

Legislative Assembly of Alberta

Title: **Tuesday, November 19, 2002** **1:30 p.m.**
 Date: 02/11/19
 [The Speaker in the chair]

head: Prayers

THE SPEAKER: Good afternoon.

Let us pray. As Canadians and as Albertans we give thanks for the precious gifts of freedom and peace which we enjoy. As Members of this Legislative Assembly we rededicate ourselves to the valued traditions of parliamentary democracy as a means of serving our province and our country. Amen.

Hon. members, would you please remain standing for the singing of our national anthem as we're led by Mr. Paul Lorieau.

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 Guests

THE SPEAKER: The hon. the Premier.

MR. KLEIN: Thank you, Mr. Speaker. It gives me great pleasure to welcome back to the Legislature Mr. Roy Hale, who devoted 31 years as this building's carpenter. He retired in April of 1985. Those of you who remember when Roy was here will attest that no task was impossible, and he always came and left with a smile. There are lasting examples of his work in the building. Indeed, the gavel in the cabinet room, which hasn't broken yet, was made by him and passed from Premier to Premier. Roy is here today with his granddaughter Sherilyn Hale, who is studying anthropology at the University of Alberta. Roy and Sherilyn are seated in the members' gallery. I would ask that they both rise and receive the warm welcome of this Assembly.

THE SPEAKER: Hon. members, we have quite a list today, so please be a bit patient.

MR. JONSON: Mr. Speaker, I'm pleased to introduce to you and through you to members of the Assembly Mr. Mark McCullough. Mr. McCullough is executive director of the Alberta Building Trades Council and a member of the Alberta government's Kyoto External Advisory Committee. Mr. McCullough's professional experience places him in an excellent position to provide our government with labour's perspective on the Kyoto protocol. His long career, beginning as a journeyman ironworker, includes representing labour organizations on projects such as the construction of the NOVA Chemicals expansion in Joffre and the Shell Scotford upgrader in Fort Saskatchewan. He joins us today to witness the tabling of the government's Climate Change and Emissions Management Act. Joining Mr. McCullough is Adrien Graci, public relations manager for the Alberta Building Trades Council. I would ask that they both stand and receive the traditional warm welcome of the Assembly. They are seated in the members' gallery.

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 the Assembly Mr. John Lynch. Many members of the Assembly will recognize Mr. Lynch, who resides in my constituency of Edmonton-Whitemud. He's here today to observe the proceedings of the House. John is presently the executive director of the Social Justice Commission with the Archdiocese of Edmonton, but he's previously served as a member of the Metis Settlements Transition Commission and an executive director with the Human Rights Commission. John is seated in the members' gallery, and I'd ask that he rise and receive the traditional warm welcome of this Assembly.

THE SPEAKER: The hon. Minister of Municipal Affairs.

MR. BOUTILIER: Thank you, Mr. Speaker. It's my pleasure today to introduce a young Albertan who really reflects the energy that we have in this province, and that's both natural resource energy and also youthful energy. He is a member of Mount Royal College in Calgary. He comes from Fort McMurray, and he also is the president of PC Youth here in Alberta. I'd like to ask Blake Robert to rise and recognize the warm welcome of this Assembly.

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

REV. ABBOTT: Thank you, Mr. Speaker. It also gives me great pleasure to rise today and to introduce Mr. Darren Aldous. Darren is the vice-president of villages for the Alberta Urban Municipalities Association and also a village councillor in the wonderful town of Breton, where I lived for 11 and a half years. Darren is accompanied today by his two beautiful daughters, Bobbi and Bailee, and I'll ask them all to stand and receive the warm welcome of the House.

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

MRS. JABLONSKI: Thank you, Mr. Speaker. It's an honour and a pleasure for me to introduce to you and through you to members of this Assembly two good friends, who serve this government and the people of Alberta very well. Serving as a volunteer in a central Alberta community and now as executive director of the PC Party is Marilyn Haley. With Marilyn is another good friend, my constituent and a distinguished member of the PC Party. Born in Red Deer and raised on a farm in Delburne, he operated a small cow/calf herd that paid for his education. Admitted to the bar in 1980 and a founding partner in the 10-member Red Deer law firm of Sisson Warren Sinclair, he serves farmers and small businessmen. He's married to Sandy and has a handsome young son, Mitchell, and a beautiful little daughter, Natalie. Dedicated to serving his community and his province, we are honoured to have Mr. Chris Warren, president of the provincial Progressive Conservative Party, with us here today. They are all seated in the members' gallery, and I would ask them to rise and receive the traditional warm welcome of this Assembly.

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

MR. MASKELL: Thank you, Mr. Speaker. It's my pleasure indeed to introduce to you and through you to the members of this Legislature 16 special guests today from Meadowlark elementary school. They're spending the week here at the Legislature taking part in the special programs that we run for students. The 16 include Ms Armelle Moreau, their teacher, and parent Mrs. April Kiely. Meadowlark elementary school, would you please rise and receive the warm welcome of this Legislature.

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

MR. LOUGHEED: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to the members of the Assembly a couple of classes from Fultonvale elementary school accompanied by Mrs. Karin Bittner, Mrs. Karen Shevy, student teacher Miss Crystal Myroniuk, and several parents.

Also, from Wye school are three classes accompanied by their teachers Janet Manson, Carol O'Connell, and Allison Baker.

In addition, Mr. Speaker, to these teachers and these classes and the parents that are accompanying them, I'd also like to introduce from the Alberta Disability Forum Ms Bev Matthiessen accompanied by Kim Cassidy. I'd ask them all to rise and receive the traditional warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Medicine Hat.

MR. RENNER: Thank you very much, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of the Assembly a constituent of mine who has joined us here in the Legislature for his first time. Mr. Mario Rossetto from Medicine Hat is a newly elected first-term member of the Medicine Hat Catholic school board and is in Edmonton attending the deliberations of the school trustees, and I'm very pleased that he took some time off to come down and join us here at the Legislature and see how business is conducted at this level of government. Mr. Speaker, would you please join me in asking members of the Assembly to give Mr. Mario Rossetto, who is, I believe, seated in the members' gallery, a warm round of applause.

1:40

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

MR. HUTTON: Thank you very much, Mr. Speaker. Before my father passed away, he said to me: son, please don't forget the Sally Ann; they were there for us during the Second World War providing us with hot tea, warm blankets, and kind words. Over the past 20 years I've tried to do my small part to assist the Salvation Army and have met a wonderful group in that organization, and today in the public gallery is one of those extraordinary, selfless individuals, Captain Mark Hall. Captain Hall spent several weeks at ground zero in New York assisting the rescuers and the victims' families after the horrendous acts. He also assisted our province in honouring those victims in this very Assembly on September 11. Mark Hall is a minister, and I believe he enjoys playing the clarinet. I would ask Captain Mark Hall to please rise and accept the warm welcome and thank you from this Assembly.

Thank you, Mr. Speaker.

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 groups of individuals, who are seated in both galleries, and they are members and executives of the Alberta College of Social Workers, Alberta Teachers' Association, the Edmonton Social Planning Council, and last but not least, the Family and Community Support Services of Alberta. I would ask them all to rise and receive the traditional warm welcome of this Assembly.

THE SPEAKER: Hon. Member for Edmonton-Centre, I know that

your groups are not here yet, but chances are that it'll be 3 o'clock before we finish.

MS BLAKEMAN: That's fine. Thanks.

DR. PANNU: Mr. Speaker, my guests are also late arriving, so I'll seek your permission later on.

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

MR. MASON: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you a person who is here to talk to her representatives about SFI and AISH rates and who I hope is in the gallery, Helga Mathison, and her attendant, Andy Nicolai. Would they please indicate and receive the warm welcome of the Assembly.

THE SPEAKER: The hon. Minister of Environment.

DR. TAYLOR: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and to the members of this Assembly four individuals. We have Mr. Ed Greenberg, the director of public affairs and government relations for the Alberta Forest Products Association; Mr. Mike Heck, president and CEO of the Federation of Alberta Gas Co-ops and chair of the Alberta Rural Utilities Association; Mr. Kim Royal, president of the Alberta Motor Transport Association; and Mr. Brian McCready, vice-president of the Alberta branch of Canadian manufacturers and exporters. They are here today in support of the introduction of our bill Alberta's Climate Change and Emissions Management Act, and I'd ask them to rise and receive the warm welcome of the House.

THE SPEAKER: The hon. Member for Calgary-North Hill.

MR. MAGNUS: Thank you, Mr. Speaker. In the gallery today I just noticed that there are two very good friends of mine as well as of many Members of this Legislative Assembly. To you and through you to members of this House I'd like to introduce them and ask them to stand when I name them. Bart West from ATCO is with us today as well as Alan Hallman from Calgary, and I'd ask them to stand and receive the warm welcome of this Legislature.

THE SPEAKER: The hon. Minister of Government Services.

MR. COUTTS: Thank you, Mr. Speaker. It gives me great pleasure today to introduce to you and through you to members of the Assembly four gentlemen who are sitting in your gallery who have something to do with every single solitary member of this Assembly and every single solitary ministry of this Assembly. It gives me great pleasure to introduce the watchdogs of this Assembly and their offices. Today we have with us Mr. Fred Dunn, the Auditor General of the province of Alberta; Mr. Bob Clark, the Ethics Commissioner for the province of Alberta; Mr. Frank Work, the Information and Privacy Commissioner for the province of Alberta; and the Chief Electoral Officer for the province of Alberta, Mr. Brian Fjeldheim. They are sitting in your gallery. I ask them to please rise and receive the traditional warm welcome.

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

MR. BONNER: Thank you very much, Mr. Speaker. It gives me a great deal of pleasure to introduce to you and through you to all members of the Assembly Ruth Cardenas, who's with Chrysalis; Phyllis Javorsky, who's with the Muscular Dystrophy Association;

and Tanya Starr, who is a social work student with Grant MacEwan Community College. They are seated in the members' gallery, and with your permission I would now ask that they rise and receive the traditional warm welcome of the House.

Thank you.

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

MR. MASON: Thank you, Mr. Speaker. I rise again to introduce to you and through you to the Assembly three representatives of the United Nurses of Alberta who are here to observe today's proceedings: Jane Sustrik, Bev Dick, and Karen Craik. I would ask them to rise and receive the warm welcome of the Assembly.

Thank you, Mr. Speaker.

head: **Ministerial Statements**

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

Sharla Marie Collier

MS EVANS: Thank you, Mr. Speaker. It is with an enormously sad heart that I rise today to speak about a tragic loss that has befallen us. On Saturday a young youth and child worker, Sharla Collier, was killed in Lethbridge, and a 14-year-old boy has been charged with her first-degree murder.

This is a tragedy that is unfathomable. It was unforeseen, and the resulting shock and disbelief makes it all the more difficult to understand. We're all tormented that this terrible act has occurred. It is so senseless. We share the enormous grief over the death of a young woman who wanted only to help, a woman who was committed to children and youth. It is a tragedy we all bear with heavy hearts. Still, the depth of our grief is so much less than of those who loved her and knew her personally. My heart goes out to all who are hurting: her family, her fiance, friends, and coworkers.

On behalf of the government of Alberta and of the Ministry of Children's Services I want to express profound sadness and sympathies to the families, friends, and loved ones of Sharla Collier. This is such a trying time, and there are many questions that we hope and pray will provide answers and eventually some comfort and peace to the family.

Sharla had graduated this year from college and was making a difference in the lives of young people in our province. We should all be proud of her accomplishments and give thanks to all those who work to make a difference and to benefit children and youth. This work is of critical importance to families and to our society, and I'm deeply concerned that ministry and agency staff have safe work environments and that we do all that we can to ensure that a tragedy like this will never happen again.

I've called a special investigative review, to be led by an independent third party, to look into the circumstances surrounding this case. This review will examine all aspects of what happened, including supports and services that were provided to the youth involved and, most paramount, the issue of staff safety. We cannot prejudge or speculate about what may have occurred but must let due process lead us to the answers and lead us to better practices that can do more to ensure the safety of all of our workers. Sun Country child and family services authority has already begun a review and debriefing, and we can expect their findings soon. It will be something we can all learn from.

This tragedy is heartbreaking. It has shaken our world. I pledge that this ministry shall ensure that every possible lesson that can be realized from these reviews will be shared openly with staff from all regions to prevent any similar tragic occurrence.

Thank you and amen.

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

DR. MASSEY: Thank you, Mr. Speaker. Korvette Crier, Aaron Grey, Angel Kerrigan-Kinahan, Shaniece Kerrigan-Kinahan, Shayleen Lightning, Lonnie Thom, Kristen Johnson, Helen Rose Rain, Aaron Bull, Jarius Cabry: just some of the children who have died while in care of this government since 1999. Now we have Sharla Marie Collier, not a child but a child/youth care worker. Again the minister has promised an inquiry. Death after death is matched with inquiry after inquiry followed by promise after promise by the minister to seek out and eliminate the root causes of these tragedies. We can no longer tolerate hand-wringing, platitudes, and procrastination.

1:50

In the words of the agreement this country signed at the United Nations special session on children earlier this year, the time has come to put promises into action. Children, not million-dollar ad campaigns, must have the first call on public resources. We must commit now to putting children's needs first, eradicating poverty and investing in children, leaving no child behind, providing care for every child and listening to children and ensuring their participation.

Social workers are on the front line trying to turn those commitments, our commitments to the UN, into action. They sometimes work in danger, but we must minimize their risks. What more lasting tribute could there be to Sharla Collier than to finally have action that results in the protection of social workers and the children in their care?

Thank you, Mr. Speaker.

head: **Oral Question Period**

Kyoto Climate Change Agreement

DR. NICOL: An international panel of world-renowned scientists overwhelmingly agrees that in order to halt devastating effects of global warming, immediate action must be taken to reduce greenhouse gas emissions below 1990 levels. To the Premier: will your made-in-Alberta plan reduce Alberta's total greenhouse gas emissions below 1990 levels by the year 2012? By the year 2020? Maybe by the year 2050?

MR. KLEIN: Mr. Speaker, what we plan to introduce – and I'll have the hon. Minister of Environment speak to this issue – is a piece of legislation that was developed in consultation and will be further developed in consultation with industry – because it's very unlikely it'll be passed this session, and there'll be lots of time for further discussion – that not only serves to reduce greenhouse gases and address the issue of climate change but will ensure that the economy is sustained. I think this is most important.

You know, jobs mean a lot to a lot of people. Mr. Speaker, a healthy lifestyle where people can grow up in a family secure in the knowledge that the breadwinner of that family will have secure employment is just as important as the issue of climate change. What we have to achieve is sustainability, and that's exactly what the legislation speaks to. I'll have the hon. minister respond.

THE SPEAKER: Hon. minister, the purpose of question period is not to debate a bill that the hon. members have still not seen, so let's restrict our questions and answers accordingly.

DR. NICOL: To the Premier: given that total emissions will actually increase under Alberta's plan, is the Premier saying that scientists are wrong about the need to decrease total emissions below 1990 levels?

MR. KLEIN: Mr. Speaker, I'm not going to get into a debate relative to the size or the economics of the Kyoto protocol. As a matter of fact, that's what is fundamentally wrong with the protocol: that there is such a wide variety of opinions on this particular matter. You have scientists arguing relative to the actual amount of greenhouse gases that have to be reduced to address effectively the situation. You have vast differences relative to the economic impact of the Kyoto accord on the Canadian economy. You have the Suzuki Foundation and other environmental groups saying: oh, my gosh, it'll be a \$200 million net positive benefit. Then you have the Canadian Manufacturers & Exporters association saying that the annual negative effect of the Kyoto protocol will be some \$27 billion. Well, that's a huge, huge difference, and it tells me that this member across should be talking to his Liberal cousins in Ottawa, saying: let's get our act together on this particular issue.

DR. NICOL: To the Premier: why doesn't the Premier promote the creation of a domestic emissions exchange where every region and every sector contributes equally to per unit costs of emission reduction instead of some unattainable program?

MR. KLEIN: Mr. Speaker, I would invite the hon. leader of the Liberal Party to look at the communique that was agreed to by all the ministers of environment and all the ministers of energy which outlines 12 principles that must be adhered to if, in fact, we are to have a Canadian-made solution to this particular problem. Those 12 principles are reasonable; they are, to say the least, intelligent; and they represent a political consensus that to me is representative of the Canadian population. That is a made-in-Canada solution, not a federal government, made-in-Ottawa-behind-closed-doors solution.

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

DR. NICOL: This government, through its expensive propaganda campaign, is trying to convince Albertans that its anti-Kyoto plan will reduce emission levels when we all know that's not true. But that's not the only way the government has tried to influence Albertans. This government has also led Albertans to believe that the Kyoto campaign would only cost \$1.5 million. To the Premier: is it not true that this government spent substantially more than the \$1.5 million on anti-Kyoto television ads, print ads, radio ads, glossy brochures, and public opinion polls?

MR. KLEIN: I don't know exactly how much has been spent, but I can tell you that the amount is minuscule compared to what the feds in Ottawa are spending to brainwash the Canadian public.

DR. NICOL: Can the Premier explain why he chose to spend in excess of \$2.5 million on the anti-Kyoto campaign when SFI rates have not increased in 10 years in this province?

THE SPEAKER: There's a complete disconnect in that question. The hon. member.

DR. NICOL: Can the Premier explain why he chose to spend in excess of \$2.5 million on the anti-Kyoto campaign when SFI rates have not increased in 10 years?

MR. KLEIN: Mr. Speaker, I can speak to one component of the question. As I said, I'm not quite sure how much is being spent on the campaign – I'll get those exact figures – but whatever we're

spending is worth it because we're talking about billions and billions of dollars of potential negative impact to the Alberta economy. There hasn't been an issue this serious facing the people of Alberta and indeed the people of Canada since the dreaded national energy program of the 1980s.

