

## Legislative Assembly of Alberta

Title: **Monday, November 20, 2000**

1:30 p.m.

Date: 00/11/20

[The Speaker in the chair]

head: Prayers

THE SPEAKER: Good afternoon.

Let us pray. Dear God, author of all wisdom, knowledge, and understanding, we ask Thy guidance in order that truth and justice may prevail in all of our judgments. Amen.

Hon. members, would you please remain standing as we ask Mr. Paul Lorieau to lead us in the singing of our national anthem.

HON. MEMBERS:

O Canada, our home and native land!  
True patriot love in all thy sons command.  
With glowing hearts we see thee rise,  
The True North strong and free!  
From far and wide, O Canada,  
We stand on guard for thee.  
God keep our land glorious and free!  
O Canada, we stand on guard for thee.  
O Canada, we stand on guard for thee.

THE SPEAKER: Please be seated.

head: Introduction of Visitors

THE SPEAKER: The hon. Associate Minister of Health and Wellness.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I'm very pleased to introduce to you and through you to all members of our Assembly His Excellency Dr. Yuri Scherbak, ambassador of Ukraine to Canada, who actually first visited our Assembly earlier this past May. The ambassador is here today to mark the official inauguration of the Advisory Council on Alberta-Ukraine Relations. The council's first meeting will be this afternoon, and the ambassador will join the MLA from Redwater and myself at this very special event. Our Premier and the Minister of International and Intergovernmental Relations will join us later this evening. This council will be made up of 12 members representing Alberta's Ukrainian community, and its mandate is to explore ways to strengthen ties between Alberta and Ukraine, particularly in light of Ukraine's proclamation of independence a few short years ago.

As the ambassador knows, Alberta has a very long and proud relationship with Ukraine, and people have been coming to Alberta from Ukraine for over 100 years now, such that we have nearly 300,000 people of Ukrainian descent living in Alberta who contribute to our province in every way possible.

His Excellency Ambassador Scherbak is accompanied by Mr. Dave Sereda, who is the president of the Ukrainian Canadian Congress for the Alberta provincial council. [remarks in Ukrainian]

We welcome you very sincerely on the occasion of this important and historic day. We are anticipating much success with this initiative. [as submitted]

They have risen, Mr. Speaker, and I would now ask this Assembly to sincerely extend the traditional warm welcome of the Assembly.

Thank you.

head: Presenting Petitions

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

MR. YANKOWSKY: Thank you, Mr. Speaker. I rise to table petitions containing 22 names from Airdrie-Rocky View constituency, 17 names from Bonnyville-Cold Lake constituency, 283 names from Calgary-Nose Creek and Calgary-Shaw constituencies, 12 names from Lesser Slave Lake constituency, and 673 names from the constituencies of Cypress-Medicine Hat and Medicine Hat. The petitioners are urging the Legislative Assembly of Alberta to introduce amendments to the Alberta human rights act to allow "health professionals to opt out of those . . . procedures that offend a tenet of their religion, or their belief that human life is sacred."

THE SPEAKER: The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Speaker. I wish to present two petitions today on behalf of the constituents of Highwood. The first petition regarding building a Catholic kindergarten to grade 5 school in the Black Diamond-Turner Valley area is signed by 127 constituents.

The second petition, with 63 names, is supporting amendments to the Human Rights, Citizenship and Multiculturalism Act to allow Alberta health professionals to opt out of those medical procedures that offend a tenet of their religion, or their belief that human life is sacred.

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

MR. JOHNSON: Thank you, Mr. Speaker. This afternoon I have a petition signed by 445 Albertans from Camrose, Wetaskiwin, Millet, Ponoka, Hobbema, Bashaw, Vegreville, Mundare, Ryley, and other nearby towns urging

the Government of Alberta to introduce amendments to the Human Rights, Citizenship and Multiculturalism Act to allow Alberta health professionals to opt out of those medical procedures that offend a tenet of their religion, or their belief that human life is sacred.

THE SPEAKER: The hon. leader of the third party.

DR. PANNU: Thank you, Mr. Speaker. I'm pleased to present a petition signed by 60 Albertans from Edmonton, St. Albert, Sherwood Park petitioning

the Legislative Assembly of Alberta to pass a Bill banning private for-profit hospitals in Alberta so that the integrity of the public, universal health care system may be maintained.

Thank you, Mr. Speaker.

head: Reading and Receiving Petitions

THE SPEAKER: The hon. leader of the third party.

DR. PANNU: Thank you, Mr. Speaker. I would ask that the petition I presented on May 25, 2000, urging the government of Alberta to use its legislative powers to help resolve the labour dispute at the *Calgary Herald* be now read and received.

THE CLERK:

We, the undersigned, petition the assembly to urge the government to use its legislative powers to help resolve the labour disputes at the *Calgary Herald*.

head: Notices of Motions

THE SPEAKER: The hon. Member for Edmonton-Meadowlark on a Standing Order 40 application.

MS LEIBOVICI: Thank you, Mr. Speaker. I give notice that at the appropriate time this afternoon I will make application under Standing Order 40 to deal with the following motion: "Be it resolved that this Assembly address the crisis in access to emergency care in Calgary hospitals."

Thank you.

head: Tabling Returns and Reports

THE SPEAKER: The hon. Minister of Human Resources and Employment.

MR. DUNFORD: Thank you very much, Mr. Speaker. I have two reports that I would like to table today. The first is the MLA Workers' Compensation Board Service Review Input Committee report, and the second one is the report of the Review Committee of the Workers' Compensation Board Appeal Systems.

MR. CAO: I'd like to table the letter from my constituents regarding the drowning of the children in the city canal.

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

MRS. SLOAN: Thank you, Mr. Speaker. I have three tablings today. First is the report released today by the Official Opposition, Lost Promise and Potential: Alberta's Statistics on Youth Suicides Programs and Challenges.

Accompanying that report, Mr. Speaker, I am also pleased to table the ministerial briefing and agenda for that ministers' briefing which occurred on November 8 with ministers Evans, Hancock, and Mar. At that time the status of programs and the incidence of suicide in young Albertans was shared with those ministers.

Thank you.

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

MR. MacDONALD: Thank you, Mr. Speaker. I have three documents to table this afternoon. The first one is an MRI bill of \$499. This bill was paid by Rose Senio. She is a constituent of Edmonton-Gold Bar. It was for a medically necessary procedure.

The next two documents that I have to table, Mr. Speaker, I've received through FOIP. The first one is a letter to the hon. Minister of Justice. It is regarding the rotting roofs in Heritage Mansion East near Heritage Mall in southwest Edmonton.

The next document is also concerning the rotting roofs in Alberta, and it is to the Cobblestone Court Condominium Association in Fort Saskatchewan, Alberta, and it is signed by the Hon. Murray Smith.

Thank you.

1:40

THE SPEAKER: Okay, hon. members. The other day I made it very, very clear. We're not going to be using individual names in this Assembly. We're going to be using titles; two violations today. Now, no more.

The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thank you very much, Mr. Speaker. I would like to table some information on how the increased electrical rates are affecting condominiums and condominium boards resulting in significant increases in condominium fees. Some good information.

Thank you very much.

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

DR. MASSEY: Thank you, Mr. Speaker. With permission I'd file five copies of a document entitled The Education Dividend: Why Education Spending Is a Good Investment for BC, prepared by Robert Allen for the Canadian Centre for Policy Alternatives. It indicates the social value of having completed a university degree.

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

MR. WHITE: Thank you, Mr. Speaker. I have the requisite number of copies to file with the Assembly, and it's an invitation to attend the ASET convention this spring. It's titled Alberta Unplugged. It's ostensibly to explain the deregulation of the utility industries, and I suspect a good number here would do well to attend.

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

MR. DICKSON: Thank you, Mr. Speaker. I have one tabling, and it's a press release relative to Bill 20. I'll just read the title of the press release: Alberta Government to Pass Law This Week to Drastically Reduce Families' Rights in Fatality Claims Including Drunk Driving and Murder of Children. The group spokesman is Rick J. Mallett of James H. Brown & Associates.

Thank you.

THE SPEAKER: The hon. Leader of the Official Opposition.

MRS. MacBETH: Thank you, Mr. Speaker. I wish to table a letter written on behalf of ATCO Electric which is an amendment to its regulated rate option tariff. Hearings begin today, actually, before the Energy and Utilities Board. The reason for the amendment is because the ATCO original price forecast was at \$70.82 per megawatt hour. Because of the forward market price in the 103- to 110-megawatt range, the company has had to file an application to raise that rate.

Thank you.

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

MR. WICKMAN: Thank you, Mr. Speaker. I have two tablings this afternoon. One tabling consists of the appropriate number of questionnaires that have been responded to by Alberta victims of brain injury dealing with the issues of concern to them such as housing, transportation, and so on.

Secondly, I'm tabling five copies of a letter addressed to the hon. Minister of Health and Wellness and to the Associate Minister of Health and Wellness which have been hand delivered to their offices last week. Again it's asking for some follow-up action in terms of those that are victims of brain injuries in Alberta.

THE SPEAKER: Today, as well, hon. members, I'm tabling five copies of a package of information regarding the School at the Legislature program, which was launched today in co-operation with corporate partners Shaw Communications Inc., Capital City Savings and Credit Union, and Quality Colour Press Inc.

head: Introduction of Guests

THE SPEAKER: The hon. the Premier.

MR. KLEIN: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to my colleagues in the Legislature a very accomplished young woman who is with us today in the members' gallery. Ms Adelle Peterson is an 18-year-old University of Calgary

student and this year's recipient of the 4-H Premier's award, the highest honour given through the 4-H program. She received this honour thanks to her outstanding efforts and achievements during her eight-year membership in 4-H. She has proven abilities in leadership and effective communications as well as a strong record of accomplishment in school and in other activities. During her year as the 4-H Premier's award recipient, Adelle will travel the province serving as a 4-H ambassador and promoting the 4-H program. It's important to note that Alberta now has the largest 4-H membership in Canada. Accompanying her today is her father, Brian; her mother, Colleen; and her brother Bryce. I now invite Adelle and her family to rise and receive the traditional warm welcome of the Assembly.

MR. SHARIFF: Mr. Speaker, I'm pleased to introduce to you and through you to members of the Assembly Nadezda Petrova, deputy head of the Economics and Planning Committee in Russia's Primorsky region. She has come to Alberta as part of the Yeltsin democracy fellowship, a program which brings Russian leaders to Canada to study the country's legislative, judicial, and economic systems. Her focus is to learn about regional development strategies, and she is looking at Alberta as a solid example of a province that has successfully achieved economic diversification and stable growth. She is also interested in Alberta's natural resources sector and exploring possible private-sector linkages. My colleague the hon. Member for Calgary-East and I had the privilege of meeting with Ms Petrova last Friday at McDougall Centre in Calgary. There is certainly much we can learn from each other and many areas of common interest to discuss. I would ask that our honoured guest please rise and receive the traditional warm welcome of this Assembly.

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

MR. BONNER: Thank you very much, Mr. Speaker. It gives me a great deal of pleasure this afternoon to introduce to you and through you to all members of the Assembly students from Lago Lindo elementary school in Edmonton-Glengarry. They are accompanied today by their teacher, Mr. Doug Sprake, and their principal, Mr. John Eshenko, along with Mrs. Marilyn Ghering and Mrs. Pat Wandler. They are seated in the members' gallery, and I'd ask with your permission that they now rise and receive the traditional warm welcome of the House.

Thank you.

THE SPEAKER: The hon. Minister of Human Resources and Employment.

MR. DUNFORD: Thank you, Mr. Speaker. Today I would like to introduce to you and through you to the Members of the Legislative Assembly Mr. Sam Friedman, or Judge Sam as we affectionately know him. Judge Sam was the chair of the appeal systems committee, whose report I tabled just a few minutes ago. With him today is Fred Clarke, a member of that committee who represents the business community here in the province. I would ask the two of them to rise and receive the warm greetings of the Assembly.

THE SPEAKER: The hon. Leader of the Official Opposition.

MRS. MacBETH: Thank you, Mr. Speaker. I am pleased to rise to introduce two leaders within our province who are seated in the public gallery. Louise Rogers is the president of the Alberta Association of Registered Nurses, and Jane Walker is a nursing management consultant well known throughout the province. I

would ask both to rise and receive the warm welcome of this Assembly.

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

MRS. SOETAERT: Thank you very much, Mr. Speaker. It's certainly my pleasure today to introduce you to two classes from J.J. Nearing in St. Albert. They are here with their excellent teachers, Mrs. Sonia Reid and Mrs. Christine Sowinski, and parent helpers Mr. Rick Kulak, Mrs. Bernice Grenier, Mr. Tony Gull, and Mrs. Madeleine Bertschi. I would ask them to please rise and receive the warm welcome of this Assembly.

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. This is a special day, and I would like to introduce to you and through you to members of the Assembly 20 very hardworking, very diligent, very excellent students from John A. McDougall elementary school, one of the schools in my riding. They've had a big day today because they're here participating in the School at the Legislature program, which Mr. Speaker has inaugurated today. I would like to also introduce the teachers that are accompanying them: Mrs. Leticia Carter, Mrs. Heather Parliament, student teacher Mr. Tom Stewart, and vice-principal, Mrs. Nancy Weber. They are seated in the public gallery, and I would ask that they please rise and receive the warm welcome of the Assembly.

1:50

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

MR. HANCOCK: Thank you, Mr. Speaker. I am pleased to introduce to you and through you to members of this Assembly three staff members from Alberta's maintenance enforcement program. Although members of the Assembly may not have met these three people, I can assure you that the many requests that come through my office with respect to maintenance enforcement are ably handled by these individuals. With us today are the program director, Manuel da Costa; senior manager of collections, Kevin Quail; and the manager of the program's special investigations unit, Shauna Curtin. As minister responsible for the program I'm proud of the work that's done by these individuals and by all members of the staff of the maintenance enforcement program. Last year the program collected more than \$127 million on behalf of Alberta families and children. These individuals are seated in the members' gallery. I'd like to ask them to rise and receive the traditional warm welcome of the House.

head: Oral Question Period

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

### Calgary Medical Services

MRS. MacBETH: Thank you, Mr. Speaker. Revelation of a tragedy has once again forced Calgarians and all Albertans to ask questions and face the inadequacies in our health care system. Over the weekend Albertans first learned of the tragic death of an individual in an emergency department some months ago. Despite much-needed public dollars being put in health care, despite the hard work of physicians and health care professionals in the system, the core problems are left unsolved by this government. My question is to

the Premier. Can the Premier provide an explanation to all Albertans and in particular to the citizens of Calgary as to why the health care system failed an individual and their family in this case?

MR. KLEIN: As I understand it, Mr. Speaker, Calgary health officials unveiled plans today to deal with emergency room handling. I understand that the Calgary regional health authority's critical incident committee has unveiled a six-point plan to deal with backlogs in the emergency department.

Relative to the details, Mr. Speaker, I'll have the hon. minister respond.

MR. MAR: Mr. Speaker, I must say, first of all, that this is a very unfortunate and regrettable incident that took place, but I'm pleased to see that the Leader of the Opposition has acknowledged a great deal of the effort in terms of the work being done by the staff of our hospital systems in this province and also the significant amount of money that has gone into the system.

I can confirm, Mr. Speaker, that this individual was seen in the emergency room of the Rockyview hospital and that he was assessed by the staff there. As a result of his death the regional health authority conducted a critical incident review. That review precipitated in some 31 recommendations for improvement in the system on how emergencies are treated in Calgary. Physicians and staff were involved in making the recommendations. Many of those recommendations have already been implemented, and a number of them are going to continue to be implemented over the months to come, but I am confident that the regional health authority has dealt with the situation properly.

I would perhaps in closing comment that there are some 250,000 people that go through the emergency system in Calgary at least as at last year. That is a tremendous volume to deal with. If I could say one thing, it would be that if we could say that 95, 97, 99 percent of the people got the right treatment at the right time, we'd have to say that was a good system, but it is not perfect, Mr. Speaker.

THE SPEAKER: The hon. Leader of the Official Opposition.

MRS. MacBETH: Thank you, Mr. Speaker. Can the Premier tell this Legislature why Calgary still does not have enough beds to meet the needs of a predictably growing population in the Calgary area?

MR. KLEIN: Mr. Speaker, I don't know that statement to be true. As I understand it, with the closure of the Holy Cross and the Bow Valley centre, the old General hospital, we were able to open up, indeed, hundreds of new state-of-the-art beds.

Relative to the bed situation in Calgary, I'll have the hon. minister respond.

