

## Legislative Assembly of Alberta

Title: **Monday, March 11, 2002**

**1:30 p.m.**

Date: 02/03/11

[The Speaker in the chair]

### head: **Prayers**

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

Let us pray. At the beginning of this week we ask You, Father, to renew and strengthen in us the awareness of our duty and privilege as members of this Legislature. We ask You also in Your divine providence to bless and protect the Assembly and the province we are elected to serve. Amen.

Now please join with Mr. Paul Lorieau in the singing of our national anthem 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: **Introduction of Visitors**

MR. JONSON: Mr. Speaker, I am pleased to introduce to you and through you to members of the Assembly Mr. Hector Romero, Mexico's new consul general stationed in Vancouver. This is the consul general's first visit to Alberta since his recent appointment, and we're looking forward to a fruitful and beneficial working relationship with him.

Mexico is a growing trade and investment partner for Alberta. Since NAFTA was introduced, the province's exports to Mexico have increased tenfold, and two-way trade totaled over \$960 million last year. Alberta and Mexico work together in many areas including energy, agriculture, tourism, education, housing, and technology. This visit is a good opportunity to discuss ways to expand Alberta's relationship with Mexico, particularly given recent discussions about continental energy markets, North American border security, and forging stronger ties between Canada and Mexico.

I would ask that our honoured guest please rise and receive the traditional warm welcome of the Assembly.

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

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

MR. HANCOCK: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to members of this Assembly employees from Alberta Justice and Solicitor General strategic management services and from Alberta Justice and Solicitor General human resources. These individuals are here on the public service orientation tour, which I understand is being promoted and carried out by Leg. Assembly offices and your good offices. I'd ask Mr. Stephen Gauk, Ms Sylvia Church, Ms Jocelyn Partington, Miss Sarah Lynch, Ms Kathryn Delahunty, Mrs. Anna Silver, Mrs. Pat

McGill, Mrs. Annie Lam, Ms Inessa Serebrin, Ms Candice Mah, Ms Tanya Kotowich, and Ms Sylvia Getschel to rise and receive the traditional warm welcome of this House and a sincere thank you for the good work that they do on behalf of Albertans.

THE SPEAKER: The hon. Minister of Infrastructure.

MR. LUND: Thank you, Mr. Speaker. It's a great honour for me to have this opportunity to introduce to you and members of the Assembly some 14 people from the property and supply management branch of Alberta Infrastructure. These people do tremendous work on our behalf in the operating and maintenance of government-owned properties, the procurement and the sale of surplus supplies, and the real estate services. I believe they're seated in the members' gallery. I would ask that they now rise and receive the traditional warm welcome of the Assembly.

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

MS EVANS: Thank you, Mr. Speaker. Part of the very honoured and august crew that are here today from our departments who do great work on behalf of Albertans, and this time in Children's Services legal department, are two of our outstanding employees, Diane MacDonald and Nela Afonso. I'd ask that they rise and receive the warm welcome of this Assembly.

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

MR. MacDONALD: Thank you very much, Mr. Speaker. I rise in the Assembly this afternoon to introduce to you and through you to all hon. members of the Assembly Karen Beaton. Karen is the president of local 37 of the Edmonton public teachers. She has been involved in the teaching profession for over 34 years and has been a principal in an administrative role for the past seven. Mrs. Beaton is in the members' gallery, and I would now ask her to rise and receive the warm and traditional welcome of this Assembly.

Thank you.

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

MR. MASYK: Thank you very much, Mr. Speaker. It gives me pleasure to rise in the Assembly today to introduce to you and through you 21 students from the St. Gerard elementary school along with their teacher, Mrs. Lorraine Williamson, and parent Mrs. Treva Swick. I would ask them to rise in the public gallery and receive the warm traditional welcome of this Assembly.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Castle Downs.

MR. LUKASZUK: Thank you, Mr. Speaker. It's indeed a pleasure to introduce to you and through you to the members of this Assembly four fine individuals from ATCO company, and they are Mr. Bart West, director of corporate affairs; Ms Kerry Hite, assistant executive officer; Ms Ariadne Richardson, executive assistant; and Judy Mohs, project resource team. I would like to ask them to rise and receive the traditional warm welcome of this Assembly.

### head: **Ministerial Statements**

#### **September 11, 2001, Terrorist Attacks**

MR. JONSON: Mr. Speaker, today marks six months since the horrific terrorist attacks in the United States on September 11 of last

year. People throughout the United States, Canada, and around the world are pausing to remember this solemn date. The impact of these attacks resounded around the world for they were not just attacks on the United States. Among the victims of the attacks were people from dozens of different countries, including Canada. These attacks were truly against all humanity, and they affected each and every one of us very deeply.

Today we look back at September 11 and remember the feelings of shock, horror, outrage, and the outpouring of grief and generosity. Thousands of people across the province sent messages of condolence or donated money to the families of the victims. Many organized fund-raising campaigns, and some even traveled to New York to bear witness to the tragedy. As well, Canadian soldiers from Alberta are overseas to help fight the war on terrorism in Afghanistan. It is a very dangerous but important mission, and Albertans stand proudly with them as they serve this noble cause.

The September 11 attacks made us realize that no one is safe from terrorism. Even today acts of terrorism continue to take place in many parts of the world. The reality is that North America is no longer excluded from these types of events. Here in Alberta we took decisive action following the attacks. The hon. Premier immediately established a ministerial task force to make certain that Alberta is as prepared as possible.

1:40

Mr. Speaker, much work has been done in the last six months. There has been a review and tightening of Alberta's emergency response plans. There has been the establishing of connections with federal law enforcement and intelligence officials. There has been action taken to ensure strong linkages are in place between the various organizations that play a role in counterterrorism and emergency preparedness, and we have made a major effort to ensure that Albertans have the information they need. The work of the task force continues, and improvements are still being made, but this province is well prepared and has been recognized for having strong plans and procedures in place.

Mr. Speaker, September 11 was a day of tragedy that none of us will ever forget. It was day of horror and devastation, but during the last six months people overcame the terror to join hands across national, cultural, and religious lines to act in unity, bravery, and inspiration. Today we remember the tragedy, but at the same time we're inspired by the strength of the human spirit.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Opposition House Leader.

MS CARLSON: Thank you, Mr. Speaker. In the six months since the terrorist attacks on the United States our world has become a far different place. On that fateful morning lives around the world were forever changed. People all over the planet watched in horror and disbelief, wondering what will be next.

In response to the vengeful acts of terrorism we could do two things. We could let terrorism win by giving in to feelings of fear, prejudice, racism, and intimidation, or we could rise to the challenge, give out a helping hand to our fellow citizens, band together as a society, and recognize how fragile and special our freedoms and security are. Since September 11 millions of people have chosen to open their hearts rather than close them. Instead of beating us the terrorist attacks have brought us together as a society, recognizing in each other the wondrous potential for good that we all possess.

We have seen it time and time again since September 11, from the firefighters and aid workers who went to New York to help to our men and women of the armed forces currently serving in Afghanistan, from donations and drives started up in local communities for victims of September 11 to the ribbon campaign started by local

Alberta teens. People have provided help in the form of goods, their time, their labour, and, for many, their lives. These are some of the heroes that rose to the occasion in the aftermath. Their work goes on today just as it began six months ago. We owe them so much.

To our men and women in Afghanistan we send our thoughts and prayers. As we struggle to ensure that terrorism does not win, we look to you for strength and for protection. We join your families and friends in wishing you a successful mission, and we are anxiously awaiting your safe return home.

Here at home steps have been taken to ensure that violent attacks like September 11 never happen again, but while we must take steps to guard against such violence, we must also be sure not to sacrifice that which makes our life so special and unique: our freedom and our liberty. September 11 will never leave our thoughts, but let us hope that as time goes on, we continue to follow the example set by millions across the world who have opened their hearts, not closed them, to their fellow world citizens.

Thank you.

### head: Oral Question Period

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

### Teachers' Labour Dispute

DR. NICOL: Thank you, Mr. Speaker. A year ago on April 5 the Premier said: we'll work with our teachers to make sure they are fairly compensated and given as good a work environment as possible so that they know they are appreciated, end quote. To the Premier: is stripping teachers of the right to strike a sign of appreciation?

MR. KLEIN: The right to strike is a labour issue, Mr. Speaker. It has nothing to do with the quality of teachers. It has something to do with negotiations that have taken place in the past that give teachers the right to strike. It has nothing to do with the quality of teachers. Throughout the public service we have people who are wonderful individuals, wonderful employees, and many of them have the right to strike. It doesn't speak to the quality of teachers. It speaks to a labour issue, and that is the right to strike.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Does taking class-size targets out of teachers' contracts show teachers that they are appreciated?

MR. KLEIN: Mr. Speaker, I want to make something abundantly clear today, and if I have to go over this three or four times, I will. I had the opportunity of meeting with the president of the Alberta Teachers' Association, Mr. Booi, and subsequent to that meeting I had the pleasure of meeting with the president of the Alberta School Boards Association to get both sides of the issue. Both sides agreed to arbitration. They wanted a legislated arbitration process. A legislated arbitration process. Following my meeting with Mr. Booi – now listen to this. This was his statement publicly through the media to all the people of this province including the Liberal opposition:

We never thought that this year's contract would resolve the really difficult situations that have driven 21,000 teachers to strike. We know it's going to take a good hard look at the problems, and if we have a good close look at the problems we'll probably start to see some of the solutions down the road.

Mr. Speaker, as the hon. Leader of the Official Opposition will see

this afternoon, the bill represents the best efforts of government to reach a compromise amongst the three parties – teachers, school boards, and government – and on the nature and the scope of an arbitrated process. The bill stipulates that the arbitration will deal not only with salaries . . .

THE SPEAKER: Hon. Premier, we shouldn't be into the debate of the bill before the bill is actually introduced.

The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Again to the Premier: why has the Premier reneged on his commitment to provide a good working environment for Alberta's teachers?

MR. KLEIN: Mr. Speaker, this was going to bring me to the other point. That point was raised by Mr. Booi himself and he agreed and again I repeat what he said:

We know it's going to take a good hard look at the problems, and if we have a good close look at the problems we'll probably start to see some of the solutions down the road.

That's why we have announced publicly that, indeed, we're going to convene a blue-ribbon panel or a commission or some form of process to look at all of these issues, a plethora of issues affecting education in this province, and come to a solution that will ensure sustainability for quality education down the road.

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

DR. NICOL: Thank you, Mr. Speaker. A year ago the Premier went on to say: it's now the teachers' turn to be rewarded for helping get Alberta's finances on track. To the Premier: would the Premier consider an unfair arbitration process a reward?

MR. KLEIN: Mr. Speaker, an arbitration process is a legitimate labour tool. Arbitration is a legitimate labour tool. I would remind the hon. member that, yes, we want our teachers to be amongst the highest paid if not the highest paid in the country, and indeed they rank right up there. All the statistics show that to be the truth, the absolute truth. Further, to guarantee that teachers get some form of raise, we took the unprecedented step of guaranteeing, as a line item in the budget, 4 and 2, a 6 percent increase, unprecedented, with the ability of the various locals of the teachers' union to negotiate for more, as they have done in a number of jurisdictions, some awards up to 11 percent.

1:50

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Teachers' classes will continue to get bigger, and there will be no extra help for special-needs children. Does this also fit the Premier's definition of a reward?

MR. KLEIN: Mr. Speaker, over the long term those are some of the issues amongst the countless issues that need to be addressed: class size, taking into account that there are differences throughout the province relative to class size; special needs. There are differences relative to special needs vis-a-vis English as a Second Language versus those who are physically or mentally disabled. There's a multitude of issues. There are the issues of sparsity and distance. The list goes on and on and on. This is why we want to gain the co-operation of the teachers, of the parents, of the School Boards Association, of the union, of the government, and ordinary citizens

to engage Albertans in this discussion as to what we do to ensure that we achieve sustainable and quality education in the future.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Does the Premier consider it a reward for Albertans to have made no commitment in this process to improving classroom conditions in Alberta?

MR. KLEIN: Well, Mr. Speaker, that's what the panel is for. Again, there are differences throughout this province. There are some areas and some schools that have perfectly acceptable ratios. There are some schools that don't. There are some schools that are facing very special circumstances. What I'm trying to say – and I'm sure that the hon. Leader of the Official Opposition will agree with me – is that one size does not fit all. We've got to come to a resolution as to what is right relative to the individual school districts throughout the province.

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

DR. MASSEY: Thank you, Mr. Speaker. "The government believes there is a great deal of goodwill on all sides. This goodwill guarantees that the long-term health of the public education system will be protected. Educators will be key to that long-term health." Words from the government in this Chamber less than two weeks ago. My questions are to the Premier. Does bickering over what was agreed to with the president of the Alberta Teachers' Association with respect to arbitration foster that goodwill?

MR. KLEIN: Mr. Speaker, it is not a matter of bickering. I am not bickering; I am simply presenting the facts. It's so typical of the Liberals. They don't want to listen to the facts. You know, they pick up the *Edmonton Journal* or the *Edmonton Sun* and they quote when it suits them. Now, if I take a public comment attributed to the president of the ATA and read it back to them and they don't like it, then they start to complain. They say: "Oh, no; that's not fair. That's bickering." You know, slaying the messenger is the term we used to use. All I am in this case is the messenger sending Mr. Booi's words back to the public and to the opposition.

THE SPEAKER: The hon. member.

DR. MASSEY: Thank you, and again to the Premier, Mr. Speaker: how does stripping teachers of their rights through legislation foster goodwill?

MR. KLEIN: Mr. Speaker, I reiterate and I stress again that arbitration is the route that both the Alberta Teachers' Association and the ASBA, the Alberta School Boards Association, wanted to go. They wanted to have a legislated process for arbitration. Both sides – both sides, the ATA and the ASBA – stressed that the arbitration should limit itself to salaries. It's as simple as that.

DR. MASSEY: Again to the Premier, Mr. Speaker: can you honestly look teachers in the face and say that the actions of this government since last April have fostered goodwill?

MR. KLEIN: Mr. Speaker, we have tried our darndest to foster goodwill amongst the teachers, and not all teachers are dissatisfied with the actions of this government. We have 20 of them in our caucus.

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

DR. PANNU: Thank you, Mr. Speaker. The only mistake that teachers made in their yearlong dispute with this Conservative government was to trust the assurances of the Premier and to take the Premier at his word during their meeting last week. Since that meeting, every statement that the Premier has given confirms that he has chosen to double-cross and stab our teachers in the back.

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

THE SPEAKER: Whoa, whoa, whoa. Please, hon. member. The English language is a very beautiful language, and I'm sure that there are many phrases in the English language which may provide a similar kind of conveyance that the hon. member will want, but decorum still will remain in this Assembly.

### **Teachers' Labour Dispute (continued)**

DR. PANNU: My question to the Premier, Mr. Speaker: why, after the teachers showed good faith by not renewing their strike after the back-to-work order was struck by the courts, do the government and the Premier seem hell-bent on declaring war on teachers?

MR. KLEIN: Mr. Speaker, no one is declaring war on anyone. All we're proposing through legislation is to put in place a process for arbitration, a process, by the way, that coincides quite nicely with what both sides asked for in my meetings last week. What's wrong with that?

Again I read back the words of Mr. Booi: "We never thought that this year's contract would resolve the really difficult situations that have driven 21,000 teachers to strike." Those situations are classroom size, special needs, and so on. "We know it's going to take a good hard look at the problems, and if we have a good close look at the problems we'll probably start to see some of the solutions down the road."

I agree with Mr. Booi. I agree that we should have a good hard look at some of the solutions. There have been many changes to education over the years, but it's been since 1972, I believe, that this was last studied in a comprehensive manner – that is, the whole issue of education – and now is the time. On that point I agree with Mr. Booi.

THE SPEAKER: The hon. member.

DR. PANNU: Thank you, Mr. Speaker. No one likes a surgical strike and not our hardworking teachers in this province for sure.

THE SPEAKER: Whoa. Hon. member, please. You have signed an agreement that says that there'll be no preamble. Now, your name is on that document, so would you please proceed to your question.

DR. PANNU: Why has the Premier stabbed the province's teachers in the back by proposing a mediation process that is so draconian that it's tantamount to imposing a legislated contract settlement on the teachers?

MR. KLEIN: There are no mediation processes being contemplated. An arbitration process is being contemplated through legislation, Mr. Speaker. Again I reiterate: this legislation to be introduced later

today is quite consistent with what both the ATA and the Alberta School Boards Association have requested.

Thank you.

THE SPEAKER: The hon. member.

DR. PANNU: Thank you, Mr. Speaker. Why does the Premier refuse to recognize that the only losers from the arbitration process that he is prepared to impose on teachers will be the province's students, whose education once again will be disrupted and disturbed?