2:00

What the Alberta government is doing is a small part relative to what is happening across this country and the amount of time and effort and, indeed, money that is being spent by other organizations that support our position for a made-in-Canada solution, starting with the Canadian Steel Producers Association, the Canadian Trucking Alliance, the Independent Contractors, Motor Coach Canada, the Alberta Chambers of Commerce, the Canadian Chamber of Commerce, the Canadian Chemical Producers' Association, the Canadian Council of Chief Executives, the Alberta Chamber of Resources, Automotive Parts Manufacturers' Association, Used Car Dealers Association of Ontario, Canadian Electricity Association, Canadian Fertilizer Association, Canadian Manufacturers & Exporters Association, Canadian Plastics Industry Association, Business Centre on the Environment, Business Council of British Columbia, Canadian Association of Geophysical Contractors, Alberta Building Trades Council, Alberta Economic Development Authority, Alberta Forest Products Association, Professional Engineers, Geologists, and Geophysicists of Alberta, Canadian Association of Oilwell Drilling Contractors, Canadian Federation of Independent Business, Canadian Steel Producers Association . . .

I'm not quite finished.

THE SPEAKER: Well, in the spirit of fair play we'll recognize the hon. Leader of the Official Opposition for his third supplemental.

DR. NICOL: Thank you, Mr. Speaker. Since the Premier is responsible for the Public Affairs Bureau, why don't you know how much they're spending on the anti-Kyoto campaign?

MR. KLEIN: Mr. Speaker, I will find out momentarily, immediately after question period, and provide the information, but as I say, the campaign is reasonable, it's intelligent, it's factual, and, believe me, it represents the views of the people of this province that there are serious and legitimate concerns relative to the Kyoto protocol. If there's one thing for sure, the people know where the Alberta government stands on this particular issue, but they have no idea where the Liberals stand on this issue.

Mr. Speaker, *Hansard*, April 18, 2002. This is attributed to the hon. Member for Edmonton-Ellerslie, who says: "I don't necessarily agree that the Kyoto accord should be ratified by Canada. I don't think that it takes us where we need to go." Then in the *Edmonton Journal* – and it must be true – the hon. Member for Lethbridge-East says: this Kyoto is a direct opportunity for Alberta to stand up and challenge the federal government; we cannot allow the federal government to take advantage of a province. Then in a Liberal news release dated September 3 the hon. leader of the Liberal Party says: "There's no easy way for the federal government to implement Kyoto . . . Albertans need to be ready for a fight if it goes against our best interests." Then in the hon. leader's report from the Legislature the hon. leader says, "Kyoto may have a negative impact on our economic growth," but the newsletter goes on to say: "Kyoto [is] a catalyst for a better society . . . For every job lost to Kyoto, a new one could be created." But he doesn't say how or when or the implementation plan. Then he says in the *Edmonton Sun* – again it must be true – I'm not endorsing the federal plan until I've seen it.

Well, you know what? None of us has really seen a plan. If it's going to hurt Alberta, I'll be on the steps of the Legislature saying that it's no good. You should be there, believe me.

THE SPEAKER: It'd be helpful, too, for hon. members to receive the tabling of such quotations.

Third Official Opposition main question. The Legislative Assembly's latest bride, the hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Speaker. Loud voices backed by big money don't make this government's anti-Kyoto campaign right and certainly don't help consumers. This government has done absolutely nothing to help Albertans become energy efficient. This is alarming considering that research proves that educating consumers about emission reductions is not enough to change their behaviour. All my questions go to the Minister of Environment. How much money has this government invested in energy efficiency programs for Alberta consumers?

DR. TAYLOR: Well, Mr. Speaker, let me start by saying that this government has surpassed the 1990 target of 6 percent. We have won awards. We're the only government in Canada to win three awards for our reduction of greenhouse gases.

AN HON. MEMBER: How many?

DR. TAYLOR: Three.

Further, Mr. Speaker, at the present time we are 22 percent below 1990 levels. [interjection] Yes, 22 percent.

AN HON. MEMBER: Absolute baloney.

DR. TAYLOR: No, it's not baloney. It is the truth, Mr. Speaker.

THE SPEAKER: Whoa. Please. Hon. minister, how about if we participate through the chair. The hon. member later may have a chance, but right now we're going to recognize the hon. Member for Edmonton-Ellerslie.

MS CARLSON: Answer? No money.

Will the minister confirm that while Climate Change Central has a goal of zero emissions, they can do absolutely nothing because this government gives them absolutely nothing for project funding? Nothing.

DR. TAYLOR: Well, Mr. Speaker, once again the member is totally wrong. I mean, it shouldn't be surprising. This government has committed through the Department of Environment to fund the energy efficiency office at Climate Change Central. We have already committed – now, I'm going by recollection here. I believe we have already written a cheque for \$200,000. That's from memory. We've committed up to \$2 million. So as we go forward, we also fund Climate Change Central. I believe our commitment is \$2 million this year alone to the Climate Change Central office, and Climate Change Central is a very effective mechanism to work with the public, to work with industry. In fact, last year for every dollar we gave Climate Change Central, they got \$4 to \$10 from other sources, a match of \$4 to \$10 for every dollar. These people opposite, who obviously have changed their mind and are now taking their orders from Ottawa in an attempt to get their finances straight, have to recognize that when you can get \$4 to \$10 for every \$1 committed by government, that's an effective utilization of taxpayer money.

MS CARLSON: Mr. Speaker, as always, long on promises, short on deliverables.

How come Manitoba, the territories, and British Columbia have all committed millions of dollars to energy efficiency programs while Alberta, the richest province in the country, continues to do nothing at the consumer level to address the number one issue in this country at this time?

DR. TAYLOR: Mr. Speaker, we have quite clearly said that we are prepared to commit dollars. We have said that. We have said that we will match federal dollars. We're still waiting to hear what the federal dollars are going to be. We have yet to hear a commitment from Ottawa in terms of what the Ottawa government is prepared to do. As we go forward with the budget that comes down, I'm sure you will see actual dollars. Hopefully, we'll have heard from the federal Liberal government by then.

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

There's a high level of interest here today.

2:10

Electricity Rates

DR. PANNU: Thank you, Mr. Speaker. In the long seven months since the last sitting of this House we have continued to see no action from this government on high power bills. Since deregulation was introduced, the bottom line of every power bill of every family in this province has increased. Whether you live in Edmonton, Calgary, Fort McMurray, or Lethbridge, you pay a lot more now than you did before the last election. My question is to the Minister of Energy. When can Albertans ever expect to see lower bills from deregulation? When will Albertans arrive at the promised land of low bills resulting from deregulation?

MR. SMITH: January 1, 2003. January 1, 2004.

DR. PANNU: The minister is trying to save us come carbon dioxide, Mr. Speaker.

Is the government going to leave Albertans on the hook for the next two years and then throw money at them just before the next election? That's my question to the minister.

MR. SMITH: Well, Mr. Speaker, the only thing stupider than saying an incomplete sentence in public is to have a paper report on that incomplete sentence, but then the only thing stupider than having the paper report on an incomplete sentence is having an elected member comment on a stupid report from the paper.

DR. PANNU: Mr. Speaker, my last question to the minister, the brilliant minister in this cabinet: can the minister point to a single residential power bill that has actually gone down since his government's deregulation, any single bill?

MR. SMITH: Well, Mr. Speaker, I accept the compliment with grace and humility.

Mr. Speaker, the hon. member can, in his own research, in his own group, go through power bills that are across Alberta, and he will see that there are different regulated rate options across Alberta. He will see the lowest, being an ATCO account at some 4.76 cents to 4.9 cents, and the highest one, being EPCOR at 6.7 cents. He will also see Albertans paying deferral accounts for the power that they used in 2000, when regulation was still a part of the Alberta metric, and deferral accounts for 2001.

So with deregulation, as the *Globe and Mail* has said appropriately

and as the professors from the University of Alberta have said, Alberta is on the right track. We have a competitive marketplace. There are 2,000 new megawatts, and we are seeing a route down to lower prices, Mr. Speaker. We're seeing fair prices; we're seeing honest prices. But, most importantly, what we don't do, like NDP governments when they were previously in power in other provinces – and I pray that the day never happens in Alberta – is we do not hide behind Crown corporations with taxpayer debt that has to be supported by future generations, preventing economic growth and wealth generation.

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

Kyoto Accord Ratification Process

MR. McCLELLAND: Thank you very much, Mr. Speaker. My question is to the Minister of International and Intergovernmental Relations. In 1997 the United States Senate by a vote of 95 to 0 declined to ratify the Kyoto protocol because it did not require any commitment of developing countries and to ratify a protocol of this type without an implementation plan was considered to be ill advised. Therefore, the treaty was never taken to the president, then President Clinton. In fact, it was killed by the Senate in a unanimous vote because it was deemed by the Senate to be against the national interest. My question: what role does the Canadian Senate have in the Kyoto accord ratification process?

MR. JONSON: Mr. Speaker, as the hon. member indicates, the Canadian Senate has no particular guaranteed role in the ratification of international agreements. In Canada the Prime Minister has indicated that Parliament will be asked and expected to approve the Kyoto protocol, but in actuality and constitutionally all that is required is an order in council of the federal cabinet in order to ratify an international agreement of this type.

THE SPEAKER: The hon. member.

MR. McCLELLAND: Thank you, Mr. Speaker. Will Alberta use its constitutional authority to ensure that the question of an elected Senate representing the national interests through the interests and representation of the provinces is brought to the next first ministers' conference?

MR. JONSON: Well, Mr. Speaker, in terms of constitutional authority, certainly, that will be part of a wide series of actions that we'll take in this particular case, but I would just like to indicate that we are working on the whole matter of Senate reform. The hon. Premier has written a letter to the Prime Minister asking that he respect the democratically expressed wishes of Albertans by appointing, a very small step but a very important one, one of the province's Senate nominees to replace retired Senator Nick Taylor. We already have in place the Senatorial Selection Act. In 1998 Albertans elected two Senate nominees, but neither has been appointed to the Senate to date. Overall, the provincial government wants to take this opportunity of there being a vacancy in the federal Senate to revisit the whole issue of Senate reform and its importance to Alberta and to western Canada and, we think, all of Canada, and this is going to be a major initiative of government.

Thank you.

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

Children's Services Authorities Funding

DR. MASSEY: Thank you, Mr. Speaker. Sharla Collier's fiance claims that her death was preventable. It appears that understaffing and lack of resources to adhere to good practices in the Sun Country children's authority resulted in tragedy. My questions are to the Minister of Children's Services. How can the minister claim this tragedy was unforeseeable given that social workers escorting children have previously been attacked?

MS EVANS: Mr. Speaker, today I spoke with a very saddened fiance named Chris. We talked about his comments about how the death could have been preventable, and he made a very strong and powerful statement to me. He said that he would not have approved of his fiancee going one-on-one with the youth but that she had such remarkable discretion, loyalty to profession, and the capacity to work with youth without divulging the contents of her job in an unprofessional fashion that she never even shared with him that on more than one occasion she may have been alone with the youth that might have – and I stress the words "might have" – compromised her future.

Mr. Speaker, today we don't have answers. Today we have questions, much as the member opposite has cited. How do these things happen? What took place? What was the history? Was this preventable? Could there have been procedures in place? In Children's Services we have a binder of accountability for agencies in the staffing, in the requirements for safety for the workers, but that doesn't tell us the story in the case of Sharla Collier's death. So today with the investigative review process, with the participation of the advocate, who has asked to be a member serving on this panel, we will work with the people both from outside of our department and with the staff in question in the agency to discover whether or not the processes were correct between the Sun Country child and family services authority agencies in their jurisdiction and whether or not we are being prudent in following up on the protocols of safety of the workers.

THE SPEAKER: The hon. member.

DR. MASSEY: Thank you, and again to the same minister: why, when Sun Country has been underfunded, was an additional million dollars cut from their budget this year?

MS EVANS: Mr. Speaker, from time to time we make adjustments in Sun Country budgets, like we do in every other budget. I would not want this House to be under any misapprehension that adjustments made in budgets in Sun Country reflected in any part on the funding for the agency in question and that in any way should we jump to the conclusion that there were adjustments in budgets that affected the case surrounding Sharla Collier.

We have made other adjustments, Mr. Speaker, as a result of delegation of authority to one of the First Nations in the region. We are working constantly to get those funding allocations correct. But I'll be pleased to provide the hon. member opposite the full details of how Sun Country has been funded in this past year, any recent adjustments, and anything that he would wish relative to those budgets.

2:20

THE SPEAKER: The hon. member.

DR. MASSEY: Thank you, Mr. Speaker. Again to the same minister: why, when children's services authorities are already seriously understaffed, did the minister cut 186 positions from the budget?

MS EVANS: Well, Mr. Speaker, we haven't cut 186 positions from the budget. In fact, we are working for the reduction of staff through natural attrition and finding ways to be more cost-effective, but not once have we made a reduction of staff on the front lines affecting child service workers. There were not the reductions that have been inferred by the member opposite. I know that there have been some reductions of staff in the Ma'Mowe service region, but those have not been staffing adjustments that have compromised the health and safety of children.

First Nations Gaming and Entertainment Complex

MR. MASKELL: Mr. Speaker, my constituency borders the Stony Plain Indian reserve no. 135. Constituents in the neighbourhood of Lewis Estates and constituents of the Edmonton-McClung community of The Grange are deeply opposed to the negotiations taking place between the Enoch Indian band and the city on providing service for a proposed casino and entertainment complex. Of the 16 casinos operating in Alberta, not one is built directly across from residential communities. My question is to the Minister of Gaming. Can the Alberta Gaming and Liquor Commission refuse a licence to a First Nations applicant for a casino on a reserve, and will the residents of Lewis Estates and The Grange have an opportunity to have their concerns heard?

THE SPEAKER: The hon. minister.

MR. STEVENS: Thank you, Mr. Speaker. As a result of a two-year consultation process that ended last year and which was affirmed and approved this year, an eight-stage process with respect to applications for new casinos, including casinos on First Nations reserves, was established. That eight-stage process must be completed in full by the applicant or applicants and reviewed by the AGLC and the AGLC board before any application will be successful.

One of the steps in that is step 5, which talks in terms of the AGLC receiving detailed proposals from applicants, which will go out and ultimately become the subject of some public knowledge and which will allow for the public to provide input to the AGLC. The AGLC will have to deal with various inquiries and comments that are received from members of the public. The proposals, however, must receive a complete evaluation by a selection committee, using stringent criteria which are in writing, which are part of policy, and which, I can advise, can be found at the AGLC web site. I would encourage those who are interested in this matter to take a look there to see all the things that any successful applicant must do.

So, in short, any applicant to the AGLC with respect to a casino, whether it's traditional or First Nations, is not assured success. They must comply with all the requirements, and those requirements are set out in great detail.

MR. MASKELL: My first supplementary question is to the same minister. How would the minister respond to those people who feel that First Nations are getting special treatment when it comes to owning and operating a casino?

MR. STEVENS: The First Nations gaming policy, once again, Mr. Speaker, was part of the licensing policy review in January of 2001. This policy was announced by the government and accepted at that time as a result of extensive negotiations between First Nations people and this government under my predecessor's leadership. The goal of the policy was to provide an opportunity for a direct economic and social benefit for First Nations people.

Having said that, the criteria with respect to the First Nations

casinos are virtually identical to those of traditional casinos with a couple of notable exceptions. The AGLC is responsible for the policy with respect to this. They will make the decisions with respect to all such applications. First of all, the First Nations charity will be able to hire volunteers. That is a difference. The casino must be on a reserve that is established as of January 2001; that is different from traditional casinos. Lastly, the allocation of certain of the proceeds that go through the Alberta lottery fund – namely, 40 percent of those proceeds – will go back to First Nations communities for the improvement of economic, social, and cultural matters on the reserves.

MR. MASKELL: My second supplemental is also to the same minister. If the AGLC chooses to issue a licence to Enoch, will the province step in and ensure that Edmonton taxpayers aren't footing the bill for servicing this casino?

MR. STEVENS: Well, Mr. Speaker, the question calls for speculation, and of course we don't do that.

The fact of the matter is that the Enoch First Nation and the city of Edmonton, like good neighbours, are discussing matters of common interest with respect to this proposal, and I'm sure that as good neighbours they will continue to do what is right and come to a reasonable resolution of the matter.

Kyoto Climate Change Agreement

(continued)

DR. TAFT: Mr. Speaker, in 1990 the Alberta Department of Energy released a detailed analysis showing that Alberta could reduce greenhouse gas emissions to 7 percent below 1988 levels without new technology and achieve huge economic benefits. This is or at least should be the real climate change plan. My questions are to the Premier. Why is the Alberta government now relying on a vague plan drafted by spin doctors in the Public Affairs Bureau when for more than a decade it has had a credible and detailed study showing how to beat Kyoto targets while achieving a return on investments?

MR. KLEIN: Mr. Speaker, I take exception to the statement that this is a vague plan. This is much more than a plan; this is legislation. This is legislation committing us to an action of greenhouse gas reductions to make a significant, meaningful, and intelligent contribution to the issue of global warming.

All I can say is that Alberta is firmly committed to working with Albertans – industry, business, environmental groups – to reduce greenhouse gas emissions, and I will say that the Kyoto protocol, as it is now written and devised by, ostensibly, European theorists, is not the Canadian way. Indeed, our largest trading partner, the United States, figured that out a long time ago and said: we can develop our own plan to address this problem. That's exactly what they are doing. Mr. Speaker, I would remind the hon. member that Canada is the only country in the western hemisphere that has agreed to targets, targets of minus 6 percent of 1990 levels by the year 2012, which industry says is unrealistic.

