

## Legislative Assembly of Alberta

Title: **Monday, May 7, 2001**

1:30 p.m.

Date: 01/05/07

[The Speaker in the chair]

### head: **Prayers**

THE SPEAKER: Good afternoon. Hon. members, would you please remain standing after the prayer for the singing of our national anthem.

Let us pray. O Lord, we give thanks for the bounty of our province: our land, our resources, and our people. We pledge ourselves to act as good stewards on behalf of all Albertans. Amen.

Now would you please join in the singing of our national anthem as we're led by Mr. Paul Lorieau. Please participate in the language of your choice.

HON. MEMBERS:

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

THE SPEAKER: Please be seated.

### head: **Reading and Receiving Petitions**

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

MR. YANKOWSKY: Thank you, Mr. Speaker. Yes, I'd like to ask that the petition I presented last week 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: **Introduction of Bills**

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

#### **Bill 12** **Farm Implement Amendment Act, 2001**

MR. HORNER: Thank you, Mr. Speaker. I request leave to introduce Bill 12, being the Farm Implement Amendment Act, 2001.

This bill standardizes sales and lease agreements and provides implied warranty and parts availability for farm implements. It also sets out the process for dealer/distributor termination. The proposed amendments provide harmonization between the prairie provinces and will enhance interprovincial trade as conflicting or dissimilar legislation requirements are removed. Manitoba has recently completed their legislative harmonization amendments, and Saskatchewan is currently reviewing their act.

Thank you, Mr. Speaker.

[Motion carried; Bill 12 read a first time]

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. I move that Bill 12 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

THE SPEAKER: The hon. Member for Dunvegan.

#### **Bill 13** **Farm Implement Dealerships Act**

MR. GOUDREAU: Thank you, Mr. Speaker. I request leave to introduce Bill 13, being the Farm Implement Dealerships Act.

This bill defines cause, process, and remedy for dealer termination by distributors. The act is designed to improve competition and remove restrictions placed on farm implement dealerships by distributors. Similar legislation has already been passed in Saskatchewan in December '99 and in Manitoba and P.E.I.

Thank you, Mr. Speaker.

[Motion carried; Bill 13 read a first time]

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. I move that Bill 13 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

THE SPEAKER: The hon. Minister of Learning.

#### **Bill 16** **School Amendment Act, 2001**

DR. OBERG: Thank you very much, Mr. Speaker. I request leave to introduce a bill being the School Amendment Act, 2001.

This bill provides solutions to issues that in some cases have been with us for more than a hundred years.

[Motion carried; Bill 16 read a first time]

#### **Bill 207** **Alberta Personal Income Tax** **(Tools Deduction) Amendment Act, 2001**

MR. LOUGHEED: Mr. Speaker, I request leave to introduce a bill being Alberta Personal Income Tax (Tools Deduction) Amendment Act, 2001.

This bill would enable apprentices and tradespeople to deduct the cost above \$500 of their tools used in employment.

[Motion carried; Bill 207 read a first time]

### head: **Tabling Returns and Reports**

THE SPEAKER: The hon. Minister of Municipal Affairs.

MR. BOUTILIER: Thank you, Mr. Speaker. I'm pleased to table with the Assembly the requisite number of copies of The Special Areas Trust Account. These statements present the financial position of the account and the results of its operation and cash flows for the last fiscal year.

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

DR. PANNU: Thank you, Mr. Speaker. I rise to table copies of a letter which I received from a Ms Kathy Howery, co-chair, Edmonton Advocates for Public Education. She attaches to the letter results of a survey essentially answering the question, "Is class size jeopardizing your child's education?" The answer is overwhelmingly yes.

Thank you, Mr. Speaker.

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

MR. MASON: Thank you, Mr. Speaker. I'm tabling today a letter from Ms Margaret Brown in support of the Alberta College of Social Workers in their demand that MLAs debate the welfare payments.

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

MR. MacDONALD: Thank you, Mr. Speaker. At this time I would like to table for the information of the Assembly the environmental policy of AT Plastics Inc., one of the largest employers in the constituency of Edmonton-Gold Bar.

Thank you.

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

DR. MASSEY: Thank you, Mr. Speaker. I have several tablings today. The first is 11 letters from concerned Albertans regarding the severe staff shortages in day care, and these letters urge the government to get involved in setting fair wage standards for day care workers across this province.

The second tabling, Mr. Speaker, is the appropriate number of copies of a letter dated March 21, 2001, from the Claresholm Child Care Society. The Claresholm Child Care Society is a nonprofit organization that provides much-needed child care services to Claresholm and the surrounding communities. The letter outlines the society's concern about the lack of day care funding and its impact on child care.

Thanks, Mr. Speaker.

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

MS BLAKEMAN: Thank you, Mr. Speaker. This is another tabling which gives an example of what's possible with the Rosedale power plant. This is five copies of selections of the web site for the powerhouse museum in Sydney, Australia. Particularly significant is the amount of work they've done on aboriginal artifacts and space for them in the museum, particularly considering the significance of the site to aboriginal peoples in Australia.

Thank you.

1:40

#### head: **Introduction of Guests**

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

MRS. O'NEILL: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to members of this Assembly two gentlemen who are seated in the members' gallery. They are Jason Randhawa, who is the president and CEO of WavePoint Systems Inc., and Mr. Randy Boissonnault, who works and is the chairperson of the board for the Centre for Family Literacy. As I said, they are seated in the members' gallery, and I would ask them to please rise and receive the warm welcome of this Assembly.

THE SPEAKER: The hon. Member for Lacombe-Stettler.

MRS. GORDON: Thank you, Mr. Speaker. I would like to introduce to you and through you 22 enthusiastic grade 6 students from Erskine school in Erskine, Alberta, accompanied by teacher Mr. Hank Boer and parent helpers Mrs. Terri Kelloway and Mrs. Kim O'Neill. Seated in the members' gallery, I'd ask that they rise and receive the warm traditional welcome of the Assembly.

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

MR. CENAIKO: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to members of the Assembly two outstanding Calgarians seated in the members' gallery. Skip McDonald is a distinguished land developer as well as being a founding member of the Calgary regional health authority board, with whom I worked very closely during my tenure with the CRHA. He's also on the board of directors for the Glenbow Museum. Michael Robinson is the president and CEO of the Glenbow Museum in Calgary, which provides a learning experience and atmosphere for more than 200,000 visitors each year. I'd ask them to please rise and receive the traditional warm welcome of the Assembly.

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

MR. VANDERBURG: Thank you, Mr. Speaker. It's a very special honour for me to introduce to you and through you to all members of this Assembly my STEP student from the constituency office in Mayerthorpe, Joel Giebelhaus. Joel is entering his second year at Trinity Western University in Langley, B.C., and is a history/political science major. Joel is interested in possibly pursuing a career in politics after graduation. I would ask that my guest, seated in the members' gallery, please stand and receive the warmest welcome of this Assembly.

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. I would like to introduce to you and through you to members of the Assembly 18 students from Victoria composite high school. Now, I know this is a school with great meaning for the Member for Edmonton-Meadowlark, and I know he's going to chat with them afterwards, but I have the honour of introducing them as the school is in my riding. So we have 18 students, and they are joined by their instructor, Mr. Keith Kostek, and by parent helper Ms Diane Luzny. I would ask them to please rise now and accept the warm greeting of the Assembly.

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

MR. MASYK: Thank you, Mr. Speaker. This afternoon I'd like to introduce to you and through you 22 students from St. Patrick school and their teacher, Mrs. Michelle Armstrong, and their helper parent, Ms Lilly Cripps. They're sitting in the members' gallery, and I would like them to rise and receive the traditional welcome of the House.

Thank you.

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

DR. MASSEY: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of the Assembly 30 bright students from Lee Ridge elementary school in Edmonton-Mill Woods. They're accompanied by parent helpers Ms Janet March and Mrs. Noreen Megyesi and by their teacher, Dr. Wade Pike, who

is a most excellent teacher, as he was a most excellent student. They're in the public gallery, and with your permission I'd ask them to stand and receive the traditional warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Dunvegan.

MR. GOUDREAU: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to the members of this Assembly guests who are here today to witness the introduction of Bill 13, the Farm Implement Dealerships Act. Seated in the members' gallery are Dean Lien, Farmers' Advocate; Dennis Budney, inspector, Farm Implement Act; Carolyn Makowecki, assistant to the Farmers' Advocate; John Schmeiser, executive vice-president of Canada West Equipment Dealers Association; James Kryskow, who is first vice-president of the Canada West Equipment Dealers Association and general manager of K & M Farm Equipment Ltd.; and Don Redford, member of the Farm Implement Board and service manager for Buhler Manufacturing. I ask that they rise to receive the usual warm welcome from this Assembly.

#### head: **Oral Question Period**

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

#### **Conflict of Interest Guidelines**

DR. NICOL: Thank you, Mr. Speaker. The Premier has announced that the Minister of Government Services will undertake a review of the need for legislation pertaining to registration for paid lobbyists in the province. My questions are to the Premier. Will the Premier commit to include in this review the need for open disclosure on when and where lobbyists are meeting with the government?

MR. KLEIN: Mr. Speaker, I'm not about to give any undertakings at this particular time. Basically, the Conflicts of Interest Act requires a five-year review of all the legislative components and the regulations associated with that act. We'll take the hon. leader of the Liberal opposition's suggestion under advisement.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Will the Premier also commit to looking at the rules defining what type and form of lobbying is appropriate to determine the Conflicts of Interest Act's adequacy when it covers issues of the relationship between lobbyists and government officials? [interjection]

MR. KLEIN: Well, Mr. Speaker, I think the hon. Minister of Energy put it right: it's lobbying if it works, and it's not lobbying if it doesn't work, I guess.

Mr. Speaker, again these are matters that could be taken under consideration as the review unfolds, and I'm sure that the hon. Minister of Justice and Attorney General has heard the hon. member's suggestion and will take it under advisement.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Will the Premier also commit that this review will include lobbying of nonelected officials such as officials associated with boards and agencies of the government?

MR. KLEIN: Again, Mr. Speaker, I'm sure the Justice minister heard the question, and as the review unfolds, he may or may not take that suggestion into consideration.

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

#### **Electric Power Generation**

DR. NICOL: Thank you, Mr. Speaker. Last Friday the Alberta Energy and Utilities Board announced approval for location credits to be provided to electricity generators to encourage electricity generation in specific locations. My questions are to the Premier. Rather than a subsidy for locating generators, why not let the market work by having transmission differentials when there are shortages in power in certain locations in the province?

MR. KLEIN: Mr. Speaker, I know of no instance where direct subsidies are being given. Relative to the specifics of the question, I'll have the hon. Minister of Energy respond.

THE SPEAKER: The hon. minister.

MR. SMITH: Thank you, Mr. Speaker. Location-based offset credits were determined in an auction format in a marketplace manner that would determine where is the best place to site generation, how it would benefit all of the users. The process took place accordingly, and a press release was issued by the transmission administrator.

DR. NICOL: So they are subsidized.

Mr. Speaker, to the Premier: if the in-province transmission grid is full and cannot move electricity to the locations where it's needed, why do generators need incentives to locate where shortage can be served by their production? Why not let the market work?

MR. KLEIN: Mr. Speaker, I'm sure the intention is to let the market work. Relative to the details, again I'll have the hon. Minister of Energy respond.

MR. SMITH: It saves all the electricity users money, Mr. Speaker.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. My question again to the Premier: does it save everybody money when, using this method of incentives – are businesses in areas of shortage not being subsidized by businesses in other areas when they have to pay the added transmission charge or a service charge or an administrative charge that's applied to that?

MR. KLEIN: Does it save everyone money, Mr. Speaker? I really don't know. Relative to the specifics, again I'll have the hon. minister respond.

1:50

MR. SMITH: Mr. Speaker, there are a number of ways that you can deliver electricity through transmission. One is to have the power close to where the power is being used. That, in fact, drops the power losses and results in more electricity being delivered to the user. On the other hand, you have areas where there are long distances to cover. For example, with the tremendous growth in the oil sands we're also creating new opportunities for cogeneration. In fact, for the steam generated, there's 60 percent electricity available on that system to move off. Now, we have to find a way to get that electricity moved to where the people are who use that.

There are two options: to build transmission lines and charge that to the rate base – and the transmission site is still regulated – or to

find ways where people can use entrepreneurial spirit and the marketplace dictates and find ways to put that power right where the source is, thereby saving the transmission administrator and all ratepayers money.

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

#### **Calgary Regional Health Authority**

DR. TAFT: Thank you, Mr. Speaker. My question will be to the Premier. The first chairman of the Calgary regional health authority was appointed in June 1994 and remained in that position for over four years. This individual was also deeply tied to Bovar as an important investor and corporate director. During the period in which this individual served as chairman of the CRHA, one of Bovar's companies had valuable contracts with the CRHA. To the Premier: can he explain the government's position on conflict of interest as it relates to the first chairman of the CRHA and the CRHA's contracts with Bovar?

MR. KLEIN: Mr. Speaker, if I recall, those allegations were raised in this Legislative Assembly approximately four or five or perhaps six years ago, and as far as I know, there was no foundation to any allegations of conflict of interest. I recall in the Legislature – and I'm paraphrasing right now – the comments that I gave at that particular time and how reprehensible I thought it was for the Liberal opposition to try to undermine the good thoughts and the good work of a well-thinking and a well-meaning Albertan. I said that, and I repeat that again here today.

THE SPEAKER: The hon. member.

DR. TAFT: Thank you, Mr. Speaker. Would the Premier undertake to release all documents relating to relations between Bovar or its subsidiaries and holdings and the Calgary regional health authority?

MR. KLEIN: Mr. Speaker, again that goes back years and years and was responded to, all those allegations and all of that nonsense that was raised by the Liberal opposition at that particular time. I don't know what was tabled in this Legislature at that time and what wasn't tabled, but I don't believe that as the result of the allegations that were raised some years ago, there was anything to be tabled that demonstrated or indicated any conflict whatsoever.

THE SPEAKER: The hon. member.

DR. TAFT: Thank you, Mr. Speaker. My final question: did conflict of interest concerns have any bearing on this individual's departure as chairman of the CRHA?

MR. KLEIN: Well, first of all, I can absolutely recall no incidents and no evidence and no proof whatsoever. I can recall innuendo, vicious innuendo, from the Liberal opposition but no evidence whatsoever. So, Mr. Speaker, as it relates to the question, since there was no conflict and no evidence of conflict, it can naturally be assumed that that had absolutely nothing to do with his departure.

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

#### **Conflict of Interest Court Case**

DR. PANNU: Thank you, Mr. Speaker. Many questions remain unanswered in the influence peddling case concluded last Friday.

Foremost among them is the \$20,000 in secret payments made to the former executive director of the Premier's office of the time. These payments were made from the bank account into which \$200,000 was paid by an Edmonton developer for the purpose of influence peddling. My questions are to the Premier. Is the Premier satisfied that the whole truth about the \$20,000 payment to the former high-ranking Tory official came out as a result of how this case was handled?

MR. KLEIN: Mr. Speaker, what I will say about this particular incident – and it occurred before I was the Premier. As I understand the way this all unfolded, this evidence of the payment was made at a preliminary hearing and became part of the public court records. I would assume – and I'm only assuming – that if the police, on the basis of that evidence presented, thought there was any wrongdoing, they would have investigated. Now, I don't know if they are, and I don't know if they aren't, because we don't tell the police what to do. If the police know or have suspicion that there's criminal activity, they will conduct an investigation. So my answer to the question is that I leave it in the hands of the police, the proper authorities.

THE SPEAKER: The hon. leader.

DR. PANNU: Thank you, Mr. Speaker. Given that there's no paper trail to substantiate that a loan of this magnitude was ever made in the first place, would the Premier tell the House if the government has any evidence in its hands to give it the confidence that this matter doesn't need any further investigation?

MR. KLEIN: Mr. Speaker, if we have any evidence of wrongdoing relative to any incident, whether it involves this government or the Liberal opposition or the ND third party, we would hand it over to the proper authorities. If the hon. leader of the third party has any evidence or wants to go outside this Chamber and make any allegations and he feels comfortable making those allegations on the basis of some evidence that he might have, then I would strongly suggest that he turn that evidence over to the police.

THE SPEAKER: The hon. leader.

DR. PANNU: Thank you, Mr. Speaker. The only evidence I have is that made public up to this point.

My final question to the Premier: will the Premier commit to this Assembly that he will call an inquiry to ensure that every single question raised in this matter is addressed?

MR. KLEIN: No, Mr. Speaker. I will not commit to the expenditure of at least \$250,000, probably a half million dollars, maybe a million, and depending on how deeply the NDs and the Liberals want to get involved, five, six, seven, eight, nine, 10 million dollars. No, I won't commit to that kind of a fishing trip – believe me, a fishing trip – when there are authorities in place, when there are highly competent police agencies in place to investigate any allegations that either the Liberal opposition or the NDs want to make.

THE SPEAKER: The hon. Member for Grande Prairie-Wapiti, followed by the hon. Member for Edmonton-Ellerslie.

