month limitation provision is unreasonably short. I don't know; I have not made a study of other jurisdictions. It may be that somebody who's clued in, like Mr. Stan Klassen or others, may have given this lots of thought and determined that six months is appropriate. I'm going to suggest that there may be some arbitrariness to the six months. I don't know how thoroughly that's been tested, but it does strike me as something that warrants some further consideration.

Those are the concerns I wanted to raise. I know there are probably people reading this statute more carefully than I am that have some other thoughts, but I'm hopeful that we get some response to those questions certainly before this bill finishes committee stage.

Thank you very much, Madam Speaker.

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

DR. MASSEY: Thank you, Madam Speaker. I'd like to make a few comments about the Irrigation Districts Act, not that I profess to be an expert, but I did appreciate the efforts of the Alberta Irrigation Projects Association when they arranged a tour of irrigation works and allowed us to see the scope of irrigation operations in southern Alberta. That was a tour for MLAs which allowed many of us who didn't and don't have a background in the area to see what the aims and goals of those irrigation districts are and to gain at least some small understanding of the kinds of difficulties they face in the work that they do. Also, I think it provided some background for this bill that we have before us today.

Irrigation is almost a century old in our province. It has a long history in southern Alberta of being a way of trying to provide water for crops that would otherwise not be able to flourish. This particular act arose out of the work of an MLA committee and some consultations that have been done with those involved.

3:40

It's interesting to note that about a million and a half acres are under irrigation in the province. About 1.25 million or a little more of those acres are under the jurisdiction of the irrigation districts, and the remaining acreage is privately watered. The whole area is under the South Saskatchewan basin water allocation regulations, which limit how much land can be irrigated to about 1.7 million acres. So there is room for expansion of the acreage under irrigation as it now stands.

At second reading we're usually concerned with the principles of the act. There seem to be a number of principles that are being pursued here. The first seems to be that irrigation districts are best able to make decisions that affect operations at their level. I think the mover of the bill earlier this afternoon indicated that that was of concern when the act was being drafted, that irrigation districts had to have the ability to make decisions that affected their operations.

We see in a couple of aspects of the bill, looking at the cases where the district has to deal with irrigators who are wasting water, that they are able to stop delivery within 24 hours, not as previously was the case, which was seven days, and that they are going to have more control over the conditions under which water is delivered, particularly when it comes to concerns about wasted water.

A second principle that seems to underlie the bill is that irrigation districts should be able to expand the scope of their activities and should have the freedom to move into other areas. I think there are a couple of examples of irrigation districts moving into other business areas. The Irrican: the St. Mary River and the Raymond irrigation districts' business venture is Irrican. They operate two small hydroelectricity developments. Through the operation of those two developments they are able to deliver electricity to the provincial grid. Projects such as Irrican are encouraged under this act.

A second one is the project undertaken by the Eastern irrigation district and their partnership with a building developer where they make available lakeshore land for homes and still are able to control the environment. So the irrigation district receives the benefit from the sale of that lakeshore land and still is able to carry out its mandate as an irrigation district. It's those kinds of projects that the act now encourages. Yet it also, I think, provides safety for irrigators who are concerned that those projects might get out of hand or take up more time of the irrigation district than they rightfully should in that irrigators have to approve by at least 50 percent of the irrigators those projects before they can be undertaken. So I think the principle that the districts should be able to expand the scope of their activities is one, given the safeguards that are built into the act, that is worthy.

I think a third principle is that those irrigators themselves have to have some control over the activities of their districts. I've already mentioned an example of that: the control of projects, where they are to be informed and to have a part in the decision of which projects are pursued. The whole notion that people who are being served by the irrigation district should have some voice, a sizable voice, in the operation of the district seems to be a principle that the act before us endorses.

So with those principles and those comments, Madam Speaker, I would conclude my remarks. Thank you.

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

MRS. SLOAN: Thank you, Madam Speaker. I'm pleased this afternoon to rise at second reading to debate Bill 21, the Irrigation Districts Act. I am most interested to read this bill on the newly established entity of irrigation districts that the bill embodies.

I would like this afternoon to begin my remarks more in a general sense about that particular creation. I have questions, I guess, in my mind as to the increasing tendency it appears this government is embodying to delegate, under the auspices of community development or community empowerment, authority to structures that really have no access to any macroeconomic tools but are, rather, arbitrarily structured to assume a function. I refer to the outlining of the districts on page 12 of the bill. The following corporations are established: the Aetna irrigation district; Bow River, Magrath, Raymond, United. It seemed rather odd to me, Madam Speaker, that there was no definition or description of what these districts or corporations, as they're referred to in the preamble, actually consist of.

Now, I look back into the definitions section, and I don't see any reference to districts: how they are defined, that they're defined by geographical boundaries, how the particular name, quote, unquote, was referred to. It just seemed a bit puzzling to me that there really wasn't a description there. I guess the assumption would be, then, that if a member of the public wanted to determine how Bow River relates to the Eastern irrigation district, they would have to go to the regulations. I'm not sure whether that is prudent or, rather, if we should not be encompassing a more accurate description of what these districts will entail in the act.

Further, I found it interesting to look at the purpose and powers of a district, which are outlined in section 6(1). The first three components of the purpose really relate to the marketing of irrigated water. We talk about conveying and delivering water through irrigation; diverting and using water through irrigation; constructing, operating and maintaining the irrigation infrastructure in districts. So in many respects there's a common theme in those three purposes.

Section (d), however, reads "to maintain and promote the economic viability of the district." I thought how interesting it was that that one was singled out for mention in the act and that that specific quotation was used rather than perhaps something that might have said: promotes economic growth, prosperity, and sustains a healthy environment. I believe that was the theme or terminology used in the draft, in purpose, but for some reason this has now changed. Really these districts are nothing more than perhaps profit generators. There is no legislated reference to any responsibilities that they have relative to the environment or the health of a particular district surrounding water use.

3:50

I know that in the southern parts of this province -- because I've seen the Department of Health analysis about the heavy livestock concentrations in those areas and the impact that's had on the water supply. It would seem that these particular districts, while they are responsible for marketing irrigated water, have no relationship, no responsibility. It is not acknowledged that that relates in any fashion or form to the health of a district. Some might say: well, that's not what they're being created to undertake. However, water is a basic human need, and regardless of what purpose that water might be used for, if it's irrigating to produce a food supply for human consumption, then I would argue that it has a relationship to the health of people in this province. Therefore there should be a reference made in the act, but there is not. Even though it was, you could say, in the draft by using the words "healthy environment," a healthy environment for the population, for the land itself, et cetera,

that is not part of this act we are debating this afternoon, and I think that's a significant omission.

It would seem, just to sort of summarize on that note, that the government's approach surrounding environmental protection is that that responsibility should be assumed by the Department of Environmental Protection. Now, whether or not the department has actually assumed or abdicated its responsibility in that particular area I'll leave for debate at another time, but it doesn't seem to be prudent or aligned with principles of good government to omit the basic relationship between water and both the Department of Environmental Protection and the Department of Health in this respect.

It's important, I think, to note also that Alberta Trailnet had requested the act specifically mention recreation development as an appropriate project for irrigation districts to undertake. It is our understanding this has not been done. Now that the section about promoting economic growth and prosperity and sustaining the healthy environment has been omitted, they will have even less ability to argue for multiple use, and this is a major concern of having irrigators responsible for everything. If the board makes use of its powers to appoint nonirrigators to the board, as is permitted under the section of the act, then perhaps that concern can be addressed, but we have no assurances this afternoon, Madam Speaker, that that in fact will be the principle or the philosophy through which the board appointments happen.