MR. MAR: Mr. Speaker, it is not simply a question, of course, of opening up beds; it is also a question of having the appropriate equipment and the appropriate staff. We know that across Canada, indeed in other parts of North America, there is a critical need for staff of all sorts, health care professionals. We have responded by increasing the number of people that are trained in our post-secondary system. We increased it by 850 this year so that there are now 5,650 people in our postsecondary system training in health care professions. The Minister of Infrastructure may wish to outline some of the important infrastructure investments that have been made and announced this year. Also, with respect to equipment, of course members would be well familiar with investments in the area of renal dialysis equipment and MRIs and so on.

MRS. MacBETH: Mr. Speaker, few provinces, in fact no provinces,

have the fiscal resources of this one, so why will this Premier not commit to long-term, sustainable health care funding instead of the one-shot injections which even the Auditor General of this province has criticized his government for?

MR. KLEIN: Mr. Speaker, we are doing perhaps more than any other province in terms of our commitment to long-term sustainability. The one-time cash infusion was for capital. The opposition has complained about not enough MRIs. We have now equipped our hospitals with seven MRIs. Six more are on the way. We've done significant upgrades. We were able to allot to the city of Calgary some \$190 million for a new children's hospital. This is on top of countless millions of dollars that were allocated to various regional health authorities for capital upgrades.

On top of that, the sustainability of the system is something that we're going to have to work with on a national basis with the Prime Minister, with the national Minister of Health, with all the ministers of health across the country. I can tell you that the way health care spending is going – and I think Lorne Gunter alluded to it in an editorial in the *Edmonton Journal* yesterday – these costs are rising each and every year as they relate to operating.

Mr. Speaker, when the hon. leader of the Liberal opposition was the minister of health, she was faced with the very same problem, and that was the problem of sustainability. How do you address operating costs? We're able to address through one-time spending the capital problems facing the health care system, but the big challenge in the future – and I would seek the help of the Liberal opposition – is the sustainability of operating costs. Really we're heading to something like 40 percent of the total operating budget in operating costs, and this is not peculiar to Alberta. This is happening across the country, and indeed it's happening around the world.

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

### Electric Utilities Deregulation

MRS. MacBETH: Thank you, Mr. Speaker. Let's move to another area of mismanagement, and that's electricity deregulation. The evidence keeps mounting against the Premier's electricity deregulation scheme, which has resulted in inadequate supply and skyrocketing prices for consumers right across this province. The Alberta Association of Municipal Districts and Counties passed a near unanimous resolution calling on reconsideration of the deregulation scheme. The Premier's own market surveillance administrator said that uncertainty has caused "reluctance on the part of suppliers to invest in new supply" in Alberta. Now a former minister of utilities and telephones, the hon. Dr. Warrack, says that investors have been reluctant to invest in new supply because of uncertainty and financial risk. To quote Dr. Warrack: uncertainty and risk kills investment. My questions are to the Premier. Why is the Premier ignoring the mounting evidence that proves conclusively that the government's deregulation scheme is responsible for inadequate supply and skyrocketing electricity prices for our farmers, our consumers, our industries, and our businesses?

2:00

MR. KLEIN: No doubt about it, Mr. Speaker, the prices are going up. Admittedly there was some uncertainty, but with the pooling and the opportunity now to source alternative forms of energy, we are very confident that through a deregulated environment those prices will come down.

Mr. Speaker, because of our prudent fiscal policies we were able to provide two rebates, well, actually three rebates: one for business,

farm communities, and so on, which should go some distance over this interim period to bring down rates. Certainly as of January 1 each householder in this province will see a \$20 per month reduction in his or her power bill, and of course in about one week's time Albertans over the age of 16, tax filers, will be receiving the first installment of a \$300 rebate of \$150.

Mr. Speaker, I think it is very important to have Albertans understand the impact of the one rebate, and that is the \$20 reduction. Right now in Winnipeg the average householder using 750 kilowatt hours pays \$49.26. In Vancouver it's \$50. In Montreal it's \$50.79. In Medicine Hat it's \$53.45. In Manitoba for those who use Manitoba Hydro, it's \$60.08. In Edmonton it's \$61.34. If the consumer uses TransAlta Utilities, it's \$67.38. These are all October prices. Regina is \$68.32. In Calgary it's \$68.50, Toronto \$69.71, Kalispell, Montana – these are in Canadian dollars – \$69.61, SaskPower rural \$70.43, St. John's, Newfoundland, \$72.12, ATCO \$73.19 – that's mostly the northern customers – Salt Lake City, Utah, \$76.70, Halifax \$78.98, Portland, Oregon, \$79.93, Denver, Colorado, \$84.01.

Mr. Speaker, the point I'm trying to make . . .

THE SPEAKER: The hon. Leader of the Official Opposition.

MRS. MacBETH: Mr. Speaker, given that the average price at the pool was \$14 per megawatt hour back in 1996, can the Premier explain the jump to now over a hundred dollars according to the ATCO reapplication on the regulated rate option?

MR. KLEIN: A lot of it has to do with supply and demand, but, Mr. Speaker, I'm more concerned as to how the ordinary householder is going to be affected.

Now, I'm going to come back to Edmonton, Alberta. As of January 1 that \$61.34 will come down to \$41.34. Mr. Speaker, those TransAlta utility customers will come down from \$67.38 to \$47.38. In Calgary it will come down from \$68.50 to \$48.50, and those consumers using ATCO will come down from \$73.19 to \$53.19. Alberta consumers, the ordinary person, the household consumer, will be paying among the lowest rates in the country.

MRS. MacBETH: Mr. Speaker, just as Mr. Justice Friedman spoke about a "culture of denial" in his WCB report, why is this Premier washing his hands of the rising electricity costs that consumers are having to bear in this province because of his government's mess that he created in deregulation?

MR. KLEIN: Mr. Speaker, this is not a culture of denial. These are facts. You know, the Alberta taxpayer pays the Liberal Party to have researchers as they do for the Conservative Party. If you don't believe these facts, get your researchers and check them out. Check them out. I'm just saying that in Edmonton as of January 1, power rates will go . . .

AN HON. MEMBER: Denial.

MR. KLEIN: This is not denial, Mr. Speaker. This is fact: January 1 from \$61.34 to \$41.34, TransAlta Utilities customers from \$67.38 to \$47.38, Calgary from \$68.50 to \$48.50. That is fact.

In addition, we now go to the other major issue, and that is natural gas, and I would like to offer some comparisons there as well. In Edmonton it's \$5.80 a gigajoule. In Calgary it's \$6.16. In Saskatchewan it's \$6.25. In B.C. it's \$7.57. So much for the ND advantage. In Manitoba it's \$6.37. In Ontario it's \$7.84, and in good old Quebec it's only \$11.08 a gigajoule.

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

MRS. MacBETH: Well, Mr. Speaker, while the Premier can try and paper it over, Alberta consumers are extremely concerned about increases in their monthly electricity bills. Back on March 23, 1998, the then minister of energy promised residential consumers that they would see stable electricity rates for a long period of time into the future. This week the tariffs established by ATCO and EPCOR for consumers under the regulated rate option, which is the option the Premier has talked about – if Albertans don't like deregulation, they can stay with his regulation – will be presented to the government regulator, the Energy and Utilities Board, for approval. As a well-known columnist has said: impatient consumers can translate into unhappy voters. My questions are to the Premier. Will the Premier confirm that under the regulated rate option residential consumers in Alberta will be exposed to market prices for electricity, meaning higher electricity bills?

MR. KLEIN: If they wish to stay in a regulated environment, of course they won't for at least five years. If they wish to go into a deregulated environment, they'll have the opportunity of shopping around. It's not going to happen overnight, but in the interim – and I say this to the leader of the Liberal opposition – because of prudent fiscal management we've been able to offset rising prices. [interjections]

Well, the next election. I'm sort of looking forward to the next election. Oh, I am looking forward with great delight to the next election, Mr. Speaker. And you know why they're trying to make as much hay now by raising fears, unfounded fears through innuendo? They're trying to raise these fears now because they know darned well as of January 1, when the ordinary householder receives his or her electricity bill and sees that bill drop from \$61.34 on average to \$41.34, from \$67.38 to \$47.38, from \$68.50 to \$48.50, from \$73.19 to \$53.19, well, of course they're going to vote for us.

MRS. MacBETH: Mr. Speaker, getting back to the question, will the Premier acknowledge that since ATCO is revising its projections for the regulated rate option with new prices that are up from \$70 to \$103 per megawatt hour, this is going to be passed on in higher prices to the consumer?

MR. KLEIN: Mr. Speaker, that's very much a possibility. It probably will happen. But in the interim we are able to offset on average per household the rising cost of electricity by something like \$840 a year. The leader of the Liberal opposition only talks about the increase in electricity prices. She doesn't talk whatsoever about the very generous and energetic program of this government to offset those rising costs, and I think that that's inherently unfair.

2:10

MRS. MacBETH: Well, let's talk about the offset, Mr. Speaker. Will the Premier confirm that the increase in the wholesale price under ATCO's application could mean an increase in the average monthly residential bill from \$59 currently to over \$100; in other words, a \$41 difference under the regulated rate option?

MR. KLEIN: Mr. Speaker, I really don't think that will happen. Right now, ATCO is \$73.19, will be \$53.19 on average for the average household. Relative to anticipated increases over and above that, I'll have the hon. minister respond.

MR. CARDINAL: Well, Mr. Speaker, this process is before the

board now, and it would be unfair to comment on it until later on this week once a decision is made.

THE SPEAKER: The hon. leader of the third party.

### **Hip and Knee Replacement Surgery**

DR. PANNU: Thank you, Mr. Speaker. Last week, the director of surgical services for the Calgary regional health authority reported that 719 people are waiting for up to a year for hip and knee replacement in Calgary. In other words, there are almost twice as many people waiting for hip and knee replacements in Calgary today as were waiting two years ago. My questions are to the Premier. Can the Premier please explain why waiting times for hip and knee replacements in Calgary have climbed by more than 80 percent given government claims that hundreds of millions of dollars are being provided to reduce waiting times for these procedures?

MR. KLEIN: Mr. Speaker, I don't have that detail in front of me, but I will ask the hon. Minister of Health and Wellness to respond.

MR. MAR: Mr. Speaker, I believe that the numbers cited by the hon. member are correct, and the fact of the matter is that there is a greater demand for hip and knee replacement surgery that is a function of our aging and growing population. So although we have made great improvements in surgical procedures and the numbers of procedures being done, they are not keeping pace with the demand for it. The CRHA had indicated to me that they have improved the number of surgeries that they do by 20 percent this year to 1,445.

Mr. Speaker, we are working on this particular area. I wanted to note that Alberta is a partner in the western Canada waiting list project, and this project is studying waiting lists for joint replacements and other procedures and is trying to look at ways that we can change the way that waiting lists are compiled, making them fairer to patients and ranking them based on a patient's pain and prognosis for recovery.

THE SPEAKER: The hon. leader of the third party.

DR. PANNU: Thank you, Mr. Speaker. I wonder if the Premier will give his word to this House that waiting times for hip and knee replacements will be reduced by adding capacity to the public health care system rather than by contracting out these procedures to private, for-profit hospitals like HRG.

MR. KLEIN: Mr. Speaker, I don't know of any hip or knee replacement procedures, defined as probably major surgery, that are contracted out. Indeed, some other minor surgeries are contracted out to alleviate pressure on the public system so that these procedures can be performed. We're constantly working to alleviate those waiting lists.

I'll have the hon. minister respond.

MR. MAR: Mr. Speaker, I think that it's an interesting point to make that the contracting out of cataract surgeries, as an example, to private surgical facilities, that are paid for by the public system by the way, do allow hospitals to use their surgical facilities in hospitals for more critical surgeries like hip and joint replacements. So the purpose of the Health Care Protection Act to allow a regime that permits this type of contracting out under rigid circumstances and standards will actually help provide exactly what the hon. member is asking for; that is to say, greater capacity within the public system in a public hospital for the doing of things like hips and knees.

Mr. Speaker, specifically on the issue of hip and knee surgery the regional health authority in Calgary was given some \$2 million to improve access to this particular kind of surgery. That was part of a package of some \$54 million that was announced earlier this year for improvements to access in a number of different areas across the province.

THE SPEAKER: The hon. leader of the third party.

DR. PANNU: Thank you, Mr. Speaker. My third question is to the minister of health. Will the minister assure the House that the reason that waiting times for hip and knee replacements are being allowed to skyrocket in Calgary is not to make it easier for the CRHA to contract out total joint replacements to the HRG private, for-profit hospital once the provincial election is over? Will you please give that assurance?

MR. MAR: Mr. Speaker, we have in fact put more resources, as I've indicated, into dealing with these types of surgical procedures within the public health care system. I've not heard of any plan being brought forward by anyone for doing these kinds of surgical procedures in private surgical facilities.

I note that the College of Physicians and Surgeons will determine whether such things could be safely done in such facilities, but to this point no such determination has been made that I'm aware of, because nobody's come forward with a proposal to do these types of services under a contract under our Health Care Protection Act.

THE SPEAKER: The hon. Member for Olds-Didsbury-Three Hills, followed by the hon. Member for Edmonton-Riverview.

### **Maintenance Enforcement Program**

MR. MARZ: Thank you, Mr. Speaker. As members of this Assembly we often receive questions from constituents regarding the maintenance enforcement program. I often hear from both parents and children having difficulty making ends meet because of parents who default on their court-ordered maintenance payments. My question today is to the Minister of Justice. What has this minister done to ensure court-ordered maintenance orders are indeed obeyed?

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

MR. HANCOCK: Thank you, Mr. Speaker. In 1998 the MLA review of the maintenance enforcement program and child access concluded that the program did not have the tools to collect maintenance in situations where debtors were able to pay but refused to co-operate with the program to fulfill their court-ordered obligations. In response the Maintenance Enforcement Amendment Act was passed in November of 1999 to strengthen the ability of the maintenance enforcement program to collect support from those who can afford to pay.

Over the past year the program's ability to take action against defaulting debtors has been expanded. Staff now have the ability to cancel a debtor's driver's licence, to report defaulting debtors to the credit bureau, to place garnishees in a more timely manner, to seek a court order for collection when corporations or other people are used to shelter a debtor's income or assets. Over the past year the act has enhanced the program's ability to collect court-ordered payments and to ensure that Alberta families receive the financial support to which they are entitled.

Mr. Speaker, the maintenance enforcement program is about helping children receive the support that they need from parents in

situations where there's family breakdown. It's an important way to enhance the quality of life of children and the opportunity of children to achieve in this province.

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

MR. MARZ: Thank you, Mr. Speaker. My first supplementary to the same minister: what's the maintenance enforcement program doing for cases involving debtors who can afford to pay but constantly neglect their obligations?

MR. HANCOCK: Well, Mr. Speaker, while there are many families in this province where maintenance payments are made on a voluntary basis, as they should, there are unfortunately those situations where parents don't voluntarily step forward to take care of their parental obligations. Under the maintenance enforcement program we've initiated a special investigations unit that was initiated last November to handle their most challenging collections. The unit assesses files for further action when a default hearing order or maintenance enforcement program standard collection procedures do not result in payment. The unit has collected over the course of this year \$4.3 million, Mr. Speaker. It's been very successful. [interjections] Four point three million dollars which previously was not being collected on behalf of children in this province.

Keep in mind that these cases represent only a small fraction of the 43,000 files that the program deals with. The program, Mr. Speaker, over the past year has collected more than \$127 million on behalf of children in this province. It is making a difference.

THE SPEAKER: Hon. member.

2:20

MR. MARZ: Thank you, Mr. Speaker. Again to the same minister. Another common complaint is the long wait time in trying to get through to maintenance enforcement program offices. What's Alberta Justice doing or has done to improve the information services available to the clients?

MR. HANCOCK: Well, Mr. Speaker, with more than 43,000 files it's essential for us to find new and more efficient ways for people to get information and get service. During the past year we've expanded the client services centre by increasing the number of complaint and troubleshooting specialists. Staff on the phone lines field an average of a thousand calls per day.

Last year we also implemented a new MEP info line. This is a computerized, interactive phone system that allows clients to hear and update file information 24 hours a day, seven days a week. This system receives more than 3,300 calls a day.

I recently announced the launch of the MEP accounts-on-line initiative. From the comfort of their home, public library, or office MEP clients can now access and update account information privately and securely over the Internet.

AN HON. MEMBER: That's if they can afford the computer.

MR. HANCOCK: They can go to the public library if they don't have a computer at home.

The system also provides clients with the ability to submit a question to our staff and receive an electronic response. It's hoped that the system will free up staff to deal with more complex issues or concerns. Currently the average call wait time to speak with a client service representative is about five minutes. In the past that was up to half an hour.

Today, Mr. Speaker, we announced publicly the Help Us Find program, where we're publishing the pictures and names and information that we have about chronic debtors who have defaulted and whom we cannot find through any of the other tools available to us to ask the public to help us find these people and help them to live up to their obligations to their families.