#### **Water Quality Testing**

MR. GRAYDON: Mr. Speaker, my question is for the Minister of

Environment. Many of us are closely following the water quality issue in the community of North Battleford in our neighbouring province and wondering if this is something that could happen here in Alberta. Can the minister tell us what is being done in this province to protect our drinking water from parasites such as cryptosporidium, the same bug believed to have killed three people in North Battleford?

THE SPEAKER: The hon. minister.

DR. TAYLOR: Thank you, Mr. Speaker. First of all, I want to assure Albertans and my colleague opposite and all the colleagues in this House that we have the most stringent drinking water standards in Canada. In fact, in 1997 we adopted the Canadian drinking water quality standards. We are only one of two provinces to have adopted those standards. The other province is Quebec.

What makes it possible for us to adopt those standards so quickly is something called a multibarrier system. We in Alberta have a multibarrier system of water treatment. That will take out over 99 percent of the parasites in water, and that includes the cryptosporidium and includes giardia and so on. So with that multibarrier system we protect Albertans, and it will prevent any widespread illnesses that you see such as in North Battleford.

THE SPEAKER: The hon. member.

2:00

MR. GRAYDON: Thank you, Mr. Speaker. My first supplemental question is to the same minister. Why does Alberta Environment not require mandatory testing for cryptosporidium in its water treatment facilities?

THE SPEAKER: The hon. minister.

DR. TAYLOR: Thank you, Mr. Speaker. Well, the first thing we have to realize with crypto and giardia is that it already is in the water systems. It's already in our lakes. It's already in our theoretically pure mountain streams. So, in fact, if you go swimming in a lake this summer in Alberta or anyplace else, you will actually swallow water and you will swallow some crypto probably. So that's the first thing. It's there.

In regards to the specific question about testing, right now the technology for the testing is not that accurate. We need to develop better technology and better testing procedures, and that's not just here in Alberta, Mr. Speaker. That's a worldwide issue when it comes to, in particular, crypto.

Now, what's happening, Mr. Speaker, is we are working with EPCOR and the University of Alberta to develop better testing techniques, and that's ongoing right now. The issue is: we know it's there, so we're probably better to concentrate our efforts on getting rid of the parasites in the water. That's where we're going, and once again we're working with EPCOR and the University of Alberta to develop technologies to rid the water of these nasty little bugs. We're working with ultraviolet light right now with EPCOR, and the United States Environmental Protection Agency is also working with ultraviolet light as it relates to getting rid of parasites in the water. We expect to have some results later on in the fall as to how effective ultraviolet light is in getting rid of parasites.

THE SPEAKER: The hon. member.

MR. GRAYDON: Thank you, Mr. Speaker. My final question is to the same minister. The recent incidents in both Walkerton, Ontario,

and North Battleford have raised a question about implementing national standards for drinking water quality. What is Alberta doing with the other provinces and the federal government in this regard to national standards?

THE SPEAKER: The hon. minister.

DR. TAYLOR: Thank you. Well, remember, as I said earlier, Mr. Speaker, we are one of two that have adopted the national standards, so we are seen as leaders in the country. A week ago today, actually, I was in environmental ministers' meetings with the provinces and the federals, and one of the major issues that was discussed was the water quality and what we are doing with national standards. We have agreed as a group of ministers to go forward to developing and working with the other provinces on establishing national drinking water quality standards.

For instance, as a particular example and as it relates to turbidity, which is the amount of particulate matter in the water, we have the lowest standard in the country. Our standard is 50 percent lower than any other province; that is, we allow 50 percent less particulates in our water than any other province. The federal government has asked one of our experts now to look at our standards and adopt them as a national standard. I would expect that the federal government and other ministers will be using Alberta's water quality standards as models for the rest of the country.

THE SPEAKER: The hon. Member for Edmonton-Ellerslie, followed by the hon. Member for Medicine Hat.

#### **Swan Hills Waste Treatment Facility**

MS CARLSON: Thank you, Mr. Speaker. My questions today are to the Premier, and they're regarding the Swan Hills waste treatment plant. Mr. Premier, can you tell us what the status of the request for proposals is on this plant?

MR. KLEIN: Yes, I can. I can because I was just briefed on this particular matter. The status is that it's a work in progress, but for more details I'll have the hon. Minister of Infrastructure respond, Mr. Speaker, because relative to the asset it is his responsibility. Relative to the environmental concerns it is the responsibility of the Minister of Environment. It concerns the disposal, so I'll have the hon. minister respond.

MR. LUND: Mr. Speaker, we're working with a number of companies to really determine the parameters that are necessary to go out for calls for proposals. The work is progressing very well, and those calls for proposals will be going out very shortly.

MS CARLSON: Mr. Speaker, then will the Minister of Infrastructure table copies of the requests for proposals when they're finished?

MR. LUND: Mr. Speaker, these sorts of things are out in the public when they're called, so we certainly will be working with that.

THE SPEAKER: The hon. member.

MS CARLSON: Thank you, Mr. Speaker. Will the Premier now make public the documents, as he said he would, concerning the reacquisition of the plant when I asked for this information on April 26?

MR. KLEIN: Mr. Speaker, we'd be happy to table whatever we can

without violating any proprietary rights or information under the rules of FOIP without having the hon. member go through the whole exercise of FOIP. If I could suggest that she ask for the information she requires by way of a written question, we'll be glad to respond as appropriately as we possibly can.

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

### Provincial Parks Supervision

MR. RENNER: Thank you, Mr. Speaker. For many years Cypress Hills provincial park has been the destination of choice for pregraduation celebrations for hundreds of students during the May long weekend. Over time this tradition has grown to the point where over 1,500 young people, many of whom are under the age of 18, gather in the park each year. Recent years have given rise to serious concerns including vandalism, liquor-related offences, weapon seizures, impaired driving as well as hypothermia, missing persons, drug overdoses, and alcohol-related injuries. My questions today are to the Minister of Community Development, responsible for provincial parks. Given that many parents who allow their children to attend these activities seem to be under the impression that park staff are available to supervise the participants, can the minister advise of the degree to which such supervision exists?

THE SPEAKER: The hon. minister.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Cypress Hills provincial park is indeed one of the most beautiful parts of our province. I've had the pleasure of being there. I would say that, yes, there are conservation officers who frequent the park, who work there and staff it, and there are other members of our parks system who are there as well, but their primary role is really to ensure the effective management of that provincial resource as well as ensuring the public safety whenever the public is frequenting the park. There is an additional role of education and so on that occurs within those confines, but I think the issue of supervision is not something that the parks officials or the parks staff undertake for any single particular group. They're involved in the overarching protection of safety.

I would suggest to the hon. member that the issue of supervision, particularly where minors are involved, is much more in the hands of the parents. Perhaps if it's a school-sponsored event, the teachers may have a role to play and/or other chaperones.

So, yes, we do have conservation people there, Mr. Speaker, who are concerned with the overarching issue, but specific, direct supervision of one particular group is not within their particular purview.

MR. RENNER: Well, I can guarantee the minister this is not a school-sponsored event.

Why does it appear that there has been limited ability for park officials to enforce provincial laws as well as park policy in recent years?

MR. ZWOZDESKY: Well, Mr. Speaker, the parks officials do a pretty good job, but when you get as many as 1,500 users over a weekend, they can become stretched pretty thin. Nonetheless, the wardens in the area, the conservation officers, do have the ability to issue tickets for a variety of possible breaches. That includes everything from disorderly conduct to issues of alcohol abuse or violation to speeding to potential vandalism and so on.

In this particular year the hon. member would be pleased to know, as I think he probably does, Mr. Speaker, that there is a pilot project under way which calls for a zero tolerance policy with respect to any possible abuses of park privileges in the Cypress provincial park area. That zero tolerance approach has been crafted by our parks people in conjunction with the local police out of Medicine Hat, and I think we'll expect some very positive results in turn.

THE SPEAKER: The hon. member.

MR. RENNER: Thank you. Well, given that park officials have indicated to me their intention to enforce zero tolerance this year, will the minister advise how it is they will carry out such a policy when attempts in previous years have been hampered by limited resources in both manpower and equipment?

MR. ZWOZDESKY: Mr. Speaker, one of the unique parts of this particular pilot project this year is that we will be circulating a lot of information in the area through the Medicine Hat and local newspapers enforcing the message of zero tolerance for that particular weekend at that particular park. We'll also be sending out a newsletter to the schools whose students may have occasion to use that park. We'll also be increasing the number of conservation officers and parks management staff who will be on hand to enforce further our zero tolerance policy. We will also be increasing the connections with the local police, and because of the remote distance of the park from a main centre we'll also have provisions for ambulance backup in the case of any unfortunate circumstances. So the safety of the park as well as the users I hope will be well preserved through this pilot project, and we'll evaluate it thereafter.

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

### 2:10 Government Restructuring

MR. MacDONALD: Thank you, Mr. Speaker. Over the past nine years this government has gone from a cabinet of 26 ministries to 17, then to 19, and now back up to 24. During this time they also amalgamated departments, restructured others, and created new ones. My questions are to the Premier. Has the government completed any reports on how much it will cost Alberta taxpayers for this government's current postelection restructuring scheme?

MR. KLEIN: No, I don't think that we have done any cost assessments, but I would imagine that the costs are pretty much the same as they were before. Basically, Mr. Speaker, we have identified Albertans' priorities. Certainly those priority areas were identified, the areas where we needed more work, and where there needed to be more significant political involvement was in the area of aboriginal affairs, in the area of safe streets and safe communities, in the area of seniors, and in the area of children. Basically, we have reorganized departments to reflect the priorities of Albertans. I suspect that there have been no significant, if any, additional costs associated with the actual administration of government.

THE SPEAKER: The hon. member.

MR. MacDONALD: Thank you, Mr. Speaker. More work for government MLAs.

Again to the Premier: can the Premier explain why the government combined public works and transportation into the superministry of infrastructure only to break it up just two years later?

MR. KLEIN: Well, Mr. Speaker, had the Liberals elected more members, there would have been less work for government MLAs.

THE SPEAKER: The hon. member.

MR. MacDONALD: Thank you, Mr. Speaker. Again to the Premier: how can Albertans trust this government has a plan when this government has structured, restructured, and re-structured government services in the past nine years?

MR. KLEIN: Mr. Speaker, Albertans can be assured that the government has a plan or plans because it is the policy of this government that all departments, all ministries, prepare three-year business plans which are tabled and are made public. Further to that, it is also the policy of this government that we update Albertans on our progress relative to those plans every three months. I can't think of any other political jurisdiction in this country that has that kind of system in place.

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

#### **Pine Shakes Court Case**

MRS. O'NEILL: Thank you, Mr. Speaker. I ask my question today with due consideration for this Assembly's rules regarding sub judice. Some of my constituents are concerned about the time that the court proceedings are taking with respect to the pine shake case. My question is to the Minister of Municipal Affairs. Could the minister provide an update on the status of the pine shake litigation case?

THE SPEAKER: The hon. minister.

MR. BOUTILIER: Thank you, Mr. Speaker. I know that this is a concern to the hon. member as well as to other members in this Assembly who are impacted by their constituents' concerns. I want to assure the House that it is in front of the court as we speak. Representatives from both sides are looking at sample cases, which I understand they're proceeding with in an orderly and responsible fashion.

THE SPEAKER: The hon. member.

MRS. O'NEILL: No, sir.

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

#### **School Fees**

DR. MASSEY: Thank you, Mr. Speaker. Last week the minister of education agreed that fees should not be charged for core educational materials. My questions are to the Minister of Learning: why, then, are math students required to pay over a hundred dollars for a graphing calculator?

THE SPEAKER: The hon. minister.

DR. OBERG: Thank you very much, Mr. Speaker. Included in the mathematics curriculum is the need for a graphing calculator. I talked to my math specialist, and I talked to the high school principals. Quite frankly, there was a choice, and that choice was that the student could write out the graphing equation by hand, in which case

he would do probably one problem per 80-minute period, or he could use a graphing calculator, in which case he would be able to do five or six different problems during that period. We felt that the education experience that these students gained was much more if they could do five or six different problems during that period.

Mr. Speaker, when it comes to graphing calculators, the prices are coming down. You can now buy a graphing calculator in roughly the \$80 to \$100 range. For those students who cannot afford the \$80 to \$100, every school board in the province makes do for students who can't and will ensure that those students can get the graphing calculator either by renting, by sharing, having it checked out, things such as this. There is no one in Alberta who does not get the graphing calculator.

THE SPEAKER: The hon. member.

DR. MASSEY: Thank you. Mr. Speaker, to the same minister: how can the minister claim that schools and school programs are accessible when high school students are now avoiding courses like the math course based on their cost?

DR. OBERG: Mr. Speaker, I've talked to a lot of students over the last year, I've talked to a lot of teachers, and I've talked to a lot of school boards. There is no one nor should there be anyone who is deciding what mathematics course to take based on the price of a graphing calculator. As I already said, if that cost is prohibitive to the student, the school boards will allow these students to rent one or provide them the money to purchase it. I have not heard of any students who have not gone into the mathematics course of their choice because of the cost of a graphing calculator.

THE SPEAKER: The hon. member.

DR. MASSEY: Thank you. Mr. Speaker, to the same minister: what information does the minister have concerning the impact of fees on student course selection?

DR. OBERG: Well, first of all, Mr. Speaker, I would like to say that I'm not the new minister, that I have been minister for roughly two years, two and a half years, and I am the longest serving minister of education or Minister of Learning in the country. So I'm not really a new minister.

Mr. Speaker, this is a good issue. The whole issue of graphing calculators is something we have looked into to a very significant degree. It is something that we feel is important for the students to learn how to use. It is very important for the students to have more exposure, roughly five or six times the different problems, that a graphing calculator would enable them to do. So the school boards make those calculators available to those kids that can't afford them. I believe that this is the right direction to go.

THE SPEAKER: The hon. Member for Edmonton-Highlands, followed by the hon. Member for Spruce Grove-Sturgeon-St. Albert.

#### **Conflict of Interest Court Case** (continued)

MR. MASON: Thank you, Mr. Speaker. I appreciate the Premier's analogy of our call for a public inquiry on the recent influence peddling case as a fishing expedition, because this smells like a fish plant in a heat wave. Given that this case involves murky issues of money, lobbying, influence, and government officials, it is vital that the public know everything that went on. My question is to the

Minister of Justice and Attorney General. Can the Minister of Justice and Attorney General assure Albertans that no government officials were influenced by Mr. Jaber, given that Mr. Jaber received \$200,000 for the express purpose of having a specific lease approved?

MR. HANCOCK: Well, Mr. Speaker, the hon. member is asking a very silly question: can I assure him that no one has ever been influenced by someone? There are a lot of people that have been in this government, and I don't know all of them even personally, much less know who's talked to them from time to time. This is, again, a fishing inquisition actually, not an expedition, and it's totally inappropriate to even ask a question of that nature. That falls into the category of the question: have you stopped beating your wife? There is no good answer to that question.\*

2:20

THE SPEAKER: The hon. member.

MR. MASON: Thank you, Mr. Speaker. Can the Minister of Justice assure Albertans that government officials were not lobbied by Mr. Jaber, given that a contract he signed stipulated he would be paid only when the relevant lease reached certain stages of the approval process and the payments in fact corresponded to those approvals?

MR. HANCOCK: Mr. Speaker, the case that the hon. member is asking about is still before the courts. Sentencing happened on Friday, but there is an appeal period of 30 days, and it would be inappropriate for us to raise or answer any questions relative to a specific case. I'd be more than happy to answer those questions, but it would be inappropriate to deal with a case which is still before the courts. There's an appeal period outstanding, and there still could be a question which is raised in the course of that appeal.

However, Mr. Speaker, I would ask that the hon. member read the transcripts of the preliminary inquiry, which are now available as of Friday. Obviously certain newspapers in the province have had access to them. He could certainly have access to them, and I think if he read those transcripts, he would have some answers as to what evidence was given under oath in the case.

MR. MASON: Mr. Speaker, can the minister assure the House that in fact he's satisfied that a \$200,000 payment was made to secure the approval of a small liquor store in a small strip mall? Does that sound reasonable to the minister?

MR. HANCOCK: Mr. Speaker, the RCMP have been investigating this particular case. They raised a brief, which they turned over to the prosecutors' office. The prosecutors, in analyzing the brief, determined that there was enough information, enough facts which, if proved, would cause a conviction, which is the test that they use in determining whether to proceed with charges. I presume that if there are any other issues coming out of that case, the relevant authorities would continue to investigate.

It's not our place nor is it a good idea to ask for the political head of the department, the Attorney General, to direct the police with respect to continuing prosecutions or as to what they should investigate or what they shouldn't investigate. However, the information which he's asking for, all of that evidence was put forward in the preliminary inquiry, as I understand it, and if there are other issues that come out of the evidence that was put forward, I presume the appropriate authorities would continue to investigate.

THE SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert, followed by the hon. Member for Edmonton-Glengarry.

### Special-needs Review Report

MR. HORNER: Thank you, Mr. Speaker. Many special-needs students even with additional help find it very difficult to keep up through the year and indeed lose ground during the summer only to be further behind at the start of the new year. During the campaign and in my constituency office I hear from many parents and school boards who bring up the special-needs review report and the need to address the whole issue of special needs. In addition, funding continues to be an issue. My question is to the hon. Minister of Learning. Given that current funding levels for a special-needs student amount to approximately \$13,000 per student and the cost of a full-time teacher's aide is approximately \$27,000, is it the minister's intention to increase funding to the schools for the special-needs students?