It also is an interesting point to contemplate that in fact these irrigation districts will have powers equal to a municipality. Now, this is with respect to the section that talks about the district having "privileges of a natural person." We are all very well versed on many of the contentious issues and challenges that municipalities in the province are now attempting to undertake as the government has off-loaded more and more responsibility and underfunded those very municipalities. So now we have a scenario set up where not only will they have to deal with all those realities; they're going to have another entity, now born into existence, that is going to have the same powers and the same ability to compete to serve the interests of the irrigators.

I guess the scenario that I'm thinking of is we have municipalities now looking for ways that they can generate revenue to offset the underfunding of municipalities by this government. That will potentially put them in direct competition with these irrigation districts, because as I read the section, primarily their purpose is to generate revenue, to try and bring about income for that particular district.

In that respect also, Madam Speaker, I'm not sure what the future of these districts and their relationship with the municipalities in this province will hold. I don't know how much, to what degree the government has contemplated that. Were the municipalities directly consulted in the consultation process? Was it contemplated that in fact this competitive environment could be created? I am not aware at this point in time that that was undertaken by the government.

In a similar vein, as I just generally contemplated how these entities would operate, it seemed to me -- and I may stand to be corrected here -- that the district is going to be comprised primarily of irrigators and that the districts will be empowered to get involved in businesses that'll bring in revenue for the districts and on behalf of irrigators will be looking at what types of initiatives will in fact generate revenue. But isn't there a bit of a conflict of interest if the majority of the districts are comprised of irrigators? How are the nonirrigators' rights surrounding water use represented if they're in the minority? I understand that the appeal process is referred to in the act. Isn't there a conflict of interest or a degree of self-interest in a council comprised of irrigators making the sole determinations around the use and marketing of irrigated water and the nonirrigators

basically being left with, to a degree, ad hoc representation?

It smells a little bit like a conflict of interest to me, and I'd like to have some further debate about that in this Assembly. The directors of the board are going to be water users also, so who's to say that those directors wouldn't undertake projects that were in their own interests? How will the act ensure that that type of conflict doesn't arise? If it does arise, is the appeal process going to be sufficient to adequately address those issues?

One of the other aspects of creating the district that doesn't seem to have been given a large degree of discussion in the act is the issue surrounding liability. We know there has been some documented concern around that. The *Western Producer*, for one, published some of those concerns, I believe, in the fall of last year. Particularly, again as I read the act, the minister is going to be able to give these districts any power or authority that he chooses to of his own. Not only that, but they are going to undertake business ventures that ultimately could have some degree of effect or impact on the citizens in that particular district. If in fact a case, a suit arises, what are the liability concerns? Have we adequately explored and created a framework that will minimize the risk of liability for these districts? How much was that contemplated? Where is there substantive reference to that in the act aside from the appeal process? I don't see that, and I would be most interested in seeing the government bring forward more substantive amendments on that particular issue.

4:00

There's perhaps a potential example, I believe, in the St. Mary, Raymond, and Taber irrigation districts. There are two small hydroelectric plants that supply power to the grid. The Eastern irrigation district has a deal with a building developer and receives a benefit from the sale of land along the lakeshore for the subdivision but maintains environmental control for the area. A very odd scenario to me, Madam Speaker. Again, I wonder if the citizens, the nonirrigators, who fall within the boundaries of those districts really have been adequately informed, adequately consulted, adequately educated by this government about what the establishment of these districts will do in the future.

MR. McFARLAND: We're not talking about a kidney irrigation.

MRS. SLOAN: You know, Madam Speaker, I think really it's something that all members aspire to in this Assembly: to be able to debate and provide representation on a wide variety of bills. I'm most pleased to be able to do that this afternoon with respect to the Irrigation Act, and I would most politely invite any members of this Assembly to do the same. I don't have any irrigators in my constituency. I believe that those irrigators need representation, and I'm more than happy to do that as part of why I'm here and why I'm remunerated as a member of the Assembly. Now, if there are members here who have irrigators in their district, I would say: get in the lineup; debate and share with us what those people's views are about this bill. I'd really like to hear it.

AN HON. MEMBER: But would you understand it?

MRS. SLOAN: Such cold, callous remarks.

One of the other aspects of the bill that I want to talk to is in relation to -- now, I've just lost my page here, but I will find it in a moment -- the use of water.

THE ACTING SPEAKER: Possibly, Edmonton-Riverview, just through the chair.

MRS. SLOAN: I'm very focused on you, Madam Speaker. You're just so charming and attractive to be focused on this afternoon also, so I'm more than pleased to . . .

THE ACTING SPEAKER: Hon. member, on the bill, please.

MRS. SLOAN: I think there are some contrary views out there. There's an acknowledgment, I think, that for the most part people view the development of this act as progression in a positive sense, but there's still lots of controversy and differing views about whether irrigation is in fact sound environmental policy. I was part of the Environmental Protection debates, and I didn't hear a lot of discussion and didn't see a lot of reference in the business plan of Environment about that. I'm not saying that my personal position or views rest more with one side or the other, but it seems as though the government, by taking the step of entrenching the districts into legislation, is saying: we are going to give irrigation districts legislated status in this province not only to exist but to operate as corporations, to conduct business ventures, to make revenue for that particular district.

We know, as with all of these scenarios, that there will be some districts that do much better just because of where they're located geographically, that will be able to do that much better. I am not saying anything about the individuals or the areas in any way in a detrimental fashion, but just by the nature of where they're situated, some will be more profitable, if you will, than others. So how is the government going to address the inequities? We've seen those inequities in other sectors, and they've provided a great deal of grist for the opposition, a great deal of angst for the government: the inequities in municipalities, the inequities in education, and the inequities in health care funding.

I'm most, most sorry that my time for debate this afternoon is over. Thank you.

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

MR. BONNER: Thank you very much, Madam Speaker. I rise this afternoon to speak to Bill 21, the Irrigation Districts Act. I'd like to start by commending the Member for Calgary-Glenmore for sponsoring this bill.

MRS. SOETAERT: Oh, don't be too generous.

MR. BONNER: Well, he's done such a good job that I think in most aspects I certainly support the principles of this bill.

It's a bill that's been worked on, to my understanding, for roughly the past three years. I recall, Madam Speaker, that one of my first tours down at the caucus office, after I got the nomination, was to see posters made of a tour the MLAs had made when they went around the province and looked at a number of these irrigation districts and projects throughout the province. MLAs were well informed at that time of what was happening with our irrigation districts. So I must also agree with the Member for Lethbridge-East that this particular bill, Bill 21, the Irrigation Districts Act, is about as good as it's going to get. That's because there are a number of contentious issues in here, and all parties involved certainly worked to come up with some type of legislation that would be agreeable to all people.

Now, the object of this particular piece of legislation is to update and revise the Irrigation Act. It does this in a number of different ways. There is a change in name to the Irrigation Districts Act, as the act only applies to the irrigation districts, not to irrigated land

outside of the districts. The act also includes the changes of the Irrigation Council. Rather than approving many of the day-to-day activities of the district boards, the council will now monitor the operation of the districts based on annual reports submitted by the districts and also hear appeals, except those involving compensation, that go before the Land Compensation Board.

The object of this particular bill is also to include new powers which will be given to the district boards. There are some checks on these powers, including the requirements for the board to notify irrigators of major actions, the rights of irrigators to petition, and the appeal process to the Irrigation Council. This will also include regulation of commercial activities when a district undertakes business activities not directly related to irrigation and land management. It also includes powers enabling district boards to take action to prevent a water user from wasting water. Certainly this is a precious gift that we do have much of at this particular time in the province, but certainly we can see down the road that some of our supplies of this freshwater are going to become more limited as time goes on.

