

## Legislative Assembly of Alberta

Title: **Tuesday, November 21, 2000**

1:30 p.m.

Date: 00/11/21

[The Speaker in the chair]

head: Prayers

THE SPEAKER: Good afternoon.

Let us pray. Lord, renew us with Your strength. Focus us in our deliberations. Challenge us in our service of the people of this great province. Amen.

Please be seated.

head: Introduction of Visitors

MR. MAR: Mr. Speaker, I'm pleased to introduce to you and through you to members of this Assembly the newly elected board of directors of the Alberta Long Term Care Association. Seated in your gallery are President Greer Black, Vice-president Helen Lantz, Vice-president Wayne McKendrick, Vice-president Phil Gaudet, and directors Nora Kirkham, Greg Ulveland, and John Pray. Past President David Martin and executive director and former member of this Assembly Dianne Mirosh are also in the Speaker's gallery. I would ask that these guests rise and receive the traditional warm welcome of this Assembly.

head: Presenting Petitions

MRS. O'NEILL: Mr. Speaker, I present in the Assembly today a petition signed by 56 St. Albertans, a total of 178 names of individuals who are advocating that Alberta health professionals be able "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 Calgary-Bow.

MRS. LAING: Thank you, Mr. Speaker. I'm pleased to present a petition of 38 people of Calgary and surrounding area in support of Bill 212, the human rights conscience legislation for health care workers.

Thank you.

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

MR. YANKOWSKY: Thank you, Mr. Speaker. I rise to table petitions containing 219 names from Athabasca-Wabasca constituency, 87 names from Calgary-Elbow constituency, 127 names from Calgary-Varsity constituency, 112 names from Grande Prairie-Wapiti and Grande Prairie-Smoky constituencies, 261 names from Lethbridge-West constituency, 175 names from Sherwood Park constituency, and 413 names from Wainwright constituency. 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 Little Bow.

MR. McFARLAND: Thank you, Mr. Speaker. I rise to table today petitions bearing 406 names, mostly from Coaldale, Picture Butte, Hays, Vauxhall, Enchant, Iron Springs, Stirling, Coalhurst, Lomond, Nobleford, Diamond City, Monarch, county of Lethbridge, and eight

other communities outside the Little Bow riding supporting the move under Bill 212.

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

MR. STEVENS: Thank you very much, Mr. Speaker. I wish to present a petition signed by 89 Albertans, including 13 from Calgary-Glenmore, 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. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. I'd like to present a petition this afternoon from 51 residents of Lethbridge-East. They are petitioning the Legislative Assembly of Alberta to urge the government

to introduce amendments to the Human Rights, Citizenship and Multiculturalism Act to allow Alberta health [care] professionals to opt out of those medical procedures that offend a tenet of their religion, or their belief

in the life of humans.

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

DR. PANNU: Thank you, Mr. Speaker. I have a petition to present to the Assembly in which the signatories are requesting that the Assembly "pass a Bill banning private for-profit hospitals in Alberta so that the integrity of the public, universal health care system may be maintained."

head: Reading and Receiving Petitions

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

DR. PANNU: Thank you, Mr. Speaker. I request that the petition I presented yesterday be now read and received.

Thank you.

THE CLERK:

We the undersigned residents of the province of Alberta hereby petition 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.

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

MR. YANKOWSKY: Thank you, Mr. Speaker. I also would like to ask that the petitions I presented yesterday be now read and received.

THE CLERK:

We, the undersigned residents of Alberta, petition the Legislative Assembly of Alberta to urge 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.

head: Notices of Motions

THE SPEAKER: The Associate Minister of Health and Wellness.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise today pursuant to Standing Order 34(2)(a) to give notice that tomorrow I will rise again and move that written questions and motions for returns appearing on Wednesday's Order Paper do stand and retain their places.

head: Introduction of Bills

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

**Bill 29**  
**Protection of Children Involved**  
**in Prostitution Amendment Act, 2000**

MRS. FORSYTH: Thank you, Mr. Speaker. I request leave to introduce a bill, being the Protection of Children Involved in Prostitution Amendment Act, 2000.

It's important to note that the legislation framework will be maintained. The act is solid, and it is working well. With it we have effectively provided support to many sexually exploited and abused Alberta children. These amendments are simply designed to strengthen this important legislation and enhance its effectiveness.

The amendments have two purposes: to enable children to obtain additional care and to ensure that children's rights are protected. Some of the amendments are based upon recommendations made by police, social workers, and service providers. They suggested several changes that would enable them to provide additional care to these victimized children. In keeping with the recommendations the amendments propose extending the initial confinement period from 72 hours to a maximum of five days. They also allow a protection-of-children-involved-in-prostitution director to apply for a maximum of two additional confinement periods of up to 21 days each. This additional time will enable social workers to stabilize the child, keep the child, break this cycle of abuse, and begin the recovery process in a safe and secure environment. The remaining amendments ensure that children's rights are protected.

Thank you, Mr. Speaker.

[Motion carried; Bill 29 read a first time]

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. I move that Bill 29 be placed on the Order Paper under Government Bills and Orders.

[Motion carried]

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

**Bill 221**  
**Public Health Care Protection Statutes**  
**Amendment Act, 2000**

MS LEIBOVICI: Thank you, Mr. Speaker. It gives me great pleasure this afternoon to introduce Bill 221, the Public Health Care Protection Statutes Amendment Act.

This bill amends several health statutes to protect our public health care system. The major focus of this bill is the repeal of Bill 11, ensuring that overnight patient stays must be performed in a public hospital and strengthening conflict of interest provisions. I look forward to the debate on this bill as the occasion arises.

Thank you very much.

[Motion carried; Bill 221 read a first time]

1:40

head: Tabling Returns and Reports

THE SPEAKER: The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Speaker. I'm pleased to table today the appropriate number of copies of a letter addressed to me from Students Against Drinking and Driving in Medicine Hat and area, congratulating the government on recent changes to legislation to reduce the number of impaired drivers on our roads. They also presented me with a banner which I will be discussing in Members' Statements later on.

MR. DICKSON: Mr. Speaker, I'll move quickly. I have seven different tablings. The first one is a copy of the reasons for judgment of Provincial Court Judge Karen Jordan, dated July 28, 2000, and her judicial determination that the current child prostitution law lacked procedural safeguards for children; secondly, a copy of the British Columbia Secure Care Act, passed by that Legislature on July 6, 2000.

Since Bill 29 deals only with the abuse of young people, I'll be tabling some documents dealing with the larger challenge posed by street prostitution in Calgary: firstly, A Community Resources Handbook on Prostitution Issues, prepared by the Calgary Police Service vice unit and CAAPI, Communities for Awareness & Action on Prostitution Issues; a two-page description of CAAPI activities since it was created in September of 1997; a three-page summary of community volunteer hours donated to CAAPI, totaling \$300,567; the Community Strategies Report to the SPC on Community and Protective Services of the city of Calgary; and finally, a report presented to the Calgary Police Commission entitled Overview of Prostitution Activity in Calgary.

Thank you very much.

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

MR. SAPERS: Thank you, Mr. Speaker. I have one document. It's double sided, and I'll refer to both sides. It's based on information that has been prepared by Brad Severin, the senior tax manager of BDO Dunwoody, as well as some reports in the *Edmonton Journal* with an analysis of the so-called Day/Klein Alberta Flat Tax – that was their characterization – as well as information prepared in an article titled Shifting the Burden, by Greg Flanagan. The material has been condensed and consolidated by Mr. Bill Daly, B.Com, MBA. What it demonstrates in both the text and the chart is the effect of the flat tax on Albertans and, as a result of the Paul Martin mini-budget, it indicates that the 37 percent . . .

THE SPEAKER: Well, thank you very much. We'll accept the tabling, hon. member. Please, please, would you also refer to *Hansard*, my comments last Thursday and Monday in terms of naming names.

The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Mr. Speaker. I rise this afternoon to present two separate tablings. They are from the Alberta Committee of Citizens with Disabilities and the Alberta Association for Community Living. They are addressed to the Minister of Community Development as well as to Members of the Legislative Assembly, and they're with regards to the controversy around the Anno Domini exhibit.

Thank you very much.

THE SPEAKER: And to the hon. Member for Edmonton-

Meadowlark, congratulations, this day being your 25th wedding anniversary.

The hon. leader of the third party.

DR. PANNU: Thank you, Mr. Speaker. I've got two tablings this afternoon. The first one is copies of a report called Child Poverty in Canada, Report Card 2000. This report concludes that one in five children in Canada still lives in poverty, an increase of 402,000 since 1989.

The second tabling, Mr. Speaker, is a letter that I received from the president of the Alberta College of Social Workers, asking the Members of the Legislative Assembly to increase Alberta's welfare rates and recognize that "irrespective of any definition, poverty has a profound and sustained adverse impact on the overall health and well-being of Albertans including young children."

Thank you, Mr. Speaker.

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. I'd like to table five copies of an excellent article from *Alberta Views* magazine entitled Born in Alberta: Midwives Struggle to Bring a Healthy New Attitude into the Birthing World.

Thank you.

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

DR. MASSEY: Thank you, Mr. Speaker. With permission I would file five copies of Paid in Full: Who Pays for University Education in BC? by Robert Allen, who makes the argument in the paper that university students actually pay for their tuition and their education in full.

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

MR. BONNER: Thank you very much, Mr. Speaker. With your permission I have a number of tablings this afternoon. The first is a letter to the Premier dated October 9, 1998, wherein an injured worker identified 10 problem areas with WCB. Seven of these were included in the Appeals Commission report in the review of the Appeals Commission by Justice Friedman yesterday.

The second is a follow-up letter dated October 13, 1998, again to the Premier from an injured worker, regarding representation on the board of directors of WCB wherein he recommended that there be two injured workers, one representing the northern part of the province and the other representing the south.

A third letter: the Premier's response to his letters, dated November 25, 1998.

Finally, another letter to an injured Calgary worker from the Minister of Human Resources and Employment outlining the procedure for handling the reports on the WCB when they are completed.

Thank you.

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

MR. MacDONALD: Thank you, Mr. Speaker. I have two documents to table this afternoon. Both these documents I received from Municipal Affairs in a FOIP request. The first document is from a homeowner in Nottingham district in Sherwood Park, very concerned about the rotting pine shakes on the roof.

The second document is also from a couple who were very concerned about their dream home; they cannot afford to put a new roof on it. The original roof was pine shakes.

Thank you, Mr. Speaker.

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

MR. DUNFORD: Thank you very much. I have five reports to table today. The first is the 1999-2000 annual report for the Alberta Registered Professional Foresters Association; also the Alberta Dental Association, January 1, '99, to December 31, 1999; the Alberta Veterinary Medical Association, November 1, 1998, to October 31, 1999; the College of Chiropractors of Alberta, April 1, 1999, to March 31, 2000; and the College of Physicians and Surgeons of Alberta, April 1, 1999, to March 31, 2000.

MR. DICKSON: Mr. Speaker, I'm pleased to table the November 20, 2000, report from the United Nations on the sexual commercialization of children.

Thank you.

head: Introduction of Guests

THE SPEAKER: The hon. Deputy Speaker.

MR. TANNAS: Thank you, Mr. Speaker. I'm pleased to acknowledge on behalf of all members that today, November 21, is the 21st anniversary of the hon. Speaker of this House, who was first elected to the Legislative Assembly of Alberta for the Barrhead-Westlock constituency in the by-election of November 21, 1979. I'd ask all members to join me in showing our congratulations on this occasion.

THE SPEAKER: The hon. Member for Whitecourt-St. Anne.

MR. TRYNCHY: Thank you, Mr. Speaker. On your behalf I'd like to introduce to the Legislative Assembly this afternoon guests who are seated in the members' gallery: Florence Burette from Belgium, who is with the Rotary International youth exchange hosted by the Westlock Rotary Club; Henricke Marsman from Holland, who is with the ASSE international exchange; and Liesa Barens from Germany, who is staying with farming relatives. These students are continuing their high school studies at R.F. Staples school in Westlock and are accompanied by Les Dunford, publisher of the *Town & Country*, a local weekly news publication. On your behalf I would ask them to 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. It's my pleasure today to introduce to you and through you to members of this Assembly 45 grade 6 students and their teachers Mrs. Esteves and Miss Ewald along with parent helpers Mrs. Adams and Mrs. Schramm from the Brander Gardens elementary school in my constituency of Edmonton-Whitemud. They're here today to observe question period and to visit the Legislature, and they're seated in the members' gallery. I'd ask that they please rise and receive the traditional warm welcome of this Assembly.

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

MS CARLSON: Thank you, Mr. Speaker. Today it's a pleasure for me to introduce 47 students who will be joining us at 2 o'clock. They were particularly interested in hearing the Premier respond to questions that will be asked. They are from Ekota elementary

school, and today they will be accompanied by Mrs. Andrea Cooper, Miss Colleen Reeder, and Mr. Donald Auch, all teachers at that school, and by parent Mrs. Heather Pollock. So I'm hoping that the Assembly will welcome them in absentia, because they will be following the transcript in *Hansard*.

Thank you.

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

MR. MacDONALD: Thank you, Mr. Speaker. I have two groups of students that I would like introduced to the Assembly this afternoon. The first group is from Terrace Heights school. There are two classes. There are 49 pleasant and polite students. They are accompanied today by their teacher Mr. Tom Jaques, also another teacher, Jennifer Bruns, and aid Toni Smith. Also joining the group are parent helpers Chris Hardeman, Dorothy Janetzki, Audrey Bliss, Lorna Doan, and Julie Green. Some of the students are in the public gallery, and if they would now rise and receive the warm and traditional welcome of the Assembly, I would be grateful.

Mr. Speaker, the second group that I would like to introduce this afternoon to you and through you to all hon. members of this Assembly is a group of 10 students. They are accompanied by their teacher Daiana Andreoli. They are from the Learning Store on Whyte, and I would like to say that one of these students has visited the Gold Bar constituency office to discuss issues of concern with me, and I was delighted that she took time from her schedule to come and visit. I would like to introduce Katey Brisson, Daemon Bordian, Craig Doran, Joel Byggdin, Amber Jacobs, Miranda Jacobs, Samantha Carter, Jodi Mandick, Jaime Mandick, and Ryan Cyr to all hon. members of the Assembly. They're in the public gallery, and if they would now rise and receive the warm and traditional welcome of the Assembly, I would be grateful.

Thank you.

THE SPEAKER: The hon. Minister of Infrastructure.

MR. STELMACH: Well, thank you, Mr. Speaker. I wish to introduce to you and through you to members of this Assembly, seated in the public gallery, three visitors: Mr. Bill Brown and Ms Sheelagh Weslosky, accompanied by Mr. Thomas Lukaszuk, whose face will be a little more familiar in this Assembly in the very near future. I would ask them to rise and receive the traditional warm welcome of this Assembly.

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. I wasn't sure that I'd be able to do this, but thank you very much. I'd like to introduce to you and through you to Members of the Legislative Assembly again my school. McDougall elementary/junior high school is here participating in the School at the Legislature program, and today they are watching the proceedings from the members' gallery. I would ask them to please rise and accept the warm welcome of the Assembly.

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

MR. MAR: Thank you, Mr. Speaker. Earlier this afternoon I introduced to you and members of the Assembly some of the newly elected board of directors of the Alberta Long Term Care Association. I also note in the gallery today some other members of the Alberta Long Term Care Association who are attending the association's annual general meetings here in the city of Edmonton. They

are seated in the members' gallery, and I would ask that they, too, rise and receive the warm welcome of this Assembly.

THE SPEAKER: The hon. Minister of Children's Services.

MS EVANS: Thank you, Mr. Speaker. I'm pleased to rise today and to introduce to you and through you to members of this Legislature the Team Alberta that looks after children who need protection from child abuse in the form of prostitution. They are from both Calgary and Edmonton and are seated in the public gallery. From the city of Edmonton police, Detective Guy Pilon and Detective Brian Robertson; from Wood's Homes in Calgary, Madelyn MacDonald, manager of the Safe House; from Calgary Rocky View child and family service authority, Ruth Copot, the executive manager, and Julia Casey, a prostitution worker; from Calgary as well, a volunteer protective worker, Karen Prosiak; from the Metis Child and Family Services, the executive director, Don Langford; Richard Ouelett, the manager of child and family services crisis unit from Ma'Mowe, and Kim Harboway, also from the Ma'Mowe region; Bev Oldham, the program manager of child and youth services from Catholic Social Services; Kevin Hood, manager of the protection of children involved in prostitution initiative; and from the city of Edmonton, police communications, Anette Bidniak. They are in the public gallery, and I would ask them to rise and receive the traditional warm welcome today.

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

MR. GIBBONS: Thank you, Mr. Speaker. I'd like to introduce to you and through you to the Members of the Legislative Assembly representatives of CAUS, which is the Council of Alberta University Students. I met with three of them today, and I recognize one other one. They are Naomi Agard of the U of A, Leslie Church from the U of A, Dezmond Belzeck from U of Lethbridge, and Duncan Wojtaszek from U of C. They are meeting with MLAs to discuss two very important items: tuition and fees and student loans and learners' assistance. They are in the public gallery, and I would like them to now stand and receive the warm welcome of the Assembly.