THE SPEAKER: The hon. minister.

DR. OBERG: Thank you very much, Mr. Speaker. I must correct one of the points that the hon. member said. The funding presently is roughly \$16,000, not \$13,000. It's \$12,000 per student plus the \$4,000 basic grant.

Mr. Speaker, the funding for special-needs education in Alberta has risen from roughly \$158 million in 1995-96 to \$298 million this year, so that has actually doubled during that time frame. The other thing, as I'm sure the hon. member knows, is that in Budget 2001 we have increased by \$7 million the category of severe behavioural special-needs children so that indeed within three years they will be up to the same level as the severe special-needs children. That's an increase of roughly 20 percent for these kids, or \$16 million.

THE SPEAKER: The hon. member.

MR. HORNER: Thank you, Mr. Speaker. My second question is to the same minister. The special-needs review has been completed, and it is my understanding that the recommendations have been accepted by the minister. Could the minister please update the House on the status of those recommendations?

THE SPEAKER: The hon. minister.

DR. OBERG: Yes, certainly, Mr. Speaker. As I've said in this House a couple of times before, we recently did the special-needs report, in which there were 66 recommendations that were put forward by a group of people who were very interested in the special-needs area. Those people came together and gave me a unanimous report. As of this date, today, there are 18 of those recommendations that have been implemented. We expect that roughly another third will be implemented in September of this year and that over the next two to three years there will be a further third. So I have accepted all 66 recommendations and hope to put them in absolutely as soon as we can because they were excellent recommendations.

THE SPEAKER: The hon. member.

MR. HORNER: Thank you, Mr. Speaker. My final question is again to the same minister. Given that special-needs students take more time to catch up after the summer recess, would the minister consider

\*See page 423, right col., para. 7



some form of summer school, funded by the province, to give these kids a leg up when they start the new year?

DR. OBERG: Mr. Speaker, the hon. member and I have had this discussion on several different occasions, and I certainly see the validity of what the hon. member is saying. What he's saying is that the special-needs kids fall further behind than the average student in the two months that they have off. I will sit down and continue to work with the hon. member. I believe we can come up with a solution. Yes, it may well be that we do something with those kids over the summer. I think the hon. member has an excellent point, and I will work with him to come up with a solution for this.

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

### Underground Tank Remediation

MR. BONNER: Thank you, Mr. Speaker. My questions today are to the Minister of Municipal Affairs. Is the \$70 million budgeted for underground tank remediation all being spent in this year, or is it being spent over a number of years?

THE SPEAKER: The hon. minister.

MR. BOUTILIER: Thank you, Mr. Speaker. The hon. member across the way raises an important point. The underground petroleum storage tank program, of course, which this government committed \$80 million to – we've had a very good response. It's been spread over the next couple of years. We're dealing right now, though, on a priority basis with those that can help mitigate environmental concerns, that have been raised by many members in this House.

THE SPEAKER: The hon. member.

MR. BONNER: Thank you, Mr. Speaker. To the same minister: what studies has the department done about the effects of the estimated 5,200 leaking tanks on Alberta's drinking water supplies?

THE SPEAKER: The hon. minister.

MR. BOUTILIER: Thank you, Mr. Speaker. Let me say that first and foremost the environmental issue pertaining to leakage is the top priority, and that's why we committed \$80 million for remediation action.

MR. BONNER: To the same minister: how does the department notify Albertans about the potential health effects if they are living near a leaking tank?

THE SPEAKER: The hon. minister.

MR. BOUTILIER: Thank you, Mr. Speaker. The hon. member again raises an important point. We're working in collaboration with the local municipalities and those affected owners. We're working with them right now. I understand that we're dealing with them on a priority basis and that the remediation is taking place as we speak.

THE SPEAKER: The hon. Member for Calgary-Mountain View, followed by the hon. Member for Edmonton-Meadowlark.

### Excellence in Teaching Awards

MR. HLADY: Thank you, Mr. Speaker. This past weekend the Minister of Learning hosted the excellence in teaching awards, honouring some of Alberta's outstanding teachers. In speaking with the nominees and past recipients of these awards, I understand the general consensus to be that these teachers are extremely happy to have their talents and dedication recognized, even though some fear repercussions from the union and other members. It is obvious that they value the program. Unfortunately, while clearly Alberta's communities enjoy this opportunity to salute their teachers in schools, I am also hearing concern expressed about the future of the excellence in teaching awards program. My question is to the Minister of Learning. Can the minister confirm that the Alberta Teachers' Association is considering withdrawing from this valuable community event?

THE SPEAKER: The hon. minister.

DR. OBERG: Thank you very much, Mr. Speaker. Yes, indeed, in September of last year I received a letter from the president of the ATA stating that they were in fact considering pulling out of the excellence in teaching awards. They were involved in the awards on Saturday night, and I must echo the hon. member's issue that it was an excellent evening. There were 22 teachers that were given awards, and they were extremely happy. Overall it was a fabulous evening.

MR. HLADY: Mr. Speaker, my second question is also to the Minister of Learning. Can the minister explain why the Alberta Teachers' Association, which exists to represent Alberta's teachers, has said that it intends to turn its back on a program that honours the very people it represents? What reason has the ATA given to you?

DR. OBERG: In all fairness, Mr. Speaker, the ATA has given me two different types of reasons. The first one obviously is an operational issue. Prior to these particular excellence in teaching awards we were requiring that a teacher would have to take about five days off in order to sit on the judging committee. We have changed that slightly so that it can only be two days this time, but there are some operational issues. There are some philosophical issues that the ATA has with giving one particular teacher an award when they feel that all teachers are excellent teachers.

2:30

MR. HLADY: My final question to the same minister. If the ATA's withdrawal goes ahead as planned, what will the government do to ensure that all Albertans have opportunity as a collective community to publicly salute the good work that takes place in our classrooms and schools and combat the extremely negative attitude towards excellence in teaching pervading the Alberta Teachers' Association?

DR. OBERG: Well, Mr. Speaker, I would not jump to the issue and say that the Alberta Teachers' Association is negative against excellent teachers. I think the Alberta Teachers' Association wants to put forward excellence in teaching as much as the next person.

Mr. Speaker, we are presently working with the ATA to find perhaps a middle ground that we can look at with these awards. It's my hope that even if the ATA does withdraw, we continue to have these awards, because they are an extremely positive evening for the general public as well as the teachers themselves. We heard different ways that teachers were putting across their views to the classroom, different ways that they were allowing the students to learn, and it was truly gratifying listening to some of these. Indeed, for example,

two of the teachers who received excellence in teaching awards were actually in colony schools. These teachers had responsibilities for grades 1 to 9 and indeed were the principal as well as the teacher as well as the administrator within those schools. Some of the work that they have done is truly exemplary, and I think we need to continue it.

Mr. Speaker, I can only say to the hon. member that it would be a much better award ceremony, that it would be a much more worthwhile award if the ATA was part of it.

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

### Teachers' Salaries

MR. MASKELL: Mr. Speaker, my questions today are to the Minister of Learning. As a principal a lot of teachers are reminding me that they took a voluntary 5 percent salary rollback when they were asked to help this government eliminate the deficit. They've also reminded me that other publicly funded groups had the 5 percent returned to them coupled with negotiated salary increases. To the minister: would you please tell me how to respond to these teachers who say that the 5 percent was not returned and, further, who say that a 6 percent increase is not enough?

THE SPEAKER: The hon. minister.

DR. OBERG: Thank you very much, Mr. Speaker. First of all, what I will say is that I will reiterate the answer I've given a couple of times in this Legislature already, and that is that since 1992-93 teachers have gained on average a 17 percent increase. When you take away the 5 percent decrease that they had in '94-95, it shows a net 12 percent increase, and that indeed is what teachers have enjoyed over the past six or seven years.

Mr. Speaker, I will say the same answer that I've given at least three or four times in this Legislature about the 6 percent increase. During the election campaign you heard, I heard, everyone in this Assembly heard issues about class size. We heard issues that involved the classroom. We heard issues about technology. The attempt was to be able to give the teachers a raise of 6 percent, which would make them the highest paid in Canada, as well as having a pot of money, in this case \$115 million, set aside that school boards could spend on what they deemed to be the most important issues in their jurisdiction, whether it be class size, whether it be teachers' salaries, whether it be teacher instruction, whether it be technology. These are the abilities that school boards now have it in order to do. The 6 percent was to ensure that the teachers actually did get a raise and became the highest paid in Canada.

MR. MASKELL: Mr. Speaker, again to the same minister. For those more senior teachers the amount of past increases really barely keeps pace with inflation. Why aren't you giving these teachers a bigger boost?

DR. OBERG: Well, Mr. Speaker, first of all, I don't want to get involved in the bargaining on the grid. As the hon. member knows, there is an 11-stage grid which is negotiated with the local school board. I don't feel that I have the right to go in there and say that this money must be given to starting teachers or it must be given to older teachers. I just don't feel that that's right.

With regards to inflation, Mr. Speaker, I would suggest, as the hon. member may or may not know, that last year the average weekly wage increased 1.13 percent, which is the same increase that all the

Members of the Legislative Assembly got, which was below the rate of inflation at that time. This year it's roughly 3.3 percent. So I feel it is more accurate to actually talk about the amount of increase. How many people do you talk to say, "Well, I only got 1 percent because 3 percent was related to the cost of living increase"? For that reason it is much easier to talk about the actual increase that the teachers received.

MR. MASKELL: Finally, Mr. Speaker, what steps will the minister take if the ATA membership decides to strike across the province?

THE SPEAKER: That's pretty speculative, but go on.

DR. OBERG: Yes, Mr. Speaker. I will say that that question is purely hypothetical, and I would indulge the hon. Speaker on that one. I would encourage the teachers and the Teachers' Association that it would be extremely negative to the students of Alberta for the teachers to go on strike. This education system, this learning system, is about students. It's about students learning. If the teachers aren't in the classroom, students aren't going to learn.

### Speaker's Ruling Sub Judice Rule

THE SPEAKER: Hon. members, the time for question period has now left us today, but I think it's important to have several comments made with respect to the sub judice rule as a result of questions that arose today. The chair indicated last week that the sub judice rule is set out in Standing Order 23(g) of the Standing Orders of the Legislative Assembly. Under that standing order questions cannot be asked with respect to a criminal matter "from the time charges [are] laid until passing of sentence" or from "the filing of a notice of appeal until the date of a decision by an appellate court." It is the chair's understanding that sentence has been passed in the case in question, but the chair does not know if a notice of appeal has been filed.

The Minister of Justice and Attorney General may advise the Assembly if the matter has in fact been appealed. If there is no appeal, then the sub judice rule would not apply, so questions and answers would not be ruled out of order on that basis. If the minister is considering appealing the case, then he may rise and indicate to the House that in his view it is inappropriate to comment until the appeal period has in fact expired. He may be in a position to honestly say that he chooses not to answer these questions, and that would meet with the rules of the Assembly. From this perspective the minister, in fact, is in a better position than any member of the House to determine the application of sub judice with respect to that.

### Speaker's Ruling Oral Question Period Rules

THE SPEAKER: The chair would also like to indicate to all hon. members that the chair has absolutely no idea beforehand as to the content of a member's question but would, however, caution members about making statements about members of the public. I would refer members to page 524 of the book *House of Commons Procedure and Practice*, under the heading Reference by Name to Members of the Public, where it states in part:

The Speaker has ruled that Members have a responsibility to protect the innocent, not only from outright slander but from any slur directly or indirectly implied, and has stressed that Members should avoid as much as possible mentioning by name [persons] from outside the House who are unable to reply and defend themselves against innuendo.

The chair would also like to remind members that any and all attacks on judges or the courts are unparliamentary.

Finally, the chair refers to page 427 of the *House of Commons*

book and notes that it is improper to “address a Minister’s former portfolio or any other presumed functions, such as party or regional political responsibilities.”

Hon. members, in 30 seconds from now I’ll call upon the first of seven members.

Hon. members, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

2:40

head: **Introduction of Guests**

(*reversion*)

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

MR. MARZ: Thank you very much, Mr. Speaker. It’s a pleasure to rise today to introduce Mr. Wally Mulder, who is the chief executive officer and executive director of Rehoboth Christian Ministries, which is an organization that has a 25-year history in this province of helping people living with mental disabilities. I believe Mr. Mulder is seated in the members’ gallery. I’d ask him to rise and receive the warm welcome of this Assembly.

head: **Recognitions**

THE SPEAKER: Well, then, hon. Member for Olds-Didsbury-Three Hills, why don’t we call on you first.

#### **Rehoboth Christian Ministries**

MR. MARZ: Thanks very much. I was hoping that you would say that, Mr. Speaker.

This past Saturday marked the fifth anniversary of Rehoboth Christian Ministries in the Three Hills community and the 25th anniversary of Rehoboth Ministries in Alberta. Rehoboth Ministries operates in communities throughout Alberta by providing work placement and experience to mentally challenged individuals through relationships with placements in the community. Some of the current projects in the Three Hills community include Care-a-Lot Day Care, the Three Hills petting zoo, the recycling centre, and recycling of computer components. Rehoboth provides opportunities for their clients to reach their greatest potential and live as independently as possible within the community.

I would like to congratulate Rehoboth on their 25 years of success throughout this province. The benefits provided to the various communities are very much appreciated, and I wish them continued success in the future.

THE SPEAKER: The hon. Member for Lac La Biche-St. Paul.

#### **Highway Cleanup Program**

MR. DANYLUK: Thank you very much. I rise today to bring attention to and recognize a wonderful and enterprising youth initiative that took place this last weekend in Alberta. About 11,000 members of over 400 different 4-H clubs, junior forest wardens, Scouts Canada, and other volunteer groups in the province took part in the 25th annual 4-H highway cleanup. Figures aren’t in for this year. However, last year these community service groups cleaned the ditches and adjacent land along over 6,000 kilometres of highway in this province. Not only that, Mr. Speaker, but they filled 47,000 bags of garbage.

I would like to acknowledge these young Albertans’ efforts under Saturday’s extreme weather conditions as they endeavoured to clean and beautify our great province. Great job.

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

#### **VE Day**

REV. ABBOTT: Thank you, Mr. Speaker. May 8, 2001, marks the 56th anniversary of Victory in Europe Day, or VE Day. Anniversaries remind us of the passage of time and provide those of us not familiar with the event an opportunity to learn about those who participated and reflect on the sacrifices they made. Just imagining a world 56 years after a war that the Allied forces did not win is enough to elicit feelings of gratitude and joy even from those not familiar with the experience of war. We are forever indebted to the men and women who made the ultimate sacrifice to secure our present and our future.

The anniversary of VE Day also provides an opportunity for us to recognize the veterans who live amongst us today. All Albertans, indeed all Canadians who care about freedom owe a great debt to the men and women who gave their lives and/or served their country in our defence. Tomorrow is a day to remember and honour these individuals and ensure that their spirit lives on. All of us here today continue to benefit from the heroic and selfless actions of those who participated in World War II. Lest we forget.

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

#### **Salvation Army**

DR. TAFT: Thank you, Mr. Speaker. I’m pleased today to mark the good work performed by the Salvation Army and to draw the Assembly’s attention to this group’s current Red Shield Appeal fund-raising campaign. The Salvation Army is well known for its dedicated commitment to ensuring that the basic food and shelter requirements of people in need are met. Among other things, the Salvation Army organizes food and clothing drives, operates homeless shelters, and generally fills in where other social services all too often leave off.

The Salvation Army helps Albertans every day. The community is getting involved in this year’s Red Shield Appeal. Some restaurants have agreed to donate a percentage of the cost of each meal they serve to the Red Shield Appeal campaign. These restaurants deserve our recognition, and the patrons who choose to dine at these restaurants should be recognized as well. We can choose to go out to eat anywhere this month; Red Shield Appeal makes that choice more meaningful.

Thank you.

THE SPEAKER: The Member for Calgary-North Hill.

#### **Garnet Page**

MR. MAGNUS: Thank you, Mr. Speaker. On behalf of myself and the MLA for Calgary-Foothills I ask all members of this Legislature to join with me in recognizing Mr. Garnet Page, QC, who passed away last week.

Mr. Page had an incredibly productive life, with much of it in service to others. His career highlights included being the founder and general manager of the Chemical Institute of Canada, general secretary of the Engineering Institute of Canada, founding president of the Coal Association of Canada, and the president of his own consulting firm.

His community service highlights were even more impressive. Mr. Page chaired several national advisory councils for the federal government, worked for UNESCO and the OECD, was a member of the council of trustees of the Institute for Research on Public Policy,

and was an honorary life member of the International Committee for Coal Research. As part of his work with UNESCO Mr. Page was instrumental in forming a group that helped the more than 13 million orphans left in Europe after the Second World War. He was also an officer of the Order of Canada. As a department spokesman said: "We know him as the department's coal adviser, a small, gregarious gentleman with old-school habits who walks with a cane and always seems to be having a good time. Talk to him. You will discover someone who has a wealth of experience as a soldier, civil servant, public administrator, community volunteer, and foreign aid worker."