MR. KLEIN: Mr. Speaker, I would hope that there is no disruption in the classroom, because the most important people in this whole situation are the kids, the students. I would think that the hon. leader of the third party would understand and respect the importance of the students in this particular matter and wouldn't make any statements that might be inciteful or might be construed as being inflammatory. I would expect the hon. member to be in a nonconfrontational mode and try to resolve this issue rather than standing up and for purely political ND socialist purposes start to nag on the government to further his own cause.

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

2:00

### **Regional Water Initiatives**

MRS. JABLONSKI: Thank you, Mr. Speaker. The communities of Blackfalds and Lacombe are in urgent need of quality drinking water. Ponoka, Hobbema, and Sylvan Lake need an effective long-term solution to their water supply issues. These communities are keen to participate in the development of a regional water supply system in partnership with the city of Red Deer. This partnership is the best long-term solution available. My question is for the Minister of Environment. Will the minister support a regional drinking water initiative for these communities through legislation?

THE SPEAKER: The hon. minister.

DR. TAYLOR: Thank you, Mr. Speaker. My colleague is right. There are serious water quality and serious water supply issues in central Alberta, particularly around the communities of Lacombe, Blackfalds, Ponoka. These communities and several others along with Red Deer have gotten together to form the North Red Deer Regional Water Users Group. The idea of this water users group is that they wish to take Red Deer water from the town of Red Deer and pipe it out to these various communities. Now, it makes sense for a lot of reasons. One is the economy of it. These other communities will not have to upgrade and spend a lot of money upgrading water systems. Also, we can guarantee a high quality of drinking water, the same quality as Red Deer would get, with this type of piping to these communities.

There is one glitch or one small hiccup, I suppose one could say, in this situation, Mr. Speaker. In the communities of Lacombe and Ponoka the water would originate in the Red Deer River, which is part of the South Saskatchewan River basin, and be discharged into the North Saskatchewan River basin, and this water basin transfer is not presently allowed under our act in the province. Now, it would be treated water, of course, that's all through the system and treated water that would be discharged, but even treated water is not allowed to be discharged from basin to basin. Therefore, it would take a special act of the Legislature to allow them to do this.

MRS. JABLONSKI: Mr. Speaker, the wells and aquifers are running dry for these communities. When will we be able to see changes in legislation so that these communities can have quality drinking water?

THE SPEAKER: The hon. minister.

DR. TAYLOR: Yes. We understand the problems of the communities, Mr. Speaker. They had to ration water last summer even, will probably have to do that this summer. Right now we are presently working on the process of developing the act that we would need to bring through the legislative process.

THE SPEAKER: The hon. member.

MRS. JABLONSKI: Thank you, Mr. Speaker. My last question is also to the Minister of Environment. If the minister is willing to support a regional drinking water initiative, will he also consider supporting a regional wastewater initiative?

DR. TAYLOR: Yes, I would also consider that. I think the regional wastewater issue is very important as well. Once again, it's economy and it's safety, and these big regional systems I think make a lot of sense. I'll be supporting both the drinking water and the wastewater systems.

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

#### **Chair of the Premier's Advisory Council on Health**

DR. TAFT: Thank you, Mr. Speaker. In early January the Minister of Health and Wellness told the media repeatedly and in unequivocal terms that the chair of the Premier's Advisory Council on Health had been cleared in advance by the Ethics Commissioner of any conflict of interest. My questions are to the Minister of Health and Wellness. Given that his statement turned out to be false, can the minister explain how he made such a serious blunder?

MR. MAR: Mr. Speaker, I apologize for being incorrect on this particular piece. However, I think most people will understand that the Department of Health and Wellness has a great deal to do. I cannot be expected to know all of the intimate details that occur throughout our department. I've apologized for this. The issue has been dealt with. I don't intend on referring to it again.

THE SPEAKER: The hon. member.

DR. TAFT: Thank you, Mr. Speaker. Given that the department officials explained away the minister's mistake by saying that he misread a memo about Mr. Mazankowski's business interests, why won't he table that memo in the Legislature tomorrow?

MR. MAR: I don't intend on doing that, Mr. Speaker.

DR. TAFT: Had the minister in any way, shape, or form raised this issue with the Ethics Commissioner before he made his comments?

MR. MAR: Mr. Speaker, I speak with the Ethics Commissioner on a frequent basis. I discuss many different issues with him involving many different people. We are very careful in our efforts to ensure that people that we appoint to various commissions and agencies and boards are free of conflict. I intend on continuing with that avenue of communications with the Ethics Commissioner.

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

#### **Treaty 8 Taxation Decision**

MR. RENNER: Thank you, Mr. Speaker. Over the weekend I received several calls from constituents concerning the recent decision of a federal court regarding Treaty 8 taxation status. Given that I am not knowledgeable about the specifics of this case and concerns were expressed to me about possible long-term ramifications, I would like to pose my questions this afternoon to the hon. Minister of Revenue. Can the minister explain how it was argued that Treaty 8 members should not pay tax on off-reserve activities?

THE SPEAKER: If the province is involved.

MR. MELCHIN: Thank you, Mr. Speaker. I think it is important that we have a chance to at least update everybody on this complex issue. The province does act as an intervenor in this case specifically.

The case was brought forward by Mr. Gordon Benoit, and his claim was understood that anyone who adhered to Treaty 8 and their descendants would not be subject to taxation. Oral arguments were heard on January 22 of this year, and the case was concluded at that time.

In 1992, when the case was first brought forward, three members of the Benoit family initiated litigation in the Federal Court of Canada. They were claiming that as members of Treaty 8, First Nations were exempt from taxation. But since the litigation began, a number of other parties have also been added to that claim. Several Treaty 8 tribal councils were added as plaintiffs.

Last Thursday the Federal Court released its decision. Judge Douglas Campbell found that the plaintiffs were entitled to claim the benefits of Treaty 8, including the treaty right not to have any tax imposed upon them at any time for any reason.

MR. RENNER: Mr. Speaker, can the minister advise what role the province of Alberta played in this case?

THE SPEAKER: The hon. minister.

MR. MELCHIN: Thank you, Mr. Speaker. The province in 1999 chose to act as an intervenor. Shortly before the case was actually brought before trial, the plaintiffs served Alberta with a notice of constitutional question. Alberta elected to intervene in the case upon learning that the litigation deals with the issue of whether all members of Treaty 8 First Nations are exempt from any form of taxation. In other words, Alberta joined the case to protect its taxation abilities. Intervenor status will allow our legal counsel to put forth arguments, submissions, to question witnesses, and appeal if necessary.

THE SPEAKER: The hon. member.

MR. RENNER: Thanks. My final question, Mr. Speaker, to the same minister: apart from the obvious potential loss of revenue, can the minister comment on other long-term implications this decision could have on Alberta?

THE SPEAKER: The hon. minister.

MR. MELCHIN: Thank you, Mr. Speaker. There are some 30,000 Treaty 8 members in Alberta and upwards of another 7,000 in the

provinces of British Columbia, Saskatchewan, and in the Northwest Territories. Canada Customs and Revenue Agency is the lead defendant with respect to this judgment. They're currently reviewing the impact of the judgment in conjunction with their other federal departments.

We also – Alberta Revenue, Alberta Justice, and Alberta Aboriginal Affairs and Northern Development – are reviewing this 180-page decision in detail. It's inappropriate at this stage to comment on the specifics of the case or its potential ramifications as the matter is still under review, but we would like to say that Canada Customs and Revenue administration and the intervenors have until April 8, 2002, to decide whether we will file for an appeal in the Federal Court of Appeal.

Thank you.

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

2:10

### **Teachers' Remuneration**

MR. MacDONALD: Thank you, Mr. Speaker. The Minister of Learning's salary has increased by 105 percent since he joined the Assembly, while a teacher with four years of schooling who had a comparable salary as the minister back in 1995 has had his or her salary increased by only 10 percent over the same period. Now, the minister may not feel that this is a fair comparison, so after adjusting for inflation, his salary increase was more accurately a mere 82 percent. However, the same teacher's salary decreased by over 2 percent after adjusting for inflation. My first question is to the Premier. Why does the Premier and this government present statistics and figures to Albertans that have been manipulated in a way that suit their marketing needs as opposed to presenting clear information?

Thank you, Mr. Speaker.

MR. KLEIN: Well, Mr. Speaker, speaking of manipulation, you know, and talk about manipulating figures – I mean, the hon. member across has set the perfect example.

Now, here's the case, and I'll try to relate this to the teachers or a teacher, because we're talking here in the abstract with the exception of the minister, who is sitting here live and real. The minister at one time was a backbencher, and by the way he was a medical doctor and took a tremendous salary loss, I would think, to participate in the Legislature. So if we want to go on, we can start with a teacher who was a medical doctor and then became a teacher, if we want to start that way. But we'll start on an even playing field. We'll start teacher there, MLA here. Well, this MLA went from a private member to cabinet. Okay? Naturally his salary doubled. Now, if teacher X in the system is promoted to a superintendent because he has outstanding administrative skills, then I would think that his or her salary would double too.

THE SPEAKER: The hon. minister.

DR. OBERG: Thank you, Mr. Speaker. I just want to throw one other statistic in here, and that was the statistic from my being a doctor to my being an MLA now. My salary decreased by 75 percent.

THE SPEAKER: The hon. member.

MR. MacDONALD: Thank you, Mr. Speaker. Very well. My next question will be to the Minister of Learning. Why does this minister

insist upon saying that teachers' salaries have gone up by 41 percent since 1995 when the number fails to adjust for inflation or student enrollment increases?

Thank you.

DR. OBERG: It's really hard to attempt to get across statistics to this person when they don't actually listen to what is being said. Mr. Speaker, what I said was that the amount of money spent on education has gone up 41 percent. Teachers' salaries since 1995 have gone up 17 percent since that time.

MR. MacDONALD: Again, Mr. Speaker, to the Premier: why does the Premier and this government continue to emulate Enron and skew the numbers you use in a way that provides misinformation to Albertans, who count on their government for accurate information?

Thank you.

THE SPEAKER: Hon. Premier, that's not a question. That's just – I'm not sure what that is.

### **Children's Services Funding**

MS DeLONG: Mr. Speaker, my question is for the Minister of Children's Services. Media reports quote the federal heritage minister, Sheila Copps, as saying that the minister's cost containment was an issue in the deaths of the twin babies. Is this true?

### **Speaker's Ruling**

#### **Questions about Media Reports**

THE SPEAKER: Well, hon. members, one of the things that we do not do in this Assembly is ask in the question period whether or not a media report is correct or not. We're above that. But if the hon. minister wishes to proceed, she may.

### **Children's Services Funding**

*(continued)*

MS EVANS: Mr. Speaker, if I could address the issue of cost containment and comment on Neegan Awas'sak. The special case review, with the lead role of Dr. Charles Ferguson, determined that there was no cost containment as an issue. In fact, there was a record in Neegan Awas'sak of some surpluses for the past previous years. None of the cost containment issues affected any of the decisions we made.

I would just like to comment, Mr. Speaker, that since 1994 we've received \$2 billion less for federal funding for funding social programs and others that we have, in health, in our government. Perhaps the hon. minister of intergovernmental affairs would like to add to the response about costs.

MR. JONSON: Mr. Speaker, yes. Since 1994 there has been a \$2 billion reduction in the major source of funds from the federal government to assist provinces in this area. The Premier and representatives of this government have certainly made strong representation to the federal government to the effect that this action is unwise and that this trend should not continue. This is a major area of federal funding under the Canada health and social transfer program, and it is an area which certainly impacts upon the province's ability to fund these programs.

MS DeLONG: My second and final supplemental is to the Minister of Community Development regarding reports that Copps said that Ottawa granted Alberta \$140 million in heritage funding last year, money the province ultimately had discretion on. Did we receive this money, and have we cut arts funding?

THE SPEAKER: Well, Mr. Minister, there's no continuity between the first question and the second question here in subject matter, so be very imaginative, hon. minister.

MR. ZWOZDESKY: Mr. Speaker, if the hon. Minister of Canadian Heritage did provide \$140 million, I'll have to get out my forensic flashlight to find it because I don't believe we received that. But we have received some money from the federal government this year, about \$8 million, and we're grateful for that.

Thank you.

THE SPEAKER: Hon. members, that should put a wrap on it.

The hon. Member for Edmonton-Glengarry, followed by the hon. Member for Edmonton-Highlands.

### Children's Services

MR. BONNER: Thank you very much, Mr. Speaker. According to Children's Services 2000 annual report, there's been an increase in the deaths of children who are in the care of a child welfare director, from seven in 1995-96 to 12 in '99-2000. There's also been an increase in the deaths of children receiving services from the ministry, from six deaths in 1995-96 to 19 deaths in 1999-2000. To the Minister of Children's Services: why in the past seven years has the ministry not implemented effective policy changes to prevent further deaths?

MS EVANS: Well, Mr. Speaker, the death of a child is always tragic. It is hugely tragic not only to the family, but if it's the death of a child in care, it is hugely tragic to those in our ministry. Today the deaths of children that died while they were in care do not relate to issues of practice. They relate primarily to causes which can range from the children being medically fragile in the first place to other things that put them at risk.

Let's put Alberta's children in the context that we should: 750,000 children, approximately 14,950 children in care, and of all of those children that are in government care, there are many children that are medically fragile and are at risk. When we have deaths, albeit they are always tragic and always regrettable, the inference from the hon. member may well be that it has been because of neglect or some additional travesty heaped upon a child. Frequently we have unknown deaths, but we always do a special case review. We always do a fatality review. When children die, Children's Services take action.

MR. BONNER: Mr. Speaker, given that the number of deaths has tripled – and this is in the minister's own report – why did the budget of the authority which includes Slave Lake decrease by over a million dollars in the latest fiscal year?

2:20

MS EVANS: Mr. Speaker, in 1999, when we carved out Children's Services budgets for the 18 authorities, we found that there were differences between authorities. The mobility of children was part of it; the mobility of children and families in foster care was part of it. Sometimes the budgets had to be adjusted midyear. Frequently there were other issues that evolved, such as the moneys that are there for handicapped children's services. The correlation, I would suggest, between the bottom line for any one of our authorities and the deaths of children is completely misleading. The correlation is simply not there. We still have work to be done on the funding formula for Children's Services, but any relationship between that and the death of the children is completely misleading.

THE SPEAKER: The hon. member.

MR. BONNER: Thank you, Mr. Speaker. To the same minister: while its budget for children was being cut, why did the authority's CEO receive a salary increase of \$23,000?

MS EVANS: Mr. Speaker, the boards of the child and family services authorities review their goals and objectives and make determinations on the salaries for those authorities and for those staff. Particularly relative to merit, they provide that information as well to the deputy, who reviews them very carefully. It does not account for what the base is or what some of the other extraordinary provisions are. The reductions, where they were for cost containment in each authority, were tailored to what the board and the authority thought was best and thought was prudent management, keeping those dollar reductions as far away from the child as possible.

THE SPEAKER: The hon. Member for Edmonton-Highlands, followed by the hon. Member for Lac La Biche-St. Paul.

### Teachers' Labour Dispute

(continued)

MR. MASON: Thank you very much, Mr. Speaker. Following the Premier's meeting last week with the president of the ATA he led teachers and the people of Alberta to believe that a fair arbitration process would be put in place to resolve the teachers' dispute. It is apparent that the so-called arbitration process will be nothing more than a backdoor legislated settlement on the government's terms. By also taking away the teachers' right to strike, this proposal amounts to nothing more than a new form of slavery. Why did the Premier mislead Alberta's teachers about his government's intentions?

MR. KLEIN: Well, Mr. Speaker, no one misled anyone. Relative to slavery I would suggest that the hon. member go back and look at the film *Roots* again to understand what slavery is all about.

MR. MASON: Mr. Speaker, why did the Premier mislead Albertans about his government's intentions?

MR. KLEIN: No one was misled in any way, shape, or form. Again, I read back the words of Mr. Booi, who said:

We never thought that this year's contract would resolve the really difficult situations that have driven 21,000 teachers to strike. We know it's going to take a good hard look at the problems, and if we have a good close look at the problems we'll probably start to see some of the solutions down the road.

Those are the words of Larry Booi, president of the ATA, who also in a meeting with me – and there are copious notes to back this up – didn't anticipate other things being in the arbitration process. He wanted the wage issue settled. That was the position of the Alberta School Boards Association, and they do have a role in this particular process. Or does the hon. member not believe in duly elected school boards? If he doesn't, then have him stand up and say so, Mr. Speaker. The arbitration process that will be debated in legislation later on today is, to my mind, precisely what the ASBA and the ATA want.

MR. MASON: Mr. Speaker, how can the Premier claim to be acting in the best interests of Alberta's students when he is taking action which will poison the labour relations in the schools for years to come?