As well, another object of this particular act is to provide a provision for the boards to deal with seepage problems by submitting five-year seepage control plans that give priority to land that is not irrigated, exempting the districts from the provisions for ad hoc claims.

4:10

Now, there is a history as well, Madam Speaker, behind the Irrigation Act. It was proclaimed in 1968 to provide the rules and procedures for the formation, operation, and dissolution of irrigation districts. This particular act in 1968 superseded all previous legislation, which dated back to 1915. The government reviewed this act in 1968, and they set up a committee which had as their terms of reference to make recommendations. These recommendations were to concern matters related to the Irrigation Act but not restricted to the governance of the districts. Their terms of reference were also to look at other issues related to the governance of the districts that arise from public input.

They also considered at this time the level of direct provincial control over the elected officials within the irrigation districts and the level of autonomy that was needed for the districts to effectively manage their affairs. They also considered the extent to which the new act could be made consistent with other provincial legislation such as the Municipal Government Act and the Water Act. They also considered the need to maintain the long-term sustainability of Alberta's irrigated soils while making efficient and effective use of limited water resources.

Along with their work, Madam Speaker, in July of 1997 they also held public meetings in Taber, Picture Butte, and Brooks and received over 30 written submissions. The committee met with the Alberta Irrigation Projects Association and the Irrigation Council, and they both submitted formal briefs. In October 1997 the committee published its draft report and recommendations for discussion with the stakeholders.

In the history of this particular bill, Madam Speaker, in March of 1998 the final report and recommendations of the review committee were published. Reference is made to these recommendations below. As well, in the summer of 1998 we had the draft Irrigation Districts Act and the interpretive guide released for comment. So as we can see from all of these, there was a tremendous amount of work done on this bill to make certain that all the stakeholders were involved and that many of the problems that had been faced by the old legislation could be corrected under Bill 21, the Irrigation Districts Act.

Now, there are many good attributes to this new legislation. There are several measures that ensure the optimum use of the water. This is done by legislation that allows districts to set their own terms and conditions for water delivery to farmers and to take action to prevent the waste of irrigation water. Thus a district may pass a bylaw imposing a surcharge if the volume of water used is in excess of the volume prescribed. They can also terminate delivery on 24 hours' notice if the water is being used in a manner that "may cause loss or damage to property" or to a person.

As well, another good attribute of this legislation is that it allows water to be delivered to irrigate land not adjacent to existing irrigation works, providing certain conditions are met. This was not permitted in the past.

Another good attribute of this legislation is that it enables irrigators to move water entitlements between their own parcels of land, which will enable them to rotate crops, supplying water to those crops that need it. As well, it will permit an irrigator to transfer acres to be irrigated on a permanent basis to another landowner, provided that both landowners agree, the new land is in the same district, and the land has been classified.

Another good attribute of this new legislation is that it will enable a district to extend the area irrigated. Although the maximum size of each district is set by the expansion limit in the schedule to the act, section 12 allows a district to pass a bylaw to change the expansion limit. The bylaw must be approved by more than 50 percent of those voting.

As well, Madam Speaker, this piece of legislation will ensure that only suitable land is irrigated. The minister is to specify land classification standards for all land and land assessment criteria. This will enable districts to draw up seepage control plans. The plans are to identify how, where, and when rehabilitation would occur to control seepage and prevent any further damage. The priority for rehabilitation is to be given to nonirrigated lands. Districts must publish their plan, and affected landowners can appeal.

With those comments, Madam Speaker, I will conclude my remarks for this afternoon and allow some of the other members here an opportunity to speak to this act. Thank you very much.

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

MR. MacDONALD: Thank you very much, Madam Speaker. I, too, have a few brief remarks this afternoon on the Irrigation Districts Act, Bill 21, as sponsored by the hon. Member for Calgary-Glenmore. You know, it would be unusual for an urban member to be the sponsor of a bill that deals at great length with water, but the exception could be made for the Member for Calgary-Glenmore because of the Glenmore reservoir, of course, in Calgary. We all know how large a pool of water that is and the importance of that pool of water.

There are many highlights to this bill, Madam Speaker. We are updating and revising the Irrigation Act. There are changes to the role of the Irrigation Council, and we are essentially giving it power to monitor operations of the districts. There's also an appeals mechanism, as I understand it, in here. There are new powers here to the district boards, including the ability to set up separate companies to conduct commercial operations, but only if it's approved by up to a two-thirds majority of irrigators who vote. The irrigators must be notified of major changes. They can petition and they can also appeal to the Irrigation Council.

This bill is going to increase the flexibility in allocating water for irrigation purposes. We look at the history of southern Alberta, and

we look at the dramatic increase in the agricultural development and crop production that's gone on there. This I think would be one of the most crucial issues of public debate there. In my end of the province, in an urban community, transportation issues and traffic congestion are the number one problem facing us today, but we cannot overlook the importance of the long-term allocation of water resources for irrigation.

4:20

We're looking at other government departments. Senior members of Executive Council are going around the province discussing with people and hearing from people about the significant climatic changes that they believe are occurring. If we are to get a little warmer in this country, then we're going to have more frost-free days in Lethbridge and southern Alberta. What will this mean for these irrigation districts? I'm not saying that we're going to eventually see irrigated fruit farms there, but it is certainly a possibility. Certainly to the south we see them in the state of Washington and in the state of Oregon. But as the climate changes, the use of this water, not only for southern Alberta but for the entire province, could mean a significant difference. You look at towns like Grande Prairie and Fort McMurray, Edmonton as well and the reliance we have on market gardens far to the south in California, Mexico, and Arizona for our winter vegetables -- this could also be of importance.

We have to be very careful. My experience in the past -- and it is just briefly mentioned here -- is the effect that irrigation will have on agricultural land. The countries are as far apart on the globe as you could imagine, but if we look at Australia and we look at their experiences with irrigation, they're similar but yet are different than what is occurring in this act. In Australia they do have high mountains that collect a lot of snow in the winter. Madam Speaker, we have the same circumstance occurring here. The snow melts, goes down to the river basins, and some of this water is utilized for irrigation. The water travels from the Snowy Mountains in Australia through a series of canals for over 1,200 kilometres to an area of New South Wales which, before this irrigation project was developed, was nothing more than desert.

When they started to irrigate this land, they found that the amount of salt that was retained in the soil year after year after year got so great that the land was no longer suitable for crop production. I certainly hope we're not going to have this problem in southern Alberta. The Australians went so far as to install weeping tile below the surface in order to see if they could correct this serious problem, but in some situations they could not. Fortunately they could move their farms every so often 30 or 35 kilometres away and dig new canals, and away they would go again. We all know how precious farmland is. Hopefully, this problem is being carefully monitored by the irrigation districts. We cannot let this happen, because it will affect the entire province, and of course it's going to affect the value of the farm and the farmland in southern Alberta.

Now, when we talk about irrigation, water, and irrigation districts and we talk about an area like southern Alberta, we're talking about one of the most controversial issues, I think, facing the entire country, and that's the export of water. Fortunately, as I understand it in this act, that is the furthest thing from the truth with Bill 21. This has nothing to do with one stage or another of a gradual process to export water to another country. People speak very passionately about this issue, whether it's the people in British Columbia or whether it's the people in Ontario. Canada has a great resource in its freshwater. Sometimes people can be misinformed. They can look at a piece of legislation, and they can think: oh, this is the first step to selling water across the border. I can't emphasize this enough.