Our Climate Change and Emissions Management Act reaffirms Alberta's ownership and responsibility for the management and development of its natural resources. That is very important, unless the hon. member is suggesting, as his federal cousins have suggested, that we really don't have any constitutional authority over our natural resources. Well, it happens to be in the Constitution. It provides a legal framework to put Alberta climate change plans into effect in an intelligent, reasonable, and responsible way, and it shows that Alberta is serious about reducing greenhouse gases.

Mr. Speaker, this is more than a plan. This is a legislative framework for action. It will allow us to put the details to the plan as regulations much more than this big document that the feds have put out. This will actually be in regulation. It will meet the targets that the federal government would expect Alberta to meet under the Kyoto protocol but under a longer time line, absolutely under a longer time line. This is to ensure that our economic sustainability is viable over a long period of time, and it's a time line that certainly won't harm the economy and at the same time will address in an intelligent way the issue of global warming.

2:30

DR. TAFT: Mr. Speaker, will the Premier admit that the Alberta government in its own study had already demonstrated that greenhouse gas emissions in Alberta could beat Kyoto targets without new technologies by 2005?

MR. KLEIN: Mr. Speaker, I will have the hon. Minister of Environment respond, but I can tell you that numerous steps have been taken since 1990, starting, as a matter of fact, even before that time, when I was Minister of Environment and established the Roundtable on the Environment and Economy. Since then, we had the Clean Air Strategic Alliance formed. We have the voluntary challenge, where, indeed, if you talk to certain industrial sectors, they have already achieved those targets. There are some, however, that have not. We're not talking about all industries, and I'm sure the hon. member isn't talking about all industries. We have Climate Change Central, and I would remind the hon. member that relative to the voluntary challenge 163 Alberta companies have signed up. So this represents to me an honest and sincere effort, certainly since 1990, to address the issue of climate change.

I'll have the hon. minister . . .

THE SPEAKER: Well, we've already gone six minutes on this, and we've only had two questions.

The hon. member.

DR. TAFT: Thank you, Mr. Speaker. Now, we have the Minister of Environment saying that the Alberta government has already achieved and beaten Kyoto targets, and the Premier is saying that industry cannot. Is the Premier saying that government is so much better than the private sector?

MR. KLEIN: No. The only government saying that government is so much better than the private sector is the federal government. They have no faith in the ingenuity, the intelligence of the private sector to address this. They bring in this goofy, concocted scheme to tell industry what they must do, Mr. Speaker, with no regard whatsoever to the economic impact that that kind of a protocol will have on the economy of this province and, indeed, the economy of the government. That is being irresponsible. Industry is acting in a totally responsible and intelligent manner on this particular issue.

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

Calgary Philharmonic Orchestra

MS KRYCZKA: Thank you, Mr. Speaker. The Calgary Philharmonic Orchestra is widely known as one of Canada's best orchestras. However, they have experienced some financial difficulties and, in fact, went into receivership a number of weeks ago. Calgarians, including my Calgary colleagues and myself, have a great deal of love and pride for this orchestra and sincerely want to

help it succeed. My first question is to the Minister of Community Development. Could he tell us what he has done or is able to do to help the Calgary Philharmonic Orchestra through this difficult period?

THE SPEAKER: The hon. minister.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Well, I certainly agree that the Calgary Philharmonic Orchestra is among the best in Canada, and I would even say that it's probably one of the best in North America. That's one reason why, through the Alberta Foundation for the Arts, this government provides among the largest of financial grants possible to that organization.

In terms of what I personally have done, I should let the member know that I have spoken on the telephone with some of their representatives. I've corresponded with them. I was even in Calgary last week to meet with several of them, and after a few hours of discussion we certainly got apprised of the current difficulties that they face.

I think it should also be noted that the Calgary Philharmonic Orchestra, as is in keeping with all major performing organizations in this province, has a signed agreement between themselves and the Alberta Foundation for the Arts with certain deliverables, if you will, built into that agreement. One of the things that we as a government and I as a minister in this area pledge to do is to help them through this difficult time, but that will be dependent upon a very sound, viable business plan, which I know they are working very aggressively to complete as we speak, and I have every confidence that with their own resources, with their own outreach, their own support network of corporate and private funders in the Calgary area, along with us as a partner, we will be able to see this situation resolved for the betterment of the orchestra in the long term.

THE SPEAKER: The hon. member.

MS KRYCZKA: Thank you. My first supplemental, again to the Minister of Community Development: can the minister tell us if there is provincial money available for the Calgary Philharmonic Orchestra?

MR. ZWOZDESKY: Well, certainly there is money available to the Calgary Philharmonic Orchestra. In fact, I think this past year and for the past couple of years it's been in the order of \$700,000-plus per year, which is extremely helpful to them, but it's important to note that the government of Alberta through the Alberta Foundation for the Arts cannot be the only funder. I am aware that they are talking with the federal level program people in this regard, and I am aware that they are also speaking with their own corporate community. They're actively engaged in meetings with the employees, with the musicians, with their own board members, and they've had some successful fund-raisers in the last little while, and I think that spirit needs to continue, obviously. We for our part are simply waiting for their plan, which I understand will be given to us very shortly, that one way or the other proves the viability of the Philharmonic Orchestra well into the future. We're all expectant of that, and I have every reason to believe they're going to deliver on it and so will we.

THE SPEAKER: The hon. member?

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

Supports for Independence Review

MR. MacDONALD: Thank you. On November 8 an important

message to Progressive Conservative constituency presidents was delivered by a former Progressive Conservative MLA that urged, quote: let's not allow our MLAs to plunder the heritage trust fund to cover for their recent incompetent handling of our affairs. End of quote. Another example of that incompetent handling of affairs is the half million dollars this government has spent on a low-income review when they already knew that what the low-income citizens of this province needed was an increase in their benefits. We cannot forget, Mr. Speaker, the hungry, the poor, the unemployed in this province, and unfortunately this government has. My first question is to the Minister of Human Resources and Employment. When will Albertans on income support programs like AISH and SFI get extra income to cover the rising costs of electricity bills, which have skyrocketed because of this government's Enron-like electricity deregulation scheme?

Thank you.

MR. DUNFORD: Well, there was a lot in the preamble, and of course as far as the question is concerned, we do have a couple of reports out there now, Mr. Speaker, a low-income review, What We Heard and What We Recommend. The MLA committee that was responsible for all of that good work has certainly, I think, endeared themselves to most Albertans and, hopefully, to the very people that they are trying to help. We are looking at the recommendations as we speak. We are attempting to make changes that we can within the budget this year, and of course as all of the members in the House would be aware, it is the season for business planning.

THE SPEAKER: The hon. minister.

MR. SMITH: Mr. Speaker, if I may just supplement on his last, as usual, erroneous comment. In the year 2001 there were two cheques of \$150 per individual sent out by this government. In 2001 there were four times \$150 cheques sent out by this government, and in the entire year of 2001 more than \$2 billion were paid back from auctions to everybody who had a meter at the rate of \$40 a month.

MR. MacDONALD: Mr. Speaker, to the Premier this time: given that this government in 2002 has left the poor behind the Alberta advantage, given the fact that there has been half a million dollars spent on studying the issue, when will this government quit pleading poverty and give the SFI and the AISH people of this province a wage increase?

Thank you.

2:40

MR. KLEIN: Mr. Speaker, that issue is under review, and I would remind the hon. member that relative to AISH I believe we're one of the only jurisdictions in Canada with a program of that particular nature. The philosophy of this government – and I believe it's the philosophy of the people of this province – is to provide help, meaningful help, for those who truly need help in society, to give a hand up rather than a handout. It's always been the policy of this government to find ways and means to get people off the welfare rolls and back to work and to provide them with meaningful employment so they can have a sense of self-esteem and a sense of pride, but we firmly believe that those who truly need help in society – truly need help in society – should get that help, and we're fully committed to that philosophy.

MR. MacDONALD: Again, Mr. Speaker, to the Premier: can the hon. Premier live on \$402 per month in this province whenever rents are over \$500 a month for decent, affordable housing?

MR. KLEIN: No, Mr. Speaker, and neither could the hon. member. I'm sure that the hon. minister would look at a situation relative to the situation as it affects a particular family and make that determination. As I've said before, for those who truly need help in society – those who truly need help in society, who cannot fend for themselves – it is the policy and the philosophy of this government that we will look after them, but it's also the policy and the philosophy of this government that we will use all means at our disposal to help people get off the welfare rolls and back into meaningful employment.

THE SPEAKER: Hon. members, the time for question period has now left us for today but the hon. Premier to supplement an answer given earlier.

Kyoto Climate Change Agreement

(continued)

MR. KLEIN: Yes, Mr. Speaker. I thank you for allowing me to supplement an answer to a question posed by the hon. Leader of the Official Opposition. He asked: how much is being spent by the Public Affairs Bureau to communicate the government's position on the Kyoto protocol? The Alberta government announced a major advertising campaign to advise Albertans where they can get information on Alberta's position on Kyoto. The cost of that advertising campaign is \$1.5 million. Additional costs for production, printing, distribution, and research bring the total for the campaign to \$2 million as of the end of October of this year. I can add that staff were seconded from some ministries to put together public information materials such as a web site and two tabloid publications. Additional materials were provided by Alberta Environment.

Now, this is important. As of November 8 the government's Kyoto web site received more than 83,000 hits, and approximately 48,000 copies of documents were downloaded. There have also been more than 5,000 calls to the toll-free Alberta Connects phone line, which is all part of this campaign. Polling, again part of the campaign, indicates that Albertans support a made-in-Canada solution to climate change. A recent survey showed that 72 percent of Albertans want the Canadian government to withdraw from the Kyoto protocol and develop a sensible, intelligent, responsible, made-in-Canada plan.

THE SPEAKER: Hon. members, since 1986 we've followed the practice of when an answer is supplemented with a delayed response, the individual who raised the original question can have a brief supplementary question followed by a brief supplementary answer.

DR. NICOL: Thank you. Mr. Premier, you talked about the financial obligations and the financial commitment. What about staff? Is there a value you could put on the staff that were seconded into that program as well?

MR. KLEIN: Mr. Speaker, I'm providing the information that was provided to me, and that was that staff were seconded from some ministries to put together public information materials such as web sites and two tabloid publications. Additional materials were provided by Alberta Environment. This is all done in-house to represent not only a government position on this particular matter, this very important matter, but to communicate properly and effectively the consensus of the majority of Albertans.

head: Members' Statements

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

Say Hay Campaign

MR. MARZ: Thank you, Mr. Speaker. I rise today to recognize the efforts of all those who have offered their support to Alberta's producers during 2002. Due to the widespread drought this year has been extremely difficult for Alberta's crop and livestock producers. The tenacity, resiliency, and commitment of our producers is always admirable but particularly so in a year like this one.

A positive that stands out in light of the challenging year is the outpouring of support from people across the country. Eastern Canadians sent hay to the west to help feed our livestock through the Hay West campaign. As part of that effort the government of Alberta contributed \$200,000 to harvest and bale eastern Canadian hay. Thousands of Albertans attended the Say Hay benefit concerts held in Edmonton and Calgary, raising over \$1.5 million. The support from rural and urban communities alike was encouraging and heartfelt. On behalf of all Albertans I would like to thank the organizers, performers, and volunteers who donated their time and talents, as well as all those who supported this Say Hay campaign.

This government has also worked very hard to ensure we wouldn't let our producers down. We responded with a \$324 million farm income assistance program, an acreage payment that would get money to producers as quickly as possible with as little administration cost as possible.

All told, Alberta producers have access to more than \$1.4 billion of assistance to help respond to the drought, including the emergency water pumping program, the Alberta farm income disaster loan program, grasshopper control program, and the Canadian farm income program as well as the crop insurance program.

We're also planning for the long term. The implementation of the Alberta drought risk management plan will mean more timely and accurate monitoring and assessment of drought impacts on the farm economy and more targeted, timely, and cost-effective drought response measures, if needed. We're also working on improving and enhancing other long-term funding programs, and we're discussing changes to crop insurance to make it more responsive to weather variances and extremes.

The ag industry this year will be recovering from the effects of this drought over the next several years. We hope, however, that we have seen the worst of this drought and join producers across the prairies in looking towards a better year next year. I sincerely thank all those Albertans who have recognized the value of agriculture to our province and have shown their support to Alberta's agricultural producers in this difficult year. Hats off to them all.

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

Bicycle Safety Helmets

MS CARLSON: Thank you, Mr. Speaker. The Sikh Federation of Edmonton has asked me to bring forward an issue important to them. The federation believes the implementation of the new Highway Traffic (Bicycle Safety Helmet) Amendment Act on May 1, 2002, has highlighted an administrative oversight concerning the application of the legislation to practising Canadian Sikh youth. The community states that they are fully supportive and appreciative of the government's efforts to enhance public safety through legislative and other means. The power of the law and the penal measures contained therein do provide good reason for people to keep safety in mind. However, they believe that education and good training can be considered to be equally effective in achieving the desired public safety results.

As is evident from the statistical picture presented to the minister in May 2002, the marginal additional potential risk of entrusting the

parents with the safety considerations in respect of their practising Sikh youth is, in their belief, reasonably manageable and acceptable. Resolutions in other jurisdictions include allowing practising Sikhs to ride bicycles in British Columbia without having to compromise on their religious requirements.

In view of the foregoing the Sikh community of Alberta is seeking the Minister of Transportation's intervention to suitably modify the implementation of protocol to allow the practising Sikh youth to enjoy bicycling without having to compromise on their religious requirements by wearing bicycle helmets.

Thank you.

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

2:50

National Addictions Awareness Week

MR. JOHNSON: Thank you, Mr. Speaker. As chair of the Alberta Alcohol and Drug Abuse Commission I'm pleased to inform the hon. members that this week, November 17 to 23, is National Addictions Awareness Week. During this week AADAC and its community partners support a variety of activities to increase awareness of substance abuse and gambling problems and solutions. Two examples of this year's activities include a kick-off breakfast in Grande Prairie and a wellness walk in Calgary. The events planned for this week offer hope and encouragement to individuals suffering from substance and gambling problems by encouraging and celebrating healthy lifestyles. I'd like to remind the hon. members that AADAC and its funded agencies offer information, prevention, and treatment services through a network of offices and facilities in over 40 communities throughout the province.

Earlier this year AADAC was given the lead role in implementing the Alberta tobacco reduction strategy. As the hon. members are aware, tobacco is addictive and is the leading cause of avoidable illness and premature death in Alberta. Initiatives are now under way to treat and prevent tobacco use, particularly amongst youth. Again related to youth, AADAC was recently credited for having, and I quote, the best campaign for increasing youth resiliency that I have found, end quote, which is high praise from an international authority with the U.S.-based Resiliency in Action organization. AADAC's resiliency campaign empowers youth to take positive action to rise above difficult life circumstances.

AADAC's involvement in National Addictions Awareness Week, the resiliency campaign, the Alberta tobacco reduction strategy, and other initiatives help to create healthier communities and demonstrate the government's commitment to the health of Albertans. AADAC's theme, Making a Difference Together, conveys the message that it is the responsibility of all Albertans to work together and make a difference in preventing addictions problems.

In closing, I would like to thank the hon. members for their support of AADAC. Thank you, Mr. Speaker.

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

Corporal John Archer Sergeant David Scribner

REV. ABBOTT: Thank you, Mr. Speaker. It is with great pride that I rise to recognize two members of the Drayton Valley Legion who are recipients of this year's Nobel peace diploma. Sergeant David Scribner and Corporal John Archer are recipients of this honour due to their courageous work in keeping the peace on the Mediterranean island of Cyprus. For his efforts Sergeant Scribner has also received the Canadian peacekeeping service medal.

Mr. Speaker, not only do these awards help us once again

recognize Canada's exemplary record in the area of international peacekeeping, but they also serve as a reminder that the ability to make the world a better place is in each and every one of us. That two soldiers from Drayton Valley-Calmar could help to secure the peace for people halfway around the world is truly humbling. That they would risk their own lives for the betterment of those in Cyprus is nothing short of inspirational.

Mr. Speaker, I had the honour of presenting scrolls of congratulations from the Legislative Assembly of Alberta on this past November 11, Remembrance Day. These two men are great Albertans and great representatives of the wonderful people that I am honoured to work for every day as the MLA for Drayton Valley-Calmar. I invite all members of the Assembly to join me in recognizing their achievements.

THE SPEAKER: Hon. members, before we go to the next order in our Routine, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

head: **Introduction of Guests**

(*reversion*)

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. I have two groups to introduce today. In no particular order, I'd like to introduce to you and through you to all members of the Assembly some of the members of the Edmonton Quality of Life commission. They are seated in the public gallery, and I would ask them to please rise as I say their names: Rev. Don Mayne, Rev. Dr. Bruce Miller, Betty Farrell, and Patricia McGoey. I would ask you to please join me in welcoming them to the Assembly today.

The second group that I'd like to introduce are people associated with the Alberta Committee of Citizens with Disabilities. Again, they are in the public gallery, or they were, and I'd ask them to rise as I call out their names. We have the president of ACCD, Karan Smith, with staff members Brian Laird, Manuela Coelho, Sylvia McKeeman, and Jacinthe Lessard. I believe that observer Gordon Forbes is also here. Again, I would ask you to please welcome them to the Assembly.