### Youth Suicide

MRS. SLOAN: Twenty-five percent of fatality inquiries conducted on the deaths of children in care indicated that these children had died by suicide or under suspicious circumstances. In the report *Lost Promise and Potential*, released today in this Assembly, a survey shows that there are serious gaps in the provision of suicide prevention programs for children by health and children's services authorities. My questions are to the Premier. Can the Premier explain why the incidence of suicide amongst children in care is so high?

MR. KLEIN: Well, first of all, Mr. Speaker, any suicide, especially the suicide of a young person, is a terrible and tragic loss. I can tell the hon. member that the ministry does recognize that youth suicide is a serious concern, and each youth lost is indeed a tragedy, as I said. There are some initiatives as I understand it. Unfortunately the minister responsible is not here to respond to this, but perhaps she can offer the hon. member a written response.

I understand that relative to training in suicide prevention, two days are devoted to suicide intervention training during the four-week child protective services training – these are the staff people within the hon. minister's department – which is mandatory for all new child welfare workers in the province. All foster parents are required to take suicide awareness training. The Alberta Association of Services for Children and Families' standards specify that all contracted child welfare service providers must have suicide training.

Children's mental health within the Alberta children's initiative: a project is in the developmental stages to address children's mental health, including youth suicide, led by the Alberta Mental Health Board.

In response to recommendations from the Children's Forum – and the hon. member was part of that forum – and the Task Force on Children at Risk, Children's Services will be implementing community response teams for children at risk in three locations across the province. I understand that is a pilot program, Mr. Speaker.

I could go on and on. There are a number of initiatives here that are being undertaken, and I'm sure that the hon. minister or my office would be very happy to provide the hon. member with the information she requires.

MRS. SLOAN: Mr. Premier, if the government's response has been so comprehensive, why is it that we have 24 to 51 children every year committing suicide in this province and have had so since 1990?

MR. KLEIN: Mr. Speaker, according to the information I have, Canadian youth aged 15 to 19 had the third highest suicide rate out of 23 countries. This is Canadian youth in the country. New Zealand and Finland have higher rates. This is sourced from the Suicide Information and Education Centre based on the United Nations' report *The Progress of Nations 1994*. This is the same organization that produced this document that was tabled I believe earlier today.

Over the last 10 years an average of 26 youths 15 to 19 years of age have committed suicide each year, but the rates are falling. This

is as it pertains to the province of Alberta. I understand the peak for male youth suicide rates ages 15 to 19 was 1977 at 40.2 deaths per 100,000. The most recent data for 1998 shows 25.1 deaths per 100,000. It's tragic that we even have that many deaths through suicide, Mr. Speaker, but the rate is falling.

MRS. SLOAN: Mr. Speaker, we have a model of suicide prevention that was developed in our own backyard by the Suicide Information and Education Centre. It was proposed to this government to be implemented in 1997, has been implemented by the United Nations, Finland, Norway, and Australia, and we today in Alberta continue to not have a provincial program for the prevention of suicide. Why is that, Mr. Premier?

MR. KLEIN: Mr. Speaker, that statement is not entirely true. I just went through a number of initiatives that have been taken and are currently being undertaken by the Department of Children's Services. I only went to about the fifth or sixth point, but I can tell the hon. member that all child and family services authorities have early intervention programs that provide services based on the needs of the community. These services relate in part to the whole problem of children at risk and the suicide problem.

Many child and family services authorities have developed transitional supports for youth who are reaching the age where they are no longer eligible for child welfare supports, and the ministry is now examining options for expanding these transitional programs, particularly by providing more time with a mentor or a caring adult to help support these youths through the transition to adulthood, and this is, as I understand it, the most difficult period in a young person's life. We are working in particular with aboriginal groups, where the suicide rate unfortunately is high, and government is to promote capacity building to help aboriginal communities respond to community needs, Mr. Speaker.

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

### **Electric Utilities Deregulation** (continued)

MR. DUCHARME: Thank you, Mr. Speaker. My questions are regarding rising electricity costs. Earlier this year Alberta's independent market surveillance administrator looked at the reasons for jumps in prices over the summer. To the Minister of Resource Development: did the report find any inappropriate behaviour in activities in the marketplace that might help explain price increases?

MR. CARDINAL: No. Mr. Speaker, the market surveillance administrator, also known as the MSA, was very clear in his report. In fact, in a press release he emphasized that there was no particular activity to warrant a sanction against generators. In addition to that, of course we are following up on the recommendations that have been made in that report by the market surveillance administrator. In addition, there is a lot more to come from the MSA. This is, in fact, only the first report, and it's a first stab at collecting data. The MSA himself recognized that further analysis has to be done and staff put in place to make sure that the handling of reporting is done properly in the future.

In addition to that, of course one of the major areas that was reported by the MSA was the issue of the lack of retail competition in the city of Lethbridge area, and the MSA will be completing this report and forwarding it to us in the near future.

THE SPEAKER: The hon. Member for Bonnyville-Cold Lake.

MR. DUCHARME: Thank you, Mr. Speaker. To the same minister. In part the report addresses short supply putting pressure on prices. Is this in some way a result of deregulation?

2:30

MR. CARDINAL: No, Mr. Speaker, definitely not. Full deregulation does not start until January 1 of 2001. Of course, you know, the reason for the high prices is driven by the high demand as far as economic activity. As you're aware, there are over \$33 billion worth of economic initiatives, and with the population growth in Alberta the increased demand for electricity is over 6 percent.

In relation to the supply itself, Mr. Speaker, the whole process has already doubled the number of generators in the province since it came in. In fact, in the last three days I've met with three different organizations. One was a lumber company in northern Alberta that was in the process of developing a cogen plan using waste wood. Although they're only generating 20 megawatts, they will use 10 megawatts, which will mean taking out 10 megawatts from the existing generation system but in addition to that adding 10 megawatts to our system. Now, that's only one company. This deregulation has allowed that to happen.

Today I talked to an organization that's interested in hydrogeneration in northern Alberta. Again, this is another company that's looking at a number of options, and I'm willing to meet with that company.

I was in Pincher Creek today and saw the opening of Vision Quest, which has, I believe, 14 new windmill generators set up which will be generating enough electricity to supply 6,000 households, and this is green power, clean, safe, the cleanest, in fact, in the country. They indicated themselves that without deregulation this would not have been possible. So it is working, Mr. Speaker.

THE SPEAKER: The hon. Member for Bonnyville-Cold Lake.

MR. DUCHARME: Thank you, Mr. Speaker. To the same minister: can the minister provide us with an update as far as what the province has done with the issues identified through the MSA report?

MR. CARDINAL: Well, Mr. Speaker, the 10-point plan is basically what has come out of part of the MSA report. One of the areas we're looking at . . . [interjections] Supply seems to be the concern from the opposition.

One of the areas we're looking at, of course, is looking at all angles in getting more supply into our system. One is supply from B.C. and Saskatchewan and also local industrial load. The other one we're looking at is increased transmission between Edmonton and Calgary to ensure that any of the economic activity that's in cogen, in particular in industrial development in the north half of the province — we'll be able to transfer electricity to the southern part of Alberta. The other one, of course, is for us to move forward in selling the balance of the unsold electricity in smaller packages. This will all happen during the month of November.

### **Electricity Rebates for Condominium Residents**

MS BLAKEMAN: Mr. Speaker, last week, recognizing that the growing number of seniors and new families living in condominium complexes are facing huge increases in their utility bills, we asked how the government's electricity rebate program would apply to them. The Minister of Resource Development didn't seem clear as to whether condominium units where units were not individually metered would receive the commercial rate electrical rebate, like the high-rise apartments, or just the flat \$20 rate, like the single



residents. Alberta condominium owners facing steep hikes in their condominium fees as a direct result of higher heating and electricity bills need this information. My questions are all to the Minister of Resource Development. First question: will the minister confirm that condominium owners whose units are not separately metered will be receiving the commercial electricity rebate?

THE SPEAKER: The hon. Minister of Resource Development.

MR. CARDINAL: Yes. That's a good question Mr. Speaker. Because they're not metered individually, they will not be getting the \$20 rebate, but the condominium project will receive the industrial rate, 1.8 cents per kilowatt hour off. That's over \$760 million again being returned to Albertans as part of the \$1.6 billion rebate program we've provided. I believe most condominium owners, the board, will probably return that money to the individuals in one form or another.

MS BLAKEMAN: I'm sure they'll be delighted to hear they're getting the industrial rebate.

Given that most condominium boards are not aware that they're entitled to this rebate, whether it's commercial or industrial, what has this government done to inform condominium boards and condominium owners of the rebate amounts and the methods, and what will they be doing?

MR. CARDINAL: Mr. Speaker, we, of course, have advised already and will be advising the condominium owners.

Just remember that seniors will also be eligible for the \$300 rebate, and if there happen to be two in the household, they will be receiving \$600. So they are eligible. Now, in addition to that, seniors, we feel, are very high needs sometimes, and there are also other support programs provided through Community Development that can offset any additional expenditures that were not projected as part of their budget.

THE SPEAKER: The hon. Member for Edmonton-Centre

MS BLAKEMAN: Thank you. For clarification, then, would the minister please clearly state whether the condominiums will be treated under the industrial rebate or the commercial rebate – the minister has said both things thus far – and how exactly the government will be informing the condominium boards which is applying to them? Nobody has told them anything right now. That's why all the confusion.

MR. CARDINAL: Mr. Speaker, they will be receiving the industrial rate starting January 1, 2001. The industrial rate will no doubt be more than the \$20 rebate at this time, because that \$20 rebate can change also. At this time the industrial rate is no doubt higher than the \$20 rebate that's going to be provided. So, yes, they will.

The other thing, Mr. Speaker, you have to realize is that the renters of the condominium select the board of directors. They have voting authority. They will be advised. We will be advising the public out there as to how to access these rebates, and they in turn as a board can determine how that money is refunded to the owners.

THE SPEAKER: The hon. Member for Wetaskiwin-Camrose, followed by the hon. Member for Edmonton-Glengarry.

#### **Diabetes Treatment and Prevention**

MR. JOHNSON: Thank you, Mr. Speaker. My constituents are

raising concerns regarding coverage of diabetic supplies. These supplies are important in the management of the disease and in avoiding the costly complications associated with diabetes. Since this government places an emphasis upon wellness and prevention of illness, it seems appropriate to provide coverage of diabetes medication and supplies. To the Minister of Health and Wellness: will the coverage be expanded as part of the provincial diabetes strategy?

MR. MAR: Mr. Speaker, I should say at the outset that many of the costs associated with diabetes monitoring and management are already covered by Alberta Health and Wellness. I should outline those things before I go on to answering the question: should there be more that's done?

Mr. Speaker, the Alberta monitoring for health program covers a portion of costs related to supplies for adults who are insulin dependent and have no other insurance coverage. Eligible adult Albertans are covered for \$350 in costs annually, and there's an additional subsidy that can be applied for for an additional \$200. In aggregate this results in an annual budget of \$2.3 million. Costs of supplies for children with diabetes are covered under the child health benefit program of the Human Resources and Employment department.

2:40

Mr. Speaker, an important thing to note here is that the development of a diabetes prevention strategy is an initiative that's included currently in our Alberta Health and Wellness three-year business plan for 2000-2003. It will look at these needs and issues surrounding this particular disease.

MR. JOHNSON: The final question then is: when is the implementation of this provincial diabetes strategy expected to start?

MR. MAR: Mr. Speaker, the diabetes prevention strategy, as I said, is contemplated for the Department of Health and Wellness in our three-year business plan for 2000-2003. Right now that strategy is in a preliminary stage of development. It will look at the needs and issues that surround the disease, including the issue of such things as test strips, blood sugar test strips, pumps and injection supplies, and also urine-test agents.

There are some 90,000 Albertans who are affected by this disease. Some of them do not know it. However, Mr. Speaker, we will continue to work with the Canadian Diabetes Association, the Alberta clinical guidelines unit of the Alberta Medical Association, and the Alberta Research Council in holding a provincial forum and releasing a report on its findings.

head: Statement by the Speaker

head: Members' Statements

THE SPEAKER: Hon. members, before proceeding to the next item, the chair would like to make a statement. The chair would like to follow up on an intervention made last Thursday, November 16, 2000, after the member's statement by the hon. Member for Edmonton-Calder. The chair intervened at that time because in the chair's view the statement by the hon. Member for Edmonton-Calder could be construed as an unparliamentary attack upon another member. Therefore, this seems like an appropriate time to review the rules as they apply to Members' Statements so that all members are clear.

The chair indicated on page 1928 of last Thursday's *Hansard* that when the Standing Orders were amended in 1993 to provide for

Members' Statements, it was intended they would proceed "without interruption." In fact the chair ruled on June 5, 1997, on page 1056 of *Hansard* for that day that a point of order would not be entertained during a member's statement. To be clear, the chair has never meant to imply that all the rules about parliamentary language and order and decorum in this Assembly could be abandoned during Members' Statements.

Standing Orders 23(h), (i), and (j) still apply to Members' Statements as they do to all proceedings in the Assembly. It is a tribute to members of this Assembly that we have gone for over seven years without the chair having to address the content of members' statements. All members should be aware of the rules for the Canadian House of Commons and statements by members. When those rules were established in 1983, Speaker Sauve noted that "personal attacks are not permitted." This rule has continued according to the book *House of Commons Procedure and Practice* from pages 363 to 364. Certainly, as one of the authors of the 1993 amendments to Standing Orders, the chair wants to stress that it was intended that this and similar rules about decorum would apply to Members' Statements.

This chair wants to ensure that the greatest leeway possible is given to members during Members' Statements. Those statements must conform to the general rules of decorum that we follow in the Assembly. Last Thursday the chair believes this line was crossed in the remarks by the hon. Member for Edmonton-Calder, especially his concluding remark about "the spending habits of this particular member" in speaking of the Provincial Treasurer.

The chair believes this clarifies the matter and sincerely hopes we will not have to revisit the subject of the content of a member's statement again.

The hon. Member for Calgary-Buffalo.

#### Point of Order

#### Explanation of Speaker's Ruling

MR. DICKSON: Thank you very much. Pursuant to Standing Order 13(2), while you're clarifying this for our further information, do I take it, then, that the same rules that apply in debate in any other area of activity of this Assembly also then apply? In other words, things that would be permissible in terms of criticism of somebody's performance as a minister of the Crown, which is permissible in question period and in debate on any bill, also would be available, as it is, Mr. Speaker, in the province of Ontario with private Members' Statements, in the House of Commons, and I've got a long list of samples of what passes in those other areas.

If you might confirm, sir, that it's not a different set of rules for private members' statements and recognitions than apply for the kind of debate that would happen in any other aspect of the activity of the Assembly.

THE SPEAKER: Hon. Member for Calgary-Buffalo, the uniqueness of members' statements is that the chair has never, ever allowed interventions during members' statements. That makes them very special. The chair recalls the discussions, the honourable discussions that occurred between this particular individual, when he served as the Government House Leader, and the honour and the integrity given to this discussion by the former House leader of the Official Opposition. It was always intended that in this Assembly should the members of this Assembly want to proceed with members' statements, then hon. members would be provided two minutes to provide and present a case in terms of virtually any subject they wanted, but never was it ever intended, in terms of the integrity displayed to this individual when these rules were being determined

by the former House leader of Her Majesty's Official Opposition, that one would ever venture into an area of which former Canadian House of Commons Speaker Sauve has eloquently said, "Personal attacks are not permitted."

Now, personal attacks are not permitted, period, in this Assembly at any time, but in the case of members' statements this chair has always ruled that there would never be provision provided for a point of order or a point of privilege, whereas in virtually all other activities in this Assembly, for an hon. member who feels that the subject matter that is being discussed and debated would afford an affront to them, that hon. member is always given the option of rising and rising immediately on a point of order or on a point of privilege. But the one occasion when the chair has said that it would not intervene would be during the time frame of Members' Statements. That was to be a special opportunity afforded to members to make their own statements in any way or shape they wanted.

Now, if there's any further clarity that's really required for that, the chair would invite a visitation from the House leader of the Official Opposition to further analyze what it is that the hon. member is struggling with. But let us just repeat very, very clearly again. Members' statements were to be dealt with as a special opportunity for members uninterrupted. Uninterrupted. At virtually any other time in this Assembly if one hon. member is speaking and another hon. member feels that there is something incorrect, an affront, that hon. member has an opportunity to rise. They can do it during question period. They can do it during a debate on the estimates. They can do it during the debate of any bill. The one time there would be no interventions would be allocated to the period of Members' Statements, and at all times – at all times – decorum and honour should be the mainstay in which members in this Assembly might want to conduct their activities.

Now, let us proceed to Recognitions. There will be five today that will be recognized, and in 30 seconds from now the chair will call on the hon. Member for St. Albert.