MR. KLEIN: Mr. Speaker, I think that this government is doing, first of all, precisely what the ATA and the ASBA want us to do. Secondly, I sense that there is an impasse relative to the negotiations that should rightfully take place. There is an impasse, and when there's an impasse, people look to a third party, the third party being the government, to resolve the impasse, to find a way out. We try to do what is best in the public interest.

Now, there is absolutely no way that we are going to please all the people all the time. We will never please the socialist NDs. I know that for sure because philosophically we are miles apart. That's why they have two, and that's why we have 74. So we will never agree with the NDs.

But having said that, Mr. Speaker, both sides are looking to this government to find a way to keep the students in the classroom so they can get an education. That's what it's all about.

THE SPEAKER: The hon. Member for Lac La Biche-St. Paul, followed by the hon. Member for Edmonton-Centre.

### **Lack-of-Moisture Insurance Program**

MR. DANYLUK: Thank you very much, Mr. Speaker. I would like to address my question to the Minister of Agriculture, Food and Rural Development regarding the lack-of-moisture insurance pilot program. In order for a program to work effectively, coverage needs to be equitable. In the present program there appears to be some disparity between traditional grasslands and bush pastures. Traditionally northern Alberta bushland has a comparable or higher carrying capacity per acre than grassland. There are individual farmers or ranchers who are unable to acquire insurance coverage without due consideration to grass production. Their assessment for the ability to produce grass on bushland is strictly dependent on municipal assessment but not on the ability of traditional production. [interjection] Yes. Thank you, Mr. Speaker. This would potentially cause hardship. Why is the new lack-of-moisture insurance pilot program not providing the same level of protection for wooded, treed areas opposed to grassland areas with the same production capabilities?

THE SPEAKER: The hon. minister with all the background having been given with the question.

MRS. McCLELLAN: Mr. Speaker, the weather-based pasture program is unique. It's the first time that we have actually used weather stations that are chosen by the producers to measure moisture, and this program, when precipitation conditions are less than 80 percent of normal, pays a producer.

The issue around bush pasture is a bit difficult in this new program because, as the hon. member indicated, this has been dealt with in three ways in the past. We've had native pasture, we've had bush pasture, and we've had improved pasture. The municipal assessment would indicate how dense or open the bush pasture is.

Given the newness of the program, Mr. Speaker, given the fact that there was a drought in much of this area in the past, and given the urgency of this, Ag Financial Services consulted with a number of producer organizations across the province. It was decided that for this year, this would be the basis that it would be held on. On the issue of whether there is an advantage to southern producers or northern, I would suggest to the hon. member that if he looks at it closely, he will understand that the increased premiums that southern producers will pay for coverage will pretty much make it a wash as to who has any perceived benefit.

2:30

MR. DANYLUK: Without the preamble, Mr. Speaker, I will say that given that we have bush pastureland that has the same caring capacity as grassland, in the future can we look forward to having the program being fair and equitable to producers for both areas?

MRS. McCLELLAN: Mr. Speaker, I think all members or at least all rural members in this Legislature will know that as we provide insurance programs, we consistently and constantly try to improve those programs because they are a risk-management tool. We are not talking about a grant program here. We're talking about an insurance program where producers are buying insurance to protect themselves against risk.

Bush pasture has to have some grass to qualify for protection. We're working with the cattle association and the grazing reserves to fine-tune the program for next year, but as I said in my earlier response, given the urgency of the drought situation that was there, we felt it important to proceed, as did the producers and their organizations that we talked to.

THE SPEAKER: Hon. member, 30 seconds.

MR. DANYLUK: My final supplemental is again to the minister. With the delayed implementation of the lack-of-moisture insurance pilot program there was some question as to the accessibility and the knowledge of this new program. Were producers adequately notified about the deadline and parameters of the program?

THE SPEAKER: Thank you very much. We'll come back to you another day.

The hon. Member for Edmonton-Centre, followed by the hon. Member for Whitecourt-St. Anne.

### **Justice System**

MS BLAKEMAN: Thank you very much, Mr. Speaker. Judges and lawyers throughout Alberta have repeatedly asked this government to address the problems that chronic underfunding has created for the administration of justice in this province. Most recently an eloquent and articulate appeal was made directly to the Premier on behalf of the legal profession. My questions are all to the Minister of Justice. Why have you cut judicial administration to the point where the court's function is seriously compromised?

MR. HANCOCK: Well, Mr. Speaker, I don't believe that to be true. In fact, we have a justice system in this province which is accessible and open to all parties. There are issues that come up from time to time. Particularly in the past six months we've had a situation in Calgary where because of the pressures and because of the good economy, quite frankly, people being able to get jobs that are higher paying, we've lost some judicial clerks, for example. We moved to rectify that situation by improving the salaries for judicial clerks in the last round of provincial bargaining that happened. Now we're dealing with the situation of finding people to fill those jobs. That's proceeding apace. Justice is available to Albertans. Sometimes some things take a little longer than others, but nobody is in jeopardy of not being able to receive justice.

THE SPEAKER: The hon. member.

MS BLAKEMAN: Thank you. Is the minister finding it acceptable that we've got clerk and security shortages, we've got delayed and canceled court dates, we've got courtrooms closed, judicial vacan-

cies, we have Crown prosecutors still carrying large caseloads? Is this acceptable?

THE SPEAKER: Okay, hon. member. The same applies.

MR. HANCOCK: Mr. Speaker, management is always an iterative process, and one has to deal with things as they arise. People move from job to job and take advantage of better opportunities. When that happens, you'll have a vacancy; for example, in the judicial clerk process. When judges retire, you have vacancies in those positions. It's entirely acceptable. In fact, it is a constant state of affairs in every department and in every business that you will have vacancies and you will have to recruit to them.

This government has recognized over the course of the last year that we needed, for example, to add 6 and a half million dollars in supplementary estimates last fall so that we could pay Crown prosecutors better and make sure that we retained them because of the competitive situation we found we were in, and we did that. We found in the supplementary estimates just a few days ago that we added another million and a half to the budget because of the need to adjust salaries for judicial clerks and administrative support, and we did that. These are management processes which are clearly in order, and clearly we're handling the situation.

THE SPEAKER: The hon. member.

MS BLAKEMAN: Thank you. Well, wouldn't the minister find that it would be more effective to have a long-range management plan rather than constantly being two steps behind and having to use supplementary supply and patch things up as he goes?

MR. HANCOCK: Well, Mr. Speaker, the hon. member clearly hasn't been paying attention. We have three-year business plans, which we debate every year and bring forward every year, and we have the opportunity to discuss them, but we do not put – and she should be aware of this – in our business plan a line item for salaries. We don't put in a line item for salaries because that is subject to a bargaining process. The very members that are complaining that in the Learning budget last year we tried to move teachers to the top in Canada by adding 4 and 2 percent are now saying that we should budget specifically for the increases that are going to come through a bargaining process. Well, you can't have it both ways.

#### head: **Recognitions**

THE SPEAKER: Hon. members, five years ago today, on March 11, 1997, 21 new members joined this Assembly. So may I offer congratulations on the fifth year to the hon. Minister of Justice and Attorney General, the hon. Minister of Gaming, the hon. Minister of Children's Services, the hon. Minister of Municipal Affairs, the hon. Minister of Revenue, the hon. Member for Edmonton-Centre, the hon. Member for Edmonton-Glengarry, the hon. Member for Redwater, the hon. Member for Calgary-Fort, the hon. Member for Bonnyville-Cold Lake, the hon. Member for Calgary-Lougheed, the hon. Member for Wetaskiwin-Camrose, the hon. Member for Leduc, the hon. Member for Calgary-West, the hon. Member for Clover Bar-Fort Saskatchewan, the hon. Member for Edmonton-Gold Bar, the hon. Member for Olds-Didsbury-Three Hills, the hon. Member for St. Albert, the hon. Member for Edmonton-Strathcona, the hon. Member for West Yellowhead, and the hon. Member for Banff-Cochrane. Five years of experience.

Now the hon. Member for Banff-Cochrane.

#### **Interpretation Canada Awards**

MRS. TARCHUK: Thank you, Mr. Speaker. I rise to recognize all of our park interpreters and, in particular, those who were recently honoured at the Interpretation Canada national awards of excellence. The national gold award for personal interpretation went to Kananaskis Country staff member Don Den Hoed for a program about beavers. The national silver award for personal interpretation went to Don Den Hoed and Erin Couillard for a Kananaskis program on flowers. Honourable mention went to *The Kananaskis Chronicles* video and to *Moose on the Loose* by Wendy Pope and Lisa Ryan and to *The Superbirds*, again by Lisa Ryan. Also awarded honourable mention was a Beauvais Lake provincial park program on rattlesnakes performed by Darrel Croft and volunteer musician Jessica Titley.

These are outstanding examples of the excellent interpretive programs offered by Alberta Community Development staff at our provincial parks and protected areas, which attract more than 8 million visitors each year and help us to understand and appreciate our natural environment.

Congratulations to everyone.

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

#### **First Anniversary of 2001 Provincial Election**

MR. HORNER: Thank you, Mr. Speaker. It's my honour to rise today to recognize the one-year anniversary of the 2001 provincial election in Alberta. Tomorrow, March 12, marks the one-year anniversary for 23 members of this Assembly, and as the Speaker mentioned earlier today, on this day, March 11, in 1997 many veteran colleagues in this House were elected for their first time.

As a new member of the Assembly I would like to congratulate all of my colleagues on a job well done, because I now know how difficult this job can be sometimes. It was hard to imagine when we were elected exactly what being an MLA was going to entail. We have come to learn what it means to be lawmakers and what it means to represent Albertans. We all have an important role to play in the development of Alberta. This is the greatest province in Canada both as a place to live and do business, and I believe it's important that we work together as members of this Assembly to build and protect our province for all Albertans.

Thank you to all of my colleagues, both veterans and recent electees, for an excellent year of service. I'm looking forward to working with all of you toward an even better Alberta. Thank you.

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

#### **Edmonton Symphony Orchestra**

DR. TAFT: Thank you, Mr. Speaker. Too often these days the people who make up the fabric of our society – educators, health workers, families with children – find themselves not just struggling for fair wages or better working conditions but for respect. I stand today to recognize a group that shares this struggle, the musicians of the Edmonton Symphony. Alberta's life has been diminished this past month because of a labour dispute that has silenced the Edmonton Symphony Orchestra. This dispute appears to be less about money than about accountability and respect. The people who make the music, the musicians, want some of the respect they deserve. They are responsible for performing the music; they want the corresponding opportunity to have a meaningful say in how their professional lives are run.

History remembers musicians and music. Whether it is Beethoven or Bach, Lightfoot or Tyson, *O Canada* or *The Messiah*, music and musicians are measures of our greatest achievements of beauty and imagination, and their work is timeless. As Albertans let's do whatever we can to end the dispute at the Edmonton symphony and return its beautiful voice to our lives.

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

2:40

### **Kids Kottage**

MR. BONNER: Thank you, Mr. Speaker. Last Wednesday I along with other members of the Assembly had the opportunity to attend the seventh annual Kids Kottage breakfast with the Premier and his wife, Colleen, who is the honorary chair of Kids Kottage.

Kids Kottage is located in the constituency of Edmonton-Glengarry and is a 24-hour crisis facility for children up to 10 years of age who are in danger of abuse or neglect. The Kottage serves as a temporary home, providing a safe, cheerful environment 24 hours per day seven days a week. They not only offer this early intervention program but also offer follow-up support and counseling for families who utilize the Kottage. Parents may use Kids Kottage when they are afraid they are going to hurt their child due to physical or mental reasons, housing problems, domestic violence or the threat of domestic violence, and where parents are having serious relationship problems.

Kids Kottage relies on the generosity of the community to raise the majority of money it takes to run their program. Thank you to the many sponsors, the dedicated staff, and the wonderful volunteers, whose combined efforts provide a much-needed service to families in crisis situations.

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

### **Nick Fylypiuk and Ron Tomin**

MR. MASYK: Thank you very much, Mr. Speaker. It's with great pleasure that I rise in the House today to recognize two very special volunteers from Edmonton. These two men have worked hard to help others through the Balwin community hall for many years, and both have decided to retire.

Mr. Nick Fylypiuk is retiring after donating his time and efforts for 40 years. Most recently I know that he has worked with the executive of the ladies auxiliary at the Balwin community hall. On behalf of all members of the Assembly I'd like to express my gratitude to Nick for his hard work and dedication in the Edmonton community over the past four decades. I'm sure that Mr. Fylypiuk contributed a great presence, that will be missed.

The other individual I would like to recognize today is Mr. Ron Tomin. Mr. Tomin has decided to retire after donating his services as a volunteer at the Balwin community hall for over 20 years. Most recently Ron has focused his efforts as a member of the executive for the Balwin casino. I'd like to take this opportunity to extend my thanks to Mr. Ron Tomin for long years of effort and dedication.

I'm certain that both Mr. Fylypiuk and Mr. Tomin will be missed at the Balwin community hall. However, the group of people that remain at the hall will have no problem filling the shoes that they leave behind.

Thank you so very much, Mr. Speaker.

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

### **Great Kids Awards**

MRS. JABLONSKI: Thank you, Mr. Speaker. This past weekend I had the great honour along with the members of the Alberta Youth

Advisory Panel and members of Children's Services to participate in activities and celebrations with 16 outstanding Alberta children and youth selected as the 2002 Great Kids award winners. Selected from nearly 400 nominations, these great kids between five and 18 years of age have made invaluable contributions to their families, their communities, and their schools. Their acts of kindness, their personal perseverance, and their service to others make them all outstanding members of this province.

The highlight of the celebration was receiving their awards from the Premier, Mrs. Klein, and the hon. Minister of Children's Services. The lights in the room were bright but not as bright as the light shining in the eyes of these 16 remarkable children when they went on stage to receive their awards.

A big thank you to the sponsors who helped make this possible: IBM, TransCanada, Fantasyland Hotel, West Edmonton Mall, and Office Depot.

Mr. Speaker, I'd like to congratulate Lacey Bruckhoff, Shelby Renschler, Matthew Royce, Ashley Tessier, Brett Berger, Kimberly Connors, Yuri Dashko, Kyra Gladue, Bethan Jeffreys, Kyle Lillo, Benjamin McConnell, Kelsie Pagacz, Trevor Brown, Cheyenne Price, Reed Waselenchuk, and Myron Wolf Child. Thank you for your great contributions to your province, and never forget that you are a great kid.

### **head: Notices of Motions**

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. Today I give oral notice of five motions. Government Motion 13:

Be it resolved that pursuant to Standing Order 73(2) Bill 12, Education Services Settlement Act, may be advanced two or more stages in one day.

Government Motion 14:

Be it resolved that when an adjourned debate on Government Motion 13 is resumed, not more than one hour shall be allotted to any further consideration, at which time every question necessary for the disposal of the motion shall be put forthwith.

Government Motion 15:

Be it resolved that when an adjourned debate on second reading of Bill 12, Education Services Settlement Act, is resumed, not more than one hour shall be allotted to any further consideration at this stage of the bill, at which time every question necessary for the disposal of this stage of the bill shall be put forthwith.

Government Motion 16:

Be it resolved that when further consideration of Bill 12, Education Services Settlement Act, is resumed, not more than one hour shall be allotted to any further consideration of the bill at Committee of the Whole, at which time every question necessary for the disposal of this stage of the bill shall be put forthwith.

Government Motion 17:

Be it resolved that when an adjourned debate on third reading of Bill 12, Education Services Settlement Act, is resumed, not more than one hour shall be allotted to any further consideration at this stage of the bill, at which time every question necessary for the disposal of this stage of the bill shall be put forthwith.

### **head: Introduction of Bills**

THE SPEAKER: The hon. Minister of Learning.

### **Bill 12 Education Services Settlement Act**

DR. OBERG: Thank you very much, Mr. Speaker. I request leave

to introduce a bill being Bill 12, the Education Services Settlement Act.

Thank you.

[Motion carried; Bill 12 read a first time]

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

**Bill 18  
Social Care Facilities Review Committee  
Amendment Act, 2002**

MS EVANS: Thank you, Mr. Speaker. I would like to move first reading of Bill 18, Social Care Facilities Review Committee Amendment Act, 2002.

Mr. Speaker, this will help clarify the mandate of the committee, among other issues.

[Motion carried; Bill 18 read a first time]

head: **Tabling Returns and Reports**

THE SPEAKER: Please proceed, Mr. Clerk, if you have any.

THE CLERK: Pursuant to Standing Order 37.1(2) I wish to advise the House that the following document, Surface Rights Board and Land Compensation Board annual report, 2001, was deposited today with the office of the Clerk by the hon. Mr. Cardinal.