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

MR. SAPERS: Thank you, Mr. Speaker. I would like to take an opportunity to introduce through you to members of the Assembly 27 students and their teacher. They're currently on their tour of the Assembly building and will be joining us shortly, but I would like it noted that they were visiting. They're visiting us from St. Martin's Catholic school: teacher Natalie Harasymiw and her 27 very, very dedicated students in the Ukrainian bilingual program. They'll be watching the proceedings shortly, and I'm sure that they will have many, many questions when they get back to their classroom.

Thank you.

head: Oral Question Period

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

### Electric Utilities Deregulation

MRS. MacBETH: Thank you, Mr. Speaker. Yesterday the Premier claimed that the electricity bills for residential consumers would go down in 2001 under his botched electricity deregulation scheme, more infamously known as the KEP.

Mr. Speaker, a September 15, 2000, information request filed by

ATCO Utilities to the Alberta Energy and Utilities Board on the regulated rate option shows clearly that electricity rates will go up between 57 and 80 percent at least for residential customers in the year 2001. I'd like to table that document now. So either the Premier is being misinformed by the Ministry of Resource Development or he doesn't understand how electricity prices are set in Alberta or he's out of touch with the reality of skyrocketing electricity prices for residences, for seniors, for renters, for farmers, and for small businesses across Alberta.

My questions are to the Premier. Will the Premier stand up in this Assembly and apologize to Albertans for spreading misinformation on electricity rates when the facts clearly show that electricity rates are going up under his deregulation scheme?

MR. KLEIN: No, Mr. Speaker, but I would suggest that the hon. leader of the Liberal opposition should be apologizing to Albertans for the malicious scare tactics she's trying to use.

2:00

MRS. MacBETH: Mr. Speaker, why would the Premier deliberately misinform Albertans when he claimed that the electricity bill for an ATCO residential customer would go down by \$20 per month next year when the evidence from ATCO, which I have just tabled, shows it will go up by \$36.48 per month, a 45 percent increase including his infamous rebate?

MR. KLEIN: Mr. Speaker, this matter is now before the Alberta Energy and Utilities Board. I don't know. Does this member assume or presume to prejudge what the board might or might not do? You know, this is a quasi-judicial board that is set up to hear applications for rate increases. We don't know what is going to happen. Is she suggesting now that perhaps she would like to direct the board to bring in a judgment that might coincide with her statements? I think that's very presumptuous of her.

THE SPEAKER: The hon. Provincial Treasurer.

DR. WEST: Yes, and on the first assumption that the hon. Leader of the Opposition made, the rates regardless of what they are will go down \$20 a month starting January 1. So to tell somebody that the rates are not going to go down by \$20 is misleading the public. Again I reiterate that as the minister responsible for the balancing pool and what's going out, the rates that we're going to subtract the \$20 from will be determined by the EUB, which hasn't taken place yet, and therefore no matter what the letter is or what the assumption is from ATCO Electric, they do not have their rates set yet.

THE SPEAKER: The hon. leader.

MRS. MacBETH: Thank you. In fact, the ATCO numbers show that the rate would go up by 71 percent without the rebate, and we negative it down to 45 percent with the rebate, so my question is back to the Premier, Mr. Speaker. Does this Premier have one shred of evidence from his own researchers or from his own office which shows that electricity rates will do anything but go up, or is he simply trying to bury his own personal responsibility for skyrocketing electricity prices in Alberta come 2001?

MR. KLEIN: Mr. Speaker, yes. Electricity rates are increasing. That is a fact. I would point out that the government is providing very generous shielding from rising electricity rates. In some cases, including the rebate and the \$20 monthly reduction in power rates, some households will benefit to the tune of some \$840. That's a

very significant amount of money.

We're doing all we can to try to encourage new energy to come onstream as quickly as possible. The demand is growing above the forecasted rate due to the outstanding economic conditions in this province, Mr. Speaker, but the main point here is that while electricity rates are going up, we've been able, because of prudent fiscal management, to provide very generous rebates and power rate reductions.

### **Speaker's Ruling Parliamentary Language**

THE SPEAKER: Before recognizing the hon. Leader of the Official Opposition for her second main question, just a comment coming out of *Beauchesne* with respect to language. While this chair would certainly encourage vigorous, pointed questions and answers in the question period, it would like to point out that in the rules that we do follow, in *Beauchesne* 489 there are a number of phrases that have been ruled unparliamentary. There are a number of such phrases beginning with the word "deliberate:"

deliberate distortion, deliberate malignity, deliberate falsehood, deliberately distorted, deliberately misstated the truth, deliberately misled, deliberately misleading.

In 490, "since 1958" a few certain words, with respect, have been used in certain contexts, but *Beauchesne* 492 clearly looks at the phrase "deliberately misinforming," and it basically indicated that it has "caused intervention," and "deliberately misleading" is in there following "deliberately misinforming."

So look, let's be vigorous, let's be aggressive, and all of that, but let's also have some decorum.

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

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

MRS. MacBETH: Thank you, Mr. Speaker. EPCOR has also filed an information request with the Energy and Utilities Board comparing rates for residential and other customers in 2000 and 2001 for its southern Alberta customers, and I am happy to table that information for members of the House. My questions are again to the Premier. Will the Premier confirm that an average residential consumer in southern Alberta under EPCOR will see at least a 25 percent increase in their electricity bill next year under his deregulation scheme, not the decrease he wrongly claimed yesterday?

MR. KLEIN: Mr. Speaker, I can't confirm anything that is before a regulatory agency. You know, they could go in and ask for a 300 or 400 percent increase. We don't know what is going to happen. This is a quasi-judicial board.

I can tell you one thing, Mr. Speaker. This government on behalf of the people of this province will be intervening in all of these cases where power companies are seeking rate increases. In the spirit of co-operation, rather than fear mongering, I would invite the Liberals to join with us in that intervention, because it is not in any one's political interest to see high power rates and to erode the Alberta advantage.

MRS. MacBETH: Mr. Speaker, will the Premier confirm, then, that an average commercial customer in southern Alberta, according to EPCOR and the information that they have filed with the EUB, will see at least a 33 percent increase in their electricity bill in 2001 under his deregulation scheme?

MR. KLEIN: Mr. Speaker, again, it would be highly inappropriate for anyone to really comment on a situation that is now before a regulatory agency. I have indicated that there are a number of applications for rate increases, and this government will be intervening to protect as much as we possibly can the interests of Albertans.

MRS. MacBETH: Well, Mr. Speaker, will the Premier confirm that an average farmer in southern Alberta, under the EPCOR rules and the EPCOR filing, will see a 57 percent increase in their electricity bills according to the EPCOR documents filed with the EUB?

MR. KLEIN: Mr. Speaker, again, I can't confirm anything because this is now before a regulatory agency, a quasi-judicial process.

Mr. Speaker, I can confirm, however, that we have put in place for the farm community, for the business community, for the institutional community a program that is close to \$800 million to alleviate the rising costs of electricity. I can confirm that.

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

### Electric Utility Costs

MRS. MacBETH: Thank you, Mr. Speaker. Alberta classrooms are overcrowded and are lacking adequate resources to deal with special education needs of our students. Parents continue to work casinos and fund-raisers to pay for basic education needs. The government's own numbers indicate that an average elementary school with 175 students will see its monthly electricity bill increase by \$1,474 – these are the government's own numbers – while receiving a rebate of \$393 per month, leaving a shortfall of nearly \$1,100 per month to our typical elementary school. My questions are to this Premier. What part of the school budget is the government advising elementary school principals to take the money out of to pay for an extra \$1,100 to buy the electricity they need to light the school?

MR. KLEIN: This is pure speculation, and the member's statements are not entirely true, because what she fails to mention is the \$800 million rebate program that we have put in place to help institutions such as schools.

2:10

Relative to this particular case, Mr. Speaker, some work is being done in conjunction with the Treasurer and the hon. Minister of Learning, and I'll have both these ministers respond.

DR. WEST: Mr. Speaker, we are working with Learning through Treasury to look at how we can mitigate some of the cost of the energy, natural gas and electricity, and the amount of rise in the fuel cost used in buses and otherwise. We'll be looking at that between the two departments. Out of a \$4 and a half billion budget that we have involved in Learning, we're probably looking at something between \$12 million and \$30 million for Learning if we could find it either internally or through operation and maintenance, working with Infrastructure. This will not be directed only to Learning, but we'll also be looking at health care and other public buildings in the province of Alberta.

I believe that on a percentage basis they're trying to scare the public and the parents and the schools into thinking that something is totally out of control, but I would suggest that \$15 million, plus or minus, to address electricity out of a \$17 and a half billion budget is not something to alarm Albertans about.

THE SPEAKER: Short? Okay.

DR. OBERG: Yes. Thank you very much, Mr. Speaker. I was just going to add one point, and that is that the school boards together with the universities and the public sector are looking through their organization called PICA to enter the upcoming energy auction to attempt to get lower prices. I believe that this is a very good way for the schools and the universities to purchase lower priced energy, and they are presently in the process of doing that.

MRS. MacBETH: So, in other words, school boards have to hire a market analyst in electricity, and maybe they'll pay for that too.

My question is back to the Premier. With Alberta Learning's last annual budget recording that 26 of the provincial school boards ran operating deficits last year, how many more school boards are going to be forced into a deficit position because of this government's skyrocketing electricity prices?

MR. KLEIN: Well, Mr. Speaker, again, I will have the hon. Minister of Learning respond, followed by the Provincial Treasurer.

DR. OBERG: Thank you very much, Mr. Speaker. The reason that 26 boards ran deficits is quite simply that they dipped into their operating reserves. By dipping into their operating reserves, they showed a deficit in their operating budget. This was a planned expense, and these boards did not have a deficit.

DR. WEST: And, Mr. Speaker, on top of that last year we put 158 some million dollars into picking up some deficits in this province, and besides picking up deficits, like with the Calgary school board, we also applied those dollars through to the other boards and some of them are running surpluses today. I would suggest that in the three-year business plans we also put another 19 percent increase over the three years into the Department of Learning.

I would think that if we can't accommodate some of the ups and downs of a budget of that largesse, then we're not very good managers. I would suggest that the hon. member of the Liberal opposition stop fear mongering out there to the general public. Indeed, most of these administrative changes are internal to any organization and not just to education or to health or to running law courts or to running your individual homes or businesses. I believe that time and records will show that this type of direction by the opposition . . .

THE SPEAKER: Hon. Leader of the Official Opposition, please proceed with your next question.

MRS. MacBETH: Thank you, Mr. Speaker. I know the Provincial Treasurer and the Premier would love to blame the utility companies, but the responsibility for this is squarely with the provincial government.

Mr. Speaker, given that grants for grades 1 through 9 were scheduled to increase by \$123 per student next year but now electricity bills, according to ATCO and EPCOR and the government's own numbers, could increase by \$75 per student, will this government commit to increasing student grants so that our children won't be penalized for the mismanagement of electricity deregulation in this province?

MR. KLEIN: Mr. Speaker, that question has been answered, but I would point out that there has been absolutely no mismanagement, and, yes, we will ensure that our children, the children of this province, are well educated in accordance with the rules and regulations set down by a very competent Minister of Learning.

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

### Natural Gas Pricing

MR. MASON: Thank you, Mr. Speaker. This government's policy has supported the wholesale export of Alberta natural gas into the American market forcing Albertans to pay California prices for natural gas. Yesterday the price of natural gas crossed the threshold of \$8 Canadian per gigajoule, an all-time high. Royalty revenue from natural gas prices is pouring into the provincial treasury at a record rate, yet Albertans are being threatened with bankruptcy and cutbacks in school programs because they can't afford to pay for basic utilities. To the Premier: given record high prices for natural gas, what does the government plan to assist school boards, universities, health authorities, municipalities as well as average Alberta households with skyrocketing utility prices?

MR. KLEIN: Mr. Speaker, relative to natural gas, yes, we're very fortunate to be the gas producer of the nation, and, yes, the price of gas is contributing significantly to provincial government coffers. That's why we've been able to provide a \$300 rebate to every individual over the age of 16. That's why we're able, in conjunction with the Provincial Treasurer and the Minister of Resource Development, to look at what we can do to further assist in the area of public institutions, including schools and universities and hospitals.

I would remind the hon. member that in Alberta the price of gas per gigajoule is \$5.80. That's the November price. In Calgary it's \$6.16. In Regina it's \$6.25. In Manitoba it's \$6.37. In British Columbia it's \$7.57. That's Vancouver. In Toronto it's \$7.84, and, Mr. Speaker, in Montreal it's \$11.08. We're still the lowest.

MR. MASON: Mr. Speaker, I hope the Premier's numbers check out a little better than the ones he gave yesterday in the House.

Given the huge benefit of record high natural gas prices to the provincial treasury and the energy industry, why will the government not commit to a plan that will directly assist public institutions with rising utility costs?

MR. KLEIN: We have, Mr. Speaker.

I just want to comment on a comment that was made by the hon. member. The prices that I have quoted, Mr. Speaker, are accurate prices. The source is the *Canadian Gas Price Reporter*, and it comes from the October and November 2000 issues.

MR. MASON: Mr. Speaker, how can the Premier say that the government has done all that it can to address skyrocketing utility costs when school boards, universities, health authorities, municipalities, and average Alberta households clearly can't afford to keep paying more and more for their gas and electricity?

MR. KLEIN: Mr. Speaker, I have never said that we're doing all that we can. If there's more that needs to be done, we will do it, but let's talk about what we have done: three rebate programs, one in the order of \$800 million, to alleviate the rising costs of electricity as it relates to businesses, farm communities, public institutions; a \$20 a month rebate or reduction in everyone's electricity bill, starting January 1; and a \$300 cash rebate to every Albertan over the age of 16, the first installment of which will be going out, I think, within the week.

2:20

DR. WEST: Mr. Speaker, could I just add one thing to what the Premier just said? Rising gas prices and that do return quite a bit of royalties to the province, but we're forgetting one thing. In the

province of Alberta, besides the rebates that the Premier is talking about, we have been able, starting January 1, to lower personal income taxes by 20 percent in this province. We have been able to lower the education portion of the property taxes on residential properties. We are able to start rolling back small business taxes and corporate taxes. All of these will help these individual residences, buildings, businesses to pay their increase in electrical and their increase in gas costs. As we go forward, since '94 till now, because of the buoyancy in the oil and gas industry, we have been able to lower our debt to \$8 billion, releasing \$1 billion in interest. As well, we have been able to address individual needs . . .

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

### Child Prostitution

MR. CAO: Thank you, Mr. Speaker. Given that a few weeks ago the president of a community association in my riding came to my office to raise issues on prostitution activities – these activities threaten the health and the safety of the residents and the young people, especially those involved – my question is to the hon. Minister of Children's Services. In light of the pending decision on the judicial review, what are you going to do to protect the youth against prostitution?

MS EVANS: Mr. Speaker, it's well known by yourself that there has been a tabling today. I will not reference that. Rather, I will talk about the fact that since Judge Jordan provided a ruling that raised questions about the PCHIP Act, we have gone to court with two pieces of legislation: the PCHIP Act as well as the Child Welfare Act. We have taken the time to do our best to provide all of that legislative support when an apprehension takes place. We have in fact taken the time to evaluate and discuss with the members of the street teams, members that I've introduced here today, what the options are in which we could deploy to provide strength and even greater program delivery to those children who are in fact sexually abused by the predators and pimps that have been among them in this society.

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

MR. CAO: Thank you, Mr. Speaker. My first supplemental question is to the same minister. What specific action are you proposing?

MS EVANS: Mr. Speaker, in a summary, and more to come later, we are proposing an extension of an opportunity for confinement, and we are proposing an opportunity for additional treatments in a situation where the director would bring that forward towards the courts as a valued and responsible thing to do for the child. We are proposing to make those kinds of treatments available for a longer period of time and in fact an extension beyond a first extension to enable the child to be free from abuse and to get whatever corrective action is possible for any substance abuse that might have occurred during the time prior to their apprehension.

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

MR. CAO: Thank you, Mr. Speaker. My last supplemental question is to the same minister. What is the government doing to help children at risk in the interim?

MS EVANS: Mr. Speaker, regrettably there was a delay of some of

the apprehensions in that period first following Judge Jordan's ruling, but since that time at least 23 children have been apprehended using either the PCHIP Act or the new policy directives under the Child Welfare Act. I'm very confident that the work that has been done to try and protect these exploited children has been maintaining its consistency in the last few weeks. We've had such rigorous support of the legislation that may come forward later that we are very pleased that we can report that we are working as well as we possibly can.

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

### **School Infrastructure Grants**

DR. MASSEY: Thank you, Mr. Speaker. With a three-quarter billion dollar backlog of needed school repairs and construction the government has announced the new century schools fund. Edmonton public and Edmonton Catholic schools received \$6.6 million, or about 2.8 percent of the \$238 million in grants. My questions are to the Minister of Infrastructure. Does the minister deem this grant to the Edmonton boards fair given the age of their current school building stock and the need for schools in suburbs?

THE SPEAKER: The hon. Minister of Infrastructure.

MR. STELMACH: Well, thank you, Mr. Speaker. I want to inform this House that the criteria that have been established for new school construction, modernization, and renovation is fully transparent, and all school boards know what they have to do to meet the current criteria.

THE SPEAKER: The hon. member.

