

Legislative Assembly of Alberta

Title: **Tuesday, March 4, 2003**

1:30 p.m.

Date: 03/03/04

[The Speaker in the chair]

head: **Prayers**

The Speaker: Good afternoon. Welcome.

Let us pray. Our Father, keep us mindful of the special and unique opportunity we have to work for our constituents and our province, and in that work give us strength and wisdom. Amen.

Please be seated.

head: **Introduction of Visitors**

The Speaker: The hon. Minister of Learning.

Dr. Oberg: Thank you very much, Mr. Speaker. Today it gives me great pleasure to introduce to you and through you to the members of the Assembly representatives of a delegation from Russia. This is the second time in less than a week that a delegation from around the world has been here to look at the Alberta education system, the Alberta Learning system. This afternoon they are going to visit a school to see what a typical Alberta school is like and learn about one of the many innovative AC projects. I'd like to welcome Mr. Alexey Mayorov, who's the deputy head of the Department of Strategic Development with the Russian Federation; Ms Galina Chernova, Minister of Education for the Chuvash Republic; Ms Viktoria Prudnikova, head of the general education division of the Science and Education department for the Samara Oblast; Mr. Mikhail Gruzdev, deputy head of the Education department for the Yaroslavl Oblast; Svitlana Semenko, an interpreter for the group; and Mr. Waldemar Riemer, a member of our Alberta Learning staff. I would ask them all to rise and receive the warm welcome of the Legislature.

head: **Introduction of Guests**

The Speaker: The hon. Member for St. Albert.

Mrs. O'Neill: Thank you, Mr. Speaker. It's my honour to introduce to you and through you to members of this Assembly His Worship Mayor Richard Plain, who is seated in your gallery. He is, as you know, the mayor of our wonderful city of St. Albert and a recent recipient of the Queen's golden jubilee medal. He met today with the Member for Spruce Grove-Sturgeon-St. Albert and myself, and I'm honoured that he's here. I would ask everyone in the Assembly to please give him the traditional warm welcome.

The Speaker: The hon. Member for Redwater.

Mr. Broda: Thank you, Mr. Speaker. It's my pleasure to rise today to introduce to you and through you to members of the Assembly 84 visitors from Gibbons school. They are grade 6 students. They are accompanied by their teachers Mr. Don McIntyre, Mrs. Rhonda Hruschak, Mrs. Colleen Baillie, Ms Sheligne Connolly and parent helpers Mrs. Pam Yakymchuk, Mrs. Donna McDonnell, Mr. Dennis Gauchier, Heather McWhirter, and Mrs. Jennifer Hamstra. I look forward to visiting their school in the next couple of weeks to speak to the students. They're seated in both the public and members' galleries, and I wish them to rise and receive the warm welcome of this Assembly.

The Speaker: The hon. Member for Red Deer-North.

Mrs. Jablonski: Thank you, Mr. Speaker. It is with great pleasure that I stand today to introduce to you and through you to the members of this Assembly two committees that have been working diligently on some of our new children's legislation, the Family Support for Children with Disabilities Act. Members of the committee are just walking into the members' gallery at this point in time. I'd like to introduce them, and as I introduce them, if they could please stand: Mr. Bruce Uditsky, Dr. Wheeler, Sharon Holtman – I think we're ahead of them right now – Kathleen Waxer, Linda Stainton, David Jardine, Ed Riediger, Doug Endres; and staff that have been working with them, John Mould, Roxanne Gerbrandt, Judith Dyck, David Oman; and staff that have been working with this committee as well, Sharon Harewood, Susan Rankin, Deborah McElrath, Kathleen Freese, Sandra Klashinsky, and Karen Ferguson. Mr. Speaker, they've been working very hard on our behalf. I would like to ask them all to rise to receive the warm welcome of this Assembly.

The Speaker: The hon. Minister of Learning.

Dr. Oberg: Thank you very much, Mr. Speaker. It gives me great pleasure to introduce to you and through you today two representatives of one of the finest postsecondary institutions in the province, the University of Calgary. Presently we have with us the president of the University of Calgary, Dr. Harvey Weingarten, and his special assistant, Donna Mastel. I would ask them both to rise and receive the warm welcome of the Legislative Assembly.

The Speaker: The hon. Minister of Infrastructure.

Mr. Lund: Thank you, Mr. Speaker. It gives me a great deal of pleasure to introduce to you and to members of the Assembly Maureen Fisher, the chair of the Wild Rose school division, which covers Rocky Mountain House, Drayton Valley, and an area around them. She is standing in the members' gallery, and I'd ask that you give her the traditional warm welcome.

The Speaker: The hon. Minister of Aboriginal Affairs and Northern Development.

Ms Calahasen: Thank you very much, Mr. Speaker. It is a great honour today to introduce to you and through you to the members of the Legislative Assembly 22 of the north's brightest and greatest students. We have 22 students from Roland Michener secondary school, and they are accompanied by Ms Susan Giesbrecht and Mrs. Sheri Smears, and they are seated in the public and the members' galleries. They drove from Slave Lake this morning despite the cold and made it here just to see the action of the House, so I'd appreciate it if the Members of the Legislative Assembly would welcome them as they stand.

The Speaker: The hon. Member for Edmonton-Highlands.

Mr. Mason: Thank you very much, Mr. Speaker. I'm delighted today to introduce to you and through you to this Assembly a group of social work students from Grant MacEwan College. Some of us in this Assembly are extremely fortunate to have these students serve their practicum in our constituency offices. My constituency of Edmonton-Highlands and my colleague's constituency office of Edmonton-Strathcona each reap the benefits of having two students assisting us and our constituency assistants with casework that comes in on a daily basis, and we certainly appreciate their assistance.

They are accompanied by their instructor, Mrs. Kathleen Quinn. I would ask them to rise and receive the warm welcome of this Assembly.

head:

Oral Question Period

Seniors' Utility Costs

Dr. Nicol: Confusion, frustration, and exasperation: this is the effect of the government's bungled attempt to offer Albertans some relief from the skyrocketing costs of heating our homes this winter. Government programs are not a success unless the people who need help get help when they need it. To the Premier: why must some seniors be forced to go begging for assistance when you already promised all Albertans a rebate?

Mr. Klein: Mr. Speaker, seniors are not going begging. There is a program in place that has been put in place on a temporary basis to accommodate low-income seniors in particular. There is a web site. They can go on the web site, or they can phone the toll-free number to seek assistance. As to a promise of a rebate, that was a promise that was fulfilled, because after the last rebate program, which was introduced on an ad hoc basis, we introduced legislation to bring in a gas rebate program based on the yearly average of \$5.50 a gigajoule. As I understand it, we aren't up to that amount right now. Currently that price is averaging about \$4.41 a gigajoule. When it reaches \$5.50 a gigajoule, then the rebate program, as promised, will kick in.

1:40

Dr. Nicol: To the Premier: where's the help for schools, churches, greenhouses, the severely disabled, the working poor? Where's the help for those other Albertans who need some support?

Mr. Klein: Mr. Speaker, I would remind the hon. leader of the Liberal Party that we don't produce the gas, we don't distribute the gas, we don't sell the gas, but we have been generous enough to put in a rebate program based on an average price. Relative to greenhouses and schools and municipalities and health care institutions and postsecondary institutions, the rebate will kick in when it kicks in for all Albertans, and that's when the average price reaches \$5.50 a gigajoule.

Dr. Nicol: To the Minister of Seniors: what help is there for a senior who does not qualify for assistance under the Alberta seniors' benefits program and is faced with a disconnection notice this month?

Mr. Woloshyn: Mr. Speaker, I would ask that all members of this Legislature have the courtesy, if they have seniors who are in dire straits, regardless of whether they qualify for a program or not, to forward their needs either to the Seniors ministry in the Standard Life Building or to my office.

As was stated in this Legislature on many occasions, we will not let people fall through the cracks. To bring forward one general statement of one person with a disconnect notice and ask me to say what will be done in that instance is quite simply, Mr. Speaker, impossible. We have to know the circumstances around it. If somebody has been negligent and refuses to pay their bills, that's one scenario. If somebody has hit unforeseen, undue hardships, that may be another scenario. So unless we look at it on a case-by-case basis, I'm afraid I can't give you an answer on what will be done on that particular one because I don't know the details.