It's very important that people know that this act will not allow interbasin transfers or exports of water, both points which have been soundly turned down in all public surveys that have been conducted.

I understand that the hon. Member for Calgary-Glenmore was the chairperson of a three-person committee that went around the province, and my colleague from Edmonton-Glengarry made reference to that earlier. But this new water act is not in any way going to allow or permit water exports. We also have to look at it from the point of view, Madam Speaker, that every river basin in this province is going to be treated differently. Then we get into the issue of NAFTA, and what is this going to mean to NAFTA?

As I understand it, the licensee or the person on the irrigation district or the farmer or the group of farmers can transfer these licences. It has nothing to do with the sale of water from one farmer to another. However, as I understand it also, Madam Speaker, if a farmer has surplus water and another one has not enough water, then there can be a financial arrangement made for the transfer of their quota.

In conclusion, Madam Speaker, I would like to say that I think this is a sound bill. It is going to, I think, not only protect the water resource, but it will also in the long term protect the regional economy of southern Alberta. Whenever that protection is factored in, it is going to enhance the living standards of all Albertans, because we are the ones that are going to be the consumers of the crops that are going to be produced in those irrigation districts.

Madam Speaker, I thank you and all members of the Assembly for their attention.

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

MR. DUNFORD: Oh, brother.

MRS. SOETAERT: Madam Speaker, it is just so nice to be back and loved.

MR. BONNER: By Clint?

MRS. SOETAERT: Oh, by several members, I know.

Anyway, Madam Speaker, I think this bill is worthy of a few comments, and I won't take very long. For the most part I believe we're supporting this bill. It seems like the homework has been done, and this is something that will protect water and the use of it.

It's interesting; those of us who live in the northern part of this province I think sometimes take for granted the water that we have. Really there are lakes minutes away from our homes. There are rivers. They may not be clean, but they're there. In fact, the creek by my house, Adams Creek by the way, is one of the most polluted ones. So there are areas where we need to do a little work, but that's separate from this piece of legislation.

To me this takes into account that southern Alberta doesn't have the luxury of water like we do, and in fact dealing with water rights and water usage is a hot topic in all parts of this province, even those areas where there is a lot of water. I mean, you're talking water wells and water usage.

4:30

I remember the contentious issue a few years ago about possibly charging for water rights and all the issues that farmers were looking at. The Water Act was a rather contentious piece of legislation, but I see this one as addressing a very specific area, the irrigation area of our province. I was fortunate a few years ago to go on a tour specifically organized by the -- I better say it right; I wouldn't want

to offend anybody -- Alberta Irrigation Projects Association. It was a great tour for people like us who just depend on regular rainfall. They planned the tour, and it was very, very good. We saw a few dams, and it was explained to us how the operation worked. We met some sugar beet farmers, went to the plant, had just a very educational tour.

I think it's important for all MLAs to find out what is happening all over our province and just not in our own little corner of the world. As a result of that tour, I certainly gained respect for what it takes to run an irrigation district, to run a farm where you depend on water being pumped in as compared to up here where we are so fortunate. So that was a good education for me, and within that they expressed some of their concerns that I feel are going to be addressed by this bill.

I just appreciate the hon. Member for Calgary-Glenmore's work on this. I think this is a bill that will give the irrigation districts some flexibility and some responsibility that they've been asking for, though it also provides for an appeal process and petitions to make sure that the democratic process is still alive and well.

That's all I really wanted to point out on this, Madam Speaker, that we should all be concerned about all parts of our province and all issues, and just because a person is from a city or from a northern area where irrigation isn't necessary doesn't mean we shouldn't all be concerned about this legislation. I'll make sure it's as strong as it can be and that it addresses the concerns that I think all Albertans are starting to realize in this province, that water may end up being our most valued commodity. Without water we're not going very many places. I believe I will be supporting this piece of legislation. I think it will improve those areas that want control yet flexibility over what's happening within the irrigation districts.

With those few comments I appreciate the opportunity to speak on this piece of legislation, as I'm sure all members, especially those from southern Alberta, appreciate that I care about all parts of the province. I am sure they care about my area as well, like highway 794.

Thank you, Madam Speaker.

THE ACTING SPEAKER: The hon. Member for Calgary-Glenmore to close debate.

MR. STEVENS: I wish to thank all hon. members for their comments this afternoon. There were many good comments. I think it's significant that the hon. minister of agriculture had sufficient faith in me to put me, in some respect, in charge of introducing this bill. The Member for Edmonton-Gold Bar rightly pointed out that I am an urban MLA, albeit I do have a large man-made body of water in Calgary-Glenmore, which is for drinking and recreation and not irrigation, but that really doesn't qualify me much. In any event, I do appreciate the questions that were asked. I have made a note of those questions, and I will attempt to address those when we move to the next stage. So at this point, Madam Speaker, I would like to call the question.

[Motion carried; Bill 21 read a second time]

Bill 24 Traffic Safety Act

MR. PASZKOWSKI: Madam Speaker, I'd like to take this opportunity to provide some comments regarding Bill 24, the new Traffic Safety Act. In light of the comprehensive nature of this bill, I will try and spend some time in explaining exactly what the nature of this bill is going to be.

Alberta is once again leading the entire country in introducing the first single comprehensive piece of legislation dealing with all aspects of drivers, vehicle operations, and road safety. The new Traffic Safety Act amalgamates four acts: the Highway Traffic Act, the Motor Vehicle Administration Act, the Motor Transport Act, as well as the Off-highway Vehicle Act. The amalgamation of these four acts will provide the law enforcement community and all Albertans with a one-window concept for driving and vehicle licensing, vehicle operations, and road safety.

Bill 24 follows this government's process of legislative streamlining and regulatory reform. The four existing acts contain 412 sections, and the new act will have less than 200 sections when related amendments to other provincial acts are excluded. The four acts have approximately 40 regulations, and at the end of the regulation process the number of regulations will be reduced by 50 percent.

Madam Speaker, this new Traffic Safety Act is a major undertaking, yet it's long overdue. The last major rewrite of traffic legislation occurred about a quarter century ago when the Motor Vehicle Administration Act was split away from the Highway Traffic Act. There have been a number of attempts to modernize this legislation in the last 20 years. The task was so huge and so daunting with so many differing opinions and competing interests to contend with that it was not proceeded with.

Bill 24 is a great step forward in the modernization and rationalization of our traffic safety legislation. It addresses many key initiatives recommended by our stakeholders to make driving safer, to keep drunk and careless drivers off our roads, and to provide more effective management of commercial truck traffic. Furthermore, the act provides a framework for certain key issues to be dealt with through regulations. We are still working with our stakeholders and other jurisdictions across Canada and the United States on the details of the implementation measures.

I mentioned that there have been numerous attempts to update the traffic legislation over the last two decades. Our recent effort began approximately three years ago, and under the umbrella of a traffic safety initiative established in 1996, various traffic safety recommendations were submitted to review and incorporate into the new act.

The stakeholder committee doing the review was comprised of approximately 30 key representatives from the industry, law enforcement, health, and consumer organizations. Some of those members included the Alberta Centre for Injury Control and Research, Alberta Health, Alberta Safety Council, Alberta Trucking Association, Alberta Motor Association, PAID, MADD, the PARTY program, policing services throughout Alberta, including the RCMP, the cities of Calgary and Edmonton, Insurance Bureau of Canada, Professional Driver Educators Association of Alberta, Safe Kids, as well as many regional health authorities.