DR. MASSEY: Thank you, Mr. Speaker. How then did the minister determine the allocation of these moneys when the Auditor General has indicated that the goals of his department and the goals of the Department of Learning don't necessarily match? So how do you come up with the allocation?

MR. STELMACH: Mr. Speaker, I don't know where the hon. member is coming from in terms of the goals. [interjections] No, he's the one that said that, not the Auditor General. He's the one that made that statement here in the House.

One of the things that we have in the Department of Infrastructure, Mr. Speaker, is a very close working relationship with a number of ministries. One is the Minister of Learning, the other is the minister of health. We also work with the Minister of Community Development. What happens is that the programming is decided upon by those various ministries. Then they come to us in terms of infrastructure and ask us to find the funds necessary to put those facilities in place.

Now, with respect to the dollars that were given, I repeat: there are very clear criteria established by the School Boards Association of this province. If you don't like those criteria, go back and get them changed with the authority.

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

DR. MASSEY: Thank you, Mr. Speaker. Again to the same minister: can the minister explain to this Assembly why local school board priorities are not honoured when school building grants are determined and allocated? Why don't you honour those priorities?

MR. STELMACH: Mr. Speaker, again the hon. member is saying, "not honoured." We put \$235 million in additional funds this year that have to be expended before the end of this budget year, March 31, 2001, and a further \$400 million in the budget year 2001-2002. This morning I even told all of the school boards that were in attendance today that we know that all of that construction cannot occur. Over a billion dollars worth of construction and renovation in this province cannot occur in one year. It may take three years to do it all, and we will partner with them. We'll park the money with them. They can draw interest on it and plan all of their construction in a very co-ordinated way and get the best value for their tax dollars.

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

### **Hormones in Meat Exports**

MR. MARZ: Thank you, Mr. Speaker. My questions today are to the Minister of Agriculture, Food and Rural Development. There's a preliminary report out by the European Commission that questions Canada's control of chemical residues, including hormones, in live animals and animal products. It goes on to recommend that the European Commission ensure that Canada food commodities of animal origin not be imported until these deficiencies have been rectified. As Alberta is an exporter of beef and animal products to the European Community, would the minister please update this House as to what is taking place and what the minister is doing about it?

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

MR. LUND: Thank you, Mr. Speaker. What is happening is protectionism at its very worst. It's true that there is a mechanism in the WTO's systems where sanitary and phytosanitary items can be identified, but to say that Canada is outside of those is really a stretch. The fact is that we have some of the safest processing and the best protocol in the world in Canada, and Alberta, of course, has extremely good and tight regulations relative to the safety of food.

Now, it's an interesting situation, because in Canada we restrict the sale of drugs and the sale of certain hormones, whereas in the European Union they just restrict the use. So, of course, there is much more danger in the European Union, in fact, of products getting into the food chain that should not be there.

It's also quite interesting to note that the European Union has great difficulty with disease. I believe that probably a lot of this is to draw attention away from their problems and focus it on another area. But I can assure the people of Alberta and the people of Canada that the meat in this province and in this country is extremely safe. The protocol is there, and it's adhered to.

2:30

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

MR. MARZ: Thank you, Mr. Speaker. To the same minister: can the minister indicate what the next steps are, and how will Alberta insist in ensuring that this decision is overturned?

MR. LUND: Mr. Speaker, another interesting thing to note is that in fact the Europeans have not found any contaminants in the samples that they have conducted, but the process is one where they do an audit, and that is what's happened. This is a draft report. The audit is sent to Canada, and the Canadian Food Inspection Agency and Health Canada will be responding to it. It then goes back, and the



final report out of the EU should be available sometime in the latter part of December.

THE SPEAKER: The hon. member.

MR. MARZ: Thank you, Mr. Speaker. Again to the same minister: how significant to Alberta's economy is our export of meat products to the European Community?

MR. LUND: Mr. Speaker, out of Alberta there's only about \$1 million worth of product that goes to the EU. Really that's only about .04 percent of our total exports, so it's not large. I guess what we are really concerned about is that in fact the European Union would indicate that there is a problem with the safety of our meat products in Canada, and that is just simply not the case. We will be working very closely with the Canadian Food Inspection Agency and Health Canada to prove that it's not the case.

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

### **Workers' Compensation Review**

MR. BONNER: Thank you, Mr. Speaker. Yesterday the Minister of Human Resources and Employment, who's responsible for the Workers' Compensation Board, released two separate reports condemning the Workers' Compensation Board as unfair and unaccountable. The first report on the appeal system, chaired by retired Justice Friedman, found that workers, employers, and advocates had an overall dissatisfaction rate of 70 percent with the effectiveness of the system. The report states:

Each Committee member has expressed concern about what seems to be a well-entrenched culture of denial within the [Workers' Compensation Board] and one which treats many long-term disability claimants with suspicion.

Further, the report states that "the greatest and most immediate need is to bring accountability into the appeals process." My questions are for the Minister of Human Resources and Employment. In response to a question from the media yesterday, I heard the minister say that he was not surprised by the findings of the reports, and if that is the case, why did he not act before now?

MR. DUNFORD: I would just like to remind the hon. member of the process that we went through. There had been a number of letters that had been received by the ministry and of course we were aware of certain activities that were taking place on the streets here in Edmonton. Clearly, action was required, and I believe that I accepted the responsibility of that action. I put together two committees to look into the situation, and we released those reports the other day.

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

MR. BONNER: Thank you, Mr. Speaker. Will the minister commit to this House that he will make every effort to implement the majority of the excellent recommendations contained in the two reports, as he indicated in his letter dated June 20, 2000, to Mr. Allan Jobson, an injured worker in Calgary, where the minister said:

Later in the fall when the review process is complete, I will forward the committees' findings to Rick Lelacheur, Chair, the Board of Directors and Mary Cameron, CEO and President of [the Workers' Compensation Board] for implementation.

MR. DUNFORD: That in fact has been done in the sense that copies of the report, as they were released to the public yesterday, were forwarded to the Workers' Compensation Board, and I've asked for a response and a plan of action as to how they plan to deal with the recommendations.

In the meantime, of course, there are other stakeholders in the province that have to have an opportunity now to react to the recommendations, and of course, Mr. Speaker, we will be allowing an opportunity for that to happen. The time frame that's been set is that they have until January 31 of 2001 to respond.

MR. BONNER: Mr. Speaker, in a WCB news release today it states, "The recommendations will be incorporated into the WCB's service consultation review." Does this mean that the minister has transferred the implementation of these recommendations of the two reports to the Workers' Compensation Board?

MR. DUNFORD: Not at all, Mr. Speaker. As the hon. member should know – and I assume that he does – the recommendations covered not only legislation and regulation but also policy. As the hon. member is also aware, my responsibility as far as it relates to Workers' Compensation is for the administration of the act, and of course I accept that responsibility. As he knows, within the act there is a board of directors that is then responsible for the day-to-day operation of Workers' Compensation. So I would expect them to look very closely at those recommendations that call for policy changes, and I'll make the commitment. I'll accept what responsibility I have as to whether or not there will be changes in legislation and regulation.

THE SPEAKER: The hon. Member for Calgary-Fish Creek, followed by the hon. Member for Spruce Grove-Sturgeon-St. Albert.

### **Fraudulent Telemarketing**

MRS. FORSYTH: Thank you, Mr. Speaker. Fraudulent telemarketers and mail-order swindlers will steal millions of dollars this year from Albertans. These professional con artists peddle everything and anything. These scam artists are very inventive and persuasive. Telephone calls and colourful mailers offering products at greatly reduced rates and free prizes can sound very exciting, but simply they are lies. My questions are all to the Minister of Government Services. Given the recent telephone scam where people are being contacted and told that someone in their family is ill or in trouble and are being asked to call a number with an 890 area code, which creates long-distance charges, what is your department doing about this?

THE SPEAKER: The hon. Minister of Government Services.

MRS. NELSON: Thank you, Mr. Speaker. Telephone marketing scams are becoming a way of life today as we have more electronic transfers, I guess, and the high-tech industry is moving into some of the marketing schemes. The hon. member is quite right. We have seen an increase in some of these scams in the province of Alberta. In fact, this last year we've had over \$600,000 worth of complaints that have come through to the consumer side of our ministry.

I will say at the very beginning that if you're offered something that sounds too good to be true, it probably is. So consumers need to be aware that they should not be conned into thinking they're getting something for nothing or getting a special deal without fully investigating it.

In this particular case of people phoning with regard to this 890

area code, the RCMP and the local police were on to this scam very quickly and issued a full alert to consumers and to regulators throughout the province and across Canada.

What we are able to do is to work with the authorities to help warn people against some of these scam artists. We have a consumer information line that we have put in place this year – it actually has had over 80,000 calls to it – where we ask people to call in before you make the commitment. Call in even if you have, and if you need help, we will help you out. It's a toll-free number.

We've been trying to launch more awareness on, again, trying not to be suckered into the deal of: have I got a deal for you. These freebies just are not that. They are scams.

We're working with the authorities, the police – the local police and the RCMP – and other jurisdictions to make awareness out there for consumers.

2:40

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

MRS. FORSYTH: Thank you, Mr. Speaker. Most of my second question has been answered by the minister, so I'll go to my third one, please. Given that these fly-by-night or boiler room operations, as they are commonly known, are using leased office space and can pack up in a flash, what laws are in effect to protect Albertans?

MRS. NELSON: Well, Mr. Speaker, again we worked hard this last year. As most members will remember, we brought in place a new Fair Trading Act in the province, which puts some meat into the penalties and provided for some protection for consumers. This act has penalties of up to \$100,000 and/or two years in jail.

This first year of operation we have actually completed 1,600 investigations under this act under consumer protection, so it is working. We are going to continue to be tough but fair as far as our consumer protection legislation goes.

THE SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert, followed by the hon. Member for Red Deer-North.

### School Board Finances

MRS. SOETAERT: Thank you, Mr. Speaker. You know, the government pretends that public education is adequately funded. In fact, they've repeated this fallacy so often that they've actually begun to believe it. While the government's ministers are off touring Poland and Mexico, parents, students, and teachers are left behind back home selling entertainment books and working casinos to try to pay for school basics or just fighting to keep their community school open. My questions are to the Minister of Learning. Why is the Peace River school board being forced to consider closing up to 10 community schools, including Whitelaw and Nampa, while the government has a \$5 billion surplus and enough money for cabinet ministers to tour all over the world at taxpayers' expense?

THE SPEAKER: The hon. Minister of Learning.

DR. OBERG: Thank you very much, Mr. Speaker. To start this off, I would just like to say that the hon. member was recently in the Strathmore-Brooks constituency to hear some issues. She stood up here in the Legislature and talked about highway 1 and highway 38. There is no highway 38, and that wasn't even where the intersection was where there were problems. I think this hon. member should take a look around when she is traveling around the province at taxpayers' expense and at least find out what the issues are before she talks about it in the Legislature.

Mr. Speaker, what the hon. member has talked about is the issue in Peace River. In Peace River they have some schools where the attendance is down. They are looking at what to do with them. They are looking at possible different explanations as to how they can group their students to give the students the most learning opportunities that they can.

The Department of Learning is about learning opportunities. We have increased the budget this year alone 8.8 percent, and that is money that has gone directly to the school boards. In our business plan, as the hon. member knows, there's a 19 percent increase over the next three years.

Mr. Speaker, I would invite the minister for intergovernmental affairs to comment on travel around the world.

THE SPEAKER: No. We're going to go on.

The hon. member.

MRS. SOETAERT: Thank you, Mr. Speaker. My second question is to the Minister of Learning. How is it that after waiting nine months for a dyslexia diagnosis at the Glenrose, a Grande Cache family's nine-year-old daughter is placed in a classroom with 33 other students and no special help, yet this government has a \$5 billion surplus and a team of ministerial globe-trotters?

DR. OBERG: Mr. Speaker, I just wonder what the hon. member's constituents would say when she comes down to Brooks and she doesn't know what is going on. Perhaps she should actually listen when she comes to a meeting. The people in my constituency were asking, "When are we going to be getting highway 38?" because it hasn't been there before.

What the hon. member has asked the question about has to do with the flexibility of the school boards. The school boards are given a grant at this moment for X number of dollars per student. It is up to the school board then how that grant is dished out, how it is done. Mr. Speaker, that is the way it is done. The school board receives the grants. The school board then allocates it out. A class of 33; again, I don't know the individual circumstances, but I'd be more than happy to talk about class size at any time with this hon. member.

THE SPEAKER: The hon. member.

MRS. SOETAERT: Thank you. Will the minister explain, then, how it is that a school in Claresholm has no proper music or physical education programs, a shortage of classrooms, and grades 2 and 6 classes with over 30 students while your government has a \$5 billion surplus and enough money for cabinet to take trips to Asia and Europe?

MRS. McCLELLAN: Mr. Speaker, I simply have to comment, and I'll stand on the record of priorities for education and health in this province. I am disappointed in the hon. member opposite, and frankly I am surprised by her comments, because as a person who has sat in this Legislature, as a citizen and a well-educated person, she must understand that 1 in 3 jobs in this province depends on international travel. She must understand that about 80 percent of what we produce in this province is exported. She must understand that the livelihood, the education, the health care of every citizen in this province depends on international trade.

To suggest that any minister travels for any other reason than to sell Alberta and the Alberta advantage does this hon. member disservice. As I said, I am disappointed and certainly expected more knowledge of the importance of international trade in this area.

THE SPEAKER: The hon. Member for Red Deer-North, followed by the hon. Member for Edmonton-Centre.

### Classroom Sizes

MRS. JABLONSKI: Thank you, Mr. Speaker. We know teachers play a very important role in the success and development of our children. They strive to ensure that every child is safe, motivated, and challenged. Teachers and parents continue to share with me their concerns about the size of some of the classrooms in local schools, especially in the younger grades. My question is for the Minister of Learning. If we know that smaller class sizes help teachers in delivering the highest quality of education, why do we not set a maximum limit on class sizes?

DR. OBERG: Mr. Speaker, that's an absolutely excellent question, and it's great to get such a good question. I have looked at the issue of class size backwards and forwards and every way within. [interjections] If the hon. members across the way would like to hear the answer, perhaps they could be quiet.

I recently received what is called a small-class project which deals with the whole issue of class size. This was the project that was done in Edmonton, and it was dealt with with the \$500,000 that we gave to the Edmonton public school system. I will just comment on some of the statements that they have made in this. First of all, what they did is they reviewed the literature around the world. They reviewed the literature on class size. The first comment they make is that in 1998 Jeremy Finn, who had reviewed all the literature, says that he believes that the issues around class size persist because of the, and I quote: powerful commonsense appeal of small classes to alleviate problems indigenous to our classrooms.

They go on further, and they talk about the STAR project. The STAR one was a project in Tennessee that realistically set the tone for what is happening in class size. Upon critiquing the STAR project, a Mr. Hanushek says: the net benefit to achievement was a onetime one-quarter standard deviation improvement in test scores for those kindergarten or first grade children in small classes; although the initial gain was maintained, scores did not continue to improve.

I will go to the Calgary board of education. I believe this is very important. Lytton and Pyryt in 1998 did a study on the Calgary board of education. [interjections] Mr. Speaker, I know that they don't believe Calgary has anything to do with Alberta, but it is extremely important to us. Lytton and Pyryt found that one variable that appeared to have no practical effect on achievement was class size.

THE SPEAKER: Hon. minister, I trust you have copies to table.

2:50

MRS. JABLONSKI: Mr. Speaker, my first supplemental is to the same minister. What is the government doing to reduce class sizes in high-needs schools?

DR. OBERG: Well, Mr. Speaker, as I alluded, we gave \$500,000 to the Edmonton public school system to identify this exact issue. To decrease the class size in high-needs schools in grade 1, \$500,000 was put into the Edmonton public school system. The results of that were very, very positive.

The bottom line is that when it comes to class size funding, school boards must have the flexibility. They must have the flexibility to do one-on-one teaching. They must have the flexibility to indeed, in some cases, decrease class size. They must have that flexibility.

As a matter of fact, I've spent over the last five days with the

School Boards Association and the various school boards around the province, and almost to a T, when posed with that question, they said that they would opt for flexibility as opposed to me enveloping funds and forcing a class size upon them.

THE SPEAKER: The hon. Member for Red Deer-North.

MRS. JABLONSKI: Thank you, Mr. Speaker. What is the minister's response to parents and teachers who say that current class sizes are affecting the performance of Alberta students?

DR. OBERG: Well, first of all, Mr. Speaker, when you take a look at our achievement tests, when you take a look at our standings around the world, when you take a look at any parameter that we are measured with with students around the world, what we see is that everything . . .

MRS. SOETAERT: Aren't you going to do anything about class size?

DR. OBERG: Mr. Speaker, the hon. Member for Spruce Grove-Sturgeon-St. Albert has asked about class size. Obviously she is not listening to what I'm saying, so perhaps she just could be listening.

Our students have increased significantly over the past three and four years in all aspects of achievement tests. Mr. Speaker, our diploma exams are down slightly this year, but our students in Alberta are getting excellent education and are only improving.

head: Members' Statements

THE SPEAKER: In 30 seconds, hon. members, I'll call upon the first of three members today to participate in Members' Statements.