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

DR. PANNU: Thank you, Mr. Speaker. I'm pleased to rise and table five copies of a letter written on February 21, I think, by the Minister of Human Resources and Employment to the president of the Alberta Teachers' Association. An attachment to the letter is Teachers' Dispute Resolution Tribunal: Terms of Reference. The last of the six terms of reference includes the following, that "the Tribunal shall ensure that each party has a fair opportunity to be heard on all issues relevant to the dispute."

Thank you, Mr. Speaker.

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

MR. MASON: Thank you very much, Mr. Speaker. I have one tabling today. I'm tabling five copies of a New Democrat opposition submission to the Meridian dam preliminary feasibility study dated September 28, 2001. The submission strongly argued against the Meridian dam proposal because it would have some irreversible negative effects on the rare species of plant and animal life, the ecological systems, and moreover it was the worst possible investment of public funds. We are pleased to find out that the Meridian dam proposal is now officially dead.

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

MR. MacDONALD: Thank you, Mr. Speaker. I have this afternoon one tabling. It is entitled Where is the Outrage? The Power of Politics and the Politics of Power. It is an examination of the causes and effects of deregulation on the electrical industry in Alberta. It was written by Keith Provost, professional engineer.

Thank you.

2:50

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

DR. TAFT: Thank you, Mr. Speaker. I rise today to table the appropriate number of copies of an article from the *Arizona Republic* describing a host of serious concerns with kidney dialysis centres operated by for-profit chains, including the deprofessionalization of staff and a number of cases of death.

Thank you.

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

MR. BONNER: Thank you very much, Mr. Speaker. With your permission I'd like to table the appropriate number of copies of a brochure from the Kids Kottage Foundation which outlines all their services that are available to families in crisis situations.

Thank you.

head: **Orders of the Day**

head: **Public Bills and Orders Other than  
Government Bills and Orders  
Second Reading**

**Bill 203  
Gas Flaring Elimination Act**

[Adjourned debate March 4: Mr. Macdonald]

THE SPEAKER: The hon. Minister of Energy.

MR. SMITH: Thank you very much, Mr. Speaker. I wish to rise on this private member's bill and appreciate the interest of the member in Alberta's largest industry, that represents some 20 percent of all economic activity in this province. In short, the bill is unnecessary, the bill is redundant, the bill is a bad bill, and I would recommend to members of this caucus not to approve this bill when it comes up for the second reading.

Mr. Speaker, it's a frivolous and vexatious attempt at taking a run at government policy to eliminate flaring and venting of gas throughout the province. If the member would have done more than scratched the surface of research and ever had the opportunity to leave Edmonton and actually see the results of the Alberta Energy and Utilities Board's work to reduce flaring, he would know that flaring reduction has exceeded targets set by the board. It's something where there are half the flares burning today from a 1996 baseline.

Mr. Speaker, from the time that I probably saw my first flare, there has been a tremendous change in technology, and in fact this is going the right way. I've got to put a lot of faith, confidence, and also recognize the good work of the clean air strategy for Alberta group, the CASA group, that works hard with all stakeholders to ensure that we have good, safe practices in Alberta.

In fact, if you were to look at the safe practices in the oil industry, which is by definition a fairly risky industry, you would look back, and with the handling of sour gas, or hydrogen sulphide, in Alberta there has in fact never – never – been a civilian fatality due to the presence of hydrogen sulphide. So Alberta's record and Alberta's workforce's records are very, very, strong in handling a very high pressure, very dangerous product that comes from many, many metres underground. It is, then, thanks to the technology of places like the University of Calgary and the University of Alberta and NAIT and SAIT, which have been the training backbone of this industry over the last 40 years. There is no better environment, there is no better workforce, and there is no better set of rules and regulations to handle emissions, flaring, and the handling of dangerous products in this province.

The flaring, though, does add just a dash to the debate on

greenhouse gases and greenhouse gas emissions, and it would be remiss of me not to take this opportunity, Mr. Speaker, to talk about how one manages the overall environmental impact of this industry. If in fact you really do look at what does occur with greenhouse gas emissions and the change of environment – and I must speak in support of Mr. Buckee's statements. He said that the science of climate change is not complete, and in fact I think he as president of Talisman virtually dismissed the science of global warming. So the forces of environmental protection and other forces, in response to it, instead of responding with facts, responded by simply calling him names.

I think if you look at the Alberta record of how we handle our product and our services, we probably do a better job than anybody else in the world. In fact, that's one of the reasons why people from all over the world seek Alberta expertise in handling these difficult situations. So, you know, as much as they talk about how the tales and the many words that are uttered by politicians make their own contribution to global warming, I would say that if you are examining global warming, if you are looking at greenhouse gas emissions, the first thing you do is you look at the hydrogen molecule, which provides us with all of this energy throughout the world, and that 80 percent of the emission occurs, Mr. Speaker, from the combustion of that hydrogen molecule and only 20 percent from its resource extraction industry.

So, in fact, Mr. Speaker, Albertans have directed this government and this government's agencies to develop policies that are fundamental and key to maintaining and keeping a clean air, a good air environment, and one of those is the strategy that is now under way with gas flaring, the reduction of gas flaring, and also the reduction of venting gases in the production of oil and gas. You'll also see across Alberta many fewer teepee burners, which is the way we used to burn up sawdust and chips years ago. Through government policy those are now cogen opportunities.

In fact, if you look at the members from Grande Prairie-Smoky and Grande Prairie-Wapiti here, they are in fact going to be beneficiaries of a program where formerly wood chips were just burnt and sent up into the atmosphere. That is now being converted to electricity and to steam. It's because of policies such as deregulation and the new competitive market model, and it's the policies of attacking those environmental emissions that kill people and not just warm people that is the success of this government and the success of this industry and its ability to manage its own business. I think that is going to continue.

Certainly the program where we can put small cogeneration plants now into small gas production facilities, further eliminating flaring, further eliminating solution gas, closed-chamber testing, and all the technological innovation that you see in this industry being put to play in it tells me that the only gas that really needs to be eliminated, Mr. Speaker, when I look at the Gas Flaring Elimination Act lies with the NDP third party opposition. So I would highly recommend that members rise up and suppress this gas.

3:00

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

MR. BONNER: Thank you very much, Mr. Speaker. I have just a few comments that I would like to make on Bill 203, the Gas Flaring Elimination Act. I would like to thank the Member for Edmonton-Highlands for putting this bill forward and sponsoring this bill. Certainly with the amount of research that we do have presently on the effect of gas flaring in this province, it is an issue that I know all members of this House are concerned about. I certainly think all members of this House would also support an environment where we wouldn't have any gas flaring.

We have to as well realize, Mr. Speaker, that in the history of the

province we have had quite a long record of gas production. I was getting a little bit of help with this bill when I looked at key dates in the Canadian oil industry and found that in 1883 the first gas was found in Alberta, and this was at Langevin near Medicine Hat. It was when the CPR was drilling a water well that they happened to find gas instead.

AN HON. MEMBER: Was it a deep well?

MR. BONNER: I don't think it was that deep. No.

In 1901, Mr. Speaker, the first commercial gas field was developed in this province at Medicine Hat. It's quite interesting to note that one of the early visitors to Medicine Hat after the gas was found was Rudyard Kipling, and Rudyard Kipling described this gas strike as having "all hell for a basement." So he certainly was quite studious when it came to looking at the gas production here in the province.

Now, then, Mr. Speaker, I think we have to be realistic as well when we look at gas flaring. When we get reports from the Pembina Institute and we see that according to their statistics even the last 20 percent of flaring cannot be eliminated, then I think we do have to seriously look at the whole issue and the safety factors that are involved with flaring. When we test a well, want to do a production test on it, to flare off the gas is only reasonable, and of course we also want to be able to flare off gas when we reach critical situations in the production of natural gas and for whatever reason it is interfered with.

It is also quite interesting to note that in the last decade, while our production of natural gas has in fact increased quite extensively, there hasn't been a significant increase in the production of gas in this province. So it would seem to me that this is not a problem that is increasing but certainly a problem that the oil industry is taking a very hard look at and doing their part to hold levels of flaring at the same level and not allowing them to increase.

I think we also have to look at perhaps the reason that this bill was introduced by the hon. Member for Edmonton-Highlands; that is, where we have a lot of documentation, particularly in areas around gas wells where there is a significant amount of flaring, on the hazardous effects that it does have on animals and humans in that region. Certainly our goal would be to hopefully reduce emissions as much as we can, but presently, Mr. Speaker, in the province we have not had a serious increase in the amount of gas flaring.

So, Mr. Speaker, those are a few comments that I wanted to get on the record. In closing, I look forward to debate in this House by other hon. members and would once again like to thank the hon. Member for Edmonton-Highlands for sponsoring this bill in the House. Thank you very much.

THE SPEAKER: The hon. Minister of Finance.

MRS. NELSON: Thank you very much, Mr. Speaker, for recognizing me. I'm interested in Bill 203, the Gas Flaring Elimination Act, as presented by the member from the third party. From a former life I was most interested to see what this was all about, and as I read the bill, it became abundantly obvious that it's not really about gas flaring elimination but more about setting up another council to regulate an industry that is already regulated by one of the best regulatory bodies that the world has ever known, a world-renowned regulatory body, the Alberta Energy and Utilities Board, formerly known as the Energy Resources Conservation Board, that has been in existence for well over 60 years and is revered all over the world as being the most effective regulatory body that there is in the resource sector.

I was a little amazed to see what kinds of things this council would be doing, and again, as the Minister of Energy alluded to earlier, basically what they are attempting to do has already been put in place through the mechanism of a variety of co-operative and collaborative approaches through CASA, the Clean Air Strategic Alliance Association that came about a number of years ago, where industry, environmentalists, and government joined together to look at strategic processes and procedures that could be put in place because they were the right things to do to make sure that not only conservation was in place but that the development brought together economic development with environmental protection so that we wouldn't have difficulties down the road. CASA's process has been extremely successful over the years and has dealt with a number of very difficult issues.

I remember back in 1995, when there was a huge concern rearing its ugly head called climate change, global warming. Through the help of CASA and the energy ministers from across Canada, Alberta drafted a program called the voluntary challenge program. We went to our industry players and asked them to come forward with initiatives that would cut back the emissions that were coming out of Alberta and Canada and would be helpful for other jurisdictions so that they, too, through technological enhancements and initiatives would be able to cut back on their emissions so that we truly would have a clean environment. That process was taken up by almost 90 percent of the producing industries in western Canada and I believe by about 75 percent across the country.

What that process did, Mr. Speaker, was allow for the initiatives that were being done in Alberta and in Canada, because they made sense to do, to be promoted worldwide. I guess there was a lot of talk back in those days where you would have six scientists on one hand say that this was going to happen and six scientists argue on the other hand. We said: "Let's do things because they make sense. Let's move forward because it makes sense to do it. It's good economics to do it so that we don't have problems down the road." That's what the voluntary challenge program did. It did it because, in the overall scheme of the global economy and global climate change, we recognized that Canada contributed less than 2 percent of the emission problem, but Canada had the ability to take the lead on the technological enhancement to help those entities worldwide that were contributing 10, 15, 25 percent of the emission problem, particularly those entities in the Third World. This initiative was very successful.

3:10

So what happened back here at home? As we looked at ourselves, we said, "If we're going to be part of the solution of providing the technological enhancement and we're going to also be part of the solution of providing a cleaner fuel down the pipeline like we did with our expansion of our natural gas where we put a clean-burning fuel down a pipeline to get rid of a not-so-clean fuel in the United States, what would we have to do back home?" Well, we wanted to make sure that our emissions and flaring were brought down. Again, through CASA, the Clean Air Strategic Alliance, a flaring committee was struck to look at how we could reduce flaring concerns of solution gas in this province.

What this bill is asking for, this committee has exceeded by far. In fact, under the Energy and Utilities Board report in the year 2000 the flaring of solution gas has been reduced by approximately 38 percent from the 1996 baseline levels. That exceeds the 15 percent reduction target for the year 2000. It also exceeds the 25 percent reduction target for the year 2001. So this process of coming together with industry and environmental groups and government truly works. It improves on the 30 percent reduction recorded in

1999, and it far outstrips the 10 percent per annum reductions envisioned in this particular legislation. So already the process is successful and moving forward, Mr. Speaker.

I don't see any need for this piece of legislation, quite frankly. I think groups like CASA that can put together a flaring and venting project team to show success like they have demonstrated is the way to go. It brings the players to the table because it makes sense to be there. It's not because the heavy hand of government says: thou shalt do this or that. It's because it absolutely makes sense for them to be there, and we can see how this has been successful with this organization in a number of initiatives.

The hon. Minister of Energy alluded to deregulation. Quite frankly, with the cogeneration facilities that have occurred on industrial campuses throughout Alberta, we have seen tremendous success, in particular in our petrochemical areas, where they have been able to manage to provide not only for their own electrical needs but also additional electrical needs to go into the grid. So these initiatives coming forward from industry and government working together as a team have been very successful.

To legislate this through is redundant and counterproductive, so I would hope that the hon. members would not support this bill. I see no need for another council to come in and try and move into an area where the regulations have been rigid – they're tough but they're fair – where industry and government have come together to join forces to put forward best practices and have been successful, and where industry and government have come together to have a lead, not only in Canada, not only in North America but worldwide, with initiatives that have led this industry worldwide.

So I would hope, Mr. Speaker, that hon. members would not support Bill 203, as presented by the member of the third party. I would say that if the member of the third party would like to see this, certainly I'm sure that field trips could be arranged so that you can see the initiatives firsthand and realize the benefits that have come from such close arrangements such as CASA, such as the relationships with the industry, the environmental groups, and the government. I would encourage us to reject this bill.

Thank you.

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

DR. TAFT: Thank you, Mr. Speaker. As the opposition health critic I took particular note of Bill 203, the Gas Flaring Elimination Act, from the perspective of the health of Albertans. The whole thrust in our province, and I think across the country, is preventing illness rather than treating it. Gas flaring, of course, is – I think we would all agree – regarded in some situations as a health issue and indeed a threat to health and at times a cause of death. So it is an area where we need to watch out for the health issues, and I'd like to just discuss some of those for a moment here.

[Mr. Shariff in the chair]

The effects of gas flaring on health arise from a number of concerns. First of all, there are the respiratory concerns, the simple fact of people anywhere within the vicinity of the flare breathing the fumes from the gas flare and as a result suffering respiratory disease, either immediate discomfort and distress or a long-term degradation of their respiratory capacity. There are certainly concerns among experts and among residents of Alberta on the effects of gas flaring on healthy respiration.

There are also concerns over the effects of carcinogens from gas flaring. Certainly some of the by-products from the gas industry are

known to be carcinogenic, to be cancer causing, and properly disposing and controlling of those waste products is crucial to the health of Albertans. So again the issue of gas flaring is very important.

Beyond that, there is some evidence, both from animal studies and from human studies, of the effects of gas flaring on both birth defects and miscarriages. This applies, as I said, not only potentially to human health but also to the health of livestock and, I suppose, possibly wildlife. There has been, for example, evidence of increased rates of miscarriages among cattle and cows in areas where there's intense flaring of gas.

So there's no question that gas flaring is a serious health issue, and any steps taken to reduce gas flaring I think are to be commended. So I've read this proposed bill, Bill 203, with some interest and enthusiasm, for it does propose phasing out of potentially all gas flaring in the province within 10 years, by the end of this decade or thereabouts.

The bill, in fact, doesn't get specific on how this phasing out will occur. It does propose that flaring will be reduced by 10 percent a year each consecutive year, commencing January 1, 2003, and that this whole process will be overseen by a new council which they propose to call the advisory council on gas flaring elimination.

Now, there are views and points of debate over whether we can or ought to attempt to eliminate all our gas flaring. I think that by anybody's measure there has already been progress made on this concern in Alberta in the last several years, and industry and the government and the opposition, I might add, are undoubtedly all to be commended for this progress, but there is much that remains to be done.

I know two views taken on this issue. One is that we can perhaps achieve only an 80 percent success rate on eliminating gas flaring and that eliminating the final 20 percent of gas flaring is going to be impractical or exceedingly difficult. At the same time, there's another view that says that we should set our standards high. We should set our standards so that we have to really stretch to achieve them, and that sort of standard would be a 90 percent or even 100 percent target for eliminating gas flaring.

3:20

The proposal in this bill, as I understand it, is to eliminate 100 percent of gas flaring. I think there's much to be said for setting such a high standard, and as the Minister of Energy earlier confirmed, it's only because of prodding and encouragement and regulations set by government that so much progress has been made to date. I would encourage us to consider continuing in that process and setting very high standards to eliminate all gas flaring if at all possible within the next decade.

I know from personal contacts as well as reading in the area that this is a particular concern for ranchers and farmers and that this government would probably do well for its supporters in rural areas to look at potentially eliminating all gas flaring in Alberta. There are 5,200 active flares in Alberta, and virtually all of those are in rural areas. So that's an enormous contamination of our environment and at the same time an enormous opportunity.