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

DR. TAFT: Thank you, Mr. Speaker. It's my pleasure to introduce through you to members of the Assembly six people from the Alberta Disabilities Forum. I would ask them to rise as I introduce them to you, if they are here: Mary Bell, Bruno Fantini, Sheena McLean, Marlene Williams, Lorne Lentz, and Marcella Cloran. Please give them a warm welcome.

Thank you.

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

DR. PANNU: Thank you, Mr. Speaker. I have two introductions this afternoon. For the first one, I'm very, very pleased to introduce to the House and to you two prominent leaders of university students in this province: Mike Hudema, who is the president of the students' union of the University of Alberta and represents over 30,000 students, and Anand Sharma, who is the chair of the Council of Alberta University Students. Both of them together represent close to a hundred thousand young Albertans who attend our universities. They are playing a leading role in the campaign by our students to

have their tuition fees frozen first and then reduced. I welcome them to the Legislature and ask them now to please rise and receive the warm welcome of the Assembly.

Mr. Speaker, my second set of guests is here to express their deep concern on behalf of Albertans who live on low incomes, whether they are on SFI or recipients of AISH. These guests are Sharon Sutherland, Schizophrenia Society; Justin Harper, HIV Edmonton; and Elizabeth Kubelka, Heather Robertson, and Robin Krajacic, social work students from Grant MacEwan College. If they're still in the public gallery, I ask them to please rise and receive the warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Cardston-Taber-Warner.

MR. JACOBS: Thank you, Mr. Speaker. It's a pleasure to rise today to introduce to you and through you to the members of the House six members of the county of Cardston council visiting in Edmonton today and this week for the AAMDC municipal convention. I'm very pleased to introduce to you Councillor Floyd Smith, Councillor Neil Miller, Councillor Randy Janisko, Councillor Harlen Cahoon, Councillor Ida Lowe, and administrator Bryan Phillips. I would ask that you please give them the warm welcome of the House.

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

MR. DANYLUK: Thank you very much, Mr. Speaker. Also, I would like to introduce to you and through you to the rest of the Assembly a municipal councillor that is attending the same fall conference today. His name is Don Mudryk, and Don Mudryk hails from the St. Paul area. He's also an elk and bison rancher as well as a businessman. So if I could ask the Assembly to give him the traditional warm applause.

head: **Presenting Petitions**

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

MR. VANDERBURG: Thank you, Mr. Speaker. I'm submitting this petition on behalf of St. Joseph's church on restructuring health delivery programs in Alberta.

Thank you.

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

REV. ABBOTT: Thank you, Mr. Speaker. On behalf of the hon. Member for Barrhead-Westlock I am pleased to present a petition signed by almost 200 of your constituents. This petition urges the government of Alberta "to remove abortion from the list of insured services that will be paid for through Alberta Health."

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

MRS. ADY: Thank you, Mr. Speaker. I rise today to present a petition signed by 147 parents of Cardinal Newman school petitioning the provincial government to address the need for adequate and flexible provincial funding of education in Alberta.

3:00

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

MR. MARZ: Thank you, Mr. Speaker. I have a petition to present today urging the government to "remove abortion from the list of insured services that will be paid for through Alberta Health," and it's signed by 1,071 Albertans from central and southern Alberta.

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

DR. PANNU: Thank you, Mr. Speaker. I am pleased to rise and present a petition to the Assembly signed by 57 Albertans, but expressing the concerns of tens of thousands of Albertans, urging this government to “not delist services, raise health care premiums, introduce user fees or further privatize health care” in this province.

Thank you, Mr. Speaker. There'll be more on the way – there are – on an everyday basis.

head: **Notices of Motions**

MR. JONSON: Mr. Speaker, it is my pleasure to give notice of the following motion.

Be it resolved that the Legislative Assembly of Alberta affirm its support for an amendment to the Constitution of Canada to provide for an elected Senate which would represent the interests of all provinces through equal representation and through effective powers and, further, that the Legislative Assembly of Alberta urge the government of Alberta to undertake consultations with all provincial governments on this amendment and, further, that pending such an amendment the Legislative Assembly of Alberta calls upon the Prime Minister to summon to the Senate to fill vacancies related to Alberta only those who are Senate nominees pursuant to the Senatorial Selection Act of Alberta and, further, that the Assembly confirm the recommendations of the report of the Select Special Committee on Upper House Reform, which were unanimously endorsed by this Assembly on May 27, 1985, and again on March 10, 1987.

Thank you, Mr. Speaker.

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

DR. PANNU: Thank you, Mr. Speaker. Pursuant to Standing Order 30 and after having provided your office with the appropriate notice, I wish to inform you that upon the completion of the daily Routine today I will move to adjourn the ordinary business of the Assembly to hold an emergency debate on a matter of urgent public importance; namely, the government's failure to address the looming crisis being faced this coming winter by low-income and disabled Albertans.

Thank you, Mr. Speaker.

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

MR. MacDONALD: Yes, Mr. Speaker. In accordance with Standing Orders, and in particular Standing Order 15, I hereby give notice to all members of this Assembly that I intend to raise a question of privilege in this House later this afternoon at your direction.

Thank you.

head: **Introduction of Bills**

THE SPEAKER: The hon. Minister of Justice and Attorney General and the hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. Following consultation between ourselves and the House leaders for the opposition I would request leave of the House at this time to withdraw Bill 30, which stands in second reading on the Order Paper, in order to allow later the introduction of Bill 30-2 on the same subject matter but including extensive amendments which were promised to this House after reviewing all the acts of government and making Bill 30 applicable to those acts.

THE SPEAKER: The request being made by the hon. Government

House Leader is for a unanimous request in favour of granting such consent to withdraw Bill 30, the Adult Interdependent Relationships Act, from the Order Paper. Would any hon. member opposed to granting such leave please say no. Well, that being the case – if nobody said no, then presumably everybody said yes – it's carried.

The hon. Minister of Justice and Attorney General.

Bill 30-2

Adult Interdependent Relationships Act

MR. HANCOCK: Thank you, Mr. Speaker. In appreciation for that consent of the House, I would now beg leave to introduce Bill 30-2, the Adult Interdependent Relationships Act.

As I indicated this spring in introducing Bill 30 itself, one of the most difficult challenges of government is to achieve two fundamental values of Albertans which are sometimes seen to be in competition. In Alberta marriage is an institution that has traditional, religious, social, and cultural meaning for many Albertans, and it's recognized by Albertans as a fundamental principle that marriage is a union between a man and a woman to the exclusion of all others. The terms “marriage” and “spouse” have particular meaning for Albertans, and government policy has been and continues to be that we will protect those terms in our legislation.

But there is also another fundamental value, and that's the fundamental value of fairness and equal access to the law. Bill 30-2 introduces again the definitions and the terms that were set out in Bill 30 this spring but, as I indicated just previously, after holding the bill over for debate over the summer and for the public to consult and also allowing us, having achieved at least some measure of support for the definitions, to look at all statutes of government and make sure that our definitions of “marriage” and “spouse” were consistent and that we had a terminology to use in respect to all other types of personal relationships which needed access to the law. So Bill 30-2 in my humble submission, Mr. Speaker, does that job, and I look forward to debating it in second reading and beg the support of the House.

[Motion carried; Bill 30-2 read a first time]

Speaker's Ruling Numbering of Bills

THE SPEAKER: Before I call on the hon. Minister of Environment to proceed with his introduction, just let me make the following statement. In the light of the research that we've undertaken with respect to the procedure we've just undergone, this marks the first time that we've ever had a dash-2 bill in the Legislative Assembly of the province. As all hon. members will know, bills are usually numbered sequentially. The hon. Minister of Justice and Attorney General has proposed that the bill be numbered 30-2 to assist people in knowing that this is the second version of Bill 30 this session. For future followers of the proceedings of the Legislative Assembly and all those historians in the years to come who may find some confusion with what has happened, the chair wants to indicate that the unique numbering of this bill will not become the practice of this Assembly and that it should not set a precedent to be followed in the future. What the Assembly has just done is dealt with Bill 30-2.

Now, listen attentively to the hon. Minister of Environment.

Bill 32

Climate Change and Emissions Management Act

DR. TAYLOR: Thank you, Mr. Speaker. I request leave to introduce Bill 32, not 30-2, the Climate Change and Emissions

Management Act. This bill being a money bill, Her Honour the Lieutenant Governor, having been informed of the bill, recommends the same to the Assembly.

When this Assembly passes this Legislation, it will enshrine in law the commitment of this government to take action on climate change, Mr. Speaker. It is a very important issue, and this will provide, as I say, a legal framework for reducing greenhouse gases in this province. We need realistic solutions to climate change that recognize the value of the environment but also recognize the value of the economy, and it is a difficult balance. We also need solutions that provide certainty to all sectors of our economy. This bill will provide these solutions and is an important step to addressing this important climate change issue.

Thank you.

[Motion carried; Bill 32 read a first time]

Bill 34
Seniors Advisory Council for Alberta
Amendment Act, 2002

MR. WOLOSHYN: Mr. Speaker, I request leave to introduce a bill being the Seniors Advisory Council for Alberta Amendment Act, 2002.

[Motion carried; Bill 34 read a first time]

head: Tabling Returns and Reports

THE CLERK: Pursuant to Standing Order 37.1(2) I wish to advise the House that the following documents were deposited with the office of the Clerk by the hon. minister of health: pursuant to the Public Health Act, section 7(2), the Public Health Appeal Board annual report 2001; pursuant to the Dental Disciplines Act, section 8(4), the Alberta Dental Hygienists' Association 2001 annual report; pursuant to the Health Professions Act, section 4(2), the College of Dietitians of Alberta annual report 2001-2002; pursuant to the Nursing Profession Act, section 11(2), the Alberta Association of Registered Nurses 2000-2001 annual report; and responses to written questions 5, 6, and 9 asked for by Dr. Pannu on May 13, 2002.

3:10

MRS. McCLELLAN: Mr. Speaker, unquestionably Alberta sports teams continue to thrill and excite the fans in this province, and this was certainly the case last Sunday when the Edmonton Eskimos won the right to represent western Canada in the Grey Cup game, which will be held in the city of Edmonton next Sunday. I am pleased to table on behalf of the Premier a copy of a letter sent to Mr. Tom Higgins, coach and general manager of the western division champion, the Edmonton Eskimos. If I might, in the letter the Premier expresses his congratulations on behalf of the government to the Eskimos on their exciting victory in the western final and extends very best wishes to the Eskimos as they represent the west in this coming weekend's Grey Cup game. Members might note if they read the letter, the Premier is predicting an Eskimos win. The Premier closes by saying how proud all Albertans are of the Edmonton Eskimos and wishes them well in the upcoming game.

MR. JONSON: Mr. Speaker, on behalf of the Premier I would like to table five copies of a letter from the Premier to Prime Minister Chretien dated November 19. This letter expresses Alberta's desire to see the appointment of one of Alberta's elected Senate nominees to the vacancy in the upper House left by the retirement of Senator Nick Taylor.

Thank you.

THE SPEAKER: The hon. Minister of Economic Development.

MR. NORRIS: Thank you, Mr. Speaker. I rise today to table the appropriate number of copies of a letter that our Premier received from the Motor Dealers' Association of Alberta. As you know, the Motor Dealers' Association represents a number of car dealers who are involved in retail sales and service of cars. Their letter offers unqualified support of the Alberta government's position on Kyoto, and I would like to read a short quote: "We are firmly against Prime Minister Chretien's position of signing the Kyoto Protocol at any costs and without knowing specific implementation details." This is more evidence that a growing number of businesses in the Alberta economy understand the devastating effects of Kyoto, and I table the appropriate numbers now.

THE SPEAKER: The hon. Minister of Finance.

MRS. NELSON: Thank you very much, Mr. Speaker. I wish to table various documents relating to the government's financial affairs and those of the Ministry of Finance. Some of these documents have been public since we last sat in this House. Pursuant to section 10 of the Government Accountability Act I'm tabling five copies of the annual report of the Government of Alberta that highlights a \$772 million surplus despite a year of very extreme revenue volatility. This report is for the fiscal year 2001-2002 and includes consolidated financial statements.

Mr. Speaker, I'm also pleased to table the annual reports on behalf of the following ministries and their agencies, as required in section 14 of the Government Accountability Act and section 45 of the Legislative Assembly Act. That would be for Aboriginal Affairs and Northern Development; Agriculture, Food and Rural Development; Children's Services; Community Development; Economic Development; Energy; Environment; Executive Council; Finance; Gaming; Government Services; Health and Wellness; Human Resources and Employment; Infrastructure; Innovation and Science; International and Intergovernmental Relations; Justice; Learning; Municipal Affairs; Revenue; Seniors; Solicitor General; Sustainable Resource Development; and Transportation. These reports have been delivered to the Clerk's office as they are too numerous to bring into the Assembly.

Also, Mr. Speaker, pursuant to section 9 of the Government Accountability Act I'm tabling five copies of the first-quarter fiscal update for the year 2002-2003, which shows increased spending on disaster assistance.

I'm also tabling five copies of the first-quarter activity report for the year 2002-2003, which describes the major achievements of our government in support of our core businesses.

Finally, Mr. Speaker, further to the establishment of the Financial Management Commission in March of this year I am tabling five copies of the commission's report entitled Moving From Good to Great, dated July 8, 2002, and five copies of our government's response to this report, dated September 26, 2002.

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

MR. JOHNSON: Thank you, Mr. Speaker. The Alberta Alcohol and Drug Abuse Commission as an agency of the government of Alberta reporting to the Minister of Health and Wellness contributes to the health and well-being of individuals, families, and communities in Alberta. Today it's my pleasure to table AADAC's 2001-2002 annual report. This report summarizes the activities and achievements of the commission in providing alcohol, other drug, and gambling prevention, treatment, and information services to the people of Alberta.

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

MR. VANDERBURG: Thank you, Mr. Speaker. I'd like to table 350 signatures from citizens living in the Whitecourt-Ste. Anne constituency. These residents urge the Alberta government to reduce the price of electricity to sustainable levels by whatever means necessary until true competition develops to keep prices down.

Thank you.

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

MRS. ADY: Thank you, Mr. Speaker. I rise today to table the appropriate number of copies of eight letters that I received in my constituency regarding the protection of the Bighorn wildland recreation area.

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

MR. MacDONALD: Thank you very much, Mr. Speaker. This afternoon I have three tablings. The first one is a pamphlet entitled *Educating Against Racism*. It's put out by the Canadian Race Relations Foundation, and I would urge all hon. members of this Assembly to have a look at it, please.

The second tabling is a copy of a letter I received from the hon. Minister of Human Resources and Employment on October 17, 2002, and this was in regard to the use of binding arbitration to resolve the matter between the United Food & Commercial Workers' Union and Economic Development Edmonton.

The third tabling this afternoon, Mr. Speaker, is an ad from the *Edmonton Journal* dated July 31, 2002, and this is in regard to Albertans who have an interest in the Labour Relations Code review.

Thank you.

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. I'd like to table five copies of a workbook and five copies of a brochure launched last month at West Edmonton Seniors. These are both entitled Money Matters for Seniors. This project was headed up by the Kerby Centre in Calgary along with a coalition of public- and private-sector agencies to get information out to seniors on how to protect their financial resources.

Thank you.

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

MR. CAO: Thank you, Mr. Speaker. Today I rise to table my open letter that I'm asking my assistants, Marie Martin and Sandy Wilson, to send to federal and provincial legislators across Canada on the subject of the Kyoto accord ratification. The thought of this letter was formed after I attended with the hon. Member for West Yellowhead the Kyoto public forum at the U of A, where the federal Minister of the Environment presented his position.

Just bear with me . . .

THE SPEAKER: No, no, no. It's okay, hon. member. Perhaps the hon. member might want to utilize Members' Statements opportunity, but we'll accept the tabling today.

The hon. Member for Edmonton-Riverview.

DR. TAFT: Thank you, Mr. Speaker. I rise today to table the appropriate number of copies of a report prepared by Alberta Energy in 1990 called A Discussion Paper on the Potential for Reducing

CO₂ Emissions in Alberta. I should note two things. It does illustrate that there was work going on on this issue in Alberta more than 10 years ago and that, in fact, this work was derailed by the government's cuts in 1994.

Thank you.

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

DR. PANNU: Thank you, Mr. Speaker. I have two documents here on my list for tabling, but one has been already tabled by my hon. colleague from Edmonton-Riverview, so I won't bother to do that, except to say that it would have saved Alberta \$2.2 billion a year, and it would have cut the emissions by 7.3 percent by 2005 had that report been implemented.

My tabling, therefore, the only one that should be tabled, is one which is signed by 112 low-income Calgarians, addressed to the Premier, requesting "a substantial increase in the rates of the low-income programs" so that they may purchase their own Thanksgiving dinner come next year, Mr. Speaker.

Thank you.

3:20

THE SPEAKER: Hon. members, pursuant to section 46(1) of the Conflicts of Interest Act, chapter C-23 of the *Revised Statutes of Alberta 2000*, I'm pleased to table with the Assembly the annual report of the Ethics Commissioner. The report covers the period April 1, 2001, to March 31, 2002. A copy was distributed to members on October 9 of this year.

I'm also tabling with the Assembly the report by the Ethics Commissioner into allegations involving the hon. Member for Athabasca-Wabasca, Minister of Sustainable Resource Development, dated August 19, 2002. This report was distributed to members on that day.

As well, pursuant to section 4(2) of the Election Finances and Contributions Disclosure Act I'm pleased to table with the Assembly the annual report of the Chief Electoral Officer for the calendar year 2001. A copy of this report was distributed to members on October 29 of this year.

