

## Legislative Assembly of Alberta

Title: **Thursday, April 29, 1999** 1:30 p.m.

Date: 99/04/29

[The Speaker in the chair]

head: Prayers

THE SPEAKER: Good afternoon.

On this day let each of us pray in our own way for the innocent victims of violence.

Life is precious. When it is lost, all of us are impacted.

In a moment of silent contemplation may we now allow our thoughts to remember those taken before their time and reach out to the families, friends, neighbours, and communities most immediately impacted.

May God provide them eternal peace.

Please be seated.

head: Introduction of Visitors

MR. TANNAS: I'm pleased to rise today and introduce to you and through you to Members of the Legislative Assembly a unique individual who shares something quite personally with you, Mr. Speaker. The gentleman is seated in your gallery. He is the national president of the Canadian Public Personnel Management Association. He comes from Winnipeg, Manitoba. He was the guest speaker for a workshop on the impact of information technology and the practice of human resource management which was held in Edmonton yesterday. He's actively involved in research and consults nationally on human resources and information technology matters. His name is Ken Kowalski. I would ask Mr. Kowalski to now rise and receive the warm welcome of this Assembly.

head: Presenting Petitions

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

DR. MASSEY: Thank you, Mr. Speaker. I have two petitions to present today. With permission I'd present an SOS petition signed by a number of Edmontonians 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.

The second petition, Mr. Speaker, is signed by parents in support of speech language pathology and occupational therapy services urging "the Government to provide funding allocated specifically to Speech-Language Pathology and Occupational Therapies based on children's needs."

head: Presenting Reports by  
Standing and Special Committees

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

MR. PHAM: Thank you, Mr. Speaker. As chairman of the Standing Committee on the Alberta Heritage Savings Trust Fund I would like to table the report of the Standing Committee on the Alberta Heritage Savings Trust Fund for the 1997-98 fiscal year. I am pleased to advise the House that in that fiscal year the fund earned a net income of \$947.3 million. Its net assets also increased to \$12.3 billion on March 31, 1998.

Thank you.

head: Introduction of Bills

### Bill 38 Constitutional Referendum Amendment Act, 1999

MRS. NELSON: Yes, Mr. Speaker. On behalf of my colleague the hon. Minister of Justice I am pleased to introduce Bill 38, the Constitutional Referendum Amendment Act, 1999.

[Leave granted; Bill 38 read a first time]

head: Tabling Returns and Reports

MS BARRETT: Mr. Speaker, I'm pleased to file with the Assembly five copies of a postcard that was signed by me, my colleague the Member for Edmonton-Strathcona, and Pauline Worsfold, a registered nurse who is also on the elected executive of the United Nurses of Alberta, the front page of which says: Resuscitate Health Care: Hire Registered Nurses for Health Care. The original was delivered to the Premier's office a short while ago.

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

MS BLAKEMAN: Thank you, Mr. Speaker. I have two tablings today. The first is five copies of a document produced by the Alberta Federation of Labour entitled Women's Caucus: A Vital Part of the Labour Movement.

The second tabling is five copies of the Human Rights and Citizenship Commission ruling in favour of Single and Divorced Speak-Out, which determines that the Widows' Pension Act discriminates on the basis of marital status.

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

MR. BONNER: Thank you very much, Mr. Speaker. I beg leave to table five copies of letters from parents whose students are enrolled in schools in Castle Downs. They are all regarding the serious underfunding of schools in their area.

My second tabling, Mr. Speaker, is five copies of the program for the day of mourning. This was a candlelight ceremony held at Edmonton city hall last night.

Thank you.

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

MR. MacDONALD: Thank you, Mr. Speaker. With your permission I would like to table five copies of a news release written by Ms Stephanie Key, MP in the district of South Australia. She was visiting the city yesterday, and this is a news release she has put out in recognition of the International Day of Mourning.

Thank you.

MR. JONSON: Mr. Speaker, it's my pleasure today to table responses to written questions 20, 21, 22, 23, and 38.

Thank you, Mr. Speaker.

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

MS OLSEN: Thank you, Mr. Speaker. I'm tabling the appropriate number of copies of a letter that I sent to the Premier concerning the lack of understanding the Provincial Treasurer has of the justice system, urging him to support public legal education and fund that

so Albertans will get both sides of the story and urging the Premier to have the Treasurer as his first student.

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

DR. PANNU: Thank you, Mr. Speaker. I have four tablings to make today. The first one is a letter from the leader of the New Democrats and myself addressed to His Worship the mayor of Taber expressing our deep sorrow and condolences to the mayor and through him to the citizens of Taber, the students of the school, and the families that have been affected by this terrible tragedy.

The second tabling, Mr. Speaker, is another letter signed by both of us addressed to the principal of W.R. Myers high school expressing our sorrow and sympathies to all members of the school community.

The third and fourth tablings, Mr. Speaker, deal with Bill 15. They are copies of letters that have been received by the Premier's office that have been sent to me, the first one by Dr. Steve and Mrs. Linda Overell and their three children, Nathan, Daniel, and Lauren, expressing deep concerns about Bill 15.

The fourth one and the last one, Mr. Speaker, is a letter from an Edmontonian requesting the government to withdraw Bill 15, because he sees the bill as terribly flawed.

Thank you, Mr. Speaker.

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

MS CARLSON: Thank you, Mr. Speaker. Today I'm tabling 28 copies of letters from concerned Albertans to the Premier. These people are totally opposed to Bill 15, the Natural Heritage Act, and they are encouraging the Premier to withdraw the act since the minister will not.

head: Introduction of Guests

THE SPEAKER: The hon. Member for Wetaskiwin-Camrose.

MR. JOHNSON: Thank you, Mr. Speaker. It's a pleasure for me to introduce to you and through you to the members of the Assembly 31 students from Parkdale school in Wetaskiwin. They are accompanied by teacher Richard Svrcek and parents Sandy Riddett and Lance Larocque. They are sitting in the members' gallery, and I would like to ask them to rise and receive the warm welcome of the Legislature.

1:40

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

MR. STELMACH: Well, thank you, Mr. Speaker. It is indeed a very special pleasure to introduce to you and through you to the esteemed members of this Assembly representatives from the Alberta mushroom industry seated in the members' gallery. They are Mr. Len Bykowski, president, and Ms Bobbi Hnidan, sales rep, Money's Mushrooms in Airdrie; Mr. Otto Holzbauer, president, and Ms Rita Holzbauer, sales manager, Mo-Na Food Enterprises Ltd. here in Edmonton; Mr. George DeRuiter, owner, and Mr. John Kostelyk, general manager, Prairie Mushrooms (1992) Ltd. in Sherwood Park; and from Superior Mushroom Farms in Ardrossan three co-owners: Mr. Norm Schwabe, Mr. Chris Schwabe, and Mr. Mark Ziober. Accompanying this group from my department are Mr. Lou Normand, Ms Marilyn Boehm, and Mr. Ron Wegner.

Mr. Speaker, I'm pleased to point out to my hon. colleagues and indeed to all Albertans that May is Mushroom Month in Alberta and in British Columbia, and with our visitors from both provinces in

the gallery today, I thank the Assembly for allowing me the opportunity to acknowledge the mushroom industry in Alberta as an important part of the overall agriculture industry in Alberta. Alberta's mushroom growing operations including several major companies produced \$21 million worth of mushrooms that are sold fresh to major distributors for sale in retail and food service markets.

I would now ask our guests to rise in the gallery. Please give them all a nice warm traditional Alberta welcome.

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

MRS. SOETAERT: Thank you very much, Mr. Speaker. It's my pleasure today to introduce to you 52 visitors from Parkland Home Educators. They are here with group leaders and teachers Mrs. Margaret Doige, Mrs. Linda Kilgour, Mrs. Susan Williams, Mrs. Sheryl Percy, Mrs. Heather Holowinski, Mrs. Deanna Ward, Mrs. Sheila Irving, Mrs. Monica Prochnau, Mrs. Denise Kitlar, and Mrs. Joan Klotz and parent helpers Mr. Ken Paul, Mrs. Pearl Williams, Mrs. Charlotte Smith, Mrs. Helene De Verdenne, and Mrs. Shirley Jeneau visiting from California. There are many young people here from kindergarten to grade 12. They've had a great tour, and they're very keen students. I would ask them to please rise and receive the warm welcome of this Assembly.

MR. JONSON: Mr. Speaker, it's my pleasure today to introduce to you and through you to members of the Assembly 21 students from the Countryside Christian school. They are accompanied by their teacher Mr. Reg Siemens and parents Mr. Rennie Friesen, Mrs. Fran Friesen, Mr. Don Bieganeck, and Mrs. Laurie Bieganeck. They are seated in the members' gallery, and I would ask them to stand and receive the traditional warm welcome of this Assembly.

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

MR. HANCOCK: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you today to members of the Assembly 16 grade 7 to 11 students from Victory Christian school in the Edmonton-Whitemud riding. They are accompanied by their teacher Miss Jody Ramstad and parents Miss Jordanna Ramstad and Mr. Steve Zook. They're here today to observe with keen interest the happenings in the House, how the government works, and to visit the Legislature Building itself. I'd ask that they rise and receive the traditional warm welcome of the House.

Mr. Speaker, I also have the great pleasure today to introduce to you and through you to members of the Legislature two constituents from my constituency of Edmonton-Whitemud. They are Des and Helen Achilles, and they're seated in the members' gallery. I would indicate to members of the House that Des Achilles is a very important person in my constituency in that whenever matters of health care are discussed, Des makes it a point to make sure that I have his views and that I'm helped with input from the people that he talks to. So I'm very pleased that they're here today to see the workings of the House and to introduce them to you. I'd ask them to rise and receive the traditional warm welcome of the House.

head: Ministerial Statements

THE SPEAKER: The hon. the Premier.

### Shooting in Taber High School

MR. KLEIN: Mr. Speaker, it's with deep sadness that I rise today to

speak to Albertans about the shootings yesterday at W.R. Myers school in Taber. Last night I spoke with the mayor of Taber and offered the condolences of the government of Alberta to the people of Taber and to the families of the victims of yesterday's tragedy. I also offered to provide whatever assistance the government can to that community.

To the family of Jason Lang, who was killed yesterday, I wish to express the deepest condolences of the Legislative Assembly. The prayers of all Albertans are with you, and we ask our Maker to help you through this time of unspeakable pain and loss. English writer George Eliot once said: our loved ones are never really dead until we've forgotten them. I believe this to be true, and we know that the spirit and vitality of that young man will live on because he will never be forgotten.

To the other shooting victim and to his family I extend our heartfelt hope that he will find the strength to recover fully from this trauma. The thoughts of every Albertan are also with him today and will be in the days to come.

To all of the students and staff of W.R. Meyers I want to express to you the profound sorrow of this Assembly and of all Albertans. You have suffered through a nightmare turned real, and all of Alberta prays that you, too, will recover from the violence that forced its way into your community yesterday. I urge you to take some time to heal yourselves and help your friends and colleagues heal and to remember that you are not alone.

To the good people of Taber I also wish to extend a message of sympathy and understanding. All of Alberta knows Taber to be a community of strong values, close kinship, and moral strength. You will need to call on all of these virtues to respond to this tragedy. You, too, need to know that you are not alone.

To all Albertans I ask you to join with us in this Assembly to reach out to the children and families of Taber and tell them that you are there with them in grief and sorrow. This tragedy has touched all Albertans with shock and bewilderment, and we all need to work to understand and cope with these feelings and to help each other through this process.

There will be questions, deep, urgent, profound questions. There will be questions about school violence and how it can be prevented, questions about what is happening to our children, questions about access to guns, questions about the impact of media violence, questions about parents, schools, communities, and what governments need to do. These questions will not be answered today. Indeed it will take time and the greatest energies our province can muster to address the issues that will be on people's minds in the coming days and weeks.

Today, however, let us pause to appreciate the lost and damaged lives from yesterday's tragedy. Let us embrace those who are today engulfed with sorrow. Let all parents clasp their children closely today and tell them and show them that they are loved and that their lives are precious and have great value. Let each of us remember to be kind to one another, to respect the differences among us, and to recognize these differences as the truest strength of our province. Let us remind our children that the human spirit shows itself and expresses itself differently with each person and that we have much to learn from those who are different from us.

I urge the media covering this story to respect the need of the people of Taber to grieve with each other in dignity and privacy. We know that you have a job to do, but please give this community the chance to heal.

I say to all Albertans that if there is anything the government of Alberta can do to help the people of Taber, it will be done. If there is anything the government of Alberta can do to help prevent such tragedies in the future, it will be done. We will begin the work

immediately, and we will not stop until we have done all we can.

Social workers and counselors are already available to the people of Taber. As a matter of fact, Mr. Speaker, the Minister of Family and Social Services along with the MLA for that region are in the town of Taber as I speak, and my government will stay in close contact with community leaders to make sure that there are no barriers, no delays in meeting the needs of the community.

Finally, I say to all Albertans that despite the shock of this tragedy, please remember that we are a safe society. Remind your children that schools are safe and caring places and that there are always people looking out for their safety and well-being. Let us try to bring comfort and reassurance to our children even as we cope with the horror that has occurred, and then let us work together to heal the wounds and to reach out to the troubled and the tormented so that the losses yesterday will not have been in vain.

Thank you.

1:50

MRS. MacBETH: Mr. Speaker, I'd like to thank the Premier for providing an advance copy of his statement to me and for the words that he has presented to us.

In these first 24 hours our thoughts and prayers are with all of the families and all of the individuals directly impacted by this tragedy in Taber. As well, the community needs time to heal, and it needs room to heal in its own way.

Let us all remember that the future of Alberta lies with our children. Perhaps this tragedy can serve as a call to all of us, whether in our personal or our professional lives, that we need to redouble our commitment to our young people and their future in Alberta. On behalf of the Official Opposition of Alberta we are committed absolutely to this goal, as we all are in this Assembly.

Thank you, Mr. Speaker.

head: Oral Question Period

### Nursing

MRS. MacBETH: Mr. Speaker, today over 500 registered and psychiatric nurses from across the province rallied on the steps of the Legislature to bring this government's attention to the state of our public health care system. These nurses have taken the pulse of Alberta's health care system, and they know it is not healthy. They have Albertans' best interests at heart. The nurses are concerned not only about working conditions and the nursing shortage facing Alberta but also their and other health officials' increasing inability to hold the system together. My questions are to the Premier. How many registered nurses will the Premier commit to hire this year?

MR. KLEIN: Mr. Speaker, as the hon. leader of the Liberal opposition knows, we have committed some 400 million additional new dollars to the health care system. Those dollars are there to alleviate waiting lists, to add more frontline staff, many of whom will be registered nurses.

As to how many exactly, Mr. Speaker, I don't know at this particular time, but perhaps the hon. Minister of Health can supplement.

MR. JONSON: Mr. Speaker, in our budget announcement and also in our follow-up material we clearly some weeks ago placed a high priority on the need for additional frontline staff in our health care system. We have set a target of 1,000 additional frontline staff, and it is well known and accepted that by far the largest component, the majority of those staff, will be nurses to serve the patients of this province.

MRS. MacBETH: Mr. Speaker, as the Minister of Health indicated to the rally that he will be directing regional health authorities to address the concerns of registered nurses, can he outline exactly what he plans to do?

MR. JONSON: Mr. Speaker, what I have indicated first of all, following from my previous response, is that we have indicated very clearly to the regional health authorities across the province in written form the number of frontline staff that we would expect them to add to their overall service component. That has gone out, as I said, in specific terms.

Secondly, Mr. Speaker, working in contact with both the AARN and with regional health authorities, we are in the midst in fact of coming to the end of the first major stage in our overall human resource plan for the health care system. Since they are the largest number of professionals in the system, it very much involves nurses.

So overall, Mr. Speaker, we are very much recognizing that in this province a high priority, a top priority for the expenditure of money and for efforts in terms of providing additional service is the nursing profession.

MRS. MacBETH: Mr. Speaker, what is this government prepared to do aside from the bargaining process to involve registered nurses in the key decision-making about health care now and in the future in this province?

MR. JONSON: Well, Mr. Speaker, first of all, across the various activities that we have going on in health in this province, we have wherever appropriate involved nursing representatives. The most recent example would be an initiative taken by the Calgary regional health authority where they're putting together a task force, yes, to look at physicians' services, but we are being very sure that on that committee the nurses of the CRHA are being represented.