In recognition of Mr. Page's long and distinguished association with the Alberta government I'd ask this House to recognize him for his contribution to the province, the country, and the international community.

Thank you, Mr. Speaker.

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

### National Forest Week

MS CARLSON: Thank you, Mr. Speaker. National Forest Week has been celebrated annually in Canada since 1926, when it was known as Forest Fire Prevention Week. Its main purpose is to help increase public awareness of the importance of Canada's forests and the need to carefully manage them for present and future needs.

Today I would like to recognize the impressive work done by the Alberta Environmental Network on promoting community-level knowledge about industrial development and the health of our forests. The AEN is a nonprofit, nonpartisan, apolitical, grassroots, umbrella organization, dedicated to helping Albertans achieve and maintain a healthy environment. Through action alert bulletins they let interested parties know about emerging environmental issues that need public attention. Barry Breau is the managing director of the AEN, and I would like to recognize the excellent work done by his group on keeping Albertans informed about the state of our forests.

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

### Excellence in Teaching Awards

MR. RATHGEBER: Thank you, Mr. Speaker. It is indeed an honour to provide recognition in consideration that last week was Education Week in Alberta and several constituents of Edmonton-Calder were recognized at Saturday's excellence in teaching awards celebration held in Calgary.

Today I would like to congratulate three of Edmonton-Calder's finest teachers. Leona Gordey of Calder school was nominated by her colleagues for implementation of a behaviour assistance program for those students with behavioural issues. Sunita Sahasrabudde of McArthur elementary school was nominated for her development of learning strategies tailored to meet the individual needs of every student in her classroom, and, finally, Linda Steinke of Coralwood Adventist Academy was nominated for her implementation of the SQUIRT program, a silent, quiet, uninterrupted, reading time for individual students. I'm proud to have these excellent teachers enhancing the lives and the education of the children in the Calder constituency.

### Speaker's Ruling Recognitions

THE SPEAKER: Hon. members, Recognitions is one of those very positive aspects of our daily Routine, and the rule says: "7(6) . . . up to seven members. . . may make a one-minute statement of congratulations or recognition."

The chair has always steadfastly refused to intervene or interfere but would hope that one day if an hon. member does violate the one-minute rule on a Monday or a Wednesday or the two-minute rule on a Tuesday or Thursday, the opportunity will be there for an hon. member to rise on a point of order and then interfere with the flow. So the best way of avoiding all of this is staying within 60 seconds on Monday and Wednesday and 120 seconds on Tuesday and Thursday.

head: **Orders of the Day**

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

### Bill 9

### Victims of Crime Amendment Act, 2001

THE SPEAKER: The hon. Solicitor General.

MRS. FORSYTH: Well, thank you, Mr. Speaker. It's a pleasure to rise today and speak in support of Bill 9, the Victims of Crime Amendment Act, 2001.

Mr. Speaker, this is one of my first initiatives since being given the honour of serving Albertans as Solicitor General. The proposed legislation we're discussing here today is a good example of how we're going to approach challenges in the future. This bill, the Victims of Crime Amendment Act, will streamline award processes and focus resources on innocent victims of crime in Alberta. Today I will outline for the members of this Assembly how the proposed amendments will improve the way we assist victims.

2:50

The Victims of Crime Act was passed in the Legislature in 1996 and proclaimed in 1997. One aspect of that legislation was the establishment of the victims of crime fund. This fund was implemented to support and assist victims of crime. Direct assistance for victims is provided through the financial benefits program. Mr. Speaker, I'm pleased to say this program has helped victims. The financial benefits program is a significant improvement over the board it replaced, the Crimes Compensation Board, in providing direct help to victims. Last year the program assisted 967 victims by granting awards worth more than \$6.7 million, triple the number of people assisted and about four times the total awards by the former program.

The amendments we are proposing today change the way this program operates. They streamline the process by extending the time limit for applicants from one to two years. The amendments also give the program the authority to dismiss applicants who are injured as a result of their own behaviour. In addition, the amendment stipulates that a victim must co-operate with police during the investigation in order to qualify for financial awards. As I outline for this Assembly today, these changes will enhance the program and improve services to victims of violent crime in Alberta.

Mr. Speaker, the program grew out of recognition of the need to assist victims of violent crimes. Society can and should help those who have suffered simply because they happened to be in the wrong place at the wrong time. There are few things more traumatic than being a victim of a crime, whether it's a physical injury or losing a loved one as a result of a violent crime. We can't forget about the families of victims. If a victim dies as a result of his or her injuries, family members can apply and receive a benefit from the program. Benefits paid to victims or their survivors carry no strings or conditions. They are free to determine their own course of treatment for injuries or may use the funds for any priority in their lives.

The application process is simple. Victims or family members fill

out a three-page form and submit it to the program. The program director obtains all necessary police and medical information on behalf of the victim to make a decision on the application. The victim is not put through the additional stress of having to prove the application. If the director determines the application is eligible, a financial award is granted based on the severity of the injury. Put simply, the financial benefit program lends a hand to those in need.

A tremendous challenge to the program is assigning a value to the injuries resulting from a violent crime. How can we assign a dollar figure to a broken arm, a disfigured face, severe burns, loss of a loved one? You can't, and it isn't the aim of the program. The financial benefit program is not intended to compensate victims for their injuries or loss. The program is simply intended to give victims a financial leg up. It's hoped that rewards will help the victims deal with some of the side effects of being victimized. The good news for taxpayers is that the funding for this program is fully funded from surcharges collected on federal and provincial fines.

Mr. Speaker, I'd like to explain to the members exactly how the bill will enhance the financial benefits program. One of the ways the bill does this is by extending the time limit for applicants from one to two years. This change is one that will certainly be of benefit to victims. It's often the case that victims are still involved with the criminal justice process after one year. Applying for a financial benefit from the program is probably not on the top of the mind for people going through that emotional and stressful process. Extending the time limit gives people the time they need to recover from the initial trauma and begin to put their personal affairs in order.

The proposed amendments also seek to address a concern that has arisen over the last several years. We all know that a great deal of crime in our society doesn't always involve a purely innocent person and an unprovoked perpetrator. A criminal lifestyle is a dangerous one. It is often the case that criminals are victimized as a direct result of their own bad judgment.

Mr. Speaker, the victims of crime fund was not intended to grant awards to individuals injured as a result of a butchered or botched drug deal, nor was it intended to assist those who continue to pursue violent confrontations despite the threat of serious injuries. The financial benefits program is not a source of income for chronic offenders. Program officials within the department have observed that instances such as this, although rare, have indeed taken place. We're amending the act to allow the program to dismiss applicants who are injured as a result of their own behaviour.

An essential component of policing our communities is a co-operation of victims with police. As a result, we are also amending the act to require that applicants seeking a financial award for their injury must co-operate with police during the investigation. This change is required for a couple of reasons. First, if a victim is truly innocent of wrongdoing and suffered injuries as a result of a crime, he or she should have no problem co-operating with the police. Second, making co-operation mandatory will help further reduce incidents where victims are injured as a result of their own behaviour or lifestyles yet still seek compensation for their injury.

It is important to note, however, that there are special cases when a victim fears for his or her life and therefore is reluctant to co-operate with police. We are mindful with this act that victims of domestic abuse may not be willing to co-operate with police for fear of disrupting and harming the lives of their family. There are also situations that arise when victims fear for their safety and feel they can't approach the police.

In administering this program, we must not forget the special circumstances a victim must face, and we must not refuse them assistance without knowing the truth. These proposed amendments still provide room for those tough decisions. All special circum-

stances will still be considered, and an enhanced review process will remain in place.

Mr. Speaker, it's a great pleasure to bring forward these amendments and debate them in the House. The financial benefits program has proven that it helps Albertans who need it most. The amendments proposed in this bill will help streamline the process and ensure those truly in need receive assistance. By receiving applicants' co-operation with police, it will help weed out frivolous applications and help police do their jobs. Lengthening the amount of time allowed for a victim to apply for an award from one to two years will give victims the time they need to heal and work through the criminal justice process. Considering the victims' own behaviour as a casual link to the crime will help ensure criminals don't profit from their reckless and thoughtless lifestyles.

Mr. Speaker, thank you for the opportunity to rise today and speak on behalf of this bill. Through you I urge all members of the Assembly to support this initiative as it will go a long way towards helping victims of crime in the province.

Thank you, Mr. Speaker.

THE SPEAKER: Before calling on the hon. Member for Edmonton-Centre, could I have the co-operation of the House to briefly revert to Introduction of Guests?

[Unanimous consent granted]

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

MRS. McCLELLAN: Mr. Speaker, I thank you and the House for your indulgence in allowing us this introduction. I have the honour today of having a group of some 55 students visiting from St. Anthony's school in Drumheller. They're here to tour the Legislature. They're in here to hear some of the activities of the House, and I'm sure they were interested to listen to the Solicitor General make her comments about the bill. They are accompanied by their teachers Ms Lisa Ferguson, Paul Byrne, who is the principal, Celeste Timmons, and Laura Redl. They have parent helpers with them as well. I want to ask them to rise and all members to welcome them to our Legislature.

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

MS KRYCZKA: Thank you, Mr. Speaker. I am very pleased today to be able to introduce to you and through you to this Assembly three guests who are in the members' gallery, one of them being a colleague of mine when we were on the University of Calgary senate together: Lois Burke-Gaffney, president of the Alberta Catholic School Trustees' Association. With her are John Krol, vice-president; and Stefan Michniewski, executive director. Thank you for rising, and we'll all greet you as we should.

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

##### **Bill 9** **Victims of Crime Amendment Act, 2001** (*continued*)

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

MS BLAKEMAN: Thanks very much, Mr. Speaker. I'm pleased to be able to rise and speak in second reading to Bill 9, the Victims of Crime Amendment Act, 2001, put forward by the Solicitor General.

This is a good-news bill for the most part, and certainly I'm willing to support it and will be urging my colleagues in the Official Opposition to support it as well.

There are just a couple of issues that are raised with the amendments that have been brought forward that I'd like to go over. The proposing member did talk somewhat of what the changes were going to be, but I'll go over them in a bit more detail, if that's possible.

Right now the applications for benefits are assessed by the director's office, information is collected, and then the decision is made definitely on the merits of the case. Under the Victims of Crime Act the director advises all applicants of their option for review by the Criminal Injuries Appeal Board if they're unsatisfied with a decision.

3:00

The amendments that are being proposed here are saying that the board must consider all requests for review, but it removes the requirement that all of them have, in fact, a hearing. If we can look at the process that is set up to ensure that there is a reasonable amount of consideration given to any request, then it's probably quite reasonable that the board is not required to hold a hearing on each and every one of them. You find in these sorts of things that although every case is different, they do start to cluster into certain categories, and I'm sure the panel members have seen similar situations many times before. There does come to be an understanding and an expertise from the members of the panel as to what the guidelines are and how well any given application is falling into that. This amendment would in fact allow the board to dismiss a frivolous request at the outset, if I'm reading all of this correctly, and that's probably appropriate as well.

We're always making sure there's no possibility that someone's bringing forward a case that's a little unusual and that as a result of that it gets punted out of the lineup because it doesn't look like all the rest of them that they usually have. As long as we're satisfied that there is a good process to review the application, that in fact panel members do have a look at it, which they do here because they are required to consider all requests – but they don't necessarily have to go through the full hearing for all of them. As such I don't have a problem with that.

These amendments are also talking about disqualifying applicants who do not co-operate with police during the course of the investigation or if for some reason the victim's conduct is seen as contributing to their own injury. Again, as long as we are confident that all sides have been heard and that it just isn't an unusual case that isn't getting the hearing it needs, I don't have a problem with this. I mean, certainly there's a lot of misunderstanding out there about what acts like this one are to offer to citizens.

It's quite clear; in one of the places I read exactly what the criteria were. They have to be in Alberta. The accident has to have happened in Alberta. It can't have to do with a property crime or a motor vehicle accident. I mean, all of that's pretty clear, and I think for anybody that's not understanding those fairly simple and straightforward requirements, then, yes, it probably shouldn't be taken under investigation. I suspect that the Solicitor General is correct when she surmises that an applicant who doesn't co-operate with police raises great suspicions about what their participation in the actual crime might have been.

Of course, always one has to understand those people in our communities who are subject to battery of a kind that may take away their ability to appear as many others do. I'm speaking specifically of violence against women and their children. That can certainly cause someone to act in a manner that isn't what you expect, but we

know that now, and we've worked very hard to understand how cases like that might be presenting themselves. Where someone can make it clear that they are choosing an unusual route because they need to protect their family, they need to protect themselves and their children, I'm hoping that this province has grown up enough that we can understand that and make the exceptions for them. Certainly we have enough legislation around that here in Alberta that I would hope that this would not be a problem.

Now, one of the things that I was pleased to see was the increase in the amount of time that's allowed, from one year to two years. That's really bringing it into line with a number of other statutes that allow people up to two years to bring forward their case as such, and that's certainly the case with what Alberta has already done around sexual assault victims, bringing forward their cases after the fact. Although at the time we were debating that, my point was that in the community it's more accepted that the clock starts ticking once the victim has come to a realization of what has happened to them. Certainly with victims of sexual assault or childhood sexual assault, that may not be within a time line that's at all close to the actual incident. But what was being proposed to me from the community was that once the applicant realized what had happened, the clock started ticking for the two years from that point on. In fact, that was not what was allowed in the particular case we were debating, but I am glad to see that we've got a two-year window here.

I understand that this has been viewed by some as a lengthy process. As a result of that, some people felt they had missed the deadline as such or lost their opportunity because the whole process wasn't moving along fast enough and they went past that one year. So having it at two years I think is certainly reasonable, given how long cases are taking to investigate and to get before the courts and to proceed through the courts. Maybe if we have concerns on that matter, we should be directing those towards the Justice minister and Attorney General.

The other issue that's being proposed here – there are two parts to it – is that the panel be expanded by an additional three members, I believe, once again all appointed by the government. I think we've had a number of things come up in the last few weeks that underline for us the importance of the people from the community that volunteer on panels and boards and reviews and agencies, but it also does underline the need for very clear conflict of interest regulations, which I will continue to press for. I think it's not onerous to do this, and it's very advantageous for everyone to know where they stand and what the expectations are and also what the prohibitions are.

So we're adding three people to the review committee, I guess is what it's called, again government appointed. I urge the Solicitor General to look at the recommendations brought forward by the Auditor General when he was referring to a personnel administration office directive, I think brought forward by the Premier, making sure that people who were appointed to various agencies, boards, and commissions in fact had been vetted through the PAO to make sure that they were qualified to be sitting on that particular board. In my questioning of the Auditor General, the department that he pointed out as being the most efficient at this point was Community Development. So that is an area that I would like the Solicitor General to look to and to consider adopting that personnel directive to make sure that those who are being appointed to this review committee in fact have a background and some experience in this particular area.

The next issue. Perhaps the minister can reply or have someone else reply to this. There's a section in here that's really causing me some trouble, and that is the one about being able to request or receive personal information from a number of sources and give that personal information out to a number of sources. I would hope that increasingly we'd come to understand in this province how easy it

is to abuse that, how easy it is that if one's personal information gets onto one system, it can get onto other systems. People have not grasped the importance of not relaying that information through other means or allowing others, innocently or not, access to that information so that they can walk away with it or transfer it electronically another way.

3:10

I'd like to hear more on why this choice was made about being able to request the information from so many different sources. We have here "a law enforcement agency" – so that's all kinds of information from police files; one presumes court files maybe – and "a person who provided diagnostic, treatment or care or other similar medical services to the victim." I mean, is this including like a home care nurse? How wide is the net being cast here? This always causes me great concern, because we have not proven in the past to be the model that we should be when we are dealing with people's personal information. Especially once you start attaching details like names, home phone numbers, social security numbers, and even hospital record numbers to people, the potential for abuse of that individual is increased exponentially, and I think this is a real concern we always have to be on guard about. So I am going to push the Solicitor General on this one because I think it's a really important one.

The third area that's mentioned under this is a public body as defined in the Freedom of Information and Protection of Privacy Act to determine or verify whether a person is eligible for financial benefits under this Act or to determine the amounts of those financial benefits.

So always I can see where the minister is coming from in trying to delve into the information and get the background information, but I'm questioning about whether she's looked at what the potential repercussions are as far as a person's privacy is involved. Is there any way that something is being flagged, that, you know, a red flag is going up if an inquiry is made to any of these agencies or medical treatment personnel or law enforcement agencies that the government is asking for information on them? What's that telling someone? Where can they take it and what can they do with it and what kind of a negative repercussion could that have on the individual? We are just not good at this yet, especially with how quickly information can be transferred on electronic databases now. It's truly chilling.

Then it goes on that the information can be disclosed, including personal information,

to any person for the purpose of determining whether a person is eligible for financial benefits . . . or determining the amounts of those financial benefits.

Any person? Boy, that's pretty wide open. I understand that it's to be read in the context of everything else, but frankly those of us that get to hear this debate in the Assembly are not the people that end up administering it, and if it is taken out of context, we're in trouble here.