I'm sorry. Hon. members, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

head: Introduction of Guests

(reversion)

THE SPEAKER: The hon. Minister of Innovation and Science.

DR. TAYLOR: Thank you. I'm very pleased to be able to introduce some guests. I don't often get guests from Cypress-Medicine Hat, and I'm pleased to have in the members' gallery today Len Mitzel, who is the reeve of the county of Forty Mile; Harold Halvorson, a producer, rancher, and farmer in that area; and Jim Holofs from Lethbridge. This group was in a meeting with the hon. Minister of Infrastructure today about a pipeline, the South East Alberta Water Co-op, that will drought-proof all of southern Alberta. Will they please rise and receive the warm welcome of the House.

2:50

head: Reading and Receiving Petitions

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

#### Steward Centre for Personal and Physical Achievement

MRS. O'NEILL: Thank you, Mr. Speaker. Last Friday the Rick Hansen Centre, which is a centre for body-working at the University

of Alberta for disabled persons, was renamed the Bob Steadward Centre. Bob founded the centre in 1978, and he was also instrumental in developing the International Paralympic Games, in which disabled athletes compete. Earlier this year he was named a director of the International Olympic Committee, the IOC.

It is fitting that this centre would be named after Bob Steadward, who has dedicated his life to providing opportunities and challenges, particularly in the field of athletics, to persons with disabilities. The centre was previously named after Rick Hansen after his world tour in 1987. However, he has given his blessing to the new name, and I wish to extend my best wishes to Bob and to all members of the Bob Steadward centre to continue the work that they provide.

### **Youth Suicide**

MRS. SLOAN: As we nationally acknowledge today as National Child Day, let us do more than mouth platitudes about the value of our children and their worth to our province. Instead, Mr. Speaker, let us seek to understand the challenges and problems lived by Alberta youth and seek to address them. Lost Promise and Potential, Alberta Statistics on Youth Suicides Programs and Challenges, released today in this Assembly, seeks to acknowledge National Child Day in such a way.

Suicide is responsible for 25 percent of the deaths of children and youth between the ages of one and 24. In 1999, 37 children between the ages of zero and 19 committed suicide, according to vital statistics. Lost Promise and Potential confirms that 24 to 51 children annually in Alberta have committed suicide since 1990. For children in government care one-quarter of the deaths reviewed by a fatality inquiry also highlighted this issue.

Despite the severity of these statistics, the Alberta government has refused to implement a provincial program for the prevention of suicides. Concerns exist that the government is leaning towards the development of a prevention framework by the Alberta Mental Health Board. This is simply re-creation of the wheel. Our children are important and deserve the best model and program for suicide prevention that exists. On National Child Day and every day our children deserve nothing less.

THE SPEAKER: The hon. Deputy Speaker.

### **Rotary Clubs Polio Plus Project**

MR. TANNAS: Thank you, Mr. Speaker. Today I wish to recognize the important efforts of Alberta Rotary Clubs. Nearly a hundred Rotary Clubs meet in many constituencies in our province, and all are partners in a worldwide Rotary fund-raising program to end the scourge of polio among children.

In the early 1980s Rotarians were looking for a suitable project to celebrate their 100th anniversary as a service club, and in 1985 Rotary Clubs in Alberta joined with clubs around the world to launch Polio Plus, a plan to distribute polio vaccine free of charge to children of 125 countries where polio was endemic.

In the last five years nearly 2 billion children have been immunized. By the beginning of this year only 30 polio-endemic countries remain, and within a year this will be reduced to only 10 countries. By joining with UNICEF, the World Health Organization, and the national health departments of these countries, the world's children will be free of polio before the 100th anniversary of Rotary in 2005. Then, thanks to Rotarians in Alberta and Rotarians all over the world, this crippling disease will no longer be a threat to our children.

### **Chief Justice Kenneth Moore**

MR. DICKSON: Mr. Speaker, on October 19, 2000, some 1,300 friends and supporters of Chief Justice Ken Moore gathered at the Roundup Centre in Calgary. The purpose was to pay tribute to a wonderful leader in this province on his retirement. Chief Justice Moore provided thoughtful and fair direction as he co-ordinated and supervised the administration of justice throughout this province through the Court of Queen's Bench of Alberta. In fact, he provided that key leadership pretty much from the time that we merged the district court and trial division of the Alberta Supreme Court to create the new Court of Queen's Bench. His door was always open and not just to this young lawyer, who showed up needing some guidance and direction.

At the event in October colleagues and speakers celebrated his commitment to his family, his profession, his city, and his province. Chief Justice Moore was instrumental in the creation of Calgary Legal Guidance and instrumental in the creation of the Legal Archives Society. We salute this remarkable man and thank him for his huge contribution to the province of Alberta.

Thank you.

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

### **Snack in the Shack Program**

MS BLAKEMAN: Thank you, Mr. Speaker. What is the difference between June 30 and July 1? To some Edmonton children it is the difference between having a hot lunch one day and going hungry the next. Today I'd like to recognize an outstanding program that has made a big difference in the lives of many children. The program is called Snack in the Shack, and it provides lunches for children during the summer months, when they no longer have access to the school lunch programs.

The founders of Snack in the Shack, Teresa Androschuk and Candice Furneaux, have turned a small idea into a big success. It operates out of city park green shacks and serves 500 to 600 kids daily. An impressive 95 percent of the food is donated, and the program runs almost entirely on hardworking community volunteers.

This program helps prevent the obvious developmental and physical side effects of poor nutrition, which put children at greater risk for many degenerative diseases. Snack in the Shack is also a big help to families on fixed incomes who often find that their monthly income leaves little left over for food, making things like fresh fruit a luxury item.

Most importantly, Snack in the Shack is an example of a preventative program that works. The long-term benefits of these kinds of programs are shared by all of us. We owe all the volunteers of programs such as Snack in the Shack our gratitude for helping to contribute to the well-being of our children.

Thank you.

THE SPEAKER: Hon. members, on Monday we have allocation time for seven recognitions. Will there be additional government members who want to participate today? That being the case, we'll proceed, then, to the hon. Member for Edmonton-Rutherford, followed by the hon. Member for Spruce Grove-Sturgeon-St. Albert.

### **Victims of Brain Injuries**

MR. WICKMAN: Thank you, Mr. Speaker. Today I want to recognize Albertans who are the victims or have a family member who is a victim of a brain injury. To me it appears like these are the forgotten ones, the ones that are sort of lost in the medical system

and out there on their own, struggling, fighting. Between myself and the Member for Edmonton-Meadowlark we tabled a good number of questionnaires in the past week, some this morning. We tabled a number of letters pointing out the concerns they have.

Just to briefly go over those concerns. Home care is critical to them. It is capped at a different level. Prescriptions are a problem to them: income, AISH, CPP. Some of them have to use some of their dollars to buy extra drugs and such. Employment opportunities are very limited. Retraining can become a problem. Transportation: there's a shortage of trauma centres for victims of brain injuries. There are a great deal of concerns there, and I would hope that the minister and the associate minister of health can address those concerns, will meet with the individuals, and will get something done.

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

### Villeneuve Historical Society

MRS. SOETAERT: Thank you very much, Mr. Speaker. I'd like to just take the opportunity to recognize the Villeneuve Historical Society, a group of hardworking people headed by Monique Altman, that did an amazing job over the last three years on a history book made for the Villeneuve community called *A View to the Past*. It's based on the early settlers, the Metis, many of the Belgian community, French and German. Originally the church was St. Pierre's and then eventually St. Peter's. There are stories about the hall, the original store, the ball teams, pioneer families of Soetaerts, Bokenfohrs, Belangers, Borles, Sheehans, and Kremers. It is an absolute tribute to those early pioneers. It also has a special tribute to the young men sent to war. Articles on politicians, if you can believe it, are quite good, I must say.

A special congratulation to Monique and her team for a job well done. They have certainly given our community a treasure.

THE SPEAKER: I wish to advise, as all hon. members are aware, that a special *Hansard* is being prepared to cover the events of Thursday last, dealing with Bill 26, the Holocaust Memorial Day and Genocide Remembrance Act, which covers all the passage through readings one through three, and the text of it will be available shortly.

3:00

head: Motions under Standing Order 40

THE SPEAKER: The hon. Member for Edmonton-Meadowlark with respect to a Standing Order 40 application.

### Emergency Medical Services in Calgary

Ms Leibovici:

Be it resolved that this Assembly address the crisis in access to emergency care in Calgary hospitals.

MS LEIBOVICI: Thank you, Mr. Speaker. This afternoon I gave notice that I would make application under Standing Order 40. The subject of Albertans' health is always an important one, but recent tragic events in Calgary have turned an important matter into a pressing and urgent one that has to be dealt with now.

Health officials in Calgary have blamed the tragic death of a patient in that city on the overcrowded waiting room of the Rocky-view hospital. Calgarians, either directly through experience or indirectly, have been aware of the serious hospital bed shortage problem plaguing their city's three acute care facilities for years.

Similarly, health care workers, those working directly in the system, know of these problems intimately and have expressed growing concerns over bed shortages and overcrowded waiting rooms in Calgary's emergency departments. These bed shortages have created no end of discomfort for Calgarians in emergency situations, but only this past summer has the level of overcrowding and the number of hospital bed shortages reached the stage where Calgarians' health and Calgarians' lives are at risk, and it may get worse unless this matter is debated immediately.

The Calgary regional health authority's own document indicates that some 4,000 people this year have spent the night in emergency waiting rooms because no beds were available. These people are waiting for hours in emergency department waiting rooms for the simple reason that there are not enough beds in the hospital. A level of risk to patient health and patient life shows no sign of diminishing.

In January 2000 the average number of people spending the night waiting in Calgary's three acute care facilities was 10 people per night. Ten people per night were spending the night in emergency department waiting rooms because of the lack of beds. Today the average number of people spending the night waiting in emergency department waiting rooms because there are no beds available in Calgary is 20 people per night, and it could get worse. This is a 100 percent increase since January. The number of people having to wait in emergency department waiting rooms for a whole night because there are no beds has in fact doubled since January.

As we head into the winter flu season, the ever increasing number of people spending the night in emergency department waiting rooms will only get larger. If we don't address immediately the bed shortages and the overcrowding problems in Calgary, we will fail Calgarians requiring emergency situations. Calgarians' health and Calgarians' lives may be put at risk.

This is clearly an emergent matter demanding the immediate attention of this Assembly in emergency debate. Calgarians are facing a crisis in their emergency rooms, a crisis that will only get worse unless this Assembly gives this serious issue the weight it deserves.

Thank you.

THE SPEAKER: Hon. members, under a Standing Order 40 application certain matters have to be dealt with. The hon. Member for Edmonton-Meadowlark has correctly followed all the rules, and the only decision now is one of the Assembly to choose to waive what we've scheduled to do this afternoon to move to this particular application. So one question will be asked, and the question is: is any hon. member opposed to adjourning the regular Routine for the day and moving to a Standing Order 40 application?

[Unanimous consent denied]

head: Orders of the Day

head: Government Bills and Orders

head: Second Reading

### Bill 20

#### Justice Statutes Amendment Act, 2000

[Adjourned debate April 28: Mrs. McClellan]

THE SPEAKER: Hon. Minister of International and Intergovernmental Relations, you adjourned the debate. Do you wish to continue?

MRS. McCLELLAN: No.

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

MRS. SOETAERT: Thank you, Mr. Speaker. If I could take a few minutes to speak about the Justice Statutes Amendment Act. It is quite a lengthy piece of legislation, and I realize that as a statute it has several parts to it. What's been pointed out to me and one of the things that I have noted is 5(a): the Lieutenant Governor in Council will be able to make regulations outlining situations in which court fees can be waived. Currently there are no provisions. That is certainly a thing that I think will serve us well. We've all seen situations where court fees should be waived, and this will give that possibility to people who cannot afford that.

This has come to the minister's attention. I haven't been part of the negotiations back and forth about this legislation, but certainly one of the things that we've received correspondence on is section 74. In that, the bill amends the Survival of Actions Act. Currently, as a result of several decisions by the Court of Appeal of Alberta, if an individual is killed in, for instance, a motor vehicle accident, the estate has the right to claim for damages in relation to what that individual would have earned had their life expectancy not been cut short by the accident. The amendment of the Survival of Actions Act eliminates this claim of damages. However, this does not prevent a deceased's children from being able to maintain a court action for their dependency claim. The amendment of the Survival of Actions Act does not eliminate a valid dependency claim.

[Mrs. Gordon in the chair]

Now, I know there are different views on this, and even I know that lots of individuals from groups like Mothers Against Drunk Driving are raising concerns about this. I realize it's controversial, and because of that maybe it deserves a bit more discussion. Of course, there's a provision that if a spouse is killed in an accident by a drunk driver, then there is compensation that can be . . .

DR. TAYLOR: Sit down.

MRS. SOETAERT: No. I'm not sitting down. I have the right for 20 minutes, and you just might make me go that long now. [interjection] Thirty. It's a statute. Oh, let's go over each one of these, Madam Speaker.

Actually I'd like to express some of the concerns I've heard, and I am glad they will be in the amendments. Had those been sent over, I might have had a peek at them, but I guess they haven't been sent over yet. [interjection] Oh, we got a note. Isn't that thorough? I hope *Hansard* can record sarcasm.

Anyway, I would like to mention that this has come to our concern. I realize that in an accident . . .

MR. HANCOCK: Of course, you never called me about it until today.

MRS. SOETAERT: Interestingly, the minister says: I never told you about it until today. I actually have some correspondence here from the former Member for Edmonton-Norwood in which she sent a letter to you the minister on June 29 expressing concerns in the controversy over section 74. So, hmm, I guess you got the note prior to today, Mr. Minister, but I would never question you on that, understanding all the correspondence that comes across your desk. I know you do the best you can with remembering every piece of paper that comes across that. Just so we know, the former Justice critic did a marvelous job, and she was doing her homework and sent

information to the minister. I'm not sure if she got a response from that letter, but it's getting there, I'm sure. That's only four or five months ago.

Madam Speaker, of course through the chair, as I like to keep it. I was pointing out that we realize that when a spouse or a parent is killed in a tragic accident, for example when a drunk driver is killed, that is handled, and that is covered. This whole question, though, of compensation for a child who has been killed tragically does need more discussion, and I'm sure we're all of maybe two minds on that because there is no amount of money that could replace a child. Just no amount of money. We sometimes forget that even when adult children die, that's a terrible blow to families. I think of, you know, elderly parents who, for the most part, get support from their adult children who are in their midyears – I like to call them mid-50s now, since I'm still on this side of that – and expect that kind of support.

3:10

I'm not talking financial support but that emotional support, that actual physical support that when the furnace breaks down or the water leaks, someone in their family is available to come over and fix it. You know what? When you're elderly, when you're in your 80s and 90s, those kinds of things are very disturbing, and often they don't think to call the plumber. They will call their son or their daughter and hope that they can fix those kinds of things.

Until I see the amendments, I just don't think section 74 has been adequately discussed. People may also know that there was a court case on this, in fact. You know, with all the different decisions on this, I don't think we've got the proper legislation to deal with it yet. So that's one of my concerns about Bill 20.

Within these statutes there is one of the other amendments, to the Provincial Offences Procedure Act. That raises two issues. The first is that the maximum fine able to be imposed with respect to an offence will increase from \$400 to \$1,000 and, second, that the Lieutenant Governor in Council will be able to make regulations allowing a person acting as an agent of the court to receive payment for offences, most commonly speeding tickets, which are sections 67, 68, and 70. These agents will be allowed to charge a surcharge for providing this service. This means that a speeding ticket for \$50 would actually cost the offender \$50 plus the service charge. I'm wondering: will there be job losses for those who currently collect these fines, or is that going to affect that at all? Has the minister thought about that? Is it the intention of the ministry to appoint current private registries as agents of the court for collection of these fines? Is that part of the intent of that statute? I know the minister is listening intently.

MR. HANCOCK: One more way for people to pay.

MRS. SOETAERT: It's what? One more way for people to pay.

You know, the thing that really bugs me about speeding tickets is you can only blame yourself. You can't blame it on anyone but yourself. I know that if I'm speeding and I'm actually going to pay a surcharge on top of the fine, maybe that will make my foot be a little less heavy. You know what, Madam Speaker? I have said that it is only the driver's fault when you get a speeding ticket. What I resent the most, not that I've had to do it often, is writing a cheque to the Provincial Treasurer. That really hurts. That really, really hurts when that happens to me. I usually pay it quickly so others members in my family don't find out. However, the transportation critic: that doesn't happen often to her. I appreciate the opportunity to point that out to the minister.