I could take some time this afternoon, Mr. Speaker, to list a number of other committees and boards upon which we very much value the nursing representation that is there, but I will conclude at that point.

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

### Education Funding

MRS. MacBETH: Thanks, Mr. Speaker. Yesterday the Premier refused to say or else didn't know if his government had any plans to make additional resources available to public and separate schools over and above the amounts announced in the 1999 budget. Today the Minister of Education has been quoted as saying that there is, in fact, a plan to make new money available to address pressure points. Parents of children in Calgary public schools and now separate schools need a clear answer from the Premier. Will additional financial support from the province be made available to Calgary's public and separate school boards over the next three weeks?

MR. KLEIN: Well, Mr. Speaker, I didn't read those comments allegedly attributed to the minister. If he has more money that he wants to spend, I'd be very happy to hear about it too. So perhaps I'll have him supplement.

MR. MAR: Well, Mr. Speaker, what I've indicated in this Assembly is that we've listened very carefully to the comments made by stakeholders in education, the Alberta Teachers' Association, the School Boards Association, the association of school superinten-

dents. We've always been prepared to act in response to the comments that are made by those groups that we work with.

In the past, Mr. Speaker, we have responded to very specific areas: early literacy as an example, English as a Second Language, special needs. That has precipitated nearly \$400 million in increased spending over the last three years. Of course, we're prepared to respond in the future, and we have responded with Budget '99, with \$600 million over the next three years.

Mr. Speaker, in the past we've always responded to these pressure points. My expectation is that we will continue to do so in the future.

MRS. MacBETH: Well, Mr. Speaker, given that every school board in this province has pressure points, not just those that are potentially facing strikes, will the Premier assure parents, teachers, and trustees that each and every school board across this province will participate fully and equally in any new financial assistance for schools?

MR. KLEIN: Mr. Speaker, first of all, I would like to point out that some school boards are generating surpluses in this province. I would expect that, yes, school boards, school administrations of course, teachers, school councils through the teachers and the parents would participate in virtually all facets and aspects of budgeting.

2:00

Mr. Speaker, there is new money. Absolutely. We have committed an additional 6 percent this year, there will be an additional 6 percent next year, and an additional 6 percent the year after that. That's in addition to almost \$400 million that has been put in since 1995. As I pointed out before, it's about a billion dollars in brand new money, most of which is directed to classroom activities.

The hon. minister has pointed out those new classroom activities: more funding for early intervention relative to literacy, more funding to address sparsity and distance, more funding to address the needs of special-needs children, more funding for English as a Second Language plus funding to accommodate student population growth, and the list goes on and on, Mr. Speaker.

So, yes, there is more funding planned. It has been committed: 6 percent more next year and 6 percent the following year. That's a 12 percent increase on top of 6 percent this year, on top of nearly \$400 million that was committed between 1995 and the present.

MRS. MacBETH: Mr. Speaker, given the Premier's remarks yesterday in response to parents' and teachers' pleas for assistance when he said that he would "help them manage their finances," is he saying that the province is going to continue to send in accountants when what parents are asking for are more teachers, new books, smaller classroom sizes, and safe buildings?

MR. KLEIN: Well, Mr. Speaker, we try to make sure that all of those things are accommodated and provided for, just as the hon. leader of the Liberal opposition tried to make those accommodations when she was the minister. I'm sure that the headlines and the thoughts and the concerns of parents and teachers were exactly the same then as they are today.

Mr. Speaker, I'd be happy to table in this Legislature the headlines from the days of Nancy as Minister of Education.

### Speaker's Ruling Decorum

THE SPEAKER: Hon. members, before I call on the hon. Leader of the Official Opposition for the third Official Opposition main

question, I'd just like to point out that the timing for sense of occasion is really a powerful one.

Earlier today in this Assembly I heard two very, very powerful messages being given to the people in this Assembly and to the people of Alberta, one by the hon. the Premier and the other by the hon. Leader of the Official Opposition. You know, the purpose of question period is to bring the government to accountability, and we can do all kinds of things and use all kinds of avenues within us, but decorum is important. I listened attentively to those two powerful messages, and we all prayed. Let's just rise above the interjections and everything else.

Third Official Opposition main question. The hon. Leader of the Official Opposition.

### User Fees

MRS. MacBETH: Thank you, Mr. Speaker. On April 29, 1998, the Premier said, "All user fees are examined very, very carefully. User fees are put in place to essentially cover the cost of providing the service." Albertans are still waiting to see the cost of service associated with hundreds and hundreds of user fees that this government brought in through the back door of regulation over the past seven years: taxation without representation. My questions are to the Premier. Given that there is no cost-of-service data provided as part of the review of user-fee taxes, on what basis has the government been setting user-fee taxes over the past seven years?

### Speaker's Ruling Anticipation

THE SPEAKER: One of the traditions in this Assembly is that we do not use the time of question period to deal with bills that are on the Order Paper for the day. Today I repeat again that there's a procedure put in place that on the previous Thursday the government will outline what the business is as a courtesy to the Official Opposition. I look at the Order Paper today: for second reading Bill 35, Government Fees and Charges Review Act. That clearly, hon. Leader of the Official Opposition, is not following through with the tradition.

MR. DICKSON: Point of order.

THE SPEAKER: No. Fine. We're going to do the point of order now. We're going to use the question period for this. Right now, hon. Member for Calgary-Buffalo, explain to the Assembly why that question did not violate the tradition that we have. Please.

MR. DICKSON: Mr. Speaker, I appreciate the invitation. The distinction I'd make is that we're talking about a review which is actually quite independent of the bill, a review which is undertaken in a number of other provinces. The bill clearly deals with certain matters within the four corners of that document. There is a review which is quite independent of the bill, and in my respectful submission we ought to be entitled to explore those things that are not caught within the four corners of a particular bill. So there is a difference. The bill does not exhaustively deal with this whole issue of user fees. It deals with an element of it, a sliver of it, but it does not occupy the entire field.

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. The question clearly does fall within the purview of the bill. The schedules attached to the bill showed which fees and charges were going to be reviewed, and at the same time that the bill was tabled, the hon. Provincial

Treasurer indicated that there would be a fees and reviews committee and that that fees and reviews committee would be looking at the costs relating to what those fees related to. The question that the hon. member raised today said: why aren't cost studies being included? She obviously was talking about the bill, because the question of the review committee is not before the House.

THE SPEAKER: The hon. Member for Edmonton-Glenora on this point too. Go ahead.

MR. SAPERS: Quickly, Mr. Speaker. Thank you. The bill has two sections. Neither of the sections refer to the question that was put by the hon. leader, and if the Government House Leader had been listening, the words were, a "review of user-fee taxes," and the question pertained to government policy, the absence of any cost-of-service date over the last seven years. None of that's in the bill.

MR. DAY: Well, Mr. Speaker, as the person who tabled the bill and who will be discussing it, as you correctly noted, today, as a matter of fact, and also trying to maintain the properly honoured tradition of dealing with these things at the time of debate, I can tell you that the purpose of listing the fees that are listed in that bill and in the schedule is so we can have a sense of their appropriateness. The Leader of the Opposition's question was around the very fact of determining what should be the levels and limits of these various fees, and that's what it is all about in entirety. If there are some that are somehow or for some reason not addressed in that particular bill, they'll still be addressed by the committee to come back under the umbrella of that legislation.

So the fees are being dealt with in the bill, and from whence they came is being dealt with in the parameters of the bill. It's going to involve long discussions, I would hope, in terms of the costing of the bill. So it is clearly a matter that's before the House, not just today but in coming days, and I look forward to input from the opposition on this matter at the proper time.

THE SPEAKER: Well, as the tradition of this House is to always accept the word of hon. members and in this case the words of hon. members come from two different directions, the chair will recognize that in fact the question will have nothing to do with Bill 35 and permit the question. However, when Bill 35 comes up, the rule of relevancy will apply, and anything covered in the question period will have to be avoided in the debate on Bill 35, because we can't have it both ways.

### User Fees (continued)

MRS. MacBETH: Mr. Speaker, given that there is no cost-of-service data provided as part of the review of user-fee taxes, on what basis has government policy been set in user-fee taxes over the past seven years?

MR. KLEIN: Mr. Speaker, as the hon. leader of the Liberal opposition properly alluded to, we try to assess those fees based on the value of the service provided. In other words we try to make sure that the fees are commensurate with the value of the service provided, but if they're out of scope, that is what the committee review is all about.

With respect to the evaluation process that was used in the past, I'll have the hon. Provincial Treasurer supplement.

2:10

MR. DAY: Mr. Speaker, there are many things that go into deter-

mining what should be the cost of a particular service. Our intent is to make sure that the cost that is being assessed is, in fact, assessed in such a way that it reflects what it costs to deliver that particular service, to administer that particular item that's being asked for. That's what has been the past process. This isn't the process of the last seven years. This is the process going back to 1905. There has been some cost analysis that has been attempted.

Now, over time things can be assumed, and things can also change. For instance, technology could change the delivery of a particular service. It might have cost a certain amount at one point in time, and now just technology alone could mean that that service is actually able to be delivered at a less amount. That's what the purpose of the review is. That's what it's all about.

I'll remind the House, Mr. Speaker, that we're the only province, the only government in the country that is doing a comprehensive review. Once again, Alberta sets the pace.

MRS. MacBETH: Mr. Speaker, will the Premier explain how the \$4 tire tax, which he brought in as the environment minister, qualifies as a cost-recovery scheme when it raised \$10.5 million last year yet cost only \$322,000 to collect.

MR. KLEIN: Well, Mr. Speaker, the tire board is a delegated authority. We don't get involved in the day-to-day business of the board. I would like to note, however, that I do appreciate the support that was given to that particular initiative at the time by the then hon. Minister of Health, who's now the leader of the Liberal opposition. As a matter of fact, it was deemed to be a project that would address a health problem. My recollection is that tires going into landfills, becoming full of moisture, became breeding grounds for mosquitos and disease, and the hon. leader of the Liberal opposition, when she was the minister, was very supportive of this particular initiative. It's working very well indeed.

Now, the lead minister, and the minister responsible for this delegated authority is the Minister of Environmental Protection, and I'll have him supplement.

MR. LUND: Thank you, Mr. Speaker. This has been a very good program, as the Premier has indicated. The fact is that they have now cleaned up all of the stockpiles of tires. They've them taken out of the landfills. For example, Calgary alone had over a million tires in a stockpile that was extremely dangerous for fire. It's all cleaned up.

Relative to the fee one of the areas that the board is currently looking at is the whole issue of truck tires. There is quite an assortment of them out there. If, in fact, they are brought into the system, the cost of collecting and processing those will be greater than \$4. It's interesting, Mr. Speaker, that if you look at their annual statement, you will find that it's true that at first there was a reserve built up, but the costs of operating have been very similar to the money received over the last two years.

MRS. MacBETH: My question back to the Premier, Mr. Speaker, is: if it was such a good program, why was the tire tax excluded from the government's review of user-fee taxes?

MR. KLEIN: Mr. Speaker, as I pointed out, this is a delegated authority, and that fund is absolutely totally separate and apart from the general revenue fund. None of those fees go into general revenues. All of those fees are used to accommodate various tire recycling projects. All the money is administered entirely by the tire board.

## Health Care System

MS BARRETT: Mr. Speaker, when a government takes hundreds of millions of dollars in consecutive years out of the health care system, the consequences are inevitably going to be negative and enduring. The government anticipated this so well in advance that it even reduced its funding to nursing schools by 25 percent, meaning 25 percent fewer people could attend nursing schools than when the cuts started. My question to the Premier today is this: how does the government expect Albertans to believe rhetoric about improving the health care system when the waiting lists in Calgary for hip replacements and other needed surgeries are 12 percent longer today than they were a year ago?

MR. KLEIN: Mr. Speaker, I don't know that to be the truth or not. Perhaps there are more people requiring this particular service than there were a year ago. I just don't know what the answer is, and I will have the hon. minister supplement.

Going back six years ago, health, like every other service of government, underwent a major overhaul. Mr. Speaker, we were faced with structural deficits of \$3.4 billion a year, growing and growing and growing. The Financial Review Commission warned in very clear terms -- that report was made public -- that if we continued spending the way we were, this province would be absolutely bankrupt by this time. We had to bring things under control.

This province is now being recognized worldwide as being a leader in deficit elimination, in paying down debt, in reorganization of government to achieve more efficiencies to bring about a much more effective system, Mr. Speaker. Because of our prudent financing, because of our prudent financial management, we were able this year to put some \$400 million back into health care.

Relative to the specific question I'll have the hon. minister supplement.

MR. JONSON: Mr. Speaker, in the overall increase for health care funding, which, as the Premier has just indicated, is a very significant amount, priority was given to what is referred to in our business plan as provincewide services, which are the services primarily offered in Edmonton and Calgary, which are in many cases what are referred to as lifesaving services. We have made that a priority. We have made a very significant contribution of additional money.

Mr. Speaker, I think it's very important to note that the number of angioplasties -- and I could go through a very significant list of the procedures involved -- has been increased very extensively in this province. In some areas . . . [interjections] Well, the members across the way would like more statistics, so . . .

THE SPEAKER: Hon. minister, just ignore the members across the way. You're speaking to the chair.

MS BARRETT: Well, I'll give the minister another chance then. Why is the government, then, not addressing the growing waiting list for hip and knee replacement surgeries in Calgary, which is a result of shortages of operating rooms in public hospitals thereby creating the conditions for companies like HRG to offer joint replacement surgeries in their wanna-be private hospitals?

MR. JONSON: Mr. Speaker, with respect to hip replacements and joint replacement procedures I will not do it at this particular time, but I can provide information to the hon. member. I would like simply to say that there has been a very significant increase in this

province in the number of procedures being done in those two categories.

However, I would acknowledge to you, Mr. Speaker, and to the hon. member asking the question that this is an area of significant challenge to the health care system here in Alberta and also across this country in terms of it being a condition which is parallel to the growing percentage of our people who are reaching an old age. We are planning and working to make the resources available to provide more of those procedures as well as addressing another challenge, that of having an adequate number of specialized surgeons to work in that particular area.

MS BARRETT: Mr. Speaker, if the government is so committed to what they call restoring health care -- the money they put back in still doesn't compensate for the cuts -- why is it that this government has still not reversed its policy of five years ago and restored the 25 percent of the spaces they cut in nursing schools so we don't have to face the long-term crisis of a nursing shortage in Alberta?

2:20

MR. JONSON: Mr. Speaker, I would like to respond to that question in general terms. Certainly I know that the minister of advanced education would also provide a more detailed response.

Mr. Speaker, yes, there was a reduction in the number of nursing training positions. However it's my understanding, having discussed this with the Minister of Advanced Education and Career Development, that there is capacity currently in the system to take on additional nursing students. [interjections] I would not say in every nursing training institution in this province, but certainly across the province.

As was indicated in answer to a question to the Minister of Advanced Education and Career Development earlier in the session, the postsecondary education system has the capacity to respond to areas of high priority. I certainly share the hon. member across the way's concern that if there's not the capacity there, it should be looked at very seriously for increase.

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

### Gasoline Pricing

MRS. O'NEILL: Thank you, Mr. Speaker. Albertans are well aware of the recent and dramatic increase in crude oil prices. This is certainly welcome news given the importance of oil-related activities to our economic prosperity and certainly to our livelihoods. The price of west Texas intermediate crude oil is now in the \$18 U.S. a barrel range, roughly 50 percent higher than it was at the beginning of this year. My question is to the Minister of Energy. My constituents and I'm sure many other Albertans want to know this answer. It seems that when oil prices fell, the price of gasoline did not fall by as much, yet oil companies have been quick to increase gasoline prices with the recent increase in oil prices. Why is that, and why do Albertans continue to be gouged at the pump?

DR. WEST: Well, Mr. Speaker, it is good news. Oil closed at \$18.63 yesterday, and as the member has indicated, that is good news for the province of Alberta. We're an oil-producing province, an energy-based province, and of course we want to see the jobs and the investment continue, and therefore we must applaud the world market as it goes up in the prices.

Gasoline prices are a fact of life in the province of Alberta and the rest of Canada. They are market driven generally. As well, they are driven by provincial and federal taxes. Provincial and federal taxes

make up approximately 40 to 50 percent of the price of a litre of gasoline in Canada. That's a fact of life because of a low population, less than around 30 million people. In Alberta it's about 3 million. They demand roads that go from east to west in one of the largest countries in the world. That costs a lot of money, and I certainly hope the federal government would return more than the \$5 billion that they take out of Canadians on a yearly basis. We do. Out of the price of a litre of gasoline we return all of it plus \$200 million more a year besides licence plates and the price at the pumps.