The hon. Member for Medicine Hat.

### Students Against Drinking and Driving

MR. RENNER: Thank you, Mr. Speaker. I would like to take this opportunity today to congratulate a group of people in my community who believe that youth leadership and a positive attitude are the best methods for saving lives and preventing injuries caused by drinking and driving.

Dedicated to addressing the issues of impaired driving, Students Against Drinking and Driving, or SADD, encourages student awareness of the consequences of driving while under the influence of alcohol. Promoting alternatives to drinking and driving, SADD encourages students not to participate in activities that may end with destructive and often fatal consequences. Instead, SADD chapters work with students all over Canada in an effort to build their confidence and learn how to manage their behaviour in ways that result in safer choices.

Mr. Speaker, recently I had the pleasure of receiving a banner from Students Against Drinking and Driving chapters in the Medicine Hat area. There are currently chapters active at Crescent Heights high school in Medicine Hat and Eagle Butte high school in Dunmore. They presented me with a banner signed by hundreds of students from throughout southeastern Alberta, along with a letter congratulating the government on recent legislative changes. They also encouraged us to continue to support programs aimed at reducing impaired driving.

As you know, Mr. Speaker, the use of props in the Legislative Assembly is prohibited by our Standing Orders, so I am unable to display the banner at this time. I would, however, like to thank you and your staff for assisting me in having the banner displayed in an appropriate place in the Legislature Building. This morning I was

pleased to have you join me as a photograph was taken. It is my intention to return the banner as well as copies of the photograph to the students at Crescent Heights high school.

I ask all members to join me in extending congratulations to these outstanding students.

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

### Persons with Disabilities

MR. WICKMAN: Thank you, Mr. Speaker. One of the things I want to do before I leave this distinguished room, the Legislative Assembly, is get on record the priorities for persons with disabilities, as I see them. This should be of particular interest to the Member for Clover Bar-Fort Saskatchewan, the chairman of the Premier's Council on the Status of Persons with Disabilities, and to the Associate Minister of Health and Wellness.

Parking. The parking situation has become ridiculous, with a sevenfold increase in placards in recent years. There is a solution that's a no-brainer. The solution is that you have a two-tiered system: wider stalls for wheelchair use only – they would be identified maybe with a red placard – and then family parking for the elderly, expectant mothers, and people with small children, that would be identified with a different-coloured placard, possibly blue.

The building code. The building code has to be revamped. We still have architects and planners in this city who build a wheelchair ramp in front of a handicap parking stall. When you park, you can't get on the sidewalk. Or they design a nice cubicle in the washroom, but the door goes inside instead of out, so when you get in there, you can't close the door behind you. It has to be spelled out in detail for some of them.

Education. What the Minister of Learning did at NorQuest, the learning centre, is good. I toured that the other day, and that concept should be pushed even further.

AISH. I think the minister is reviewing AISH. At least, I hope he is. There is a need for an ongoing review of regulations. Home care: we need sufficient funds for home care because disabled persons, like anybody else, prefer to live in the community instead of an institution.

Employment. There's always a shortage of employment, particularly for persons with very severe disabilities. For somebody like myself, it's not too difficult, but for somebody with a real severe difficulty, it's very difficult.

In that short period of time of two minutes I've spelled out those five as the priorities that have been relayed to me by persons with disabilities.

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

### Affordable Housing

MRS. LAING: Thank you, Mr. Speaker. November 22 is national housing strategy day to mark the second anniversary of the meeting of big-city mayors and the caucus of the Federation of Canadian Municipalities, which declared homelessness to be a national disaster.

In Calgary the number of homeless people continues to increase. The city of Calgary census of the homeless in May showed an increase of 800 people in spite of the excellent work being done by the Calgary Homeless Foundation, the drop-in centre, the Salvation Army, the Mustard Seed, the Inn from the Cold, and other frontline agencies.

Many people are drawn to Alberta in search of a new way of life due to our vibrant economy and our high employment rate. Mr.

Speaker, they find jobs. What they cannot find are affordable homes. The buildings today being done consist of high-scale condominiums and costly suburban family housing. There's a great need for affordable housing for single men and women, young couples starting out, and low-income families. Today there is an ever increasing number of families and children on the street.

When I attended the national symposium on homelessness held in Toronto, there was a consensus that strong action is necessary by three levels of government and the whole community to address this growing problem. Many initiatives were put forward as possible ways to increase affordable housing. Some suggestions included tax credits for developers and builders, a GST exemption on affordable housing building material, and an easement of municipal zoning bylaws to encourage the creation of secondary suites.

Measures to keep people in their homes once they have found affordable housing would include a range of support services to meet their needs and prevent eviction. This support service could be as simple as a loan of \$38 to make up a shortage in their rent or perhaps directing a person to the appropriate agency for assistance with their problems.

Emergency shelters are only stopgaps. They provide a mat to sleep on and a roof over your head, but they're not an adequate form of housing, and when it's time to leave, where do you go?

Homelessness is a growing problem which affects all of us, and an important solution is affordable housing, which requires the efforts of everyone.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Calgary-Buffalo on a point of order.

### Point of Order

#### Questions outside Ministerial Responsibility

MR. DICKSON: Thank you, Mr. Speaker. The point of order arises from the first set of questions by the Leader of the Official Opposition to the hon. Premier. I think it was the first answer to the first question. There was a surprising intervention by the Provincial Treasurer. Now, the authorities I would cite would be *Beauchesne* 409(6) and then also, if we look at *House of Commons Procedure and Practice*, page 427. We talk about questions that should not "address a Minister's former portfolio or any other presumed functions."

3:00

I was looking at this grand new seating plan for the Legislative Assembly – I think this has just been redone – and as I look at the list for the bench opposite, I see we have somebody described as the Member for Athabasca-Wabasca, Minister of Resource Development. Then I look down and I see that the Member for Vermilion-Lloydminster is designated Provincial Treasurer. Now, I listened carefully, and although I haven't seen the Blues, the question did not relate to anything within the responsibility of the Provincial Treasurer. The response, more surprisingly, would have been perfectly appropriate coming from somebody who was responsible for Resource Development, but what we heard was the Provincial Treasurer speaking about the energy program and the energy policy of the province of Alberta.

I guess my question is this, Mr. Speaker. You've been encouraging us in the short life so far of this fall session to make sure we refer to members by their proper title, but you'll understand if members opposite are a little puzzled, because we're not sure, now, who is going to answer questions for the energy policy of the government of the province of Alberta, if not the Premier. I'm sure that quite

apart from whatever embarrassment may be done to the minister who has that responsibility by having his overeager colleague spring to action, it does make it a bit puzzling. I suppose if we're going to allow the Provincial Treasurer to answer and supplement those kinds of questions, then I trust that you will permit me and my colleagues to put questions to such members as we choose rather than those that fall simply within their narrow departmental and portfolio responsibility.

Thank you very much.

MR. HANCOCK: Well, Mr. Speaker, the hon. Opposition House Leader obviously didn't listen very clearly to the answer of the Provincial Treasurer. He very clearly said, when he got to his feet – I heard him; mind you, I'm sitting quite close – that he was the minister responsible for the power balancing pool. He has responsibility in this area. When the members of the opposition want to raise questions about how Albertans are affected by power rates, that clearly falls into the area of the power balancing pool and very clearly falls into the competence of the Provincial Treasurer to comment on it.

As well, however, members opposite have been straying into other areas relative to that context of energy and how it relates to learning and how it relates to other areas. One of the areas that clearly he had talked about was the effect on Albertans of the government's fiscal policies relative to energy and other areas. The Treasurer is certainly competent to talk about the benefit that Albertans get, the Alberta advantage, which comes from the prudent fiscal management of this province resulting in moneys available to provide for tax relief and for energy tax rebates, which are clearly within the purview and competence of the Provincial Treasurer.

Specifically with respect to that particular question, the Provincial Treasurer provided his grounds of competence to answer the question in his answer to the question.

THE SPEAKER: Hon. members, the point of order raised today by the hon. Member for Calgary-Buffalo was an interesting one, but clearly the response is found in the various rules of the books that we generally follow, *Beauchesne's Parliamentary Rules & Forms*, and the hon. Member for Calgary-Buffalo did refer to *Beauchesne* 409(6).

A question must be within the administrative competence of the Government. The Minister to whom the question is directed is responsible to the House for his or her present Ministry and not for any decisions taken in a previous portfolio.

Generally that's viewed to mean the following: that when a question comes along to the minister asking the minister to review something that's happened in Switzerland, there would be an intervention because that clearly is not within the administrative competence of the government, of this government anyway, in terms of something afar. Generally that's the way we've dealt with it.

Now, more interestingly, though, perhaps it's prudent once in a while to review some of these things. Under "Replies to Oral Questions" in *Beauchesne* 416:

(1) A Minister may decline to answer a question without stating the reason for refusing, and insistence on an answer is out of order, with no debate being allowed. A refusal to answer cannot be raised as a question of privilege, nor is it regular to comment upon such a refusal. A Member may put a question but has no right to insist upon an answer.

(2) An answer to a question cannot be insisted upon if the answer be refused by the Minister on the ground of the public interest; nor can the question be replaced on the Notice Paper. The refusal of a Minister to answer on this ground cannot be raised as a matter of privilege.

417. Answers to questions should be as brief as possible, deal with the matter raised and should not provoke debate. I like that rule.

418. The Speaker has stated, "Hon. Members may not realize it but questions are actually put to the Government. The Government decides who will answer."

Questions do not go to ministers. They go to ministers as members of a government.

419. The Prime Minister answers for the government as a whole and is entitled to answer any question relating to any ministerial portfolio and matter of policy. Likewise, the Prime Minister is entitled to delegate this responsibility to the Deputy Prime Minister even when the Prime Minister is present in the House.

420. The Speaker has stated, "Of course, the Chair will allow a question to be put to a certain Minister; but it cannot insist that that Minister rather than another should answer it."

Then, interestingly enough, in that excellent book called *House of Commons Procedure and Practice*, which certainly both House leaders have and which the chair would like to advise both House leaders that the chair regularly spends Saturday mornings reviewing, the chair would simply like to draw to the attention of all hon. members – I believe this is on page 432:

Questions, although customarily addressed to specific Ministers, are directed to the Ministry as a whole. It is the prerogative of the government to designate which Minister responds to which question. The Prime Minister (or the Deputy Prime Minister or any other Minister acting on behalf of the Prime Minister) may respond to any or all questions posed during Question Period. Only one Minister may respond to a question, and it need not be the one to whom the question is addressed who actually answers it. A different Minister may, under certain circumstances, reply to a supplementary question. The Speaker has no authority to compel a particular Minister to respond to a question.

Okay. The bottom line is this. In the order of precedence that we have in this House – and this has been utilized before – it's the chair's understanding that the Provincial Treasurer in fact acts first in the order of precedence after the Premier. So that would, in essence, be akin to something coming out of *Beauchesne* and the Canadian House of Commons saying that one would be the Prime Minister, i.e. the first minister, and the other one would be the Deputy Prime Minister, or the second minister. Clearly, in the order of precedence that would provide the hon. Provincial Treasurer to supplement an answer.

Secondly, in hearing the first question – and the chair did pay particular attention to it – one could almost argue that because it had to do with electricity, had to do with the fiscal side, the economic side, it would be rather normal for the Provincial Treasurer to supplement if there was something worthy to supplement or add to the question at hand.

Now, very specifically to you, hon. Member for Calgary-Buffalo. Should the hon. Member for Calgary-Buffalo or any other member in this House choose to direct a question to any member of Executive Council and it is not within the administrative purview of the particular minister – as an example, if an hon. member wanted to address a question with respect to education but directed it to the Minister of Community Development as a kind of a pesky, you know, testy little thing to be mischievous, well, it would be quickly reported by all the media in the world that the hon. member who had directed the question had not done their homework and was unable to ascertain which particular minister of Executive Council was responsible particularly.

So it's a sharp-edged sword that cuts both ways. The bottom line is: if we address the questions to who is normally the minister of the department responsible for it, other ministers from time to time are

in a position to supplement. In the case of the order of precedence that we all follow in this particular House, it would not be uncommon for the Provincial Treasurer, who is first on the list in the order of precedence after the Premier, to be in a position to supplement, if we in fact abide by the rules found in other parliaments in the country of Canada. So it was worthy of discussion today, hon. Member for Calgary-Buffalo.

Thank you very much.

head: Orders of the Day

head: Public Bills and Orders Other than  
Government Bills and Orders

head: Second Reading

### Bill 210

#### Traffic Safety Amendment Act, 2000

[Adjourned debate November 20: Mrs. Gordon]

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

MS BLAKEMAN: Thank you very much. I'm pleased to have this opportunity to rise and speak in second reading on Bill 210, the Traffic Safety Amendment Act, 2000. I carefully read *Hansard* of the member who proposed the bill as well as *Hansard* of the several members who have spoken since then.

This is an interesting bill, because I think people, myself included, have a varied reaction to what's being proposed. When I first thought of this in my personal experience, certainly drunk drivers cause fatalities, but they also cause life-changing, lifelong injury. The fatality has a terrible effect on the members of their families and their friends who are left behind: perhaps office workers, business associates, friends at school, et cetera. But to me, certainly where my personal experience is, injuries caused by drunk drivers that don't result in fatalities also have a lifelong effect on family and friends and neighbours and coworkers and friends at school.

3:10

There is a story like that in my family. We had a family member who was driving from Regina to Saskatoon late at night. They were still feeling pretty good after a day of meetings and thought they'd drive back that evening. The roads should be fairly empty. A young person, who was well over the limit for blood alcohol and was driving the wrong way down one way of the dual carriageway, plowed into my family member and left them with lifelong injuries, multiple leg fractures which resulted in the person having to walk with a cane for the rest of their life. Essentially the side mirror came through and hit them in the face, as a result of the driver hitting them. Their jaw was rearranged and all of their teeth – there were extensive multiple operations to try and rebuild the teeth and the jaw – and they lost an eye.

I think drunk drivers have an effect on everybody in our society. Certainly the groups like MADD and PAID – and I think there's a student version of this as well – have been absolutely right and quite successful in publicizing the effects of drunk driving on our society. Those campaigns are often referred to by people as being successful, and I think the reduction that we can see in the fatalities and injuries caused by impaired drivers is obvious. They have contributed to this being less acceptable. Drinking and driving is less acceptable in society.

Just to return briefly to finishing this story, I think certainly the effect it had on my family member and on the rest of the family is that this person used to drive a lot. They really liked to get in the car and drive to Montana or drive down east, and with those kinds of

injuries they sustained, that just isn't a possibility anymore. I think flying is not in a budgetary realm of possibilities, so that's pretty much curtailed that sort of traveling. This person was very active, did a lot of volunteering, very active with the church, continued to work a number of different consulting positions, and this has really affected their ability to do that. You know, when you're not steady on your pins because of an injury, you don't really like to be out at night when it's dark. We live in a northern climate here, so we are dealing with icy roads and icy sidewalks. It's scary for somebody that has suffered that kind of an injury.

As I said, they were dealing with Saskatchewan insurance laws, which I frankly don't understand, and I gather that this young driver had been arrested before for impaired driving, in fact had lost their licence and was driving that night without a licence. Something happened with the insurance, something about a fund that's set aside for uninsured drivers, and you know, by the time the smoke cleared, this injury cost my family a lot of money because the amount of money that came out of that pool nowhere near covered the trips of family members from Alberta into Saskatchewan to be with this person in the hospital, and there had to be several of them. They were in the hospital for about three months, and that tells you the extent of their injuries.

So it's a terrible blight on our society. I really, truly detest drunks, and I detest drunken drivers. I just have no time or patience. There is no reason for anybody to be truly impaired and to get behind the wheel of a vehicle. There just isn't. Frankly, they deserve everything they get.

Now, I look at the member's own figures that I took from *Hansard*, and I've noticed something. Maybe the member will have time to answer what's going on here. In her own figures she notes that of the fatalities caused by drunk drivers, 62 percent were over 15 percent, or .15, we would call it, 22 percent were between .081 and .15, and 16 percent were somewhere between .001 and .08. So somehow in there the percentage of fatalities that are created by lowering the acceptable blood alcohol content from .08 to .05 is a little hazy. It looks like it's less than 16 percent.

What else could society be doing or could we be doing as legislators to cut down on the amount of fatalities and injuries from impaired drivers? Leaving aside the responsibility of the impaired driver, let's look at what else we could be doing to discourage that and to make roadways safer.

I think there's still work that could be done around highway and road maintenance and highway and road design. I'm sure we all have our piece of highway – I'm sorry; I don't. But many of the members that have ridings outside of the metropolitan areas most likely have a little stretch of highway that's a killer. Everybody in the area knows it, and they refer to it with some sort of nickname that indicates that. So there are things that we could be doing to improve highway maintenance and design that would cut down on some of those injuries. I've also had it pointed out that in some cases highway signage would reduce this.

Now, what else could we be doing? How could we be affecting people more to not even consider drinking and driving? I look at funding for the DARE programs. I know that the Member for Edmonton-Meadowlark and at least one of my other colleagues have lobbied the Minister of Justice for increased funds to pay for the training of DARE officers. That budget hasn't increased by that much. There's some astronomical waiting list of schools and of grade 6 classes in Alberta that really want to have a DARE program, and there aren't enough people trained in Alberta to be able to go around and fill that demand. So there's another area where we could be doing something very constructive by putting enough funding into that program to train enough police officers to, in fact, be going

out and giving those DARE programs to every grade 6 class in Alberta. What's wrong with that?