I'm also pleased to table with the Assembly the interim report of the Alberta Electoral Boundaries Commission, entitled Proposed Electoral Division Areas, Boundaries and Names for Alberta. A copy of this report was distributed to members on September 17 of this year as well.

head: Request for Emergency Debate

THE SPEAKER: Now, before going to Orders of the Day, we'll call on the hon. Member for Edmonton-Strathcona with a Standing Order 30 submission.

Low-income Albertans

DR. PANNU: Thank you very much, Mr. Speaker, for this opportunity to put this motion before the House. The motion deals with a matter of urgent and pressing necessity, that being the incoming crisis being faced by low-income Albertans as a result of the government's failure to take action.

Speaking to the urgency of this motion, disabled and lower income Albertans have been forced to wait far too long for this government to address what can only be described as a serious looming crisis. I urge you, therefore, to allow this debate to proceed this afternoon. It's been 18 months since the government launched its review of low-income programs. It's been six months since the government, after numerous delays, finally made public the

recommendations of the low-income review. The low-income report contained many useful recommendations, yet here it is six months later and the government has failed to act on any of the major recommendations in the report.

The cold weather is fast approaching. For some Albertans this coming winter the lack of safe and affordable shelter could be a death sentence. This week, Friday, the Edmonton Coalition on Homelessness will release its annual report and count our homeless Edmontonians. Given the extremely low vacancy rate and skyrocketing rents it's widely expected that the number of homeless Edmontonians will once again rise to intolerable levels.

It's urgent that we debate in this Assembly this afternoon the question of why the government is leaving \$67 million in federal housing money lying on the table by refusing to increase its contribution to build new or renovated affordable housing units. The government's failure to address the need for more affordable housing is creating a genuine emergency, Mr. Speaker, an emergency requiring the immediate attention of members of this Assembly. It's imperative that we debate in this Assembly this afternoon the question of why disabled Albertans have received only one increase of 5 percent in their AISH benefits in the past 10 years, while we as MLAs receive an increase in our pay every single year. It's urgent that we debate in this Assembly this afternoon why the government has failed to maintain at least minimally adequate levels of social assistance rates.

I also remind you, Mr. Speaker, that as of November 1 the province of Alberta now has the lowest minimum wage of any Canadian province. Alberta's minimum wage is lower than New Brunswick's; it's lower than Newfoundland's. Even many of the government's friends in the small business community are embarrassed about Alberta's unwillingness to ensure that those who work can earn a living wage.

Mr. Speaker, speaking to the urgency. During this fall sitting we will be soon beginning debate on the supplementary supply estimates. We will be voting additional dollars for fighting forest fires and drought and extra dollars for deferred capital projects like roads and bridges, yet there are no additional dollars being voted to build affordable housing. There are no additional dollars for AISH or social assistance recipients. We need to debate why this is so when the needs of low-income and disabled Albertans are every bit as urgent.

In conclusion, Mr. Speaker, I urge you to rule in favour of this Standing Order 30 motion and ask the House whether debate on this most urgent matter should proceed. Thank you.

THE SPEAKER: Hon. members, I will recognize two additional speakers, but please remember: we're now talking about the urgency of the subject. We're not debating the question; it's the urgency under Standing Order 30. The hon. Minister of Human Resources and Employment.

MR. DUNFORD: Well, thank you, Mr. Speaker, for recognizing me. I want to just take a moment, though, to indicate to you that in the House today, of course, are members of the MLA low-income review committee, who did some fine work and have submitted reports. Also, throughout the introduction of guests and visitors we've had various people that have been recognized, all of whom, of course, are working in the particular area of concern that is behind this particular motion. I want to add my voice, then, to that concern in trying to look at what are the right things to do in this particular area.

I'm simply standing here talking, then, about the urgency of the matter, and I do not believe that there is the need for an emergency

debate. There's no question that the government is helping people, helping low-income Albertans. Again, it was indicated earlier in question period about our AISH program, the fact that it is without comparison within Canada. The MLA committee and two committee members, Thomas Lukaszuk . . .

THE SPEAKER: Hon. minister, this subject before us now is urgency of the motion, not the question. We haven't made a decision on it yet.

The hon. Member for Edmonton-Gold Bar on the urgency of the Standing Order provision.

MR. MacDONALD: Thank you, Mr. Speaker. This issue, this motion as presented by the hon. Member for Edmonton-Strathcona, the looming crisis being faced by low-income Albertans as a result of this government's failure to take action, is an urgent matter. We all know what time of the year it is, how very cold and extreme conditions can be not only in this city but throughout the province. There has to be an emergency debate in this Assembly, in this Legislature, regarding how Albertans on low income are going to be able to survive the winter, because we know that there's been half a million dollars spent, and the government has not made a commitment to those citizens and their needs.

In conclusion, Mr. Speaker, given that the government of Canada and the provinces and territories have reached a broad consensus that their first priority should be children in poverty and persons with disabilities, I urge all Members of the Legislative Assembly to support the call for an emergency debate on the looming crisis faced by all low-income Albertans.

Thank you.

THE SPEAKER: Hon. Government House Leader, you wanted to participate? Urgency, please.

MR. HANCOCK: The question, as you've pointed out on more than one occasion, is urgency, whether we ought to suspend the normal debate of the House to debate this particular question because of its emergent nature. I would suggest to the House that we have opportunities and we have had opportunities to debate this issue. It's not a question of whether it's an important issue, not a question of whether it is important to the people involved, but it's a question of urgency. I would suggest to you that we've given notice of motion with respect to supplementary supply coming up, so there are opportunities to debate.

The member in bringing forward his motion indicated primarily the issue of dollars. We had a budget debate last spring with respect to the budget for this whole year. There was an opportunity to discuss this exact issue during that budget debate, and there are opportunities again as we discuss how government money is budgeted and spent through the supplementary requisition that's coming forward this very Thursday and again in discussion on the appropriation bill. So I would submit to you that it's not urgent to suspend the normal workings of the House today in order to deal with the issue, even though it may be and is a very important issue.

MS CARLSON: Mr. Speaker, speaking with regard to the urgency of this issue, we need to correct a few things that the Government House Leader has stated here. I do not see anything forthcoming in supplementary supply which gives us the opportunity to actually debate this specific issue. Yes, in fact, we had an opportunity to debate the original budget last spring, but in fact many things have changed in this province since that time and this time, not the least of which are rising electricity costs. The expectation was that this

government would have taken some action on reviewing and actually implementing increased dollars to SFI and AISH payments to individuals in this province. None of that has been forthcoming.

3:30

With the coming of the cold season, with the expectation that electricity prices are once again going to be skyrocketing beyond belief, and when we take a look at the other kinds of rising costs also included in that – rising education costs for anybody who's trying to retrain or support their families – in fact, we have a very urgent matter before us. This is, in fact, the very first and the only opportunity we will have to fully debate those kinds of issues in this Assembly this fall.

THE SPEAKER: Hon. members, thank you to those members who did participate in the debate in this application under Standing Order 30(2). The Speaker must now rule on whether or not the request for leave to adjourn the business of the House is in order, and it's on that subject that, unfortunately, the Speaker must make a ruling.

First of all, let me indicate to all hon. members that notice of the application was received in the Speaker's office at 2:50 p.m. on Thursday, November 14, so the requirement of providing at least two hours' notice to the Speaker has been met.

To be in order, Standing Order 30(7) requires that "the matter proposed for discussion must relate to a genuine emergency, calling for immediate and urgent consideration." The chair does not believe that this matter constitutes a genuine emergency so as to require the House to set aside its ordinary business to give this proposal its immediate consideration. The chair does not want to detract from the seriousness of the issue that the hon. member raises but wants to note that the request itself is not too convincing on the issue of immediacy as it refers to a "looming crisis" rather than one that is immediate.

The chair also notes that on the Order Paper supplementary estimates will be before the Assembly, and that might provide an opportunity for members to speak about the government's spending priorities, which is what this application appears to be about. For future reference members may wish to consult *Beauchesne*, paragraphs 387 to 390, and pages 587 to 589 of *House of Commons Procedure and Practice*. To be clear, the chair finds that this request is not in order.

The hon. Member for Edmonton-Gold Bar on a Standing Order 15 application.

Privilege

Contempt of the Assembly

MR. MacDONALD: Thank you, Mr. Speaker. I rise on a question of privilege this afternoon. My point of privilege is in relation to an advertisement placed in the *Edmonton Journal* on Wednesday, July 31, 2002. The advertisement is a call for public submissions relating to the Alberta Labour Relations Code to an MLA committee or an MLA review committee.

I am raising this point of privilege in hope that you, Mr. Speaker, will find that there is a prima facie case of privilege. I believe that the executive branch of government has committed a contempt of parliament by confusing itself with the Legislative Assembly, the legislative branch of government. I further believe that only this Legislative Assembly can appoint MLA committees and not the executive branch, the government of Alberta. I earlier tabled copies of the advertisement in question to assist you and the table in deciding on this matter.

Mr. Speaker, the legislative branch over many centuries has fought hard to win certain principles and privileges that the execu-

tive branch may not overstep or overtake. The reason why we have parliamentary privileges, both in particular to individual members and corporately to the entire Legislative Assembly, is to protect the legislative branch's rights and privileges from being overtaken by an executive branch that is constantly seeking to expand its powers at the expense of the other two branches. The question on which my point of privilege turns is this: is it proper for the executive branch to masquerade as the legislative branch? I believe that the proper answer to this question is no.

The advertisement that I have just tabled features Alberta's coat of arms at the top, and it makes one reference to an MLA committee and one reference to an MLA review committee. The executive branch in Alberta has traditionally used the standard blue Alberta logo in its news releases, letterhead, reports, brochures, newspaper advertisements, and other documents and literature, while the legislative branch has traditionally used either the symbol of the Mace or the coat of arms, such as the one depicted in the advertisement in question. I would note with interest, Mr. Speaker, that the office of the Speaker, which is the head of the legislative branch, uses letterhead featuring a gold-coloured coat of arms, similar to the one in the advertisement.

It would appear that the general public and certainly constituents in the riding of Edmonton-Gold Bar, that I'm proud to represent, believe that the MLA committee or MLA review committee referred to in the advertisement is a committee of this Legislative Assembly, when, in fact, this is not the case. Proper committees of this Legislative Assembly, such as the Special Standing Committee on Members' Services or the Standing Committee on the Alberta Heritage Savings Trust Fund, usually have members from both sides of the House and enjoy the rights and privileges of the entire House, such as shielding witnesses from civil molestation through parliamentary privilege.

The MLA committee or the MLA review committee referred to in the advertisement is actually a committee of the Progressive Conservative caucus, and its operating expenses are paid out of the budget that this House annually allocates to the executive branch. Such a caucus or executive branch committee does not enjoy the rights and privileges of an actual Legislative Assembly committee. It does not enjoy terms of reference in the form of a resolution from this House, and any findings or reports that it issues certainly do not reflect the opinions of members from this side of the House, for whom one in every three Albertans voted in the last election.

Mr. Speaker, what I'm getting at is that this advertisement of an MLA committee or MLA review committee purposely masquerades as a committee of the Legislative Assembly; thus, the executive branch is confusing itself with the legislative branch. I believe that this advertisement amounts to a contempt of parliament, which, as you know, is any action which, though not a breach of a specific privilege, tends to obstruct or impede the House in the performance of its functions, obstructs or impedes any member or officer of the House in the discharge of their duties, or is an offence against the authority or dignity of the House, such as disobedience of its legitimate commands or libels upon itself, its members, or its officers.

Furthermore, *Erskine May* defines contempt as being an act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of [his or her duties], or which has a tendency, directly or indirectly to produce such results.

In this case, Mr. Speaker, I believe that the executive branch through its advertisement intended to confuse itself with this Legislative Assembly by calling itself an MLA committee or MLA review

committee. Therefore, the advertisement is an offence against the authority, dignity, and performance of the functions of this House and its members.

It is important that the individual members of this House and the general public understand the difference between the legislative and executive branches of government. The legislative branch deliberates on and legislates laws. The legislative branch is also the keeper of the public purse and gives the executive branch a sum of money each year to carry out the enforcement of those laws and programs that the legislative branch sees fit. The executive branch exists merely to establish and maintain an infrastructure that carries out those laws and programs that it has been provided a sum of money for.

The advertisement in question is a deliberate attempt to confuse the members of this House and the general public. The executive branch cannot be allowed to usurp the identity of the legislative branch of government, especially since the MLA committee or MLA review committee that the advertisement refers to has not been sanctioned by the Legislative Assembly via a resolution and does not have among its members elected officials from this side of the House.

Mr. Speaker, at this, the earliest opportunity afforded to me, I have briefly set out the facts as well as the relevant quotes from parliamentary authorities that show that there is a prima facie case with respect to the executive branch's usurpation of the legislative branch's identity. On page 227 of *Maingot* it states that the Speaker asks simply: "has the Member an arguable point?" If the Speaker feels any doubt on the question, he should leave it to the House by finding that there is indeed such a case.

3:40

I urge you, Mr. Speaker, and all members of this House to carefully consider this matter. I am seeking your declaration that this advertisement represents a contempt of parliament because it is an offence against the authority and dignity of this House and its members. Should you find that I have a question of privilege, I am prepared to move the necessary motion. In the case that you find that there's not a question of privilege, I would still ask that you direct the government to be careful in its publications in future and refrain from calling committees of individuals of the government party, who happen to be Members of the Legislative Assembly, MLA committees or MLA review committees.

Thank you.

THE SPEAKER: Hon. Government House Leader, if you're prepared to make comment today. If not, we can hold it over until tomorrow.

MR. HANCOCK: Well, Mr. Speaker, if you thought that there was any merit to the discussion and wanted to have in-depth submission on it, I'd be prepared to leave it over. I would only make preliminary comment to say that this is hardly the stuff of contempt. Contempt is a most grievous charge, which should be reserved for the most grievous actions. The advertisement could only be described – taking it at its worst would be that members of the public might possibly have been confused, but one cannot infer from the advertisement itself the deliberate intention that the member referenced.

There's no indication that it's a committee of the Legislative Assembly. It's not held out as a committee of the Legislative Assembly. It clearly is a committee of MLAs – that's clear from the advertisement itself – but hardly a question of parliamentary privilege which impedes the rights of the individual members of the

House or indeed impedes the ability of the House to do its job, which are the true questions of privilege.

I'd be more than pleased to make detailed submissions on the point if you thought it was necessary or appropriate. I think this might be more appropriately dealt with, however, by the Speaker simply indicating that committees of MLAs when they're not committees of the Legislature ought to take a little more care, perhaps, in outlining in their advertisements so that there's no inadvertent misleading of the public as to whether it's a committee of the House or simply a committee of MLAs.

THE SPEAKER: Hon. members, I think that one should digest the words in the submission made by the hon. Member for Edmonton-Gold Bar, who obviously spent some time preparing his argument. I would point out as well that certainly notice arrived in my office at 10:59 this morning, so there wasn't even a great opportunity for myself to peruse other than having heard him orally. We'll come back to this matter tomorrow afternoon and invite hon. members to continue to participate in this as we work our way through this particular matter.

head: **Orders of the Day**

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

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. Might I at this time request the unanimous consent of the House for the introduction to second reading of Bill 30-2? It's unusual to ask for second reading on the same day as you have third reading, but in this peculiar circumstance, that you've alluded to earlier in your comments, I believe it's appropriate.

[Unanimous consent granted]

Bill 30-2
Adult Interdependent Relationships Act

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

MR. HANCOCK: Thank you, Mr. Speaker. I'm pleased today to speak to Bill 30-2. You've alluded earlier to the unique numbering of this bill. We believed it was prudent and had discussions with the House leaders and the critics opposite with respect to the appropriate format to bring this bill back to the House for discussion so that all members and indeed all members of the public might have a better ability to truly understand the nature of the amendments which were proposed to be brought forward this fall. We could have in fact brought amendments to committee at the appropriate time. However, by incorporating them directly into the bill, we believe that it makes a better opportunity for people to understand the true nature of the bill. I am thankful to all members of the House for allowing us the use of this unique procedure.

As members know, a slightly different version of the bill was introduced in the spring session. It remained on the Order Paper until now so that Albertans could have a chance to look at it and to provide their comments to members. As noted in the spring, this time of reflection was important because the bill has the potential to affect many people, and Albertans needed the opportunity to study and understand the provisions of the bill before it was passed and before it comes into effect.

[Mr. Shariff in the chair]

Mr. Speaker, I would indicate again, as I did in introducing the bill, that marriage has a traditional, religious meaning. It's a sacrament to many of us, a sacrament of our religion, and it's a relationship that is fundamentally between a man and a woman. Alberta law will continue to recognize this distinction, and the preamble of Bill 30-2 identifies the following principles: "marriage is a union between a man and a woman," "a spouse is a person who is married," and the term "spouse" is used throughout the bill and throughout all Alberta legislation to refer exclusively to a married partner. At the same time, this bill recognizes that there are Albertans in interdependent relationships outside of marriage.

Mr. Speaker, it's important that Alberta's legislation addresses the different ways in which people associate and create interdependency. Over the years courts and lawmakers have recognized the need for laws that allow people in committed personal relationships outside of marriage to deal with the financial and property issues that they face. Rulings at all levels of court, including the Supreme Court of Canada, have said that people involved in similar types of relationships must have similar access to the law and that provincial legislation may be found unconstitutional if it does not provide equal treatment to those relationships.

We believe that Alberta laws should not only extend to those in committed conjugal relationships but should also extend to those people who are involved in committed platonic relationships where there is no less a financial and emotional interdependency. Committed relationships of all kinds can create financial interdependencies. Government does not create these relationships; people do. But it is our duty to ensure that our laws help Albertans address the emotional and financial responsibilities which are created through those relationships and which then have to be taken care of when those relationships break down. This bill, therefore, covers a range of personal relationships that fall outside the traditional institution of marriage, including committed platonic relationships where two people share emotional and economic responsibilities. Currently there are many Albertans in personal relationships of interdependence outside of marriage who are emotionally and financially committed to one another on a long-term basis and who do not have access to the law when these relationships come to an end. This bill is designed to address that need.