Now let me say this: the price of gasoline dropped when it was \$10 a barrel to a low in Alberta of as low as 39 cents, and it was roughly 45 cents to 46 cents a litre out in the Vermilion area. Yes, it has gone up now to 51, 52 cents. That's market driven, folks, and the companies or the guys at the retail pump did not make a lot when it was \$10 to \$12. I think we all shared in that drop in oil prices.

The first thing I said about the cost of our roads and the cost of taxes -- I'll just say that competitively we'll stand up any place in North America and the world as having some of the cheapest per litre gasoline prices.

MRS. O'NEILL: Thank you, Mr. Speaker. My first supplementary is to the same minister. Who is responsible for ensuring that the retail price of gasoline at the pump is fair and that unreasonable profits are not being made on the backs of the consumer?

DR. WEST: Well, Mr. Speaker, in Canada the federal government takes that initiative through such acts as the federal Competition Act, through the federal Competition Bureau, and they've done numerous investigations into the price of a litre of gasoline. They have found no indication of collusion or price fixing or the term "gouging," if you like, outside of market forces.

Provincially we are allowed to regulate gasoline prices if we want to. The only province in Canada that does that is Prince Edward Island, and where Prince Edward Island has set it -- they have a higher tax than we have. We have a 9 cents a litre tax, as I said, in the province of Alberta. Combined with the federal tax it's about 23 cents a litre. In Prince Edward Island, the only province to fix the price of a litre of gasoline, it's a 35-cent tax, and the price before the price went up was 57 cents a litre. It will probably be around 62, 63 cents with the recent events.

I would say that we don't want to enter into the marketplace to start fixing the price of gasoline. Leave that to the marketplace. Our fair trades and practices act along with the Competition Bureau will ensure that there is no monopoly or price fixing or collusion in Canada.

MRS. O'NEILL: Thank you. Mr. Speaker, my second supplementary is to the same minister. I understand that there has been a campaign on the Internet and through the media by people across this country who are fed up with the price of gasoline at the pumps. They have indicated that they want to boycott buying gas or boycott gas stations on April 30. Therefore I want to understand and I wish the minister would tell us: since they are signaling their frustration, what is Alberta's position on a move such as this?

DR. WEST: Mr. Speaker, all I can say is that as the Minister of Energy in the province of Alberta and understanding the long tradition of the oil and gas industry in the province, I mean, I couldn't support that. I just want people to understand that the precious programs we have in health and education and helping those less fortunate than others are part and parcel dependent on the richness and the revenues that we take out of oil and gas and our resource industries. In a free democratic society if you want to voice

your opinion about anything in the marketplace, which I believe strongly in, go right ahead. But remember: lest we forget where we come from.

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

### **VLT Plebiscites**

**MR. WICKMAN:** Thank you, Mr. Speaker. I want to make it clear right off the bat that I'm not dealing specifically with Bill 36. I'm dealing outside of Bill 36.

Mr. Speaker, describing the VLT situation in Alberta as being mismanaged would be the understatement of the year. Yesterday the minister responsible for lotteries said: no plebiscites. Yesterday in the Assembly the Premier danced around the question, but according to the press later on he said yes to plebiscites. Let me ask the Premier in the simplest terms possible: will this government honour future plebiscites on the removal of VLTs if requested?

**MR. KLEIN:** Well, firstly, Mr. Speaker, the policy is not set. Obviously the policy that was supposed to be in place was not in place, and that's what the legislation is all about. What we are saying is that we want to let municipal policymaking processes prevail.

2:30

Again I'd point out that the hon. Member for Edmonton-Rutherford was on a city council and is very well familiar with all the tools that are available to municipalities to decide issues. There is in the city of Edmonton -- in Calgary it was land use redesignation. If someone was building a new restaurant or a pub in an area that wasn't zoned, there was rezoning that resulted in a public hearing before the city council. If it was an existing establishment and they wanted to move VLTs in, then they could apply for a development permit, which was then and is now today appealable to the development appeal board. There is the whole issue of plebiscite and expression of opinions, an expression of an opinion that if adopted by council would be communicated to the government. That could be considered as well.

The old policy, Mr. Speaker, was simply that the matter of VLTs had to be decided by plebiscite alone and none of these other planning tools were available to municipalities to address the question of VLTs.

**MR. WICKMAN:** Mr. Speaker, secondly, again to the Premier: would the Premier, then, honour a resolution without a plebiscite, a resolution properly passed by a municipal council requesting the removal of VLTs in their municipality?

**MR. KLEIN:** Would we consider that? Well, again the policy hasn't been set. I would have to say that, yes, if we're looking toward developing a policy where local planning processes prevail, then certainly we would have to consider that kind of a resolution.

**MR. WICKMAN:** Finally, Mr. Speaker, again to the Premier: will the Premier assure this Legislative Assembly that the government will not lift the 6,000 VLT cap while considering this new policy he refers to?

**MR. KLEIN:** Mr. Speaker, I haven't discussed this matter with the minister, but clearly when the hon. Member for Lacombe-Stettler did her report on gaming, that was established as a ceiling. We as a government adopted that as policy. Of course the courts have

ruled that we really didn't have the legislative power to put that policy in place.

I can tell you today without any hesitation, without any reservation that once the policy is developed and once we have the legislative power to enforce the policy, Mr. Speaker, 6,000 machines will remain as the cap.

### **Speaker's Ruling Anticipation**

**THE SPEAKER:** The chair will look forward to debate this afternoon as per the Order Paper to see how skillfully the hon. Member for Edmonton-Rutherford will avoid making any further comments on the questions he just raised. Because they fall outside the purview of the bill in question, which means that any such questions would become irrelevant to the bill in question, it will be very interesting to watch this debate.

The hon. Member for Calgary-West, followed by the hon. Member for Calgary-Buffalo.

### **Mathematics Curriculum**

**MS KRYCZKA:** Thank you, Mr. Speaker. We need to ensure that we're preparing our young people to succeed in today's world. I wonder if we are giving them the proper tools. I understand that the new applied mathematics 10, 20, 30 has a broader focus than the pure mathematics 10, 20, 30 program and is designed for students whose career plans do not include university study in science, engineering, or mathematics. Applied math has a greater emphasis on real-life problems and uses technology to solve problems in math. My question is for the Minister of Education. Are students who are taking applied math in high school having difficulty gaining acceptance at some postsecondary institutions?

**MR. MAR:** Mr. Speaker, we worked with the postsecondary institutions to get them to understand what the contents are in the curriculum contained within the applied math program. I can advise the Assembly that the applied math 10, 20, 30 program is accepted for entrance into a broader range of postsecondary programs than the older math 13, 23, 33 program.

To this point the number of institutions that have accepted applied mathematics for admission into some of their programs includes the University of Calgary, the University of Lethbridge, Augustana University College, NAIT, SAIT, Olds College, and Fairview College. Applied math 30 is also recognized for the Rutherford scholarships. As the hon. member pointed out, applied math was not intended for a preparation into theoretical mathematics and accordingly would not be accepted for programs such as engineering, math, or science.

**MS KRYCZKA:** Thank you. Mr. Speaker, my first supplemental is again to the same minister. What actions are his department taking to ensure that postsecondary institutions will accept applied math 30, and when will final decisions be made?

**MR. MAR:** Mr. Speaker, my department will be discussing university transfer programs with community colleges. It is possible for these institutions to create flexible pathways for students. As an example, a student without high school math can be accepted into the arts program at the University of Alberta if the student has taken a second language course. Students need that type of flexibility in their education programs, and we're certainly working towards that.

**MS KRYCZKA:** Thank you. Mr. Speaker, my second supplemental



is again to the same minister: will the new math curriculum be recognized by other schools and postsecondary institutions outside of Alberta?

MR. MAR: Mr. Speaker, I think this is a serious question raised by the hon. member, and I can advise the Assembly that we do not have control over the entry requirements of postsecondary institutions outside of the province of Alberta. These requirements do change frequently. However, I can advise the Assembly that the pure math program will be accepted at all postsecondary institutions across Canada. To the best of my knowledge the applied math program will be accepted at both universities in Manitoba for their general entry requirement. Clearly, as more postsecondary institutions become familiar with the contents of that curriculum, there will be a greater degree of acceptance.

THE SPEAKER: The hon. Member for Calgary-Buffalo, followed by the hon. Member for Airdrie-Rocky View.

#### Notwithstanding Clause

MR. DICKSON: Thank you very much, Mr. Speaker. Just moments ago the government tabled a bill that truly paves the way for tyranny of the majority. Bill 38, the Constitutional Referendum Amendment Act, 1999, means that the rights of some citizens can and will be suspended if a majority of those Albertans who choose to vote in a referendum say that that's okay. My question is to the Acting Premier. Why is it that this government is prepared to deny the basic rights of some citizens just because 51 percent of those people who choose to vote in a referendum say that's okay?

MR. DAY: The question, not just to mention it being hypothetical and presumptuous, is inaccurate, and I would ask the Minister of Justice to feel free to elaborate on the details of the bill.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. The hon. member across the way obviously does not understand the act. What it requires is for the government, if it wishes to use the notwithstanding clause, to refer the matter to a referendum. Albertans would vote on that issue. If Albertans voted no with respect to the use of the clause, the matter would not be pursued. If Albertans voted yes, the government would be required to table the legislation in the Legislature, and then a vote would be held. It's entirely within the discretion of the Legislature to ignore the results of the referendum.

What we also need to point out, Mr. Speaker, is that this is another level of protection for all Albertans. What we are saying is that no government should use the notwithstanding clause unless and until we consult with Albertans. What could be better?

Now, the hon. member across the way . . . [interjections] May I continue? Thank you. The hon. member across the way has in the past referred to the tyranny of the majority of Albertans. Mr. Speaker, I believe the majority of Albertans on fundamental issues are usually right. What we should be concerned about is the tyranny of the Legislature unilaterally using the notwithstanding clause without consultation.

MR. DICKSON: In view of that scary sentiment, Mr. Speaker, let me say that given the fact that the Constitutional Referendum Act, section 4(2), says that the government is required to take all steps and any steps it "considers necessary or advisable to implement the results of the referendum" -- it's not simply a question of introducing a bill; you have to implement the steps of the referendum -- I want to ask: why would the government of our province choose to

voluntarily tie its hands, abdicate any leadership role, and simply transfer whatever the majority on a given vote says is okay?

MR. HAVELOCK: Well, Mr. Speaker, the hon. member across the way is clearly misinterpreting the bill and the provision of the bill. What the Legislature is required to do in the event that the referendum results are "yes, use the notwithstanding clause" is to introduce that legislation in the House. However, the hon. member across the way should know that legally no referendum can bind a Legislature or a parliament. Parliament and the Legislature are sovereign. I've read the legislation. In fact, we assisted our department to draft the legislation. So a referendum legally cannot bind a Legislature to do anything. The hon. member across the way should know better.

2:40

MR. DICKSON: My final question, then, for clarification of this interesting government policy. In what circumstances is it the position of the government of the province of Alberta that the majority is not always right? What are those circumstances where the minority deserves protection, even though the majority say a certain rule is appropriate?

MR. HAVELOCK: Well, Mr. Speaker, I can't answer that. That is purely hypothetical. What it's going to depend on are the results of the referendum, the issue that's being debated, and what the Legislature at that particular time feels with respect to the matter that's been referred to it through the referendum. So it's hypothetical. I can't possibly speculate on what those circumstances may be.

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

#### Employment Insurance

MS HALEY: Thank you very much, Mr. Speaker. There's been a lot of discussion lately regarding the raising of employment insurance benefits. Could the Provincial Treasurer please advise this House on what the federal minister has communicated to him about this issue?

MR. DAY: Mr. Speaker, we should acknowledge first of all -- and I believe it's important to give credit where credit is due -- that over the last few years the federal government did reduce some of the benefits related to the employment insurance plan. It had been identified that some of the benefits were approaching the level of generosity where they were proving actually to be a disincentive for individuals to find work, so it lowered some of those benefits. That was a tough political thing to do.

We are not saying to the federal government that they should return to those higher levels of benefits, but we have noticed that at the end of the budget year '98 the surplus in the EI fund, the federal employment insurance fund, was some \$7.6 billion, and it's projected now to be at around \$20 billion in surplus. So we have said to the federal minister: you need to lower the rates at which you're hitting people paying into that fund in terms of their paycheques and employers' paycheques. It is a huge surplus, which has been used to spend on other federal programs.

At least to this point in time the federal minister's response to us has been less than embracing our view warmly; let me say that. He just is not excited about the fact that this fund should be based on cost recovery. He is enjoying the surplus, and he has told us that. At least at this point in time he is not seeing it as something that he wants to do in terms of lowering what we say are rates that are too high. So that's his communication to us to this point.

MS HALEY: Well, to the same minister then: has there been any

analysis done to confirm or deny that lower employment insurance benefits have disproportionately disadvantaged youth and women in comparison to men?

MR. DAY: Well, a report was done, and as I understand the report, it indicated that regular claims by women had declined by 20 percent; by men, 16 percent. So there's some discrepancy. I guess the point of a study would be to see why that has decreased. Some people might suggest that women are finding jobs at a better rate. Others might say that they are being denied EI benefits because the length of time in which they are accumulating hours is not sufficient to get those benefits. So I think the study on that one will continue.

There are a couple of elements within that federal program, however, where it's been noted that more women have benefited than men have benefited. The EI program is set up in different subsets, and there have been in two particular programs more benefits going to women than men. So it's tough to try and decide what exactly are the causes for that.

MS HALEY: Thank you, Mr. Speaker. My final question to the Treasurer then: could he please update our Assembly as to whether or not there are any plans in place with other provinces with regard to reforming the employment insurance benefit program?

MR. DAY: Mr. Speaker, our Premier has taken the lead with other Premiers in terms of approaching the Prime Minister at the federal Premiers' meetings on this particular issue. We are working closely with finance ministers in other provinces and the territories to address this. So a plan is continuing in place to try and bring the attention of the federal government to bear on what we believe is a very serious inequity and the fact that in an ongoing way more money than is necessary is being taken out of the pockets of employees and employers to cover all the benefits and also to have a surplus. There should be a surplus in that fund, but it goes far beyond what is necessary. The federal government uses that fund for other purposes than employment insurance, and we have a big problem with that.

#### head: Members' Statements

THE SPEAKER: Today three hon. members have indicated their desire to participate in Members' Statements. There'll be no break today. The chair also wants to invite all hon. members to remain in their chairs to attend to the attendance of His Honour the Lieutenant Governor and to observe very carefully the implication of certain rulings with respect to certain debates this afternoon on Bill 36 and Bill 35 and others.

The hon. Member for West Yellowhead.

#### Alberta Library Week

MR. STRANG: Thank you, Mr. Speaker. I rise today to recognize Alberta Library Week, which is next week, May 3 to 9. This special week was initiated by Alberta Community Development in 1997 to raise awareness for library services and promote lifelong learning. It is a way for people to find out about the tremendous potential of our libraries in the development of our knowledge-based society.

Alberta libraries have many accomplishments to celebrate in 1999. One of the highlights is the connection of 245 public libraries to the Internet, a major step in the public library electronic network. A computer workstation and printer were delivered and installed in each participating site this spring, providing public access to the Internet in these libraries. This milestone was reached through the co-operation and partnership of Alberta Community Development,

Industry Canada, and the western economic partnership agreement.

Another highlight introduced was the Alberta library card by the Alberta Library, a provincewide consortium of different types of libraries. With a special card people can borrow books from over 180 public, college, and university libraries in the province and conveniently return them to any participating library. The number of participating libraries will continue to increase. Eventually all Albertans will have direct access to the majority of the collections of libraries in the province, using just one card.

This weekend library representatives, library organizations, library trustees will be gathering at the Alberta Library Conference in Jasper, which is in my constituency. The conference precedes Alberta Library Week every year. Next week libraries across the province will be hosting activities with an adventure theme to celebrate Alberta's Library Week.

I encourage all members of this Assembly to be adventurous and explore the many new and traditional services of libraries in their local towns.

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

#### May Day

MR. MacDONALD: Thank you, Mr. Speaker. I rise today to recognize May Day, the international day to focus our attention on workers everywhere, who together with their employers produce goods and services for local consumption and export. I applaud the organizers of May Day and the events that they organize around the province.