I also think we should look at the funding for AADAC. They've been reducing the amount of money available for AADAC, and that's a rate of recidivism that we're worried about there. If people have already acknowledged that they have an alcohol abuse problem, then what are we doing to get them out of that permanently? I would say that we should look for funding for AADAC and please quit cutting it.

When I look at the province's own traffic safety in Alberta statistics, I note that "of all drivers involved in fatal collisions 22.8% had consumed alcohol before the crash." It doesn't give us the level of their blood alcohol content. "Of all drivers involved in injury collisions 5.6% had consumed alcohol before the crash." This opens another whole discussion. I do wonder sometimes. We've made it so easy to get alcohol. I think there is personal responsibility to be . . . [interjection] Yeah, I hear what the Member for Edmonton-Highlands is saying, and that's why I'm struggling with it. This government certainly leads the way in sort of putting intrusive legislation on people to stop them from having that leeway to make their own bad decision.

I guess because I grew up in an Alberta society that was heavily permeated by Social Credit doctrine and where everything was very carefully regulated - but why do we have to buy alcohol at 2 o'clock in the morning? Why do we have to buy alcohol on Sunday? I guess that's just personal responsibility. It's not for me to say that other people shouldn't be buying it. They can buy it if they want to. I guess I just would choose not to.

3:20

Part of what concerns me about this legislation - and I've talked a lot about the positive sides of it. What essentially bothers me about the legislation is that I think we run the risk of making criminals out of decent Albertans. We all understand what .08 is, where the impaired level is for ourselves. I know that that's one drink and no more for me, that I'm well under. I don't know what the blood alcohol content would be for me if it was lowered to .05. I might be a criminal. Are we then saying, "Don't drink and drive, period, ever," that no alcohol passes your lips even if it's five hours later?

I looked at the factors, and this is again from some great, long paper. To estimate blood alcohol content,

knowledge of certain factors is required. These may include: sex; age; height; weight; consumption start time and stop time; pattern of drinking; type of alcohol consumed including number of drinks, size and alcohol content; time for which [the blood alcohol content] is being calculated (or BAC value(s) detected if a retrograde or antero-grade extrapolation is required); times meals eaten; disease states; any medications that were taken.

That's a whole whack of stuff to try and figure out.

So I'm wondering if what the member is trying to propose here is that no one should ever drink and get behind the wheel of a car, and if that's what being suggested, then is there a sort of time line that goes along with this? I don't want to see a regulation come in that is hard for Albertans to figure out and as a result we criminalize average Albertans unnecessarily.

Again, I started out by saying that I've got no patience for truly impaired people, for drunks that kill or hurt people on the road. I just don't have any time for it. But I found that with the work of groups like MADD and PAID, understanding societally was improving and that everybody sort of knew where .08 was. I don't think they know where .05 is. I don't want to see that done to average Albertans.

I'm looking forward to the rest of the debate on this bill because

I really am undecided about whether to support it or not. I think the intent behind it's really good. I think that a lot of work has been done by the member to come to that point, but I think there are a lot of things to consider there: whether in fact this is the right level to set, what educational campaigns will be put in place for people, whether they get the kind of education about that list of stuff that they're supposed to keep in mind that I read into the record, whether we are really going to make a significant reduction in the numbers of fatalities and injuries when we're dealing with the fairly narrow band of percentages that I went over earlier. Somewhere under 16 percent of the people that have had impaired accidents in the past would be captured by this legislation. So a number of questions and concerns there.

I'm sure everybody in here has got a personal experience with this. Everybody is uneasy about the amount of drinking and driving that goes on and, I think, frankly, about the amount of wildly impaired driving that goes on still. I look forward to the rest of the debate, because I haven't made up my mind on this one yet.

Thank you for the opportunity to raise the points that I did raise.

MR. DOERKSEN: Mr. Speaker, there are individuals who are listening to this debate outside of the Assembly. I want to assure them that I will try to speak slowly and clearly and articulate my phrases, but should I get carried away and go on too quickly, they should know that they can always read the remarks in *Hansard*, that they will be put into the record that way, and I would encourage them to do that.

Also, Mr. Speaker, referring to your earlier comments, I just wanted to pass on a remark to you about when you were ruling on the previous point of order. That certainly was a magniloquent speech. That was a magniloquent speech. You see, in our household we try to increase our vocabulary. My kids will want to know that I used that word in the speech today, so I can show them in *Hansard* that in fact I used it. The other day I used another term, "pleonastic questioning."

It is a pleasure today to stand in the Assembly, Mr. Speaker, and to add to the debate on private member's Bill 210, presented by my colleague representing Calgary-Fish Creek. I want to commend the Member for Calgary-Fish Creek because I think she understands the importance of private members' bills in our Legislature. Alberta in the last years has actually had quite a number of private members' bills pass through all the stages and in fact become incorporated into legislation. I think that's a significant improvement to the parliamentary tradition that has kind of evolved here in Alberta.

She's also recognized one other very important point in drafting a private member's bill, and that is that you have to keep it short and specific and to the point to advance a particular cause. That is exactly what she has done. The previous speaker referred to a number of different suggestions that would be helpful in terms of addressing the whole problem with drinking and driving and too much consumption and access and the DARE program, but, Mr. Speaker, that is not what this bill is all about. If you would incorporate all of those suggestions into a private member's bill, the possibility of it actually passing through this Assembly would be greatly diminished.

In fact, what the member has suggested - and I'm reading right out of the bill - is that

if a peace officer, by reason of an analysis of the breath or blood of the driver of a motor vehicle, has reasonable and probable grounds to believe that the driver has consumed alcohol in such a quantity that the concentration of alcohol in that person's blood exceeds 50 milligrams of alcohol in 100 millilitres of blood, the peace officer shall require the driver to surrender the driver's operator's licence to the peace officer.

Mr. Speaker, I think that's pretty clear in terms of what the intention here is.

For a long time in this Assembly I have been an advocate of taking preventative measures to eliminate or to reduce motor vehicle accidents. Some members will recall that in 1995, in fact, Bill 212, the Motor Vehicle Administration Amendment Act, proposed that Alberta institute a form of graduated licensing to allow new drivers to gain driving experience under the safest possible conditions. I'm proud that that initiative passed, received royal assent, and in fact will become part of the Traffic Safety Act. The purpose of that initiative was to save lives in Alberta, and the initiative from the Member for Calgary-Fish Creek has the same goal. Bill 210 proposes to take action and to be proactive on an issue that poses a great threat to the safety and health of Albertans, and that is accidents that are caused by impaired drivers.

Mr. Speaker, our police need tools to protect society from impaired drivers and especially hard-core drinkers who are resistant to change. Statistics indicate that it is not the younger people now who are the repeat offenders of our impaired driving laws. It is the older drivers, who are into a lifestyle, a bad habit, and are finding it difficult to change.

My colleague from Calgary-Fish Creek shares my concern for traffic safety in Alberta and rightfully so when one considers the statistics. In 1998, 1 in 5 drivers involved in fatal collisions had consumed alcohol. To make matters worse, as the severity of the collision increased, from nonfatal to fatal, the involvement of alcohol also dramatically increased.

Mr. Speaker, I see my time is up, and I will be glad to continue my debate on the morrow.

THE SPEAKER: The hon. Member for Red Deer-South has interrupted himself. It is now 3:30. We must move on to the other remaining business we have scheduled for today.

3:30

head: Motions Other than Government Motions

### **Labour Legislation Review**

513. Mr. Fischer moved:

Be it resolved that the Legislative Assembly urge the government to re-examine Alberta's existing Labour Relations Code and Public Service Employee Relations Act and propose recommendations for their improvement, particularly with respect to collective bargaining agreements.

[Debate adjourned November 14: Mr. Severtson speaking]

THE SPEAKER: The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Speaker. I'm happy to speak on Motion 513, sponsored by my hon. colleague from Wainwright. I want to thank him for bringing forth a motion on collective bargaining in Alberta.

This can be a controversial issue to discuss in this Legislature, but it doesn't mean we shouldn't talk about it. By engaging in a reasoned discussion of issues surrounding collective bargaining and labour relations, we further our understanding, and from this we may be laying a solid foundation for policy down the road. I think, as well, that the fact the hon. Member for Wainwright is bringing forward a motion at this time shows his willingness to support labour and a good labour relationship climate in Alberta during this time of prosperity. As the member stated, we are always looking at ways of doing things better, and if there are better methods for collective bargaining in Alberta, then we're willing to discuss them and potentially implement them.

Mr. Speaker, we also want to discuss any changes we are making with the relevant stakeholders involved. We want to hear what employers, unions, and workers are saying about the possible changes. It's through this consultation that good policy benefiting all Albertans is made. I respect the message that he's conveying to the House, that collective bargaining does not have to be a lose/lose or does not have to be a win/lose but in fact can be a win/win situation.

I'd like to spend a few moments replying to the comments by the hon. Member for Edmonton-Gold Bar, because I really think that he's confused on a few points. First and foremost, this motion is about strengthening the collective bargaining process and the labour climate in Alberta, and if you read the comments by my colleague from Wainwright, you'll see this. Mr. Speaker, this motion applies equally to all workers in the province. It asks the government to look for alternatives that will improve the collective bargaining process for everyone in Alberta.

I'd also like to mention that the hon. Member for Edmonton-Gold Bar stated that there had been only one strike involving teachers since 1972. Well, I'd like to clarify for him – I have a list – that from 1971 to 2000 there were about 25 strikes or lockouts and then mention a few of them: Sherwood Park in 1990, Calgary in 1980, '91, and '92, and Battle River in '92. I find it humorous that the hon. Member for Edmonton-Gold Bar would skew the intention of the motion for this political purpose. It's almost like he didn't listen to what my colleagues had to say, because if he had listened, he would know that Motion 513 is balanced and is in the interests of all Albertans, all employees and employers. We have a good system in place right now and a fair, stable relationship climate. There are areas that need to be examined, and that is what we have done in this debate.

Mr. Speaker, I'd like to discuss the positives of our system, because there are many. You wouldn't know it from listening to the opposition, but things are going all right in Alberta. In 1999 Alberta lost 1.23 person-days per 10,000 person-days of work due to strikes and lockouts. This is the second lowest rate in Canada, after Prince Edward Island. This very low rate was accomplished through relationship building with key industry stakeholders. Again, who better to consult about a fair workplace than those people involved in it every day? This means asking both sides of the workplace, employers and workers, what they think is good and what they think could be changed. A balanced approach has led to stability and a low work-stoppage rate, which is good for all Albertans. We are committed to a safe, fair, productive, and innovative workplace in Alberta, and by and large we have laid the groundwork for this.

I think the Minister of Human Resources and Employment should take a lot of credit for creating this environment. Under his leadership Alberta has seen a stable and growing workforce. In this time of growth and expansion in our economy a productive, harmonized labour climate is vital. With 1.5 million Albertans currently employed and 33,600 new jobs created over the first nine months of 2000 alone, it is something we have to keep striving for.

[The Deputy Speaker in the chair]

It should be noted that Alberta enjoys the strongest productivity growth in Canada, the highest level of productivity of all the provinces, but, Mr. Speaker, there are many areas where we can do things better. I'm committed to the collective bargaining process. At all times it is better for the parties to come to some settlement at the table themselves as a community-based solution. Bargaining in good faith is always better for the labour relationship climate than imposing settlements. When settlements are imposed, both sides



come away from the process feeling cheated, even if that was not the case.

Mr. Speaker, I think every member of this Assembly has had at one time or another a potential for work stoppage in his constituency, and I also bet you that the vast majority of those potential work stoppages were resolved before a strike or lockout occurred. So there was the potential, but it was avoided. Now, the point I think my colleague wanted to make and one that I wholeheartedly agree with is that even though there was no work stoppage, the damage was already done. Both sides participating in contract negotiations came away from the process feeling stressed out, feeling pushed around, and feeling ripped off. The zero-sum nature of contract negotiation creates an environment of mistrust and stress. Tell me: is it the basis for a peaceful and productive work climate in the future when you have employees feeling disempowered by the process? Are they going to be happy, efficient members of a team down the road? No, of course not.

Now, Mr. Speaker, this is not the case in every contract negotiation that occurs in Alberta, but it is the case in some. So if we can somehow improve the process of these high-stress negotiations and create a more productive environment, one that's positive and that labour relations can be built from, isn't that an improvement and isn't it good for the province? I think it is.

A reasonable solution to bargaining is what workers in this province want, and on the part of this government we are committed to the collective bargaining process. We respect that process, and we support agreements reached at local levels as opposed to anything forced. The interest-based bargaining method my colleague discussed may be one such solution for certain cases that arise. As my colleague stated, the most important aspect of interest-based bargaining is that both sides share information about their interests and concerns. They create a menu of possible solutions to their concerns and work to achieve solutions that best meet everybody's needs.

Brainstorming is an important tool in creating an environment of free-flowing exchange. Participants are encouraged to consider each other's ideas and to build on each other's thoughts. This builds a positive environment from which negotiations can flow. Now, to me this sounds like a much better premise to build a contract and a viable future than a high-stress, winner-take-all environment.

3:40

Mr. Speaker, it may be asking too much to believe that negotiators from both sides during bargaining would all play fair and share each other's secrets and agenda. In my opinion, interest-based bargaining is not a panacea for unhealthy labour/management relationships, and it shouldn't be viewed as a replacement for the adversarial bargaining which all parties must embrace, but there are times when it can work. I know for a fact that interest-based bargaining is being successfully used across the United States, in states with diverse labour relations environments like Pennsylvania, Wisconsin, Iowa, and Arizona, to name a few. In the Iowa public school system, where there are three counties with historically strained labour/management relationships, interest-based bargaining has led to a new environment of trust and a new way of dealing with grievances. In the words of one Iowa teacher: "People used to fear the adversarial approach. With the interest-based approach, it's much easier."

I know, as well, that interest-based bargaining was used during a contract negotiation by the Ottawa *Citizen* newspaper and its employees to come to a successful agreement. The guild, one of Canada's largest media unions, with more than 7,000 members in television, radio, and print, represented the employees. The union

newsletter reported: interest-based bargaining produces speedy pact in Ottawa. They also reported that negotiators still had to tread carefully, but there was no question there was less stress and tension during the bargaining. As well, the League of Educational Administrators, Directors and Superintendents of Saskatchewan have expressed interest in using this process. Large companies like Intel and IBM have adopted some form of open-door dispute resolution and have reported an improved labour climate.

Mr. Speaker, the alternatives my colleague from Wainwright has proposed are not just theoretical. They have worked in the real world. What has worked so well for people in other parts of North America may work here, and we should be open to this possibility.

I want to close by reiterating that we have a pretty good system currently in place in Alberta. We know this from statistics I mentioned earlier: having the second lowest person-day loss due to work stoppages in this country and having the highest level of productivity in Canada; the fact that we have an employment standards call centre that has sent information to more than 150,000 employers and employees across the province on the interpretation and application of the Employment Standards Code each year; the youth employment strategy, offering young people the opportunity to acquire skills and knowledge for career planning. All these initiatives have created a skilled, productive, and knowledgeable workforce, which in my opinion is also vital to labour relations. Having a top-notch, informed labour force means that good decisions have been made by negotiators in resolving disputes.

As I stated in my comments today, there have been cases where the process has broken down, and the outcome in these cases was less than optimal. The labour relations climate was damaged, and it has taken years, in some cases, to repair it and get back to the viable framework of peace. Mr. Speaker, we have seen cases where using an alternative like the interest-based bargaining method has produced positive results. I say to my colleagues, in asking them to support this motion, that we should put two and two together and realize that there are cases where the process has broken down and that if there's a method that may be used to avoid a breakdown, why shouldn't we use it in Alberta? That is what this motion is about: looking at alternatives and making the process work better.

Thank you, Mr. Speaker.

**THE DEPUTY SPEAKER:** The hon. Member for Edmonton-Highlands in the few minutes remaining.

**MR. MASON:** Thank you, Mr. Speaker. I was trained for 11 years in city council to speak in five-minute periods, so this may be my opportunity, and perhaps other members could learn from this example as well.

I appreciate the hon. member's motion that he's put forward calling for a review. I guess I would say first of all, Mr. Speaker, that there's nothing that is wrong per se with looking at interest-based bargaining, but I also feel that given the government's record in this matter, there's cause for some concern since the motion is not worded in a way that deals strictly with an examination of interest-based bargaining but is designed to have a complete, open, and unencumbered review of our labour legislation in this province. The previous times that the government has looked at labour legislation, we've always ended up, at least from the point of view of workers, with a worse situation than when we started. That is, I guess, what the concern is on my part.

It may interest one of the ministers to know that not only was I involved in a power company making decisions but also involved on the management side in a number of labour discussions and negotiations. I found that one of the things that happens most often

is that one of the parties loses patience with the adversarial collective bargaining system, and they begin to believe that it won't produce results in the end. We saw that, I think, a couple of times.