What I will say is that this is an extension of our special-needs

assistance program, and, yes, in order to qualify, you should be on the Alberta seniors' benefit program. However, if in any instance there is an extreme special circumstance, as we've done in the past, we will look at it, Mr. Speaker.

Dr. Nicol: To follow up with the Seniors minister: what is the minister doing for seniors who want to apply for assistance under the Alberta seniors' benefit program but get a constant busy signal when they call your 1-800 number?

Mr. Woloshyn: Well, if those seniors are in your constituency, I would hope that you have the application forms, that you could give to them directly, and I would like to say the same to all other members. They can come in person. They can get it on the web site. Yes, the number is being plugged, and, yes, some of the calls are going to my office.

I also might point out very clearly that the deadline for applications, I believe, is May 31. There's a reason for that, and I do ask that the seniors have patience, because they do have to do a submission. We will be looking after them. There's not a panic mode in place here, and for those folks who have a busy signal, have a bit of patience. Go to your MLA's office, go to the Seniors' information offices and pick up the special-needs application forms.

Dr. Nicol: To the Premier: given that the Minister of Energy required EPCOR to take immediate action last summer to reduce the amount of time consumers spent on hold, why doesn't the same standard apply to the Ministry of Seniors?

Mr. Klein: Mr. Speaker, I think the hon. minister indicated that if there is a problem, he would look into it. I don't know what is causing the phone lines to be tied up. The hon. minister has indicated that if there is a problem, he will look into the problem and see if it can be rectified. There is no way that this government wants to deny any senior in need of special needs, whether it's for electricity or food or any other commodity. We don't want to see those seniors denied an opportunity to get the help that is due them.

Dr. Nicol: To the Minister of Seniors: if seniors can't get through on the 1-800 line, can they call your office directly?

Mr. Woloshyn: Mr. Speaker, I'll repeat. We have seniors' offices in Calgary, Edmonton, Red Deer, Grande Prairie, Lethbridge, and other communities. Information booklets are available there. Every MLA's office, both sides of the House, if they don't have the application forms, can certainly get them through the Seniors ministry. They can get them from the MLA offices. We have also the 1-800 line, which this weekend had a backlog of some 2,500 calls, 700 of which were relative to utility bills. Also, we have a web site – I think it's www.seniors.gov.ab.ca – where they can get the application form mailed to them.

The Speaker: Third Official Opposition main question. The hon. Member for Edmonton-Gold Bar.

Health Care Labour Legislation

Mr. MacDonald: Thank you, Mr. Speaker. While the province faces severe shortages of health care workers, this government works in secret to strip away the democratic rights of those workers and drive even more of them out of the province to find employment. My first question is to the Premier. Why is the powerful cabinet committee secretly making drastic changes to labour laws when there is already a committee of government backbenchers getting paid by

the taxpayers to examine the same issue? Are they not doing a good enough job?

Mr. Klein: Well, if it were a committee of private members, then the accusation would probably hold. If I know the Liberals, being true to form, they would accuse the private members of meeting in secret.

Mr. Speaker, this government, not the opposition, has the right to proceed to develop policy, to develop legislation, to develop regulations, to develop programs in any way, shape, or form that it sees fit. That's why the people elected a government.

It was decided that a special committee under the chairmanship of the hon. Minister of Innovation and Science would be struck to study ways in which labour negotiations take place and to make sure that the process for negotiation was a streamlined process. The committee brought in some recommendations relative to a specific case. This case relates to the redefining of the regional health authority boundaries and a process to speed up negotiations.

Nobody is being stripped of their democratic rights, Mr. Speaker. As a matter of fact, I think the union should welcome this as a way to expedite negotiations. After all, I would think that the union leadership would want to seek and do what is in the best interests of their members and do it in the most expedient manner. I would think they would want to do that.

Mr. MacDonald: Again, Mr. Speaker, to the Premier: why is the government continuing to antagonize health care workers by shutting them out of the process and treating them as part of the problem and not the solution?

Mr. Klein: Well, Mr. Speaker, I guess the hon. member can interpret this any way he wants and, being the Liberal that he is, will interpret it, obviously, in a negative fashion. But changes are needed, quite simply, to enable health care reforms to proceed, and the end objective is better patient care and, hopefully, a more expedient way to negotiate settlements, which in turn lead to more care and more concern for the patient.

So, Mr. Speaker, this is nothing that is sinister. This is something to really bring some expediency to the whole negotiation process, and I think we all want that.

1:50

Mr. MacDonald: Mr. Speaker, to the Minister of Human Resources and Employment, who also sits on the powerful secret cabinet committee: after the government has stripped health care workers of their democratic rights, are public school teachers next?

Mr. Dunford: Well, Mr. Speaker, perhaps just to clarify some of the member's preamble to the first suggestion: at times we'll have government committees made up of government members out looking at whether things should be reviewed under the Labour Relations Code, and quite often events will simply overtake the situation. As the Premier has noted, there is a reform coming to the regional health authorities that now has come into play. We're looking at something like 400 collective agreements and that sort of thing as to whether or not that's an efficient and an effective way in which to have health reform proceed. So we have a very specific situation that we're looking at with some very specific goals in mind.

Dr. Pannu: Mr. Speaker, the government is planning yet another assault on collective bargaining rights of health care workers. Health care will suffer if the government proceeds with its plan to deny health care workers their internationally recognized human rights, including the right to strike. Already the community care sector has

severe shortages among LPNs, registered nurses, occupational therapists, and many others. These employees are moving to greener pastures, places where their work is appreciated and rights are respected. My questions are to the Minister of Health and Wellness. How will this government plan, cooked up by this secret cabinet committee, affect a workforce that's already demoralized, short-staffed, and overworked?

Mr. Mar: Well, Mr. Speaker, there are, as the Premier indicated, some 400 collective agreements in the province, and I can give the hon. member somewhat of a history lesson in this matter. He may recall that at one time there were some 200 hospital boards that existed in this province, each one of them with collective agreements with various health care workers, and what's happened is that over time those collective agreements have been continued. So now that we have nine regional health authorities, it makes perfectly good sense from the purpose of streamlining our ability to negotiate with employee unions that we should be able to streamline the number of collective agreements that we deal with.

There's no sinister purpose in any of this, Mr. Speaker, and I would point out that some 93 percent of health care workers already do not have the right to strike, so we're not making any kind of a dramatic change in this regard. But I will say that we have a great deal of respect for the people who work in our health care system. We have what is measurably and objectively one of the best health care systems in Canada, if not the best, and the strength of it is in the very people that we've attracted from other places and the people that we train right here in this province.

The Speaker: The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. I wish that the minister would respect their rights, not just respect them.

Given this government's blatant hostility towards them, how does the minister plan to reduce staff shortages among LPNs, registered nurses, and occupational, physical, and speech therapists in the community care sector?

Mr. Mar: Well, Mr. Speaker, I'm reminded by the Deputy Premier that a 22 percent increase in the last nurses' agreement was a pretty good start. [interjections]

The Speaker: The hon. minister has the floor.

Mr. Mar: We have dramatically increased the number of people that we have trained in health professions in this province. To the best of my recollection, about three years ago we had some 3,700 people training in health care professions; this year we have about 5,000. We have dramatically increased the number of admissions to medical schools, to nurses. We're working hard at training other health care professionals, technicians, and technologists as well. So we have made every reasonable effort for short-term purposes to recruit people from other jurisdictions, but in the long term, ultimately, training people right here in Alberta will be a better medium- and long-term solution. So we have taken all responsible steps to do exactly that.

The Speaker: The hon. leader.

Dr. Pannu: Thank you, Mr. Speaker. My second supplementary to the same minister: why doesn't the government put its energy into improving frontline health care delivery instead of scapegoating hardworking health care workers to cover up its own failures?

Mr. Mar: Mr. Speaker, the hon. member's assertion is patently absurd. We have, as I indicated, expressed our appreciation for people who work delivering services to Albertans when they need it in this province. Measurably and objectively we do have a good health care system in this province. We have invested in the human resources, recognizing that health workforce issues are a critical concern not just in Alberta but across Canada as well. I think if the hon. member would spend time in other parts of Canada, he would find that our health workforce initiatives are superior to many other jurisdictions, if not all of them, that we have as a percentage recruited more people than any other jurisdiction, that we have increased our training of people in this province dramatically, that we have increased our health care spending in this province consistent with the kind of priority Albertans place on a health care system that they value a great deal.