A few other points. These are quite the statutes here, a lot of them. The Contributory Negligence Act is also amended, and the

amendment is simply to reflect that the last clear chance rule is not applicable in determining liability of a party. This reflects the common law, which eliminated the last clear chance rule many years ago and therefore doesn't alter the law as it is applied currently.

You know, these acts truly are interesting, Madam Speaker. The average person – I consider myself average – does have difficulty going through this and slugging through it to see what it changes from one act to another, and there are many acts within this. How many actual acts have been addressed by this? One, two, three, I believe: the Provincial Court Judges Act, the Provincial Court Act, a few others. It's quite a big piece of legislation, so if I point out a few other changes, well, that's the joy of an act this big. There are so many different angles to it.

The Alberta Civil Trial Lawyers Association has, I know, sent correspondence to the minister and has sent us correspondence as well as we asked for some of their input. Of course, they as well are concerned about section 74, so I'm anxious to see the changes on that.

I guess, Madam Speaker, that I hope all members have had a chance to look at this in full detail. Certainly it is huge, and it is a lot to go through. I guess what I hope comes out of this is that people are served better in our province, that the courts aren't such a scary place. Now, I know that maybe there are lawyers in here who make it – I mean, it's their everyday place of work. But I think for a lot of people the court system is quite intimidating. I think it is.

When the former Justice minister set up tours for anyone in the Legislature who was interested in seeing the remand centre and the young offender centre, I really appreciated that. As I journeyed through the day, one of the things I noted in the young offenders court was the young, young children who were there. The other thing I noticed: with the maybe 60 young people who were in that room, there might have been eight or 10 parents. That was indicative to me of the long way we have to go in this province toward addressing family issues. You know, if you see a young person in trouble with the law and no guardian or parent with them, then you kind of know that there's lots of trouble elsewhere in their lives, that the action is just a result of maybe a lot of troubles in their background. So that was quite telling for me.

When I visit especially grade 6, the grade that takes government, I often describe the young offender centre to them. Especially around election time I say that there are a couple of reasons you don't wreck those signs. They are expensive, they're advertisement, it's against the law, and I don't want to see you in the young offender centre. I tell them about going to the classroom and talking to the teacher and saying to the teacher: "You know, I bet these kids are kind of tough to teach. These are some pretty tough kids." That teacher said to me: "Colleen, this is one of the easiest classes I have ever taught. Not easy, but discipline is not an issue, because if they're not behaving, if they don't want to learn, they just go back to their cell." Then I tell the young students in the class: "Do you know what's in their cell? A window and a bed. No TV, no stereo, and probably worst of all no telephone." That kind of wakes up a few kids, and they say: "You know, I don't want to be there. It's not a fun place to be."

I guess, coming back to the statutes, the reality is I hope this serves our people better. To say that I'm aware of every single statute and exactly the repercussions of it and how it will apply wouldn't be true, but I have indicated some of the areas of concern that have been brought to us, and I assume those will be addressed in the amendments. So I look forward to that stage.

I am sure that other of my colleagues, who are probably more knowledgeable about the justice system than I, have had maybe a

better opportunity to interpret what these statutes will mean to the people of Alberta and to the people who have to deliver them, to the lawyers and to the judges who are given this legislation to work with.

So that is my hope for this Justice Statutes Amendment Act, and I look forward to further debate on it. Thank you very much, Madam Speaker.

3:20

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

MRS. O'NEILL: Thank you, Madam Speaker. After receiving input from groups representing victims, the Alberta government will be bringing forward an amendment to the Justice Statutes Amendment Act that section 74 be put aside for the time being. Section 74 proposed an amendment to the Survival of Actions Act, and this amendment came about following a ruling by the Court of Appeal. The Court of Appeal ruled that the loss of future income can survive a person's death. In other words, a person's estate could sue for the person's potential income if they had not died. The government does not believe that was what was intended in law. It should also be noted that the Law Reform Institute of Alberta proposed that the law be reversed to indicate that financial loss could be determined only for a person's living years.

Madam Speaker, the province consulted with the legal community before this particular amendment was proposed. However, we now understand that groups such as MADD, or Mothers Against Drunk Driving, are concerned about this proposed amendment. Our concern, conversely, is not to have them unduly concerned about it. They argue that the amendment would affect many Alberta families in addition to the crime that has already been committed against them by an impaired driver. MADD, or, as I said, Mothers Against Drunk Driving, is concerned the proposed change would effectively eliminate any recovery by the estate of a deceased person in relation to their future loss of earnings.

So, Madam Speaker, the Alberta government has heard what this group representing victims has to say. I suggest that the second reading on the other proposed amendments should continue in light of the fact that the government will be proposing a House amendment to delete the proposed amendment to section 74. The Alberta government will only bring forward another amendment to section 74 after it has consulted with these specific victims' groups.

Thank you very much, Madam Speaker.

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

MRS. SLOAN: Thank you, Madam Speaker. I would like to focus my debate this afternoon on two specific sections in this bill which, I believe, are not supportable, and I will provide the rationale for that position.

Section 21.21, which is titled "Inability of judge to complete proceedings," and section 21.42, "Judge's residence", I believe, Madam Speaker, have been cleverly designed to address an embarrassing situation that this government found itself in arising out of an investigation, which was court ordered, into the Stoney Indian reserve. In 1997 Justice John Reilly ordered an investigation into the Stoney Indian reserve and specifically cited a concern that he had received

information that \$50,000,000 worth of timber . . . had been taken off the reserve in 1995, and yet none of that money was paid to the tribal government, and none was available for badly needed programs.

Specifically, the concern arose when in response to this order the

then Minister of Justice and Attorney General for Alberta was reported to say that the matter was not in his jurisdiction but was in the jurisdiction of Indian Affairs. The judge said:

If he said this, he was incorrect to the extent that criminal activity anywhere in the province is [within] the jurisdiction of the Provincial Minister of Justice.

What arose further, Madam Speaker, with respect to this order was the fact that resources on the reserve were acknowledged to be the common property of all members of the community, yet \$50 million worth of these resources were apparently removed with no accounting and no distribution to the general population, none of it being available for education, health, welfare, or economic development. It was the view of Justice Reilly that this was a crime against the Stoney people, including, I might add, Sherman Labelle, who was the young man who committed suicide at 17 years of age that I mentioned this afternoon.

What section 21 speaks to is the inability for a judge to complete proceedings. Now, most people who are in the know about this case, Madam Speaker, will know that the government and Justice Reilly have been engaged in lengthy court proceedings arising from this matter, and during those proceedings on at least one occasion Justice Reilly became ill. It would be my proposal this afternoon that this section has been specifically designed to allow the Justice minister to intervene if he does not like the direction that a Provincial Court judge is taking relative to his applications and rulings.

Further, section 21.42, which speaks about the judge's residence, is exactly what this province attempted to enact to remove Justice Reilly from his division in the Cochrane and Morley areas. They made an application suggesting that this justice should be moved to Calgary. We know that that was in fact reviewed by the courts, and the province lost their position.

Now, the plot even gets thicker, Madam Speaker. We also know that over a year ago the province of Alberta was ordered by the court to pay the court fees incurred by Justice John Reilly and to date have not paid that bill. That is in contempt of court. Yet we find ourselves today debating in this Assembly an act and amendments which directly relate to that very case and most likely would have been enacted had they been in effect at the time Justice Reilly made his decision on the Stoney Indian reserve in 1997.

The injustice of all of this, Madam Speaker, is not only for the Stoney Indian people and not only for Justice Reilly, but it directly relates to the socioeconomic status of the Stoney Indian people, of which Sherman Labelle was one. I'm reading from a fatality inquiry that was written subsequent to Sherman Labelle's death in May of 1998, a year after Justice Reilly ordered the investigation into the conditions on the Stoney reserve. In the fatality inquiry recommendations surrounding Sherman Labelle's death, he made a number of other recommendations, which we find no evidence this government has responded to.

One of them was that he recommended

the Provincial Department of Justice establish a Special Prosecutions Branch for the Prosecution of Crimes Against Aboriginal People.

We are almost two years since this report was written. We have a bill before us that could have incorporated that recommendation, Madam Speaker, and it does not. Justice Reilly proposed that such a branch

should employ investigators from each of the aboriginal language groups in Alberta so that investigations can be done in the language spoken by victims and accused persons.

He suggested that

it should be given a mandate to prosecute all matters from domestic assaults to racketeering, and the mandate should specifically include investigating and prosecuting any allegations of criminal activity

within Indian and Northern Affairs Canada, and tribal governments.

Just on that specific point, Madam Speaker, in the 1996 report of the federal Auditor General he said that there was \$100 million unaccounted for in the Department of Indian Affairs. It was Justice Reilly's belief – and it is a belief I share – that

when large amounts of money are poorly accounted for, there is a very high risk of theft and fraud. If the Minister of Justice [either past or current] takes the position that this is not his responsibility this will create a fertile field for corruption.

I am assuming, Madam Speaker, given the fact that we do not see these recommendations incorporated in this statute and have not seen anything with respect to the ministry publicizing that they will be enacted, we are prepared as a government to bear whatever fruit this field of corruption produces.

3:30

The other recommendation that arose from Sherman Labelle's fatality inquiry was that

the provincial government enact a statute that makes it an offence for any person who holds an elected [office], or who is employed in the public sector, to make a false statement.

I can attest that when I swore my oath of office, I was astounded that it did not contain anything about honesty or telling the truth. Not a word. It primarily spoke to swearing your allegiance to the Queen and to her successors but had absolutely nothing about taking an oath that required you to tell the truth. The province continues not to have a statute that requires that, Madam Speaker, despite what the hon. ministers might attest this afternoon.

It was suggested that if such a statute was enacted, penalties should be included

that include removal from office or employment, and fines in any amount deemed appropriate by a court, and that the court may direct payment of all or a portion of such fines to informants who bring [forward] the action.

The lunacy, Madam Speaker, is that we don't see that this government is alive to any of those recommendations. None of them are incorporated. What we see are cleverly drafted amendments in Bill 20 before us this afternoon that are directly geared to taking people like Justice Reilly out of the system. In my mind – and anyone who wants to can stand up and tell this Assembly otherwise – when I look at the facts, the facts are that the court has heard out this case, that they have ordered this government to pay damages to this individual, and that the province is in contempt of that order and has been in contempt of that order for a year. How are we to be led to believe that this government is sincerely concerned about achieving justice, about achieving fairness, about respecting our judiciary? This is manipulation at its finest. So those two sections, unless the minister would like to provide rationale that they are intended for some other purpose, in my opinion are directly intended to eliminate the problem which this government sees as Justice John Reilly.

I want to spend a bit of time also on several other recommendations that came about through Sherman Labelle's fatality inquiry. It's important to make the point this afternoon that fatality inquiry recommendations on the deaths of children in care, regardless of their age or origin or race, are not publicly acknowledged by any ministry. There's no accounting for how those recommendations have been implemented or funded by government: not in the Children's Advocate report, not in the ministry of health's report, not in the Ministry of Justice's report, and not in Children's Services' annual report. For no other reason than to publicly acknowledge the value of a human life, in this case the life of Sherman Labelle, I think it's important this afternoon that we give air to some of these recommendations. I would invite any minister of the Crown

to stand this afternoon and tell me why that is the case, why we do not see fatality inquiry recommendations publicly accounted for and funded.

Further recommendations in Sherman Labelle's fatality inquiry, just completing the statement about telling the truth. When the investigation into the Stoney band was ordered in 1997, there were many public statements made by politicians, officials of the INAC, and others denying that there was a problem in the Stoney band or indicating that if there was a problem, it was an exceptional one. Now, we know that clearly that's not the case. We have allegations of corruption and problems in Hobbema, we have well-documented problems within the Stoney Indian reserve, and there are others.

Accompanying that, Madam Speaker, we also have statistics that confirm for us that these aboriginal populations are also suffering a high incidence of fetal alcohol syndrome, a high incidence of disabilities, a high incidence of suicide. There's no money for programs on reserves to address these issues. Why is that? Because the province is failing to deal with the corruption that exists. The Stoney band in that order was a direct example of that.

Just to not entirely cast the blame on the Ministry of Justice, Madam Speaker, I think it's important to point out as well that recommendations were made to the department of health and social services, now human resources, that unilaterally those ministries should

provide health care workers to reserve communities, and that all non-aboriginal workers be required to have an aboriginal person in training for their position with a deadline for that aboriginal person to take over the position.

Justice Reilly provided statements that were made in the royal commission relative to this recommendation which I will not cite into the record this afternoon but which most certainly give justification for that recommendation. He said that

the problems of physical and mental health in reserve communities are approaching what will be a national disaster. Whether this is the responsibility of the federal or provincial government should not slow immediate steps to reverse the downward spiral that is occurring.

Again, Madam Speaker, at least during my term of office, when this fatality inquiry was written and the Stoney Indian band proceedings and investigation occurred, I have not heard the ministry of health or the ministry of human resources respond to that recommendation.

Further, it was recommended that an aboriginal education system be developed. It was recommended that the provincial government should

unilaterally provide teachers and support staff to reserve schools to insure that the standards of education in those schools are equivalent to provincial standards.

Witnesses testified to a number of students transferred from the reserve school to off reserve schools who were found to be functioning much below the grade level they were said to be.

I have not heard the Learning minister respond to that matter.

I would appreciate and welcome clarification from the government side relative to the statements I've made this afternoon. While I acknowledge that there are some very positive amendments within this statute, I believe that the amendments proposed under section 21, specifically section 21.21 and section 21.42, cannot be supported, Madam Speaker.

With those remarks this afternoon I will conclude. Thank you.

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

MR. MacDONALD: Thank you very much, Madam Speaker. I've listened with interest to the debate so far this afternoon regarding Bill 20, and I have not only questions this afternoon, but I believe

that during committee I will have a better chance of perhaps getting some answers.

Now, as I understand it, under this bill there will be a significant consolidation in the Provincial Court. There will no longer be the divisions that we now see with the Criminal Division, the Youth Division, the Family Division, and the Civil Division. But when we talk at any time about the judicial system, one thing has to be certain, and that is that the public has confidence and respect in the judicial system. We have to examine appointments to the Provincial Court system in this province, the appointment of judges.

3:40

As I listened to the remarks of all hon. colleagues of the House, I can't help but think – and perhaps the hon. Minister of Justice at some time will answer this for me – that there has been a dramatic increase in the number of female law students graduating from law school. In the last generation there's been a dramatic increase. I think it's over 40 percent, and correct me, please, if I'm wrong. It could be that close to 50 percent of all students graduating are female. I would like to know what comparisons there are for judges as far as gender balance in our Provincial Court system.

I would like to know if there has been any consideration by the hon. minister to, say, alternate the post of Chief Judge between a female judge and a male judge. I'm just curious if there has been any consideration to that as this bill was developed and drafted. Certainly I think that we need to have gender balance in the court system. This is a province that's come a long way and is noted across the country. This is the province that's the home of the Famous Five. So I'm just curious if any discussion took place of that nature in the development of this bill, Madam Speaker.

Now, as I read this – and I would understand it to be a reason of security – we're talking in section 21 of a judge's residence: "designate the place at which the judge is to reside." If the hon. minister in due course could explain the reason for this, I would be very grateful.

The hon. Member for Edmonton-Riverview talked about the situation down west of Calgary with Judge Reilly, and we have to look at conflict of interest legislation. Here we have a very modest approach to conflict of interest for members of the judiciary, that "a judge does not have jurisdiction to hear any matter in which the judge has or has had an interest." Well, who's to know? Who is to know if there was to be a conflict there? If the hon. minister in the process of this debate could explain that, I would be very, very grateful.

Now, this is an issue that is of great importance to me and a lot of other Albertans as well, the whole idea of exhibits. In here in section 21 we deal with the control of exhibits in a court case. I would like to know what studies have been done in other provinces, for instance. How do other jurisdictions handle exhibits that are before a court? Are they or are they not public information? The pillars of the judiciary are openness and accountability. If people are to have faith in their justice system, you have to have those two items, openness and accountability.

I have to bring one case in particular to the attention of all members of this House, Madam Speaker, and that is the case of the province versus Bovar in Swan Hills, where there was a leak of PCBs, furans, dioxins into the air going back to 1996. This case went before the Provincial Court. Of course, Bovar was fined 600 and some odd thousand dollars. That was the global fine, and it was to be a creative sentence. Now, the exhibits – and there were many in that particular case – were withheld from public view. When these exhibits were withheld from public view, a lot of questions have gone unanswered, and they have gone unanswered to this day.



There are questions relating to the blueprints. There was, Madam Speaker, a repair done on a furnace in Swan Hills, and the repair was done inadequately. There was a lack of inspection. There was a lack of inspection regarding the quality of the welding. There was a lack of inspection regarding the lack – the complete lack – of insulation that was to protect the steel in that furnace from extreme heat, and as a result of those two occurrences, two instances of the lack of inspection, the furnace developed a leak and the pollutants did not burn at a high rate of temperature. They simply escaped through the cracks in the steel and went up the flue gas into the surrounding atmosphere in Swan Hills.