Once I was involved on the Library Board when we were dealing with our employees there in a negotiation. They were difficult negotiations, Mr. Speaker, and they went on for some time. It was clear on the part of some members of the administration of the library and indeed some members of the Library Board that they lost patience and gave up and just believed that there was no alternative to either a strike or a lockout. Those of us who believed in the collective bargaining system persevered and went the extra mile to review the various demands in the negotiations again and again, and we eventually came to an agreement that was beneficial to both parties, and that was using the existing system that we have here.

I had a similar experience in the city of Edmonton when we dealt with negotiations around our DATS drivers, our disabled adult transportation system drivers. They were difficult again, Mr. Speaker, and again there were people that wanted to give up on the collective bargaining system and not see it through to produce the results that it's completely capable of reaching. In the end, those of us who insisted that we continue the negotiations succeeded in getting an agreement that gave those drivers their first collective agreement at considerably less cost to the city than was originally projected by our administration. So I think the first thing I'd like to say is that it can work.

The second thing that I would like to say, Mr. Speaker, is that there are a number of things I would like to see from the government in terms of improving collective bargaining legislation before I'm willing to support a motion like this that could in fact open the door to right-to-work legislation right after the next provincial election. That's what the fear is. It definitely is the fear I have.

There's no recognition of the right to strike in this province. There's no protection against the use of replacement workers. Mr. Speaker, I think we should be extending prorated benefits to part-time and casual workers, equivalent to those that are provided to full-time workers. We should be extending employment standards, health and safety, and workers' compensation legislation to farms and ranches employing three or more workers. If the government is willing to do those kinds of things, then I think we would be prepared to look at some sort of review, but the kinds of reviews that have been done in the past have certainly prejudiced workers' rights.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: Under Standing Order 8(4) I must put all questions to conclude debate on the motion.

[The voice vote indicated that the motion carried]

[Several members rose calling for a division. The division bell was rung at 3:50 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Amery	Dunford	Marz
Boutilier	Evans	McFarland
Broda	Friedel	Melchin
Burgener	Haley	Nelson
Calahasen	Herard	Renner
Cao	Hierath	Severtson
Cardinal	Hlady	Strang

Coutts	Jablonski	Taylor
Doerksen	Langevin	West
Ducharme	Magnus	

Against the motion:

Blakeman	Mar	Pannu
Bonner	Mason	Soetaert
Carlson	Nicol	Woloshyn
Dickson	O'Neill	Yankowsky
MacDonald		

Totals:	For – 29	Against – 13
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[Motion Other than Government Motion 513 carried]

### Pension Reform

514. Mr. Hlady moved:

Be it resolved that the Legislative Assembly urge the government to examine its future in the Canada pension plan or explore other options, including a made-in-Alberta pension plan or a mandatory personal retirement savings plan.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Mountain View.

MR. HLADY: Thank you, Mr. Speaker. I am pleased to bring forward Motion 514 for the consideration of the Legislative Assembly. I would like to begin today, Mr. Speaker, by explaining the rationale behind this motion. I must emphasize that this motion does not call for Alberta to opt out of the Canada pension plan immediately. It does not necessarily call for Alberta to opt out of the Canada pension plan at all. What it does do is acknowledge that the current state of the CPP represents an extremely urgent issue that warrants a high level of preparedness on the part of our government.

To give some sense of the magnitude of the problem, I can tell you that one 1999 survey revealed that fully 76 percent of all Canadians believe they will receive either a smaller Canada pension than those retiring today or else no Canada pension at all. I happen to share that concern, and I know that many of my colleagues do as well, if not for themselves then certainly for their children and grandchildren.

Now, I don't think it comes as a surprise to anyone in this House that the future stability of the Canada pension plan is in serious doubt, but to really understand why the security of our retirement savings is so precarious, we must understand the nature of the CPP. The CPP was established in 1966 as a mandatory, earnings-related pension plan. Unfortunately, it was also established according to a pay-as-you-go, or pay-go, formula. Under this formula the CPP is largely unfunded because the benefits paid to current retirees are financed not by the permanent assets of the plan but by the contributions of current employees. This means that the CPP is currently liable for an estimated \$465 billion in future benefit payments.

MR. MAGNUS: How much?

MR. HLADY: An estimated \$465 billion, while it actually only has \$36.5 billion in assets on hand. Therefore, Mr. Speaker, it does not take a genius or even an economist to figure out that a pay-go system is only viable as long as the funds entering the system in contributions are greater than or equal to those being paid out in benefits.

Unfortunately, this has not been the case for the CPP since 1992. As a result of changing demographics, the gradual expansion of

survivor and disability benefits, and the indexing of the plan to changes in the annual cost of living, the Canada pension plan now pays out far more than it takes in. For example, in 1996, 10 million working Canadians contributed approximately \$11 billion to the CPP. However, that same year 3 million Canadians drew almost \$17 billion in benefits. It's plainly obvious that this type of situation will not be sustainable for very long.

The CPP was designed to have a small reserve fund on hand to cover two years' worth of benefit payments, but this has not been sufficient to avert the imminent collapse of the system. In 1995 the person responsible for overseeing the CPP, the chief actuary of the office of the superintendent of financial institutions, issued a stern and sobering warning. He predicted that unless substantial changes to the CPP were made, the plan would be completely exhausted by the year 2015. That's just over 14 years from now.

In response to the chief actuary's dire prediction a series of reforms to the CPP were enacted in 1997. The CPP reserve fund was expanded to provide five years of protection, and an independent investment board was established to manage the reserve and invest it in market instruments other than low-yield provincial bonds. In addition, it is planned that premium deductions will be increased from their '97 levels of 5.6 percent to a new fixed rate of 9.9 percent by 2003. At the same time, the basic annual exemption for CPP contributions has been frozen at \$3,500. Finally, the formula for calculating pensions was changed in order to make them more comparable to earnings at the time of retirement.

However, it is quite possible that these 1997 reforms to the Canada pension plan will not be sufficient to avert the impending disaster. For instance, William Robson, a senior policy analyst with the C.D. Howe Institute, has seriously questioned whether the new 9.9 percent contribution rate can be sustained. He has concluded that better funding, sound investments by the CPP investment board, and a mixture of good luck and good management may – I say may – allow the 9.9 percent rate to be maintained. However, it could go much higher. To quote Mr. Robson: even the best outcome in these areas will leave a substantial share of CPP premiums for younger workers. This is effectively a tax on the younger workers today. That's the fundamental of it. He goes on to point out that even this admittedly grim best case scenario is not likely to occur.

4:10

So with the future of the Canada pension plan increasingly in doubt, it seems only prudent to explore the possibility of opting out while there is still time. Whatever form a new pension plan or a mandatory RSP might take, it would have numerous and significant advantages over the current system. Mr. Speaker, while in my next few pages I speak mainly in regards to an Alberta pension plan, a lot of this would also affect an MRSP.

First, the new plan would maintain many of the positive features of the Canada pension plan while abandoning many of its liabilities. The new plan would still be universal, applying to all Alberta workers. It would still be portable, with contributions able to be retained whether a worker changes employers or even moves to another province. However, the new plan would be far more actuarially sound than the old CPP with its legacy of inefficiency and financial mismanagement.

This government already has a proven record of fiscal responsibility and appropriate delegation of authority to independent entities. These methods of governance would surely serve an Alberta pension plan very well. It is also likely that the benefits provided by an Alberta pension plan could be designed more accurately to reflect the unique needs and demographic circumstances of Albertans.

These benefits would also be much more responsive to changing economic trends and priorities.

In addition, Mr. Speaker, an Alberta pension plan would be much more fair to Alberta contributors. In 1996 residents of this province contributed over \$2 billion to the Canada pension plan while drawing only \$1.6 billion in benefits. Alberta is the only province in this country where contributions exceed the benefits that they receive back. In other words, people in the rest of the country pay an average of 92 cents for every dollar of benefits received, while Albertans pay \$1.27. University of Calgary political scientist Tom Flanagan has described the situation in somewhat more colourful terms. He said: Alberta is getting hosed. I'll leave it up to the Members of the Legislative Assembly to do the math for themselves, and I'm sure they'll agree.

We should also not overlook the important sense of ownership that an Alberta pension plan would bring to the citizens of this province. In poll after poll Canadians indicate that they feel a great deal of frustration and resentment when making CPP contributions because they are perceived as nothing more than another tax. The inner workings and management of the plan in Ottawa are so complex and obscure that many people do not think of CPP contributions as an investment in their future quality of life. They view it as an encumbrance or duty, and therefore it undermines the core value of trying to plan for one's future financial independence. That's the whole purpose of doing this in the first place. However, if Albertans felt that the pension plan was run by and for them, it could make a huge difference in their attitude towards making contributions and their feelings about having a successful future.

Our government has always had a strong commitment to openness and accountability in these matters. This positive record would only increase the level of public confidence in the plan. In short, an Alberta pension plan could potentially be seen as more legitimate and reliable than the current CPP.

Mr. Speaker, there are a number of additional reasons why an independent, made-in-Alberta plan or MRSP should at least be considered. It is true that opting out of the CPP would not be easy. If substantive changes were to be made, the move would require the approval of two-thirds of the provinces in Canada representing two-thirds of the population of the country. However, despite the difficulty of opting out, it might be easier now than at any point in the future.

There are two reasons for this. First, it is unlikely that the current Ontario government would oppose the move, given its traditional ideological affinity with our government. There is no guarantee that this would be the case under future Ontario governments and certainly isn't today, which would essentially have a veto on this issue by virtue of Ontario's large population.

Secondly, it is now relatively clear what Alberta's share of current CPP assets are. This is because any cash surpluses contributed by Albertans are now invested in provincial bonds. However, with the CPP intending to expand its reserve fund in the next few years and invest it in the open market, it will soon become quite unclear which of these investments belong to Alberta and which do not. If Alberta is to opt out of the CPP, we should consider doing it now or very soon, when assets and obligations are relatively clear, rather than later, when they may not be.

There's one last reason why I believe that the government of Alberta should consider opting out of the Canada pension plan. It is a very intriguing reason. If Alberta is seen to be vigorously pursuing a credible, realistic alternative to the CPP, it is possible that this would spur the federal government into implementing meaningful and effective reforms to the CPP.

In 1998 the then Provincial Treasurer, Stockwell Day, developed

and released a set of seven reasonable principles upon which such reforms could be based, which we put forward as a provincial government to the federal government. The first principle was to preserve the universality and full portability of the CPP. That is an objective that I think we can all agree with.

The second was to establish a reliable base for CPP funding that would minimize the intergenerational transfer of debt. To me this would seem to suggest the desirability of some kind of fully funded pension system. Under this type of system retirement benefits would be paid out of an individual's own lifetime savings rather than draining the savings of current contributors.

Third, the Provincial Treasurer proposed that there should be a readily discernible relationship between what contributors pay into the plan and what they take out in the end. Once again, this seems to me to be very fair, Mr. Speaker, a commonsense proposition.

Fourth, it was suggested that mandatory contribution rates should leave room for individual private savings initiatives. This is a clear recognition of the fact that while it is necessary to have a universal mandatory pension plan, each individual is really in the best position to determine his or her own retirement needs. Should one invest in bonds, stocks, mutual funds, or GICs? How many risks should one take? What would be an adequate retirement income? These are all decisions best left to the individual, and any well-designed government pension plan should not impinge upon the ability to make those decisions.

The fifth principle is that individuals and employers should have the ability, where appropriate, to develop equivalent or superior benefit packages.

Sixth, all generations should in some way share in the costs of dealing with the current CPP's problems. Other jurisdictions have undertaken a similar approach when dealing with the transition from one pension system to another. This often involves the issue of some kind of recognition bonds that acknowledge contributions under the old plan and can be invested into the new one.

The seventh and final principle proposed by Alberta was that the Canada pension plan's governance should be made more cohesive and accountable. Once again, this is simply common sense, Mr. Speaker.

In fact, it seems to me, as I'm sure it does to many of my colleagues, that these seven principles would be an excellent foundation on which to build a stable, secure retirement savings plan here in Alberta. If the exploration and examination suggested in this motion cause the federal government to reform the existing CPP along these lines, I'm sure that most of us would be completely satisfied. However, if Ottawa does not respond to our investigation in a responsible manner, these same principles could be used to form the basis of an Alberta pension plan.

In other words, the motion I am sponsoring here today does not advocate the abandonment of existing government policy, nor does it necessarily propose the abandonment of the CPP. It simply recognizes that the strongest position for Alberta to be in is to have fully considered all of our options and to be fully prepared to take any course of action necessary to preserve the retirement savings of our citizens.

I hope I've made it clear by now that the Canada pension plan is in serious trouble. I hope that I've also made the case that some type of Alberta pension plan or a mandatory RSP would have certain advantages over the current system. These advantages would include better management, more secure investments, more individual control, and a genuine sense of ownership. Our serious consideration of opting out might even convince the federal government to reform the existing CPP in line with Alberta's proposals.

For these reasons, Mr. Speaker, I strongly urge all of my col-

leagues to support Motion 514. We must take action now to preserve both our retirement savings and those of the future generations.

Thank you very much.

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

**MS CARLSON:** Thank you, Mr. Speaker. I'm happy to have the opportunity to speak to Motion 514, a made-in-Alberta pension plan. The Member for Calgary-Mountain View may be a decent fellow, but he keeps coming up with these harebrained schemes that he brings into the Legislature that are completely unsupportable when you take a look at them in detail. [interjection] Well, maybe not harebrained. [interjection] Well, let's talk about that alleged Liberal scheme in Ottawa.

In fact, if you take a look at when the CPP got into the greatest degree of difficulty in this country, it was under a Conservative government. In the last few years the federal government has taken some significant steps in terms of rectifying the issues that are there in a process of reform for the CPP in order to ensure that there is a future sustainability and to stabilize contribution rates. [interjections] In fact, all this chirping that we hear right now, Mr. Speaker, does not speak to the position that their own government has taken.

#### **Speaker's Ruling Decorum**

**THE DEPUTY SPEAKER:** Hon. members, the long and true tradition of the House is that only one member is speaking at a time, and right now the only member that's been recognized is the hon. Member for Edmonton-Ellerslie. If you don't like what she's saying, then you have in your turn an opportunity to get up and refute whatever arguments she might put forward.

The hon. Member for Edmonton-Ellerslie.

4:20

#### **Debate Continued**

**MS CARLSON:** Thank you, Mr. Speaker. The member who introduced this particular motion likes on occasion to engage in fear mongering, which is what we have with this motion that has come to the floor of the Legislature. That's exactly what has happened. On the one hand, he's saying how bad the plan is and how it's going to crash and burn. On the other hand, his own Provincial Treasurer since 1997 has been working with the federal government along with the rest of the provinces in terms of coming forward with plans that are addressing the situation. It's in progress, and it's working quite well.

What this member wants in addition to the fear mongering and in addition to just sending up trial balloons, that are really unsustainable when you take a look at them, are three layers of pension plans in this province. He just finished saying that his discussion is not about abandoning the CPP, but what it is about for sure is a double kind of system, where they talk about a mandatory retirement savings plan, a mandatory retirement savings plan from a government who says that they don't force anything on Albertans and that this is a province of options and choice and free will. Well, that's not what this pension plan says. It talks about mandatory plans and then goes on in that mandatory plan to talk about the kinds of investment risk that would be placed on individual contributors.

Well, I think people should have flexibility and choice in the kinds of options they're taking a look at, and that's not what he's talking about. With the mandatory plan we're going to see higher administrative costs. We're going to see the impact on women, which is

going to be significant because of their higher life expectancy. In addition to no kind of opting-out clause, like the CPP has, for women who take a break from their out-of-home work life to stay home and raise their children, which is quite surprising to me given the stance this government allegedly takes on that position on many other issues, it doesn't talk about Alberta's share of the unfunded liability of CPP, and it doesn't talk about transitional provisions that have to be adopted. And that's just on their mandatory retirement plan.

Then when you talk about their Alberta pension plan, when you take a look once again . . .

THE DEPUTY SPEAKER: Hon. members, these are private members' motions, and these are not government motions. These are private members' motions.

MS CARLSON: I have figured that out, not like this member says.

In fact, what we see in his comments is a position that he has supported, a stance the government has taken, and this is the debate that I'm bringing to the floor here. I would hope that some of his colleagues would rise to his defence, other than chirping comments like that, hon. minister across the floor.

If you take a look at the Alberta pension plan that he's proposing, there are lots of added risks built into that particular system when you take a look at the smaller population base we're talking about in Alberta, including economic volatility and the portability of benefits, which he didn't really significantly address.

I'm wondering if this hon. member would be prepared to comment on the status of the negotiations that are happening now at the federal Liberal government level in terms of rectifying this position. Does he support those changes or not? If he's saying that there shouldn't be an abandonment of the CPP, does he believe that the steps the federal government, in conjunction with this provincial government, is taking are going to work or in fact are going to crash and burn? This is what it appears he is alleging in his comments. So if he could comment on that, I would appreciate it.

There are many, many questions that he did not answer when he went through the options that he's got here in terms of the MRSPs. Particularly I'd like to focus, because we don't have very much time, on the issue of women in this particular instance. If this proposal were brought forward without special legislation, then what we see happening is that women retire with lower retirement income than men for identical work and contribution records because of higher female life expectancy, so we see that they would over their lifetime have less pension income available to them. If he could explain that.