The Speaker: The hon. Member for Calgary-East, followed by the hon. Member for Edmonton-Riverview.

University of Calgary

Mr. Amery: Thank you, Mr. Speaker. The city of Calgary has been experiencing an unprecedented rate of growth in the last few years. I'm glad to have been able to contribute to that growth. This growth is causing pressures in so many different areas. There has been a lot of talk surrounding the increased demand to attend the University of Calgary, and the institution struggles to deal with this growing demand with their existing spaces and resources. My question is to the hon. Minister of Learning. Could the minister explain to the thousands of students who are turned away every year from the University of Calgary what the government is doing to help the U of C address these very important concerns?

The Speaker: The hon. minister.

Dr. Oberg: Thank you very much, Mr. Speaker. First of all, I will say that back in '99-2000 the enrollment at the University of Calgary was roughly 21,000. It's now gone up to around 23 and a half thousand, an increase of about 11.4 percent. Over that same time frame the funding for the University of Calgary has increased 28.1 percent.

The other point that I will say, which is probably the most significant point, is that we as a government support postsecondary education very strongly and want more and more and more and more students to attend our postsecondary institutions. We are working with all our postsecondary institutions, not just in Calgary but also in Edmonton and the rest of the province as well, to ensure that there is more access, to ensure that there are more student spaces, Mr. Speaker, things such as the student loan program. All of these things add in to accessibility to the universities. Our universities are very good for bringing on students, but it is something that we have to continually move towards, we have to continually put more spaces in, and we have to continually ensure that there is a better postsecondary system for our students.

The Speaker: The hon. member.

Mr. Amery: Thank you, Mr. Speaker. To the same minister: could the minister explain what the government is doing to ensure that the University of Calgary has the resources it needs to be on a level playing field with other postsecondary institutions, such as the U of A?

Dr. Oberg: Well, Mr. Speaker, when we give out the dollars, it is

done on a formula that takes into account size of the institution. It takes into account location of the institution. It takes into account programs that are being run at the institution. This is done on an allocation that was actually studied by an MLA committee as early as the year 2000. So a couple of years ago it was taken a look at. We attempt to make sure that the dollars go out in a fair fashion to all our institutions, but I think you have to recognize that there are some particular courses that one university or the other college may well put forward in their curriculum that other universities or colleges don't. The cost of these can be significantly different. We have put forward a lot of money through the access fund, and the access fund targets specific university and college curriculum and courses, so there is a difference in the amount of resources that are needed for each one.

I can only answer this by saying that we constantly work with the universities to ensure that they have funding, that postsecondary education is of primary importance to us and will always continue to be of primary importance to this government.

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

2:00

Learning Resources Centre

Dr. Taft: Thank you, Mr. Speaker. I've done due diligence on information from the Minister of Learning that his department's Learning Resources Centre has lower prices on books than private providers. I received information this morning from a book distributor showing that their prices often beat the Learning Resources Centre's. But the key point here is not who is right or wrong. The key point is getting the best value for schoolchildren and for taxpayers and respecting the autonomy of school boards. To the Minister of Learning: will he free school boards so that they can spend the \$20 million in additional funding through providers of their choice?

Dr. Oberg: Mr. Speaker, the \$20 million will be used for the Learning Resources Centre to purchase resources for the classroom.

With regard to the hon. member's preamble, we presented and we tabled in this House yesterday a list of the various prices of the books that were put forward. There was one book, for example, that was available through the Learning Resources Centre for \$8.37; it was available at Chapters for \$7.83. A key component to this is that last year in the province of Alberta there were three books bought. Any one that you have that has a considerable number of books shows a decrease, a 20 to 30 percent decrease. We have testimonies from school boards saying that this is the best way to purchase the books.

Mr. Speaker, I wasn't going to reiterate this, but now that the hon. member has the floor, I will demand an apology for my staff and my department for comments that that hon. member has made against the Learning Resources Centre.

Dr. Taft: I'll be happy to table the information contradicting the minister.

The key point goes, then, to the Premier. I don't see what the problem is here. Why won't this government allow schools to buy books from the lowest cost providers?

Mr. Klein: Mr. Speaker, I haven't spoken to the Learning minister about this, but I don't know if there is anything that prevents a school district or a school board or a school from buying books from the vendor of their choice. I don't know. I'm receiving a nod in the affirmative from the hon. minister. The Learning Resources Centre

is there so that school districts, school boards can buy in volume and at a reasonable price. It's a government service that is offered, but it's entirely up to the schools as to whether they wish to take advantage of it. I have to believe what the hon. minister says, that by and large and overall the resource centre offers a good service and good value for the school boards.

The Speaker: The hon. minister to supplement.

Dr. Oberg: Yes. Thank you, Mr. Speaker. I'll just add that with regard to the school boards purchasing their supplies elsewhere, there is nothing prohibiting them from purchasing their school textbooks or their school resources elsewhere. This is a \$20 million credit that they have towards the Learning Resources Centre. If they feel that those dollars should not be spent elsewhere, then they all have that ability.

Mr. Speaker, I'll go through some of the books, and I'll just . . .

The Speaker: No. I think we've spent enough time right now.
The hon. member.

Dr. Taft: Thank you, Mr. Speaker. My final question to the minister, then, since he's so confident: is the minister prepared to invite the Auditor General to review the operations of the Learning Resources Centre to see how its efficiencies compare to private-sector companies?

Dr. Oberg: Mr. Speaker, as a matter of fact, I will be appearing with the Auditor General tomorrow morning at Public Accounts, and I'd be more than happy to have the Auditor General address this issue. More importantly, we presently have the province of British Columbia coming to the Learning Resources Centre in order to purchase the books from us. As a general rule we're around 30 percent lower than anything on the market. [interjections] They're saying, "Nonsense," but again I will demand – I will demand – an apology to our members of the Learning Resources Centre because of the excellent work that they do. This is completely against the people in my department, and I will not tolerate that and I will not stand for it.

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

West Nile Virus

Mr. Marz: Thank you, Mr. Speaker. Quite a large number of my constituents are involved in the horse industry, and many more are recreational horse owners, and they've been following with some interest reports of the West Nile virus. My question today is to the Minister of Agriculture, Food and Rural Development. With the number of West Nile virus cases occurring across Canada and the United States this past year and increasing this year, what is her department doing to alert and prepare the horse industry in this province for this disease that might affect their animals?

Mrs. McClellan: Mr. Speaker, the West Nile virus was first revealed in New York state in 1999. In early 2002 we put together a committee consisting of human health and animal health officials. That's in addition to tracking this since the disease came out. One of the parts of the plan is to share information on the spread of this disease or protective measures that can be taken against this disease with our Alberta horse associations, with our Alberta veterinarians. We've asked our veterinarians to facilitate laboratory testing of

horses that might have a disease that looks like West Nile. I would say that West Nile virus did not show up in our horse population last year, but it could well cross our borders this year, so we are being vigilant.

Mr. Marz: To the same minister: could the minister explain how horses become infected with West Nile virus and what precautions owners can take to prevent that?

The Speaker: Well, if this is a matter of government policy . . .

Mrs. McClellan: No. Not really.

The Speaker: Third question, hon. member.

Mr. Marz: Okay. Could the minister explain what symptoms horse owners can watch for to guard against this?

The Speaker: Bring it into government policy, hon. minister.

Mrs. McClellan: Mr. Speaker, one of the things that our department has tried very hard to manage in this whole thing is the information that is there for our horse owners and, in fact, all of our livestock owners because there are many myths and, of course, rumours and unknown quantities. We can say, from our veterinarians in Alberta Health and the research that's been done, that the West Nile virus is certainly spread by mosquitoes. It is not spread from horse to horse. It is not spread from horse to cattle or people, although people can get the West Nile virus but not in that way. There is a vaccination that horse owners can use to protect their horses because it can be fatal in the population.