In September of '97 a preliminary discussion paper was released and sent to stakeholders, including law enforcement agencies, traffic safety initiative members, Registry Agents Association, the hospital-ity trade, Driving Schools Association, and the Driver Examiners Association, as well as to municipalities and the insurance industry, also to the Alberta Urban Municipalities Association and the Alberta Association of Municipal Districts and Counties and Alberta Municipal Affairs.

Stakeholders provided many constructive and enlightening comments, and due to the wide range of issues and interests expressed, it was decided to prepare a second discussion paper and to consult again with the public. In July and August of '98 individuals and groups concerned about traffic safety in Alberta had an opportunity to review and comment on the second discussion paper. Public meetings were held in seven locations throughout the

province, including Grande Prairie, Fort McMurray, Barrhead, Edmonton, Red Deer, Calgary, and Lethbridge. Also meetings were set up with police services, the Alberta trucking industry, and the cities of Calgary and Edmonton, as well as representatives of the Alberta Association of Chiefs of Police, to name a few.

On November 26 of '98 the Traffic Safety Act was tabled in the Legislature for discussion purposes, and from November '98 to March '99 we gathered further input from the public.

4:40

Since the beginning of the year, an RCMP member from the Stony Plain traffic services and an Edmonton Police Service member have been seconded to work with AT and U. They will assist in the development of the Traffic Safety Act and the regulations as well as provide an urban and a rural policing perspective.

Bill 24 represents the culmination of our consultation process. On behalf of the government and the department I want to express my sincerest appreciation to our partners and stakeholders as well as to citizens who provided their input into this legislation.

Madam Speaker, this is a very significant piece of legislation that affects all Albertans. Once the regulations are developed, they too will become part of a further consultation process, similar to what was followed with the act itself. Public consultation will be a key to drafting the regulations to ensure all safety is addressed properly, including such issues as riding in the back of pickup trucks, bicycle helmets, school and playground zones, and appropriate fines and penalties.

Madam Speaker, let me now take a moment to highlight some of the key features of the Traffic Safety Act. One feature in this bill is the administrative licence suspension, or the ALS. It's built on the premise that driving is a privilege and not a right. The ALS for those charged with impaired driving includes individuals providing a breath sample of over 80 milligrams or refusing to provide a breath sample. They will be subject to the immediate loss of their operator's licence and given a 21-day temporary operating permit. This will allow them time to make arrangements for alternate transportation to meet their various needs. At the end of that period, they'll be given a three-month suspension.

In addition, Alberta will be the first Canadian jurisdiction to impose a greater suspension period for impaired drivers that have caused injury or death. They'll be given a temporary 21-day operator permit, which will allow them to make arrangements for alternate transportation and to meet their various needs. At the end of their 21st day they will lose their driving privileges for a full six months. That doubles the suspension from the draft bill that was tabled last fall.

Some people may criticize this program, and I say: don't drink and drive and these changes won't affect you. It's our intention to deal with impaired driving in a very serious and responsible manner. We want to show impaired drivers that they're not welcome and that they will not be tolerated on Alberta roads.

Now, let me provide some further background on the ALS program. Manitoba and Nova Scotia were the first two provinces to institute the ALS program. Currently Manitoba, Nova Scotia, Ontario, Prince Edward Island, and British Columbia all have that program in place. Nova Scotia and P.E.I. have had their legislation upheld at their highest courts. The courts agreed with the premise that a licence to drive is a privilege and not a right, and therefore a driving suspension under the ALS program does not infringe on the individual's right under the Charter of Rights and Freedoms. The Court of Appeal in British Columbia recently ruled in favour of that province's administrative licence suspension program, that is a 21-day temporary permit similar to what we are introducing. The court

ruled that the program does not violate a person's rights. Their ALS program was introduced on May 5, 1997.

In the fiscal year '96-97 there was a total of 10,748 drinking and driving cases brought to Alberta provincial courts. In Manitoba the ALS program was introduced in November of '89, and in the five years prior to the implementation, an average of 6,100 persons were charged with impaired driving. Since the implementation of the program, the annual number of impaired driving charges has decreased to 4,129, a reduction of a full 32 percent. Also in Manitoba the administrative suspensions imposed from 1990 to 1998 dropped from 4,431 to 3,444.

In Nova Scotia the ALS was introduced in June of '95. In the fiscal year prior to the ALS implementation, 2,783 persons were convicted of impaired driving. In the first year of the program 2,200 people were convicted of impaired driving, a reduction of a full 21 percent. In Nova Scotia the number of convictions in a six-year period for blowing over 80 milligrams has changed: the first offence, from 2,208 to 1,494; the second offence, from 406 to 219; and the third offence, from 120 to 44. Drivers refusing a breath sample in Nova Scotia have also shown a steady decline over the same six-year period: the first offence, from 600 to 365; the second offence, from 231 to 83; and the third offence, from 72 down to 26. In Nova Scotia the number of convictions for driving while their ability was impaired has also showed a marked decrease over the six-year period: the first offence, from 256 to 232; the second offence, from 66 to 64; and the third offence, from 24 to 14.

Replies from stakeholders have shown strong support for the ALS program that we are introducing in Alberta.

I'd like to share a little on the graduated licensing. The graduated licensing program is intended to give new drivers, whether they're 14 or 41, adequate off-road experience in a controlled environment. Conditions of a graduated licence will include zero tolerance for alcohol; curfews; a minimum learner licence period, which may be extended for violations of conditions; and limits on the number of passengers in the vehicle so that they're limited to the number of seat belts. We'll work with the Insurance Bureau of Canada and other stakeholders to finalize program details and include them in the regulations.

We're also changing how we review driver records. Currently a five-year record is taken into consideration, and we'll expand that record review to 10 years. This will allow for determining the duration of mandatory suspensions for impaired driving convictions. This means that if someone was convicted of impaired in year one and then again in year six, year six is counted as a first conviction under the current law, resulting in a one-year suspension again. Under the Traffic Safety Act the year-six conviction will be treated as a second conviction, resulting in a three-year suspension. Likewise, a third conviction within 10 years would result in a five-year suspension.

The reinstatement of driving privileges after a second and third suspension is not automatic. The individual will have to appear before the traffic safety board to demonstrate that they've taken concrete steps to address the alcohol problem before the board would consider reinstatement of the operator's licence again. There's an increase in the impoundment period to 60 days for a second vehicle seizure of a vehicle registered to the same owner and involving the same suspended driver.

I'd now like to provide some additional details on other proposals contained in the Traffic Safety Act. First, riding in the back of pickup trucks. A number of municipalities raised the concern that they don't want this issue decided at the municipal level, yet other municipalities have expressed a concern regarding erosion of municipal autonomy. For this reason we've included the authority

in the provincial rules of the road regulation that would allow a municipality to pass a bylaw to opt out or modify any provincial rule. In developing the rules of the road regulation, there'll be an opportunity for further consultation on this particular issue.

Dealing with bicycle helmets. As with riding in the back of pickup trucks, a number of municipalities raised the concern that they don't want this issue decided at the municipal level because it would cause confusion for people traveling around the province. Mandatory bicycle helmets will be dealt with in the equipment regulations. In developing this regulation, there'll be an opportunity for further consultation on this issue as well.

Combining school and playground zones. Concerned parents as well as a number of municipalities told us that there is a need to address year-round schooling and schools that are working flexible hours. In the draft Traffic Safety Act tabled last fall it was proposed that the playground zone hours start at 8 a.m. and end one hour after sunset. There is no consensus so far from comments received from stakeholders, and the school and playground hours will be further reviewed in the rules of the road regulation. To remain consistent, the speed zone in both rural and urban Alberta will now be 30 kilometres per hour.