He also said that the burden of CPP now falls to the younger generation to pay. I don't disagree with that, but I don't see how that is different under his plan. It would seem to me that under the plan he's got for the mandatory, self-directed RSPs, that's also an issue. They're going to have to pay for the benefits owing under the current system and build their own retirement savings plan. So what kind of percentages is he talking about under an MRSP that young people would have to be contributing? He complained about the percentages in his comments, but we can see that those would be significantly higher.

How does he plan to address administration costs, Mr. Speaker? They can be significant. [interjection] Yes, those are good questions, too, that I hope he has an opportunity to answer. Definitely administration costs are a serious issue that needs to be talked about.

There's been lots of talk over the years about a separate Alberta pension plan, and it has the same essential structure, as we hear it coming from him, as the CPP. In the short term it looks like it

would be a good idea, because of course we have favourable demographics and high employment rates in this province. It is a great province to live in; there's no doubt about it. [interjections] It is a great province to live in. That's why I'm here. That's why I'm happy to support my constituents.

But we have to be ever wary, Mr. Speaker, of these kinds of ideas that are floated that can harm the good life that we have in this province. We have to be ever vigilant to these kinds of trial balloons that are floated that have hidden risks in them, that people may not know or understand at first glance. So I think it's very important for us to take a look at those issues.

We didn't hear the member who introduced this motion talking about administration costs and economies of scale in terms of the collection of those dollars. He didn't at all, I believe, address that in any kind of a satisfactory function, so I would like to see what his answers are to that. Perhaps he could put them in writing, Mr. Speaker, as I don't believe he'll have another opportunity to speak to this, because I know that we have a lot of people who are very concerned about it.

He didn't talk, I don't think, about how we would administratively measure, monitor, administer the three kinds of plans that he's now talking about. This government and this member as a private member have supported positions that talk about less regulation, less administrative cost, less duplication, but that isn't what I see coming forward in this particular motion, Mr. Speaker. So I wonder how he intends to address that.

What happens with their mandatory plan when the market falls? We've seen phenomenal growth over the past few years in many of the different kinds of investment plans that people have had when they talk about RSPs, but what happens when the market falls, Mr. Speaker? What do we see then for those people who have been forced into this mandatory plan that he's talking about? I think those are the kinds of debates that we have to have. I think they take a lot more time than we have available to us in motions.

I would like to recognize the work that the Alberta chamber has done on this issue. Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: I hesitate to interrupt the hon. Member for Edmonton-Ellerslie, but the time limit for consideration of this item of business has concluded.

4:30

head: Government Bills and Orders

head: Second Reading

## Bill 20

### Justice Statutes Amendment Act, 2000

[Adjourned debate November 20: Mr. Bonner]

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

MS CARLSON: Thank you, Mr. Speaker. I'm happy to have an opportunity here to speak to Bill 20, the Justice Statutes Amendment Act, 2000. We've recently seen – in fact, today they hit my desk – amendments that have been brought in by this government. First of all, I would like to talk about those for a moment.

How can it be that with this government, who has lots of time to draft this legislation and to bring it forward into this Legislature and to run it by various groups who have a vested interest in the legislation being brought forward, we see time after time amendments being brought into legislation that are in fact at least as substantial as the bills themselves if not even bigger than the bills? This is what we see again, a series of literally pages of amendments

having been brought in on a bill that was originally introduced. You know, we don't see other Legislatures across Canada having this kind of difficulty.

Amendments should be minor in nature, Mr. Speaker. They shouldn't be substantive in nature, because if the government had done their groundwork to begin with, they wouldn't be necessary. How do other jurisdictions handle legislation when it's brought forward? Before they draft the legislation, they send it out for a vigorous review and debate to groups that are interested in the proposals. Those people can kick it around, talk about it, get together with government members and fine-tune the legislation, talk about options, and find compromises where necessary so that when the legislation in fact hits the floor of an Assembly, it's well drafted, well thought out, and is the best possible legislation that can be brought forward.

Unfortunately, since I have been in this Legislature, since 1993, that doesn't seem to be the case. We see shoddy drafting, many groups unsatisfied when the legislation first hits the floor. Often we see the government bring forward amendments to this legislation after they go out and consult with groups. That's what has happened in this case, Mr. Speaker. A very well-respected group, MADD, Mothers Against Drinking Drivers, had some concerns with this legislation. Why this government and the minister responsible for bringing in this legislation didn't go to them in the first place and iron out any concerns or difficulties is of keen interest to me, but clearly they didn't think it was necessary at the time.

So what happens? Barely after having the legislation introduced, we have amendments brought into it. So that speaks, I think, to the arrogance that this government has in terms of the regard . . .

THE DEPUTY SPEAKER: Hon. member, talking about amendments, I'm just curious. Is this not second reading, which is on the principle of the bill, as opposed to amendments that may be coming from some other side?

MS CARLSON: Absolutely, and it's in principle that I'm speaking against the need for amendments to a bill, Mr. Speaker, so I hope that addresses any concerns that we may see from members across the way. In principle we should be having a bill that is very clean, that has met the needs of most groups in this province, and that isn't what we see here. I'm speaking in principle to the legislation. We can speak in principle about how it's drafted, about the content of it, clause by clause if we wish to, and any overriding principles, and that's exactly what I'm speaking to here. [interjection] If the minister doesn't like it, I suggest that he get up and talk about that. In seven years I certainly do know how to talk in principle about legislation, about the problems involved in drafting it. We have seen a number of concerns that have come out of this legislation but also some good work.

So now you've been chastised. Now I will talk about one of the things that have been good with this, and that is the co-operation that we saw between the Minister of Justice and our Justice critic. I think it's commendable when we see that, Mr. Speaker. Certainly I've had the opportunity to work in co-operation with government members over my duration here in the Legislature, and it can be very helpful when we see ministers who are prepared to sit down and hear concerns that we have had and to take them seriously and to work them into the drafting. So while a component of this bill was deemed to be not acceptable by groups, certainly some things were drafted and changed beforehand.

I would like to thank the minister for the co-operation that he gave in listening to and working with our Liberal Justice critic. I think those things enhance legislation. Mr. Speaker, it isn't always just

our role to oppose what comes to the floor of this Legislature. Often we can work with the appropriate ministers to talk about the kinds of improvements that can be made, therefore limiting the kind of debate time we see on bills and limiting the number of amendments that come from this side of the floor.

I do have a couple of concerns about this bill. One of them is the provisions that are put in place governing the management of exhibits in the court's possession. We've seen a number of examples in the past, particularly the past couple of years, where it looks like the management of the exhibits in the court's possession created a problem for us.

I'm thinking particularly of Bovar and what's happened with the Bovar waste treatment plant in Swan Hills. A number of the records were not made available to us that were really contentious in nature and should have been made public to the people of this province. So there are some concerns around that issue, and I'm hoping we see that cleaned up before this legislation gets passed, Mr. Speaker. They can be substantive in nature. I think the public have a right to know when their health is placed at risk or potentially at risk. They have a right to know, when we're dealing with hazardous waste, what companies have done in the past in dealing with those. We have a right to know what kinds of negotiations they've made with the government when the government is funding some or all or part of the operations of companies like that. It hasn't always been the case where you've had accessibility to that.

Also, there are some problems in the management of exhibits for the appeal process for WCB. So I would hope that we would be talking about that in this Legislature. I'm hoping the minister will address that.

I think some of the parts we see in here are good. Where it talks about in the bill where the Lieutenant Governor in Council will be able to make regulations outlining situations in which court fees can be waived – because currently there are no provisions – this is a good provision I think. We talk about openness, fairness, and accountability in that regard, and the process for people to be involved in a court system in a manner in which they can afford it. So I actually quite support that particular provision that's going to be brought in.

I think there are a number of other questions that we have. When you take a look at the amendments that are going to be coming into the Provincial Offences Procedure Act, there are two issues that we have to talk about. The first is that the maximum fine able to be imposed with respect to an offence will increase from \$400 to \$1,000. I think that's good. I think that there should be a sunset clause reviewing all of those kinds of limits on an ongoing basis, because times change and it's something that needs to be brought to the minister's attention and dealt with according to severity and cost issues; you know, cost of living. A slight wrap on the knuckles is not always satisfactory. We need to make sure that there are some teeth in some of this legislation, so we welcome that.

Secondly with regard to this particular amendment, the Lieutenant Governor in Council will be able to make regulations now allowing a person acting as an agent of the court to receive payment for offences; most commonly, speeding tickets. I see it as the intention of the ministry to appoint current private registries as agents of the court for the collection of these fines. This is an expansion of private registries as we see it, and they will then be charging a surcharge for providing this service.

This is more downloading that we see. This is another user fee being imposed on the people of the province. While I know we want to make it easy and accessible for people to pay tickets and fines on time, Mr. Speaker, I'm wondering at the added cost that goes in when we talk about another layer of user fees. Many people would

argue that it's fine to do that, that the people broke the law, by the kind of ticket they got, so they should be fined for that. Well, they are. The user fee charge is a different issue, and it's one that we've seen before this Legislature any number of times in terms of another way of taxing the people of this province. I do have concerns about that, and I hope that the minister will be able to speak to those for us.

I think at this time in second reading, Mr. Speaker, those are the comments that I have. It's quite a lengthy bill. I haven't had a chance to get through all of it yet, so I am definitely looking forward to the time in committee when I can discuss this bill in greater depth.

Thank you.

4:40

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

MS BLAKEMAN: Thank you very much. You know, there are times when I really wish I had a law degree, and this is one of them.

MR. DICKSON: You're the next best thing. You're an MLA, the next best thing.

MS BLAKEMAN: Thank you. I'm being encouraged that being an MLA is the next best thing, I guess in that we can actually create the laws.

I've often stood in this House and said that we should do the best job possible with the most consideration, and I'm working hard to understand everything that's in here. I'm also cognizant that the process for this bill coming before us today has been a bit of a climb in that the bill was originally presented in the spring, and there was such a fervor of reaction to it that the government spent some time, I guess over the summer, putting together amendments. I understand that there will be significant amendments brought forward while this bill is in Committee of the Whole.

[The Speaker in the chair]

Actually, that's a good sign for the process: that if it's recognized and understood that mistakes have been made or not enough consultation happened or perhaps the government was being a little too hasty in some areas, they would recognize that it just wasn't going to sit well with the people, and that in fact they did have the strength, the stamina, to take it back and try and come forward with some improvements.

I think all of us would prefer that the time was put in on the front end and that we had a nice sort of clean bill to work with. That's one of the reasons that I'm struggling, because I'm having to look between the bill and the amendments and correspondence that has been received from stakeholders and go back and forth and try and figure out what's being talked about, whether it's still there or whether it might be amended. It gets a little confusing. So, yes, I guess I wish it had come forward in better shape, but I will give all credit to the Minister of Justice and Attorney General for having realized that there were some issues, and he has taken it back and evidently will bring forward amendments on it.

One of the things that I've noticed, particularly when I talk to colleagues across the country, is that we haven't been very good in Alberta about reviewing our statutes and our laws to make sure that they are up to date and that we don't have some sort of dusty ones sitting up on the shelves there that don't really pertain and are not really used anymore.

One of the ones that's come to my attention is the fire code, which doesn't ever seem to really be reviewed, and the old stuff that doesn't pertain anymore is never expunged from it. We just keep

adding more onto it. Certainly I've heard from businesspeople in my constituency that frankly that's a real pain for them because they just have to keep paying out more money to do more stuff to conform to the code, but they're still having to conform to everything else that's in that code from when it was first put forward much earlier in the previous century.

So if this is a good attempt by the government to go back and re-examine and remove things that don't work well anymore or don't pertain anymore and try and streamline the process while always, of course, remaining on guard for citizens' access to the justice system, then I think this is a good bill, and the Minister of Justice gets brownie points for that. I think it's important to do a top-to-bottom, bottom-to-top review . . .

MR. DICKSON: Side to side.

MS BLAKEMAN: . . . side to side, as well, and back to front, of all of our legislation, especially the large codes that we all live by that just tend to keep adding on and adding on without ever going back.

Now, one of the things that I wanted to talk about – a couple of things I noticed in here. I noticed, if I'm reading this right, that the Lieutenant Governor in Council will be able to make regulations that could waive court fees. It's my understanding that that hasn't existed previously, and certainly with a lot of the issues I deal with that would fall under this, I welcome that, because I think in many cases that is prohibiting people from accessing justice. So if that is the case, I'm glad to see that.

In another section – I'm mindful that I'm in second reading and I'm speaking to the intent of the bill, but in speaking to the intent that I see in some of these sections . . .

The payment hearings, the Lieutenant Governor in Council being able to make regulations governing payment hearings. I hope that this will have some positive effect on the gridlock we can get into with maintenance enforcement payments because that's an area where I find things slow to an absolute crawl, where you have a debtor who has defaulted repeatedly on a maintenance order and the creditor can't seem to shake any money loose from them. But if in fact circumstances have changed for the debtor – they lost their job, or they went back to school – if something has changed where they really can't afford to be making those kinds of payments and they need them reduced, they need to go back into court and change that so that there's some payment forthcoming to that court order, rather than just not paying anything at all because their circumstances have changed.

So I'm hoping that these payment hearings, which I think are to determine a person's ability to pay the money under a judgment and to be able to set forward some sort of schedule or method of payment for the debtor – if I'm reading this correctly, this should really help with maintenance enforcement. We all get these cases in our offices. They're heartbreaking, and I think they're particularly heartbreaking because this is about a court-ordered payment for children. This is not about adults squabbling. It is about a court-ordered payment for children, and that money is needed for those kids to have a decent life. Very rarely are we talking, you know, really high payments, where it's gold-plated skateboards and that kind of thing. For most of these kids these court-ordered payments are to make sure that they have a decent diet, that they have enough money to pay their school fees, that maybe they could participate in some sort of extracurricular activity, that they have decent clothing and warm clothes in the winter. This is not extravagant stuff.

What I have seen too much of is that the debtor simply won't pay for whatever reason, and despite much work on the part of the creditor they just can't get the money out of them. This would allow

them, if I'm reading this right, to be able to get some sort of reasoning as to why the debtor isn't paying and set up a schedule for them to pay.

4:50

When I first started working with maintenance enforcement cases, I was dealing with people that had arrears of \$80,000, \$110,000. Just imagine how long someone has not been making a court-ordered payment to rack up \$110,000 worth of arrears. That must have been most of a kid's life, between zero and 18, that they didn't get that money, and they should be getting it.

I know that the minister has been working on improving the maintenance enforcement program. Certainly this member is not going to stop urging the minister to make improvements to the maintenance enforcement program, because I think it's a great tool for us and a very important component of a modern society that we're able to get these payments made. So I hope that's what's possible under this section that is talking about payment hearings, that we could get debtors into court. We could say: "Let's see. What are your assets, and what's your ability to pay? All right then; let's pay." Then get some payment schedules worked out and get the money coming in.

I mean, I understand that if somebody really wants to flaunt the law, it doesn't matter how many times you drag him into court and hand him a piece of paper that says that you must do this. If they're bound and determined they're not going to do it, they just ignore the piece of paper. I think there's a good section of society that will do something wrong if they think they can get away with it. Frankly, if they're brought before court on something like this payment hearing, that would be enough to have them straighten up and fly right, as my mother would have said. So I hope that's a possibility there.

Now, one concern that I do have in working my way through all of this – and I heard my colleague the Member for Edmonton-Ellerslie comment on it briefly – is that I'm just not comfortable with what's going on with these private registries. It sounds to me like there are sections in this bill that are about allowing the appointment of a third party to collect fines that are levied through the court system, and then that third party would also be allowed to put a charge on top of the fine to pay for their services.

Those private registries: I'm never going to be comfortable with them. I think there are real issues around privacy. We've already seen problems with personal information getting out through the private registries that has to do with the information they currently have access to, which are things like drivers' licences and birth and marriage certificates. We've already had trouble with privacy around that, and here's just another area where a private company, a third party, gets access to very personal information about people and then gets to make money off it. I am never going to be comfortable with that. So if the minister is making notes about responding to any of the issues that we're raising, I'd sure like to hear some reassurances about this. To be frank, I don't think that I'm going to be much reassured. Given the examples we've got before us from other private registry examples, there's not much you could tell me that would reassure me around this one. I think we'd be cruisin' for a bruising' on that one, and I think it's because it's around privacy.

You know, I've often spoken in this Assembly about the need for us as legislators to be the stewards, to show the leadership and to protect the people that live in Alberta, to provide legislation for them to protect them from an invasion of their privacy, from personal information about them being used for some reason that they, one, didn't know about and, two, didn't have an opportunity to give their permission or approval for. In the four short years I've been in this Assembly, we've seen an increasing amount of violation

of that, and we have not shown leadership in this Assembly as far as protecting that personal information on behalf of people. So we really have to work much, much harder on that one.

Another issue I want to talk about sort of globally is the question of access of women to the judicial system. What I see and what I hear from women that come to me – and as the women's issues critic for the opposition I hear from people all over Alberta: e-mails, letters, phone calls, people coming to my office. I think I can safely say that this is a fair selection from across the province. Actually, there's a project being done in Calgary. It would be really interesting to have a look and see whether they were finished yet because it would pertain to what's being proposed in Bill 20. It was around women's access to the law, to the judicial system, and I think it was being done by the Calgary Legal Guidance centre. [interjection] Well, they assist with restraining orders, but I think this project may be done in conjunction with Women Looking Forward, which is an excellent organization in Calgary that has been a good, strong advocate for women and has done a lot of very useful research on that as well.