I wish I could say that all is well in this province when it comes to labour relations, but there is too much evidence to the contrary that cannot be ignored. Just ask a nurse or a teacher. In order for labour relations legislation to be successful in its adjudication and mediation roles, it must be seen as independent and impartial to those appointed to enforce it.

The Alberta Labour Relations Board continues to be a source of concern for organized labour and the workers they represent. The untimely departure of chairperson Robert Blair and the appointment to the board of an individual widely known as having views that are strongly anti-union have done nothing to remedy the situation and have even made matters worse. The board is also continuing to have problems processing applications on a timely basis, and employees and employers alike are becoming increasingly frustrated.

Albertans have also been engaging in major strike actions in the past few months, which have been divisive to the communities where they live. That has left many workers with no idea of what the future may hold for themselves and their families.

2:50

The government has chosen not to take a leadership role and has instead used the tactic of pitting employer against employee. The government has a responsibility to implement mechanisms and rules that create a responsibility and a positive environment for collective bargaining. They have failed to do so. For example, employees at Dynamic Furniture in Calgary have been on strike for six months. The government could insist that a dispute inquiry board be appointed in an attempt to resolve this issue, but all these workers have seen from this government is nothing but inaction.

Thank you, Mr. Speaker.

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

#### Ma'mowe Child and Family Services Authority

MR. ZWOZDESKY: Thank you. Mr. Speaker, in response to

Albertans' desire for a more community-focused delivery of services, child and family services authorities across the province are now becoming fully operational. Years of planning are now culminating in very good news for the children of our province, and it's great news for our communities too.

In Edmonton the Ma'mowe child and family services authority officially assumed its duties on April 1, and the people of Edmonton now have a greater say in the planning of their services. Ma'mowe will identify local needs and tailor services accordingly. They will connect with Edmonton's school boards, health authorities, municipal departments, and other organizations to better co-ordinate and integrate programs and planning.

The Alberta government funds Ma'mowe, sets standards, and monitors and evaluates its progress. The Ma'mowe board members and the CEO are committed to developing community-based services, integrated services, early intervention services, and improved services for aboriginal children and their families. They are accountable for meeting these goals. Ma'mowe reports to the Minister of Family and Social Services in its service delivery role. The minister without portfolio responsible for children's services appoints and oversees Ma'mowe's board members and maintains dialogue with the board in its governance role. Both ministers, I know, are committed to working closely with Ma'mowe and all the child and family services authorities.

As the MLA for Edmonton-Mill Creek I look forward to working with Ma'mowe as well. We've entered a new and very exciting era in Alberta wherein the Alberta government has empowered Alberta's communities in unprecedented ways. The creation of child and family services authorities is one more step forward for our communities, our families, and our children. It's a very positive change in the way social services are provided, and it's a positive change for children and families throughout the province.

I know that many of my constituents, including Laurie and Dieter Adam, are keenly interested in this initiative. In closing and on their behalf I want to sincerely thank both ministers but, in particular, the hon. minister responsible for children's services for joining me in a recent visit to the Adam family when this initiative and others were discussed.

Thank you, Mr. Speaker.

head: Projected Government Business

THE SPEAKER: The hon. Opposition House Leader.

MR. DICKSON: Thanks very much, Mr. Speaker. It's at the point of the week where I invite the Government House Leader to advise us as to the projected government business for the ensuing week, please.

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. On Monday, May 3, in the afternoon, under Government Bills and Orders for second reading I anticipate that we'll be discussing Bill 30, the Employment Pension Plans Amendment Act, Bill 31, Bill 32, and Bill 38. At 8 p.m. under Government Bills and Orders for Committee of the Whole: Bill 20, Bill 24, Bill 26, Bill 15, and as per the Order Paper.

On Tuesday, May 4, at 4:30, under Government Bills and Orders for second reading: Bill 36 and Bill 37 and as per the Order Paper. At 8 p.m. under Government Bills and Orders for second reading, Bill 34, Bill 25, Bill 22, and Bill 23; in Committee of the Whole, if time permits, Bill 12 and Bill 15 and as per the Order Paper.

Wednesday, May 5, at 8 p.m., under Government Bills and Orders

for second reading, Bill 36 and Bill 35; in Committee of the Whole, depending on progress, Bill 36, Bill 16, Bill 26, Bill 15, and as per the Order Paper.

On Thursday, May 6, in the afternoon, under Government Bills and Orders for third reading, depending on progress, Bill 36 and Bill 7; for second reading, Bill 32, Bill 28, Bill 38, Bill 37, and as per the Order Paper.

head: Royal Assent

MR. DAY: Mr. Speaker, His Honour the Honourable the Lieutenant Governor will now attend upon the Assembly.

[Mr. Day and the Sergeant-at-Arms left the Chamber to attend the Lieutenant Governor]

[The Mace was draped]

[The Sergeant-at-Arms knocked on the main doors of the Chamber three times. The Associate Sergeant-at-Arms opened the doors, and the Sergeant-at-Arms entered]

THE SERGEANT-AT-ARMS: All rise, please. Mr. Speaker, His Honour the Lieutenant Governor awaits.

THE SPEAKER: Sergeant-at-Arms, admit His Honour the Honourable the Lieutenant Governor.

[Preceded by the Sergeant-at-Arms, His Honour the Lieutenant Governor of Alberta, H.A. "Bud" Olson, and Mr. Day entered the Chamber. His Honour took his place upon the throne]

3:00

HIS HONOUR: Please be seated.

THE SPEAKER: May it please Your Honour, the Legislative Assembly has, at its present sittings, passed certain bills to which, and in the name of the Legislative Assembly, I respectfully request Your Honour's assent.

THE CLERK: Your Honour, the following are the titles of the bills to which Your Honour's assent is prayed.

- |       |   |
|-------|---|
| 8     | Provincial Court Judges Amendment Act, 1999                             |
| 9     | Tobacco Tax Amendment Act, 1999   |
| 10    | Land Titles Amendment Act, 1999   |
| 11    | Public Sector Pension Plans Amendment Act, 1999                         |
| 14    | Municipal Government Amendment Act, 1999                                |
| 17    | Quality Assurance Activity Statutes Amendment Act, 1999                 |
| 18    | Engineering, Geological and Geophysical Professions Amendment Act, 1999 |
| 21    | Irrigation Districts Act  |
| 27    | Regulated Forestry Profession Act                                       |
| 29    | Securities Amendment Act, 1999  |
| 33    | Appropriation Act, 1999   |
| 202   | Farming Practices Protection Statutes Amendment Act, 1999               |
| Pr. 1 | National Bond Insurance Corporation Act                                 |
| Pr. 3 | Consumers Insurance Company Act   |

[His Honour indicated his assent]

THE CLERK: In Her Majesty's name His Honour the Honourable the Lieutenant Governor doth assent to these bills.

THE SERGEANT-AT-ARMS: All rise, please.

[Preceded by the Sergeant-at-Arms, the Lieutenant Governor and Mr. Day left the Chamber]

[The Mace was uncovered]

head: Orders of the Day

head: Government Bills and Orders

head: Second Reading

### Bill 35

#### Government Fees and Charges Review Act

THE SPEAKER: The hon. Provincial Treasurer.

MR. DAY: Thanks, Mr. Speaker. This particular act has received a lot of attention. Some of it's positive, and it's well worth receiving attention because there is no other government in the nation that is addressing the situation related to fees and charges as we are.

We look back to a Supreme Court case called the Eurig estate case, in which in the province of Ontario the appropriateness of the level of the probate fees that were being assessed there were contested all the way to the Supreme Court. The Supreme Court made a judgment that the fee in fact which was being charged was far in excess of cost recovery and that that particular Legislature -- and in fact this would apply to all Legislatures -- needed to make a determination on their fees. If they are far beyond cost recovery, then the choice would be for a government to lower the fee or in fact to bring it into statute in a Legislature. Skipping the legalese, that is the essence of that particular case.

In Ontario's case they brought it into some special statute with a provision to make the legislation retroactive to 1951 so that the collection of the fee right back to that date would be a matter of fact in law. Recognizing that we would have to review some of our fees, which would be in question in terms of their appropriateness, we've also taken the opportunity to respond to groups like the Alberta chapter of the Canadian Federation of Independent Business, people like Mr. Brad Wright, our small businesspeople that we listen to represented in the chambers of commerce, and just citizens in general who pay fees for a wide variety of services and items across the province.

We used the impetus of the court case to assess whether we should do an assessment of all fees and charges. We came to the conclusion that that would be a healthy thing to do. Time has elapsed since many of these fees were originally set, and the rationale for those fees being set at certain rates possibly has been obscured over time. A fee may have been appropriate several years ago or even a couple of decades ago, but just because of the advances of technology, the costs involved in delivering that particular service may have dropped, and a number of other factors may be at play. So we've looked and we have tried to list some 800 user fees which bring moneys directly into the general revenues of this province, and we are and will be assessing those for their appropriateness.

Recognizing that not all fees should be or needed to be subject to that particular legislation because they so obviously fall short of cost recovery, we still didn't want to be in the place where we could run into a possibility where a certain fee or charge would in fact be outside the parameters of the legislation. Therefore, concurrent with but not being compelled by this legislation, we also have a committee that is now in place that will look at any variety or number of fees, which may not be included in the legislation itself or which may be included in the legislation.

That particular committee will bring recommendations back to the government in terms of the appropriateness of a wide variety of fees. We're going to try and cover it all. It's an exhaustive and comprehensive task, again, unlike that being performed by any other government. We are not being compelled by the courts to take on a task of this magnitude or comprehensiveness, but just as we believe the cost of government should be minimized as far as possible to all citizens and we reflect that in our tax policy, we also would like to see that in our fees and our charges. So we're doing this survey.

There's a sunset clause in this legislation so that we can't be accused of simply protecting all of our fees for some undetermined end point in time. We have to complete this particular exercise within a year; there's a one-year sunset clause there. The legislation also will put a ceiling on fees so that no fee can be increased by regulation but in fact only by ministerial order in council. So any increase in fees would be very obvious. The intent of this is to freeze all fees. We want to freeze the fees that are presently in place. However, we are not putting a restriction on fees which can be reduced. If, as we move along, we see reasons that a fee can be reduced, we want to be able to do that.

3:10

The end point of this particular exercise we believe is that some numbers of fees -- we don't know how many at this point -- will in fact be reduced in this province, and for the remainder we will be able to show the appropriateness of the level of cost being imposed upon our citizens. I believe, Mr. Speaker, that citizens already are applauding this review, are applauding the fact that yet untold hundreds, thousands, hundred thousands, or perhaps millions of dollars in fees will be reduced. Our citizens will be more free to have more money left at their own disposal to make the wise choices that citizens make in terms of determining their own income.

I look forward to the ongoing debate on this and the ongoing discussion, and I really look forward to the ongoing review that'll take place over the year so that we can come up with something that will continue to make Alberta the most attractive place in which to live, raise families, do business, and conduct one's affairs.

On that, Mr. Speaker, I would at this point move that we adjourn debate on this particular bill.

THE SPEAKER: On the motion put forward by the hon. Provincial Treasurer, would all those members in favour please say aye?

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: Carried.

### Bill 37

#### Freedom of Information and Protection of Privacy Amendment Act, 1999

THE SPEAKER: The hon. Member for Peace River.

MR. FRIEDEL: Thank you, Mr. Speaker. I'm pleased today to move second reading of Bill 37, the Freedom of Information and Protection of Privacy Amendment Act, 1999.

When the original FOIP Act was introduced in 1994, it included a provision that a review had to be undertaken three years after its coming into force. I was pleased to chair an all-party committee to perform this review.

During the process the committee considered a variety of issues raised by many individuals and organizations, and a preliminary report was issued in December. Then in response further submissions were received, and several issues were reopened for consideration. The committee's final report, which reflects input from nearly 200 submissions, was tabled in March. It included recommendations for amendments to various sections of the act, which are encompassed in this bill.

Mr. Speaker, the FOIP Act has two main purposes. It provides a right of access to information held by government and other public bodies, and it provides measures to protect the privacy of personal information being held. Results of public consultations showed support for the general principles of the freedom of information and protection of privacy concept.

[Mrs. Gordon in the chair]

The Alberta government has been working with the FOIP Act for three years now, and most of the amendments relating to government are simply fine-tuning. Amendments relating to local public bodies, however, are more extensive, and they address concerns raised by the MASH sector, who were recently included or are about to become included in the act.

For example, for schools a new provision will provide guidance on the release of personal information about school enrollments, about participation in graduation ceremonies and sporting events and student awards and honours. Sharing this kind of information allows schools to promote community interests in the activities and the achievements of our youth. This important amendment will guide schools and other bodies in applying common sense to decisions about what is or what is not an unreasonable invasion of privacy.

For postsecondary educational institutions several amendments will be made. Faculty members put a lot of time into producing their teaching materials, and the FOIP Act currently protects their interest in those teaching materials. Bill 37 recognizes that some of these materials are the result of teamwork, so the amendment in the act will protect the investment made by the university or college as well as by the professor.

To help students select courses, the act will allow universities and colleges to release teaching and course evaluations. Madam Speaker, the FOIP Act normally requires public institutions to collect personal information directly from the individual concerned, but in the case of accrediting candidates for scholarships and honorary degrees, universities will be allowed to collect information indirectly; that is, from sources other than the individual. Universities and colleges will also be allowed to collect personal information indirectly for the purpose of fund-raising. It's an historical and accepted practice that public institutions have been allowed to do this, but fund-raisers will only be permitted to collect information about prospective donors from public sources.

In addition, postsecondary institutions will be able to continue to use their alumni databases for fund-raising. This will be subject to the condition that procedures must be put in place to make sure that alumni can have their names taken off the list if they ask. It will also be expected that over time, consent will be obtained from students to use their information for this purpose.

Postsecondary institutions also raised concerns that the employee evaluation process they use, called the 360-degree process, might be compromised if the requirements of the old FOIP Act prevailed. So the act has been amended to allow the confidentiality of evaluations provided by the employee's peers, subordinates, and clients. This will not, however, affect an employee's right to see an evaluation done by a supervisor.

To address the concerns of the police, several amendments are proposed. The law enforcement exception in the act will be expanded to make sure that the police services can protect sensitive information relating to police investigations. The act will specifically allow police to withhold the criminal intelligence they need to fight organized crime. It will also give police some extra assurance that they're not obliged to give out information about ongoing investigations. Police services and police commissions will be treated as separate organizations for the purposes of the act.

The act will also allow the Department of Justice to withhold for up to 10 years information relating to exercise of discretion by a prosecutor. This is to promote the free and frank exchange of information between police and prosecutors. Prosecutors will still be able to provide information to victims and their families when a decision is made not to prosecute someone who has been charged with an offence.

For municipal governments a number of minor amendments to the act are made to simplify or clarify some complex language. One of these is the definition that sets out which local government bodies are subject to the act. It will say that an organization associated with local government, such as a municipal corporation, will only be included if all of the members of its governing body are chosen by the local government body. There will, however, be two exceptions. The utility companies EPCOR and ENMAX will not be subject to the act. These enterprises are doing business in a newly regulated market, and we felt that including them in the act would put them at a disadvantage in relation to their competition.

The new definition will also make it clear that public library boards will be subject to the act.

The act will not apply to the personal or constituency records of locally elected officials. This is to provide some parity at the provincial and local levels. However, if the records have to do with official business, they will be subject to the act.

For the health sector, Bill 37 provides clear guidance that family and friends can obtain basic information about whether individuals are currently patients in a hospital, but privacy is protected since the information about their treatment would not generally be available. In emergencies public bodies will be able to collect personal information from someone other than the person the information is about. Health care providers can withhold information from a patient if disclosing the information would threaten the patient's health or safety or disclose the information but withhold the identity of the person who provided it.

3:20

The act will make it clear that a hospital run by a regional health authority is part of the RHA, and the Alberta Cancer Board will be added to the list of health care bodies that are included under the act.

A number of other amendments clarify that sections within a government context also apply to all public bodies. The act will require public bodies to disclose information in licences, permits, and benefits if these relate to commercial or professional activity or to real property. This means that day care licences, grazing leases, and building permits, for example, can be made public but not camping permits or recreation or fishing licences. The amendment will provide that only the identity of the person and the nature of the licence can be disclosed. Other personal information in the licence or permit is private.