Looking at it, one will see the term "adult interdependent partner" used throughout the bill. To become an adult interdependent partner, two people must be in a relationship of interdependence for at least three years, or less if there's a child of the relationship. Alternatively, two people who are living together or who intend to live together may enter into a written adult interdependent partner agreement. The signing of such an agreement signifies that the individuals agree to take on the obligations of that type of relationship and the obligations which are set out in Alberta law.

Some concerns have been expressed that this legislation would broadly capture all existing platonic relationships within the definition of the adult interdependent relationship regardless of the intention of the individuals in question. Concerns have also been expressed that people will unknowingly and unintentionally find themselves with rights and obligations that they should not reasonably have expected to take on. It is not the intention of this legislation that any two people living together as roommates for more than three years would qualify as adult interdependent partners. It is not the intent of this proposed legislation that every parent and child or brother and sister living together would qualify as adult interdependent partners. However, there are special platonic relationships that could meet the definition of a relationship of interdependence.

These would be platonic relationships where the partners have an intense personal commitment to each other and where they clearly consider themselves to be a couple, although the relationship is platonic.

So let's be perfectly clear. The bill does not extend obligations to and ought not to be interpreted to extend obligations to those people who are in a casual platonic relationship or to a normal family relationship where family members routinely assist each other, where an adult child moves in with a parent or where a parent moves in with a child, where two family members or two unrelated people choose for whatever reason to share a living space. This act applies only to and ought to be applied only to those people, whether in a conjugal or platonic relationship, who have that close and intense personal relationship that creates that special bond between the parties and the economic, financial, and emotional interdependence that would normally be associated with a marriage or common-law relationship as we now know them. For those related to each other, such as a parent and adult child, the relationship would require something more than you would normally expect in a normal parent/child family relationship. So the intent of this proposed legislation is only to include those platonic couples that have a relationship that is analogous to other recognized relationships or common-law relationships.

3:50

The bill also, Mr. Speaker, outlines how an adult interdependent relationship is ended either by the passage of time during which the adult interdependent partners live separate and apart, by having the partners enter into a written separation agreement, or by marriage or the entering into of a new adult interdependent partner agreement with a third party.

Over the summer and fall months we've received some feedback, and we've had an opportunity to fine-tune the bill to make sure that it is as clear as it can be, and as also promised in the spring, we've added amendments to a large number of acts so that the term "spouse" when it's used throughout Alberta legislation is used in a singular way so that the definition is the same in all of our legislation and so that adult interpersonal partnership replaces in many acts the concept of a common-law relationship, expands the number of people who might be involved in that type of a relationship, and makes a clear definition where there was once a varied number of definitions of the length of time and when a person is considered to be in that type of a relationship.

Just as an example, Mr. Speaker, in some 60 acts across our legislation in Alberta we previously defined in some of those acts the term "spouse" to include a common-law relationship or a relationship outside of marriage. That will no longer be the definition of a spouse in Alberta law. Spouse will be restricted to a relationship where people are married, a man and a woman in that relationship. The adult interpersonal relationship will take what in some parts of our legislation had a common-law relationship of one year living together. Other acts had common-law relationships of five years of people living together. Some had three years living together. It makes one definition which applies to anybody who lives in that type of a relationship outside of marriage.

So, Mr. Speaker, you'll see the consequential amendments included in this bill and the amendments that ensure that the status of adult interdependent partners is the same throughout Alberta legislation. There are a large number of these consequential amendments to over 50 bills. I won't go through each and every one of them, but just as an example the Powers of Attorney Act will be amended to ensure that a person giving a power of attorney cannot be subjected to duress or coercion by that person's adult interdepend-

dent partner. Another is the Protection against Family Violence Act, where amendments will allow a person to apply for a protection order if an adult interdependent partner has subjected them to violence or the threat of violence. The Income Support Recovery Act is also amended so that adult interdependent partners as well as spouses of benefit recipients are competent and compellable witnesses in proceedings under the act to recover benefit overpayments. Provisions of the Civil Enforcement Act that govern seizure of the property a debtor shares with the spouse have been expanded to apply that to property that a debtor shares with an adult interdependent partner.

Finally, there are a number of laws dealing with conflict provisions that are proposed to be amended. For example, the Municipal Government Act has a provision to deal with the consequences of a councillor or the councillor's spouse having a pecuniary interest in a matter. The amendments would make the pecuniary interest of a councillor's adult interdependent partner subject to the same sort of scrutiny.

Now, I should be clear to the House, Mr. Speaker, that it would be our intention not to proclaim the sections of this act which deal with conflict of interest provisions until the next election for the body affected. So for municipal governments or school boards or Metis settlements or, indeed, our own House the provisions with respect to conflict of interest of an adult interdependent partner would not come into effect until a person chose to run again in the election, and then they would know that they are running with those rules in place.

There are a couple of amendments that are a little different from the standard definition, and that, Mr. Speaker, applies to the tax and pension statutes, where we must align our definitions with the federal tax definitions to ensure that the tax statutes and pension statutes are enforceable in accordance with the agreements that we have with the federal government and make sure that they are not delisted in the case of pension plans. So the more limited definition of pension partner has been used in those circumstances.

Mr. Speaker, Bill 30, now Bill 30-2, has been the subject of a considerable amount of discussion certainly through our caucus process. It's been tabled in the House and left for Albertans to address. It is a bill which I believe will say to Albertans that now find themselves the subject of obligations when court decisions are made – instead of waiting and hearing that, they will now know that when you enter into a relationship of an intense personal nature of the type of a common-law relationship or a married relationship, one ought to be cognizant of the obligations that one is taking on. One ought to enter into that type of a relationship knowingly, and this bill will make it clear to whom the law applies and what kinds of laws apply to them and what happens if you don't take care of your own affairs.

It should be clear as well that family law and the laws of personal property are what I would call default laws. They only apply to people who don't take care of their own affairs. So if you write your own will, you need not be worried about the Intestate Succession Act. If you take care of your property affairs, if you take care of the obligations that you incur, then you ought not be concerned about Alberta law telling you what to do. It is a default provision. But if you do engage in responsibilities, if you create dependencies by way of your relationship with someone else or if you submerge your assets with someone else's assets so that you become dependent on them, then this law presumes and Alberta law currently presumes that one ought to be responsible for the dependencies that they create. That is the gist and the substance of Bill 30-2. It's a bill which allows Albertans to continue with the independence that they have to set their own path, to plan for their own futures, and to take care of their own affairs, but it sets in place default provisions which

give Albertans access to the law when they need it, when relationships break down and when through either inadvertence or otherwise they have not taken care of the dependencies that they have created. I would ask the House to support it.

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

MS BLAKEMAN: Thanks very much, Mr. Speaker. This bill has been a long time coming. It feels to me like I've worked half my life to see this legislation or something like it in front of us and see it pass, although at the same time I'm quite astonished at how fast we have progressed through the courts and the better understanding of the need for equality when we look at relationships, and that's happened inside of my tenure in this House, starting from the 1998 court decision on the Delwin Vriend case.

I'd like to put on record and thank some of the people and agencies who I think helped get us this far and who certainly gave me advice and guidance, and I'm appreciative for it. That would include Julie Lloyd; Equal=Alberta; Egale; GALA, especially Murray Billet and Fred Dicker; Charles Bidwell and Alberta Diversity; Kristy Harcourt and GLCCE; and all of the others that I know have been advocating for inclusion for some time.

As I mentioned in my comments for Bill 29, I'd like to thank the minister as well, although I suppose it can be argued and it has been argued that thanks may not be necessary when, in fact, we've arrived here because the courts have told us to arrive here. Nonetheless, I appreciate the personal effort that the minister has put in in trying to guide this legislation, and he has certainly been very open to meeting with me and having his staff made available for any questions, and I appreciate that. That is not what we usually see coming from the ministers, and it's a much more pleasant way to work.

So we're in second reading today, and that, of course, is on the principle of the bill. As I talk about the principle of the bill, we have to understand that we came to be here mostly as a result of the follow-through from the Supreme Court decision on M and H, in which the courts essentially said that given any number of different kinds of couples, we really cannot treat one kind of couple differently because of their sexual orientation if all other components of their relationship are the same. We can't consistently deny remedies and benefits, obligations and responsibilities to a couple based on that particular criteria.

4:00

As the minister mentioned, the law does in fact provide various remedies and benefits to couples, and with that comes responsibilities and obligations. The minister is correct in saying that if people just took care of their own business, if they'd just write their own wills or look after their own personal property, we wouldn't need to have provincial laws that covered things like intestate succession. But as I will mention a couple of times, people are human and they don't follow through on that. They don't take the good advice of what we're trying to get them to do here.

Was there a problem? Yes, there was. Certainly, the courts were very clear that we were creating a position of inequality that was not acceptable. Following that is the question: well, will legislation alleviate that or solve that problem? Yes, it had to be a legislative result. It was legislation that the courts were looking at when they were trying to make these decisions, and in fact the courts came back to the legislative arm and said: "You must fix this problem. It's on you to do it." So, in fact, we did have to have legislation of some kind to address this condition.

The final question is: is this the piece of legislation to fix the issue that we have before us? I think the answer to that is yes and no.

Why do I say no? I think there are two parts to that. One is the inclusion of platonic relationships, and the second is the preamble.

Now, that preamble. I've heard from a number of people about it. Many people do see it as hurtful. One person even called it hateful. The preamble sets it out so that it's ranking the adult interdependent relationship as second. There are three different clauses in the preamble that uphold as better or in first place in some way, shape, or form the institution of marriage. I have to say that I wonder why such effort is put into saying that heterosexual marriage is best. Why is there such a need to go into such a strong defence? Is that institution so fragile that it needs the constant repetition to convince people somehow? I have a greater belief in this institution than, obviously, the government does.

Certainly, people who are working with gay youth have told me that every time sexual orientation is listed as less than equal, it has very strong and immediate and dramatic repercussions. They see youth who are treated worse at home and in many cases even thrown out onto the streets. So to have a preamble that makes that distinction so clearly, that does that ranking so clearly, that underlines that inequality so clearly, you can see why people say to me that it's hurtful or even hateful.

So this legislation that I've worked so many years for – I would be much happier with this bill if we weren't having to face those words in the preamble. I will come back to this preamble in Committee of the Whole and in third reading, because I think we don't need to be doing that when we are trying to bring everyone to an equal footing. I think the preamble is redundant and it's regressive. Let's face it; even in Ontario, where they came to the same point and had to create the same kind of legislation, they just fessed up and said: "The courts made us do it. We didn't want to do it. The courts are making us do it. Done." I would even be happier with that in a preamble in Alberta than somehow underlining and restating constantly this inequity.

Now, the second reason that the bill is not perfect is the inclusion of nonconjugal or platonic relationships. This is interesting because it has in fact created two opposing arguments around the inclusion of nonconjugal or platonic relationships. Some people argue that it goes too far, that there's a net being thrown out that captures a number of people who don't want to be captured, and it's inappropriate that they would be captured by such legislation. Some people argue that this is just a political reality to get this bill passed in Alberta today. Well, that's quite possible. I have certainly heard from lawyers from the wills and estates division and the family law section of the Canadian Bar Association arguing that it will create huge numbers of people clogging up the courts as they try and get in on free goods.

I think that as with any instance where you create new legislation – and we are in fact doing that here. We're not amending an existing bill; we are creating new legislation. I think that any time we do that, there is going to be a certain amount of testing it in court. Do I think the courts will be clogged up? No, I don't. There are nine different criteria that are laid out at the beginning of the bill. I think that what's important here – and I hope I can draw the minister out and get his comments enshrined in *Hansard* for people in the future to look back on. What we need to know is: is it expected or understood that there is a ranking of that criteria? Is one of them weighted more heavily than another? Is there an alphabetical or a numeric order that should be followed, or is it a matter of, well, you know, best seven out of nine? Or do you have to have all of the criteria? Or whatever. That's not clear, and when we're using that criteria to uphold the definition, I think it does need to be more clear. So I'm hoping I can draw the minister out and get his remarks on record on that one.

The inclusion of the platonic relationships. Alberta is the only one in Canada, out of all of the various provinces, territories, and the federal government, who are all dealing with the issue of including same-sex relationships in their legislation, that has gone farther and has included these nonconjugal, platonic relationships. I noticed that the minister is always careful to say that he's talking about committed platonic relationships and not casual platonic relationships. Interesting choice of words.

As I say, many people are not happy about this and think that it's going to cause a lot of problems and put a bad light on the bill, clog up the courts and confuse a lot of people and capture people who don't want to be captured underneath this legislation, create division in families, et cetera. It's maintained that all the things that we're trying to alleviate would in fact be created by this.

I would have agreed with them up to a couple of weeks ago, but I discovered – and I probably should have known about this earlier – a document that's been prepared by the Law Commission of Canada called *Beyond Conjuality: Recognizing and Supporting Close Personal Adult Relationships*. I'll just quote briefly from that if I may.

The law has not always respected these choices, however, or accorded them full legal recognition. While the law has recently been expanding its recognition beyond marriage to include other marriage-like relationships, it continues to focus its attention on conjugality. The Law Commission believes that governments need to pursue a more comprehensive and principled approach to the legal recognition and support of the full range of close personal relationships among adults. This requires a fundamental rethinking of the way in which governments regulate relationships.

Indeed, it does. It's possible that Alberta is either leading the way, is so far ahead of the pack that many would not believe it, comprehensive and leading the pack, or we've gone off on a tangent here from which it would be hard to find us and drag us back.

4:10

I just want to lay that argument out that in fact there is a body or a group of people who are looking at the whole concept of dependency and of relationships in our society. We know that governments, legislatures are in favour of stability. A stable country, stable communities help create a stable economy and prosperity and health for the whole community and the whole country, so it's in our best interests that we support relationships that will create that kind of stability. What we're talking about here is understanding that there is more than one kind of relationship that creates that stability. To go beyond the obvious that we've talked about over the last 10, 20, or 50 years, which would be the common-law relationships and then same-sex relationships, to go to committed platonic relationships – well, I guess time will tell. We'll see whether we do need to be incorporating that or not.

Now, I want to raise this next point just as a caution because I think it's a possibility. I hope that that's not the intention of government, that the government is not setting out to deliberately create a situation where no one in Alberta can ever apply for assistance because it could be argued that at some point in their lives they were in some sort of adult interdependent relationship in some way, shape, or form and therefore the individual is told: "Sorry. You can't collect social assistance from us. You lived with someone five years ago. Go back to them for support payments and get your support from them or sue them through the courts for that." I hope that that is not underlying all of this, but it is a possibility. This legislation will make that possible.

The missing piece in that is how much retroactivity the courts will allow, and we have seen that particularly in B.C. Now, B.C. has got wacky politics, as far as I'm concerned, and often wacky law, but

here we go. We have two examples recently coming out of B.C. One was a couple of years ago, actually, in which one of a married couple who had long been divorced developed a debilitating disease and went to court and sued the other member – the husband or wife, I don't remember; I think it was the husband – for support, and the courts granted it. They had been divorced for a long time. Like, we're talking 10 years. So to have the ability to reach back through time like that and create that obligation surprised me.

We have another case before the courts right now, again in B.C., I think, yes, in a matrimonial property settlement in which the wife has gone back to court to open that up again. The support that was granted from the husband was for the support of the children, who are now grown and leaving the house, and the wife is going back for further support because she wasn't able to get on with a new career; she was raising the kids. So, again, that's reaching back through history and dinging that person in court for that kind of support. Well, I just want to raise that and set it out.

What we have with this legislation is: is the glass half full or half empty? After years of working on it, is it enough? I lean very strongly towards saying the glass is half full, and yes, it's enough for now. Let me talk about what I see as very positive.

When we first looked at a definition, I was advocating for a definition that would not require an overt act. In other words, it didn't require a couple to go to a registry or to make some kind of overt act, because people don't do that. If they were going to do that, they would have gotten married, but they don't. They decide they're going to move in together, and the biggest overt act they have is when they order the pizza and the cheap bottle of champagne and sit amongst the packing boxes in their new apartment. So they don't make an overt act that puts a legal framework around their relationship. They don't. That's when it falls to us to make sure that there are laws in place to catch them when it falls apart and to make sure that they do follow through on their obligations to each other.

The minister has already talked about how – well, let's go over the three parts of it: essentially any two people who live together for more than three years, or less than three years if there's a child involved, which, again, is recognizing something important to society, that we have children in secure relationships, or the third way into the relationship is through a written agreement. Now, that's not going down to a, you know, KVP or whatever is the local private registry and signing up for something. That can be a contract that two people write and sign with each other and keep in their own possession. Maybe nobody else ever has to see it until they need to pull it out.

I know that the Member for Edmonton-Rutherford had campaigned on the federal level for a registry in which people would go in and actually sign up for something somewhere, but I found that that was a limiting factor. I very much wanted to see a more open definition, and I'm very pleased with the definition that I see in this legislation, and I note the care that's been put into the nine criteria. I wanted this legislation to be able to cover and to capture those people who should be captured by it.

I've already talked about how people are human and don't do what they're supposed to do, which is why we need to write the legislation for wills and estates, a change of name, guardianship, fatal accidents, intestate succession, all those other laws that are covered under this, and there are some 60 of them in this bill. But really what that's about is creating that framework, those laws which endow those responsibilities and obligations onto couples and which make those remedies and benefits available.