The Minister of Energy and, I believe, the Treasurer both commented on the success of collecting these wastes and rather than just flaring them using them to power electricity. That's a creative and innovative solution to a problem where everybody wins, although I must note that the price of power the other day spiked up to \$420 a megawatt hour. So perhaps if we had all 5,200 wells cogenerating, we might – might – just bring electricity prices under control, although I'm not too optimistic. This was, I believe, at 7 o'clock in the morning last Friday.

I think there's also an opportunity here for the New Democrats and the government to join forces and work together in achieving the betterment of all Albertans. I'm sure that the Liberal opposition is prepared to encourage that sort of collaboration on such a good cause.

So with those comments, Mr. Speaker, I will take my seat. Thank you.

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

MR. CAO: Thank you, Mr. Speaker, for giving me the opportunity to speak on Bill 203 as proposed by the Member for Edmonton-Highlands. Let me first say that any proposal that intends to protect our environment ought to be considered very, very seriously. This province does not just belong to us; it belongs to our grandchildren and to their grandchildren. As representatives of everyday Albertans in this Assembly we are charged with being the stewards of the environment and making sure that it is kept in great condition now and in the future. This is a responsibility that all members of this Assembly accept and cherish.

The member across the way is proposing that we in this House impose a 10-year legislated time frame to eliminate gas flaring across the province. What this bill would do is eliminate the source of toxins that are released into the air and throughout Alberta. This bill has the best intention behind it, as it aims to protect the overall health and the environmental safety of Albertans. Mr. Speaker, I believe in the good intent of the bill and the Member for Edmonton-Highlands for the idea, and I thank him for the opportunity so we can have an in-depth understanding of the subject.

The history of oil and gas development in our province is long, Mr. Speaker. Since the first strike outside Leduc Albertans have been excited about the potential that oil and gas production offers us. By the same token, the concern for our environment has been just as prevalent since the early 1960s. For example, there has been concern about the proximity of oil and gas wells to farmlands in our rural areas. These concerns have never been sidestepped or dismissed by our government. Instead, they have been dealt with through the creation of sound legislation and consultation with all concerned stakeholders, especially since the mid-80s as governments worldwide began to realize the harmful effects of air pollution, such as the depleted ozone layer, breathing and skin problems. This government endeavoured to make sure that the booming oil patch could coexist with a healthy environment, and we are vigilant in this goal. The health of Albertans always comes first: no ifs, ands, or buts.

We see this from many views and studies, workshops and investigations. We have studied many of these issues. We can without doubt be sure that as a government we are not authorizing any activity which endangers the health of Albertans. Just look at the creation of the western provinces human and animal health study which was launched in 1999. By studying this issue, this government has truly committed itself to the safety of Albertans. Furthermore, this study has been funded by both the government and industry.

As a person with, I should say, a whole past area in the oil and gas industry I can say with confidence that it makes more fiscal sense to flare gas efficiently than it does to flare it inefficiently, and this fact is not lost on the oil and gas companies who operate in our province. Our oil and gas companies are looking to use gas as efficiently as possible because that means that the more gas that can be sold, the more profit can be made. As well, flaring and burning gas efficiently means that our oil and gas will last longer and will put money in our coffers for years and generations to come.

Finally, our oil and gas companies are becoming increasingly mindful of their effect on the environment. They understand, just as this government does, that destroying the environment benefits absolutely nobody. Oil executives have children just like the rest of us, and they don't want their children and grandchildren to suffer from lack of environmental practices. This is why companies around the globe are developing new and innovative strategies and technologies to mitigate harmful effects on the environment. They, like operators in other industries, understand that it is in their own best interests to waste as little of their products as possible.

Finally, Mr. Speaker, I think that we should be mindful of the positive effects that the oil and gas industry has on our province. We see that when we regulate appropriately but also allow industry to innovate, positive environmental and economic results occur. This is not to say that our history has been perfect. There have been bumps on the road. However, history suggests that when those bumps have occurred, government and industry have come together to find solutions that benefit everybody. When some partners in the industry have chosen to shirk their duty, this government has taken them to task. In the end, what has resulted is a mutually beneficial relationship with clear lines of responsibility and accountability.

These are just some of the reasons why the bill is quite unnecessary, despite the intent. We know that government and industry are working to improve gas flaring efficiency. We also know that we have made tremendous strides in reducing the amount of flaring that does occur in this province. In fact, we've reduced flaring in this province by more than 30 percent since 1996. Our departments of Energy and Environment are working hard to ensure that the gas producers in this province release gas in an efficient manner so as not to harm our environment. We are working hard and we will continue to do so. Our history is one that indicates that this government will always look out for the environmental health of Albertans. As a person with a long professional and technical experience in the petroleum industry I can attest that flaring is necessary for the safety of the industry operation and the safety of the workers at the site. In oil and gas operations we constantly deal with very high pressure, very high temperature, unstable and unsteady states of flow. Flaring is a needed safety valve and a necessary part of safe and responsible engineering design. Flaring is at times also used for the incineration of dangerous substances, making them more neutral. Total elimination of flaring is unscientific and dangerous to the lives of our workers. The Member for Edmonton-Gold Bar, with his work experience in pressure vessels, must agree with me on this.

I commend the hon. Member for Edmonton-Highlands for bringing up the idea, but for the abovementioned reasons I cannot support passing Bill 203 into law. Thank you, Mr. Speaker.

3:30

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

MS DeLONG: Thank you, Mr. Speaker. It is my pleasure today to rise and speak to Bill 203, the Gas Flaring Elimination Act. This bill may seem like a good idea, but I can assure the members of this Assembly that this government is already working to accomplish what this bill proposes. I would like to update the House on some of the actions and results that are currently being taken to improve the already world-class oil and gas industry in this province.

In July 1999 the Alberta Energy and Utilities Board put out a comprehensive set of requirements addressing all forms of flaring in the petroleum industry. The requirements are found in guide 60 of the Upstream Petroleum Industry Flaring Guide. Guide 60 requires that by December 31 of this year all solution gas flares be evaluated

to determine if the gas can be conserved. The Alberta Energy and Utilities Board has specified criteria and evaluation procedures that must be used to determine if gas conservation is economical. All flares that were within 500 metres of a residence must have been evaluated already and the results discussed with the residents. The industry has taken guide 60 and is following all of the recommendations, rules, and procedures for gas flaring. We have seen significant reduction in gas flaring since 1996, and we hope to see even more changes in gas flaring by the end of this year.

The Alberta Energy and Utilities Board is also very much involved in the reduction by increasing field inspections of facilities throughout the province and placing more emphasis on measuring and reporting flared and vented solution gas. The Alberta Energy and Utilities Board staff also respond to all complaints about flaring and venting. The staff regularly monitor the 50 oil bitumen batteries with the largest flares and regularly requests that the oil company complete an economic evaluation of gas conservation. This increased monitoring has been one of the major factors in reducing flaring in this province. The EUB will continue their good work, which will inevitably result in more reduction of gas flaring.

The Alberta Energy and Utilities Board is being proactive, and they make presentations all around Alberta to increase awareness of gas flaring. They continue to encourage further gas conservation and are working hard to reduce the number of gas flares in this province. I do not believe that we should give the EUB a legislated time frame. They understand the industry well enough to know what can and cannot be accomplished.

Mr. Speaker, Alberta continues to move towards the almost full reduction of gas flaring. For instance, in the year 2000 93 percent of the solution gas was conserved. That means that gas could have been flared, but, instead, alternatives were found and solutions were reached. This is true through the entire industry. Where conservation can occur, conservation will occur. This government will continue to evaluate and monitor gas flaring in the province and will continue to find ways to reduce gas flaring.

Mr. Speaker, we are currently trying to find the technology to help the industry conserve even more solution gas than it already has. We have been working together to find alternatives to gas flares. As technology progresses, the number of flares in Alberta will decrease. We are currently beginning to install power generators around Alberta. These power generators help conserve gas and eliminate flaring, and as the technology allows, more and more will be installed.

Mr. Speaker, there has been a significant reduction in gas flaring in Alberta. The AEUB has been setting targets and goals for the industry, and they have been meeting the targets. For instance, in 2000 a target of 15 percent of solution gas flaring had to be reduced. The industry saw this goal and exceeded it by reducing 38 percent of solution gas flaring. In 2001 the target was set at 25 percent, and it is estimated that the industry will have exceeded that target through the elimination of almost 50 percent of gas flaring. These numbers show that there is progress being made in the reduction of flaring.

The government and the industry have been working together to ensure that the public and the environment are considered and protected. To quote Pierre Alvarez, president of the Canadian Association of Petroleum Producers:

We understand the public's concern about flaring and that's why we moved to surpass the flaring targets. The oil and gas industry is committed to the long-term goal of eliminating routine solution gas flaring.

By passing Bill 203, I feel that we would be slapping the industry in the face. They have been working very hard, co-operatively, and successfully in reducing flaring. I don't feel that we should legislate

a time line for them to follow. We must continue to allow them to work co-operatively to find solutions that are ideal for Alberta, and eventually gas flaring will be eliminated.

Mr. Speaker, I should say almost eliminated, because right now I don't feel it is safe to eliminate flaring completely. We must take into consideration that there are many reasons for flaring, one of which being that when an emergency occurs at a facility, flaring must be allowed so emergencies can be dealt with. If you were not allowed to flare, then the operation of these facilities would not be safe. We must also continue to allow flaring during the drilling and completion of wells. This again is a safety measure. When a company drills a well, there is a gas produced during the process. The most economical and safest way to deal with the by-product gas is to flare it off. Technology may soon be developed that will allow for a different way to eliminate the gas, but until then we must allow it to be flared so that the lives of our workers are not put in jeopardy.

Mr. Speaker, this province is currently looking for new ways to eliminate gas flaring. Coupled with this, there are studies that are researching what effect gas flaring has on wildlife, agriculture, and human health. These studies help guide us when we make decisions about new technologies in eliminating gas flaring. I believe that we should wait for these studies to be completed before we make any decisions in regard to the oil and gas industry. We do not want to weaken the sector by making a poorly informed decision, especially when the sector has been so co-operative with this government in finding ways to reduce the amount of flares that take place in Alberta. To pass legislation that would affect countless Albertans before the studies are complete would not be wise or appropriate. We must be patient and wait for the results before making any decisions. The government must have received all the necessary data on gas flaring before we can make such an important decision.

I appreciate the intent of the member opposite, Mr. Speaker, but I do not feel that it is wise for us to proceed with Bill 203 as it currently stands. Thank you.

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

3:40

MR. HLADY: Thank you, Mr. Speaker. It is great that I have a chance to stand and speak to Bill 203 today. I really wanted to speak to it because I am very concerned over some of the potential damage that it could be doing to our economy here in Alberta.

We have right now the Clean Air Strategic Alliance, which is the CASA flaring and venting working group, working on this very issue, and it has a much broader mandate. It's looking into further flaring and venting reductions over a longer period of time. Alberta has been working with B.C., Saskatchewan, and Manitoba as well as with the private sector in an effort to address these questions, and we've put a lot of money into that. At this time I believe we've put in almost \$11 million. That is a substantial amount. The Science Advisory Panel is a world-class group of scientists, and they've been retained to ensure that the study is scientifically sound and properly carried out to determine what the effects are of flaring gas today. It's a very comprehensive study that involves measuring the exposure of emissions to both beef cattle herds as well as wildlife. I think we'll see some really great things coming out of this over a period of time.

I'm also concerned because I think the potential for a new council like this to come along is also going to at some point want some teeth, and if you have some teeth in it, then you have some real problems. What happens if it doesn't achieve what you want to have it achieve in 10 years? Would he shut down the oil and gas industry? Then we would be in serious, serious problems in this province.

I think, Mr. Speaker, there's another process that's going on right now that this has a little bit of mirroring to although on a smaller scale, and it's the Kyoto process. The Kyoto protocol as it's going forward right now has very, very detrimental effects that would be happening to Alberta if you saw that kick into place. We are right now waiting for the federal government to come up with its position and see what happens and what they think about implementing the Kyoto protocol here in Canada. I think it's important that people understand what the Kyoto protocol is and how it affects Alberta and our economy, because that directly relates to the kinds of things that could happen if you had something like this Bill 203 kick in and affect our economy.

As the Minister of Finance and the Minister of Energy mentioned earlier, Canada produces about 2 and a half percent of the world's emissions, yet we have the best technology today out there for making sure that we have minimized emissions in both the oil and gas industries. The billions and billions of dollars that it would cost, Mr. Speaker, to implement reductions that would take us from 2 and a half percent of the world's emissions down to, say, 1 and a half percent of the world's emissions, if you took those same billions of dollars and applied them to China and India and Russia, you could potentially cut the world's emissions by 20 to 30 percent. That's where they have very, very, dirty coal, as an example, creating the production of energy in those countries, but they are not committed to the Kyoto protocol. They don't have to meet any standards. That is one of the big failures and falling down parts of the Kyoto process.

So while we are trying to do everything we can here, we see other parts of the world not doing anything. In the bigger picture of making sure that we have a healthy world to live in, that's not effective. Now, we will continue to do what we're doing today, Mr. Speaker, and make sure that we do have the highest standards in the world, and we will offer them to the rest of the world so that they can achieve the same standards that we do already enjoy here.

I don't know how many folks here in the Legislature saw in the news – I think it was in today's newspapers – that Calgary was actually found to be the cleanest city in the world, folks, in the world. It doesn't get any better. There you go. I think that's a wonderful thing, beating cities such as Honolulu and every major city in the world. I think Honolulu was second, so that gives us a really good standard to see that we do care about the environment and we're doing everything. Everything that we've got planned right now is happening and working very effectively.

The flaring, you know, is certainly a challenge, but as I think you've heard many members today speak to it, we have seen the fact that it does have a purpose and it's a process. The study group is going to continue to work hard over the next number of years to make sure that we do remove, minimize, and eventually eliminate it. Can we do it in a 10-year process? Hopefully, we can do it quicker, but I think that interfering in the process that's going on would only be a negative.

I think another piece in regards to the effect that this would potentially have on our economy is, again, competing just inside North America, Mr. Speaker. The United States has already decided not to be involved in the Kyoto protocol. However, their energy plan is to actually achieve better standards than are being put forward in the Kyoto protocol. Right now the Kyoto protocol certainly supports the European Union, and it's designed to make it a much more effective economic tool against North America for the European Union. A lot of people don't understand that. Right now inside the European Union you have a bubble of about 17 countries, and inside those 17 countries they're trading in amongst themselves on credits, on emission credits. What they've come up with is a net sum of zero inside the European Union, so therefore all the 17

countries really don't have to do anything. They're already at a net sum of zero, and they're fine.

Canada and the United States didn't have any major partners that we could trade with, and therefore it made no sense, and that is why the U.S. has backed out of the Kyoto protocol. Unfortunately, our federal government is still considering going ahead, and it's looking like they may ratify in June or later, and that would be very detrimental to our economy here in Alberta.

A couple of other players that aren't involved. Mexico has also decided not to ratify, and even the Japanese – Kyoto is where the protocol was signed – have adapted and amended what they are going to fulfill in regards to the Kyoto protocol. The Kyoto protocol asks for emissions reductions to be everywhere. The Japanese had figured it out that it would just destroy their economy even further than it is today. Therefore, industry in Japan will not have to meet the emissions standards that are being put forward in the Kyoto protocol. What the Japanese are planning to do today is to meet the emissions reductions by doing it through vehicles and through residents and so on but not through industry because it would have been so harmful to the industries inside Japan.

So I think, Mr. Speaker, this is something that we have to be very vigilant with and watch and realize, when we're going through this process, that bringing forward legislation that would hurt the economy here in Alberta is something that we have to be very careful about, and I think Bill 203 potentially does that.

Just quickly I wanted to speak a little bit that Alberta Environment as well as Alberta Energy are very in touch with what's going on and staying close to this and working closely with the Clean Air Strategic Alliance. I think we will see a lot of good results coming out over a short period of time, and I look forward to seeing these results work favourably for our environment.

Mr. Speaker, thank you for your time.

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

MR. LOUGHEED: Thank you, Mr. Speaker, and thank you to the member for bringing forward Bill 203, the Gas Flaring Elimination Act.

Mr. Speaker, if I were to go out into Edmonton and around the area there asking people what they knew about flaring and venting, I suspect there would not be many individuals that would understand the issue. Similarly, in the member's own constituency of Edmonton-Highlands it's probably not a big issue among many of the residents there. Same thing in Calgary, I would expect, although perhaps in the oil centre of Canada there may be a little more understanding of what flaring and venting actually are. If I were to tell them what the preamble said, this preamble for the bill where it says that "the flaring and venting of solution gas adversely affects the environment and ecological systems," some people may become concerned if they accept that at face value and believe that that is the case. That statement is quite easily made. Commonly it's claimed, though, that those concerns are voiced merely by opponents of the industry and that there's little or no evidence of any problems.