What I see is that women can get beat up by the system, whereas someone with more money or more familiarity with the justice system can keep dragging women into court to defend themselves against accusations that are being brought forward under various family law matters. We've got the access enforcement law that this government brought forward, and there are a couple of other ones where there's a demand that women appear and basically have to justify or defend themselves. This can be used to really impact them economically as well, because many women are working in minimum wage jobs or lower wage jobs where they're paid by the hour. So if they have to go to their boss at Kentucky Fried Chicken or Revy or the janitor service and say, "Sorry; I have to get the afternoon off to appear in court to answer this," they don't get paid for those hours. That's not included in their salary, so they've lost the wages. Then there's ancillary costs of actually appearing in court that they've got to pay.

This may not be a big deal for many of the members in here, but for the women that I've talked to, parking downtown to go to the courthouse becomes a major obstacle when you're looking at a \$10 bill, a \$12 bill for all-day parking. [interjection] But it's not about paying their . . . The minister is aiding in my debate here.

The point is that if they have to appear in court, in most courts you're told to show up when your docket number blah, blah, blah. Well, they don't tell you what time that's going to happen. You're just supposed to come at 8 o'clock, you wait your turn in line, and you don't know when that turn is. So you start paying that parking at a quarter to 8 in the morning, and if your case isn't heard until 4 in the afternoon, you've racked up 12 bucks' worth of parking. And if you don't get heard, come back tomorrow; you can start it all over again. So that kind of cost is a factor for women.

When I look at Bill 20, I'm searching for what's in that bill that would alleviate some of this financial battery that happens here. I mean, besides the parking costs or bus fare – it could also be bus fare – if they're from out of town, then they're paying travel and accommodation costs as well, which really can raise the costs. Again, if they're having to travel from out of town, they may well have to be paying someone for child care. Well, all of this just to defend themselves against something that's pretty frivolous or often appears to be frivolous or a challenge to a custody hearing over and over and over again. I mean, I've had women who have just given up and said: I can't do this anymore; I can't afford to do it anymore. There's something really wrong with our justice system if that's how women are feeling, that they get beat up by the justice system.



MR. MacDONALD: Maybe they could have more of an active role in the justice system.

5:00

MS BLAKEMAN: Well, yes. Thank you. That's a nice segue, because I think it's important that we also look for a gender balance in the appointment of judges. I don't think I've seen that in Bill 20, but hey, there are amendments coming forward, so sh'boom, sh'boom, it may show up.

You see, part of what we've learned in jury systems – wherever you see juries that are set up for granting of moneys and things, representations on agencies, boards, and commissions, and certainly in the judiciary – is it's really important to have that representation that mirrors what our society is, and our society is 52 percent women. It's important that we have a much better representation of women in the judiciary, because they bring with them a life experience that may not be shared or understood by men. I've got all kinds of examples of where that was pooh-pooed: "No, no. You're not saying that men can't understand women's experience." Blah, blah, blah.

Well, in fact when we were able to get the representation on the committees, you know, on Canada Council, it was a huge thing to get gender representation on Canada Council. It was argued for years that this was not fair and that it should be based on the merit and that good art was good art, blah, blah, blah. Yeah, well, good art by some women may not catch men's imaginations, but it's still good art. When we got the representation balanced on the Canada Council, we started to see the number of grants that were being given and support being given to female artists going up. Before that, there had been an inequity about how the grants were actually given out. So it's really important that we do our very best to achieve a gender balance in appointment of judges.

I know that this Justice minister is concerned about issues like that, and I look to him to show leadership in that area. He is certainly in a position to exercise that and to address some of that imbalance, and I'm sure he could do it if he worked at it. So I encourage him to do that. I understand that it's not covered in this legislation, but, as I say, maybe it could come forward in an amendment or at least be aware of the need for this, you know, as he moves forward. He has been a pretty good Justice minister. I think I'd still prefer somebody from the opposition to be Justice minister, but he's been a pretty good one. That's okay. We'll be on that side soon.

So just to wrap up that section, the whole issue of women's access to justice is still an important one. I know people like to say: "Oh, you know, we've achieved gender parity. What's your problem? What are you bellyaching about now?" But we haven't. I mean, there are certain things that we have managed to achieve, a certain balance that we have even enshrined in law and certainly in the Charter of Rights and Freedoms, but we don't have women making wage parity with men, not by a long shot. The higher the education of the woman, the more likely that she would be achieving closer – I think, the gap closes to about 91 cents if she's got a degree or advanced degree, but that's closing the wage gap from 65 cents on the dollar. So this is a real issue. It's not true. We like to say that every person will be treated equally under the law, but it's not.

The effect that that law has upon women can often be very different, and usually it's tied to what their economic status is to begin with. If you're bringing someone in that's making minimum wage or 6 bucks an hour or \$6.05 an hour and they're losing four hours' worth of work, plus they're having to fork out, you know, for meals and travel and parking and child care, this appearance in court could cost them a whole bunch of money. I'm not saying that it's

inappropriate that they be called to court, but I think we have to look really carefully at what the setup is that's enabling the judicial system to be used as a battering ram, a financial battering ram on women. There's something wrong there, and it needs to be addressed.

MR. DICKSON: They're excellent points.

MS BLAKEMAN: Thank you very much.

I know that a number of groups were concerned about the section on Survival of Actions, which enables a family member to sue for lost earnings essentially. I'm aware that it's being proposed that that section be removed, that that section in the amended form be struck out. I mean, in some ways that may well be an antiquated idea, but in other ways I don't think it is. You know, we have a middle generation of people here who may well not end up with the retirement earnings that they expected. In fact, their children may well have contributed financially to their retirement, and that may be a key factor in whether people are able to enjoy a secure retirement as compared to a struggling, impoverished retirement.

I think certainly that legislation was also a big part of the campaign of several groups including MADD and PAID to drive home the point of drunk drivers killing young people on our highways and what a loss that is to the families. That was the only route that the family had to go through in order to make that point or ask for that restitution, that recognition of a loss, and that includes the financial loss to the family.

MR. DICKSON: Wrongdoers have to be held accountable.

MS BLAKEMAN: Wrongdoers have to be held accountable. It's interesting we're talking about that, because earlier in the day we were on a different discussion about what more could be done to catch and punish drunk drivers. So I wasn't inclined to be too concerned about that when I first heard about it, but the more I've thought about it, the more I think it was right of those groups to come forward and say: this is a piece of law that is important to us and allows us access to the judicial system. That is what I've been talking about in every point that I've raised along here. It is about access to the judicial system. It's about the court fees being waived. That's access to the judicial system.

I've talked about the payment hearings for maintenance enforcement. That's access to the judicial system. I talked about women's access in particular and how the courts can be used by some to batter them or economically punish them, and I talked about the need for a gender balance.

So this is an interesting piece of legislation. We're in second reading, so I've got lots of time to watch these amendments and see if perhaps there's an opportunity to get in a few of the other issues that I was concerned about. Essentially, I'm looking for improvements in Albertans' access to the judicial system.

Thanks very much.

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

DR. NICOL: Thank you, Mr. Speaker. It's an opportunity to stand this afternoon and speak to the issues of Bill 20 and the Justice Statutes Amendment Act. As we look at the structure of this bill, it leaves one with the idea that the government is trying to amend a whole series of different acts and, in doing that, is trying to bring some degree of continuity or uniqueness or oneness, I guess is a better term, to the concept of what we have in terms of our justice in

the sense that the different acts being pulled together now are going to fit better within each other.

5:10

One of the things that we don't really see associated with this, even in terms of some of the information that was put out, is a reflection in terms of the role that the government sees in the context of how they envision the judicial system interacting or being responsive to individuals. Trying to put all of this together with a whole series of amendments to a number of different bills doesn't really explain to us how they intend to pull these together and make for a better judicial system, because we don't really know what their end objective is when they have a system that's finally operating so that we could say: "Yes, that's the target we're going to. Will this amendment really get us there or not?" That kind of background and that kind of principle that should be here as we look at this bill and look at the amendments that are in it to a number of different statutes don't give us that vision.

So what we have to do is kind of look at the provisions of the bill and see whether or not they do develop any kind of a visionary view or visionary expectation in terms of a new justice system, a new way that the justice system would work, a new way that the justice system would effectively provide better service. It's kind of like what we're trying to do here is just the old concept of you fix whatever part is most likely to break down and you don't worry about the rest of it, rather than going back and seeing whether or not there's any fault in the design at all. So what we end up trying to do here is see whether or not the system is effective and the system can provide better service for us as we move to a future justice system that's going to operate under the guidelines as outlined in Bill 20.

I guess the first thing they talk about and that comes to mind in terms of the structure of the courts is the amalgamation that they're proposing, which would basically do away with the separate divisions – the Criminal Division, the Youth Division, the Family Division, and the Civil Division – as entities within that court system. They're going to come together. Now, I guess the question there is: how does the government see this as creating efficiencies? Why is it that they want to try and pull these together? What are they trying to get out of it? I guess when you start to bring together groups under functional areas, you try to do this from an organizational point of view when you see some efficiencies that might result from bringing them together.

I guess the issue that we want to look at here is trying to bring all of these under one judge so that, as I read this in my limited knowledge of the judicial system, on any given day a judge can be in a courtroom and any one of these different kinds of cases could come before that judge. Now, I guess if we're relying on the judge solely to deal with the technical aspects of the law, they have to apply it in the same way in each one of these kinds of cases. But what if an individual asks for the case to be heard by a judge? What if the issues that become specific to the way lawyers interact with the client, the way the prosecutor interacts with the defendant – what if these kinds of issues come out and they're different as we look at the different legal procedures that are allowed, say, in a civil case or in a criminal case or a family court case?

I think most of the concerns that come here have to deal with how we want to have ease or facility of access, especially for our family courts, because so many of the issues that we've heard discussed already this afternoon come out in trying to guarantee effectiveness, guarantee a degree of compassion through the system. I don't mean compassion in the context of the outcome of the proceeding but compassion in the sense of the ease of the proceeding to facilitate the people who are involved in it. We don't want to see those kinds of

procedures being developed that create the rigidity that has to be held for different kinds of court cases.

So I guess we look at that: what are the expected efficiencies that we'll gain by having this? I would hope that as the government proceeds to get into the next sections of debate on this, as we go into amendments – or it would even be great if some of them would stand up and respond a little bit as we talk about those principles so that we can better prepare our debate and our suggestions when it comes time to amend this bill in committee. If we can understand what the end objective might be, then we can understand better how to evaluate whether or not these amendments will actually give us the kind of outcome in our judicial system that my constituents or constituents from any one of the other representatives here see as being beneficial.

So I guess that, Mr. Speaker, has to be the first thing I want to raise in terms of how this is going to be effective when we bring these together. What are the efficiencies that we're going to see there? How can we measure the cost-effectiveness of this in terms of its relationship to both the speed and the effectiveness or the legality of a proceeding? Does it work through and follow the appropriate sets of laws and still have that little bit of participant compassion that I was talking about?

The other thing that I kind of looked at in terms of some of the issues that come with combining these departments is the rural aspect of it. A lot of times, you know, some of the rural courts are quite able to handle a lot of the issues that come up with some of the different kinds of prosecutions or defences or legal actions, but we also see situations where the associated services may not be available in a rural community, and they have to go to a different area. Rather than having the courts located in an area where there is sufficient volume to deal with both the surrounding services that are needed to make sure that that works right, that the hearing proceeds along, that the support systems are there, whether they're, you know, lab systems that are necessary for a criminal prosecution or the human support systems that are there, say, for a family court action – how do we make sure that happens?

In order to have those kinds of things be cost-effective both for society as a whole and the individuals involved, we've got to have critical mass there so that there's a volume of use that will give the participants some perception or some expectation of a reasonable income. It wouldn't do to have certain kinds of courts located in areas or available in areas where they didn't have that efficiency that they could build up. So that's the kind of thing that came to my mind as I looked at how this might affect rural areas.

The other side of that might be that in a rural area, because there isn't a volume, a judge should be able to do a little bit of everything. Well, that's getting back to the idea of how much the judge has to be involved in the technical aspects of the case as opposed to the technicalities of the legal procedures of the case. If we want to have the judge involved in being able to evaluate some degree of, say the process in a family law case or a civil case or a criminal case, there's a degree of expectation in technical knowledge that should be there in that judge to deal with it. Can we have that in a kind of broad-based universal type court system?

5:20

The other thing that comes up in terms of some of the issues that are associated with the rural areas – and I guess many of the rural community members would be quite supportive of the idea of being able to just run into the registry and pay their fine, but then the question comes up in terms of when the surcharge gets added on. What we're doing – and this applies to anybody who would use that registry – is we're saying that the fine effectively gets increased by

the markup that's associated with that service fee that the registry agent charges. So fines are not effectively going to be equal for individuals who have committed the same crime in the sense that if you got a speeding ticket with a \$50 fine on it, if you pay it through the court system, you get it for \$50; if you pay it through a registry, you may have to pay \$55.

What you're going to do is almost get into a situation, Mr. Speaker – so many people now say: "Well, you know, I live in Lethbridge. I was traveling outside Leduc. I happened to go through a radar trap, got a ticket. I know I wasn't speeding, and I want to challenge this." You've got to go back to Leduc or you've got to come to Edmonton or you've got to come somewhere else to say: I want to plead innocent. It costs you more to come from . . .

MR. MAR: You were probably speeding.

DR. NICOL: Well, we won't debate the accuracy of my accusation.

It's easier for me just to say, "Okay. I'm guilty. I'm going to let that go," rather than undertake that whole expense of coming from Lethbridge up to, say, Leduc to plead my case.

Well, we're going to have the same thing here essentially in the sense that the penalty of the law is not equal for everybody who is subjected to the rule of law. I think what we need to look at here, then, is a provision for the agents, however they're going to be defined, whether they're registry agents or not, to collect the \$50 fine so that the actual penalty for the infraction is the same no matter where you have this infraction. They take a little bit out of the fine, whether it's the same percentage or whatever, so they can still get their \$5. They send the \$45 into the respective collector of those dollars, whether it's the city, the rural municipality, or whatever, and the impact, then, and the penalty paid by an individual for a court-leveled fine is equal no matter how you choose to pay it.

Mr. Speaker, the issue that comes up is: are we fining people to encourage them not to commit an unlawful activity, or are we fining individuals to collect revenue? My suggestion and my belief in the judicial system is that the reason we have fines is to encourage individuals not to commit an unlawful activity, not to generate revenue. If we're trying to generate revenue with this, then what we have to do is look at it from the perspective of how we can make sure there's a fixed revenue coming, and adding on the service charge depending upon where the individual pays is a legitimate aspect. I don't think it is in the context of my perception of what a judicially imposed penalty is; that is, an equal penalty for every person to try and provide them with an incentive not to recommit that same kind of unlawful activity.

I think that what we should do is make the fine payable at a whole series of different places, provide convenience for the individuals to make payments, but do not in essence create a differential cost associated with how you choose to make the payment, because this

in effect, then, puts in place a different penalty for individuals based on how they make that payment as opposed to the same penalty to deal with the breaking of a law.

Mr. Speaker, another thing that stands out in the context of the bill as it's being put together is how to deal with some of the things that come out in the context of, say, section 19. I know we're not supposed to talk about the specific sections, but as we look at the application of this bill to make the judicial system more open and more flexible, I take it that what we're seeing in that section is basically a legitimization or a legislative approval of some of the things that we're now seeing happening through the family court sections, where individuals can petition to have a hearing on payment ability without having to have legal counsel or have direct infringement, you know, in the normal process. They can go straight to the family court judge and have their hearing without having to go through all of the rigamarole that's associated with a petition from a lawyer.

Now, I guess what we want to look at here is how fair and how equitable that kind of structure and access system works in the sense that there are a lot of other aspects that come into play here in terms of having fairness developed in those kinds of surprise hearings, you might want to call them. When they do in essence have this petition for a payment hearing, we have to make sure that that kind of a process provides for fair and just notification to everybody who may be impacted by any decisions that are there. You want to make sure that the individual or the parties that are potentially going to have their receipted dollars reduced should be provided with an opportunity to be there as well. So that kind of balance has to come into effect so that in the context, say, of a family court action the custodial parent, who is receiving money in support of a child, is notified if the noncustodial parent applies to have a reduction, and the custodial parent then has the option to come and question the legitimacy of the information that's being provided in that context of a hearing. The need of that, I think, stands out as we look at how the process works out.

Another aspect in the provisions here is the amendments that will make sure that the Chief Judges are not subject to frivolous court action in terms of the execution of their duties. I think this is again a good way to make sure that the court system is provided with some degree of integrity, but we also have to make sure that there is a process in place for scrutiny so that the judicial process doesn't get to be careless. I guess that's where we rely on the aspect of procedural appeals through a superior court, whichever level we're at. The next level of court then gets to make the judgments on the accuracy and integrity of the judicial process as it was executed in the context of a particular court case.

Thank you, Mr. Speaker.

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