Bill 37 expands the definition of law enforcement information to include information about formal administrative investigations, such as investigations of sexual harassment or theft within an organization, and the act will provide that the complaint that instigates the investigation is part of the record. A new simplifying provision will

allow information to be disclosed without a formal FOIP request as long as the disclosure is not otherwise contrary to the act. This is to allow sensible historical practices to continue.

Madam Speaker, section 16 is going to be reordered to make it easier to understand and apply, and when deciding whether or not to release information about a third party, public bodies will be able to consider whether the person seeking the information is the person who provided it in the first place. This will help, for example, family members who look after a health care plan for the entire family.

Public bodies will be required to limit their use and disclosure of personal information to what is necessary for the purpose in question and to what is reasonable under the circumstances. Sharing of personal information will be allowed for legitimate purposes such as delivering a common program or verifying that an individual is eligible for a benefit. One public body will not be permitted, however, to pass on personal information about an employee to another public body without that employee's consent.

It will be clarified that public bodies are not obliged to release formal research information until it is finished, but when it is complete or if the work is abandoned, the results will be open. Universities' first right of publication will be extended from scientific and technical research to all types of research. Provincial archives and municipal archives will be able to open files after 25 years in most cases and, where personal information is involved, to disclose records under a research agreement. Universities' and colleges' archives will have even more latitude to provide access to all records under research agreements.

The provisions for correction of personal information will be streamlined to ensure that the information is reliable but that the correcting process does not become overly bureaucratic. Public bodies will be allowed to declare a request abandoned when an applicant has not responded to a request for some necessary information or action after 30 days. They will also be permitted to ask the commissioner for a time extension when they are inundated with requests from the same applicant or maybe several applicants working for the same organization.

There will be an amendment to protect relations between the government of Alberta and legally recognized aboriginal organizations that perform government-like functions.

The Information and Privacy Commissioner will be allowed to delegate the power to make orders. This will be to ensure timely action on reviews once the act applies to all local public bodies. The commissioner will also be permitted to refuse to conduct an inquiry if he already has issued an order on the same matter.

Regarding fees, it will be made clear that applicants should try to resolve their concern with the public body before bringing problems to the commissioner. The commissioner will be permitted to authorize a public body to disregard requests that are frivolous or vexatious. There's a clarification of the adjudication process which comes into effect if the commissioner cannot hear an inquiry because of a conflict. All parties will be given the same time limit to seek a judicial review, and all parties are assured of the right of a judicial review. An extended provision will ensure that employees may not be punished for properly complying with the act.

Two new offences are created. The first prohibits computer hackers from attempting to gain unauthorized access to personal information. The second makes it an offence to tamper with records in order to evade requests.

There's a requirement for another review of the act in three years, at which time public bodies, particularly the MASH sector, will have an opportunity to suggest further fine-tuning on the basis of their experience with the act.

In conclusion, Madam Speaker, I'm confident that all these

amendments will ensure that the FOIP Act serves Albertans better in the future. The bill certainly demonstrates our continued commitment to open and accountable government and the protection of privacy.

With that, Madam Speaker, I would like to move that we adjourn debate on Bill 37.

THE ACTING SPEAKER: Having heard the motion by the hon. Member for Peace River, does the Assembly agree with the motion?

SOME HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE ACTING SPEAKER: The motion is carried.

### Bill 36

#### Gaming and Liquor Amendment Act, 1999

THE ACTING SPEAKER: The hon. Minister of Economic Development.

MRS. NELSON: Thank you, Madam Speaker. I'm pleased to rise today to move second reading of Bill 36, the Gaming and Liquor Amendment Act, 1999.

This act gives us the power to follow through on our commitment to honour the outcome of VLT plebiscites. It takes the opinions and wishes of Albertans and turns them into law. Last year Albertans in many communities had the opportunity to vote on whether or not video lottery terminals would remain in their cities, towns, or villages. This government promised to remove those terminals where plebiscites asked that this be done, but we hit a roadblock. Those affected by this decision took us to court, and the court pointed out that the province did not have the jurisdiction to remove the machines. That's the primary reason we have introduced Bill 36.

This act amends the Gaming and Liquor Act to do four things. It gives the Alberta government the authority to direct the Alberta Gaming and Liquor Commission on gaming and liquor policy issues. It terminates VLT agreements in the communities that voted against VLTs in the October 1998 municipal elections or earlier. It limits the liability on government, the minister, and the Alberta Gaming and Liquor Commission for removing those VLTs, and it alters the organization of the Gaming and Liquor Commission to separate the quasi-judicial board from the operational arm of the commission. Madam Speaker, I will address each of these points separately.

Policies. Section 6.1(1) allows the minister to "make policies that must be followed by the Commission" and the board of the Alberta Gaming and Liquor Commission. The court decision I spoke of earlier said that the Alberta Gaming and Liquor Commission was independent of government and must act independently in making its decisions. In addition to dealing with the VLTs, this amendment gives the government the power to deal with other policy issues of importance to Albertans. For example, we can give the Alberta Gaming and Liquor Commission direction in responding to the recommendation of last year's lotteries and gaming summit, particularly the establishment of guiding principles which will direct gaming policy in the months and years to come.

Municipal plebiscites. Amendments to section 46 cancel all VLT agreements in the following communities: the town of Lacombe, the town of Canmore, the town of Coaldale, the town of Stony Plain, the regional municipality of Wood Buffalo, the municipal district of

Opportunity No. 17, and the county of Lethbridge No. 26. Madam Speaker, these are the communities that voted to remove VLTs during the October 1998 municipal plebiscites or earlier.

3:30

The amendment also says that "the Commission must remove all video lottery terminals from establishments located in the municipalities," and it says that in places where machines have already been removed, the machines cannot be put back in. Those communities are Rocky Mountain House and Sylvan Lake. This bill gives the government the power to follow through on its commitment to honour the outcome of VLT plebiscites. Terminating the agreements through legislation and by using the actual names of communities minimizes any potential legal challenges. The legislation also prevents the Alberta Gaming and Liquor Commission from entering into further VLT agreements with retailers who have had VLTs removed, unless a policy of the minister authorized the commission to do so.

Video lottery terminal legal action. A further amendment, Madam Speaker, is the addition of section 46.1, which prevents retailers from taking legal action against the government, the minister, or the Gaming and Liquor Commission for removing VLTs. We're concerned that without this clause to minimize potential legal action, we may be drawn into protracted court proceedings again that will hinder us from following through on our promise to honour the will of the people.

Responsibilities of the chairman and CEO. The act also repeals section 9, section 10(4), and amends sections 18 and 19. These changes split the chairman and chief executive officer position, which is currently one position, into two separate and distinct positions. In doing so, the adjudicative board is separated from the operational arm of the commission. This will ensure that the regulatory enforcement functions, that are the responsibility of the chief executive officer, are separate from the board functions of the chairman, who must sit as part of an impartial quasi-judicial tribunal on these same matters of regulatory enforcement.

In conclusion, Madam Speaker, we believe this is good legislation, that was drafted within the framework set by the Court of Queen's Bench decision. I ask all hon. members in this House to please support this bill. It is a reflection of the wishes of Albertans and, as such, a very important piece of legislation. It ensures that the results of the plebiscites are upheld and gives government the authority to respond to the wishes of Albertans on important policy issues related to gaming.

Thank you, Madam Speaker.

MR. WICKMAN: Madam Speaker, in keeping with the wishes of the Speaker, in the chair at the time during question period, I'm not going to encroach on the areas that were raised during question period, out of respect for the procedures of the House.

Bill 36, that is in front of us today, addresses two issues, from my point of view. It's the type of bill that, if this caucus had drafted it, we would have drafted the bill as is, but we would have added two more features. If we look at the two main principles of the bill, one is directing the commission; in other words, putting policy-making in the hands of the government, the responsibility of the minister. Those were the points that this caucus argued during the budget debate. Is it right that a commission of unelected individuals have decision-making authority over an area that involves revenues of well over a billion dollars? So that is great.

Secondly, it directs specifically the removal of the VLTs in the municipalities that voted to take them out. Some of those votes were relatively close. There were votes relatively close from the

other point of view as well, but in keeping with democracy in recognizing and respecting the rights of citizens, yes, this particular provision has to be in there. However, I still have the fear that even when this bill is passed -- and I'm sure this bill will be passed in the House in the next few days -- the possibility of a legal challenge could arise based on the question of retroactivity, whatever. We have to be faced with that possibility. If for no other reason, the hotel operator may again use it as a stalling device to keep the money rolling in while the court challenge goes on.

So during the committee stage, Madam Speaker, we will be proposing two amendments. One amendment is to deal with the question of the VLT challenges, and that amendment will call for the machines to be made inoperable during the period of time that a court challenge is taking place. That would take away the incentive of a hotel operator to simply launch legal action to stall. If the case is that a court directs that the machines are to be operable, then they'd have to be turned back on. But as soon as a court challenge is launched, the machines should be inoperable. That's the one amendment we'll be dealing with.

The other amendment we're going to be dealing with does involve the matter that I raised during question period: how to deal with requests from municipalities that want to remove machines. I won't get into that, but during the committee stage we will be making that specific amendment to the bill along with the other amendment.

I would hope that the minister will take very seriously the two amendments and incorporate them into the bill to make a piece of legislation that had to come forward a better piece of legislation. Members of this caucus will support Bill 36. However, we would like to see the bill legally strengthened to be as viable as possible to take away the incentive for court challenges that may arise in the future.

On that note, Madam Speaker, I'm going to conclude my remarks, and during the committee stage we will discuss them in more elaborate terms and make the appropriate amendments at that time.

Thank you.

THE ACTING SPEAKER: The hon. minister to conclude debate.

MRS. NELSON: Yes. Thank you very much, Madam Speaker. I do appreciate the comments from the Member for Edmonton-Rutherford. I am always pleased to have his input into this topic, and he has given me a fair bit of input, quite frankly. I'm looking forward to his debate in committee.

Therefore, Madam Speaker, I would like to move second reading of Bill 36.

[Motion carried; Bill 36 read a second time]

### Bill 35

#### Government Fees and Charges Review Act

(continued)

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

MR. SAPERS: Thank you, Madam Speaker. I am happy to have an opportunity to start what I'm convinced will be a very long process of debate on Bill 35. Bill 35 is the Government Fees and Charges Review Act. I was listening closely to the Treasurer's opening comments in which he talked about the fact that this government looked back at the Eurig estate case dealing with probate and the court decision that obligated the province of Ontario to do something about ensuring that the fees charged related to the cost of service

provided and that if fees go beyond the cost of recovery, the government would have one or two options; that is, to either reduce the fee or to bring it before the Legislature for approval. So Bill 35 clearly flows from a court decision in another jurisdiction and puts all provinces on notice that they'd better get their house in order in this regard.

Of course the Treasurer also mentioned on a couple of occasions the review that the government has now entered into as well as this legislative initiative. Let's be clear what this legislative initiative really is: it's an initiative to freeze fees where they are. I mean, when you cut right to the chase, it's an initiative that will freeze fees. I found it very interesting, because the Treasurer, in concluding his opening comments, used words to the effect that the end point will be that some fees will be reduced and that for the remainder we will -- and I'm assuming he means the government -- be able to demonstrate that they really are just cost recovery.

That makes me wonder out loud, Madam Speaker, what the government has been thinking up until today. If they don't know that these fees relate to the cost of the goods or the service or the cost of administering the goods or the service, if these fees are not now based on cost recovery, then just what the heck are they based on? Was it just some whim around the cabinet table to charge what the market will bear? Was it simply a matter of throwing darts at a dartboard and saying, "Yeah, that sounds like a good amount"? Or was it a deliberate attempt to maintain this myth of being a low-tax regime while slowing shifting revenue from income tax and other forms of taxation, which of course would be subject to public review and debate, to a much more secretive way of extracting revenue from taxpayers?

3:40

This amount of revenue is not to be sneezed at. Madam Speaker, if you look at page 40 of the government's own budget document, *The Right Balance* budget book, there's a very interesting table which details the projected revenue for the province of Alberta for 1998-99. If I look at the net income to be received through premiums, fees, and licences, it amounts to \$1,291,000,000. That's \$1.3 billion. Let's put that into the context of what other revenue sources this government has, just to appreciate how significant it truly is. Investment income from the heritage savings trust fund is \$774 million, just barely more than half of what's to be collected through these user fee taxes.

Let's take a look at some of the others. The fuel tax collected in Alberta is projected to be \$560 million, slightly more than a third. The amount of money to be collected through the Alberta Gaming and Liquor Commission lottery revenue is projected to be \$768 million. Now, I won't say only \$768 million, because three-quarters of a billion dollars is a lot of money to come from gaming. But it's \$1.3 billion, again nearly twice as much, that's going to come from these premiums, fees, and licences. So when you put it in perspective, you can see that this government has made quite a concerted effort to bring in revenue to balance its books on the backs of Albertans in a way that they weren't being entirely open about. On the one hand you say: well, you know, look at our income tax; we have a very low rate. But then take a look at these fees, premiums, and licence charges.

The bill protects and freezes 800 user fees and charges levied by the government for a period of one year, and the Treasurer would have us believe that this is a positive step. What it means is that for the next year Albertans are going to continue to pay perhaps a usurious amount in the form of these charges. Since the government is already admitting that they're not based on any calculation that they can lay before the Assembly, it means that for the next year the

government is going to get a free ride, and it'll be able to say to any Albertan who may want to challenge the collection of the fee in court: oh, wait a minute; we're working on it. I'm not sure that that's a very fair way to go.

It will freeze these fees and the fee collection systems pending a review, and the legislation will be waiting to be informed -- you know, the freeze will be removed once this MLA committee does its work. I'll note that it's not a standing committee. It's not a select committee. It is, in fact, a government-appointed committee of government supporters. Then there are a couple of citizen members as well, and I wish them luck, those two intrepid citizen members on the committee. I don't know them. I don't know the process that led to their selection, but I don't think that the government bothered to canvass stakeholder organizations and ask them for a submission of names. I don't think the appointment went to an independent process.

I believe -- and of course the Treasurer can correct me if I'm wrong -- that the appointment was simply a ministerial order. In fact, I was present during the scrum between the media and the Premier when he was asked about that, and he said: oh, well, I don't know who these people are; they were appointed by the Treasurer. So I'm fairly confident that it wasn't the Canadian Bar Association or the association of chartered accountants or any other professional group that was asked to provide lists of names. For some reason the Treasurer went through a list of people that he's aware of who would want to do this kind of public service and asked them to jump to the pump, as it were.

I'm not being dismissive of any Albertan who answers a call from government to do public service, and I sincerely wish them well in their work. But on such an issue, which is so politically important and sensitive and, I think, so important to Albertans, I would have expected the government to have had nothing but the most open and transparent process. I would have expected that there may have even been an invitation to an all-party committee, Madam Speaker. It wouldn't have been the first time, but I guess we'll have to wait for the next time.

The authority to establish any new or increased fee or charge is suspended until July 1, 2000, unless an act is presented in the Legislative Assembly. The bill would also allow a fee or charge to be reduced during the review period. As I said, it responds to the October 1998 Supreme Court of Canada ruling in *Eurig*. Bill 35 is a direct response to a Supreme Court ruling that probate fees in Ontario did not have any direct correlation with the cost of providing the service. The majority decision by the court determined that probate fees in Ontario are a direct provincial tax since they are intended to defray the cost of administration of justice in general rather than merely the cost of granting probate. The Supreme Court went on to say that under section 53 of the Constitution Act any taxation scheme must be approved by the Legislative Assembly. It gave Ontario until April 21 of this year to either reduce the revenue collected or put the fee into statute.

Madam Speaker, I take a look at that ruling, and I can't help but wonder out loud why health care insurance premiums aren't included in Bill 35. The ruling is very clear. The court found that probate fees are a way of funding the administration of justice in general rather than just the cost of administering the granting of probate, much as we've heard the government say from time to time that health care premiums go beyond the cost of simply administering the health care insurance plan. In fact, it costs about \$11 million to administer the collection of the Alberta health care insurance premium from Albertans, yet it raises about \$690 million. So a clear parallel to Ontario probate fees, in my mind. I'm wondering why the government would not want to include health care fees in the



legislation. But more about that later in my remarks.