The other preamble goes along with something that is also of concern. The first statement expresses concern for those working in the vicinity of flaring and venting. Mr. Speaker, for the people I represent their concerns are not related to people working in the vicinity of flares but rather for those residents who live in the area of flares, flares that are ignited during the development of a gas well. Initially I said that there probably wasn't much interest in flaring and venting, but there's a real and dramatic change from apathy to really intense interest in my constituency when a resident of this constitu-

ency of Clover Bar-Fort Saskatchewan realizes that a rig is set up and some gas company is drilling about 200 metres from his or her house. In many cases, unfortunately, there's been no notification. There's been no information about the impact on any neighbours. There's no compensation offered for any real or feared negative impacts, and there's no opportunity to have their water well tested prior to the drilling to prove that either water quality or supply were affected by the drilling of this test gas well.

3:50

Now, the Alberta Energy and Utilities Board has responsibility for all the regulations under which these operators drill. If the regulations aren't working for the benefit of the residents of Clover Bar-Fort Saskatchewan, then I believe it's my responsibility to speak to that issue on their behalf. I must add as well though, Mr. Speaker, that the AEUB field-workers have done a good job of reacting to concerns and in fact have shut down operations where they feel inadequate notification has been given. The AEUB is, however, constrained by current regulations that could work better in those densely populated areas, those rural areas like Strathcona county, where there are many acreage developments.

A resident in the constituency is currently objecting to proposed drilling literally in his backyard. He's told me that he's suggested that his concerns and objections could better be dealt with prior to the sale of petroleum and natural gas rights. He has a great many concerns, many that go well beyond flaring and venting. He has concerns about contamination of water wells in the area and also concerns about property devaluation because of either pipelines crossing his property, eliminating the possibility of further subdivisions, or also having the gas well right next door to a proposed subdivision.

Mr. Speaker, people are committed in my constituency – those people that are in the vicinity of gas wells – to the reduction of flaring, sometimes at a great deal of their own personal cost. There are other alternatives such as in-line testing, and they would like to see in the development of newly drilled wells, rather than developing them through flaring, having them developed through in-line testing. In fact, another local resident, who owns the mineral rights, feels so strongly about the flaring of these test wells as the gas wells are being developed that in fact he will not allow his mineral rights to be accessed, and he won't allow production to proceed until he's assured that there'll be no flaring in the vicinity. He's insisting that there be some other alternative.

In-line testing identifies the composition of gases and liquids that are in the well, and that allows the producers to predict what the well will yield. It also allows them to plan around the composition and put in place the necessary infrastructure to manage the well. However, it's standard practice to discard the gases. Excess gas or solution gas has to be taken out of the way. The most common way is just to flare it off as a safety precaution, and it's also for production efficiency. Frankly, these producers are more concerned with getting the resource out quickly rather than efficiently and over the long term. It's a race among the producers to get the biggest slice to market as quickly as possible, and this is causing waste. The flaring process is wasteful. It's environmentally questionable and may impact human, animal, and ecosystem health.

There are other alternatives, Mr. Speaker, and we should address them as a priority of government. Another alternative to flaring in the oil patch is to return that natural gas back into the ground after separation from the oil, and it can be done in the same well location or in an adjacent well. The reinjection technology is well established and completely eliminates the majority of the need for flaring. This would help, also, to preserve gas for future generations if we have no use for it immediately.

Other options include the consumption of currently flared gas

through power generation. That presents an opportunity to bring additional power into the Alberta grid, and in the deregulated environment it can also lower the price of electricity for all Albertans. The flaring project team, a part of AEUB's Clean Air Strategic Alliance, has suggested that royalty be waived on gas producing this cogenerated electricity. This gas otherwise would just go up in smoke and the royalty would be lost.

Other suggestions are to provide financial incentive for the elimination of flaring and also through the mechanism of flow-through shares to apply to infrastructure upgrades, for instance in power generation, for these onsite small electric generators. Both of those options would be at no cost to government but would increase Alberta's power and productive capacity. Vapour recovery units which compress and store gas for future use are making gains in their cost and energy efficiency, and ultimately there are many viable options at hand. The waste of that valuable resource, the natural gas, is not an option that we should consider.

We've talked often in this Assembly about the Kyoto accord, and just in these past few minutes, even, there's been concern expressed about the ratification of the Kyoto accord by Ottawa. If, in fact, Ottawa does go ahead and ratify, the emissions from gas flares and from venting will be considerably impacting Alberta. If we can prevent flaring and prevent venting, we will be able to reduce those emissions and move closer to addressing the Kyoto accord ratification standards.

At this point in the debate though, Mr. Speaker, I'm left with a few questions. I'd have to ask if the advisory council proposed by this bill is really the way to deal with concerns of residents in the vicinity of flaring and venting. Especially I'm concerned about those residents in the constituency of Clover Bar-Fort Saskatchewan within close proximity of test wells being drilled where they may in fact, upon the striking of gas, flare for two or three days. Do the current regulations protect the public and the environment adequately? What can be done to ensure that reliable data is available and that research provided by either industry or environmental organizations is not regarded with skepticism? As I have stated, there are considerable concerns expressed by people from the constituency, people whom I respect and whom I represent. Whether their concerns are validated by science or not, they must be considered and evaluated.

This bill has some merit. I do not know yet if it's the proper vehicle to address my constituents' concerns. Thank you.

THE ACTING SPEAKER: The hon. Member for Edmonton-Highlands to close debate.

MR. MASON: Thank you very much, Mr. Speaker. I'm pleased to close debate on second reading of Bill 203, the Gas Flaring Elimination Act.

Those of us who represent opposition parties in the House are sometimes accused of introducing bills that we know don't have a chance of passing the government caucus. Now, I happen to think that this is a very legitimate thing, as opposition parties have a responsibility to put our policies forward in legislation even if they are at odds with government policy.

MR. LUKASZUK: You have policies?

MR. MASON: We have more policies than you'd care to know, hon. member.

Judging from the comments made by government members during the debate, it looks like this bill will not be accepted by the Assembly, based on what I've heard so far, and I find that disappointing.

I find that some of the criticisms of the bill suggest that some members haven't studied it carefully enough. For example, the Member for Whitecourt-St. Anne said that he couldn't support the bill because sometimes gas has to be flared in an emergency situation, and that has been echoed by at least three other members of the House who've risen to speak. But if the members would look more carefully at the bill, in section (2)(d) there's a limited exception in cases of an emergency where it may otherwise be a threat to the safety of the public or to personnel.

[The Speaker in the chair]

The Member for Edmonton-Ellerslie left the impression that gas flaring was no longer one of the burning environmental issues in Alberta, but my travels around the province in the last two years have suggested that gas flaring is very much a burning environmental issue and continues to be so. In fact, several members of the government caucus have risen and spoken about the concerns of their constituents with respect to this problem. So I would ask the House: if the situation is so completely under control, why are we hearing hon. members representing their constituents say that the constituents are extremely concerned in some cases about this?

4:00

Now, it's clear that there has been progress in the last several years to reduce the amount of flaring, and I want to once again commend the work of the flaring/venting project team set up under the Clean Air Strategic Alliance for their excellent work so far. As I've said earlier, Bill 203 should be seen as an acceleration and a complement to and not a replacement of the work that has been done by them so far.

Mr. Speaker, let's be clear. There is one issue that comes up more often than any other when it comes to the question of the quality of life in rural Alberta, and that is gas flaring. I'm quite surprised to hear the hon. Member for Calgary-Bow call this bill a slap in the face to the energy industry, when we are continuing to see asthma – Alberta has more asthma than any other province in this country – when we're continuing to see other lung diseases, when we're continuing to see stillbirths, when we're continuing to see illness and death in animals and in humans. I would suggest that we need to go much further than so far. It's not the time to pat ourselves on the back and just say: we can rest on our laurels. What we need to do is to take concrete actions to finish the job.

Now, I was surprised when the Minister of Finance indicated that Alberta has very tough, very rigid regulations when it comes to gas flaring and venting, yet we all know that this is entirely a voluntary approach. So which is it, Mr. Speaker? Are we tough in our voluntary approach, or are we soft in our regulations? I think it's clear and has been clear that the easy 50 percent of gas flaring and venting has been dealt with, but increasingly it's going to be more expensive to get rid of the next 10 percent and the 10 percent after that and the 10 percent after that. Increasingly the voluntary approach, I submit, will break down because companies that comply will be placed at a competitive disadvantage with companies that do not comply. Therefore, the whole system is bound to break down. We need a bill that clearly sets guidelines over a 10-year period. That's long enough. We've been very liberal, so to speak, in considering the time available, and it's time that we dealt with this issue once and for all.

Thank you, Mr. Speaker.

[The voice vote indicated that the motion lost]

[Several members rose calling for a division. The division bell was rung at 4:03 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Bonner	Mason	Pannu
MacDonald	Massey	Taft

Against the motion:

Abbott	Hutton	Nelson
Cao	Jablonski	Norris
Cardinal	Jonson	Ouellette
Danyluk	Klapstein	Pham
DeLong	Kryczka	Rathgeber
Evans	Lord	Renner
Forsyth	Lukaszuk	Shariff
Friedel	Mar	Smith
Fritz	Marz	Snelgrove
Gordon	Maskell	Strang
Goudreau	Masyk	Tarchuk
Graydon	McClellan	VanderBurg
Haley	McClelland	Vandermeer
Herard	McFarland	Woloshyn
Hlady	Melchin	Zwozdesky

Totals:	For – 6	Against – 45
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[Motion lost]

THE SPEAKER: Hon. members, before proceeding to the next order of business, which is second reading of Bill 204, the hon. Member for Edmonton-Highlands has advised in writing that he wants to rise on a question of privilege.

### Privilege Misleading the House

MR. MASON: Mr. Speaker, I'm rising under section 15(1) of the Standing Orders: "A breach of the rights of the Assembly or of the parliamentary rights of any member constitutes a question of privilege." Under subsection (5) I am indicating that I'm raising this at the first possible opportunity, and therefore the two hours' written notice does not apply.

Specifically, Mr. Speaker, as soon as I had a chance to peruse Bill 12, which was distributed to the Assembly this afternoon, I realized that in fact Bill 12 and its provisions were at definite variance to statements that the Premier had made to this House. So my question of privilege is that the Premier has misled the Assembly with respect to the actions that the government was going to take relative to the teachers.

In *Alberta Hansard* of February 28, 2002, in response to a question from the hon. Member for Edmonton-Strathcona, the Premier says:

You're absolutely right. The questioner is absolutely right, Mr. Speaker, in that no legislation, no regulations, no policy initiatives will be taken to bring about punitive action – punitive action – against the teachers.

He goes on to say:

But I will reiterate: nothing that this government contemplates in the future at any time is punitive relative to teachers. It's not the nature of this government to punish. We just don't do that.

Now, Mr. Speaker, having had a chance to briefly review Bill 12, I see that there are a number of provisions.

THE SPEAKER: Hon. member, please. The question of privilege

is a very, very important question. This is not a debate on Bill 12. The hon. member advised that he chooses to rise on the basis of what was said in Oral Question Period this afternoon, so please focus on that. This will not be a debate on Bill 12.

MR. MASON: Thank you, Mr. Speaker. It was not my intention to make it a debate but to bring to your attention those provisions of the bill which I believe to be punitive and therefore not in accordance with what the Premier told this House. If you wish, I can briefly enumerate them. Section 6(2) . . .

THE SPEAKER: No, no, no. Please, please. We're dealing with a question of privilege presumably arising out of the question period today. I'm sorry; you have to focus.

MR. MASON: Mr. Speaker, on February 28 the Premier made statements to the House which I've just quoted from *Hansard*. There are a number of provisions in this bill which are clearly punitive, and I would ask that you rule that there's a prima facie case of privilege in the sense that the Premier has not told the Assembly the truth with respect to the government's intentions and that it be referred to the Privileges and Elections Committee for a hearing.

THE SPEAKER: The hon. Deputy Government House Leader.

4:20

MR. ZWOZDESKY: Thank you, Mr. Speaker. The questioner opposite may wish at some point to raise a point of order but certainly not a point of privilege. I would direct the member to understand what points of privilege are in fact all about and perhaps remind other members of the House. Points of privilege deal with, specifically, breaches of a member's rights or a member's ability to perform the rights given to him by the electorate in this Assembly, or parliamentary rights, if you will, but what you may have a disagreement on is a totally separate matter.

I personally don't see that there's anything punitive about the bill in question, but that debate will come up, and the Speaker may well wish to rule on anticipation in that regard. Should you have another viewpoint with respect to that bill, there will be ample time, in other words, for you to discuss and debate that, but I fail to see personally how it is that your particular rights as an individual member in this House are abrogated or in some way impacted by a disagreement you might have with something that was or wasn't said.

I would ask you just to review that definition. More specifically, if you wish to refer to the definition in *Beauchesne*, it specifically states, Mr. Speaker, if you'll allow me to quote from section 24:

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by Members of each House individually, without which they could not discharge their functions and which exceed those possessed by other bodies or individuals. Thus, privilege, though part of the law of the land, is to a certain extent an exemption from the ordinary law. The distinctive mark of a privilege is its ancillary character.

It goes on to talk about what constitutes privilege, and there are numerous pages of examples here where privilege questions have been addressed by former Houses.

In short, our own Standing Orders very clearly state under section 15(2):

A member wishing to raise a question of privilege shall give written notice containing a brief statement of the question to the Speaker and, if practicable, to any person whose conduct may be called into question, at least two hours before the opening of the sitting.

It goes on to talk about what constitutes the nature of the matter addressed in the complaint.

Now, this talks about the conduct of an individual as it might

impact another member's ability to function in this House, and I don't believe that is what the issue before us is. I don't find there to be a point of privilege, speaking personally, Mr. Speaker.

THE SPEAKER: The chair will allow for brief additional comments if there are any. The hon. Member for Edmonton-Gold Bar on this alleged point, please.

MR. MacDONALD: Yes. At this time, Mr. Speaker – and this is certainly a very serious issue – I would like to point out that on February 27, 2002 . . .

THE SPEAKER: Hon. member, please. We're dealing with events that happened in the House today. Let me just read again what this says, the Standing Orders that these hon. members in this Assembly have written.

15(1) A breach of the rights of the Assembly or of the parliamentary rights of any member constitutes a question of privilege.

We're talking about the individual rights of an individual in here or the rights of the Assembly.

(2) A member wishing to raise a question of privilege shall give written notice containing a brief statement of the question to the Speaker and, if practicable, to any person whose conduct may be called into question, at least two hours before the opening of the sitting and, before the Orders of the Day are called, shall call attention to the alleged breach of privilege and give a brief statement of the nature of the matter addressed in the complaint.

Well, needless to say, neither one of those two clauses have been dealt with.

(3) If the Speaker is of the opinion that the matter may not be fairly dealt with at that time, he may defer debate on the matter until such time as he determines it may be fairly dealt with.

Now, there are no rookies in here, none whatsoever. If we're going to talk about something that occurred on February 28, the time to raise that would have been February 28, not today.

I want to just deal with the Blues today. Quite frankly, the hon. Member for Edmonton-Highlands said the following: "Mr. Speaker, why did the Premier mislead Alberta's teachers about his government's intentions?" Further, the Member for Edmonton-Highlands: "Mr. Speaker, why did the Premier mislead Albertans about his government's intentions?" A breach might be constituted by a deliberate attempt by one member to chastise another member with a direct accusation. One should be very careful about calling – how does that phrase go? – the kettle black or something to that effect. I don't know what it is.

If the hon. member chooses to provide in writing a statement with respect to this alleged point of privilege, the hon. member should do so and under the Standing Orders provide "written notice containing a brief statement of the question to the Speaker and, if practicable, to any person whose conduct may be called into question" – in this case, if it is the Premier, provide him a copy as well – "at least two hours before the opening of the sitting," meaning tomorrow, "and, before the Orders of the Day are called." We'll deal with it tomorrow afternoon if there is one.

#### **Bill 204 Traffic Safety (Cellular Phone) Amendment Act, 2002**

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

MRS. GORDON: Thank you very much, Mr. Speaker and Members of the Legislative Assembly. I tried to phone ahead, but phones aren't allowed in this Assembly.

Since the introduction of cellular phones in 1983 there have been

dramatic changes in the industry. With a growth rate of about 40 percent per year it is estimated that today there are 120.1 million cell phones in use in the U.S. By 2005 it is estimated that there will be 1.5 billion cell phones used worldwide. Changes in technology from heavy, cumbersome, and expensive devices to inexpensive, miniature, handheld units much smaller, in fact, than a package of cigarettes have had a significant impact on when, where, and how we conduct our affairs, both business and personal. Does the use of handheld cellular telephone technology while driving increase the risk of a crash? Will crashes likely increase with the increasing numbers of users of cell phone technology in the future? What, if any, are the options for enhancing the safe use of cell phones by drivers? Safe driving must be our first priority. I strongly believe driving to be a privilege and not a right.