The second category is to a parent, spouse, child or other family member of an applicant or victim or to a recognized victim services agency for . . .  
 (i) confirming the existence or status of an application . . . or  
 (ii) disclosing the amount of any award.

So I think there are some real concerns there about that that I would like to see the Solicitor General look to and perhaps be able to come back to the Assembly and comment on.

Now, the other part that seems to be a major rationale for bringing the bill forward is the ability to appeal. One may not necessarily have an appeal heard if it's designated that it's in some way frivolous or vexatious.

Am I willing to trust that everything is being looked at fairly and everything is being taken into consideration here? Well, you know, I'm a reasonable person. I'm pretty much always willing to be open to that, but I want to know what safeguards are in place. What are the regulations that are supporting this? Remember that legislation is the what and the regulations are the how. That's the real detail, the real nitty-gritty, particularly with this government, that likes to do sort of shell legislation that refers everything to the minister and leaves everything up to regulation. At least this bill is detailing some of it up front, but I am looking for what the minister expects as the regulations that are the detail that holds this up and how we can be reassured that this is, in fact, a fair process.

I understand the need to be able to dismiss frivolous cases. I'm sure that some of us in our constituency offices have people come back over and over and over again, not because there's anything further that we can do for them but because they don't like the answer, and there we are in the position of explaining yet again that that is the program, that's as far as it goes. So I understand the need for this, but I want reassurance that every precaution is being taken to be fair and open to people given the variety of reasons for which people might be appearing before the panel.

[The Deputy Speaker in the chair]

I heard the minister talk about shortening the complexity of it so financial awards would be available to people sooner. I'll tell you that I once dealt with a constituent who was dealing with the WCB in British Columbia, and I heard about a program they offer that I was quite intrigued by where family members could apply for funding to travel to a funeral or a memorial service of a victim of crime. I investigated, and we didn't have anything like that in Alberta. At the time I thought: you know, that's probably a really useful thing to be offering for people. Often you don't have that kind of money, and travel can rack you up \$1,000 or more just to get to the provinces on either side of us and stay for a couple of nights. I don't know if it's possible to shorten this waiting list enough so that it's useful for that kind of application, but I certainly was impressed by that service and what it really was offering to a victim of a crime there.

So those are the points that I wanted to raise. I'm certainly willing to support it. I have expressed the concerns that I have with it, particularly around the patronage appointments and the collection of personal information and the distribution of personal information. I'm very glad to see the extension of the time limit for application to two years. I've expressed my concerns around the fairness for the ability either to not hold the hearing in the first place or to not allow an appeal hearing.

Thank you very much for the opportunity to speak at second reading of this bill.

THE DEPUTY SPEAKER: The hon. Member for Lacombe-Stettler.

MRS. GORDON: Thank you, Mr. Speaker, for the opportunity to rise today and speak to second reading of Bill 9, the Victims of Crime Amendment Act, 2001. I support the general principles contained in this bill during second reading. This proposed legislation helps streamline the financial benefits program, ensuring that financial awards get to real victims of violent crime in Alberta. Across the province and, indeed, across the nation people are saying loud and clear that they feel victims should be better represented within our justice system.

As I traveled through my constituency during the recent election some justice issues were definitely raised. There's a perception that

often violent crime is a big city problem. This is just not so. Violent crime is a problem in all communities across the province regardless of size, big and small. A common theme that arose at the doorsteps in my constituency is that the needs and rights of victims do not receive the appropriate amount of emphasis in our justice system.

3:20

Of course, in our society issues are media driven. Stories of tragedy and bloodshed lead the newscasts and help create a skewed perception of our justice system. How many times have we questioned some of the very gruesome lead photos: front-page photos of murders, accidents, bodily abuse, et cetera, most graphic, most disturbing, and very, very difficult for family members involved? Seldom do we hear the triumphant stories of successful rehabilitation and the tremendous amount of hard work required by government and nongovernment organizations to make those positive outcomes a reality. Seldom do Albertans hear of the very progressive programs currently being operated that are aimed at helping victims and preventing crime.

The most common perception is that victims are left on their own to deal with the initial trauma of violent crime. Mr. Speaker, this is not the reality in this province. The financial benefits program is a perfect example of our society lending a helping hand to victims in need. As the hon. Solicitor General indicated earlier, the financial benefits program awarded financial assistance to 967 victims of crime last year. This is a very impressive fact, one that I know many Albertans are not aware of.

I support the proposed amendments because I believe they will help innocent victims get the assistance they need, but there are also other significant benefits. The proposed amendments provide a requirement that victims applying for an award from the fund must co-operate with police during the investigation of the crime. To me the benefit here is obvious. These changes encourage victims to go beyond their distrust of law enforcement and work with police towards the successful resolution of the matter.

Mr. Speaker, I think the amendments provide clear authority to target possible abusers of the program. While the program currently reduces awards in cases where applicants are involved in criminal activity, the amendments will allow for full denial of benefits. Requiring applicants to co-operate with police helps the program identify those applicants involved with criminal activity.

The amendments will also cut down on applicants who derive their injuries from ongoing acts of retaliation. This money is intended to help innocent victims. It isn't fair, Mr. Speaker, that people whose actions contribute to their own injuries could receive the same benefit from the program. I think these amendments address that potential problem.

Mr. Speaker, I'm pleased to have had the opportunity to rise and speak in favour of these amendments. As I mentioned earlier, the financial benefits program is an excellent way to offer support to victims of crime in this province. Amending the Victims of Crime Act will help get financial support to the people who need it most. In doing so, these changes will help the police enforce our laws.

Thank you, Mr. Speaker. I urge all members of this Assembly to support the amendments as proposed by the hon. Solicitor General.

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

MS CARLSON: Thank you, Mr. Speaker. I just have a few comments on Bill 9, some questions that I would like to have answered prior to this coming back in committee. One is the additional patronage appointments. We're always concerned about

patronage appointments and concerned about how people get chosen and who qualifies, and if we could get some information on that, I'd appreciate it.

I also see that it says that one of the members "must be a physician" and then states later on that the chair can "designate any 3 members . . . to sit as a panel." If that's the case, Mr. Speaker, then my question is: why wouldn't the requirement be two physicians on the board? I think that's a good idea, that a physician be involved in the decision-making, and seeing as these members can sit in different areas of the province – there only has to be three on a particular committee – I'm wondering why only one of them has to be a physician. I think that kind of joint decision-making is a good idea, and it's a great step forward here.

Also a little concerned that if one of the members does not attend a day or a part of a day, then the two remaining members have the power to finish the duties of the panel with respect to the hearing. It seems to me that it would be very important to have three people there at all times, so I'm wondering if the minister can talk about that a little bit.

Also, I have some concerns, as my colleague from Edmonton-Centre did, in terms of the disclosure of the information to the people that are outlined in sections (4)(a) and (b)(i) and (ii). I'm hoping it isn't quite as broad a scope as what it looks like, and if we could get some explanation on that when we get to committee, I would also appreciate that, Mr. Speaker.

Those are my comments with regard to this bill, and I look forward the question being called.

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

MS KRYCZKA: Thank you, Mr. Speaker, for the opportunity to rise today and speak to the Bill 9, the Victims of Crime Amendment Act, 2001. I'd like to begin by commending the Solicitor General for bringing this legislation forward. As the hon. Solicitor General and the hon. Member for Lacombe-Stettler have said in the House this afternoon, these amendments are positive changes to a very significant program for victims in Alberta.

The changes we're discussing are to the financial benefits program, which was established by the Victims of Crime Act of 1996. I believe this program, Mr. Speaker, speaks to the better side of human nature. The program recognizes the pain and trauma suffered by victims of violent crime and offers them support in their time of need. I feel it is our responsibility to help those who need it most, and that's why I support the financial benefits program and the amendments today.

One change that I feel is particularly worthy of our consideration is the extension of the length of time allowed for victims to apply for an award. Under the proposed amendments victims are given up to two years to apply. I'm also very supportive of the changes that grant additional discretion to the criminal injuries review board, allowing them to dismiss frivolous requests for review. Today I'd like to address these two particular amendments and express my support for the bill.

Mr. Speaker, I think every member of the Assembly knows or has known a victim of crime. We all know the horrific ordeals victims suffer through. It's only fair to give people the time they need for wounds to heal or to mourn the loss of loved ones before having to deal with the particulars of applying for an award through the financial benefits program. This extension gives victims the opportunity to go through the criminal justice process. This process, however, can take time. I think this is a reasonable change, a change that is intended to address the needs of victims.

As I mentioned earlier, I also support the move to grant additional



discretion to the review board to dismiss frivolous requests for review. For those not familiar with the program, the financial benefits program has a built-in review process. If an applicant disagrees with the amount of the reward, he or she can submit the application to a review board that has the mandate to overturn the initial decision. Likewise, Mr. Speaker, the review board can overturn a decision by the program to deny a reward to a particular applicant.

The review board is an important part of the financial benefits program. The problem that program officials have encountered is that there are frivolous requests for review. Under the current legislation the review board must automatically grant a review.

It's unfortunate, but there are situations where applicants may not be sincere in their request for a financial reward. In addition, there are times when the application is completely outside the jurisdiction of legislation. For example, there have been applicants who applied for an award for an injury that happened outside this province or where no injury can be documented. The amendments give the review board the authority to dismiss these requests at the outset and move on to applications that really need further consideration.

One further amendment ensures that authority for the program and decisions made by the board rest ultimately with the Solicitor General. Accountability rests here where it should, with the elected government of Alberta.

In closing, Mr. Speaker, I think the amendments in this bill make this a better program. I urge all members of this Assembly to support this bill, and I'd like to thank the hon. Solicitor General for bringing it forward.

Thank you, Mr. Speaker.

[Motion carried; Bill 9 read a second time]

3:30

### **Bill 10 Traffic Safety Amendment Act, 2001**

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

MR. CENAIKO: Thank you, Mr. Speaker. I'm pleased to rise to move second reading of Bill 10 and provide some comments with respect to Bill 10, being the Traffic Safety Amendment Act, 2001. These amendments will fine-tune the Traffic Safety Act to allow for more effective implementation of programs under this unique and important piece of legislation. With the passing of the Traffic Safety Act in 1999, Alberta became the first province to combine four acts into one which addresses all matters concerning drivers, vehicles, commercial carriers, and road safety.

The Traffic Safety Act incorporates recommendations from a broad base of stakeholders to make driving safer, to keep impaired and careless drivers off the roads, and to provide more effective management of drivers and commercial truck and bus traffic. Since the Traffic Safety Act was originally passed, we have continued working with these stakeholders and other jurisdictions across Canada to ensure that our legislation meets the needs and expectations of Albertans. Specifically, Mr. Speaker, we are adding tougher provisions against people who continue to drive while their operator's licence is suspended and also those who drink and drive.

The four key areas we are amending are vehicle seizures, administrative licence suspensions, graduated driver licensing, and carrier profiles. The first amendment I'd like to speak to pertains to vehicle seizures. Drivers charged with driving while suspended for the second time in a three-year period will have the vehicle they are driving seized for 60 days if the registered owner of the vehicle is the same as in the first offence. This change takes the suspended driver

off the road immediately rather than waiting for him or her to be convicted through the courts, which could take as long as two years. The amendment addresses a chronic problem of some drivers continuing to drive after they have been suspended. The vehicle seizure period for a first offence will remain at 30 days.

The second amendment relates to the Alberta administrative licence suspension. We are proposing an immediate 24-hour suspension for anyone charged with impaired driving. The 21-day temporary permit would then apply, followed by a three-month Alberta administrative licence suspension. Currently a driver charged with impaired driving is legally able to use the temporary permit to walk out of the police station and drive away, even if they are still impaired.

The third change of note that we are making to the Traffic Safety Act deals with carrier profiles for commercial vehicles. We are proposing to allow the exchange of commercial carrier and commercial drivers' records relating to their convictions, reportable accidents, and on-road vehicle inspections with the jurisdiction where the driver is licensed and/or where the vehicle was registered for the purpose of that jurisdiction's carrier and driver profile system. The types of offences would include all types of violations under the Traffic Safety Act and its regulations, including moving violations such as speeding or failing to stop at a red light; equipment violations – for example, burned-out headlamps or taillamps or improper securement of loads – commercial vehicle safety requirements like contravention of special permit requirements, lack of safety fitness certificate, altering a certificate or permit, driver's hours of service violations, or altering weight in transit; and, finally, any Criminal Code convictions like dangerous driving or impaired driving.

The fourth key amendment we bring forward today has to do with the graduated driver licensing. The Traffic Safety Act established a graduated driver licensing program. One of the legislated provisions is a zero blood alcohol provision. Under the current provision of the Traffic Safety Act, if a novice driver, which includes both learners and probationary drivers, consumes alcohol, the police would lay a charge and that person would lose their licence for 24 hours. If found guilty, the driver would be given a fine and possibly even a jail term under the Provincial Offences Procedures Act.

The current provisions would require substantial resources from the police and courts to implement, but more importantly the current provisions may not survive a challenge under the Charter of Rights and Freedoms. Simply put, the current provisions, which have a risk of jail, may be argued to be very harsh in dealing with a novice driver with less than .08 blood alcohol content. Based on these considerations as well as reviewing other jurisdictions' programs, we are now bringing forward a new model for this sanction.

As a result of the success of the Alberta administrative licence suspension program, which came into effect December 1, 1999, we decided to model the zero alcohol provision of the graduated driver licensing program on this other type of administrative licence suspension. I would like to point out that under the AALS program, from the start of the program on December 1, 1999, to March 31 of this year 11,391 people have been suspended for providing a breath sample in excess of .08 or for refusing to provide a breath sample. This indicates the seriousness of the drinking and driving problem in Alberta and why we need to ensure that our new drivers don't develop this deadly driving behaviour. Mr. Speaker, 11,391 people caught drinking and driving in a 15-month period is completely unacceptable. Albertans, whether they are drivers under the graduated driver licensing program or fully licensed drivers, must realize that drinking and driving is not acceptable in Alberta.

Further in 1999, of the 390 drivers involved in fatal accidents, 89 had been drinking, and of the 23,920 drivers involved in nonfatal

injury collisions, 1,440 had been drinking. To address this issue at the earliest possible stage, we are proposing that the zero alcohol tolerance provision of the graduated driver licensing program provide for an immediate 24-hour suspension, followed by a seven-day temporary permit, then a one-month driver's licence suspension. There would also be a provision for the driver to request that the administrative licence suspension be reviewed and set aside by the Transportation Safety Board. Using this approach along with the provision of the Transportation Safety Board appeal will make the provision of this violation of the zero alcohol tolerance provision significant, timely, and less vulnerable to a successful Charter challenge.

In addition to the four key amendments, there are a few other amendments we are proposing to do with approved screening devices, learner drivers and their accompanying driver, suspensions for Criminal Code convictions, and failure to stop at the scene of an accident. In regards to approved screening devices, to ensure consistency and fairness, we have specified that devices used by police to screen for the zero alcohol tolerance can be approved under the Criminal Code as well as this act.

With respect to the learner drivers and their accompanying driver, the Traffic Safety Act currently requires learners to have an accompanying licensed driver 18 years or older on or in the same vehicle. We are proposing that the person supervising the learner cannot be a probationary driver. We are also proposing that the supervising driver for a motorcycle learner can be on an accompanying vehicle or on the vehicle operated by the learner. Further, a learner on a motorcycle cannot have passengers, except when the passenger is supervising the learner.

With respect to suspensions for Criminal Code convictions, the Criminal Code of Canada has recently been amended so that it is an offence to initiate a high-speed police chase. These high-speed chases jeopardize the safety of other road users and innocent pedestrians and have led to a number of tragic deaths and serious injuries across Canada. To reflect the seriousness of this type of offence, we are adding this offence to our list of convictions that will result in the suspension of a person's operator's licence in Alberta. Currently there are approximately 95 people who have been convicted of this offence. However, they were only suspended for the period of the court-imposed prohibition, if one was imposed at all.

The final amendment deals with failing to stop at the scene of an accident. The current disqualification period under the Traffic Safety Act for a conviction of failure to stop at the scene of an accident does not reflect the increase in penalties under the Criminal Code where there is injury or death. It is proposed that the increase in penalties be reflected in the provincial disqualification period. Therefore, we are proposing that the person's operator's licence be suspended for one year where there is no injury or death and five years where there is an injury or death.

Finally, Mr. Speaker, we are making some minor technical amendments that clarify certain sections of the act and correct minor inconsistencies we have discovered during consideration of the regulations.

As I mentioned at the beginning of my speech, Mr. Speaker, we are continuing to work with our stakeholders and other jurisdictions across Canada and the United States on the resolution of other traffic safety related issues such as restricting the use of cell phones while driving and mandatory helmets for cyclists. If required, these could be dealt with in detail in regulations under the Traffic Safety Act. The very successful consultation process used during the development of the act is being continued for the drafting of the regulations.

Once this bill is passed and the regulations finalized, we will be

ready to implement this unique and modern legislation that will be second to none in the country and help us to have not only the best but also the safest roads in Canada.

Thank you.