Bill 35 covers about 800 fees, but I'm a little concerned about the rather selective nature of the fees. In my arithmetic -- and I must say that I went to school before pure math came into the curriculum, Madam Speaker -- where you still add one to another one to another one to another one until you get to a sum, what I find is that there are 46 charges in Advanced Education and Career Development, 21 in Agriculture, Food and Rural Development, 11 in Community Development, 19 in Education, 28 in Energy, 372 in Environmental Protection, 6 in Family and Social Services, 9 in Health, 93 in Justice, 84 in Labour, 356 in Municipal Affairs, 110 in Transportation and Utilities, 55 in Treasury, and 93 miscellaneous ones. What I get to is a total of 1,303 user fees collected by this government, yet the bill only covers 800.

So I will be very interested in debate to hear the rationale from government as to which ones they think should be frozen and which ones shouldn't. I can only conclude that the ones they don't include in the bill are ones that they would like to raise, because of course Bill 35 only prohibits changing those fees that are in the legislation, not all fees. Alberta taxpayers may be in for a bit of a surprise from their government yet this year.

As I review Bill 35, I note several weaknesses. There is no specification in the bill of the level of revenues raised from each of the 800 individual fees and charges that are included in schedule 2. There's no specification in Bill 35 of the cost of service associated with any of the individual fees and charges that are in schedule 2. There is no attempt to link revenues from each of the individual user fees and charges as set out in the schedule to a cost of service. Now, establishing a correlation between the level of revenues raised and the cost of service for each individual user fee and charge is the essence of the Eurig estate decision. The Alberta government has had six months to provide Albertans with information linking the revenues with the cost of service, but there is nothing in Bill 35 to suggest the government has even started that work. Of course, the Alberta Liberal opposition has been on the government's back to do this for some six and a half years.

We note that the Provincial Treasurer has refused to release 276 pages of analysis conducted by his department on user fees, charges, and premiums since November 1998, so maybe he has looked at the cost of service but doesn't want anyone to know the results. I would speculate -- this is only my speculation -- that the reason why the results may not be released is because it probably shows that the government has broken its no tax pledge many times over in the past seven years, particularly in light of the Eurig estate decision.

Madam Speaker, earlier in the debate I referenced Alberta health care insurance premiums and my sense of puzzlement that the government has not included them in Bill 35. [interjection] Alberta health care insurance premiums are not in schedule 2 of the bill. That means that effectively \$690 million, Mr. Minister of Energy, nearly 52 percent of all of the user fees . . .

THE ACTING SPEAKER: Through the chair, hon. member.

3:50

MR. SAPERS: I'm sorry. The minister was engaging me in debate again, and I know that as he holds up his bumper sticker about no more taxes every day here in the Legislature, he has a keen interest in making sure that we don't burden Albertans with excessive user fees as well. I just wish that he would take that keen interest to the cabinet table, where he is right now in the position to protect the interests of Alberta taxpayers.

THE ACTING SPEAKER: Through the chair, hon. member, and on the bill, please.

MR. SAPERS: But if he chooses not to do that, Madam Speaker, I can't account for that. He'll have to account for that.

Madam Speaker, as I was saying, Alberta health care insurance premiums account for more than 52 percent of the \$1.3 billion plus that is collected in the form of fees, premiums, and licences. Now, since they're not subject to the terms and the conditions of the act, I just continue to wonder what the government has in mind for health care insurance premiums. Although the Provincial Treasurer claims that health care premiums are part of the committee review but likely will not be reduced as part of this review, he should also be acknowledging to Albertans that by exempting health care premiums from the act, he has the ability to raise the level of health care premiums for any individual Albertan or their family at any time in the next year. This authority, of course, is in the Health Insurance Premiums Act.

Madam Speaker, the government has also argued that health care insurance premiums, since they clearly don't meet the cost of the service provided, are obviously beyond what would be allowed in the Eurig estate decision. But the government seems to be confusing the cost of providing the service, which for example would be the medical treatment that one receives from their doctor, with the cost of administering the provision of the service. So I just hope the Treasurer is getting good legal and administrative advice, and if he's having problems understanding the Eurig estate decision, I can refer him to several authorities in town that would help him more fully appreciate the nature of the ruling.

Now, nearly \$20 million in user fees and levies of delegated administrative organizations, or DAOs, as I'm sure the Minister of Energy knows, are authorized under the Government Organization Act and the . . .

DR. WEST: Madam Speaker.

THE ACTING SPEAKER: The hon. Minister of Energy on a point of order, and then the chair wishes to . . .

#### **Point of Order Questioning a Member**

DR. WEST: No. It's not a point of order. I just wondered if the hon. member would entertain a question in debate.

MR. SAPERS: No.

#### **Speaker's Ruling Anticipation**

THE ACTING SPEAKER: Hon. Member for Edmonton-Glenora, I will make you aware of the Speaker's earlier ruling on anticipation. If I recall correctly -- I don't have the Blues in front of me -- we did talk about delegated organizations during question period, so I would make reference to Standing Order 23(e) and *Beauchesne* 409. If you wish to go that route, the Speaker will have to look very seriously at it. I believe that was a question during question period from the hon. Leader of the Official Opposition. Standing Order 23(e), "Anticipates, contrary to good parliamentary practice, any matter already on the Order Paper or on notice for consideration that day." And if you'd like, I could quote you *Beauchesne*.

MR. SAPERS: Madam Speaker, I would never, ever challenge the prerogative of the Speaker to remind us of the rules. But of course it would have to be a fulsome reminder of all of the rules that are relevant, and we could, of course, have a procedural debate at this time. My preference would simply be to say this. The Leader of the Official Opposition in fact did raise a question about the review.

The Speaker then admonished the leader to be careful that she did not tread on the anticipation rules of the House.

Now, we could review those rules, and I took the opportunity to do so between question period and this point in time. The question was specifically on the review, and then there was a subsequent question, a supplemental question, on the collection of a special tire tax. I have not mentioned the tire tax.

The Treasurer in his introductory remarks mentioned not once, not twice but three times the review. There was no interruption from the chair to the Treasurer's introductory remarks on the bill. The Treasurer has set a context for response in debate, and of course *Erskine May* makes it very clear about how that may be pursued.

Finally, Madam Speaker, I will say that the principle stage of the bill is what we are dealing with, not the section-by-section analysis. The point of a question in question period, of course, is to elicit information on a matter of urgency on government policy. The general rule of anticipation is that you never insert into debate in an anticipatory way something that can be dealt with more completely or fully in a reasonable period of time. Second stage debate on a bill does not allow for a specific, detailed response. We are talking about the principle. So I will continue to be careful not to violate that rule.

THE ACTING SPEAKER: Hon. member, this almost sounds like you're debating, and we're going through a point of order. I'm drawing your attention to what transpired earlier during question period. I do recall the supplementary question. I do recall what the Speaker said at that time. I'm drawing your attention to areas that you must look at and one I'd ask you to be very, very careful on. I'm not entertaining a point of order with you. I'm telling you to proceed, but carefully.

MR. SAPERS: And that's exactly what I was doing, being very careful, Madam Speaker. Thank you.

#### Debate Continued

MR. SAPERS: So the nearly \$20 million in user fees and levies of delegated administration organizations authorized under the Government Organization Act and the Environmental Protection and Enhancement Act are not included under Bill 35, and I wonder out loud: why not, and what is it that the government would not want Albertans to have top of mind when they're considering the overall tax burden they are subjected to by this government?

It should be noted that DAO bylaws and fee levels must be approved by the government. In other words, when one of these delegated administrative organizations comes up with a schedule of fees, they have to go to government and they have to get the *Good Housekeeping* seal of approval. So ultimately it's cabinet or an individual cabinet minister that approves all of these fees. The buck literally stops there, Madam Speaker.

Now, the fees and levies by such organizations as the Alberta Boilers Safety Association, the Petroleum Tank Management Association, the Alberta Propane Vehicle Administration Organization, and the Alberta Elevating Devices and Amusement Ride Safety Association are all subject to ministerial and/or cabinet approval. I could have added the Tire Recycling Management Association of Alberta, Madam Speaker, but I didn't, because that may have been close to the question.

Of the \$257 million in fees and charges that are levied by RHAs, not one of them, not one cent of those \$250 million, is included for review under Bill 35, yet the 17 regional health authorities in the province received over \$3.1 billion worth of funding from Alberta

taxpayers. Over \$245 million in tuition fees charged by universities, colleges, and technical institutions are not included under Bill 35, yet colleges, universities, and technical institutions received over \$573 million in funding from Alberta taxpayers. So, Madam Speaker, you can see that the bill is as full of holes as a block of Swiss cheese.

Madam Speaker, the Official Opposition was invited by the Premier to be helpful and constructive and provide some assistance as the government was struggling with this issue, and we did so. We provided the Premier the very next day with a listing of some 13 recommendations. Of course, the Treasurer seemed unaware and unwilling to accept those, because he subsequently rose in the Chamber that very day and left the impression with Albertans who may have been watching question period that we had done no such thing, that we'd simply retailed a list of fees that were collected. Of course that was nonsense. No such thing happened. What did happen was that as well as a table titled Taxes, Taxes, Taxes and Klein, Klein, Klein, which of course the Premier himself referred to in his press conference -- and I thank him for that -- we did table this list of 13 very important recommendations, and I would encourage the government to quickly consider them.

4:00

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

MS OLSEN: Thank you, Madam Speaker. I just want to set a little bit of context for the debate. I know that the hon. Member for Edmonton-Glenora has talked a little bit about the decision, but I think it should be very clear as to what the object of this bill is and some of the background, and then I would like to get into a little bit of the discussion with DAOs and their exclusion from this bill.

My understanding of the object of this bill -- and the Treasurer at his leisure can correct me if I'm wrong -- is to protect and freeze the 800-plus user fees levied by the government of Alberta for a period of one year pending a review of those user fees and fee collection systems by a committee of MLAs and private-sector representatives, and I think the hon. Member for Edmonton-Glenora pointed out that there are 1,300 of them, not 800. I find it interesting that we are going to freeze them, but some of these are going to fall into the category of now being declared a tax, and therefore maybe there should be a moratorium on collecting those fees, never mind just freezing the levy or the premium.

A majority decision by the court determined that probate fees in Ontario -- and that's where this came out of -- are a direct provincial tax since they are intended to defray the costs of the administration of justice in general rather than merely the cost of granting the probate. Those fees are wide-ranging in this province. We know they range from somewhere in the area of \$400 or \$500 all the way up to about \$5,500. So those with more money of course are paying more for the cost of probating a will.

The Supreme Court went on to say that under section 53 of the Constitution Act any taxation scheme must be approved by the Legislative Assembly. It gave the province of Ontario until April 21 to either reduce the revenue collected or put the fee into statute.

Now, we've heard the Provincial Treasurer here many times claim that Bill 35 is a response to the majority ruling in the Supreme Court of Canada in the Eurig estate case. But we've also heard him say that, you know, nobody's forcing him to do this and that nobody's forcing this government to conduct this review. Well, I daresay had they not, there would have been some ramifications. I know that some of the more knowledgeable lawyers on the government side would have been helpful in some of those discussions. So we know

that the Treasurer's claim is not necessarily consistent with what we know to have happened. We know that he has to do a review. We know he is forced to do a review on 1,300 user fees in this province, and some of those will in fact be declared a tax.

The appellant, which is Eurig, is the executor of her late husband's estate. Pursuant to section 2(1) of Ontario regulation 293/92, made under the Administration of Justice Act, the total value of the estate required payment of \$5,710 in probate fees in order to obtain letters probate. Section 5(c) of the Administration of Justice Act provides that the cabinet may make regulations requiring the payment of "fees in respect of proceedings in any court" and prescribing the amounts. Section 2(1) of the Ontario regulations sets out a schedule of fees which must be paid in order to obtain a grant of probate. The appellant applied to the Ontario court, general division -- and we have that similar split here -- for an order that she be issued letters probate without payment of the probate fee and for a declaration that the regulation which required payment was unlawful. The application and subsequent appeal to the Ontario Court of Appeal were both dismissed. The Supreme Court ruled in October 1998, however, that the appeal should be allowed.

The Supreme Court ruled the following in the Eurig estate case: "The probate levy," as present in Ontario, "is a tax, not a fee."

The levy is compulsory and therefore enforceable by law . . . The probate levy also meets the criterion that the levy be intended for a public purpose, as the revenue obtained from probate fees is used for the public purpose of defraying the costs of court administration in general, and not simply to offset the costs of granting probate. Another factor that generally distinguishes a fee from a tax is that a nexus must exist between the quantum charged and the cost of the service provided in order for a levy to be considered constitutionally valid . . . The evidence in this appeal fails to disclose any correlation between the amount charged for grants of letters probate and the cost of providing that service, indicating that the levy is a tax and not a fee. Although the probate levy is properly characterized as a tax, it is a direct tax and therefore *intra vires* the province pursuant to s. 92(2) of the Constitution Act, 1867.

While the Ontario Legislature has the authority to implement a direct tax, it must do so in accordance with the requirements set out in the Constitution. Section 53 of the Constitution Act, 1867, mandates that bills imposing any tax shall originate in the House of Commons. By virtue of s. 90, s. 53 is rendered applicable to the provinces. Thus, all provincial bills for the imposition of any tax must originate in the legislature. The probate fees . . . are in substance a tax imposed [by the cabinet] without having originated in the legislature.

The failure to comply with section 52 of the Constitution Act renders the probate tax imposed under the Ontario regulation unconstitutional. Hence, we get to the stage we are now with this province.

The probate [fee] is not enforceable as it was not authorized by s. 5 of the Administration of Justice Act. While s. 5 authorizes [the cabinet] to impose fees, it does not [clearly] constitute an express delegation of taxing authority.

The administration of justice does not clearly authorize the imposition of a tax.

Given the Eurig estate decision -- and we asked questions about this in this Legislature right after this decision came out -- the government of Alberta conducted a six-month initial review of its user fees and charges regime. The initial review found that some fees and charges could be challenged to the courts on the same basis as the Eurig decision.

Under Bill 35 that we have before us now, it sets out schedule 2, and it has over 800 user fees and charges levied by the government as authorized by regulation or an order or directive of a minister or other person or body through 80 separate acts. These 80 acts are set out under schedule 1. The revenue from these fees and charges is

that which is paid to the general revenue fund. Given that health care premiums are not included under the scope of Bill 35, which the hon. Member for Edmonton-Glenora spoke to, the fees and charges covered in the act represent only -- and, as the hon. member said, only is not small in this case. I mean, this is a lot of dough, \$626 million. We know, though, that there are a number of other fees missing, somewhere in the area of 700 user fees, premiums, or licences, and those aren't included in here.

I think the hon. Member for Edmonton-Glenora brought attention to the number of different fees that are here. Some of them are quite outstanding, and I think he drew attention to some of the more notable fees under this bill: the Business Corporations Act, the Companies Act, Fisheries, FOIP, the Insurance Act, which we're discussing and which the hon. Member for Edmonton-Gold Bar has some issues with. We're going down that road and looking at that. So all in all we have to look at the big picture. I think the government has done the right thing in that respect. However, it neglects roughly 700 different user fees, licences, and premiums. So I'm wondering: what is the reason for that selective list? What is it that we're going to end up going to court on later if they're not included in the review?

4:10

My colleague drew attention to the delegated administrative organizations. One of the pitfalls -- and the Minister of Labour is aware of this from many of our discussions here in the Legislature -- of delegated administrative organizations, which I've identified many times, is that DAOs raise revenues to fund their operations through fees and assessment levies approved by that very minister over there without any approval or accountability to this Legislative Assembly. The level of fees, levies, and assessments is established by the minister. Although a DAO is not owned or held by the Crown, the government can cause the DAO to remit assessment fees and charges to the Provincial Treasurer.

That is what I see as one of the pitfalls, along with a number of other concerns I have about DAOs. This ties into what we're discussing here. The minister has never brought any of those substantive fees to the floor of this Legislature. They should be covered in the review. We already know that there's concern about these DAOs not being covered in other acts, such as the Freedom of Information and Protection of Privacy Act. We now have a concern that if they're left out of this particular review, what is going to happen down the road? Is the government putting itself out on a line to end up in the Supreme Court when other provinces have already done this? Let's learn from what's out there. Let's put it all on the table, not just parts of it. This province does not need to spend more money appealing decisions to the courts when the courts have already spoken. Let's be logical. Let's make some links here that address the issue. I think that's one of them. I hope the Minister of Labour in his due diligence will in fact address that issue to the Provincial Treasurer and bring that forward, because I think that is one of the bigger issues that I have with this particular bill.