Before I begin, I would like to thank city of Edmonton Councillor Dave Thiele, who, like myself, believes we need to look long and hard at this entire issue. You might recall that Councillor Thiele was interested in implementing a municipal bylaw making the use of cell phones illegal while operating a motor vehicle within the city of Edmonton. However, he does agree with me that piecemeal won't work. Any changes would have to be done provincially.

Did you ever in your experience in this Legislature when it comes to private members' day wonder how an idea comes forward? Many of us in this Assembly over the last few years have stood up and brought forward many ideas either through bills or through motions. Most of us get our ideas from our constituents, from the people that we deal with, the people that have sent us to this Legislature. This bill is no exception. I have over the last couple of years had a great deal of discussion with many, many people over cell phone use, and I can stand here today and say that many long-distance truck drivers as well as many bus drivers, particularly those driving for Greyhound or Red Arrow, have certainly told me time and time again about the abuse and use they see of cell phones, particularly on highway 2.

Along with an incident that happened with myself and my constituency secretary, I am now standing before you bringing forward Bill 204. Bill 204 proposes to legislate the safe and responsible use of cellular phones while in the care and control of a motor vehicle. This bill would amend the Traffic Safety Act to ban the use of handheld only cellular phones. Punishment for this offence would be a fine specified in regulations.

4:30

Several countries have already looked at this issue and have banned cell phone use. They include Japan, Great Britain, Spain, Brazil, and Switzerland. Are we right and they're wrong? Stateside on November 1 of last year New York state began enforcing the U.S.'s first statewide law banning handheld cell phone use. Worth noting, similar legislation is pending in 42 other American states. In Canada several provinces are studying this issue. The province of Newfoundland and Labrador plans on banning the use of handheld cell phone devices sometime this spring.

In a study conducted in September 2001, 80.8 percent of Canadians polled believe that cell phone use while driving should be banned. Of the Albertans polled, 92 percent consider using a cell phone without a hands-free device to be dangerous, and further, of those, 77 percent support a complete ban on handheld cell phone use while driving.

My goal: hands-free, preferably utilizing voice-activated recall, 300 to 400 numbers stored, accessed automatically by you simply by issuing a voice command. No fuss, no muss, hands-free.

An Edmonton city police spokesman said that with the increasing traffic in this city over the past few years, police in Edmonton think it's a step in the right direction to reduce property damage and

injuries. He went on to say that there are few statistics available linking collisions to handheld cell phones, mainly because few people are willing to admit that they caused the accident when distracted on the phone.

Distractions. Yes, I admit there are many: radios, other passengers, drinking coffee, the eating of fast food, cigarettes, more cigarettes. However, safe driving must be our first priority. As I mentioned earlier, many, many long-distance truck drivers, the companies they represent, and long-distance bus drivers have contacted me over the last couple of weeks. They see the abuse and use of cell phones each and every day. They told me that they very much support this bill. Now, it would be wrong of me not to tell you that I also have had a number of phone calls, e-mails, and faxes from people that don't agree with this bill, and that's what's great about a democracy.

We were talking about distractions. A handheld cellular phone is one such distraction. You say: how does that differ from all the other distractions? It is a distraction that we can do something about. We can look at legislating this differently. Let's be proactive, not reactive. Approximately, so I am told, \$50 worth of hardware can convert handheld to hands-free.

AN HON. MEMBER: How much?

MRS. GORDON: Fifty dollars.

I would ask you to consider for a moment what you see if you're parked out in front of a high school anywhere in Alberta. You see the students leave that high school to get into cars, trucks, whatever. Often those vehicles are newer than the ones that we drive, but one thing you will see that is very common is that most of them have a cell phone in their hand. Now, think about it. They have that cell phone, they get in the vehicle with their friends, and they are using the cell phone. I would like to see us encourage the use of hands-free.

I don't believe that this problem is going to go away. Let's be the first in Canada. Let's lead the way. Let's have this debate nationally. Let's show this nation, indeed all of North America that safe driving does come first.

Colleagues, I think back to 1984 and our infamous seat belt legislation. I wasn't here in 1984, nor were any of you, but do you remember . . . [interjections] Yes, there was one person here in 1984, our hon. Speaker. I remember the debate that took place in Alberta in 1984 regarding seat belt legislation. "We can't do this. It's an infringement of my rights. Nobody is gonna tell me what to do." Alberta was the last holdout, the last province to make belting up mandatory. I don't know how you feel, but I feel very strongly today that in 1984 we made the right decision, that seat belt legislation is a good thing, and I believe that by belting up, we have saved numerous lives. I have to tell you on this point that the RCMP in central Alberta are very, very concerned because under the age of 25 in central Alberta are the worst offenders.

Let's do something about cell phone use. I ask you to support this, to consider me standing here today, because I tell you that at some point in time we will be considering this issue in this Assembly.

Thank you.

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

MR. MARZ: Thank you, Mr. Speaker. It's a pleasure to rise to speak to this bill. I'd like to thank the Member for Lacombe-Stettler for raising it. It gives me an opportunity, as one who likes to protect individuals from an abundance of legislation, to get up and speak to this issue again.

As the hon. member pointed out, Mr. Speaker, in her eloquent speech, there are many distractions in driving today, and there always have been. There'll likely be more as technology increases. One of the new vans I saw has a television in it. It's behind the driver, but if you recline your seat far enough, you can actually still drive and watch this little television set. I was recently at a motor home show, and they have these televisions actually in the console between the driver and the passenger, which makes it possible to watch these. They may be wired in such a way that makes it impossible with the ignition on, but certainly someone could change that.

I've witnessed in my travels back and forth to Edmonton and around the province a number of distractions. I've witnessed people reading a book while they passed me. I try to drive the accepted speed limit, which isn't necessarily the legal speed limit, as we all know, on highway 2. I've noticed people reading, I've noticed them putting on their makeup, and I've noticed them dipping down below the level of the dash where you can't even see them. I don't know if they're picking something off the floor or not.

We have tape recorders. We have cassette players. There's a distraction in seeking through your collection of tapes and CDs. That's a distraction in itself. Changing them is another distraction. Looking up numbers in a phone book, Mr. Speaker. Whether you have a hands-free or a voice-activated, to call somebody, you still have to have the number. Looking up the number in that tiny little print while you're driving in itself is a distraction. I don't know if anybody has tried that here – not that they would admit to it – but maybe we should ban phone books. I'm not too sure about that.

The hon. member mentioned smoking, and I can relate that many, many, many years ago before I quit smoking – and I'm sure that there are probably some in this Assembly that maybe haven't quit yet, but most people have. I'm sure that we can all relate, those that have smoked, to that experience when those hot ashes drop on your seat between your legs and the excitement that ensues from that experience.

4:40

Mr. Speaker, the point I'm trying to make here is that there are a lot of distractions, and there will be more. Technology and products that supposedly make our life easier while we're driving will make new products possible. Are we going to legislate each individual one as we go? I don't believe we need to do that, because I believe that we have some legislation already in effect. It's called driving without due care and attention. Any officer – and it's been a long time since I've been in that position – that sees an individual driving in an erratic manner, whether it's dropping cigarette butts or weaving back and forth because there are pages of phone book flying or there's a hand trying to dial a number, if he notices erratic driving caused by any of those things, they can be stopped and be charged under that particular act. I think it's a good charge to lay: driving without due care and attention.

With that, Mr. Speaker, I will allow for many of the other members of this House who I'm sure would like to get up and speak on this very important bill, and I will end my comments at that. Thank you.

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

MR. RATHGEBER: Thank you, Mr. Speaker. I am pleased to have the opportunity to rise today and speak to Bill 204, the Traffic Safety (Cellular Phone) Amendment Act, 2002. First, I would like to thank the Member for Lacombe-Stettler for bringing forward this bill and for initiating the discussion that it has created regarding cell phone safety.

It seems that each year there is a new technological advancement

that enables us to look closer or farther, hear better, go faster, or work more efficiently. Our society is constantly flooded with new technologies, and by virtue of the law of demand the unwanted products are discarded or ignored while others that are more popular become instantly essential and thrive commercially.

If there's one product that has since its introduction demanded a place in our society in terms of mainstream application and need alongside the computer, Mr. Speaker, it is definitely the cell phone. The recent growth of cellular telephone use is a phenomenon that crosses all age and gender boundaries. More than just the latest electronic gadget, cellular telephones have become integral parts of our business and personal lives. They are used to schedule appointments, broker deals, call for assistance, report emergencies, and maintain contact with loved ones. You only have to go to dinner and a movie to be reminded of how cellular phones have become incorporated into our daily lives and into our society.

Everywhere you go, there is one ringing or someone talking on one. Mr. Speaker, cell phones have entered into nearly every aspect of our daily life, and that includes the time when we're on the road commuting. It is not surprising that people will attempt to optimize their travel time by communicating with coworkers or loved ones while en route. When an opportunity to contact someone either to stay in touch or to get important information presents itself, most members of our society seize it. In the past, however, contact hasn't been as readily available and not nearly as instantaneous. In this day and age, however, it is as easy as pulling out your handheld telephone.

Concern regarding the safety of operating a motor vehicle while using a handheld cell phone has been of such sufficient magnitude that legislation banning their use has been initiated in jurisdictions all around the globe, as the sponsor of this bill has accurately point out. Bans have taken place within international jurisdictions as well as in several states in the United States of America. This trend in legislative activity that we're all witnessing around the world is based on the assumption that hands-free cellular phones are much more safe for motorists, while handheld cellular phones provide too much distraction to allow for their use.

For this assumption to hold true, Mr. Speaker, hands-free designs should reduce the demands on the user of the cell phone while driving. Distractions associated with dialing, holding, or even reaching for a handset should all be reduced while using a hands-free model. If hands-free adapters provide this benefit – and I'm advised that several models do boast some of these benefits – then the mandatory use of hands-free units would provide a clear safety gain for motorists on Alberta highways.

There are studies and experts that claim that cell phones cause inattention and that this lack of focus is what causes drivers on cell phones to have accidents. There are some disputes surrounding the number of contradictory studies done in this area, but I believe, Mr. Speaker, that enough evidence has been gathered to support the simple conclusion that using a handheld cell phone while behind the wheel can be and often is unsafe. The distraction caused by using a handheld cell phone can take a motorist's attention away from the road and provide increased opportunities for accidents to occur.

Mr. Speaker, according to the Ledger marketing study released in 2001, almost 54 percent of the Canadian population uses a cell phone either regularly or occasionally. Alberta surpasses the national average in this regard with over 64 percent of Alberta's population using cell phones either regularly or on an occasional basis. Just in terms of rough numbers, 64 percent of 3 million people works out to about 1.9 million Albertans with a cell phone.

A 1999 study done by the National Highway Traffic Safety Administration in the United States revealed that more than 85

percent of cell phone users in the United States used their phone at least occasionally while operating a motor vehicle. If we're able to assume that Alberta's population could be compared to the population of the United States in terms of cell phone use, then this would indicate that a very large number of people in Alberta talk on a cellular phone while driving.

In my mind, Mr. Speaker, the most important issue surrounding cell phones is that they ought to be made safe while their user is driving an automobile. One method to make handheld cell phones more safe is to use them when accompanied by hands-free attachments. Hands-free phone operation reduces the total amount of distraction that is caused when a telephone call is taken while driving. By allowing the driver to maintain both hands on the wheel and to be looking ahead at the road in front of him or her, hands-free devices provide an obvious benefit. The voice-activated phones that are currently available on the market provide a similar benefit but are quite expensive to buy. These hands-free systems employ the same idea that many motor companies are integrating into their new vehicles. Having stereo controls on the steering wheel is something that is, albeit slowly, becoming more prevalent in new vehicles today, and like the hands-free cellular phones, they allow the driver to remain focused on the road.

The industry is well aware of the risks that driving while talking on the phone creates, and it is time for them to make meaningful strides in making their product easy to use on the road. As a Legislature, Mr. Speaker, we can make a law that states that people of this province may not talk on the telephone while driving unless the phone offers hands-free, driver-ready operation, but if the cell phone manufacturers price these phones out of the market, then I'm afraid that any bill that we pass into law with the goal of banning handheld cell phone use while driving will inevitably be broken by Albertans. With that said, I would like to urge cell phone manufacturers to co-operate with this Legislature and with this legislative initiative to produce affordable hands-free phones that are safe to use on the road.

I urge all hon. members of this Assembly to support this bill so that we can take steps to ascertain that the roadways in this province are safe and to further ensure that drivers in Alberta are as safe as possible while behind the wheel. With this legislation and co-operation from the industry I think that we can save lives and save health care dollars on Alberta roads.

Thank you, Mr. Speaker.

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

MR. MacDONALD: Thank you very much, Mr. Speaker. I would like to rise this afternoon in the debate on Bill 204 as proposed, the Traffic Safety (Cellular Phone) Amendment Act, and I urge all hon. members of this Assembly to support this legislation. Anytime there is a fatal crash on our highways, there's always this argument of whether it was caused by the use of a cell phone or not, if a cell phone was involved. If that debate can be reduced or limited by this legislation, then I think we should certainly restrict the use of cell phones.

Now, a person who is driving on a highway would not be permitted to use a cellular phone, car phone, portable computer, or fax machine unless it had a hands-free feature. This is an issue of public safety. This restriction, I would like to note for all hon. members of the Assembly, does not apply to a person driving an emergency vehicle or using a phone to report an emergency, and that is quite important here.

[Mr. Shariff in the chair]

There are many reasons, but one only has to come to any one of a number of traffic circles in the constituency of Edmonton-Gold Bar either in the morning or the afternoon rush hour and see the combination of events that take place in various vehicles. There are some people who've got a Tim Hortons coffee in one hand and a cellular phone in the other.

4:50

AN HON. MEMBER: And a dog on their lap.

MR. MacDONALD: Yes, there's the odd vehicle with a family pet pressing its nose to the window as well.

These are not practices that are increasing the safety of the individuals in that vehicle or the other individuals driving in the traffic circle, Mr. Speaker. It is not in the interests of safety.

Now, the price of the hands-free device was certainly discussed earlier in the debate. It's not that much. There are many different countries that have instituted laws against using a cell phone and driving, and they include Brazil, Australia, Israel, Italy, and Portugal. Certainly it's not too long ago that I read about the interest of the state of New York, which has a lot more cars and a lot more drivers than Alberta, and the traffic congestion there would be significant. Well, I don't know if New York City would have more congestion than Calgary, but certainly those roads are quite congested, and they are having this active public debate on cell phones and the safety of vehicles.

Now, we're not the only Legislative Assembly considering cell phone legislation. British Columbia, Quebec, and Newfoundland have considered bans or restrictions. I understand that Ontario and Nova Scotia have had private members' bills introduced to ban cell phone use by drivers, again except in emergencies. If any hon. member of this Assembly can provide not only this member but others with an update on the Ontario and Nova Scotia legislation, because I don't have it before me.

There certainly is a high percentage of Albertans and Canadians – in fact, I believe that in a recent copy of *Insight into Government* there was an article about the use of cell phones or the purchase of cell phones as a unit. It was a sign of the prosperity of this province. As I recall, we had the highest use of cell phones per capita in Canada, but more than 40 percent of Canadians have access to cellular phones, and the rapid growth of the cell phone technology in the marketplace has certainly raised questions about the risk of crash involvement associated with their use in automobiles. The simplest way around this is to have a hands-free device. Perhaps if this bill were to become the law of the land in this province, whenever you purchase a cell phone or you go back and upgrade your cell phone, you will simply buy the accessory that gives you the hands-free feature.

Now, there are people with different views on this subject. The Canada Safety Council, Mr. Speaker, states that road fatalities have decreased over the years despite this great surge in cell phone use which I have mentioned, but I think we should recognize that using a cell phone can be yet another distraction. The hon. Member for Olds-Didsbury-Three Hills talked about distractions.

MR. MARZ: A whole list of them.

MR. MacDONALD: A whole list of distractions. Certainly the hon. member is correct, but this is just one more.

In conclusion, Mr. Speaker, I would again like to remind all hon. members. It's not too far from this Assembly. They can go to the

traffic circle at 98th Avenue or the one over by Bonnie Doon at either rush hour. Pick your time and just stand there for five minutes and see the action with cell phones, family pets. It's quite a balancing act between refreshments and the use of the cell phone. It is my view that that is not in the interests of public safety, and I would urge all hon. members of this Assembly to please support the bill as proposed.

Thank you.

THE ACTING SPEAKER: The Solicitor General, please.