4:50

The Traffic Safety Act will combine the Driver Control Board and the Motor Transport Board into the transportation safety board. The new board's focus will change from primarily issuing operating authorities, as in the case of the MTB, to providing an appeal and a review process. The exception is the case of commercial buses, where the new board will continue to issue bus operating authority until this requirement is deregulated by the federal government. The new board will not have regulation-setting powers.

In addition to its current appeal functions, such as drivers' suspensions and vehicle seizures, the board will hear appeals relating to the driver training industry, driver examiners, and commercial transport compliance matters, including provincial railroads. I should also add that the board will hear appeals against the administrative licence suspension program.

AT and U will continue to be responsible for the administration of the new Traffic Safety Act. Private registry agents will continue to issue licences, registration, and permits through an agreement. The agreement will be with Alberta Municipal Affairs and AT and U.

Commercial vehicles. In a move to provide an alternative to charging carriers and having them go through the court process, the Traffic Safety Act provides for an administration penalty to a maximum of \$10,000 per offence to be assessed by department officials. A carrier can appeal the administrative penalty to the transportation safety board. A similar process is included in the Alberta Environmental Protection and Enhancement Act, and a similar penalty is included in the Railway Act, which was passed in the spring of '98. This process was discussed with the Alberta trucking industry and Alberta Justice and has their support.

We're moving a number of major issues to regulation, including the rules of the road and equipment specifications to allow for more flexibility for the government to respond faster to changes in technology and society that affect traffic safety in this province. This will also allow us to engage in further public consultation on rules relating to riding in the back of pickups, bicycle helmets, and school and playground zone hours.

Madam Speaker, I want to provide some examples of why we need flexibility to deal with these emerging issues through regulation. As an example, we need an amendment to the current Highway Traffic Act to comply with the new federal standards of trailer markings for safety. The Official Opposition wrote to me last year

supporting the implementation of this safety standard as soon as possible. If this issue had been a part of the regulations, Alberta could have completed this much sooner than by the proposed legislative change. A further example is our initiative to harmonize the commercial vehicle standards and simplify the regulatory requirement along the Canamex and under the North American free trade agreement. These initiatives are intended to allow for the efficient movement of commercial trucks and goods between Mexico, United States, and Canada. This will be accomplished easier through regulation rather than legislation.

Madam Speaker, we've had a successful consultative process for the Traffic Safety Act, and we'll use the same consultative process in '99-2000 in drafting the subsequent regulations.

Thank you.

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

MRS. SOETAERT: Thank you very much, Madam Speaker. It's a pleasure today to speak to Bill 24. This is a huge amount of work. It is. The department has worked a long time on this. Probably one of the few critiques I could make about it is that it is about time. I do appreciate the work the department has done, as well as making sure the opposition is aware of what is in the act and what will be coming up. We sat down in the fall and early spring and indicated some of our concerns about the act, and I think that was brought back to the minister and discussed. That kind of co-operation I think serves the entire Assembly very well, and I appreciate that level of co-operation from the minister and his department.

I also know that when the minister spoke about the process, consulting Albertans on this, it was tabled last fall, and it was a very good process. I heard lots of very positive comments about people being able to express their concerns. There are different concerns sometimes in rural Alberta as compared to urban. I think they were listened to, and I think that was dealt with in the act. I'm sure I won't get much ink as the critic on this bill because I'm quite supportive of it. That's okay. Other people are happy about that, too, I see. There will be some amendments that we will probably bring forward and suggest, but generally on most of the issues I am very supportive.

I know the minister hears it as well as I do that if we could only make our highways and our roads safer, we would all be better off. I don't mean just emotionally and as a society, but when you're talking dollars, there are a lot of health dollars spent because of accidents on our highways and roads. People say: well, it doesn't matter what laws you pass; it doesn't matter how safe you make the road, because it's usually driver error. Yes, that's true, but if we can't do our part -- at least if a driver is making a mistake, maybe at one point because a highway is safer or because there's legislation in place they'll think twice, and maybe we can prevent some accidents.

You know, people out in the public -- you change a bill, and you make legislation, but the important thing is letting them know that it's changed. I'd ask that of the minister. I realize that you're doing an extensive regulation tour, you might say. I would really like to be informed about the input of that, the process you're using, the questionnaire that you're using. We had that information about the act before, and I truly appreciated it.

[The Speaker in the chair]

I'm always torn about regulations. On the one hand I know regulations help speed up the process, but as equipment changes, as

speed limits change -- even things like tinted glass are allowed to be sold, yet they're not allowed to be used, and it's noted in the act. So how does that make sense? I realize that those kinds of things under regulation allow it to change quickly to accommodate society. So I understand that side of some things going under regulation. Always my concern with regulation is that we don't know what it's going to be when we vote for or against the act. I'd appreciate it if the opposition could be kept up to date on the different questions going out about regulations and their concerns from there.

One of the things -- and the minister knows; I've spoken to his department people -- is the idea of riding in the back of pickup trucks. I'd love to see that legislation. I really would. I understand the difficulty of saying, "Well, are you going to make an exception for parades?" Yeah. "Are you going to make an exception when there's a forest fire and people have to hop in the back of a truck and ride to a forest fire?" Yes, make that exception. It is often young people who will hop in the back of a truck at the end of a school day and drive out somewhere. In that short span we can have young people killed. Here we are a province that legislates seat belts. I just think it's the greatest irony that we wear seat belts. We enforce that piece of legislation, which I think is a good piece of legislation, yet we allow people to ride in the back of a pickup truck. We have legislation about babies in different car seats. Maybe we could just put them in the back of a truck and it won't apply. I am really concerned that that isn't in the legislation. I realize now it's going to be under regulations. I want to know when those regulations will be in place. I would hope that this is going to be something that is undertaken as soon as this legislation is passed. I would hope that this is in place by this summer, because people don't tend to ride in the back of trucks in winter just as often as they do in the summer.

So I am really hoping that it's dealt with. The only positive thing about the change out of the act is that once the regulations are in place, it will be consistent across the province.

5:00

MR. PASZKOWSKI: Pass it quick and it'll get done quick.

MRS. SOETAERT: The minister says: pass it quickly; it'll get done quickly.

MR. PASZKOWSKI: Correct.

MRS. SOETAERT: Well, you know, I intend to voice some concerns and some support, and I'm sure my colleagues will want to do that as well. It's a huge piece of legislation, so it will take a bit of chatter.

I have a real concern about that inconsistency. I just don't see how we can not make that legislation. However, I will be interested in the regulations that come out regarding riding in the back of trucks. In fact, I think most Albertans think it is against the law to ride in the back of pickup trucks, which is good. In fact, I thought it was against the law to ride in the back of pickup trucks. Now I find it's quite legal, which is scary. I also know, talking to different law enforcement across this province, that they're . . .

MR. PASZKOWSKI: That's why we're going to change it.

MRS. SOETAERT: As far as I know, they really want it changed, and that's why I was looking forward to it being in the legislation. The minister says we'll change it under regulation. I look forward to that, and very soon.

The other issue that will be dealt with under regulation will be, amongst many things, bicycle helmets. You know, there are

countries where it's standard to wear a bicycle helmet all the time. I also know those are usually smaller European countries, and sometimes it's almost faster to get around on a bicycle than it is in a car. [interjections] Anyway, Mr. Speaker, I'm glad I've gotten some people interested in this.