The other thing I would just add, Mr. Speaker, in closing is that under the minister of sustainable development we have a wildlife disease program, and this is, I think, very important. It's one of the best in North America. In that program we are gathering birds submitted by the public and monitoring all of those birds. I think that's an important part of tracking this disease. I can say that out of the 245-odd birds that were received by that department last year, there was no West Nile virus detected.

The Speaker: The hon. Member for Edmonton-Mill Woods, followed by the hon. Member for Calgary-West.

University of Calgary

(continued)

Dr. Massey: Thank you, Mr. Speaker. Postsecondary institutions have never recovered from the 20 percent funding cut that they took in the mid-1990s. At the University of Calgary higher tuition, larger classes, and more classes taught by sessional instructors are the legacy. My questions are to the Minister of Learning. What will be the impact of the University of Calgary cutting another \$30 million from its budget next year?

Dr. Oberg: Well, Mr. Speaker, it's very apropos, actually, with the president of the University of Calgary sitting in the audience today, that this question is asked. The University of Calgary is working on how to redistribute their budget. They're looking at putting money in some areas, taking it away from other areas, and I really commend them for doing that.

The other thing that I will add, obviously, is that there will be money in this year's budget. There are increases again in this year's budget. As I mentioned in my previous answer, the amount of

increase to the University of Calgary is 28.1 percent over the last three years.

2:10

Again I will say: are the universities stretched? Yeah, they are stretched. Mr. Speaker, they are stretched. They're trying to deal with an increase in population of around 4 to 5 percent that is coming into their institutions these days. They're looking at how they can do that, and we're working with the University of Calgary and all our postsecondary institutions in the province of Alberta to ensure that they have the resources to meet the students that are coming in.

The Speaker: The hon. member.

Dr. Massey: Thank you. Again to the same minister: given that the average size of junior courses has increased from 65 students to 77 students at the University of Calgary, does the minister consider that acceptable?

Dr. Oberg: Well, one of the hon. members here just said that they are not in kindergarten, and that's very accurate in this particular case, Mr. Speaker. When I went to university, there were large classes. There were some classes, not that I was particularly in, that had 250 to 500 students.

An Hon. Member: What are you doing here?

Dr. Oberg: Yeah. Exactly. What are you doing here?

Mr. Speaker, this is the type of situation that we are working with the universities on, that we're looking at.

To answer the question that was tossed across, what happened is that I went to medical school and passed from medical school.

The Speaker: The hon. member.

Dr. Massey: Thank you. Again to the same minister, Mr. Speaker: will there be enough funding to prevent the University of Calgary from moving towards differential fees next year?

Dr. Oberg: Mr. Speaker, it is up to the University of Calgary's board of governors as to whether or not they move to differential fees. It is completely within the legislation that was passed in this particular House to do, and it is up to them as to whether or not they have differential fees.

The Speaker: The hon. Member for Calgary-West, followed by the hon. Member for Edmonton-Glenarry.

Long-term Care Facilities

Ms Kryczka: Thank you, Mr. Speaker. With our aging population we already have many more older seniors living in long-term care, and their health care needs are increasingly chronic and complex. That is placing greater demands on hardworking health care staff and facilities to meet residents' needs. I would stress that these seniors are unable to lobby government for themselves, so it must be done by MLAs, family caregivers, and friends, and I have heard from many of them. My main question is to the Minister of Health and Wellness. Will the minister explain why increased accommodation rates in Alberta's long-term care facilities, which are among the lowest rates in Canada, are necessary to regenerate those facilities and to provide the necessary level of care to ensure that our seniors live in dignity?

Mr. Mar: Mr. Speaker, we did take the results of the long-term care review very seriously. There were 50 recommendations that were made to the Alberta Department of Health and Wellness, and from those 50 recommendations we took in nine strategic directions and future actions based on those recommendations, that included the following: the promotion of healthy aging, the regeneration of long-term care facilities, the development of an Alzheimer's initiative and initiatives that allow seniors to age in place in the communities that they're familiar with. Now, we are continuing to implement those initiatives and review our progress, and many colleagues will know that our hon. colleague from Redwater recently toured facilities throughout the province to see firsthand how our progress was taking place.

Now, Mr. Speaker, on the narrower point of additional revenue that may be required to meet the needs and requests of an aging population, we recognize that government does need to make a change with respect to its approach in caring for seniors. We've already seen some of those changes take place. For example, in 2000-2001 we provided \$37.5 million to help regions enhance home care and keep seniors in their community. Since 1999 we've built 413 new supportive living spaces, and since September of 2002 we've provided new spaces in care for 6,310 seniors.

Ms Kryczka: Mr. Speaker, my first supplemental is to the same minister. As owners and operators of long-term care facilities tell me, the current outdated funding formula and the accommodation rates are insufficient to provide the level of care that is necessary for the complex health needs of long-term care. What is the minister doing to stop the overall underfunding of our facilities?

Mr. Mar: Mr. Speaker, we do continue to work with the industry and do recognize the legitimate concerns of owners and operators of long-term care centres. We do need to work on strategies to increase revenue to ensure that the best service is available for our seniors. The findings of the long-term care review told us that some facilities are out of date for the needs of seniors that are living there today, so we are aware that new revenue streams are required in order to update long-term care facilities.

The Speaker: The hon. Member for Edmonton-Glenarry, followed by the hon. Member for Edmonton-Highlands.

Blairmore-Bellevue Water Pipeline

Mr. Bonner: Thank you, Mr. Speaker. Last fall I questioned the Minister of Municipal Affairs with regard to the situation with the Blairmore-Bellevue water pipeline. At that time the minister had indicated that he had not met with the municipality with regard to this particular issue. To the minister: has the minister had the opportunity to meet with the municipality?

Mr. Boutilier: Mr. Speaker, in actual fact, after the question by the hon. member my staff, my deputy minister met with the municipality that the member mentioned and had a very good meeting. I must admit that the meeting went well, and the deputy minister reported back to me that they had a complete understanding of the situation regarding their municipality's authority.

The Speaker: The hon. member.

Mr. Bonner: Thank you, Mr. Speaker. To the same minister: is the minister going to conduct an inspection under the provisions allowed in the Municipal Government Act?

Mr. Boutilier: Mr. Speaker, what was communicated to the municipality is that, no, there will not be an inspection under the authority of the Municipal Government Act.

Mr. Bonner: Mr. Speaker, to the same minister: has the minister met with representatives of the Crowsnest Pass Ratepayer's Association with regard to their concerns over this issue?

Mr. Boutilier: We've been directly, Mr. Speaker, in communication with the municipality, and of course the ratepayer's association works with the municipality. That's what we've been endeavouring to do, work directly under the Municipal Government Act with the municipal leaders.

The Speaker: The hon. Member for Edmonton-Highlands, followed by the hon. Member for Edmonton-Beverly-Clareview.

Gas Industry Deregulation

Mr. Mason: Thanks very much, Mr. Speaker. First the unbundling of the distribution and retailing functions of the electricity industry led to massive billing errors and higher costs to consumers. Now the government is poised to further duplicate its electricity mistakes in the gas market and further drive up costs, create confusion, and create billing errors. This is a deliberate, consciously planned restructuring of the industry, which this government knows will lead to even higher home heating prices. To the minister: why is the minister ignoring warnings from his own officials that further deregulation of the gas industry will lead to higher home heating costs?

Mr. Smith: Well, Mr. Speaker, there is no such evidence that indicates that prices will in fact increase. I think the member is referring to the allegedly secret documentation that was tabled yesterday by his colleague, that in fact was surreptitiously obtained from our web site, that is published for everyone. In fact, the Member for Edmonton-Highlands is included on our distribution list for consultation as an interested party.

So all the stakeholder consultation, all the discussion about the act that is soon to be introduced in this House has in effect been done openly and with debate and discussion. Throughout previous questions the member has asked: why have Albertans been paying more than people in Ontario or in Saskatchewan? In fact, at any given time by utilizing the provisions in this bill, Albertans will be able to take advantage of a cost that they feel is appropriate for them.

Mr. Mason: Mr. Speaker, the question to the minister is this: given that his own officials are warning that further restructuring of the gas industry will lead to higher natural gas prices, which are already sky high, why is the minister proceeding in this direction?

2:20

Mr. Smith: Well, in fact, Mr. Speaker, we would have to see concrete evidence of the allegations put forward by the member. We do know that through the provisions of this bill there will be a billing cost added to the flow-through rate in the bill. That is the only change.