Now, we know that the hon. Member for Edmonton-Glenora did take the Premier up on his challenge to provide some constructive recommendations, as I have in the past provided constructive recommendations on delegated administrative organizations. The hon. Member for Edmonton-Glenora took the Premier to heart. He said: okay; I'll provide something that I feel will be helpful to the government. He talked about some of those things. He talked about eliminating user fees and charges that violate the decision, of course, and looking at them on a case-by-case basis, bringing them before the Legislative Assembly for debate. If there's a compelling case for the continuation of certain fees and charges, there must be an

acknowledgment that those user fees and charges constitute taxes which should be collected as a credit to the general revenue fund.

Now, this will fly in the face of this government and this Premier's constant speak that he doesn't raise taxes, that the Premier and the government do not raise taxes. Well, this would fly in the face of that, but sometimes you just gotta do the right thing, not the popular thing. You're going to have to call these taxes at some point. It's not going to be tomorrow, but sometime in the next year when those particular issues hit the floor of the Legislature, you're going to have to say: okay; we in fact raised taxes; we in fact have introduced new taxes. That is going to be a tough one to swallow for the Premier, but you know what? I know he can do that. I know he can do it. He can say the word "taxes." What this is showing is that this government under the Klein regime is the biggest taxing government in a long, long time. Quite frankly, I can't wait for him to have to eat his words; really, Madam Speaker.

We'll go on to another recommendation. We talk about amending the Financial Administration Act

to require the annual publication of a report detailing a list of all user fees and charges, the revenues raised from each user fee and charge, as well as the cost of service associated with each user fee and charge.

We could amend the Government Accountability Act

to require a detailed list of all user fees and charges, and associated cost of service data, to be included in the three-year Ministry business plans and annual reports, in order that those user fees and charges receive the scrutiny and approval of the Legislative Assembly.

Anything dealing with dough, Madam Speaker, belongs here in this Legislature for extended debate. That's what that speaks to.

"Formally tie or link user fees and charges to performance measures and benchmarks for services as contained in the three-year Ministry business plans." Well, you know what? There's got to be a link at some point, and I believe the hon. Member for Edmonton-Centre and myself had this very discussion with the Auditor General the other day. We talked about tying performance measurements to the budget of each department. We did. And you know what? We think that's a good idea.

You know, I like to talk about the performance measurement in the Department of Justice that really made me shake my head when I first arrived here. You know what that performance measurement was, Madam Speaker? That performance measurement, tied to that budget, tied to those business plans, was: how many escapes from a secure facility have we had in the province of Alberta? Well, you know, those days of digging tunnels and using a file that came in a birthday cake to break out of jail are gone. They just don't exist anymore. The sophistication in security in prisons is exceptional, and it's moving along with technology. So, Madam Speaker, that performance measurement was bogus. There was no need for it. In fact, to the Minister of Justice's credit, I have to admit that he removed that. I think I may have embarrassed him a couple of times about that, so he removed it. He did the right thing.

I like that notion of formally tying or linking those user fees and charges to performance measurements along with linking the annual budget that this government puts out, that we debate. I'd like to see those linked to the performance measures.

We talked about amending the Alberta Taxpayer Protection Act "to require that all user fees and charges proposed by the government be referred to the Standing Committee on Law and Regulations." We do that so we can scrutinize them. You know what? The hon. Member for Banff-Cochrane is the chair of that committee, and I would like her to be able to get some chairing experience by hosting all of us members on that committee and doing the job that she is able to do. I think it's been 10 or 11 years -- I don't know, Madam Speaker -- that this committee has not met.

DR. TAYLOR: Shameful, shameful.

MS OLSEN: That is shameful, hon. minister of science, research and information technology. It is very shameful. I think new MLAs should always get experience, and if you're the chair of a committee, you should get that experience chairing it.

I would like to say, too, that the federal system allows for all-party review of proposed legislation on the table, and they meet and they hash it out. The victims of crime act from the federal government had all-party consensus when it came out of there. I think that's a very productive way to look at legislation.

4:20

I also would like to draw the Assembly's attention to a report from the Alliance of Manufacturers and Exporters Canada put together to study the federal cost recovery, talking about user fees federally. One of the things that they suggested was an immediate moratorium on new and increased regulatory fees, and I think that's a good idea. We're freezing them here, but you know what? We're still collecting them. So in the whole year, in that one year when all of these taxes or these fees could have been deemed illegal, the government is going to collect the money, even when they know some are illegal. I have a little difficulty with that, because they're breaking the law really. They're still fleecing the taxpayers. It's still coming out of their pockets. Like I have, let's see, 55 cents here. I mean, this is the kind of dough that they're fleecing.

Madam Speaker, it looks like my time is up. I thank you for your indulgence, and I will be back.

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

MS BARRETT: Thank you, Madam Speaker. While I don't disagree with any of the comments that have been made by the Liberal opposition on this bill, the one area that I think we need to look at additionally is the charges that the registry agents tack onto the fees they pay to government or, in some cases, services where they don't pay to government.

I'll give you an example. I filed this information yesterday in the Assembly. It makes for interesting reading, this product catalogue that we got off the Net. For example, these private registries must pay the Alberta government \$40 for a marriage licence, but there is no maximum service fee for what they can be charging on top of that to the consumer who's come through the door to get this licence. The same applies to applications for copies of birth, death, and marriage certificates. For each certificate the government gets 20 bucks, but there's no maximum service fee that the private seller of this information gets. Ditto a certified copy of a registration -- birth, death, marriage, and stillbirth -- legal change of name, amendment to a registration, genealogical searches, and search letters. The sky is the limit. The government will argue: well, you know, the prices that these private registries will charge will be market related, market driven. But the fact of the matter is that if you live in Small Town, Alberta, and you've only got one registry, you could be getting seriously hosed by that registry, particularly if they've got a monopoly or what is close to a monopoly, say an oligopoly, just one or two competitors who may operate in collusion with each other.

The bill does not allow for the private registry agents' fees to be contemplated, and the day before yesterday, on Tuesday, the Provincial Treasurer said to me: well, if you want to expand the scope of this legislation, just let me know. So I did let him know. I wrote him a letter yesterday, and I filed copies of that letter in the Assembly yesterday.

It is not just the government user fees and taxes by any other name

that are of concern to Albertans but what they're being forced to pay since the government itself privatized the delivery of a number of services, which forces consumers to pay more than in fact what the real cost to the government is, assuming that the real cost is that which the registries are currently paying under schedules to the provincial government. That remains to be seen. I assume that some of those fees are reasonable, but I don't like the fact that consumers have no choice.

They can't go into a government office and pay for a service directly. They have no choice but to go to these private registries to engage in a number of transactions, whether it's registration of a motor vehicle, picking up a licence plate, having your driver's licence address changed, or you name it. You're forced now to do that by going to a private registry, and I know darn well that these private registries -- well, the minute they were allowed to come into existence, they were told: this is the schedule of fees that you'll pay the government for these services, and, by the way, your fee on such-and-such a transaction will be \$4.

Well, in no time they were bellyaching that they couldn't make enough money. They wanted a 50 percent increase in that transaction fee, to \$6. I knew the government would. I said so on record, and sure enough it happened. Of course the government caved and let them increase those fees to \$5. Well, you know, that's where I think the gouging and the hosing is going on. I hope now that the Provincial Treasurer, being in receipt of not only the documents I tabled on Tuesday in support of my argument, the registry agents' product catalogue, but also my letter from yesterday and a copy of *Hansard*, will be convinced to expand the scope of this legislation. I certainly look forward to that.

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

MS BLAKEMAN: Thanks very much, Madam Speaker. I'm very glad to be able to get into this debate on Bill 35, Government Fees and Charges Review Act, because this is of great interest to the constituents of Edmonton-Centre. I've had a great deal of input over the years, although I admit that when they first started talking to me, they probably didn't envision this debate.

What I found really interesting in preparing for this was the definitions when we're talking about a fee versus a tax. I won't go into the history of how we came to be here, with the debate on the Eurig estate, but it was interesting for me because I like to go back to the basics from which something sprung. A tax is a compulsory contribution levied on persons, property, or business for the support of government, whereas a fee is a charge, compensation for something not strictly computable in terms of money, also a sum charged for professional service, also money given for a special service.

So I think the difference there is that one of them is compulsory, and additionally it's in support of government. Generally this debate I think is around the fact that fees are being or could be charged which are in excess of the administration costs to perform that, and where the government is recovering more money than the administrative cost, we have a tax. There are some 800, I've heard, that are in this bill. I'm sorry; I haven't counted them.

I think one of the biggest ones for the people in Edmonton-Centre, knowing how many senior citizens I have there, is health care premiums. Personally I would like to see no health care premiums for senior citizens. That would be putting money back into their pockets, especially for people on fixed incomes. I think many seniors feel that this is a tax. I won't go into the long debate about the definition and whether or not it is, but I want to put it on record that many have said to me that they do feel it's a tax. Because, really, for people outside of this esteemed Chamber, they're looking

at: "How much money have I got in my pocket? I have so much money."

With seniors it's a fixed income. They don't get any more money if there is an additional fee that they have to pay for some reason. So they have X amount of money in their pocket, in their bank account, and they have to start doling it out. When there are additional reasons they have to dole money out, they have less, and at a certain point on a fixed income you're doing without things. I don't want to see the point where seniors are doing without food or without good, warm clothing in the winter because there are additional fees that have impinged upon that.

I've sort of assembled very quickly the composite story of one gentleman who is very diligent in keeping me up to date on what he feels are the inequities of this government. I'll just go through the various things that he's brought before me. With this fellow, when he was deciding if he was going to retire, there was a debate in his mind about whether he needed to perhaps work a few more years to ensure that he had enough income when he was retired to have a comfortable life, a reasonable life, not extravagant, not trips to Hawaii, not anything really wild and crazy. He just wanted a comfortable life here in Alberta. He's a very cautious chap and very detailed, and he wrote out all of his expenses: his mortgage, his utility payments, his insurance, transportation costs, loan for his car, maintenance costs for his car, insurance, tire tax, food and dry goods costs, repair fund for his home, emergency money in case he would need it. He got that all figured out, and yes, he thought he'd be okay and could retire, and indeed he did.

This was in the early '90s. Since that time, he's had a lot more of the money that was left in his pocket after those fixed expenses taken out in so-called user fees, and that's on top of the loss of benefits that he had from programs being revoked that he was able to benefit from as a senior. Let's look at how much more money went out of his pocket.

4:30

Well, health care premiums: \$324, up to \$408. Blue Cross: \$204, up to \$246. Small amounts, yes -- you know, \$42 in one case, \$90 or so in another case -- but this is a person on a fixed income. You need health care coverage. You really should have Blue Cross coverage, especially if you're getting older. So this was not money that he had expected to be part of the expenses in his retirement. This was definitely more money out of pocket for him, and he had to pay it. I think he looks at that most seriously as an additional tax, and certainly it's money not in his pocket.

So he thought: "Well, okay; I've always enjoyed sports activities, and I'll put those to good use. I will definitely go out fishing more, and I'll capture fish." Oh, look at that. A fishing licence has gone from zero to \$18. Okay; it's another \$18 out of my senior citizen's pocket. While he's out there, he's not going to stay in a motel; he's going to stay in a campground. Well, we've got a campground fee now of \$20 plus a campground and park facility replacement fee of \$2.

He thought: "Okay; I'll do some hunting, and I'll stock up on meat. That'll save me some money, because it's now starting to get a little tight with the amount that I've forked out on these user fees. I'd better try and save on my food costs, so I'll get a hunting licence." Guess what? You don't get one hunting licence anymore. You have to get a hunting licence for each and every beast that you think you might want to kill. And woe betide the individual that is out there who has a licence to kill an elk and a moose walks by. You're in big trouble. Don't shoot it unless you have the extra licence.

So what are we looking at? White-tailed deer licence, \$30; bear

licence, \$24.30; moose licence, \$30.20; mule deer, \$30; elk, \$30; game bird, \$7.90; sheep and antelope: you can get either one of those for the same price of \$47.75. So my senior, who's trying to stock his freezer to save some money on food because of how much he's paid out in other user fees, is now in for a fair amount of money here, close to \$200.

He was pretty despondent over this one, so he looked for a little comfort somewhere else, met a nice woman, and decided to get married. Well, he's going to pay more money for his marriage licence. And guess what? [interjections]

THE ACTING SPEAKER: I think we'll just wait a minute until all of the interjections subside.

MS CARLSON: It's 4:35 on a Thursday afternoon and . . .

MS BLAKEMAN: Oh, my. Edmonton-Ellerslie, come on now. Do you want another interjection while we wait?

I'm fine, Madam Speaker. Always nice to see the government members engaged in the debate. I'm happy to encourage them.

The older fellow has now decided to get married to cheer him up while recovering from the whopping amount of money he has paid out in hunting licence fees. Indeed the marriage licence is going to cost him more money, and lovely woman that she is, she decides to change her name to his: \$120 more for that one.

Now, this fellow is very careful, as we can tell. He is doing his best to work on his fixed income. He's very carefully looking after his home because, boy, he may have to sell it some day given the amount of money he's now paying out on all of these user fees, which he still regards as a tax because it's money out of his pocket. So he takes good care of his home. He does the renovations; he looks after the mechanical in the home. [interjection]

I'm not quite interpreting the signals. [interjection] Oh, it's her. Okay; excuse me.

He is taking care of his home. He's looking after the mechanical. He wants to keep it in good shape and pass it on to his lovely new bride, perhaps, if he passes on. He has to have a boiler and plumbing inspection because of the work he's done on the mechanical in his house: \$26 to \$275. Unfortunately, after the happy event of his marriage, he had a sad event, the death of one of his parents, and there was the probate fee for the will. I cannot verify this one. I'm sorry; I didn't take accurate notes at this point. I think there was in fact an additional fee for interment, but don't quote me on that one. So we're up to a fair amount of money here, and we haven't even begun to describe the rest of this gentleman's life and activities, but let me try for you.

He has a motor vehicle, and being conscientious, he's going to make sure that he pays his registration. He was particularly steamed about the increase in the registration fees for motor vehicles, which have in his opinion -- "gouged" was the word I heard. Now, he's a person who's very fond of motorized vehicles. He was paying registration on his car or truck, and he also had a trailer -- it must have been a truck -- and he was paying registration on the trailer. He had a trailer so that he could pull his snowmobiles, and he was paying registration on those snowmobiles too. This one's interesting, because those snowmobiles are used for six months in this province, as much as I personally wish it were more months in a year. Six months is really stretching it. You're paying \$35 for a registration for six months' use. I think a car is \$50 or \$52 now for registration there. So for six months' use for a much smaller motorized vehicle, for a snowmobile, \$35. Of course, our gentleman is newly married and wants to bring his wife's snowmobile along too, so we're paying \$35 times two for this household.

Now, he has an old quad, one of those four-wheeled things from his hunting days. Remember back to the hunting licences and that amount of money? [interjection] Yes, he's very fond of motorized vehicles. He also has to pay the registration on the quad. So this is a fellow on a fixed income, folks. He doesn't get any more money for this. [interjections]

I know there's a good deal of enthusiasm and support from across the way, but I don't know that it's for members of this Assembly to determine what this fellow may or may not choose to have as his vehicles. [interjection] Oh, I just love the support I get from my colleagues. All right.

As amusing as the story of this fellow has been, I think what's underlying this is something much more serious. We do have a number of people here on fixed incomes, most particularly seniors but also individuals who are perhaps on a disability income. Students certainly are on fixed incomes. We can think of a number of categories and sectors of people who don't get more money, no matter what the fees are. So when we see fees rise in the way they have -- and I've been going through the anticipated rise in some of the user fees that are already set out in this province. Almost all of them are in fact going up. I think: how do the students that live in Edmonton-Centre -- they don't get any more money. As a matter of fact, they're getting less. We already know that students, particularly postsecondary students, are likely to graduate from their institution owing anywhere from \$20,000 up. Now, they're never going to get to the state of our fellow with the quad and the snowmobiles. By the look of things, they'll be lucky if they can manage to buy a bus pass.

4:40

I think the other part of this is taxation without representation, because these charges are put forward as though they were optional, but they're not optional. Certainly if you want to have a motor vehicle, you'd better have a registration here. I don't think that's optional. So there can be very interesting arguments, I'm sure legal and creative arguments put forward by the lawyers amongst us, which I wouldn't presume to try to get into. But the truth is that for certain things in this society which we accept as fairly normal, like owning and operating a car, you must have a registration for it, so you must pay this registration.