The Liberal researchers and myself thought we could get to the bottom of this, but we went to the courthouse in St. Albert and were denied access to these exhibits. These exhibits would have told us a great deal about how and why this accident happened. It would have told us who the contractor was, probably, that did the welding and installed this plate inadequately. It would have told us if there was any testing done. It would have told us the welding procedure. It would have told us so many things, but we were denied access to those exhibits, and I cannot understand why, Madam Speaker, if we're going to have an open and accountable judicial system.

Now, I had enough interest in this case that I went to Swan Hills myself. I drove up there on the day there was to be a hearing regarding how this 600-plus thousand dollars was to be spent with the creative sentencing. I got to the courthouse. Both parties were arguing before the judge – I believe the judge's name was Chief Judge E.J. Walter at this time – and I listened with interest, along with, I believe, individuals who were associated with the Sucker Creek Indian band. We sat and we listened to arguments and how they were presented.

Incredibly, there was an argument presented to take half the money, as I recall – I don't have the notes before me, Madam Speaker, but I believe it was half the money. Close to \$300,000 was to be used to construct a chain-link fence around the Swan Hills waste treatment plant. This chain-link fence was to be in all directions 1.5 kilometres from the centre of the plant. The first thing that had to be done, of course, was that a cut line was to be cut through the bush, and this chain-link fence was to be installed in the middle of the cut line so that the larger mammals, the moose in particular, could not graze close to the Swan Hills waste treatment plant. The idea behind this, of course, was that the top end of the food chain wouldn't be eating contaminated plants. So this was one place for the money to be spent.

I believe there were to be also graduate students hired to do some long-term studies on the effects of the pollution in the immediate area. Regardless, Madam Speaker, this information was important then, and it is equally important now that the Swan Hills waste treatment plant has come back into the hands of the taxpayers. The cleanup costs, I have to remind the Assembly, were always going to be paid by the taxpayers. But when we look at the exhibits, as is determined in Bill 20, we have to be very, very careful about what we're doing here whenever we're setting up a law to govern exhibits in our Provincial Court system. It's very important that the public always has access to those exhibits because of what I, myself, and the Liberal research team experienced in St. Albert. This information is vital, yet we did not have any access to it after the Chief Judge ordered that all exhibits be sealed from public view.

3:50

Now, the cleanup costs before, Madam Speaker: I can't imagine how high they are. They're obviously in the millions and millions of dollars. Is anyone else liable for those cleanup costs, or is the taxpayer going to foot the bill after this faulty repair work was done in the plant? Perhaps we will never know.

When we think of creative sentencing, we usually don't think of

a global fine of over \$600,000 and what it's to be spent on, like we do in Swan Hills. We're going to build a chain-link fence around an industrial facility, a chain-link fence that's 1.5 metres high, and we're going to do some studies. Now, I don't know the conclusion of this: what happened with this proposal for the chain-link fence. I've inquired. I've been persistent in my inquiries, and I have received no answers, Madam Speaker. The exhibits, to my knowledge, are still sealed from public view. There's this lack of confidence in Alberta towards the safety code system. Now, perhaps if these exhibits were made available, we could find out the whole inspection process, what happened up in Swan Hills and what did not happen. I don't think that's going to happen, and I would ask all hon. members of this Assembly that when we are considering passing a law discussing the exhibits before the Provincial Court, we're very, very careful that the public always has some form of access to these exhibits.

Now, Madam Speaker, I was of the opinion – and obviously I was wrong – that I could go to a courthouse anywhere or anytime and ask to see those exhibits and I could expect a temporary delay because they would be in a warehouse somewhere. They would be catalogued somewhere, and perhaps it would be three or four days before they could be assembled. But that is not the case. I think that when we look at the number of tax dollars that are going to have to go into the cleanup of Swan Hills and the timing of this unfortunate release, we need now more than ever to have access to all exhibits.

It is an issue that I don't believe is going to go away, because certainly there's going to be a debate about the future of Swan Hills. There's going to be a debate on the pollution that has occurred there and just how far or how wide an area the pollution has occurred in. Certainly it's greater than 1.5 kilometres in any direction around the Swan Hills waste treatment plant. One of the experts that was in Swan Hills in the courtroom said that this pollution could drift as far away as the Arctic.

When we look at that simple case – it may seem simple to some people, but it's actually quite complex. The simple fact is that there was inadequate inspection, and look what it caused. We cannot think for one minute that exhibits in the courtrooms of this province should be sealed from public examination at any time.

With those remarks, Madam Speaker, I would cede the floor to any of my colleagues who would like to participate in this debate. Thank you.

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

MR. SAPERS: Thank you, Madam Speaker. On June 29, 2000, my former colleague Sue Olsen, who was then the Member for Edmonton-Norwood proudly serving her constituents as their MLA and our caucus as the Justice critic, wrote the Minister of Justice, the Member for Edmonton-Whitemud, regarding section 74 of the . . .

DR. WEST: Point of Order.

THE ACTING SPEAKER: Excuse me, hon. Member for Edmonton-Glenora.

#### **Point of Order Referring to a Member by Name**

DR. WEST: There has been a lot said recently about using personal names in the Assembly, and it doesn't seem to be getting through to some members of the opposition.

MR. SAPERS: You know, it's nice to see the Provincial Treasurer paying attention to the rules for a change.

Sue Olsen is a former member of this Assembly, and I think we could all say Sue Olsen as many times as we wanted without offending any of the Standing Orders. So I would hope that the Provincial Treasurer would pay close attention to the rules now that he's discovered that some exist to cover debate. If I could continue.

THE ACTING SPEAKER: Actually we did hear last week from the Speaker of the Assembly, who talked about using constituency names instead of proper names. However, the hon. Member for Edmonton-Glenora is right. The member is a former Member of the Legislative Assembly, so proper names can be used, but I think it is worth while to say that we are going to try, as the Speaker mentioned last week, to make reference to the people that are in the Assembly presently by constituency.

Thank you.

DR. WEST: My apologies for that.

MR. SAPERS: Thank you, Madam Speaker. I note the Provincial Treasurer's apologies, and I appreciate that.

### Debate Continued

MR. SAPERS: The point that I'm making, Madam Speaker, is that when Sue Olsen was in fact the Justice critic and responsible for reviewing Bill 20 as put forward by the government, a letter was written to the Minister of Justice suggesting that section 74 was problematic and citing many good reasons for that.

Now, we hadn't heard back until the Member for St. Albert rose earlier in the Assembly today to say that the government had changed its mind on section 74 and talked specifically about wanting to consult with victims groups. Well, we'll have much more to say about that when we actually see the form of the amendment. Of course, the time to have introduced an amendment would have been in committee, but since the Member for St. Albert spoke about the proposed amendment and it didn't offend the chair at the time, I'll take the opportunity to refer to it as well.

It is very strange to have the government put forward a bill over such a length of time, to have the feedback that is received, to have the correspondence early in the summer and to have no response to that correspondence, and then today during the second reading stage of the bill to be told: oh, don't worry; an amendment is coming. It's sort of like when a government tells you that the cheque's in the mail. Of course, this government does that too, Madam Speaker. They make the same sort of promises.

The issue with section 74 of the Survival of Actions Act, of course, is that it limits the ability of survivors to make claims particularly against the loss of future earnings. I couldn't help but wonder whether or not the government was trying to insulate itself from lawsuits. All we had to do was reference the headlines with the tragedy in Calgary. Of course, we see that the government has itself been sued many times and will continue to be sued as a result of its mishandling of health care. If there should be a tragic loss of life that is attributable to a government policy, as appears to have been the case in a Calgary hospital, this section 74 could have limited the government's liability, or at least it could have limited the penalty assessed to the government.

This is not just idle speculation, Madam Speaker. I mean, this is the same government that brought in Bill 26 in the last session, which would have denied the constitutional rights of those individuals who were forcibly sexually sterilized. The government saw no problem in denying those individuals the legal right to court, to sue the government for compensation. They saw no problem with that.

So it doesn't take much effort to connect the dots between the government being named in lawsuits as a result of deficient policy and then trying to protect themselves by sneaking in through the back door, really, in a very complex bill, an omnibus bill, this section, which has been quite rightfully targeted by many members of the legal community as obnoxious. Of course, we hear today that the government intends, so we're told, to bring in an amendment to correct it.

4:00

You know, I really do worry about what's going on with the government when they continually bring in these obnoxious bits of legislation which tend to totally ignore that individual citizens need every opportunity they can to go to court. The government should be searching for ways to increase access to justice. When I saw Bill 20, I opened it up eagerly because I was looking to see whether or not we've learned anything from the centre of excellence project at the University of Alberta regarding access to civil justice. I wanted to see whether or not the government had learned anything from the very successful experiments in other jurisdictions regarding the unification of courts or mediation or alternative dispute resolution.

I looked at Bill 20, and unfortunately – you know, I do see some good things. There are some positive changes in Bill 20, and I'll give this Minister of Justice credit where credit is due. The provincial board is in dire need of reorganization. The way in which we appoint judges to that court is in need of improvement. Dealing with the collection of court fees and fines, there are better ways to do it, although I'll be coming back to that point in a minute. So it's not that this bill is totally problematic.

The Minister of Justice has put forward some competent ideas in this bill. But as is so often the case and what makes it so difficult for a member of the opposition who truly wants to see the best things come out of this Assembly, because the work we do here is supposed to benefit all of the citizens of this province, is that within a bill that could have had some very straightforward, positive elements, there are these nasty bits secreted away. It also does make me wonder why some of these weren't in a miscellaneous statutes act and why some of them, like the proposed changes to the Survival of Actions Act, didn't come forward as a stand-alone piece of legislation, because they are that significant that they deserve that level of debate and scrutiny and public awareness.

It will never be adequately explained to me how this government makes its decisions about how they're going to queue these things up, so I am left to my speculation that it is done quite on purpose; that is, to make sure that the nasty bits, as I refer to them, are hidden and aren't immediately apparent except upon close scrutiny.

Madam Speaker, I referred a minute ago to the issue about the payment and the collection of fines. I think it was my colleague from Spruce Grove-Sturgeon-St. Albert that first raised this issue that private registry agents are now going to be given the ability to collect fines under the Provincial Offences Procedure Act. So under the act that is referred to as POPA, the Provincial Offences Procedure Act, the fines – typically traffic fines, motor vehicle fines – are to be paid. Now these private registries will be agents, and they will be allowed to do this. This is business expansion.

I don't know if the Minister of Government Services wants to get into this debate or not, but I'd be very curious to know whether this business growth was something that was negotiated as a result of the investigation. I think it was about a year ago when there were some difficulties with the private registries and there was some discovery of some breaches of privacy and confidentiality. I think there was also some suggestion that there was not uniform pricing, and the minister at the time then had to enforce some pricing changes to do

with the services that were provided by these registries. So I'm wondering whether or not what we're seeing before us in Bill 20 is now an outgrowth of all of that. Was there some deal arranged with the private registries? If there was, I'm not saying that that would be a bad thing, but I would just like to know whether there's a quid pro quo going on here and if there's going to be any kind of ceiling put on the service charges.

In a way, you know, I find it a little offensive, no pun intended, that for a fine of \$100, \$50, or \$75, particularly if I'm in a remote or rural community and I would normally access government services, registry-type services, and I'm now being told I have the opportunity to pay this fine, that I would have to pay a surcharge to satisfy the fine. [interjection] I hear the Minister of Justice saying that you can go to the courthouse, but perhaps he wasn't paying careful attention when I said, "in a remote or rural community."

Somebody who has access to a courthouse in one place could get away with paying just the fine, whereas another Albertan would have to pay the surcharge. It just seems to me that you are creating sort of a second tier here. Now, I know this government's really fond of multiple tiers when it comes to accessing what otherwise would be public services. But why in heaven's name would there be a surcharge on a fine?

Then I also think about this government's record of incarcerating those who've been unable to pay fines and the fact that we have in Alberta a very high proportion of offenders in provincial jails who are there simply because they can't afford to pay their fine. Is this in any way going to ameliorate that? Well, of course not. It's an additional financial burden on individuals who already find themselves facing incarceration because they don't have the cash to pay a fine. I'm not sure that this has been very well thought out, and I'm not sure that I support the notion of a private registry agent being able to levy a surcharge at their whim on a fine that's imposed by law. That seems to me to be sort of a double penalty.

Another question that I have is a question about what Bill 20 does under the Public Trustee Act. Under the Public Trustee Act as it currently is constituted there is the direction that there be a common fund and special funds and that interest moneys earned when this money is being held by the Public Trustee is forwarded or credited to the common fund. Now, there are other examples. The Alberta Law Foundation, for example, receives its income stream from the pooled interest income on trust funds held by Alberta lawyers. In the same case the Public Trustee certainly has this interest as a source of income.

Now, nowhere in the government briefing notes, nowhere in the government debate to date has it been made clear what impact this change will have, because if Bill 20 is passed without amending this section, there will no longer be the interest revenue flowing to the Public Trustee, to that common fund. Now, is this going to have impact on the operations of the office of the Public Trustee? Is this going to have impact on the Albertans who utilize or depend upon the Public Trustee?

Again, I know that the members of the government are going to say that I'm just a cynic, but we've just had one of the largest transfers of money from the Treasury to the Public Trustee, money being held in trust on behalf of those very same sexual sterilization victims that the government wanted to deny legal rights to under Bill 26. In fact, I think it was part of the settlement agreement that the money that was paid to the sexual sterilization survivors was to be held by the Public Trustee and administered by the Public Trustee. I believe that that was an article of the agreement. So you have this money, which I'm presuming is being set up in special accounts individually for those Albertans, a huge transfer, millions of dollars being held, and now we're being told, right after that transfer of

dollars from one pocket of the government to the Public Trustee on behalf of these Albertans, that interest money will no longer go into the common fund, into the pool fund.

I just wonder if there's a relationship, and I'd like to hear from maybe the Minister of Justice or the Minister of Human Resources or any of the government departments that would like to perhaps address this issue and either acknowledge that, yes, there is a relationship between these two occurrences and that it's a big sum of money and that it's going to be a real cost or a burden to the government somehow, or tell me that, no, there isn't a relationship, and explain how it is that the office of the Public Trustee and those Albertans who utilize the office of the Public Trustee will be affected, and settle my concerns that they'll be affected negatively by this change.

4:10

Now, the bill substantially reorganizes the Provincial Court. There's good and bad here. Right across the country there's an increasing awareness of the need to specialize when it comes to the administration of justice, yet with this notion of specialization sometimes you tend to segment people. So you have this real push and pull: do you specialize and run the risk of segmenting people and not dealing with all of the issues in as holistic a way as you can, or do you have a very broad-based approach so that you can capture all of the issues that an individual may be bringing to court but run the risk of the specialization, of the ability to be precise and to have particular knowledge and awareness and experience in a very narrow area?

What I'm worried about, particularly, is how this reorganization is going to impact on the administration of youth courts and youth justice. I remember having almost to the point of arm-wrestling matches with members of the Crown over the years for the need to have specialized youth prosecutors, as the police would have specialized youth policing units and as probation would have specialized youth probation officers and as we began to build and then staff young offenders' halfway houses and youth custody facilities. It was a real battle to get the courts to recognize that it wasn't just a career killer to be a youth prosecutor, that in fact it was important and necessary work.

So there's been tremendous expertise built up in Alberta courts amongst Crown prosecutors, and there are some very dedicated people. In fact, we've had some wonderful experiences in Alberta, you know, with the young offenders project, the adjudicate project for pre-young offenders, and the provincial government is to be congratulated for being a participant and a funder of that. The youth courts themselves have evolved along the way. Now with this reorganization I'm just wondering whether or not we're going to see an erosion of the courts' ability to have a particular sensitivity to youth and young offender issues.

This troubles me because of all the rhetoric around young offenders, and right now we're seeing it just coming into full bloom. You know, we've got Stockwell Day, another former member of this House who's now aspiring to higher office, running around spreading the notion that youth crime is out of control and that something ought to be done about it. Of course we all know – and I think our Minister of Justice again is to be commended for pointing it out – that in fact youth crime across the country and in Alberta is down, that violent crime is down, that we've had some tremendous success with some alternative programs. So you've got all of this rhetoric coming from the leader of the Reform/Alliance about crime and how horrible things are, you've got the reality that isn't nearly so bad, and now somewhere in the middle we have a provincial government initiative which I think at least has the potential to be a step back-

wards in how it is we address youth crime in the province of Alberta.