We also know that there will be a different way of using gas storage. Gas storage was formerly inside the regulated system, and in fact now, Mr. Speaker, people are going to be able to take advantage of gas storage for their own price savings, where gas can be purchased at a lower price during the summer and then put into storage, and then that mechanism, that product, can be offered to

consumers. In fact, I would expect that with the increased competition, the ability to take storage out of the regulated rate system and then have the regulated rate system reduced by that much, overall we're going to see Albertans get the very, very best value they can get for natural gas compared to any other place in Canada.

Mr. Mason: Mr. Speaker, given that this government has repeatedly alleged that electricity deregulation would bring down the price of electricity, why should Albertans have any confidence whatsoever in the minister's assertion that further deregulation of the gas industry is going to get us anything but higher prices?

Mr. Smith: Mr. Speaker, the member talks about the wonderful ability of Crown corporations to provide cheap and low-priced electricity and the fact that the debt doesn't matter at all and the fact that if you fix wholesale prices, then electricity prices won't climb. Well, I'm sure he has a very good explanation for the blackouts and the rolling brownouts that occurred in Ontario, a regulated market, this weekend.

The Speaker: The hon. Member for Edmonton-Beverly-Clareview, followed by the hon. Member for Edmonton-Ellerslie.

Water Use by Oil and Gas Industry

Mr. Yankowsky: Thank you, Mr. Speaker. As our lakes, creeks, and sloughs dry up by and large due to the prolonged drought, there are also questions around the use of fresh water by oil drilling companies, which they pump into deep wells to increase their oil recovery. Estimates on the amount of fresh water used by oil companies are that in one year they will use the equivalent of what the cities of Edmonton and Calgary combined use in one year or the amount of water contained in Pine Lake, which is located east of Red Deer. That's a lot of water in a province that doesn't have much fresh water to begin with. My question is to the Minister of Energy. Are the estimates, by way of example of water used by oil companies, that I quoted correct?

Mr. Smith: Mr. Speaker, appropriately, the member has brought to the House the question of conservation of water, and just as conservation is important with any resource or any commodity, it's also important with water. Now, in fact, there does seem to be continuing discussion and some confusion regarding allocation of the use by the oil and gas industry. Department data indicates that the actual volume of fresh water used by the oil and gas industry for oil field injection purposes is approximately one-sixth, or six times smaller than the estimates of the allocation just quoted by the member. In fact, only 3 percent of all water in this province is allocated for use in oil field injection and surface mining and oil sands projection. The industry only uses 33 percent of the total allocation, so that's roughly 1 percent of total water allocation.

Mr. Yankowsky: Again to the same minister: why are oil companies using Alberta's freshwater instead of so-called brackish water or CO₂ for their recovery purposes?

Mr. Smith: Well, Mr. Speaker, the issue of using potable water in injections is not a new one. In fact, the former Member for Grande Prairie-Wapiti, Mr. Wayne Jacques, brought this up some eight years ago. The industry continues to be a licensed and a responsible user of water, and in fact I think you can see that we're starting to see in the industry moves toward recycling the water, moves toward reducing the amount of freshwater, and moves toward using salt and

brackish water, or saline water, where it can be obtained. In fact, I believe that that's some of the substitute water that's been used in the Cold Lake project. So we also start to look for other options that can be used in enhanced oil recovery.

Now, there are two benefits. One, Mr. Speaker, there is estimated to be as much as 60 percent of produced, conventional oil reserves remaining in reservoirs that need to be recovered through enhanced technologies. Now, these enhanced technologies have used freshwater injection before. They're moving now towards brackish water, saline, but in fact we're also experimenting with nitrogen, other forms of vapours, and if nitrogen can be effective, then it's possible that we can use carbon dioxide. Carbon dioxide used in enhanced oil recovery has multiple benefits. One, we can use it as a driver in place of freshwater, and, secondly, we can reduce the amount of CO₂ in the atmosphere today.

The Speaker: The hon. member.

Mr. Yankowsky: Thank you, Mr. Speaker. This question is to the Minister of Environment. Can the minister tell this Assembly what he as the Minister of Environment is prepared to do about the depletion of our freshwater by oil companies?

Dr. Taylor: Mr. Speaker, the member raises a good question. Last year we started a process in which we're developing a water strategy for the province. I think this is going to be one of the most significant strategies that this government will release over the next several years, but we are in the process. We're hoping that the draft of the strategy will be on the web site at the end of this month, and then we'll be able to have consumer and stakeholder response to it. But in that strategy we recognize that all consumers – municipalities, commercial enterprises including oil companies – have to be more effective in their utilization of water, particularly freshwater.

So conservation is going to have to be a big part of what we do in Alberta. If I might give you an example of that, the city of Calgary municipality has half its city metered, half unmetered, and the unmetered section, of course, uses twice the amount of water that the metered section does. So it's not just the oil industry that has to conserve. The oil industry, quite frankly, is going to have to change its practices, and you will see in the water strategy, as we move forward, suggestions to the oil industry as to how they may change their water utilization practices. I think it's important for them to realize that and do that.

The Speaker: The hon. Member for Edmonton-Ellerslie, followed by the hon. Member for Grande Prairie-Smoky.

Water Strategy

Ms Carlson: Thank you, Mr. Speaker. We're happy to hear that the water strategy is finally going to be available to the general public, since the consultations happened last June. Can the Minister of Environment please tell us when this water strategy will see its way into a bill that we can debate in this Legislature?

Dr. Taylor: Well, it's a good question. As I said, we're going to have the strategy, hopefully, on our web site by the end of the month. We hope to be able to have a final strategy available by the end of September or later in the summer, and from there we will need to make the necessary legislative changes and budget changes to put the strategy into effect.

Ms Carlson: What is the water strategy going to say about water transfers, interbasin transfers, in this province?

Dr. Taylor: Well, Mr. Speaker, quite clearly we heard at the forum that we held last June in Red Deer that we should take a look at interbasin transfers, in one sense, in that the smaller interbasin transfers are not so much of a concern. The legislation we passed last spring, you may remember, which is essentially a small interbasin transfer, you know, that's an issue that should be able to go forward. But the other issue, if she's referring to these large interbasin transfers from the north to the south, there was little support for that, and you will see some discussion of that in the water strategy. But there was little support for the large interbasin transfers.

Ms Carlson: Mr. Speaker, will the water strategy address issues of how to manage the projected drought conditions that are going to exist again in regions of this province?

Dr. Taylor: Well, Mr. Speaker, although we've had drought in central Alberta the last several years, if you look historically, the droughts have occurred really to the major extent in southern Alberta. One of the issues in southern Alberta, quite frankly, is water storage. For instance, two years ago the irrigation districts didn't have enough water. So as we move forward, I believe that we need to look at water storage, particularly off-stream storage, that could be effective in increasing water availability in areas that, you know, have endemic droughts. Even in central Alberta there may be some projects that we need to look at for water storage and water movement across the province.

head: 2:30

Members' Statements

The Speaker: Hon. members, before calling on the first of several hon. members to participate, might we all extend happy birthday wishes to the hon. Member for Calgary-Mountain View?

Canada/U.S. Relations

Mr. Lord: Mr. Speaker, recently we have heard some very negative and hurtful comments about Americans, implying that they are illegitimate and so on. I think this is very unfortunate, and it isn't the first time. In fact, I am disappointed that the feds haven't yet declared this a new national crisis, started a royal commission to investigate, hired some social workers, and dispensed some federal funding grants to all concerned. It certainly is what they would do if any other identifiable group was made the target of all this high-level hatred.

Mr. Speaker, I agree that some Americans do talk funny, but that's no reason to hate them. The reality is that we should recognize that they are our very best customers. In fact, I think the Americans are very good friends of ours, especially here in Alberta. While I don't think they invested their money in Alberta to develop our oil industry entirely out of the goodness of their hearts, they did help quite a bit. When Mr. Trudeau insisted that they couldn't take the \$60 billion or so home with them and made them send it east to pay Liberal salaries instead of south, well, the Americans did end up with a pretty raw deal, eventually having to sell many of their assets to us at fire sale prices. So now we're making tons of money from what used to be their assets. You could understand why they might be upset with us, but here we are calling them names, in effect suing them to buy even more of our products.