MRS. FORSYTH: Thank you, Mr. Speaker. It's my honour to join the debate on Bill 204, the Traffic Safety (Cellular Phone) Amendment Act, 2002, sponsored by the hon. Member for Lacombe-Stettler. I believe that this bill will contribute to reducing driver distraction and improve traffic safety in Alberta. Alberta's transportation system is becoming more and more dangerous as Albertans respond to the desire to travel faster, work faster, live fast, play fast, and the faster the better. Their need to keep up is affecting many aspects of our lives including how we behave behind the wheels of our vehicles.

Mr. Speaker, I'm aware that there are laws that encourage drivers to drive safely, and these laws have enjoyed success. Alberta Transportation has introduced the Think and Drive campaign, that has been successful and an educational tool to help drivers pay attention on the road, yet collisions and fatalities continue in this province. Driving while talking on handheld cell phones is one of the worst culprits, and I was one of those culprits until recently. I don't think that exclusively banning handheld cell phones would dramatically reduce driver distraction. There are many different factors, including car stereos, food, coffee, pets, and children, that all take drivers' attention away from the road. I believe that Bill 204 can make an important contribution to driver safety because using a handheld cell phone is one of the most avoidable distractions. I drive on Alberta highways every weekend, and nothing bugs me more than seeing people talking on their cell phones or having their children unbuckled, as my colleague for Calgary-Egmont will agree. Legally in this province children must be buckled up in the name of safety. If children are able to move around a vehicle without being restrained, they distract the driver. I think handheld cell phones pose a similar danger to driving.

You know, Mr. Speaker, we're not magicians, who can do more than two things at once, though we believe that we can. It's ridiculous for anyone in this House to believe that they are in complete control of their vehicle while talking on a handheld cell phone. Head movements, concentration, and vision are split between using the handheld cell phone and effectively manoeuvring in traffic. I know that many people will say that they are capable of doing two things at once, but I really feel that driving conditions have changed in this province. Alberta roads are busier with many sizes of vehicles and more lead-footed drivers. Simply talking on a handheld cell phone has become a very dangerous attraction when you combine these factors. What may not have been deemed an issue before is now an important one. Taking handheld cell phones out of drivers' hands does not mean that they will become greater drivers, but realistically, banning handheld cell phones will be part of the solution, along with fines and education programs and an improved transportation infrastructure.

Mr. Speaker, Bill 204 does have support from transportation stakeholders. The Independent Insurance Brokers Association of Alberta, the Alberta Motor Association, and the Canadian Automobile Association all agree that using a cell phone while their vehicle is in motion is an added risk to drivers. Other countries that have

been mentioned – Japan, Great Britain, Spain, Brazil, and Switzerland – have all banned the use of handheld cell phones while driving.

Another important point is that Bill 204 would not ban all cell phone use. Drivers could still use hands-free units, which are considerably less of a distraction. There are benefits to drivers having cell phones in their vehicles. It can be a safety issue to be able to call for help if your vehicle has broken down. I've had to do that, Mr. Speaker. Police services appreciate calls from drivers reporting accidents or impaired drivers that they see on the road.

We'll have to consult with police on the enforcement of this legislation, but when it comes right down to it, cell phones like cars themselves must be used responsibly. We turn off cell phones in this Assembly because they're a distraction. We cannot deny that the research and legislation from other jurisdictions in Canada, North America, and all over the world are all moving towards banning cell phones.

Mr. Speaker, Bill 204 is not a quick-fix solution to the issue of driver distraction. If we have learned one thing about governing, it's that there's no such thing as one quick-fix solution or even an easy way to solve an issue. However, reducing the number of drivers driving with one hand will help reduce driver distraction on Alberta roads and highways. This bill is simply doing what's right. I believe Bill 204 will make a positive contribution to overall traffic safety in Alberta.

Thank you, Mr. Speaker.

5:00

THE ACTING SPEAKER: The hon. Member for Peace River.

MR. FRIEDEL: Thank you, Mr. Speaker. With some misgivings I find it necessary to rise today and speak against Bill 204. The reason I say "with misgivings" is that I feel a little bit like a traitor speaking against this idea proposed by my colleague from Lacombe-Stettler. After nine years of working with her, I've developed a high degree of respect for her good judgment, but on this one I think we're just going to have to agree to disagree.

Like many new technologies, Mr. Speaker, cell phones have impacted and even revolutionized our way of life since taking hold of the market back in the early 1990s. Most people now own one, and we've gotten quite used to seeing people walking down the sidewalk looking much like they're talking to themselves. I agree that cell phones have also impacted the way we drive and the way we conduct ourselves on the road. I can well remember the difference when I purchased the earliest version of a vehicle-mounted cellular phone. It meant that I could conduct a greater part of my business on the jobsite where I needed to be or on the road rather than being tied to my office for a good part of the day. Yes, I agree that a good thing can be abused if people want to. Lack of common sense or good judgment would be the best way to do that, but how many times have you heard that you cannot legislate common sense? And intentionally or otherwise, that seems to be exactly where this bill is heading.

No doubt the use of cell phones while driving has caused some accidents. Driver distraction is probably the greatest cause of all motor vehicle accidents. But why do we single out just one form of distraction for special attention? We already have legislation that provides a penalty if you drive without due care and attention, and that legislation has enough teeth to deal with negligent use of cell phones. Why would we want to go to the extent of making it illegal to use a handheld phone, even though most of the time there is no undue risk in doing so? Mr. Speaker, as legislators it's easy to fall into the temptation of wanting to protect people from themselves.

Just because some people abuse a good thing, should we overreact and punish everyone to stop it?

There are any number of studies dealing with the risk of using cell phones while driving. No doubt some are valid. Unfortunately, many others simply justify preconceived ideas. The truth of the matter is that there is no conclusive evidence that a handheld cell phone is a significant cause of accidents compared to other causes. Studies at the Harvard Center for Risk Analysis and the AEI-Brookings Joint Center for Regulatory Studies both concluded that the risk posed by cellular phones while driving alone appeared small in comparison to other dangers on the road. So whom do you believe? Should we believe the *New England Journal of Medicine*, which found that driver distraction quadrupled when cell phones were used, or do we believe the study I just quoted done by the Harvard University? Did either of these studies take into consideration the difference in road or traffic conditions? It doesn't take rocket science to understand that a driver needs to be a lot more alert in downtown Edmonton on Jasper Avenue, for example, than on a highway out in the country?

Mr. Speaker, I don't really believe that it's the minor distraction of talking on a telephone while you're driving that's the problem. That isn't much different than talking to a passenger or listening to the radio or reading signs or billboards. The real problem is the other things that you might be doing, like looking up the phone number or dialing the phone or writing messages, and those are no different whether you're using handheld or hands-free. I believe there are many types of driving distractions that are far more dangerous than using a phone, but they're often not pursued because they're harder to document and prosecute. Take, for example, reading a roadmap. I've even seen people trying to read a newspaper while they're driving down the street. I suppose because it would be hard to prove that they're actually reading it, the officer has to be sure of that ground before he issues a ticket. But under this bill they only have to catch you holding the cell phone, and you would be automatically guilty.

What about drivers that try to tune their car radio or those who have their radio on so loud that they can't hear anything else? What about those trying to settle down squabbling kids in the car or holding a pet on their lap? Maybe we shouldn't allow children or pets in the vehicle because they can be awfully distracting. I've seen drivers trying to use a rearview mirror to put on makeup or brush their hair while driving.

The American Automobile Association published a report last May dealing with levels of driver distraction. A person or object or event outside the vehicle was the cause of over 29 percent of distractions; adjusting the radio, cassette, or CD was 11 percent; other occupants in the vehicle was 10 percent. Cell phones only rated 1 and a half percent of total distractions. Even the minor task of adjusting climate controls accounted for more, at 2.8 percent of specific distractions. I'm not sure how they ever arrived at that kind of information or in what context it was intended, but if it's even remotely accurate, I think we had better rethink what we're doing here.

Mr. Speaker, car manufacturers and after-sale retailers are now making a great variety of information and entertainment devices for our vehicles. You can check your e-mail, surf the web, use your PalmPilot, watch TV or a movie, or even use a GPS in your car. How are you going to deal with those once we start to pick and choose among road distractions?

The point of all of this, like I said earlier, is that we cannot legislate common sense and good judgment. We have to have good general laws – and I emphasize general – and then rely on our police to enforce them properly. If necessary, put a few more teeth in the

law we already have. Perhaps make it simpler for law enforcement officials to charge drivers with reckless driving regardless of the nature of the distraction.

Mr. Speaker, we all have to become more responsible for our driving habits, and we have to stand by the consequences of the decisions we make. Try as we might, we will never be able to legislate that kind of attitude. While I fully understand the good intentions behind Bill 204, I believe it is too selective in its attention to one specific driving distraction, so I would have difficulty supporting it. Every member in here is going to have to wrestle with this in their own way, but I would prefer to look at a practical, meaningful way to encourage drivers to make their own good driving decisions.

Thank you, Mr. Speaker.

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

DR. TAFT: Thank you, Mr. Speaker. It's heartening to see such enthusiastic interest in Bill 204, the Traffic Safety (Cellular Phone) Amendment Act. Actually, I'm genuinely interested in the various views here, and I think they do capture some of the difficulties in passing legislation like this, whether it's a good idea or not. I think ultimately I would vote in favour of this, but it's not without some questions.

In the background research that we've been doing, the case against cell phones is not quite as clear as I initially thought. My first exposure to the concern over using cell phones while people are driving came from an article I encountered while reading the *New England Journal of Medicine* looking, actually, for information on the privatization of health care. While I was pouring over that research, lo and behold, here was this article on the risks of driving and using a cell phone. As at least one other hon. member has mentioned, that particular research found a fourfold increase in the accident rate of drivers using cell phones as opposed to those who didn't. So I, based on that information, would have immediately endorsed this kind of bill. However, some other information and research contradicts that.

5:10

Certainly the position put forward by the Canadian Automobile Association suggests that the picture is less clear than that initial research suggested. They do make some interesting points about the difference between talking on a cell phone as a driver and talking to a passenger in the vehicle. One of the things it suggests is that unlike a caller on the other end of a cell phone, a passenger can see when the driver needs to focus on driving and can further serve to alert the driver to hazards. So a passenger in the car having a conversation is part of the driving context, whereas a person on the end of a cell phone having a conversation is not. That, I think, helps explain the difference between ordinary conversation in a vehicle and conversation through a cell phone.

There are also a number of questions around at exactly what point during a cell phone conversation accidents are likely to occur. Do they result primarily from dialing, for example, or from having only one hand on the wheel or from reaching for or holding or dropping a phone? Right now we're not sure, and if we aren't sure, then there may be a flaw in Bill 204 in that it allows conversations to occur, and all it really does is prevent the manual handling of the device. But if that's not the problem, then we may be passing legislation here that's of no effect. On the other hand, a strong majority of the Canadian Automobile Association's members, a full 91 percent, do believe that cell phones distract drivers from safe driving, so public

opinion would be probably on the side of supporting Bill 204.

I would also point out to some of the members, such as the hon. Member from Olds-Didsbury-Three Hills, that just because there are many distractions when you're driving, whether it's children or fast food or cigarette ashes dropped in your lap or animals or whatever, that doesn't justify encouraging and allowing yet a further distraction. I think there's a problem in the logic there, but certainly I would dispute the logic. Just because there are a lot of distractions doesn't mean we should allow and encourage a further one. So I'm not prepared to accept that particular line of reasoning, as carefully thought through as it is.

I would be delighted if, for example, the Minister of Health and Wellness were to support a study that looks more deeply into this issue, on the effects of cell phone use on auto accidents in Alberta, again in concert with the whole thrust towards reducing accidents, reducing illness, and increasing wellness. We want to look at all kinds of ways of improving public safety, and reducing car accidents is one. I would encourage the minister, if he were so interested, to support some research into this issue.

When the dust all settles on this question for me, to the extent that we have the information on it, I am inclined to support the bill. Although there are questions for me about how effective it will be, I think that we are better off to err on the side of safety. There are tragedies every year in this province that involve car accidents and cell phone usage, and any step we can reasonably take to reduce those I'm prepared to support, so I will be supporting this bill.

Thank you.

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

MR. HERARD: Thank you, Mr. Speaker. It's a pleasure to rise, albeit in reverse order or whatever order, to support Bill 204. I'd like to begin by complimenting the Member for Lacombe-Stettler for introducing this piece of legislation, because this may be one of the more important bills to come before the Legislature in terms of the potential to save lives and reduce property damage.

Let me begin by putting things in context. I'm not at all opposed to cellular phones. For one, I use and have been using a cellular phone for years, and I've had experience with both the older style handheld, which were pretty heavy and cumbersome back then, and of course the hands-free. I can certainly attest from my own personal experience that when I was using handheld cellars, I had very many near misses and almost caused quite a number of collisions. I haven't had that experience with the hands-free model in the car, and I don't think it's because I'm seeing any better or anything like that. I think it was just too difficult to try and hold onto this thing and – I used to smoke at the time too – try and drive with your knees, you know.

MR. LUND: Did you do your hair at the same time?

MR. HERARD: No, hon. member.

Resistance to cellular phones would truly be futile because these devices have become so common that you can hardly go anywhere these days without almost being able to take part in someone else's conversation or have your own conversation interrupted by a cell phone call on pretty much any given day.

Mr. Speaker, it's no wonder that in the space of a few short years so many people have decided that they must be able to be reached at all times no matter where they are, no matter what they're doing, no matter what time of day or night. You hear cellular phones in the movie theatres, on buses, in malls. You see people talking on them while shopping for groceries, while riding in elevators, on golf

courses, on the beach, and once in a while you even hear one in here. The big problem is that you see people talking on them and holding onto them while they have the care and control of a vehicle. Everything has its time and place, and I believe that handheld cellular phones have no place in the hands of a driver who has the care and control of a vehicle because that's a very important responsibility we have to take very seriously.

It might not be every day, Mr. Speaker, that we hear about accidents involving vehicles where at least one of the drivers was found to be talking on his or her cellular phone, but it's certainly becoming more frequent. I think one of the problems we're having with this whole area is that I don't think our police have the database systems in place to keep track of that kind of stuff. In other words, accidents get reported, but if you look at their form, there may not be any input there for a driver that was, in fact, driving and having a conversation at the same time. So when you talk to some of the police officers, they say: well, you know, it happens more often than we're able to report because we really don't have the computer system that will keep track of those things. It's unfortunate that they don't have the detail in their system to look after that.

Such accidents have become so commonplace that we can hardly bat an eye anymore, and I for one am not comfortable with such pervasive indifference to what quite obviously is a growing and continuing problem. Bill 204 offers us an opportunity to stem the tide and take some action before the problem gets even worse.

I'm informed, Mr. Speaker, that the manufacturers of cell phones have done so remarkably well in the penetration of the marketplace in the adult world that they're now currently spending most of their marketing and sales expenses targeting six year olds. This problem is just going to continue to grow, and as society becomes more and more cellularized, think of what's going to happen a generation from now or even 10 years from now if six year olds are walking around with their cellular phones. Maybe by then they'll have them grafted on their heads or something; I don't know.

5:20

Anyway, it's a major risk to use a cell phone while a vehicle is in motion, and we've heard it several times here today: there's more than four times the risk of being in a crash than for someone that isn't involved in a call. I mean, we can argue these statistics all day

long because, you know, the way that the studies were done, there probably isn't enough data. I guess one of the reasons for that is because of what I just finished saying, that the police don't have anywhere on their form to record it, so the data is just not there. But this level of risk during the time interval of the call may be comparable to driving with a blood alcohol content of .08, which is the legal limit in many U.S. states and many provinces.

Obviously, this bill would only affect handheld devices. Drivers could still use hands-free units, but Bill 204 would be a step in the right direction, to my way of thinking.

It should seem to be quite obvious – we've heard some hon. members indicate that you really can't legislate common sense – that when you're driving, using a cellular phone could result in a serious accident where you can lose your life or kill or maim other people. It ought to be obvious, but it isn't, and it's difficult for people who don't believe in legislating in-your-face types of legislation to support measures that appear to be doing that. But I think many people have already talked about the seat belt legislation and how that has definitely been shown to save many, many lives, and I think this particular bill is essentially along the same lines. So even though I don't personally like to see legislation that's in your face and legislating everything that we do, when it comes to safety, when it comes to, you know, the possibility of killing and maiming people and destroying property, then I think, because this problem will continue to grow, that we need to do something.

So, Mr. Speaker, with that, I would just urge hon. members to support the bill and would move to adjourn debate on this bill.

[Motion to adjourn debate carried]

THE ACTING SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Once again a very progressive afternoon, and in view of the hour I would move that we now call it 5:30 and adjourn until 8 this evening.

[Motion carried; the Assembly adjourned at 5:23 p.m.]