You know, Alberta once had the unfortunate distinction of being the jurisdiction that incarcerated the most youth on a per capita basis for the longest periods of custody. One of the real ironies is that when many Canadians are asked about youth crime and the youth justice system, they have the mistaken impression that actually the adult system would be tougher, whereas we know that in the adult system there are conditional release provisions that don't exist in the youth system. Actually, young people serve more real time, flatter sentences, on a proportional basis than they would if they had been processed through ordinary or adult court. So this is a real irony, and I would hope that the Minister of Justice would . . . [interjection] You know, I hear the Provincial Treasurer saying something under his breath there about the John Howard Society, which of course I used to work for. I remember that when the Provincial Treasurer was the Solicitor General, he used to fund the John Howard Society millions of dollars a year. Of course, those were the days, eh?

The reality is that this bill, Bill 20, does have the potential to be a step backwards, and I would hope that that step isn't taken. I am anxious to hear the current provincial Minister of Justice make some comments about how reorganization of the Provincial Court will not erode the expertise that has been created within Alberta youth courts and to make sure that we are still going to be able to do the best for both the accused and, of course, their victims and make sure not just that that court process is as efficient as it can be but of course that the outcome is as just as it can be. I haven't heard from the government anything that would make my level of caution or concern go down.

Madam Speaker, Bill 20 is a mixed bag. We see, first of all, that one of the most controversial sections, the one that deals with limitation of claims for survivors, may or may not be amended in a way that may or may not address the concerns put forward by the Official Opposition and by members of the legal community. We also have a section that reorganizes the Provincial Court in some ways that'll be helpful but in other ways could be very problematic.

We have this notion of business expansion for private registries in the province. We already have seen difficulties with private registries, so we don't know what the outcome there is going to be. We certainly have concerns around the fairness of a surcharge on a legally imposed fine. We also of course have these questions, which haven't been addressed, about the Public Trustee and how the operations of the Public Trustee may or may not be impacted.

This is early enough in the proceedings on Bill 20 that there is plenty of time for the government to address these concerns. Maybe the Member for St. Albert will do so during committee. Maybe we'll hear directly from the Minister of Justice, or maybe the former Solicitor General would like to dip his oar back into those waters and enlighten us once again. You know, it was certainly the highlight of my career, Madam Speaker, when the former Solicitor General came to visit me in my offices in the old McLeod Building and told me about his plans for the justice system in Alberta. Little did I dream in those days that I'd be sitting across the floor in this legislative Chamber still fundamentally disagreeing with him in almost every substantial area of the administration of justice.

In any case, I know that there are others who are anxious to speak to Bill 20. I would hope that the specific concerns regarding young offenders are addressed by the government, and I think it's timely for the government to do so because of all this inflamed rhetoric coming out of the Reform/Alliance party during the federal election campaign. The government of Alberta can do a service not just to Albertans but to all Canadians, I think, by trying to introduce some honesty and some truthfulness into the discussion of youth and youth

crime and the administration of the youth justice process at this point in Canada's history.

Thank you, Madam Speaker.

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

MS LEIBOVICI: Thank you, Madam Speaker. I, too, rise this afternoon to address Bill 20, the Justice Statutes Amendment Act. I've listened intently to the commentary on Bill 20, that it is, as my esteemed colleague from Edmonton-Glenora indicated, a bit of a mixed bag in that there are a number of changes that have been introduced to the bill, some of which are not as substantive as other changes.

The main one, that has been an issue for a number of months now, deals specifically with section 74 of the act. It's my understanding that there will be an amendment brought forward into this Legislative Assembly to address some of the concerns that have been put forward by individuals as well as by the Alberta Civil Trial Lawyers Association as well as by some other legal counsel who represent individuals who have lost loved ones due to the negligence of others.

4:20

It is interesting that when one reviews the course of this particular bill, yet again one sees that the consultation by government has been incomplete. In order for this bill to have been drafted and brought forward in this particular fashion and then subsequent to that have input from some of the stakeholders, it is obvious that once again the consultation was not as complete as it could have been. The principle at stake under section 74 is very significant. The full impact of the passage of the bill as it stands right now, without the amendment – and, again, it would have been helpful to see the amendment prior to the passage in second reading to ensure that this is an amendment that would address the concerns of all the interested parties.

If the amendment is not clear in its intent, the actual impact of Bill 20 could still be that it would be very difficult to claim for wrongful death in Alberta. In fact, wrongful death claims could well be restricted to the amounts stated in section 8 of the Fatal Accidents Act, which is \$40,000 for the spouse of the deceased, \$40,000 for the parents of the deceased if the deceased is under 26, and \$25,000 for the children of the deceased. [interjection] I've just been informed verbally by the Minister of Justice that in fact what the amendment will do is delete the proposal under the bill as it now stands so that it would revert to the status quo. If that in fact is the case, then I would be able to support that particular change wholeheartedly. So I look forward to Committee of the Whole stage of the bill to ensure that that will occur, and I will reserve any further comments with regard to section 74 and the impact it would have had for the Committee of the Whole stage.

There is another area under Bill 20, which again some of my colleagues have referred to, that might in fact be problematic, and that is the amendment to the Provincial Offences Procedure Act which allows for the Lieutenant Governor in Council to make regulations allowing a person acting as an agent of the court to receive payment for offences such as speeding tickets. These agents will be allowed to charge a surcharge for providing the service, which means that the speeding ticket – for instance, if you had a \$50 speeding ticket – would in fact cost you \$50 plus the service charge.

Now, we've had several rulings, both within this province as well as across the country, that talk about the fact that user fees are potentially service charges or vice versa. Even though this would then be provided through the registries, it is my understanding, the

question is: is that in fact a user fee that has been tacked onto the speeding ticket? I don't know if that has been addressed, if there is a possibility of it being looked at in that particular fashion.

The other issue, of course, is the whole issue around privacy and whether the private registries are in fact the place to go to pay for some of these fines. That, I think, is an issue that needs to be looked at. Through my constituency office I get on occasion remarks from individuals that indicate that perhaps the registries are not as tightly supervised with regards to the provision of certain services. That is an issue that some of my constituents have brought to my attention. Again, this whole issue of the ability to pay for some of these offences at a registry as opposed to the current system is one that I think needs to be looked at closely with regards to the implication of doing this particular change.

The other question is: what is the contingency plan, if any, for the individuals who may well lose their jobs with regards to a change in the method of payment? If it is no longer a public agency that will be administering these fines but a private agency, one would think that there may be some layoffs, as we have seen in the past when services are moved from the public sector into the private sector. I would be curious to know how many individuals may well be affected and laid off as a result of that particular change in the legislation and what the cost impact would be to government with regards to severance pay and other payments that might be forthcoming as a result of that.

So those are some of my basic comments with regards to Bill 20. Bill 20 does go into some other areas as well with regards to changes that are made, but I think those are two of the more substantive changes. I do look forward to the Committee of the Whole stage.

I will take the opportunity at this point to congratulate the minister for listening to the concerns of all involved with regards to section 74, if in fact the deletion of that particular clause within the bill is going to occur in the Committee of the Whole stage, and on behalf of those individuals thank the minister for listening to those particular concerns.

Thank you.

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

MR. BONNER: Thank you very much, Madam Speaker. Apart from the urgings of the hon. member next to me here, I do have a few observations that I'd like to make on Bill 20, the Justice Statutes Amendment Act, 2000. I think it is very critical at this time that we do look at this particular bill, particularly when we look at our judicial system. In some regards it parallels what we do in this Legislature. It's an area in our society today where there isn't much confidence, certainly not as much confidence as we would like to have. So when do look at this, I look at this specifically from the point of view of many of the constituents of Edmonton-Glengarry, many of whom have to access the judicial system, whether it be in family court, whether it be in divorce court or, in some cases, other matters dealing with the courts. I know that even though this bill is quite technical and tough to get through, the implications of what we do in this Assembly certainly will impact their decisions and the way that they are dealt with by the courts and how they view the courts.

I do have some questions here. In particular, these again are some of the concerns that I've had through my constituency office, and when we get down to that level of people, the everyday citizen in Alberta who has to deal with the court system, one of their major concerns is certainly the long waits. Like everything else, they see fees going up. This not only impacts them in what happens, but

certainly these costs they experience are costs that many of them cannot afford.

4:30

I do have some questions for the minister. One of those is: if we do go with a unified family court, what further changes would we have to expect with this particular bill to handle that?

MR. DICKSON: Excellent question. Excellent question.

MR. BONNER: Well, thank you.

When we look at this, as well, if we do go with a unified family court, then of course we're going to have to have many more judges to staff this particular . . .

AN HON. MEMBER: Female judges.

MR. BONNER: Yes. I certainly see an excellent opportunity here where we could increase the ratio of judges, male to female. We could certainly increase the number of female judges. Particularly when I look at things like family court and divorce court, it would give us a much more balanced approach from that perspective. It certainly would give us a balanced approach to judgments coming out of the courts.

Now, as I'd mentioned, it's certainly going to require many more judges to staff a unified family court. So what I'd also like to know from the minister is what estimates he would have to indicate how much more this is going to cost for staff, not only for judges but for additional staff that will be required by those courts. As well, I'd like to know what share Albertans can expect they would have to pay and how much the increase is going to be there. I'm certain that they would like to know what the federal share would be as well, because we really only have one taxpayer in this country, whether it be at the federal, provincial, or municipal level.

Then in looking at the review of Bill 20 here, the Justice Statutes Amendment Act, 2000, I think it is an excellent suggestion that the Provincial Court will no longer be divided into a Criminal Division, a Youth Division, a Family Division, and a Civil Division. This consolidation will certainly be of benefit to all.

Another excellent suggestion in here is that the Lieutenant Governor in Council will be able to make regulations outlining situations in which court fees can be waived. Again an excellent suggestion, because under the present system many of our people of low income or who are caught up in the social safety net that we have certainly don't feel that the courts are accessible to them. So with the waiving of fees, Madam Speaker, I think this will be an opportunity where these people will see that the courts are accessible, that they are participants in a system where there is fairness, where there is accountability, and where all Albertans are treated fairly by a system not because of how much money they have and what they can afford but by what is right and wrong.

As well, I look here and I see that the Lieutenant Governor in Council, Madam Speaker, will be able to make regulations allowing claims of up to \$25,000 to be heard in the Provincial Court. Again, this will require more judges at this level. It is a good suggestion, but what would be the cost in this particular system if we were to look at increasing that rate to \$25,000?

Earlier today we had some statements made here by the Member for Edmonton-Gold Bar, and these were in regards to provisions which would be in place governing the management of exhibits in the court's possession. Earlier today as well, Madam Speaker, the minister responsible for the WCB tabled two reports in this Legislature. Again, some excellent suggestions in there where the appeal

process would be more open, would be more accountable to those people that have to utilize those services. Even in the appeal process as it now stands, the injured worker does not have control of that information that goes to the Appeals Commission. That information is supplied by the WCB, and it is a situation where the injured worker does not get to determine what information he or she can put in there.

As well, when we look at the Swan Hills waste treatment plant, Albertans have \$400 million invested in that plant.

MR. DICKSON: And counting.

MR. BONNER: "And counting" is absolutely right.

Yet when requests have been made to look at the exhibits surrounding some of the activities that have occurred there, these people, Albertans, that have put out to date \$400 million – and it's increasing – don't have the opportunity to examine all those exhibits. As something that is so critical to the health of particularly those people in the region, then we certainly feel that they should have that opportunity to examine exhibits and whatever.

As well here, we have seen certainly a change since the '93 election where we've gone to more privatization in this province and certainly less and less influence in providing service to Albertans from the government perspective. It's now being taken over by private enterprises, and one of these is our private registries. I certainly, along with many of my colleagues, am against the expansion of private registries to the point where they would be given the opportunity or be appointed to collect fines on behalf of the judicial system. So in looking at this, again we see a situation where costs for this particular type of service in our system are being downloaded onto the everyday citizen here in Alberta, one that certainly they were not looking at before under the old system and certainly one that we'd be opposed to at this particular point in time.

As well, in dealing with this bill, Bill 20, the Justice Statutes Amendment Act, and looking at section 74 amending the Survival of Actions Act, it was certainly good to see today that the hon. Member for St. Albert discussed changes to this problematic area, certainly ones that I support, ones that I support because, in consultation with victims groups, the consultation process was incomplete. Definitely when we are dealing with something such as the Survival of Actions Act, we do require a great deal of feedback from Albertans, and I think this is something that the government should be commended on at this time, for holding back on this particular section. When I look at this, I also can draw parallels in the reports which the minister tabled today regarding the WCB all-MLA review committee, as well as Justice Friedman's Appeals Commission review.

4:40

In all cases the one thing that Albertans want more than anything else is their rights under any changes. They have to not only have their rights, but the system that's put in place also has to be open and accountable.

So, Madam Speaker, those are a few of my observations in dealing with Bill 20. At this time I'd like to conclude those comments, and I'd also like to adjourn debate on Bill 20.

Thank you.

[Motion to adjourn debate carried]

head: Government Bills and Orders

head: Committee of the Whole

[Mrs. Gordon in the chair]

THE DEPUTY CHAIRMAN: I'd like to call the committee to order.

### Bill 3

#### Statute Revision Act

THE DEPUTY CHAIRMAN: Are there any comments, questions, or amendments to be offered in regards to this bill?

The hon. Minister of Justice and Attorney General.

MR. HANCOCK: Thank you. Madam Chairman, I'd like to move some amendments to Bill 3, Statute Revision Act.

As you may recall, the Statute Revision Act was introduced during the spring sitting. There were some concerns raised at that time about the drafting of it, and we wanted to make it abundantly clear that the Statute Revision Act is an act which is proposed simply to provide for the facility and ease of Albertans to be able to consult their statutes on a regular basis. The revision act allows the consolidation of statutes on an official basis. It does not allow any substantive revision of those acts, but in order to be abundantly clear, we have worked to try and arrive at some wording which we think will satisfy the concerns that were raised.

With those comments, Madam Chairman, I would move the amendments, which are currently being distributed, as amendment A1.

THE DEPUTY CHAIRMAN: Yes, we'll refer to this as amendment A1, and they are being circulated right now.

The hon. Member for Calgary-Buffalo.

MR. DICKSON: Madam Chairman, thank you very much. In one of these I guess uncharacteristic moments, I want to spend a few moments praising the government of the province of Alberta and the Minister of Justice and Attorney General. [interjection] I want to assure the Minister of Municipal Affairs that I would have been happy to make exactly the same observation had I been looking forward with as much excitement as many of my colleagues to the next provincial general election.

So why would I heap praise on the Minister of Justice, as the Justice critic for the opposition? Well, I think what we've seen with Bill 3 is that some legitimate questions were raised. I also want to acknowledge the role played by Sue Olsen, my esteemed former colleague and Justice critic, whose tenaciousness and feistiness no doubt led to some of the changes that we see now in terms of this amendment, A1.

There are not a lot of ministers, in my experience in the Assembly, who are as open as the Minister of Justice. You know, to have the minister phone you up as critic or as Opposition House Leader and say, "Come on over; we've got some people from the department here; we're taking a look at some draft amendments; we'd like some input from you" – in fact, we didn't have draft amendments then. My colleague and I met with the Minister of Justice. We parked our political baggage and our party labels at the door, and we sat down as a group of people determined to discuss what we thought were problems with the bill and how we could make it better.

In some respects it's a shame that this is such a small bill and it affects in many ways such a tiny, tiny sliver of the business of the province of Alberta. But the lessons I took from it as we sat down and explained some of the concerns that we had – and I hope I'm not breaching any without prejudice sort of conversation because I'm talking not about the substance of what was said but the tenor of the discussions. Concerns were raised by the opposition that we felt that Bill 3, as it initially was presented, went beyond what government said it was going to do. We thought there was a potential – and I

underscore that it was only a potential – for people involved in doing revised statutes also to make changes that perhaps went further than they should. So we asked how we could make sure that it was clear in the bill that this was only to prepare a set of revised statutes, and for minor amendments and so on, who decides what's a minor amendment?

I might just go to the specific things that the opposition had raised. If you look at section 3(h), this is what it says the Chief Legislative Counsel may do: "make minor amendments to clarify what is considered to be the intention of the Legislature." Well, you know something? When I sit in the Legislature, I'm not sure what the intention of the Legislature is. I hear the Minister of Community Development, who may get up and make a spirited speech and say something, and the Member for Edmonton-Centre may be saying something very different. Maybe we vote on some things, but who among us would be bold and brave enough to say, "I knew precisely what the Legislature meant"?

It's not uncommon that in Charter challenges, challenges under the Charter of Rights and Freedoms, those words that we utter sometimes seriously and sometimes thoughtlessly in *Hansard* come in front of a judge, who scrutinizes them to try and decide what the heck the Legislature meant, and it's not always clear. It's not at all always clear. [interjection] Yeah, I dread that too. I'm embarrassed sometimes that some of my less thoughtful, more poorly researched comments might be the basis of somebody trying to discern the will of the Legislature. So imagine how we would then have the Chief Legislative Counsel making these kinds of decisions. Do we not put that fellow in an awfully impossible position?