I have observed that any person who continually insults their best customers and their best friends soon has neither. It's too bad that we have people running this country who have never run a small business; otherwise they would have known better.

So I'd like to send my little thank you to the Americans and tell

them that we really do appreciate them and their business and their continuing fight for freedom. Thank you, Mr. Speaker.

The Speaker: The hon. Member for Edmonton-Rutherford.

Teachers

Mr. McClelland: Thank you, Mr. Speaker. Over recent weeks I've had occasion to speak with many teachers and parents as a result of comments that I made that were reported in the local media. Those discussions have underscored the reality that the unintended consequences of words are sometimes more damaging than the thoughts expressed.

In the normal give-and-take of public policy debate in the public arena we sometimes forget that behind the debate there are real people with real hopes, real dreams, real sensitivities, and real feelings. Teachers and the teaching profession are an integral, valued, and respected segment of our civil society. We entrust to teachers and the school system represented by trustees our most valued resource: our children, our future.

To the extent that I contributed to the sense of teachers feeling undervalued by society for their individual and collective contribution, I offer my sincere apology. We are in this together: students, parents, teachers, trustees, and political representatives. The least we owe each other is a frank, open, and honest debate leading to the resolution of problems and mutual respect.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Edmonton-Mill Woods.

Education Funding

Dr. Massey: Thank you, Mr. Speaker. My school has lost three teachers, three teacher's aides, and \$300,000 of funding: it's part of the message I recently received from the school principal. The story is the same in many schools. Even with these reductions many school districts across the province will be forced into deficits this coming year.

Clearly, school financing in our province needs a major overhaul. The changes instituted in the 1990s are not working. Equity was achieved by taking taxing powers away from local boards, centralizing the funds, and returning the dollars to boards on a per pupil basis. However, underfunding of education has meant that schools' only claim to equity is that they are all equally poor. Class sizes are growing, learning resources are scarce, and support staff is dwindling. When pressed on the funding issue, the Premier's response is: how much is enough? The question deserves an answer.

What services are needed to enable all children to achieve at high levels? To answer the question, two models have been developed. With the professional judgment model a panel of experts determines the resources needed by schools at elementary, middle, and high school levels to reach a particular level of achievement. How many children should be in a class, what level of library services should be available, and similar questions are addressed. With the successful schools model an analysis is made of the resources used by successful schools to reach particular achievement levels. This, then, becomes the basis for determining the funding levels for all schools. Only the professional judgment model has been put into wide-scale practice. The states of Oregon and Wyoming have structured their state funding schemes based on this mode. The impetus for change in the United States was a series of law suits launched by parents who claimed funding was inadequate. The courts agreed.

In Alberta we would be wise to act before we face the agonies and costs of court battles launched by parents making claims of inade-

quacy. The time to deal with the question of funding adequacy is now.

Thank you.

The Speaker: The hon. member for Calgary-West.

School Utilization in Calgary-West

Ms Kryczka: Thank you, Mr. Speaker. A harsh reality in Alberta is the existence of the equivalent of 150 underutilized public system elementary schools, and the challenge of this government as manager of taxpayer dollars and the respective school boards is to significantly decrease this number. The enormous conflict is between good management practised by administration bodies and the emotions felt by communities who value traditions and resist change. I have experienced firsthand the trauma of the process to close underutilized schools.

Calgary-West is in a sector that includes equally many underutilized schools on the one hand but also an adjacent high-growth area that needs new schools and services. So I ask: how does an MLA fairly represent these two conflicting situations? You can't get on a school board's new school list unless underutilized schools are closed. I have already been accused by my constituents of deserting one to advocate for the other. So what a squeeze I'm in.

My personal response to this challenge is to continually work to resolve each of these two situations. I'm very pleased today to describe how Glendale elementary school in Calgary-West is truly a model of the typical underutilized school that's struggled in the past with many challenges, but since 2001 these have been resolved by merging with a second underutilized school in the same area, Glen Meadows elementary. For the students of both schools it had been a win/win situation, and I say students very strongly. Mostly the principals, teachers, parents, and students have been able to move forward and have developed wonderful, enriched, unique programs that have served in healing the wounds of 2001 and have increased the sense of pride and achievement in all they do. They absolutely thrive on success and recognition.

Glendale elementary school is truly the heart of the Glendale community, and it's still only 275 students. The journey was not an easy one, but the outcomes have proven, in my opinion, that it was the right decision. I would predict that other amalgamations of schools in Calgary-West will be occurring and can occur with similar success but, for me, not fast enough.

Thank you.

head:

Notices of Motions

The Speaker: The hon. leader of the third party.

Dr. Pannu: Thank you, Mr. Speaker. On appropriate notice being provided to your office and the office of the Government House Leader, I now rise to inform the House that I plan to rise in this Assembly later today, at the end of the daily Routine, to request the opportunity to make a brief statement on why a media briefing on Bill 19 that took place yesterday morning breached the rights of this Assembly and my rights as a member of the Assembly.

Thank you, Mr. Speaker.

head:

Introduction of Bills

Bill 19

Gas Utilities Statutes Amendment Act, 2003

Mr. Ouellette: Mr. Speaker, I request leave to introduce Bill 19, the Gas Utilities Statutes Amendment Act, 2003.

The changes proposed in the Gas Utilities Statutes Amendment

Act will refine the structure of the Alberta retail natural gas marketplace to provide greater opportunities for customer choice. Through this proposed act introduced as Bill 19 today, government will improve the ability of about 900,000 natural gas consumers served by major utility companies to buy natural gas from the supplier of their choice.

[Motion carried; Bill 19 read a first time]

The Speaker: The hon. Government House Leader.

2:40

Mr. Hancock: Thank you, Mr. Speaker. I'd move that Bill 19 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

The Speaker: The hon. Member for Calgary-Mountain View.

Bill 20
Alberta Municipal Financing Corporation
Amendment Act, 2003

Mr. Hlady: Thank you, Mr. Speaker. I beg leave to introduce Bill 20, the Alberta Municipal Financing Corporation Amendment Act, 2003.

The proposed amendments are designed to give the Alberta Municipal Financing Corporation greater operating flexibility.

[Motion carried; Bill 20 read a first time]

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I'd move that Bill 20 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

The Speaker: The hon. Minister of Children's Services.

Bill 22
Child and Family Services Authorities
Amendment Act, 2003

Ms Evans: Thank you, Mr. Speaker. I rise today with huge pleasure to introduce the first of three bills being presented by Children's Services this afternoon, Bill 22. It is the Child and Family Services Authorities Amendment Act, 2003.

It will remove the maximum currently within that piece of legislation to allow us to expand the membership on the boards, thereby accounting for the reduction of the children's authorities from 18 to 10, and accommodate better and more fairly community representation.

I now ask that this be read for a first time.

[Motion carried; Bill 22 read a first time]

Bill 23
Family Support for Children with Disabilities Act

Mrs. Jablonski: Mr. Speaker, I rise in the House today to request leave to introduce to the Legislature Bill 23, the Family Support for Children with Disabilities Act.

Bill 23 will provide separate and distinct legislation to cover

services for children with disabilities. The intent of the Family Support for Children with Disabilities Act is to provide a spectrum of proactive family-centred services to empower families of children with disabilities, preserve and strengthen these families, and prevent them from going into crisis. This proposed legislation is based on what was heard from Albertans during the review of the Child Welfare Act. I move first reading of Bill 23.

[Motion carried; Bill 23 read a first time]

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I'd move that Bill 23 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

The Speaker: The hon. Member for Calgary-Buffalo.

Bill 24
Child Welfare Amendment Act, 2003

Mr. Cenaiko: Thank you, Mr. Speaker. I beg leave to introduce to the Legislature Bill 24, the Child Welfare Amendment Act, 2003.

Bill 24 deals with an amendment to Alberta's child welfare legislation. The proposed legislation is based on what was heard from Albertans during the Child Welfare Act review that was launched in the spring of 2001. While there have been some specific amendments to the Child Welfare Act through the years, the direction and guiding philosophy behind Alberta's child protection services hasn't been reviewed for over 17 years. The Child, Youth and Family Enhancement Act places an emphasis on the safety and well-being of children, increased involvement of families in decision-making processes, parental responsibility, seeking permanent homes for children in government care, the areas of adoption, services for aboriginal children and families, expanding the role of the Children's Advocate, supporting youth as they are transitioning to adulthood, and increased accountability for services being delivered to children and families.