3:40

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

MR. BONNER: Thank you very much, Mr. Speaker. It is indeed a pleasure to rise this afternoon and speak to Bill 10, the Traffic Safety Amendment Act, 2001. I would like to congratulate the new Member for Calgary-Buffalo for sponsoring this bill. I think it's an excellent bill. It is certainly going to go a long ways in its intent, and that is to make our highways safer. I also have to thank him and the Minister of Transportation for the briefing supplied me last week to highlight the various parts of the bill that are key and will go a long ways to serving their intent.

When I look at this particular bill, there are a few areas that I must comment on. Of course, the first thing we have to look at is the Traffic Safety Act, which was passed in this Legislature in 1999 but still has not been proclaimed. These amendments that are proposed in Bill 10 will make the necessary changes to the existing act so that it is ready for implementation in the year 2002. Certainly we would support any legislation that will make our highways safer, particularly in these periods of growth, Mr. Speaker, when our infrastructure just can't begin to keep up with the huge number of increases in traffic on our highways. So this is good.

I think, you know, when we look at the highlights of the bill – of course, the hon. Member for Calgary-Buffalo did go over all the highlights – there are three areas that we must focus on. Certainly one is this graduated driver licensing program. This is a step in the right direction. It is going to bridge, hopefully, that area between the issuing of what we would know as a learner's permit and these people becoming fully licensed drivers. It is in this area of inexperience where there are a tremendous number of accidents.

The next area that I think the bill does a very good job in is under vehicle seizures. Certainly none of us want to see a driver who is suspended get behind the wheel and continue driving. I think this has been highlighted particularly when we look at the situation that occurs in some of the states in the United States where insurance has gone out of sight. People can't afford their insurance, and they choose to drive without insurance and certainly put all people on the road at risk at that particular time.

The third area that the hon. member spoke about and I think as well is a key point to this bill is the Alberta administrative licensing suspension. This is a new 24-hour suspension for anyone providing a breath sample of over .08. Again, it is definitely a positive step in our Traffic Safety Act.

Now, in the 24th Alberta Legislature we had serving members here from Edmonton-Norwood and Calgary-Buffalo who certainly brought forward the idea that this 24-hour suspension for refusing to provide a breath sample should be dealt with in court.

MS BLAKEMAN: They felt strongly about it.

MR. BONNER: They felt very, very strongly about it.

So, Mr. Speaker, I think this certainly emphasizes one of the former Member for Calgary-Buffalo's quotes. I heard him say many times that history should be the torch that illuminates the future. If this truly is the case, then this would be an example of where we rushed through legislation. We pushed the Traffic Safety Act through. Unfortunately there were flaws in the original bill, and that is why we're here today with Bill 10.

What I think we have to do from here is take a lesson, that

legislation that is pushed through this House and pushed through too rapidly certainly doesn't serve the interests of the Assembly, of the members here, because we go back and we redo the work that should have been done once. As another hon. member in the House has often said: plan your work and work your plan. So I think a thorough plan in this particular case and a timely introduction of it into the House and where we don't speed through it is certainly good advice for all of us.

MS BLAKEMAN: Do it right the first time.

MR. BONNER: That's right. Do it right the first time, as the hon. Member for Edmonton-Centre has said.

Now, then, Bill 24 was supposed to be about streamlining and regulatory reform. Bill 10 amends a bill that has not come into force, and it shows the danger again, Mr. Speaker, of us rushing through legislation. Many of the changes that we see in Bill 10 are administrative, and they clean up the original bill in nature. It is certainly a sign that things were not done right the first time around, but it certainly does appear that the work done on Bill 10 will correct those issues.

In looking at the bill and some of the highlights, I think that one of the highlights is the vehicle seizure provisions that the hon. member spoke about. Certainly, I think, a positive change with this particular section of the act is the fact that in order to seize a vehicle, the person does not have to be convicted, that as soon as they are charged with driving while suspended, we will have that vehicle. If it does belong to the same driver and registered owner, it can be removed from the road. This puts the responsibility on the shoulders of the driver. If, indeed, they do not accept that responsibility, if they go ahead and drive while under suspension, then certainly access to their vehicle should be denied. So I think this is one of the sections in this act that makes it much stronger and certainly goes a long way in making our highways and roadways much safer. I also notice that this amendment is similar to both Manitoba's and Ontario's, where there isn't a conviction required for the second vehicle seizure to be for a longer period of time.

The second area that Bill 10 deals with is the Alberta administrative licence suspension provision. What happens here is that we were trying to deal with this whole 24-hour suspension, and the proposal in this bill is that there would be an immediate 24-hour suspension for anyone charged with impaired driving.

Now, again what I think also is a good feature in this bill is that families are not impacted by someone in their family that is responsible for driving and is required to drive. It gives them a 21-day permit period, which would allow them to get their things in order so that they could begin to serve their three-month suspension.

3:50

As well, another area in this particular bill that I think helps strengthen the safety on our highways is when we look at the carrier profiles. What this will allow us to do is we will be able to forward records relating to convictions, reportable accidents, and on-road inspections relating to commercial vehicles to the jurisdiction where the driver was licensed and/or where the vehicle was registered for the purpose of that jurisdiction's carrier and driver profile system. So what we're doing in this particular instance is we are weighing the safety on our highways and freedom of information, and I do think that again it is an excellent recommendation in that we are notifying other jurisdictions of drivers who have violated the law in this particular province.

Now, then, a third area that we look at here is graduated licensing, and I did talk on that earlier. In looking at our graduated licences,

certainly this is going to impact our young people more than anyone else, and any new drivers that we do have on the road who are over the age of 25 will also be impacted by this legislation, but again it's legislation which will certainly help bridge that essential area where people get their novice licence and move on to full certification.

I think it's wise, because when we do look at the statistics, young drivers under the age of 25 are involved in a greater number of injuries and fatalities on our roads. The relative risk for this age group is somewhere in the neighbourhood of 2.5 to three times higher. When we look at a comparison in the province of Alberta of third-party liability, if we look at the age group of 16 to 20 year olds, in 1999 we had a little over 48,000 drivers that fell into this category. They were involved in over 5,000 claims. The total amount of those claims was in the neighbourhood of \$69 million, and this represented, you know, about 10.6 percent of those drivers.

Again, the graduated licence is an excellent provision because it does certainly try to address the problem of inexperience and also addresses the idea that these people are not being responsible. If they do have alcohol on their breath, this immediate 24-hour suspension is again one of those issues where we do teach people responsibility. They are given the opportunity, and certainly if they abuse that opportunity, then I see that there are consequences, and these are good. The whole idea of there being zero tolerance on this issue is one that many, many people in this province would agree with. So in the province of Alberta the immediate 24-hour suspension, followed by a seven-day temporary permit, followed by a one-month suspension is certainly a very, very good point.

Now, we also have approved screening devices, and the proposal in the bill is that the referral to approved screening devices be under the Criminal Code as well as the Traffic Safety Act. Certainly this will harmonize this issue between both the Traffic Safety Act and the Criminal Code.

When we look at the Traffic Safety Act and the proposal that the supervisor of the learner – and here we're looking at people that have a class 5. They must have a class 5 that is current. That is also a good addition to this bill and the requirement that a supervisor driver for a motorcycle learner would be on an accompanying vehicle or on the vehicle operated by the learner. Certainly the other provision in this particular amendment would be that the person who is supervising would have to have a valid class 6 licence.

So, Mr. Speaker, in looking at all of the amendments to this particular bill, Bill 10, the Traffic Safety Amendment Act, I think this is a piece of legislation that is going to be well accepted by Albertans. It is a good piece of legislation. It is certainly going to fit the bill as far as making our highways safer, and I would encourage all members of the Assembly to support this bill.

Thank you very much.

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

MS BLAKEMAN: Thanks very much. There's one point I'd like to raise around this bill. I understand that it is doing some administrative cleanup, sort of, with the fallout from Bill 24 that was passed in 1999, but some odd things are happening. I'm getting a number of e-mails from people lobbying both for and against bicycle helmet laws.

Now, that was decided in our debate of Bill 24 in that it was referred to the municipalities, but I'm wondering if the minister has also been receiving e-mails. Obviously, people really want the government to make this decision. Is there any possibility that this is going to be included in this act or that it's going to be dealt with in some way?

I feel an obligation to raise this before the sponsoring member,

although strictly speaking, I'm a little out of my way here on second reading, but it's not covered in what's being proposed here. Obviously, there's some agitation in the community to have this matter of bicycle helmets dealt with and dealt with provincially rather than through the municipalities, which is the way it sits now.

I will raise that to the member and ask that he respond. Perhaps he could respond in writing to me, and I am able to then pass that on to the people who have contacted me. I know that there are others that have received similar or perhaps even the same e-mail. So if I could pass that on.

Thank you very much.

MR. CENAIKO: Mr. Speaker, in closing, I'd just like to say that this unique and modern legislation will be second to none in the country. I urge all members of the Assembly to vote in favour of it, and as I mentioned earlier, it will help us to not only have the best but also the safest roads in Canada.

Thank you.

[Motion carried; Bill 10 read a second time]

4:00

head: **Government Bills and Orders**  
**Committee of the Whole**

[Mr. Tannas in the chair]

THE CHAIRMAN: This afternoon before we commence Committee of the Whole deliberations on Bill 1, the chair would like to remind all hon. members that at this juncture of a bill, when you go into Committee of the Whole, it is not an invitation to carry on your speech from second reading. It is intended to be more clause by clause.

If you refer to *Beauchesne's* 688 and 689, I think that would be clear there. If you go to Standing Orders 77(1), (2), and (3), you can get part of it there. If you go to *House of Commons Procedure and Practice*, Marleau and Montpetit, you will find it there on page 532, where they say, "The referral of a bill to a committee opens the way for close examination of its contents, clause by clause," and it then goes on later, "Speeches made in Committee of the Whole must be strictly relevant to the item or clause" when you are going to that. There are some exceptions. Finally, *Erskine May* – of course, this is another House, the House of Commons of the United Kingdom – deals with that on page 519 of the current edition.

Just a reminder that that's where we should be as opposed to a wide-ranging debate again on a second reading kind of thing. The Assembly has already made its decision on the principles of the bill. Now we go to the details and agree with them or disagree with them and make amendments thereto.

**Bill 1**  
**Natural Gas Price Protection Act**

THE CHAIRMAN: We have a number of people on this. Are there any questions, comments, or amendments to be offered with respect to this bill? The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thank you so much, and thank you for the wise words. I will do my very best to keep on track. In Committee of the Whole I can go clause by clause, word by word, sentence by sentence in examination; can I not?

THE CHAIRMAN: You can go clause by clause, yes.

MS BLAKEMAN: Good. Excellent.

The issues that I wanted to raise in Committee of the Whole which I spoke globally about in second reading and I want to go into a bit more detail on in Committee of the Whole, where I can go clause by clause, sentence by sentence, word by word are around my concerns of this being shell legislation, which we continue to see from this government. When I'm looking for what is the theory behind this and the implementation behind this bill, it's very difficult to see what it is because everything is referred to regulation.

For example, in section 3(1) we have, "A rebate under this Act may be made directly to eligible consumers or to a vendor for the benefit of eligible consumers." Well, my concern around that is that there's nothing further around monitoring and enforcement, especially as it pertains to those living in high-rise apartments and condominiums, which is of great concern to my constituents in Edmonton-Centre. I know that this is also affecting a number of other members in this Assembly. Anybody that's got a high-rise apartment essentially or a high-rise condominium that has a single meter is affected by what is happening here.

In particular, I look at section 3(2): "If a rebate is made to a vendor under subsection (1) for the benefit of eligible consumers, the benefit of the rebate must be passed on to the eligible consumers." Well, we've already raised a number of questions in this House which haven't been able to be answered about monitoring and enforcement of these rebates being passed on, and I don't see the real commitment to that here. On behalf of my constituents this is a huge issue. I have a number of documents that have been sent to me from people showing the increase in their rent as a result of higher utility prices. This, of course, is of most concern to those on a fixed income.

I have one senior couple saying: what are we supposed to do? Their rent is going from \$600 to \$755. That's a fairly large chunk to swallow when you're on a fixed income and nobody is going to give you any more money to cover that. I have another constituent who is on AISH due to a severe health disability. They've been notified that their rent is going from \$695 to \$900. Again, that's a huge leap. They're being told this is why. They come to me and say: well, how do we know that these rebates got passed on? I say: well, gee, you know, in Bill 1 it's under section 3(1) and (2). But it's not happening, not that they can see, and they don't understand why.

I also raise the concern of the discrimination that's happening – particularly high-rise condominium owners are feeling this – with a difference in the price that they're paying for the utility and a difference in the rebate that they're receiving in the utility. I don't see that being addressed in this bill, and I've gone through every section in it. So I'm still looking to the government to fix the discrimination that is inherent in the way they've been handling this up to now and that remains systemic in this bill. Perhaps the government will be bringing forward amendments on that.

Again, with condominiums you've got people that maybe sold their little house in the suburbs, and they've moved into a condominium, which was fine for a couple of years. Now I've got some condominiums where their fees have gone from \$500 to over \$1,000. People just cannot bear that kind of increase in their payments every month. At this point all I've been able to say is: well, I'm told that your banker doesn't really want to own your condo, so go and talk to your banker to see if they can give you an extension somehow to keep going through this. But that's not helping anybody. They're just incurring more debt here. So there continue to be huge issues around here that have not been dealt with in this bill.

Now, there was one more thing around those condo owners and condominium boards attempting to negotiate a better rate for themselves. When it's said that there's lots of competition out there,

I'm being told: not so. There are the sort of standard two or three suppliers, and that's it. When you're in the cities of Edmonton or Calgary, the idea that there's huge competition out there and that these small consumers like high-rise apartments or high-rise condominiums have the ability to negotiate with dozens and dozens of suppliers just is not happening. So we now have them locked in to essentially a monopoly situation, and the same thing is happening in electricity.

Let me go back to my primary concern here, which is the shell legislation and the number of decisions that are going to be made that are laid out to be made by regulation. In support of that, Mr. Chairman, I would like to move an amendment to Bill 1, and I will send the amendment package with the appropriate number of copies to the table, and I'll keep talking while it's distributed.

My concern is that there is a real need to have bills like this that are shell legislation bills forwarded to the Law and Regulations Committee, which can examine the regulations that are being brought forward in support of these different clauses. When I look at this bill, it's astounding the amount that is to be decided. Basically once you're past the first section, which is the definitions, and you're into section 2, you start to get into how many things are going to be decided by regulation, which is beyond what this Assembly is able to scrutinize and comment on.

We don't see the regulations come through this Assembly. We don't know what's going to happen to them. I've spoken many times before on how difficult it is to chase down regulations as a member of the public and even as an MLA sometimes. We don't necessarily know when they're being released. We don't know where they are housed. They're much more difficult to find on-line. Whereas the legislation is very easy to find on-line through [www.assembly.ab.ca](http://www.assembly.ab.ca), the regulations can be a real hunt, and sometimes you're not successful in finding them.

4:10

I somewhat mockingly said in second reading that I would be looking to bring forward the Dickson memorial amendment, which caused some amusement in this Assembly, but indeed that is exactly what I have done. My colleague who was the previous Member for Calgary-Buffalo often brought this amendment forward because he was detecting fairly early on this government's move in the direction of this shell legislation, where it gives you no details, where everything is referred to regulations. Therefore, I follow his wise advice and understand the increasing need to have the regulations that would be under this act brought forward and scrutinized by the Law and Regulations Committee.

Now, I just went and asked for the membership of the Assembly's select standing committees. In fact, yes indeed, there is the Law and Regulations one, and it has 21 members appointed to it, including among others many people who would be able to assist in scrutinizing and discussing regulations that would be brought in. I mean, the Member for Peace River is the chairperson. The Member for Calgary-Egmont is the deputy chairperson. We have new members like the Member for Calgary-Shaw. We have members of the opposition like the Member for Edmonton-Glengarry and the Member for Edmonton-Gold Bar. There's quite a good variation of experience and new thought that's on this committee. The committee never gets to meet because the government never calls it, and I think that time needs to come to an end.

I've even heard through the grapevine that the Justice minister and Attorney General may be more open to passing an amendment such as I have put forward here and which, I guess, becomes amendment A1. So I will hope that he will follow through on that.

Let's look at the number of things that would be decided by

regulation under this act and that underline the need to have the Law and Regulations Committee called in order to deal with regulations that would come forward. All of section 2, basically whether there are going to be rebates or not, will be decided and put forward under regulation.

We look at section 5.

The Minister of Energy may, with respect to delivered marketable gas, publish from time to time a national residential gas reference price, based on such factors as the Minister considers appropriate.

That will come out through regulations.

Then we get to section 7(1), which is unbelievable. The Lieutenant Governor in Council, which is, of course, cabinet, may make regulations – and here we go.

(a) defining for the purposes of this Act . . . any terms that aren't already in here.

(b) respecting the determination of the Alberta price and the amount to be prescribed by regulation;

(c) authorizing rebates for the purpose of section 2, which is whether or not we're going to have rebates at all,

(d) respecting the circumstances in which a person is considered not to be an eligible consumer;

(e) respecting applications for rebates;

(f) respecting the conditions on which rebates may be made;

(g) respecting the basis on which or methods by which rebates are to be calculated.

You're starting to catch on here. Everything this bill is about is going to be decided somewhere else which is not subject to any input from our constituents through MLAS or public scrutiny.