You know, it's interesting. There's no way I can say to my children in the car, "Put your seatbelts on," and not put mine on. So how can I say to my child, "Put your bicycle helmet on, but I don't need one"? I just find that really a contradiction. I know there are some rules for children that are different for adults, but to me it's safety. One thing that you say is, "No, it's safer for you to wear a helmet." Well, why isn't it safer for you? Quite honestly, probably most of our children ride bikes better than we do, though I'm just speaking for myself of course.

AN HON. MEMBER: What about our old leader?

MRS. SOETAERT: Especially our former leader, Grant Mitchell. Thank goodness he wore a safety helmet. I'll make sure he gets a copy of this *Hansard*.

So I'm concerned about that regulation. I'm interested in seeing what people are saying, and I know there are diverse opinions across the province. I also know quite a few people in the transplant program. It would be interesting to say, "Listen, if you're not going to wear a bicycle helmet, would you at least sign your donor card?" Then at least some benefit would come out of that, because truly that to me is one of those safety features that we cannot ignore whether you're in the city or whether you're in rural Alberta.

Some of the questions I have for the minister are questions regarding the licence suspension. I understand that it's a 21-day opportunity to get your affairs in order, but my question to the minister is: will people be able to access that transport board in those 21 days? If this goes through, I am truly hoping that there is some commitment that people can access that transport board in those 21 days, because if by chance there is a legitimate appeal by that person, I would suggest that they have to get to that transport board within those days or we are talking about people who may truly be charged without the opportunity to defend themselves. So I really would like the clarification of what he's going to do to make sure that is something that is accessible for people.

I want to speak for a minute about graduated licences. A few years ago we had a private member's bill which covered part of that, and I realize that it was never really proclaimed because it was kind of put on hold until it could be included in this one. I see that some of the concerns I expressed at that time have been addressed in this. I do think there's a difference of opinion when it comes to young drivers in rural Alberta and in the city. It's interesting. We were at a friend's house in St. Albert the other night, and their daughter was leaving. I said, "Oh, what vehicle are you taking?" She said: "No, no. I'm meeting a friend. We're walking; then we're catching a bus and we're meeting." Like, they actually can see their friends without getting in a vehicle and driving. Now, that's not possible for people who live in rural Alberta. [interjection] Well, my children would have to walk quite a few miles to see their friends, and that's not realistic.

I expressed concerns about that because the reality in rural Alberta -- and I'm sure there are no studies that justify this, but I'll bet that generally there are more younger drivers -- is that they get their learner's on their birthday when they turn 14; they get the book two weeks before. I know; I just had a son turn 14. They get that learner's, and the day they turn 16 they're getting their licence because it means they can see their friends. It means they can join the basketball team, it means they can join the volleyball team, it means they can join 4-H because they can now get there.

The reality of living in rural Alberta is that it's a mixed blessing when your kids get their licence that young. On the one hand, they can get themselves to those events, that I think are important for young people, and on the other hand, we have some young, naturally inexperienced -- anybody who's just gotten a licence is inexperienced -- people on the road. Mind you, a lot of these young people have driven tractors and pulled all kinds of equipment on their farms long before they're 16. So there's certainly, I think, a different perspective about young drivers in rural Alberta as compared to the city.

The common thing that we all have is that we all want them to be safe. So I like the idea. I know it's not mandatory, but I certainly encourage all people to take the driver's course, to not just sit by a nerve-wracked mother while learning how to drive but to truly take lessons from someone who's qualified to give them and become knowledgeable drivers. Nothing will make experienced drivers except driving, but certainly if they're knowledgeable and aware and have enough experience that they can handle it properly, handle themselves carefully, that's good.

One of the things that I saw included in the graduated licence at first draft and one of the reasons I voted against it years ago when it was a private member's bill was that they couldn't have any passengers in the car or vehicle. I understand that the thinking of it is that you don't want 10 people piling in a car and driving away. I think this is responsible, that you say there have to be enough seat belts for people in that vehicle. Let's hope they don't have a truck and throw all their friends in the back of the pickup; there's that great irony again. I think that is a good change from the other piece that came forward years ago, and I can support that, because once again, the reality of having young people involved in all kinds of things is that people are going to be picking them up, brothers and sisters from your family. One of the reasons they can drive is to make things work within a family and a community and be able to pick up their siblings who are involved in other projects.

5:10

I do have some specific questions, which I may save for committee, but the commercial vehicles, that part of it, has always been interesting to me, and the S endorsement for school bus drivers -- I don't think that'll come as any surprise. I think many school boards already have that. That's my understanding, and if they don't, I think that will be accepted. Is this going to be included in the regulations as well, the S endorsement? Who pays for this? Will it be the school boards or the school bus drivers? Because if you're going to put in a piece of legislation that demands people get something -- there's an expense with that S endorsement, as I understand it. Will school boards be expected to pay that then? So the individual bus drivers will be expected to pay that. [interjection] Or the board. It'll be something negotiated. [interjection] The department of transportation should.

Well, I certainly think it's something that the minister should look at, because the reality of underfunding in education is that bus drivers are trying hard to make a buck, and the reason you're driving a bus is not for the goodness of your soul and your heart condition, I'm sure. I know most everyone gets it, but I know for sure that in one of the school boards within mine, the school board pays for it. I guess it's unfair to ask a board to put out the money unless you're going to provide it. [interjection] Well, school bus drivers are not making much of a profit, as I'm sure the minister is aware.

If we want to keep good drivers and if we want to keep updated equipment, which they can hardly afford to replace right now, I would just bring that up as an issue for the minister to please consider. We can't just keep heaping expenses on bus drivers yet not give them a wage increase which accommodates getting more

safety courses, the increased price of fuel, the increased cost of maintenance, and replacing old equipment.

I've heard that concern often, so I guess I would ask the minister, if he's going to enforce the S endorsement, maybe there should be a budget line within his department that provides for that. I think that might be a fair move on the minister's part, because it's hardly fair to make a piece of legislation that requires certain citizens to pay money in order to follow the law. So I would bring that to your attention before we get to committee.

I have also heard from . . . [Mrs. Soetaert's speaking time expired] I can't believe it, Mr. Speaker, but I appreciate the opportunity to speak to Bill 24.

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

MRS. SLOAN: Thank you, Mr. Speaker. I'm pleased this afternoon to also rise and debate Bill 24, the Traffic Safety Act. Obviously this is not my particular area of expertise, but I looked forward with some anticipation what the government's proposals might be around traffic safety. I thought when I began to read the bill: well great, now we'll see some substantive recommendations about school bus safety, and we'll see things that will address, as an example, the increasing use of sea-doo's on our lakes in this province, and we'll see some addressment of the incidence and danger of improper motorboat use in this province.

It didn't take me long to identify that even the off-road vehicles that are described in this act -- that particular section of the act does not include motorboats and does not include sea-doo's. It does include other all-terrain. In that respect, the school bus is most certainly provincial, and given the fact that we have seen more than one incident where school buses were not properly maintained for road use in this province, I would have thought that the act would have contained more substantive measures to protect our youngest citizens in this province. I would have to say that I was somewhat disappointed that it didn't receive more reference.

Those introductory comments being said, my understanding of what this bill is all about or what forms the bill is that really it's components addressing the graduated licensing, bicycle helmets, and riding in the back of a pickup truck, which is really in some ways a bit of false advertising. The reality is that the act in fact does not spell out what's going to happen around bicycle helmets or riding in the back of pickup trucks. That's something that will be left to a later date, which will be written as an order in council at some stage down the road. So Albertans are really not going to be able to know whether or not we have a commitment from the government to make bicycle helmet use mandatory or to address the issue of riding in the back of a pickup truck until those regulations are public.