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

MR. McCLELLAND: Thank you very much, Mr. Speaker. It's really a pleasure and something of a surprise here for me to have the opportunity to speak to this bill today. I really didn't think that we were going to have the opportunity to speak to it quite so quickly, but I want to preface my remarks by first offering my most sincere congratulations to the Minister of Justice and Attorney General for bringing this bill forward. It's been my experience over the years that in dealing with rights that accrue to people, sometimes there's a lot more heat than there is light in the arguments presented both for and against the subject matter.

Now, this bill, the Adult Interdependent Relationships Act, does a number of things. It provides certainty around relationships of a conjugal nature between a man and a woman. It provides the opportunity for people who live together not in a conjugal relationship to have structure around that relationship and, in particular, structure around the dissolution of that relationship. Importantly, what it also will do is provide structure and responsibilities and rights to those in a relationship of the same sex which is of a conjugal nature.

Now, this kind of legislation didn't start yesterday. It started with the introduction of the Charter of Rights and Freedoms, and it started when our society became more of an individual rights based society and less of a collective rights based society. It doesn't really matter whether we agree with it or we don't agree with it. The reality is that the Charter of Rights and Freedoms includes with it an equality provision, and the equality provision is that all citizens shall be treated equally and have equal rights. It doesn't say: all citizens with whom we happen to agree in certain aspects of our lives. It says: all citizens.

This created all kinds of difficulty because same-sex conjugal relationships, either male or female, lesbian or homosexual, have a certain amount of incendiary reaction in other aspects of society. It happens for good and proper reasons as determined by those who hold those views, and they have the perfect right to hold them. But the reality is that rights accrue to us as human beings because we are human beings. They do not accrue to us because of the sexual nature of our human being, the sexual nature that we have, provided, of course, that that sexual nature is within the law.

4:20

Now, we were faced, then, in our country with a situation where we had to, because of the court but also because it was the right thing to do, evolve to give respect to relationships, some of which we didn't agree with. So how are we going to go about doing this? Well, there are in this debate, in my experience, 5 percent on either side. . .

MS BLAKEMAN: Point of order.

THE ACTING SPEAKER: The hon. Member for Edmonton-Centre on a point of order.

Point of Order Decorum

MS BLAKEMAN: According to the House Leader's Standing Orders, we are in second reading, and I notice that the Member for Drayton Valley-Calmor has in fact changed seats. Wouldn't it be appropriate that he resumed his proper place?

THE ACTING SPEAKER: There is no citation; however, the point is valid, and all members need to be in their appropriate seats.

The hon. Member for Edmonton-Rutherford to continue.

Debate Continued

MR. McCLELLAND: Well, thank you very much for giving me the opportunity to proceed. It's interesting that on a bill of such importance such a matter of little importance is important enough to change the flow. But it did give me an opportunity to get some of the background information that I have acquired over the years to try to get onto the record, and I may not find it.

I wanted to speak about the genesis of the notion that came from the ecumenical council in Toronto when they were charged with: how do you go about squaring the circle? How do you go about doing the right thing without at the same time injuring the sensibilities of the people who feel offended by it? And it seemed to me that the incendiary nature of it was centered around the term marriage. As I was saying, there are, in my experience, 5 percent on either side of this debate who are really charged with it and are really passionate. The 90 percent of the people in the middle just want to do the right thing and live and let live. So the notion then came as a registered domestic partnership, which is essentially what this is without the registration. That idea was that in forming this legislation, you respect the term marriage, that has deep societal and religious significance and must and should be respected. It should be respected because people feel strongly and it has tradition behind it, and that in itself is reason enough.

On the other side of the equation there are those in committed same-sex relationships that are worthy of respect by society regardless of whether we as society, individually or collectively, agree with the sexual nature. The relationship that these two people share is of value to them and by extension to society. So the notion, then, was that there are many relationships in society which have value, which may or may not have a sexual relationship. The essence of it is: the sexual nature of a relationship is none of our business. Period. Whether a relationship is sexual or whether it is not sexual has nothing to do with the value of that relationship between the two persons in that relationship. They may choose to have a sexual relationship; they may choose not to. It's none of our business.

[The Speaker in the chair]

So, then, how can we say that we want to as a society give strength to interpersonal relationships that are dependent? The way, perhaps, to do it and the way that is envisioned in this legislation is to say: if you take sex out of the relationship – because it's none of our business anyway – then what does it matter if it's a platonic relationship or a relationship of a conjugal nature? You put the relationship ahead of the sexuality involved in the relationship, and you provide for that. You provide the structure for that. The question comes up: if we do that, it's going to cost us a fortune. Well, it isn't. The reality is that with the rights come also the obligations.

According to the Law Commission of Canada and according to the Department of Finance, there's virtually no effect one way or the other on the public purse because of this kind of relationship. Keep in mind that we're asking people to accept the obligations that come with the relationship. For instance, I had in my previous life received numerous calls and letters from people receiving old age pension that felt that it wasn't right that two people living together that weren't married would receive an old age pension as a single person, yet two people living together married for many years received an old age pension as a married couple, which was about 25 percent less than it was individually. People who lived together for a long period of time wouldn't get married if there was a reason they couldn't. Under this regime in the same circumstance people would

be receiving the old age pension exactly the same as a married couple would. With the rights come the obligations. It's not a one-way street. Now, this is not federal legislation, so I need to make the point that it wouldn't affect the old age pension because this is provincial in nature.

Now, I would like very much for people who may be reading this – and in future, if and when this ever does go to the Supreme Court, the justices will take into account the preamble of the bill. The preamble very clearly identifies that marriage is a relationship between a man and a woman, heterosexual. That will be the foundation upon which the justices will make any determination that has anything to do with the bill. They must take that into account.

They must also take into account the debate that takes place on this bill in this Legislature before it's passed, because they are obligated to sense the mood of the Legislature. They do not have the unfettered right to make law in their own place. They must take into consideration the notion, the ideas behind the law, as expressed in the Legislature. One of the things that they're going to be looking at will be: does this legislation provide equality for citizens regardless of their sexual orientation? Make no mistake; that's where this is eventually going.

Because we have clearly identified in the preamble to the bill the definition of marriage and because the Alberta Legislature has already passed a law with regard to the definition of marriage and because all of the rights that accrue to anyone regardless of the conjugal nature or the lack of a conjugal nature in this co-dependent relationship are exactly the same, it's my opinion that should this ever come to the Supreme Court, the Supreme Court will rule that there is equality provided for all citizens. But it must be understood that this law clearly, without doubt, recognizes that there will be same-sex conjugal relationships encompassed in it. It very clearly says that same-sex conjugal relationships are covered in this law and, therefore, that all of the rights, all of the privileges, and all of the responsibilities that are premised upon marriage, without the term marriage, are premised upon a same-sex conjugal relationship, and there should be absolutely no mistake in that.

4:30

Now, with that understanding, it's hopeful that as this goes forward, citizens of Alberta and, I think and I hope, citizens of Canada will take the lead from this legislation. As my colleague opposite mentioned, you can look at this legislation in one of two ways: the cup is half full, or the cup is half empty. Well, I think that the cup is full and just about as full as it's going to get, and I think it's to the right degree. I think that we have very carefully considered all of the forces at play here and have tried to fashion a compromise that will satisfy legitimately the concerns of 90 percent of Albertans and by extension 90 percent of Canadians.

There will be people who will not be happy with this legislation. There will be people on either end of the debate. But let us not allow this incredibly important social issue of conscience to be driven by the 10 percent, the 5 percent on either side. Let's let the 90 percent of people who want to live and let live and do the right thing drive this debate.

Thank you, Mr. Speaker.

THE SPEAKER: Hon. members, I might point out that Standing Order 29(2)(a) now kicks in for five minutes. The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you very much, Mr. Speaker. I would like to ask the hon. Member for Edmonton-Rutherford this question: if he believes that the Supreme Court and the Constitution of Canada have

required that equality be provided to all individuals, irrespective of their sexual orientation, then how does denying marriage to same-sex couples meet that particular principle?

MR. McCLELLAND: I thank the Member for Edmonton-Highlands for his question because that is the question that will be on the lips of the 5 percent who want marriage. There are people who feel that if marriage is not there, the bar has been lowered and they'll never get it. In my experience, politics and life is an honourable compromise, and the compromise that is asked in this bill is asked of the 5 percent on one side who will have everything premised upon marriage save the term "marriage." The compromise is asked of them to accept that so that the 5 percent on the other end, to whom this is the most offensive of legislation, will accept it.

This, in my experience, is a generational thing. In my experience, two generations from now people will look back on this and say: well, what's the big deal? But politics is about having consideration and concern for other persons, and at this stage, at this time there are people who feel very offended by this legislation. Their rights and their feelings are every bit as important as the people on the other extreme, and that's why this is an honourable and a just compromise.

THE SPEAKER: The hon. Member for Edmonton-Highlands, still within Standing Order 29.

MR. MASON: Thank you very much, Mr. Speaker. Again to the hon. Member for Edmonton-Rutherford. I take it from the hon. member's statement that he has not argued that it does in fact meet the principle of equality; he is simply saying that it is a compromise. So the principle is not met but instead compromised.

MR. McCLELLAND: No, not at all. The Member for Edmonton-Highlands has made the point that unless the term "marriage" is given to same-sex conjugal relationships, it isn't the same as heterosexual marriage because of the conjugal nature. That's what is behind the question. But the point is that marriage is a term used historically with deep religious and historical significance to define and describe a heterosexual relationship. So as not to offend that sensitivity and that sensibility, the term "marriage" is reserved. It's a word. All of the rights and all of the privileges and all of the obligations premised upon marriage flow to persons of same sex in a conjugal relationship or not or strictly a platonic relationship. So the equality rights provision is met.

What is not in this bill purposely and I think appropriately is marriage because of the reason I've stated several times: because of the fact that this debate should not be driven by either extreme. It should be driven by the 90 percent of Canadians in the middle who want to live and let live and do the right thing.

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

MR. MASON: Thank you very much, Mr. Speaker. Again to the hon. member: has the hon. member considered the solution which has been found in many countries and, I think, in particular in European countries, where they draw a distinction between a civil marriage and a religious one?

THE SPEAKER: The hon. member has eight seconds.

MR. McCLELLAND: Well, marriage is religious, and there are many churches today who will provide for marriage of same-sex couples. It's up to them.

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

MR. DOERKSEN: Thank you, Mr. Speaker. I want to spend a few minutes on this bill today referring primarily to the preamble and the ongoing discussion with respect to the importance of marriage. Those of you who were in this House in the year 2000 will remember that a private member's bill under my name amended the Alberta Marriage Act, and in fact, at that time, for the first time in this Legislature's history we inserted the definition of marriage as being between a man and a woman into Alberta law. I recall quite clearly the debate that we had at that time on this bill, and in fact I think there was close to unanimity. There may have been one or two people opposed to that definition, but all members of the Legislature were supportive.

Where the disagreement came at that time was that that bill actually also included or invoked the constitutional override to protect the definition of marriage, and the comments at that time in the House were: "Well, why would you want to use that constitutional override at a time like this when the definition of marriage will never be challenged? This is an issue that is sacred to Canadians for all kinds of reasons and won't happen."

In fact, subsequent to that, in the House of Commons they had a vote around the definition and overwhelmingly again supported marriage, as we have stated in our preamble here, as a union between a man and a woman to the exclusion of all others. It was less than two years after people saying that there would be no challenge that, in fact, there were applications made in other provinces for marriage licences, which, of course, we tried to establish as the provincial constitutional responsibility and one where we had some say in the matter.

4:40

What I'm trying to highlight to this Legislature is the fact that this is not going to stop. I think we're going to continue to see challenges to the definition of marriage in our society, which is why it is important in this bill to establish what the policy and position of the Alberta government are at this time so that when those challenges come, we will be quite clear with Albertans as to what we have said is important. In that respect, Mr. Speaker, in this bill we have said that in this case a marriage is between a man and a woman to the exclusion of all others, and in fact we have said in our press releases and policy statements around this bill and around this issue that we would in fact protect that definition through the use of the constitutional override.

We have added one other thing which I think is significant because actually it goes further than the bill that I had proposed in 2000. We now include a definition of spouse to refer to a person that is married. This bill will now provide common definitions for spouse in all of our pieces of legislation, and I think this is a very important element. In fact, it has changed several acts that were previously amended to reinforce the notion that when we say "spouse," we do in fact mean spouse as a person who is married. Further, Mr. Speaker, we have also said in our press releases and in our policy statements that we would also, in the event that that definition were challenged in front of a court, use our provisions under the constitutional override of the Charter of Rights and Freedoms to insist that in Alberta at least the definition of spouse will remain as it reads in this application.

Mr. Speaker, it was important for me to make that case because I think that people are going to refer back to the debate not only on Bill 202, the Marriage Amendment Act in the year 2000, but this bill also. They're going to read *Hansard* and see what the members were saying at that time. For me it was important to make sure that

the public understood, in fact, what our intention was with respect to the definition of marriage and the definition of spouse.

The remainder of the bill deals with issues to do with economically dependent relationships where individuals have made the choice to enter into relationships other than marriage. Through various court decisions we have decided that, in fact, there are some economic dependencies that arise because of relationships, and this, again, provides a definition of an interdependent adult relationship so that those rules can then apply to all individuals who have a relationship outside of marriage.

Mr. Speaker, I just wanted to put those comments on the record, and clearly, from my own point of view, the lock around the definition of marriage and spouse was the reason that I was and will be able to support this bill.

THE SPEAKER: Hon. members, Standing Order 29 kicks in.

SOME HON. MEMBERS: Question.

[Motion carried; Bill 30-2 read a second time]

Bill 31

Security Management Statutes Amendment Act, 2002

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

MR. HANCOCK: Thank you, Mr. Speaker. I'm pleased today to rise now to also move second reading of Bill 31, Security Management Statutes Amendment Act, 2002.

As you know, this bill was introduced on the last day of the spring session and remained on the Order Paper until now to provide Albertans again with an opportunity to look at the bill to see how it might impact their daily lives. The Security Management Statutes Amendment Act clearly was set out as a bill which resulted from the complete review of all our statutes to respond to public security threats that we might have information on. But, clearly, anytime you do that, one has to also look at the rights of individual Albertans to make sure that they're not being abridged in an unnecessary way or that we potentially have the opportunity in statute to take away rights of movement or rights of speech or other fundamental rights without there being an absolutely essential need to do so.

So it was necessary to put the bill out, to leave it available for the public to look at, to develop a degree of comfort with it, to understand its purpose and its necessity, and to provide us any feedback. I can report to the House that I have received almost no feedback at all from the public, which would lead me to believe that the main reason for that is that the changes being proposed to Alberta statutes are reasonable and are respectful of the rights of Albertans. I believe that Albertans recognize that the bill contains modest provisions that will help to ensure that our province will be prepared to meet various types of threats or emergencies as they might arise.

Mr. Speaker, the September 11 terrorist attacks in the United States last year shocked and horrified the world. They made us realize that terrorism is real and there's a significant threat for North Americans. Since that time, there have been a number of incidents worldwide which, while by order of magnitude have not paralleled September 11, have certainly kept alive the concept that as a government we must be mindful of the security of the people in the province and we must take real steps to ensure to the extent possible that our security is looked at, is protected.

So in Alberta we took decisive action following the attacks on Washington and New York. Our Premier immediately established a ministerial task force to examine the implications of the attack, to

see what implications it may have for Alberta. The ministerial task force, led by the Minister of International and Intergovernmental Relations, did a significant amount of work in the weeks and months following the attacks: reviewed current emergency plans, tightened security where necessary, worked with our Solicitor General with respect to public security issues that fell into her purview, expanded our contacts with other governments and organizations, and provided the information to Albertans. The task force also worked in coordination with energy and utility companies to review and strengthen security measures at key infrastructure sites.

A comprehensive crisis management plan has been developed to clearly outline the roles and responsibilities of governments and organizations in the event of a terrorist attack. Other measures to date include the addition of staff assigned to handle crisis management planning, the introduction of mandatory criminal record checks for Alberta government officials working in sensitive areas, and ensuring that departments continue their work in developing business resumption plans so that crucial government services would continue in the event of any kind of emergency.

4:50

By that litany of issues one can see that this is, in fact, not a Justice initiative, and it should be clear to all members that by moving this bill for second reading, I'm merely acting as always, of course, on behalf of all members of government, who worked very hard in reviewing all of their acts to get to this point. In fact, the lead role in this process has indeed been with the Minister of International and Intergovernmental Relations and with the hon. Solicitor General. Mr. Speaker, I'd like, then, to thank the Minister of International and Intergovernmental Relations, the Solicitor General, and all the other members of the task force on security for the significant efforts that have been made over the past year for all Albertans.

Albertans pride themselves on having safe and secure communities to work and raise our families in. An important part of ensuring this important objective is to have a sound and effective legal framework. Bill 31 is the result, as I've mentioned, of a governmentwide review that the ministerial task force asked every government department to undertake within their areas of responsibility and with respect to the legislation which falls under their purview. Where applicable, departments highlighted specific legislative changes that would enhance our ability to prevent terrorist activities and would improve our emergency preparedness in the province. The amendments cover a range of areas and are designed to protect the province's infrastructure, industry, environment, natural resources, and, indeed, the people of Alberta.

These changes do not represent a major overhaul of the province's legislative framework. As we reviewed our disaster legislation and other applicable legislation, we found that, actually, in most cases it provided a very appropriate level of coverage. What it did not in some cases do, however, was provide the opportunity to use that framework in anticipation of a terrorist threat or other threat to the security or safety of individual Albertans. Rather, it required a response to those threats. So these changes simply fine-tune existing laws by enhancing the tools that we have in place to avoid a crisis or to react to a crisis in a swift and decisive manner.