Let me continue.

(h) respecting the manner in which and the frequency with which rebates may be made;

(i) respecting the maximum amount . . . that may be made to an eligible consumer for marketable gas . . . used in Alberta for industrial purposes;

(j) requiring a vendor to include information . . . relating to the cost of marketable gas.

I'm still going down this list. All of this is going to be decided by regulations and not decided in this Assembly. This is a good half of the bill that has been brought forward for us which is not going to be discussed by us because it's not determined yet. It's all going to come later in some kind of regulation.

I'm continuing.

(k) respecting the administration of the rebates paid to vendors.

And I love this one.

(l) generally, governing any matter incidental to the administration of this Act or the regulations.

Gotta love that one. That's the sort of just in case we forgot something, let's throw it in there.

Section 7(2): "The Lieutenant Governor in Council may make regulations," and then we go into another series of what will be decided by regulations: "rebates to be made in respect of other substances," defining "eligible consumer" in respect of other substances, "specifying other substances," "providing for any matter in connection with rebates" for these other substances. The other substances that are being covered here are propane, heating oil, and other heating substances.

So more than half of this bill is coming forward under regulations which are not debated in this House, which are not scrutinized in this House, which the public through their elected representative gets no opportunity to give input on because none of us know that it's happening, and it's not discussed here.

There's a well-known saying that there should be no taxation without representation. Mr. Chairman, I make the case to you that there should be no regulations without representation. That is what that Law and Regulations Committee is for, so that we can bring that

expertise together. The regulations can be gone over, can be scrutinized, can be debated. This is a committee of the Assembly, so the proceedings would be in *Hansard* and would be available for people to read and to comment back to members of the committee or to their own MLA, who could make representations to the committee. So this is around the enormity of the decisions that are being made in this act.

We can't even tell from this act if there are going to be rebates because it's all decided later behind closed doors by some group of people, the cabinet, without any further consultation. I think either the government has got to start putting the meat back into the bills that are brought forward, or they're going to have to start calling this Law and Regulations Committee so that there can be scrutiny. This is a scary, scary thing. It's a frightening proposition that a government, even if you are 74 seats, even if you do represent 30 percent of the people in Alberta . . .

MR. BONNER: Only.

MS BLAKEMAN: Well, it's only 30 percent frankly, because the rest didn't vote for them. But that is a scary thought. How much legislation is being done through regulation, which is not being brought into this Assembly?

Well, I'm sure I'll have other opportunities to hammer away on how important this amendment is, but perhaps there are others who wish to speak to it. Certainly I cannot underline enough how important this amendment is, and I urge everyone in this Assembly to support it. We need to be the best legislators possible on behalf of Albertans, and we are shirking that responsibility at this point. I urge everyone to support this amendment.

Thank you very much.

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

MR. MASON: Thank you very much, Mr. Chairman. I would like to speak to the amendment put forward by the hon. member. [interjection] I may well speak in favour of it, hon. member, as well. I just wanted to indicate that on my reading of this bill, and I'm relatively new at the function of a legislator . . .

4:20

THE CHAIRMAN: Hon. member, the chair apologizes. I perhaps should have mentioned this earlier. When we're into amendments, we want to have the specific one. Of course, this one that has been moved by the hon. Member for Edmonton-Centre is amendment A1. So in order to refer to it, we're going to call it that.

MR. MASON: A1?

THE CHAIRMAN: A1; right.

MR. MASON: A-okay with me, Mr. Chairman.

So A1 – I'm just going to write that in big letters on my thing here so I don't forget – is an interesting amendment. As I was saying, as a relatively new person to legislation, I guess I was expecting to actually deal with legislation. I look at this act, and as I indicated when we debated it at second reading, it's really not a piece of legislation at all, Mr. Chairman, but rather a framework for regulation. It's nothing more than a framework that puts in place the ability for the cabinet to do all of the things that are envisioned in the bill and do it without any reference to public debate. That is a great concern.

I went through the act, and in the definitions it is mentioned four

times. The Alberta price is going to be defined by the regulations. The eligible consumer will be defined by the regulations, and a consumer of other substances is defined in the regulations, as are other substances. So right away all of the key definitions contained in the bill will be set by the cabinet and not by the Legislative Assembly. In that respect, Mr. Chairman, it's a significant step backwards from the bill which it replaces. In the Natural Gas Rebates Act, which I have here, there are three pages of definitions contained in the act. I haven't added them all up, and I won't go through them, but it's clear that the first act is consistently defined. This particular one devotes about four clauses to the definitions, and in each of those clauses it leaves the real definition up to the government. That is a real difficulty as far as I'm concerned.

You know, if you want to look at the question of consumers, I think that's a very dangerous thing to not have in the act. I think we ought to be talking about specifically who is eligible, and it ought to be defined on the basis of need. I come to the question of price. We ought to be talking about what price is too high, instead of just leaving it to the government.

What I'm concerned about – and I indicated that in my other speeches – is that this becomes a very, very powerful political tool in the arsenal of the government. We've seen the impact of nicely timed rebates on the electorate. It is of undoubted concern to the opposition parties going into the future, Mr. Chairman, that the government ought to reserve its powers to issue rebates to situations based on need and not based on the need of the government to get re-elected. That is a concern that we have and I think which all right-thinking Albertans ought to have. So those are real concerns.

You come to "other substances," and there is a bit of a definition here. There is a bit of one. It says, "Propane, heating oil and any other substance used for heating purposes as specified in the regulations." At least, Mr. Chairman, they define it as being used for heating purposes, but they don't say heating of what. They don't say heating of homes for people or heating of barns on a farm or heating of schools or hospitals. It could be anything from heating cement to heating petrochemicals in a refinery. It could be used for any industrial purpose whatsoever.

So a question I would have – and hopefully somebody will be able to respond to this – is: are we going to be allowing the government to subsidize a company's heating of hot water in order to generate electricity in a coal-fired power plant to be considered as a rebate? If that's the case, I don't think that's the intention that I heard when this bill was introduced by the government, but it shows you how lax the bill is, how lacking in any real content it actually is. As I say, it's just a framework for the government to regulate on this issue and make the decisions based on whatever considerations they might want.

If we go on to price protection in section 2, again the word "regulations" appears twice:

Where, in the opinion of the Minister of Energy, the Alberta price is or is likely to be greater than the amount prescribed in the regulations, the Lieutenant Governor in Council may authorize a rebate to eligible consumers in Alberta under the regulations to assist eligible consumers in the cost of [natural] gas.

So the Minister of Energy can trigger it based on a price that is determined by the government and based on consumers who are determined by the government. None of those things are defined in the act. So there's another couple of cases.

#### **Chairman's Ruling Relevance**

THE CHAIRMAN: Hon. member, we are on amendment A1, and you're talking about the regulations. Once the amendment is over,

then you can do that, but you have to apply it to amendment A1. I mean, it's okay to go through them, but then bring it back to the amendment, please.

MR. MASON: I was going to do that, Mr. Chairman. I wanted to deal with the amendment to take these regulations to the standing committee, and it's just that I've underlined everywhere in this act where it says the word "regulations." I just was trying to give an impression of the scope of regulation that exists, but I'll try to be a little more general and a little quicker on this point, because I do want to come to the amendment, and I do want to come to the committee that never meets.

### Debate Continued

MR. MASON: I'll just move ahead to the actual section in this act called regulations for the regulation of rebates. It's 7(1), and here you have 16 things that can be regulated, 16 of them, and that's a lot. I think that's really a lot. It talks about applications for rebates, the conditions on which they can be made, and so on and so on. It talks about controlling the vendors and then 7(1), which the hon. member mentioned, "Generally, governing any matter incidental to the administration of this Act or the regulations." Then on the next page we have section (2), and there are four more things that can be regulated. So I count, Mr. Chairman, 16 items that can be regulated by the government under this act without debate in the Legislative Assembly, without public discussion, and the decisions are simply published for the rest of us in the Assembly who are not in the cabinet and the public.

That brings me to the point of amendment A1, which is to refer this bill to that committee which never meets. So I guess I think it's a good idea. If we're going to have an act that's not really an act but is just a framework to allow the government to make regulations, then I think it's incumbent on the committee of this Assembly to actually sit down and discuss that and talk about the regulations and which things are appropriate for regulation and which things are not appropriate for regulation.

4:30

I think, Mr. Chairman, that in the long history of the British parliamentary system it was not envisaged that the legislative function should be usurped by the use of orders in council. That's been a general trend, I think, right across the country. It's not just limited to this Assembly, but this government has taken it to an extreme, and this bill is the ultimate expression of that tendency to avoid democratic debate by the elected people and to place those decisions in the hands of the cabinet.

The principle is particularly strong when it comes to the question of money, that the people's elected representatives should have scrutiny and control of the finances of the province. That's why we heard all of that fancy language when the Provincial Treasurer introduced her budget: we pray that we'll be needing certain sums and so on. The tradition around expenditures, taxation, and so on is particularly strong in our system. This bill is about nothing more than expenditures. It's about the government spending money to compensate for some of the misguided policies and some of the other things that have occurred beyond the government's control that have driven the cost of our natural gas and other energy sources through the roof. So we're talking about this.

Now, in terms of the amount, I note that the government spent before this last election approximately \$4 billion in total for all of the rebate programs, and I don't mean to imply that it was just for natural gas. It was for all of the expenditures for power because of the haywire deregulation regime that we've got in this province

pushing up power prices. But \$4 billion is a lot of money, Mr. Chairman. You could run a small country for that, and this was all done by the government and not debated properly by the Legislative Assembly. Now we're going to set in place a framework that's going to allow that kind of thing to go on and on and on. I realize we're not going to be spending \$4 billion in the next three years, but in the fourth year after that, we might again see very, very large expenditures made under these regulations.

I do believe that the amendment is a good one because it would allow the Assembly to sit and talk in committee about the things that are going to be regulated under this act and would allow some all-party scrutiny of those things, and that makes a great deal of sense to me.

The question comes up: why doesn't the committee meet? I would hope that the government would address that in some of its discussion about this bill. When I was first elected, I sat down with my other colleague and we had to divide up the functions of the opposition between just two of us. There were long lists of things we had to do, but then we came to splitting up the committees and who was going to take what. You know, I said: "Well, this looks like an interesting one. I'd like to be on that." He said: "Well, you can have it. It doesn't ever meet." I said: "Well, why do we have a committee that doesn't ever meet?" The suggestion was that the government never calls it, and apparently there are more committees. I was completely shocked to find that there's not just this Committee on Law and Regulations that doesn't meet, but there are others. They've been established by this Legislature, and it amazes me that the government won't allow these committees to meet.

MS BLAKEMAN: What are they afraid of?

MR. MASON: I don't know what it is. I don't know, hon. member, if they're afraid of something or what.

It really strikes me that we ought to be dealing with standing committees. We ought not to have the government refusing to call committees that have been set up for specific purposes by the Legislative Assembly. I don't think it shows respect for the will of the Legislative Assembly, and I would urge the government to actually call this.

First of all, we ought to be passing this amendment so that this framework for regulation called Bill 1 can be discussed in the committee, and then the government ought to call the committee. I think one of the best ways to get the government to call that committee so that we can help earn our pay instead of just listening to long speeches all the time is to actually get some of these committees going. I think we should. I think if we had more committees, the speeches on the opposition side would be considerably shorter, Mr. Chairman. In fact, I would give that undertaking. If we have more all-party committees that meet in this House and actually do real work and put us to some practical work so that we don't just have to be hecklers against the government and put these vast backbenches to work too so they don't have to sit and listen to us, then I think we could work something out. I really do. I would make that as an offer to the Government House Leader over there.

I think we could spend our time better in this Assembly actually doing real work in a less partisan format and actually kind of work through the bills. I think that it would be more interesting for some of the people in the second, third, fourth, fifth, sixth rows. I would recommend it to members of this House.

So I suggest, Mr. Chairman, in conclusion, that we ought to pass this amendment. I think it makes a great deal of sense, given the fact that the bill gives a free hand to the government to make regulations on anything they want as long as it's vaguely related to heating or

energy and hand out any kind of money whenever they want and have complete control of that process and take it out of the hands of the elected people in this Assembly. I think that it is prudent and makes sense, and we might, if we pass this, actually get the committee going. I think that might be useful and interesting for members, and I think it might help us fulfill our duty to the public or certainly improve our ability to act on behalf of the people who have put us here through their votes.

So, Mr. Chairman, that will conclude my comments this afternoon, and I would certainly urge all members to vote in favour of this most excellent amendment.

Thank you.

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

MS CARLSON: Thank you, Mr. Chairman. I'm happy to stand in support of my colleague from Edmonton-Centre's amendment, amendment A1, that would ask the Legislature to refer the regulations sections of this bill to the Standing Committee of the Legislative Assembly on Law and Regulations.

Mr. Chairman, it was quite interesting to hear the Member for Edmonton-Highlands add his comments as a new member in this Assembly in terms of what his expectations were of the Assembly and the kinds of choices we have before us when we see this kind of blank-cheque legislation such as the bill that we're trying to amend at this time, Bill 1.

It was quite interesting to then hear the government's reactions to his comments. It's interesting that when he talked about this particular bill being a framework for legislation, the Government House Leader said that that's exactly what good legislation should be. That's an interesting comment to make, I think, and certainly a good inside look at how this government feels it should govern and the rights that it feels it has in terms of putting forward that governance.

It's a philosophical decision, Mr. Chairman, to decide that legislation that comes before this Assembly should be nothing more than a framework and that the key decision should be made by regulation behind closed doors. I'm not sure that's a philosophical decision that Albertans would support if they knew, in fact, that's how legislation was being decided. There are other options to deciding things behind closed doors, and there are good reasons for having those other options.

4:40

Mr. Chairman, we have seen some legislation come forward in this Assembly that has been very flawed. I would take the notwithstanding clause that was brought forward in this Assembly as a very good example. When the notwithstanding clause was first being brought forward in here, the entire front bench of this government defended that action and talked about how great it was and how it wouldn't really hurt anybody. Well, you know, if you surround yourself with people who always think like you do and scrutinize things in the same way, then you may think sometimes that very flawed ideas are good ideas. What's always needed to come to the best possible decision for people is different kinds of opinions, not just those who think like you and act like you but those from other sources, from sources that may be dissenting from what you believe to be true. It's that kind of a scrutiny that brings forward the best possible decisions, and that goes for legislation too.

If we could have the Committee on Law and Regulations meet, being an all-party committee, then there would be an opportunity for some very good input from opposition members in this Legislature, that I believe would strengthen any kind of legislation being brought

forward. It hasn't been the case for as long as the time I've been in this Assembly. I'm hoping that at some point before this term is ended, we're going to see something. Just try it out. Just give it a try. What have you got to be afraid of? There is nothing wrong with a good second look at regulations before they are put in place.

If the government isn't prepared to do it in terms of standing policy and committees, then they should be willing to put them out in a proposed format to the general public for some review and disclosure at that level. Certainly we cannot be having a continuation of decisions being made behind closed doors that have significant impact on people and on the ability of this government to move forward without having some scrutiny of them. What you get with government members and government backbenchers are decisions that don't allow for dissenting views and don't allow for sober second thought, an outlook on the regulation where you take the potential downsides into account. We don't see that happening, and as a result we get some regulations put forward by this government that I don't believe are in the best interests of the people.

This amendment that my colleague from Edmonton-Centre has brought forward is an amendment that would try to strengthen a bill that is really nothing more than a blank cheque for the government to write rules on right now. We find that to be quite offensive. We find that it doesn't meet the mandate of this government and that at least supporting this particular amendment would go some distance to solving those kinds of issues that we have with the legislation. So I would urge all members of the Assembly to support this particular amendment, and if they are not prepared to support it, Mr. Chairman, then I'd like to hear from them. I would challenge anyone from the government side or sitting on the backbenches there to tell us, share with us the reasons why they do not think supporting this amendment is a good idea.

So with that, I will take my seat and look forward to the input.

[Motion on amendment A1 lost]

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

MS CARLSON: Thank you. Unfortunately, that amendment didn't pass. That isn't the only amendment that we need to be bringing forward on this particular legislation. We find that many particular sections of this legislation are flawed, not in terms of the writing skill of the drafters of the bill but in terms of the lack of depth that is pursued in this particular legislation. Particularly, I am interested at this time in bringing forward an amendment that will address some of those concerns. So, Mr. Chairman, with your permission I will move I believe it will be amendment A2 on behalf of my colleague from Edmonton-Gold Bar.

THE CHAIRMAN: The hon. House leader.

MS CARLSON: Thank you, Mr. Chairman. I would like to speak now to amendment A2, I believe this one will be called, on behalf of my colleague from Edmonton-Gold Bar. This is an amendment that will be specifically amending section 5. If you take a look at that, section 5 on page 2 of the bill, what it talks about there is the "national residential gas reference price." That seems to be the most appropriate place for us to go to this particular issue, which is an auditing issue.