We're very fortunate in Alberta that we have a fellow like Peter Pagano who does this work. In my experience, when I think of a list of people who I've enjoyed working with, Peter Pagano would be close to the top of the list, just a gentleman in every sense of the word, a genuine professional and somebody who is the ideal person to be doing the kind of work he does. But, you know, if he moves on to become the deputy minister of justice in some province that needs his skills, what about the next person that comes along? I'm not sure that I have as much confidence, so I ask that question.

4:50

The other question we asked was about 3(i), "make changes to reconcile apparently inconsistent provisions." Well, Madam Chairman, every day in this Legislature I see what I think are apparently inconsistent provisions. I may not be able to persuade you. My friend from Calgary-Glenmore is sometimes a bit of a tough challenge to persuade in these apparently inconsistent provisions. I see them all the time. It may be that my glasses aren't clean enough and my reading skills not proficient enough, but, you know, if you think about it, it's not as clear cut as you might think.

The other concern that my colleague Sue Olsen and I had raised was in 3(n).

Make minor amendments to other enactments not being revised that are required to reconcile them with a revised enactment as if the minor amendments were amendments consequential to the revised enactment.

Well, once again that admits of some contention, some ambiguity, and we wanted to make it clear that the power of Legislative Counsel is clearly constrained by this Assembly.

So those were the changes, 3(h),(i), and (n), that my colleague Sue Olsen had asked for some clarification on.

Now, what has happened is that the government has brought forward amendment A1. What we see immediately is that they've gone to 3(f) and they've added the words "but not so as to change the sense of any enactment." That's important, and it may be argued that that was always clear in the first place. If you go to sections

(1)(h) and (i), we see changes there. It now provides for "change any outdated reference to an organization, a person or an enactment of Alberta or of another jurisdiction so as to make the reference current and accurate," and that replaces (h) and (i). So that takes out the two problems that the Liberal opposition had with Bill 3. It resolves them completely.

Then what we had was a new provision, (n), and here are the key words. I know members are following closely at their desks as I speak, and I just want to make sure everybody can see and I want to make sure that everybody knows. The words here are "minor consequential changes," and I know that in Calgary-North there are people, men and women, who will sleep better tonight knowing that the government of the province of Alberta has made it clear that it is only "minor consequential changes," not some other kinds of minor changes where somebody in the drafting section of the Department of Justice after the fact thinks: I think we should do something different; this should say something different.

So that's an excellent change, and in fact the Minister of Justice has gone one further by adding a new subsection (2). This is very comforting also: "no change may be made under subsection (1) that has the effect of changing the intent of any enactment." You may say: well, that was always implicit; that was always the belief. But now we don't have to worry about somebody's good judgment. It now specifically expresses what the government says was its intention all along.

You know, there was a Hindu philosopher named Kabīr, who lived from 1400 till about 1499, who may have been thinking of the Liberal opposition when he made this observation.

Men have always looked before and after, and rebelled against the existing order. But for their divine discontent men would not have been men, and there would have been no progress in human affairs.

Well, maybe a bit of a pompous quote for three or four minor changes in a bill, but I think nonetheless it shows that the work of the Legislature is for opposition to ask questions. That shouldn't be the end of the dialogue, but then have the minister, as this Minister of Justice has done, take those concerns and respond by bringing in a set of amendments that in fact clarify. That's exactly the way the legislative process should work.

I might ask an old, wily veteran like the Minister of Government Services: how many times does that play out in this House? Not often enough. You know, when questions are raised in the opposition, we have a runaway train locomotive so often on the part of government public bills, and they won't be changed for love or money. But we could do more of this, members of government and members of the government caucus. In any event, that was a very long and torturous path to say that I support the amendments that are in front of us. I encourage all members to vote in support of amendment A1.

I may go back and put this up on my wall, and when I see those new Liberal MLAs coming in by the dozens – by the dozens, ladies and gentlemen – I figure I can maybe get 40 Liberal MLAs in my office, whoever is occupying it after the next election. They will be lined up in the hallway, and I want to point out to them – I want to have Bill 3 festooned on the wall of my office, and I want to be able to explain to them how government ought to work. And when they work with the opposition and when they see the Minister of Justice as the Justice critic after that next election, I want them to remember that here was an act of leadership on his part, and I hope that they will accord him the same respect that we have been accorded in this Legislature.

I may have some other comments I want to make after I see how the amendment vote goes, but I'll defer my comments until that

point. I'm looking forward to the question on A1, Madam Chairman.

Thank you.

[Motion on amendment A1 carried]

MR. DICKSON: Now, Madam Chairman, there's something else I'm going to say to those 40 or 50 Liberal MLAs after the next election when they sort of gather down there, while we're waiting for the renovations to be done to sort of break up those offices so we can get more members in on the second and third floors in the Annex. There's another thing that I want say, if they'll let me back in the building without my security card. I'm going to want to come back in, and I'm also going to want to tell them something else. I'm going to encourage them to look at a wonderful book. You know, the Speaker of this Assembly has brought to our attention a terrific book. It's called *House of Commons Procedure and Practice*, and it's edited by Robert Marleau and Camille Montpetit. This is a terrific book. It's 1,052 pages long, and when you have papers that are kind of crumpled, you put this book on top of them, and in five or 10 minutes the paper is pressed out and those creases are gone.

What I'm going to say to all of those eager young Liberal MLAs in a new Liberal government is that we should look specifically at chapter 17, because there's a section there on delegated legislation. If they looked, the chapter goes from page 685 to page 696, and it won't take very long to read. It is a wondrous, wondrous story, members. It talks about a decision in 1964 by something in Ottawa called the Special Committee on Procedure and Organization that recommended . . . Now, you can imagine what this is, so just wait for this. The recommendation was for a parliamentary committee to review regulations made as a result of delegated legislative power and to report to Parliament any regulations or instruments which the committee believed exceeded the authority delegated by statute. Doesn't that make everybody feel kind of warm, as you hear that expression?

5:00

There are people in Calgary-Fish Creek who would be saying: "Right on. That's exactly what we think should be happening." There would be people in Calgary-Mountain View taking to the streets and saying: yes, that's exactly what should happen. People in Calgary-Fort are saying: "Is that not what happens now? It happens in Ottawa." The Member for Calgary-Fish Creek or the Member for Calgary-Fort or the Member for Calgary-North Hill or Calgary-Mountain View or Calgary-Glenmore or Calgary-North West – my own MLA of Calgary-North West – would have to go back to their constituents and say that in Ottawa there is a committee, Madam Chairman, and you know what it does? It reviews every single statutory instrument referred to it on the basis of 13 criteria. It provides the criteria to both Houses of Parliament at the beginning of each session.

So here are some of the things that this all-party committee – and we probably have some Alliance supporters in the Assembly, hopefully not many. [interjections] We've got a few people who are being outed here this afternoon as we speak. There will be a time when members will regret volunteering, but that's fine. We appreciate the Minister of Government Services' volunteerism now.

What those members will be part of, if they are Alliance Members of Parliament elected from this province to go to Ottawa, is they will have the benefit of sitting on a committee that reviews every regulation, every statutory instrument, every piece of delegated legislation that's dealt with at the federal level. They will have a chance to scrutinize it. What can they do when they scrutinize it?

They will find out whether the regulation in question is authorized by the terms of the enabling legislation. They will note whether it has complied with any condition set forth in the legislation. They will look at whether it's in conformity with the Charter. They will note if it has any retroactive effect without express authority. You can make a long list, but I don't want to take the time of members now, because I know they're focused and studying their dinner menus and their speeches for this evening. That's going to be exciting, because I know people are going to have as many tough questions when we're dealing with the Department of Health and Wellness supplementary supply as my colleagues have got from their constituents, and we're looking forward to that.

My point is simply this. In Ottawa they have a committee that gives those Alliance opposition members a kind of power that opposition members don't have in this Assembly. They get to oversee regulations, and they get to oversee subordinate lawmaking. We're being denied that in this Assembly, and I hope none of you would be complicit when your friends in the Alliance party go out and start talking about the death of democracy in Ottawa. I hope no member in this Assembly has put himself or herself in the embarrassing position of supporting that, because that would mean that they'd be also supporting dramatic changes in this Assembly such as the Liberal opposition has pushed for since the election of 1993.

So why am I going through this long parade of what's going on in the House of Commons? Madam Chairman, you have been too courteous and too polite by half because you've not challenged me on that, and I thank you for that. I think that was because you were confident that before I finished my 20 minutes, I would loop back, that I would pick up Bill 3 and say that the one thing we're missing in this bill, despite all of the great, positive changes the Minister of Justice has done, is not being able to review those regulations.

If you look at section 10, "The Lieutenant Governor in Council may make regulations." But we might as well be saying: "Government, go out there and start signing a blank cheque. You go out there and start signing a blank cheque, because when it comes to regulation-making in Alberta, the sky is the limit. The sky is the limit."

You know what's interesting? We've had some people who have been in this Assembly and are now running for Parliament – in one case I can think of, as leader of the Alliance – and every time I hear this member talking about the importance of democracy and the importance of the role of the private member and the role of the individual member, I ask myself, Madam Chairman: where was that member's sense of indignation when time after time we have brought forward an amendment to refer regulations to the Standing Committee on Law and Regulations? Did that member join with the opposition a single time?

I'll bet we have moved that amendment 30, 40, 60 times in this House. We've tried hard to get it in on every single bill where there was an abuse of the regulation power. Did the current leader of the Alliance, on any single occasion, not only rise and support it but ever utter a word in support? So now we see that the purported champion of parliamentary democracy, the ostensible hero of the role of the individual member, has suddenly got religion, and he's pounding the political pulpit in terms of propounding a new way of doing things.

You know something? The issue is not what you say you're going to do in the future, and we all know that in this Assembly because we've all gone through an election. What counts is what you've done when you had the power and the opportunity to make a difference. So don't tell us what you're going to do down the road. Show us you did it differently, and it may be, depending on what the election outcome is next Monday night, that maybe we'll find suddenly a bit of a rebirth in the government caucus as they prepare



to take the armor out of the armory and start, you know, hitching up the horses to the wagons and preparing for that next election. Maybe the government may start realizing that Canadians do want a Parliament that works, a Parliament that's responsive, and individual members that can take responsibility for what they do here and the laws that are passed, whether it's in the statute or whether it's in one of those 500 to 600 regulations we pass every year.

Madam Chairman, that's the point I wanted to make with respect to this, and I'm thinking that there may be some people who will want to read that section in the *House of Commons Procedure and Practice*, because it works. It works. You know, we have good representation at all these Canadian parliamentary conferences. I think we had the Speaker, sometimes the Clerk – almost always a delegation of MLAs go to conferences around the country. We talk to other Members of Parliament, members of the provincial parliament, MNAs, MLAs.

We've all had that experience of people looking at us strangely when we tell them this aberrant way we deal with subordinate lawmaking in Alberta, and I'm embarrassed. Somewhere between the bun and the soup course I sit there and say: "Oh, please don't let that member from Ontario ask me how we deal with regulations, because I would be so embarrassed. I hope I can get to dessert." It's holding my breath almost through the whole meal, just hoping that nobody will expose the frailty of democracy in Alberta. Sometimes, you know, people think I'm rude, because I'm just eating as fast as I can, because I'm hoping that nobody will make eye contact and ask me that penetrating question which will ruin my digestion, disturb my meal, embarrass me, and make me report that maybe I'm an MLA from Saskatchewan or B.C., so that I don't have to answer that awfully embarrassing question: how can it be that you pass this legislation in a province like Alberta, with the best-educated workforce in Canada, and you do it in such a darn undemocratic way?

5:10

Madam Chairman, the opportunities for me to make this case are diminishing. They shrink before my eyes. My parliamentary life is expiring. The sand is running out of the hourglass, and that may be a cause of celebration for *Hansard*, and it may be a cause of celebration from members opposite. But, you know, if I get that chance to speak to that host, those dozens of new Liberal MLAs – I have a darned good feeling that the veteran MLAs should come back, that my colleague for Edmonton-Glenora is going to be championing that, and my other colleagues who come back are going to be championing that. I know those smart, new candidates will immediately see without any hesitation at all the frailty in the system we have now. They will immediately respond, and I will be so proud.

I want to come back in this Assembly. I'm going to see if I can get at least a back row seat. I'll wear my nose and glasses. I will come in disguise, Madam Chairman, and I will sit in the back row, and I will wait for that wonderful moment when a Liberal government says: we're taking these regulations, and we're committing them to the Standing Committee on Law and Regulations. That will be perhaps the most wonderful moment I could imagine in this Legislative Assembly Chamber. It makes me sentimental just to even contemplate that happy outcome.

Madam Chairman, you know, we don't have to wait until the next election. I mean, the Liberals will be proud to make that change, but every member here this afternoon has a chance. You don't have to wait until then. You could take on Bill 3, and you can say: "We're going to reinvent democracy. We're going to do it right now in this

Assembly." People in St. Albert will appreciate their member, and people in Edson and Hinton will with one voice thank their member. People in St. Paul and Crowsnest Pass and people in Drumheller understand the importance of a Legislature that works and MLAs that are truly accountable. They will all be thanking you, members, and that Minister of Justice will be . . . [interjection]

Madam Chairman, I want to just digress for one brief moment. The Minister of Government Services, I think, feels that somehow her contribution to democracy has not been marked here this afternoon, and maybe we could spend a moment commenting on the contribution that the Minister of Government Services has made to parliamentary democracy.

Madam Chairman, when I came into this place as a rookie, much like the Member for Edmonton-Highlands did just a few days ago, I looked across and there were some people from Calgary who I knew of before, didn't know personally, and I looked to them for some direction. I looked to them for some leadership, because we didn't have a lot of MLAs from Calgary at the time on my side. So I viewed the Minister of Government Services as a sort of big sister, you know, because she was always very kind.

MRS. NELSON: How big?

MR. DICKSON: My older sister. She was very kind. [interjections] Madam Chairman, she asked for some special attention. I mean this only in the sense of parliamentary experience, and all members understand that.

You know, I tried to take some cues from that member. Madam Chairman, we are talking about the underpinning of parliamentary democracy, and I'm not really intending to be humorous. This is a serious subject, and I'm trying to give it the weighty kind of attention that it warrants.

I looked to that current Minister of Government Services, and I was trying to take some cues from her. I was trying to take some signals. She was probably one of those people that sent me a congratulatory note when I first got appointed to the Standing Committee on Law and Regulations. I'm not sure I kept it, but I'm sure she probably said: congratulations, Gary; you'll do a great job on this committee. You know, I probably phoned my wife that night I was so darned excited: "Guess what? The Minister of Government Services thinks I'm going to do a great job on the Committee on Law and Regulations." You know, I probably made a few speeches. I probably rushed back to Calgary-Buffalo: "I've been appointed to the Committee on Law and Regulations, and boy, I'm sure darned excited about that. I can't wait to swing into action."

I think I probably lined up some old law books I had not used since first-year law school on the role of administrative law, had them dusted off, and I probably brought two boxes up to my office in Edmonton. That was largely because I guess I misread the hint I got from the Minister of Government Services. I'm sure it was my fault, not the message we got, and I'm sure she was sincere in wishing me good luck on this exciting new committee assignment.

You know, having made a fool of myself by rushing back to Calgary-Buffalo and giving speeches about my new assignment, can anybody imagine the acute disappointment I then experienced to find that I'd been neutered in the parliamentary sense. There had been an operation, and I was leaving this Chamber in a radically altered state than when I arrived.

AN HON. MEMBER: Was it a sharp knife?

MR. DICKSON: Madam Chairman, it was a painfully dull knife,

and it was a procedure that pains me even now to recount.

I think my time on this bill runs out. I hope members are going to be able to support Bill 3, because it's a darn good bill. We made some changes here. And Sue Olsen: wherever she is out on the campaign trail tonight, I know all members join with me in wishing her every success in carrying the campaign there. I look forward to a positive vote.

Thank you very much, Madam Chairman.

[The clauses of Bill 3 as amended agreed to]

[Title and preamble agreed to]

THE DEPUTY CHAIRMAN: Shall the bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed? Carried.  
The hon. Government House Leader.

MR. HANCOCK: Thank you, Madam Chairman. I would move that the committee rise and report.

[Motion carried]

[Mrs. Gordon in the chair]

MR. SHARIFF: Madam Speaker, the Committee of the Whole has had under consideration a certain bill. The committee reports Bill 3 with some amendments. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official record of the Assembly.

THE ACTING SPEAKER: Does the Assembly concur in the report?

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed? Carried.

[The Assembly adjourned at 5:20 p.m.]