As I've said before, we enjoy numerous rights and freedoms in Canada, and the government of Alberta takes those rights and freedoms very, very seriously. Albertans respect rights and freedoms of each other, as we've just debated in this House with respect to a previous bill. That's why amendments in this bill and the security legislation that already exists in Alberta strike an important balance between protecting rights and freedoms and ensuring the safety of Albertans.

Mr. Speaker, Bill 31 amends 17 Alberta acts. These amendments

will strengthen Alberta's laws to make it more difficult for those seeking to obtain false identification through provincially issued documents such as drivers' licences; provide a mechanism to prevent charitable organizations from raising funds for groups associated with terrorist activities; enhance the province's ability to control access to public lands and highways during times of heightened security, crisis, or emergency; enhance the ability of public bodies to withhold sensitive information from public disclosure when it is determined that it may compromise security; enhance the authority and responsibilities under the Public Health Act to address public health emergencies; and provide regulation-making authority in respect of security planning requirements for critical infrastructure in the energy sector.

I'm confident, Mr. Speaker, that Bill 31 will help to ensure that Alberta has the legal and strategic mechanisms in place to address any threat that may be made against our province and its people. I believe that the measures being proposed in Bill 31 are prudent and modest, and I would urge all members of this Assembly to support Bill 31.

Thank you, Mr. Speaker.

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

MS BLAKEMAN: Thanks very much, Mr. Speaker. You know, I think we see once in every generation an event that is so momentous that it changes the course of that generation; it imbeds itself in the psyche. An example of that, for instance, would be the assassination of John Kennedy. They say that it took away the innocence of the United States at that time, and I think that I'm going to argue that September 11 had the same effect upon this generation. It took our innocence away; it gave us fear. As a result of that, we started to look around at our society differently. I think it actually changed the way our society behaves. That's what a terrorist act can do. It makes us aware of our own fragility. It became very clear that a group of very determined people could wreak havoc upon us and cause us to change the way we go about our lives and the way we go about our businesses.

So flowing from that, there's no question in my mind that it's prudent of government to take steps to make sure that we're able to protect ourselves as much as possible, that we have disaster planning in place, and that we have resumption of business in place. I think that's a prudent act of government. But I also think that there needs to be a balance to that, and it's incumbent on this Legislature to make sure that balanced against these disaster plans and the ability of government to take action where necessary is the protection of the freedoms of Albertans.

The minister was just talking about how Albertans respect the rights and freedoms of others. I agree. I think Albertans do respect the rights and freedoms of others. I'm not so sure that the government always does. So I think part of our job here as we debate this bill is to press the government to make sure that what's being put in place with this act does in fact protect all Albertans from unnecessary restriction of their freedoms and their rights.

One of the things that most concerns me about this legislation is the vagueness of it. There's a paucity of detail here, and I think it's important that we do press the government to put that reasoning either into the act or put it into *Hansard* so that people can review *Hansard* and understand what was intended here. So I hope others will join me in pressing for that.

A couple of things are expanding the powers of government. On the one side we've got an expanded definition of "emergency" that comes through in this legislation. We've got an expanded definition of "public health emergency." We're also expanding the ability of

government to withhold sensitive information or withhold information from scrutiny through the Freedom of Information and Protection of Privacy Act, the FOIP Act. When government starts giving itself extraordinary powers, we've got to be very, very careful. I'm not saying that we don't need this piece of legislation. As I started out, I think we do need it, but I think we have to be very careful to make sure that the government doesn't grant itself powers that it can then use at some time in the future as a means to limit Albertans' freedom of movement and access to information about what government is doing.

The devil really is in the details here, so I am looking to the minister or to the other ministers that are associated with the acts in this bill. I mean, let's be clear. We're talking about fairly wide ranging. This bill covers changes in the Alberta Energy and Utilities Board Act, the Change of Name Act, the Charitable Fund-raising Act, Dangerous Goods Transportation and Handling Act, Disaster Services Act, Electric Utilities Act, FOIP, Government Organization Act, Judicature Act, Motor Vehicle Administration Act, public parks, Public Health Act, Public Highways Development Act, Railway (Alberta) Act, Traffic Safety Act, Vital Statistics Act, and Wilderness Areas, Ecological Reserves and Natural Areas Act. That's covering a fair range of possibilities for the government to expand its powers and restrict the freedoms of Albertans, so it's very important to strike that balance and to get as much information out there as possible on this one.

I'm always concerned when the government wants to restrict access to information. We have a good FOIP Act here in Alberta, and I think credit should go to my colleague Gary Dickson, who was the previous Member for Calgary-Buffalo, for working so hard on that. He could be a pain sometimes, but I think he knew what he was doing on that one.

AN HON. MEMBER: Agreed.

MS BLAKEMAN: Thanks for the agreement on that one.

I know that if Gary were standing here – I can see the ghost of him sitting in that seat over there, saying: there's too much that's being left up to regulation and subordinate legislation, way too much. Of course, that regulation is always developed behind closed doors by the government. We may or may not ever hear what it is that they've decided to do, and I think that it's important that we lift that veil of secrecy and get some of that detail out here in this House. I think that privacy is a concern that is in a number of these sections, so the question is: well, what's the oversight for the preparation of these regulations? How can we be sure that the steps that the government follows are appropriate and not unnecessarily intrusive into the lives of Albertans? I don't see that protection in this legislation as it sits right now.

5:00

Interestingly, the minister mentioned that he had not heard from any or very few Albertans with regard to this act, and I have to agree with him. I am baffled because I would have thought that people would have immense interest in this act, but I have sent it out all summer and did not receive substantial feedback on it. So I think there's a reason that we need to be very careful here, and of course I'm just going to hold the government and the minister in particular to account on this. I am searching for that balance between government convenience and the public and personal freedoms. You know, it's a natural tendency for a group of people to try and set things up in a way that's very convenient for the way they want to operate, but my response to that is: too bad. We're a Legislature. We're responsible to be as transparent as possible in the decision-making

to the people of Alberta, and I think that's something that needs to be upheld here.

One of the issues aside from those expanding powers in those areas I mentioned earlier – and how the powers are being expanded is not very clear, or what the limitations on the expansion of those powers are is not clear. But the other thing is: how is it determined that a terrorist threat is present? In a number of these bills and in what's being changed overall by this legislation is this terrorist threat. Well, who determines it? Who determines that any given act is some sort of terrorist threat? Does CSIS do it and phone up the Alberta government and say: "Okay. Pay attention. We've determined this is a terrorist act"? Or does the Alberta government, you know, decide that it's a gray day outside and therefore they've decided that X, Y, or Z is a terrorist act? That's not clear enough in this legislation.

I think that it could be argued that some acts are so obvious that there's no question. I don't think any of us are going to argue that flying a jumbo jet into an office building full of workers at the peak of their workday is anything but a terrorist threat. I think that's agreed upon. My concern is that government is giving themselves extra powers here, and I want it to be very clearly laid out for Albertans to be able to see under what circumstances they can decide to act upon those. When does that gate open? When do we click over onto that definition?

I know that we've got a number of ministers whose acts are involved in this legislation, and I'm hoping that we can get some different points of view from them on the record on this, because I think that's a crucial point. If we can decide that a group of individuals who are protesting on the steps of the Legislature – who determines whether or not they, perhaps, could be a threat to the security of Alberta? I think it can be argued that just about any definition could be put in place. So what are the limitations that are placed on that? That particular, you know, "who's determining" turns up in quite a few of these acts.

Now, I think that a lot of the rest of my comments are more particular to definitive sections in this legislation, so it may be that I won't go into the sort of line-by-line, word-by-word, clause-by-clause breakdown of the act. I'll leave that to Committee of the Whole. But I do want to underline what my concerns are for this act now, and that is that we get a much clearer idea of where government is going to go as they give themselves expanded powers, what the limitations are on those powers, who's determining under what circumstances we've got something deemed a terrorist activity. For example, there are changes that are being made to the Alberta Energy and Utilities Board. Well, does the Alberta Energy and Utilities Board get to decide when something is a terrorist activity, or do they wait to be told that by the Minister of Energy or the Premier or who? Who decides this, and what's the criteria for deciding it? So I'd like to see some of that put onto the record here and made more obvious for people.

I also want to make sure that Albertans aren't subject to unusual scrutiny here. This government does have a tendency to do that, again, I think, because it's convenient. If we look back at what was recommended in the MLA review for the Police Act, there was a suggestion there that there be unstaffed aerial drones that would operate surveillance in rural areas in Alberta, and I'm deeply suspicious about activities like that. You know, who's collecting this information? Who's reviewing the information? For how long is it kept? Who gets access to it? All of those questions need to be answered when we look at collecting any kind of information on people.

It was supposed to be a great idea that when the registries, which were a government service, were privatized, Albertans didn't need

to worry about any kind of outside interference in personal information about them. But that's exactly where all the problems have come, because when you have government in charge of that kind of information, there is a dedication to the policies of the government first. When you have that in the private hands, you have a dedication to a paycheck first, and that's where it starts to break down.

So I'm looking for a clearer definition and clearer idea from government about what the limitations are, what the details are, and how we make sure that we're not infringing upon Albertans' personal freedoms and rights without a darn good reason under very specific and well laid out circumstances.

Thanks for the opportunity to speak to Bill 31 in second reading. I do support the principle of this bill, but I certainly, obviously, have a number of concerns that I'd like to see addressed.

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

MR. MASON: Thank you very much, Mr. Speaker. I am pleased to rise on second reading and speak to Bill 31, the Security Management Statutes Amendment Act, 2002.

I want to say at the outset that it was clear after the events of September 11 that a review of security, including a review of security legislation, was in order, and I think that it was appropriate that the government ought to have done that and that they did it. I think that it's clear that almost all Albertans would agree that in some areas the tightening of security in order to provide for the protection of Albertans was also in order. I think that there are certain aspects of this bill, Mr. Speaker, that do that, so in an overall sense I am not opposed to many of the aspects of this bill. I think it was timely and necessary.

There are a couple of areas that give me a considerable degree of concern, Mr. Speaker, and we did hear from some groups about this. One of the groups that we did talk to was the Edmonton Mennonite Centre for Newcomers. That's an organization dealing with immigrants and helping them become adjusted to Canada, to Canadian society, to help them make the transition socially and economically to life in Canada. I think that one of the concerns that organizations like that have is that many of the security provisions – and I'm thinking particularly now of the United States – are applied differentially according to the profile of the individual that is concerned. I know that the Canadian government has been very, very critical of the policies of the American government in respect to this.

Racial profiling is clearly a fact of life. So the question really becomes: how do we fit in with that? Well, there's a section in the act, Mr. Speaker, which clearly gives the minister, any minister using their own discretion, the right to share information but not with Canadian security agencies or with Canadian governments, the federal government in particular. I'll just for reference indicate that it's an amendment to the Government Organization Act, sub (2) after section 9, and it says:

A Minister may share with

(a) the government of a foreign jurisdiction . . .

It doesn't say what foreign jurisdiction.

. . . the Government of Canada or the government of any province or territory, or a department, agency, board or commission of such a government,

(b) another department of the Government of Alberta, or an agency, board or commission of the Government of Alberta, or

(c) a police service in or outside of Canada

information that is relevant for the purpose of combating terrorist activity.

It gives very, very broad latitude to any minister of the Crown acting on their own without reference to cabinet, to the judiciary, to the Legislature to share information.

5:10

You know, if I can get back for a minute to the situation in terms of immigration to the United States, not just immigration but border security with the United States. There was a piece on the national news a couple of nights ago which indicated that there's concern that there's going to be employment discrimination within Canada in the sense that companies who have employees who are from a Muslim background or from Arab countries originally will not send them to the United States because of the treatment that they receive there and particularly when they attempt to enter the United States. There have been Canadian citizens who have been whisked away and deported from the United States or held without trial, and their relatives have been unable to find out what has happened to them, and this is all well documented. So we're actually seeing the impact in Canada where Canadian companies are now taking a look at which employees they are able to send on a business trip to the United States, which is, of course, far and away the largest single trading partner we have.

So the question for me, Mr. Speaker, then, is: what restrictions are there? What safeguards are there in order to protect people who are Canadians or perhaps not Canadians but landed immigrants from having information at the unfettered discretion of any minister of this government transmitted to any security agency or foreign power? There's no restriction on what those powers might be or what agencies they might be. I would view it with a lot more comfort if there were some more restrictions on that authority, and I would prefer that ministers of this provincial government not be dealing with foreign intelligence agencies at all, that they should be dealing through Canadian agencies and let them make those sorts of decisions. That's an area that I think is of very great concern and probably, perhaps, not well known among many communities here in Canada, but I think if it were better known, the reaction on that point might have been considerably greater.

A related topic, Mr. Speaker, is the ability of the government to withhold information that they would otherwise have to disclose under our freedom of information laws. Again, without proper scrutiny by anyone this can be a decision that can be made internally, secretly, without oversight by the Legislative Assembly or the public. If the government determines in its, again, unfettered discretion that something is related to security matters that may involve the potential for a terrorist threat, they can withhold that information from the public, from the Legislative Assembly, from the opposition. That is a serious erosion of the ability of this Assembly to have oversight on the government's activities. Again, there may be cases where this is, in fact, valid and desirable. But where is the scrutiny? Where is the test that we could apply in order to make sure that the government is not misusing that for its own purposes? I know that the members opposite would never dream of doing that, but another government might come along and trample on the rights of Albertans in a way that is not dreamed of by the drafters of this legislation. So, Mr. Speaker, those are two very serious reservations which I have to this act.

I guess the third one is the question of the definition of terrorism. Now, we would all agree that the acts of September 11 and the persons and organizations that perpetrated them are, in fact, very, very severe, reprehensible acts of terrorism, but if you look at the definition of terrorism in history internationally, you'll find that it is not nearly as clear and cut and dried as looking at September 11 would maybe have us believe. For example, Nelson Mandela spent nearly 30 years in prison in South Africa, and the charge that he was convicted on was terrorism against the South African government. He later went on to be the President of South Africa and perhaps one of the most admired statesmen in the world today. Similarly, to use

an example that I don't think stands on a par with Nelson Mandela, the Prime Minister of Israel at one point was Menachem Began. He was considered by the British authorities to be a terrorist, yet he became the Prime Minister of Israel. Another example: Yasser Arafat was considered by many, including the Israeli government, to be a terrorist. He later went on to become the President of the Palestinian authority and a recognized international figure that spoke at the United Nations, and he's since been redescribed now as a terrorist by the government of Israel.

So all this is just to make the point that the definition of terrorism can move back and forth with the historical and the political circumstances. Again, I think that there is a considerable degree of latitude, and while we would all agree that the definition of terrorism clearly applies to the events of September 11 and many other events in the world, there are events that could take place or that have taken place in the world where there would be some dispute.

So that, again, Mr. Speaker, leads me to conclude that the bill is too broad, lacks sufficient safeguards, and opens the door, potentially, to abuse and to continued discrimination against people based on their national origin or their race, depending on the policies of any foreign government with which a minister on their own decides to deal. That is something that I would hope the government would look at and be prepared to introduce amendments to during the committee period.

With that, Mr. Speaker, I will take my seat. Thank you.

THE SPEAKER: Hon. members, Standing Order 29(2) now is available.

SOME HON. MEMBERS: Question.

THE SPEAKER: The hon. Minister of Justice and Attorney General to conclude the debate?

MS CARLSON: No, no. There are more speakers.

THE SPEAKER: Fine. Fair game.

Okay. We've now gone beyond Standing Order 29(2). We'll recognize the hon. Member for Edmonton-Ellerslie.

5:20

MS CARLSON: Thank you, Mr. Speaker. I'll make, perhaps, just a few comments and then reserve the rest of my debate for later on this evening. I'm happy to have an opportunity to speak at second reading of Bill 31, Security Management Statutes Amendment Act, 2002, and do concur with most of the comments that I heard from my colleagues Edmonton-Centre, in particular, and Edmonton-Highlands.

I think that after September 11 this country in addition to other countries was perhaps overly cautious and aggressive in terms of where they went on security issues, and I would have to state at this point in time that I would hope this government would proceed with caution. The Member for Edmonton-Highlands indicated a number of instances where I share concern, particularly as representative of a first-generation immigrant population in my constituency. There is now a very real perception of what terrorists look like, and they look like a lot of people who are very law-abiding citizens and members of my community. So that concerns me.

It also concerns me here this afternoon, the first opportunity we've had to debate this bill, that we've only heard from one minister, being the Government House Leader, who has responsibility for this bill. In fact, it directly impacts at least 15 other ministers in this Assembly, and I believe that we need to hear from those folks in

terms of why they feel it's necessary to proceed in the manner in which we are proceeding with this particular bill. So I am hoping that before we come to the end of the discussion on this bill, we'll hear from those ministers and get their perspective on why it's necessary to make all of these changes.

I also have a lot of concerns about FOIP and how it's going to be affected. I think that I'll reserve the section-by-section comments, though, until we go into committee and look for a little more participation on the side of the government.

With that, Mr. Speaker, I would like at this point in time to adjourn debate.

[Motion to adjourn debate carried]

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Yes. Mr. Speaker, I move that we adjourn until 8 this evening.

THE SPEAKER: Would the hon. Government House Leader like to clarify: what would we come back to at 8 in the evening?

MR. HANCOCK: Well, Mr. Speaker, in light of the fact that debate was adjourned and I'm anticipating we'll be finished debate on this bill before we go into committee, I assume that we'll come back in the House.

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