We find that in this bill there are going to be a great many groups and organizations, people and companies that are affected by this bill. What we specifically would like some scrutiny on, Mr. Chairman, are auditing functions for intermediate purchasers or intermediate suppliers or vendors who will in fact be receiving



rebates as a part of this bill either directly or indirectly. We want them to be providing audited financial statements to the Minister of Energy on a quarterly basis. This is a checks and balances kind of system that is important to put in place whenever you're talking about large amounts of money or intermediate steps and companies and organizations that are dealing with the government.

We've just seen over the past couple of weeks through the newspapers an interesting unfolding in the court system of a conflict of interest situation. What we need above and beyond anything else in this Legislature is to ensure that the people of the province don't have to worry that organizations dealing with the government or dealing with rebates, dollars, cash back to them are going to be involved in anything that might not pass the smell test, Mr. Chairman. So anything that could potentially cause conflicts of interest, could potentially be deemed to put people or organizations in a position of conflict with the government, where they might be in a position where they can lobby or otherwise directly or indirectly influence government, that's the kind of thing we don't want happening in the Legislature. I think that's a very important function, and that's part of what this particular amendment deals with.

We know that politicians already are not widely regarded by the general public. They're very low . . .

MR. WOLOSHYN: Only the opposition ones.

MS CARLSON: No, no. Not only opposition ones. We all know and we've all heard comments from people, from the general public, that they don't trust politicians, that they think they're all involved in a conflict of interest. So we need to ensure that to the best extent possible we do everything to encourage people to support our actions and what we do and to believe that we are operating in their best interests. The best way to do that, Mr. Chairman, is to operate in their best interests and to ensure that we have the kinds of checks and balances in the system that will make the operations of government and those directly or indirectly associated with government crystal clear and that they are above and beyond reproach.

One of the best ways of doing this when you are talking about money, Mr. Chairman, is to institute auditing policies for people who are involved in that process, and that's what this amendment does.

Section 5.1(2) of this amendment says that "for the purposes of this section, audited financial statements must include reconciliations that verify the receipt and distribution of rebates." So not only who they got the rebates from, Mr. Chairman, but how they are subsequently distributed. Very good information to have available to the public. If audited statements are available to the public, this takes away any kind of concern that there may be under-the-table dealings or any other kinds of conflicts. It eliminates, too, any reason for us to ask questions in the Assembly on these kinds of issues. It's only when there is the appearance of a cover-up or information that isn't fully disclosed that people come to us and ask us to ask questions of the government on their actions. If everything is out in the open, if everything is available for us to take a look at and to scrutinize and for the general public to make their comments on . . .

4:50

AN HON. MEMBER: And what would you criticize?

MS CARLSON: Well, don't worry. We'd find lots to do. It would be nice to have a session here . . . I see that there are some colleagues who want to enter into debate, Mr. Chairman, and I'm looking forward to them defending . . .

THE CHAIRMAN: I'll put them on the list. Those that want to enter debate, we only have one person talking at a time. Thank you.

MS CARLSON: Thank you. Although knowing that generally they don't like to enter into debate, Mr. Chairman, it's nice to get their comments on the record so that we can respond to them, at least from this side of the House.

AN HON. MEMBER: Shorten your debates too?

MS CARLSON: You know what? If we had really good scrutiny of the operations of the government and those directly and indirectly associated with them, then, as the hon. member says, we could shorten debates, Mr. Chairman. I know that earlier the Government House Leader was talking about that too.

Well, let's put all those negotiations on the table for discussion. How would we be happy to have shorter debates? If we could have amendments like this passed, Mr. Chairman, because then what we'd have is an open and accountable process. We'd have fewer question periods. Why? Because there are less questions to ask of the government. As it stands right now, we could go 365 days of the year and not get through all of the questions.

MR. HANCOCK: Do you have any good questions?

MS CARLSON: They're always good questions. They just might not look like that from your side, hon. Government House Leader.

MS BLAKEMAN: It makes them uncomfortable. It gives them indigestion.

MS CARLSON: Well, that's true, and sometimes we're happy to make them uncomfortable, Mr. Chairman, when it's necessary to do so. When we don't have access to things like this amendment asks for – and those are audited financial statements with excellent reconciliations of moneys going in and moneys going out – then we do have questions, so then we are required to be in the Legislature. It would be a great day if I could sit here as a part of the Official Opposition and not have a question because I was very happy with the operations of the government, because everything was fully disclosed and all the actions they took in terms of regulations and laws were made on the basis of all-party committees where we came to a consensus kind of agreement. I don't think that kind of utopia is ever going to happen in this province, but it's a goal. It's something that we can start to work towards, and this amendment certainly speaks to that.

Section 5.1(3) of this amendment states:

Audited financial statements provided to the Minister under subsection (1) must be

- (a) tabled in the Legislative Assembly, if it is then sitting, within one week of being received by the Minister, or if the Assembly is not sitting, within one week of the commencement of the next sitting.

That's really just in accordance with the kind of protocol that we see happening in this Assembly now, Mr. Chairman. There's no doubt that these kinds of statements do get tabled and I believe for the most part in a timely fashion. We're asking that this would then also comply within that kind of a framework because I think for the most part it's a system that has worked pretty well. The information gets tabled, usually in a timely fashion. It's available for public scrutiny, not just by us as opposition members but by the general public, and then any appropriate questions can be asked on it or in some cases, as is reasonable, the government can be complimented on good decisions or choices that they've made.

Section 5.1(3)(b) of this particular amendment states that then

those audited financial statements should also be “published in the next edition of *The Alberta Gazette* after being received by the Minister.” Also, Mr. Chairman, once again a formality. We just want these statements to be handled in accordance with the generally accepted principles that other statements are handled with.

I’d be very interested to get the feedback from the Auditor General on this particular amendment. I think, knowing the kind of integrity he brings to his office and the scrutiny he likes to have in various functions, that he would support this amendment. I can’t speak for him. It would be nice if we could have some feedback on this, but it seems like a reasonable expectation. We have seen him over the years, in fact every year that he’s been the Auditor General, put some comments in the AG’s report about the lack of control on reporting procedures in reporting back to the government that there are for some of these organizations that operate at what I would call quasi arm’s length.

The delegated authorities are a good example of that and some of the other associations that are indirectly related to government operations. We often see recommendations coming forward from him that ask for more information or more auditing requirements or more detail being provided in terms of how the dollars are receipted and disbursed. So I’m pretty sure, in taking a look at this amendment, that the AG would also support this kind of scrutiny happening.

It could be, too, that there are other organizations that we should be asking for this on, Mr. Chairman, at this time, but it’s a little tough to make those decisions now, when what we see here is basically a framework of a bill and no detail. Once the regulations are established and made public, which is going to be way after the fact of them happening and before we get to know about them, it could be that there are other sections here that also should be subjected to an auditing requirement. If that’s the case, then we’ll have to deal with those issues in other sittings of this Legislature and through other formats, because we won’t have the ability to scrutinize the details of this particular bill because it will have been decided by regulation long after the bill itself has been passed. That itself is an issue for us and something that we’re not very happy with.

It would be nice just once in this Legislature to see a substantive bill come in that has the detail in it in terms of exactly what the government wants to do and where it expects to go. But it isn’t going to happen with this bill, Mr. Chairman, and ever more so the reason for people in this Legislature to support this particular amendment, A2, that adds an auditing function into Bill 1 for intermediate purchasers, suppliers, and vendors.

Thank you.

THE CHAIRMAN: The hon. Member for Edmonton-Centre on amendment A2.

MS BLAKEMAN: Thanks very much, Mr. Chairman. I’m really thrilled to see this amendment being brought forward because it goes part of the way to addressing the concern that I have raised repeatedly around these rebates. I have a lot of apartments in Edmonton-Centre, but many of the members do. I’m sure we’ve all heard from constituents who are very concerned and also very confused because they hear that there are rebates out there, they know that their friends and relatives who are living in single-family dwellings are receiving rebates, I think in all cases better rebates than they in fact are getting in the apartments, but they really don’t have any way of sort of proving that. They want to be able to see the flow-through, and this amendment would be giving them something that they could access. It’s suggesting that the audits for the flow-throughs be tabled in the

Legislature. They could get them through the sessional papers. When that happens, they could maybe even access them on-line to be able to see how much their particular apartment complex property managers received in rebate and how much went flowing through to the members.

5:00

You know, I don’t know how to answer these people, particularly those in a vulnerable position like seniors or people that are on supports for independence or on AISH or on a disability pension. How do I answer the questions they bring me: “I thought there was going to be a rebate. Show me where the rebate is. Why am I not getting my rebate?” I’m trying to explain to them: “Well, you’re not getting it directly because you live in an apartment building that is single metered and large enough to be consuming more than the base rate of energy. It’s going through to whoever is receiving the bill. That’s who receives the rebate.” You sort of walk through it with them, and you say: “Well, are you receiving a bill?” “No, we’re not.” “Well, then you don’t get the rebate. It’s going through to the property management company or the building owner or whoever is getting the bill.” They just don’t understand where the money went, especially when they’re looking at their rent going up.

Now, some responsible building owners and managers have made a point of giving a reckoning of how their expenses have gone up in a number of areas, and therefore even though they have given consideration for an energy rebate, there are still additional costs and the rents are going up. But right now in many of our areas there are all kinds of reasons why rent is going up, and they can’t distinguish amongst those where the energy rebates are. I’ve got a number of apartments where they had a very high vacancy rate for a number of years, so the owners didn’t do much to fix the place up. Then the vacancy rates started to drop, and all of a sudden there was great interest in putting some money in and spiffing the place up a bit and maybe encouraging some of the longer standing renters to move out. Then they could rent the place for a much higher price rather than sort of incrementally raising it with an existing tenant.

There’s that reason for it. There are costs in all kinds of other areas that are going up. But they don’t get this kind of reckoning from people, and they don’t understand why they’re not actually seeing their rent go down. In the debate on amendment A1, which was asking that regulations be referred to the Law and Regulations Committee, I talked about the need for something like this, for some kind of explanation of how this money was supposed to be flowing through to people. I talked about those tenants that are receiving substantial increases in their monthly rent, and they are saying: “Well, how is this balanced against this rebate?” It’s supposed to be a \$150 gas rebate a month, but in fact it isn’t because they’re in an apartment building, so they’re going by \$6 a gigajoule and people are not seeing their rents going down; they’re seeing them go up substantially.

I really like the idea that the purchasers, suppliers, or vendors who receive rebates directly or indirectly would provide these audited statements to the minister on a quarterly basis, and those would then be including reconciliations that verify the receipt and distribution of the rebates. That’s exactly what we’re looking for. This would really help. Then the minister would be obliged to table them in the Assembly at the first possible opportunity. That would allow me, even, on behalf of my constituents to get the audit for that particular time period and go back to the constituent or to the building and say, “See here, they did pass this on to you,” or perhaps in a worst case scenario, which I hope would never happen, that there’s some question about whether in fact they did pass them on.

Right now property managers and apartment building owners are

under no obligation to give any kind of reckoning. They have to abide by existing legislation like the Residential Tenancies Act and the Housing Act and just give people the three months' notice to increase their rent, and that's it. They don't have to give any other verification of anything, just the three months' notice.

You know, we already have a problem with affordable housing not only in this city but across the province. We continue to have a market that is pushing people out of affordable living circumstances, yet we have nothing else that they can move into that is as safe or in a safe neighbourhood or has the amenities in the apartment that they need. When I say "amenities," I'm not talking about swimming pools and Jacuzzis and things. For a lot of these folks the amenities are an elevator rather than having to walk up five floors.

MR. MASON: A security system.

MS BLAKEMAN: Or a security system, the Member for Edmonton-Highlands is suggesting. Absolutely. Perhaps even good lighting or a bannister in the hallways. Those kinds of things become really important to people.

There's a great frustration out there and increasingly a great distrust. You're often going to have a group of people who are struggling, who are looking around and saying: "Who's benefiting here? Who's getting something that I'm not getting, and why is it happening?" When they look at owners that appear to be making lots of money, they don't understand why they're then making even more money on the backs of the renters. This allows the building owners and managers to also be able to defend themselves, to be able to give this accounting and say: "You know, I am a good owner. I am a good manager. We are doing everything that we can for you as a renter."

I'm just seeing a situation where a lot of people are getting pushed out of reasonable – well, pushed out. I mean, that's strong wording. They feel that they're in a position where they're going to have to make a choice to change their housing arrangements, and they don't feel that they have any other choice to make. So, yes, there's no question they feel that they've been pushed out or forced to look for accommodation that is less expensive and therefore in many ways less safe, more troublesome, not as accessible for them, further off the bus route or the LRT line, maybe not in a neighbourhood that's as close to parks or playgrounds or grocery stores or whatever. It's very real for a lot of people.

I think in this Assembly every April, based on whatever the weekly wage index is, everybody in here gets a raise, but that isn't happening out there. There's a disconnect between the people that are sitting in here and many of the people we're representing. I understand that I may well be representing a community whose household income is below, and sometimes substantially below, other members' in here, but they're still Albertans. I think they still deserve respect. Certainly it costs all of us if we end up with that kind of domino effect where everybody's getting pushed into lower quality accommodation. You're pushing some people out the other end.

So I'm really pleased to see an amendment like this brought in. It's very simple. It's very straightforward. It's allowing for accountability. This government loves to stand up and say that it's open and accountable, but almost every day I'm in here, there are examples of how it isn't open and accountable. The opposition and the third party are constantly bringing forward suggestions about how the government could actually be open and accountable.

We have a strange sort of Orwellian twist with language in this Assembly. I'm expecting any day now to have a new ministry established and a minister appointed as the minister of truth because of the way we skew language here. It is a bizarre situation here.

There is a disconnect between the people that are sitting in here making decisions and the lives that people are really living.

When we look at issues like accountability and transparency, that's exactly what this amendment, A2, is trying to get at. It is trying to set it up so that there is accountability, and it's requiring the vendors and the suppliers who are receiving rebates to provide audited statements to the Minister of Energy and that the audited statements are very clear and include verification of reconciliations that verify the receipt and distribution of rebates. Then they're tabled in the House so that everybody can have a look at them, so that we can do our jobs as MLAs and representatives and take that information back to them and say: "You see, there was a rebate that came through to this apartment building. It was X amount. It was passed through to you."

5:10

In some cases, you know, we may well be saying: "Your rent would have been that much higher. Your rental increase would have been much larger if this rebate wasn't in place." But, frankly, right now I can't say that to them because I have no idea what the deal was. I have no idea of what the rebate was that the management company or the owner received as a rebate on behalf of a given building. They are not required at this point to pass that information on in any kind of written form. A number of times we've asked the question in this Assembly – I've personally gotten up and asked it a number of times – and the response back from the minister or from the Premier is always: well, we hope they're going to do that; well, we trust that they're going to do that. It would be really nice if they would let people know. Hope, trust, and niceness doesn't necessarily exist outside of this Assembly, and I'm looking for something that's a bit more concrete that can be tabled in here.

THE CHAIRMAN: Hon. member, I wonder if you would help us out. In a few moments we are going to have a required vote that has to be in Assembly, so that means we have to have the motion to rise and report progress. We have to have a vote on that. Then we have to have the report given in the House, and then we might carry on. So if you'd oblige.

MS BLAKEMAN: I'm assuming that you would like me to oblige by adjourning debate on this amendment.

THE CHAIRMAN: Rise and report progress. Yes.

MS BLAKEMAN: Rise and report progress. Thank you. I'm happy to do that.

[Motion carried]

[The Deputy Speaker in the chair]

MR. LOUGHEED: Mr. Speaker, the Committee of the Whole has had under consideration and reports progress on Bill 1.

Mr. Speaker, I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

THE DEPUTY SPEAKER: Does the Assembly concur in this report?

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Opposed? So ordered.

head: **Consideration of Her Honour  
the Lieutenant Governor's Speech**

THE DEPUTY SPEAKER: Under Standing Order 19(1)(c) I must now put the question on the following motion for consideration of Her Honour the Lieutenant Governor's speech on the motion as proposed by the hon. Member for Banff-Cochrane and seconded by the hon. Member for Edmonton-Meadowlark.

Mrs. Tarchuk moved that an humble address be presented to Her Honour the Honourable the Lieutenant Governor as follows.

To Her Honour the Honourable Lois E. Hole, CM, Lieutenant Governor of the province of Alberta:

We, Her Majesty's most dutiful and loyal subjects, the Legislative Assembly, now assembled, beg leave to thank you, Your Honour, for the gracious speech Your Honour has been pleased to address to us at the opening of the present session.

[Motion carried]

head: **Government Motions**

**Address in Reply to Speech from the Throne**

17. Mr. Hancock moved on behalf of Mr. Klein:

Be it resolved that the address in reply to the Speech from the

Throne be engrossed and presented to Her Honour the Honourable the Lieutenant Governor by such members of the Assembly as are members of Executive Council.

[Government Motion 17 carried]

THE DEPUTY SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. In light of the last motion and my alacrity with that, I think I should move that we call it 5:30 and adjourn until 8 p.m., at which time we can return in Committee of Supply.

THE DEPUTY SPEAKER: The hon. Government House Leader has moved that the Assembly be now adjourned until 8 p.m. and when we meet at 8 p.m., it will be in Committee of Supply. All those in favour of this motion, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no. Motion is carried.

[Pursuant to Standing Order 4 the Assembly adjourned at 5:16 p.m.]