I move first reading of Bill 24.

[Motion carried; Bill 24 read a first time]

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I move that Bill 24 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

The Speaker: The hon. Member for Lethbridge-East.

Bill 205
Citizens' Empowerment Act

Dr. Nicol: Thank you, Mr. Speaker. It gives me great pleasure to introduce Bill 205, the Citizens' Empowerment Act.

This bill consists of two major elements. The first will allow people of Alberta to initiate a petition in referendum to prevent a bill from coming into force. The second part allows voters to petition the Legislative Assembly to introduce a bill that they feel is important.

[Motion carried; Bill 205 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 document was deposited with the office of the Clerk on behalf of the hon. Mr. Mar, Minister of Health and Wellness: pursuant to the Public Health Act the Public Health Appeal Board annual report 2002.

The Speaker: The hon. Member for Highwood.

Mr. Tannas: Thank you, Mr. Speaker. I have three tablings today, with the requisite number of copies. The first two are letters from the mayor and council of the town of Turner Valley. My first tabling is a letter dated October 22, 2002, to the Electoral Boundaries Commission stating the town's wish to remain within the electoral division of Highwood and includes a copy of the town council minutes.

My second tabling is also a letter, dated February 26, 2003, addressed to the Highwood MLA to draw to the attention of this Assembly that the town of Turner Valley wishes to remain in the Highwood constituency.

My third tabling, also a letter, this one dated February 28, 2003, was sent to me by the mayor and council of the town of Black Diamond requesting that the town of Black Diamond be retained within the boundaries of the Highwood riding.

Mr. Broda: Mr. Speaker, on your behalf I rise today to table five copies of a document signed by 24 members of the Westlock Outreach Committee and Westlock United Church congregation. These citizens are requesting that the government implement changes to our health care system in Alberta.

Thank you, Mr. Speaker.

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 a letter that I received from a constituent of my mine, Dave Fryett, chairman of the South Fish Creek Transportation Action Committee, asking that funding be restored to the south Deerfoot Trail extension in particular and two overpasses currently on deferral.

The Speaker: The hon. Member for Olds-Didsbury-Three Hills.

Mr. Marz: Thank you, Mr. Speaker. I rise today to table the appropriate number of copies of 30 letters from constituents, three of which are from the town of Carstairs, the town of Didsbury, and the county of Mountain View, all asking that the Didsbury hospital become part of the Calgary health region.

The Speaker: The hon. Member for Edmonton-Riverview.

Dr. Taft: Thank you, Mr. Speaker. I'm pleased to rise today to table the appropriate number of copies of a brochure produced by the Alberta Liberal caucus called High Power Bills Unplugged: Low-Cost Power for Alberta. It notes on the back: find out how you could save with the low-cost power plan; check out the calculator at www.altaliberals.ab.ca.

The Speaker: The hon. Member for Edmonton-Strathcona.

Dr. Pannu: Thank you, Mr. Speaker. I have two tablings today. The first one is the appropriate copies of a media advisory issued by

Alberta Energy dated February 28, 2003. It's called Media Briefing on Gas Utilities Statutes Amendment Act 2003.

The second tabling, Mr. Speaker, is five copies of a letter that I wrote this morning to the Member for Innisfail-Sylvan Lake informing him why New Democrats will not be attending the briefing today, scheduled for 11:45 a.m., related to Bill 19.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Edmonton-Highlands.

Mr. Mason: Thanks, Mr. Speaker. I have one tabling today. It is a letter from Mr. and Mrs. Stevenson of Edmonton dated February 26, 2003, and addressed to the Minister of Seniors. They are very displeased with the Premier's leadership on gas and electricity deregulation and write: "It has been a fiasco. There is real fear in the minds of seniors when they see just how much [they are] being gouged in the guise of service to the public."

2:50

The Speaker: The hon. Member for Edmonton-Mill Woods.

Dr. Massey: Thank you, Mr. Speaker. With permission I would table five copies of a submission by Anna Pellatt and the Alberta Civil Liberties Research Centre to the Child Welfare Act review, 2002. The submission and the advice contained in the submission will be useful as we debate Bill 24, introduced just moments ago in the Assembly.

The Speaker: Additional tablings?

Hon. members, I'm tabling today the appropriate copies of a document entitled Report to the Speaker of the Legislative Assembly of the Investigation by the Ethics Commissioner into Allegations Involving the Member for Leduc, dated March 4, 2003.

Mr. Knight: I rise today to table the appropriate number of copies, Mr. Speaker, of a letter from the municipal district of Greenview with the support documentation with respect to the issue surrounding access to highway 43. They're asking that "Alberta Transportation consider local input when designing accesses."

Thank you, Mr. Speaker.

The Speaker: I believe, hon. leader of the third party, that your point with respect to Standing Order 15(2) would now be appropriate.

Privilege Contempt of the Assembly

Dr. Pannu: Thank you, Mr. Speaker. Pursuant to Standing Order 15(2), that you just referred to, I rise on a question of privilege. My question of privilege will argue that as a result of the actions of the government, the rights of the Assembly and my rights as a member of this Assembly have been breached.

The factual background to this question of privilege is as follows. Last Thursday, February 27, notice was given on the Order Paper of the Legislative Assembly for leave to introduce Bill 19, Gas Utilities Statutes Amendment Act, 2003, sponsored by the Member for Innisfail-Sylvan Lake. The following Monday, March 3 – that was yesterday – the Alberta Department of Energy held a media briefing. This was pursuant to the issuing of their media advisory on February 28 that such a briefing will be held for the media.

The media advisory said, and I briefly quote:

Department of Alberta Energy officials will be on hand for a technical briefing, media only [underlined in brackets], at 11:00 a.m. on Monday, March 3, 2003.

The briefing will be held in Room 213 of the Alberta Legislature Building.

Officials will answer background questions on the Gas Utilities Statutes Amendment Act 2003, which will be introduced into the [Legislature] Monday as Bill 19.

In my view, these events constitute a contempt of this Legislature thereby bringing the authority and dignity of the House into question.

Erskine May, 22nd edition, on page 108, Mr. Speaker, describes contempt.

Any 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 duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence.

The briefing that I object to was for media only, in fact literally underlined in the media advisory itself from Alberta Energy. Earlier today I tabled a copy of the media advisory in the House. Moreover, I ask you to consider, Mr. Speaker, that nowhere on the media advisory is it stated explicitly that the information provided would be subject to embargo.

Section 115 of *Beauchesne* requires that a question of privilege be brought to the attention of the House at the first possible opportunity. With your permission I want to address this matter just briefly. In that respect I will explain why I'm raising this question of privilege today rather than yesterday. The fact that the media had received a briefing on the contents of a government bill prior to members of this House receiving any such information was already a serious matter, even had Bill 19 been introduced yesterday. This serious matter was made worse by the government's decision to not introduce Bill 19 in the House yesterday despite notice having been provided on the Order Paper.

In other words, members of the media received a detailed technical briefing on the contents of Bill 19 some 25 hours before any member of this House received the same information and some 28 hours prior to the bill being placed before this House. Opposition members did receive an invitation from the Member for Innisfail-Sylvan Lake to attend a briefing at 11:45 a.m. today. I instructed my staff to decline this invitation because, in my judgment, such briefing constituted contempt of the Assembly, Mr. Speaker. I earlier tabled in the House the letter that I sent to the hon. Member for Innisfail-Sylvan Lake.

The failure to place Bill 19 before the Assembly before its contents were shared with the media interfered with my rights as a member in a very serious and real way. Yesterday at noon I made myself available to the news media. At that availability I was asked by a news reporter to respond to specific information that could only have come from the earlier media briefing on Bill 19. I ask you, Mr. Speaker: how can I respond to information that the news media has but that I have been denied access to? This clearly interfered with my rights as a member of this House by placing me at a severe disadvantage vis-à-vis the reporters who attended the Bill 19 briefing.

I want to make it clear that I find no fault with the news media in this matter. Their job is to report the news. To ask the news media to embargo information not provided to members of this House for over one full day places the media in an untenable position in the same way that I was placed in an untenable position myself.