DR. WEST: Why?

MS BLAKEMAN: Well, I can only recommend it. The Minister of Energy can consult with his colleague down the road, then, about whether he has to pay those fees or not.

So especially for people on fixed incomes, these fees continue to rise, and they are not seen by people as fees. The distinction and the detail that we put on things in this House is not shared by people out there. They just see more money going out of their pockets to a government service. They see it as a tax. We now have a court case in front of us that also sees this as -- or let me be fair; it questions whether in fact it is a tax.

I think one of the premises in North American democracy is no taxation without representation. It has to come before this Assembly and be voted on, and people have an opportunity to have input into that process. So while these taxes are being debated in the House, they have an opportunity to contact their representative to give feedback, to give input, direction, and advice, as the people in Edmonton-Centre are so willing and able to do for this grateful member. To me that's what's at the bottom of this bill.

I appreciate the ability to be able to start debating this in front of the Assembly, so I'm glad that the Treasurer has put this bill

forward. I am looking forward to a long and open and fruitful debate about this because I think it is important. We should not be taxing people without that representation, without it being debated in this House. If it's going to be a fee -- I'm coming full circle, Madam Speaker; we're back to the definition of "fee" -- it is a compensation for something. It's charged for a professional service or given -- given -- for a special service. It is not compulsory. I've already talked about how some of these so-called fees are in fact compulsory and are well accepted in this society.

I thank you for the opportunity to bring forward the concerns of my senior citizen. I'm sure I'll be able to send him a copy of the *Hansard* and tell him that I have indeed brought all of his concerns before this Assembly. I do thank you for the opportunity to do that.

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

**MS CARLSON:** Thank you, Madam Speaker. I'm happy once again to rise in this House to speak to user fees in principle. Having been here for about six years, it seems like every two years or so the issue of user fees arises one more time in this Legislature and we have an opportunity at that time to debate what they really are.

Now, not only is the Official Opposition saying that user fees are a tax, but so is the Supreme Court of Canada. This government should stand up and recognize that and make that information public, rather than having a Provincial Treasurer who continually hides behind tax cuts when in fact through the back door he is dumping all these additional taxes on people.

The problem with user fees, Madam Speaker, is that they're punitive in nature. They unfairly hurt those who make less money in our society. Whether they're the senior citizen that my colleague from Edmonton-Centre was speaking about or whether they're a family or whether they're young people like we have in the gallery today who are just starting out in making wages in this society . . .

**THE ACTING SPEAKER:** The hon. Government House Leader on a point of order.

#### **Point of Order Allegations against a Member**

**MR. HANCOCK:** Yes, Madam Speaker, under 23(h). The hon. member I believe is making an allegation when she indicates that the Provincial Treasurer is bringing things "through the back door." That's a pejorative comment and should not be phrased in that way. It's unfair to the Provincial Treasurer to have that type of phraseology with respect to this type of an allegation, particularly unfair in the context of debate on a bill where the Provincial Treasurer has been part of the process in bringing it forward. It's the Provincial Treasurer's bill, in fact, and in which there's a schedule listing, for all of the public of Alberta to see, all of these fees and schedules, and they've been read by members opposite into the transcript, into *Hansard* today.

To allege that the Provincial Treasurer is bringing things in "through the back door" is an inappropriate comment, and I would ask that you advise the hon. member to use more appropriate language in this debate.

**THE ACTING SPEAKER:** The hon. member on the point of order.

**MS CARLSON:** Yes, Madam Speaker. That comment is not unparliamentary. And when we have a Provincial Treasurer who continually gets on a soapbox and says that user fees are not taxes yet is happy to present more than 800 of them which put a punitive,

disproportionate share of the taxes of this province on those who can least afford it, I think I'm well within my bounds in making the comments I have made. He does not do it up front. He does it, in fact, through the back door.

**THE ACTING SPEAKER:** I don't have the Blues in front of me, but were you referring to the Provincial Treasurer bringing this particular piece of legislation through the back door? [interjections] Well, I do find on Thursday afternoons about 4:45 or 4:50 that everyone is a little uneasy in here. I would ask that we maybe stay away from references such as bringing something in the back door and that we proceed with basically the relevancy and the importance of this bill in principle.

#### **Debate Continued**

**MS CARLSON:** Thank you, Madam Speaker. The importance and relevancy of this bill at this particular time is in fact that it is brought forward by the Provincial Treasurer to address the concerns of the Supreme Court of Canada, which stated that user fees are in fact taxes. So now because of that, because of the 800 user fees we have in this province that are really taxes, he has to bring a piece of legislation into this province that at least in the short term protects and freezes those 800 user fees. We think he doesn't need to protect them, that he could just eliminate them, but in fact that's what he's wanting to do at this point in time and that is what we are debating at this particular moment.

We'd really like to applaud the Supreme Court of Canada for aggressively coming forward in this regard, because for at least the six years that I've been in this Legislature, we have been saying that user fees are in fact taxes, while this government has taken every opportunity available to them to deny that fact. Now they are having to address it in law, and that, we think, is finally a responsible move on their part. Could they take responsibility a step further and eliminate the user fees? Yes, that would be a very good idea. Why? Because in fact most of these user fees barely cover the administration costs of putting the fee in place to begin with. So not only are they punitive in nature, Madam Speaker, but they're also quite useless.

Let's talk about how punitive that is. If you have a family who leads a very low cost, frugal kind of lifestyle in this province, user fees -- so those are taxes. I'm including provincial taxes . . .

**DR. TAYLOR:** That's me.

**4:50**

**MS CARLSON:** No, it's none of you guys. I'll give you an example of what this means. You guys spend a lot more than this on user fees. If you stopped to figure it out, you would oppose your own practice in this government of supporting user fees because it costs a lot of money, Madam Speaker.

The average family of four who lives quite a frugal life spends about 15 percent of their income, if they earn \$50,000 a year, on user fees. Madam Speaker, that turns out to be nearly \$8,000 a year. That means a single-income family of four who would start out with an income of \$50,000 and who has one partner staying home so they get the maximum amount of tax breaks available in this province would receive, after the provincial portion of user fees, an income of only \$33,300 approximately. So they made \$50,000, but what they actually have available to spend is \$33,000.

Let's talk about that same family if they are living on an income of \$35,000. In fact, the user fees they pay are 17 percent of their income, so they pay out nearly \$6,000 in user fees over the course of a year. This is once again for a very frugal family.

What did we say for the family earning \$50,000 a year? They pay 15 percent of their income in provincial taxes, or user fees as this government would call them. A family earning a lot less than that, \$15,000 less than that in a year, would pay 17 percent of their income in user fees. Definitely the family earning less money is carrying a disproportionately high share of the user fees. That's why this government likes user fees: because it doesn't affect their friends the same way it does other people who don't enjoy the same kinds of advantages in this province. We think, Madam Speaker, that is very unfair.

Let's take a run through that and see what I'm talking about in terms of a very frugal kind of family. If we talk about a family of four and the user fees that are recorded in this given year, which is '97 and '98, they pay \$116 a month for Alberta health care fees. At \$50,000 they're not eligible for any subsidies, so they pay the full share. Then Blue Cross: that's \$492 a year. Driver's licence: renewal for one of them is \$40; for two, that's \$80. If they have two vehicles, the registration fees on those two vehicles are \$100. Now, we're not talking the add-on fee that the registry takes for registering a vehicle; that's \$3.50 per vehicle. We're not talking that portion. We're just talking about the tax grab by the government, nothing more and nothing less. The licences themselves are \$18.

So now we're already at nearly \$1,500 for what are really the bare essentials of any family's life in this province, given that families have to have vehicles, for the most part, to get around because of the kind of downloading we've seen by provincial governments on municipalities. We don't have the kind of infrastructure to support good public transit systems, or if you live in rural Alberta, as well you must have transportation that you pay licensing and registration fees for. So before a family of four can even walk out their front door in this province, they're paying about \$1,500 in user fees.

And what if this family of four wants to walk out that front door, Madam Speaker? What does it look like for them to have very, very modest kinds of access to recreation in this province? If they were to take a one-week holiday, go camping, take the tent, hit the provincial parks and a couple of the highlights of this province like the Tyrrell Museum, Head-Smashed-In Buffalo Jump, the Frank slide -- all highly recommended as excellent attractions in this province to go and visit but costly, very costly. For a family that doesn't have very much money, to hit even three sites that are recognized international sites in this province is going to cost them \$78 just to go visit those. And that's taking the midrange of fees, not the high end of fees. If they pay the high end of fees, it would be even more. So if they did that, if they went camping for a week, and then the husband in the fall wanted to go hunting, something that many members on the opposite side of the House enjoy . . .

MS OLSEN: That's why we don't have a fall session.

MS CARLSON: That's right. They like to go hunting.

Like my colleague from Edmonton-Centre said, now you have to have a licence for each kind of animal. So let's say that he gets a moose and an elk licence at the same time. He doesn't go for deer or for some of the other options that are available to him because he's frugal. He doesn't have very much money, and they're on a tight budget. He also camps, as cold as that can be in the fall. Just with that small, short, one-week holiday, not counting food or anything like that, just user fees in this province, with the week he takes in the fall to go hunting, he's adding another \$500 in costs on to this family's operational costs for the year.

Then you talk about tax. Let's talk about the gas tax. How much do you think we pay in this province for the gas tax? The average family puts about 20,000 kilometres on their vehicle in a year,

particularly if they use that vehicle to do a little sight-seeing throughout the province.

AN HON. MEMBER: What does this have to do with user fees?

MS CARLSON: What has this got to do with user fees? It has a lot to do with user fees and why they should not be allowed in this province and why a tax should be called a tax regardless of how the government wants to assess it. So when we are speaking in principle to Bill 35, which talks about freezing and protecting these user fees for another year, I think the people in this province have a fundamental right to know how much it is that they're paying if they live a very frugal lifestyle.

Provincial gas tax, based on the rates provided by the government, would be \$1,800 a year. That's a lot of money just in provincial tax grab in user fees on gas to run your vehicle. You've forgotten that it's \$1,800 more for the seniors in fees. If they have a vehicle, that's how much it's going to cost them if they're driving 20,000 kilometres in a year. It's a tax as a part of the user fees. If you add up all of the various options that you have in this province, a tax or a user fee is exactly the same thing. So what we have are individuals in this province, especially lower income people and middle-income people, paying a disproportionately high percentage of user fees. That's why we have opposed this for the many years that we've been in here.

Every time we get up to talk about this, we get government catcalls and a variety of information from the government side. But you know what? They don't have the ability to stand up here and defend and debate this in the Legislature. I don't see anybody standing up there. We have had now four speakers here, and we don't have anybody getting up. I see that we have someone from the government, the Government House Leader, who appears to be prepared to stand up and defend this bill.

THE ACTING SPEAKER: Hon. member, through the chair and on the bill.

MS CARLSON: It is on the bill. I'm hoping that the House leader will stand up and defend the bill, but we haven't seen that so far.

[The Speaker in the chair]

There is some time. We've got half an hour left in debate this afternoon. Given that there is only half an hour and given that the Government House Leader seems to be so eager to stand up in his place and defend this bill, I will take my seat, Mr. Speaker, and see if he will actually rise to the challenge.

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

MR. HANCOCK: Thank you, Mr. Speaker. I've been having a debate with my colleagues here as to whether I was impelled or compelled to get up and speak. I think they've agreed with me that I'm impelled to get up and speak. The comments that we've been hearing this afternoon from the members of the opposition have been so far from the principles of the bill and so far from the mark that I should have actually risen on a point of order with respect to relevance. The comments . . .

5:00

MS OLSEN: But you had no idea.



MR. HANCOCK: No, you have no idea. You have no idea how difficult it is to sit and listen to people talking about a Supreme Court decision that they've obviously not read. If they did read it, they didn't understand it, because the Supreme Court of Canada did not say that user fees are taxes. The Supreme Court of Canada said that a user fee that raises money in excess of the amount that's required to deliver the service should be considered a tax. That's what the Supreme Court said. That's not what the members opposite would have us believe this afternoon. They've been reaming off lists of user fees and saying that the Supreme Court has said they're taxes. They're misrepresenting what the Supreme Court has said.

The whole purpose of this bill, Mr. Speaker, is to provide an opportunity for us to determine whether in fact any of the user fees that are charged in Alberta raise revenue in excess of what's required to provide the service.

The hon. Member for Edmonton-Centre was talking about hunting fees. Now, I'm not a hunter. I think people should take cameras out and capture wild game in that manner, but that's just a personal view, and I know that there are people in Alberta who do enjoy the opportunity to go out and hunt. However, in order to ensure that wildlife is properly managed in this province, it requires an enforcement process. It requires a regulatory regime in order to ensure that wild game is managed, that there is wild game there for me to go out and take pictures of and for others who are so inclined to go out and hunt for sustenance or food or recreation or for whatever reason they might do so.

It's important for the government to be there to manage our wildlife resources in this province in the same competent manner, in the same excellent manner that we manage the other resources in the province. So of course in order to do that, some of the cost of managing wildlife in this province should be passed on to those who want to go out and avail themselves of the opportunity to hunt; hence a hunting licence. A hunting licence provides two opportunities: one, to know who's out there hunting and how much game they're actually taking, and two, to raise some of the costs of carrying on that process. That's an appropriate place for a user fee.

The question which the hon. members opposite should be addressing their minds to is whether the user fee is an appropriate size or not. Well, surprise, surprise, that's what the bill does. The bill affords an opportunity over the course of the next year for us through a committee to review user fees to see whether they raise more money than is actually required to cover the costs of the services provided. That's exactly what the bill says.

The opposition members, I would suggest, should sit down and pass the bill immediately because it provides exactly what they would like to have. The only problem I have with what they're saying is that they continue to mischaracterize the Supreme Court of Canada decision, which clearly said: excess over and above the cost of the service provided could be considered a tax and should be legislated rather than put in place.

So I just felt it very important to get up at this particular time and put that on the record, because we need to have a degree of certainty in this province. This government has decided as a matter of policy that while the Eurig decision, that came out of the Supreme Court of Canada, dealt with a very narrow area -- in fact, I think it was probate fees, and other governments across this country have brought in laws to freeze probate fees until they could be reviewed and to freeze some other fees until they could be reviewed. Did this government take that narrow approach? No, Mr. Speaker, it did not.

This government decided that a broad review of all fees and charges was in order and in fact added most of those fees as a schedule to the act so that the public of Alberta, looking at what was going to be done, could have easy access to a complete litany of the fees and charges that were being put forward by this government and could assist in the review.

Of course, there needs to be certainty in the process. So while somebody might be persuaded as a result of the Eurig decision to go to court and challenge other fees and charges and there could be a degree of uncertainty, what the bill also does is put a moratorium on it for a year, says: no increases to fees over the course of that year. During the course of that year we'll put a moratorium on fee increases. We'll declare those fees to be valid and meet the test that Eurig set out, and having done so, we will then have the opportunity through that year to determine whether in fact there are fees being charged which collect more revenue than is needed to administer the program for which they're put in place.

On that basis I would encourage all members of this House to move immediately to pass this bill so that we can get on with the job of reviewing fees and charges, getting rid of those fees and charges which may be found to be inappropriate, reducing those fees and charges which are collecting more than they should be collecting, and making certainty the debate that the hon. Member for Edmonton-Ellerslie has indicated in the past comes up year after year. Well, let's get rid of that debate now. Let's deal with the issue. Let's deal with it in this very direct, straightforward, and up-front manner. Nothing about back doors. Edmonton-Ellerslie was talking about back doors earlier. There are no back doors in here, Mr. Speaker.

What we're talking about is user fees that are up front. We're going to have a discussion on the efficacy of those fees, whether they're too high, whether they should be lowered. The opposition has been invited to participate in that process, to identify those fees that they want talked about. We should really be getting on with that job, not listening to people misconstrue what the Supreme Court of Canada is saying.

Thank you, Mr. Speaker. In light of the hour and knowing that the opposition will want to do some research on my comments, I would move that we adjourn debate.

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

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: The motion is carried.

The hon. Deputy Government House Leader.

MR. RENNER: Thank you, Mr. Speaker. On the advice of the Government House Leader, that members have an opportunity to do some additional reading and study over the weekend, I would suggest that the House do now adjourn until 1:30 on Monday.

[At 5:08 p.m. the Assembly adjourned to Monday at 1:30 p.m.]