Unfortunately, Mr. Speaker, I think it's regretful that we couldn't have taken the step. We're being very bold in addressing -- and rightly so -- the issue of impaired driving with the graduated licensing provisions. Why couldn't we be equally bold about making bicycle helmets in this province mandatory for all bicycle riders and making some strong legislative provisions surrounding riding in the back of a pickup truck?

There are always additional concerns when you see four acts being combined into one act. I commend the minister. As the hon. Member for Spruce Grove-Sturgeon-St. Albert acknowledged, there's been significant consultation around the fact that this was occurring and a significant amount of work done in writing the bill itself. Those things are positive. I don't know if in fact the consultations were actually based on an exact replica of this bill or a draft that has now been modified and is before us this afternoon. I guess one question I would ask the minister is: if this is not an exact replica of

the draft that was used in the consultations, should there not be a bit more perhaps advertising about what aspects of traffic safety are going to be addressed by this bill in the immediate future?

I think that before we get into implementing the act, we have a responsibility to educate the public about the directions the government is taking and how those will affect them individually. I would suggest that the administrative licence suspensions that are being incorporated as a part of the act most certainly will have a direct and immediate impact on people who choose to drink and drive. Despite the fact that we would not condone that behaviour, they have an entitlement to be clearly aware that this is the stance the government's going to take, and if they drink and drive, they risk losing their licence for an extended period of time.

I guess one of the other questions that came to my mind in a general sense as I read this is I thought: well, this must mean that the Minister of Justice is going to increase the allocation of funding for police officers in this province. Most certainly if there is going to be implementation of the components of this act -- the administrative licence suspensions, the graduated licensing for learning and probationary drivers, review of the past 10 years of drivers' records when determining suspensions -- the police officers in this province obviously will have an enormous role to play in the implementation of those sections.

5:20

We have heard and there's good documentation that suggests that our police officer enforcement allocations have not been sufficient to meet demand in this province over the last five years. It's very similar to underfunding that has occurred in other sectors. So it's all well and good for the government to say, you know, "We're the champions of traffic safety, and we've embodied these principles in the act," but if they don't provide an adequate level of funding to ensure that there are adequate numbers of police officers, how will they ever expect that this is going to be adequately implemented?

I most certainly, with 11 years of experience in an emergency department, have seen the harsh reality of injuries both with respect to motor vehicles, impaired driving, and not wearing bicycle helmets. I'm more than pleased this afternoon, Mr. Speaker, to rise and provide my thoughts on the bill from that respect. I think that while there perhaps is a tendency to challenge the intentions or the integrity of a member proposing debate to a bill, I would invite all members of the Assembly to rise. I think traffic safety affects all of us. We're all paid to represent constituents. Rather than sit in their seats and provide quibbling comments about other members who are on their feet debating the bill, I would suggest that all members put their name on the speaking list if they have a thought to share.

I really hope that at some point in this debate, Mr. Speaker, the Minister of Justice will stand up in the Assembly and talk about how he is going to fund the provisions in his department for police officers to ensure that the aspects of this bill are adequately implemented, and I will most welcome that opportunity to hear his comments in that respect.

I spoke about the graduated licensing and the administrative component, but the reality is: who is going to enforce bicycle helmet use? Is it not going to be the police officers? Who will it be? If it's going to be someone else, perhaps the minister of transportation or the Minister of Justice could provide that to us this afternoon. Those specifics are not in the bill, and it doesn't matter what the intentions are, how justified and defensible they are, if we don't put the money where our mouth is, the reality is that the act won't receive proper enforcement and therefore won't have the effect that it was intended to have.

With respect to bicycle helmets the research, the findings, and the

studies are substantive, overwhelmingly that using bicycle helmets reduces injury, reduces health care costs. We know in Alberta that specifically neurosurgeons have campaigned for mandatory helmets for cyclists of all ages. They have told citizens and this government that 70 Alberta cyclists suffered serious head injuries in 1997, that about 50 children and teens in the city of Edmonton were taken to emergency departments with serious head injuries in 1997, and that 14 Albertans died in bicycle accidents since 1995. We know as well that the centre for injury and research made a presentation to this government, to the standing policy committee, pleading for mandatory helmets, and this act does not provide that. It provides a commitment to address it in regulations, which in my opinion, Mr. Speaker, is not good enough.

Alberta Safe Kids campaign, which is based at the University of Alberta hospital, the Stollery Children's health centre, has also lobbied hard for mandatory bicycle helmets for children. They have provided background that indicates that bicycle riders with helmets had an 85 percent reduction in their risk of head injury and an 88 percent reduction in their risk of brain injury, further that head and brain injuries are the most common cause of death in bicycle incidents, and when not protected by a helmet, the human skull can shatter from a collision at only 7 to 10 kilometres per hour.

Just as an aside, I've read with interest the whole section of the act that talks about weights of vehicles, and we're talking about force, weight, how vehicles need to be monitored in that respect. I thought: isn't it odd? In the scenario of a human being not wearing a helmet, it is the force of their body's impact in the accident that causes the damage. Now, if you transfer that analogy, we say that a vehicle's weight has to be monitored, has to be regulated, has to be legislated, because one of the things we're attempting to do is ensure that the weight of that vehicle at impact is safe to a degree, but the same analogy doesn't apply when it's the human body that is impacted. I wonder why it is that we don't see a transfer of the logic in that respect.

I'd just like to cite from a review that was conducted in 1998, the public health review. In that report it was cited that head injuries are the leading cause of serious morbidity and mortality from bicycle crashes. Helmets have been shown to reduce bicycle-related head injuries for cyclists of all ages involved in all types of crashes including those with motor vehicles. Head injuries comprised about one-third of emergency department treated bicycle injuries, two-thirds of hospitalizations, and three-fourths of bicycle deaths.

Further, the report pointed out that legislation mandating helmet use is usually only possible after a period of educational promotion of helmets that creates grassroots support for mandatory use. In Victoria, Australia, the law was preceded by a decade of helmet promotion. The infringement of legislation on personal freedoms

must be weighed against the public good gained as a result of behaviour being mandated. There is a cost to society and to the health care system from bicycle-related injuries. Prevention of such injuries can decrease immediate medical costs as well as long-term costs for rehabilitation and education of children with learning problems.

Further, it concluded that helmets have been demonstrated in large field studies as being one of the most effective interventions available in the injury field. Promotion of helmet use through education, subsidies, legislation, and a combination of strategies has been shown through careful evaluation to increase helmet use and decrease the incidence of injuries.

I can speak from personal experience as well, as a member that has raised two young children. From the time they were newborn infants they were properly strapped into car seats, and they wore bicycle helmets even when they were on bicycles that had training wheels. I cannot now back my vehicle out of the driveway if I don't have my seat belt on. My children are saying: Mom, you've forgotten your seat belt. Similarly so, if we go for a bike ride, they expect that I will wear my helmet just like they will. It's become a habit. It's an expectation. Even at eight and 10 years of age they comment to me when we see someone cycling on the side of the road. They say: look at that person; he's not wearing a helmet.

I would be prepared at this time, Mr. Speaker, to adjourn debate.

THE SPEAKER: On the motion put forward by the hon. Member for Edmonton-Riverview, all of those in favour, please say aye.

HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no. Agreed.
The Deputy Government House Leader.

MR. HAVELOCK: Yes, Mr. Speaker. I move that the House do now stand adjourned until 8 this evening and that we reconvene at that time in Committee of Supply.

THE SPEAKER: On the motion put forward by the hon. Deputy Government House Leader, would all members in favour please say aye.

HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no. The House stands adjourned and reconvenes at 8 o'clock in committee.

[The Assembly adjourned at 5:29 p.m.]