Two years ago this month an incident occurred in the federal Parliament whose circumstances bear a direct parallel to the events which occurred here yesterday. On March 14, 2001, Vic Toews, MP for Provencher, raised a question of privilege in the House regarding a Department of Justice briefing on a bill prior to its introduction in

Parliament to the House of Commons and the exclusion of Members of Parliament and their staff from that briefing. On March 19, 2001, the Speaker of the House of Commons delivered his ruling on the question of privilege. The Speaker concluded that the provision of information concerning legislation to members of the media while denying such information to members of the House of Commons and without any effective measures to secure the rights of the House constituted a prima facie contempt of the House.

To guide the Speaker of this Assembly – that is, you, Mr. Speaker – in your deliberation as to whether a prima facie breach of privilege occurred, the House of Commons Speaker's ruling is very relevant. I seek your indulgence to quote at some length from Speaker Peter Milliken's ruling, as I believe it outlines with great clarity the reasons and arguments as to why my rights and the rights of other members of this House were interfered with.

The federal Speaker ruled:

The House recognizes that when complex or technical documents are to be presented in this Chamber, media briefings are highly useful. They ensure that the public receives information that is both timely and accurate concerning business before the House.

In preparing legislation, the government may wish to hold extensive consultations and such consultations may be held entirely at the government's discretion. However, with respect to material to be placed before parliament, the House must take precedence. Once a bill has been placed on notice, whether it has been presented in a different form to a different session of parliament has no bearing and the bill is considered a new matter. The convention of the confidentiality of bills on notice is necessary, not only so that members themselves may be well informed, but also because of the pre-eminent role which the House plays and must play in the legislative affairs of the nation.

3:00

Mr. Speaker, Speaker Milliken of the House of Commons continues:

Thus, the issue of denying to members information that they need to do their work has been the key consideration for the Chair in reviewing this particular question of privilege. To deny to members information concerning business that is about to come before the House, while at the same time providing such information to media that will likely be questioning members about that business, is a situation that the Chair cannot condone.

The House of Commons Speaker continues:

Even if no documents were given out at the briefing, as the hon. government House leader has assured the House, it is undisputed that confidential information about the bill was provided. While it may have been the intention to embargo that information as an essential safeguard of the rights of this House, the evidence would indicate that no effective embargo occurred.

In this case it is clear that information concerning legislation, although denied to members, was given to members of the media without any effective measures to secure the rights of the House.

I have concluded that this constitutes a prima facie contempt of the House and I invite the hon. member for Provencher to move a motion.

Mr. Speaker, I ask you to carefully review the facts of this case and compare them to the facts of the case that occurred two years ago in the House of Commons. I hope that you will conclude that the facts in this case are even more compelling. In the federal Parliament there was only a delay of a few hours before the time that a media briefing occurred and when the bill was introduced. In this case, there has been a delay of over one full day.

For all of the above reasons, Mr. Speaker, I urge you to rule that a prima facie breach of privilege has occurred. Should you so rule, pursuant to *Beauchesne* 114(2) I would be prepared to move the necessary motion setting out a course of action for the Assembly.

Thank you, Mr. Speaker.

The Speaker: Hon. Government House Leader, are you prepared to make a comment with respect to this today?

Mr. Hancock: Yes, Mr. Speaker. I'd be prepared to make a comment now and, if it is your pleasure, to make written comment on this subject. It's obviously a very serious matter anytime a question of privilege or breach of the privileges or contempt of the House is raised. In this circumstance I would suggest to yourself and to members of the House that no question of privilege has been made out on a prima facie basis at all, but, as I say, should you wish to have further argument on it, I'd be happy to do that.

The question is one around: what's appropriate briefing to provide to any member of the public or other members of the House prior to a bill being introduced in the House? I think it is a common practice in this Assembly and I certainly have assured opposition members since I've been House leader that I encourage my colleagues to speak with their opposition critics with respect to any bill that they're going to introduce into the House, to give them information prior to the bill being introduced into the House as to what the nature and contents of the proposed legislation will be. That is done often, and members of both opposition parties have certainly attended in my office to be briefed on bills that are being introduced from our perspective.

Now, obviously, at that stage, it's not a matter of providing a copy of the bill, which we would not do, because the bill ought to be the property of the House, but we do provide specific and sufficient detail so they can understand the nature and direction, which is only appropriate in a modern parliamentary context where discussion of public policy ought to be done thoroughly, frankly, and in the public interest.

The question of discussing with the public and the media. Again, as the hon. member has alluded to, it has been the practice of this government, certainly since I've been here and since long before that, to have full, frank, open consultation with the public, and in the nature of the particular bill in question, Bill 19, there has been a discussion with stakeholders on an ongoing basis for at least the last year, as I understand it. The minister is present today and can supplement any remarks that I might make with respect to the process, but as I understand it, the discussion of the Gas Utilities Act has been ongoing for the better part of the last year. Discussions with stakeholders have happened. Drafts of legislation have been discussed. In fact, the hon. member who's raised the question of privilege tabled some early drafts of the bill in the House yesterday, so obviously he had them and was aware of their contents. But the process that we've followed has always been that the actual bill itself is not shared with anybody prior to it being tabled in the House. That's the gist of it.

One would hope that there would not be any ruling of this House – and I would certainly ask you, Mr. Speaker, to carefully consider any ruling that you might make – which would stop a good, full, open, frank discussion with the public, including briefing the media, with respect to legislation that's going to come before the House so that people can have a good understanding of the contents of legislation. What we need to make sure of, of course, is that the final draft of a bill, the bill that's actually going to come before the House, is the property of the House and is not released.

I'm given to understand – and no suggestion has been made otherwise – that the bill itself was not provided during the media briefing, that the legislation was not released prior to it being tabled in the House, that the briefing involved a discussion with the media of some of the technical aspects of what was going to be proposed, but that would be simply an extension of the discussion that's been had over the last six months and longer with the public, with the

stakeholders, and with everybody else that was interested with respect to the bill.

Indeed, the opposition and the member raising the question of privilege this afternoon has indicated to the House that he, too, was invited to be briefed and turned that opportunity for briefing down, but I can assure the House that on other similar occasions the opportunity for briefing has not been turned down, that they've participated in briefings prior to bills being entered into the House, and this circumstance was no different.

It's important that the media is briefed fairly early on, fairly close to the time of introduction of a bill, because that's when they pay attention to the legislation that's being brought forward. That's when they're interested in it. Again I'm given to believe – and nothing has been suggested otherwise in the House – that there was no information shared with the media that was not part of a consultation process, part of an ongoing public discussion, part of the process building up to and preparing for the legislation to be written and the legislation to be entered into the House.

Nothing that the opposition member has said has indicated that anything that is particular to the bill itself was shared with anybody inappropriately prior to being entered into the House. All the hon. member has complained about is that there was a briefing, and as I've tried to outline for you, Mr. Speaker, and for members of this House, briefing the opposition, briefing the public, briefing the media, having open consultation processes is a hallmark of this government.

The Speaker: Would anyone from the Official Opposition choose to participate in this point?

Now, the bill in question was introduced under the name of the hon. Member for Innisfail-Sylvan Lake. Is there anything further that the hon. member would like to add to this matter?

I believe that the bill was then made and became a government bill. Is there anything the hon. Minister of Energy would like to add to this matter?

Hon. Member for Edmonton-Highlands, you have something of a concrete nature to add to this matter?

Mr. Mason: Absolutely, Mr. Speaker.

The Speaker: Proceed.

3:10

Mr. Mason: I wish to deal with two points raised by the hon. Government House Leader. First of all, consultation that has taken place in advance of the bill, including the distribution of draft bills. Mr. Speaker, there is a very distinct difference and a very important one between draft legislation and actual legislation, and I would submit that once the bill is finalized and is prepared to be put before the House, it is something that needs to be introduced first of all to the House and all members to have an opportunity to see that before the media does.

I will refer to the government news release dated February 28, 2003, and it indicates that media only is to be present and that the "officials will answer background questions on the Gas Utilities Statutes Amendment Act 2003, which will be introduced into the Legislation" – that's a typo on their part: legislation – "Monday as Bill 19." This is not referring to any draft bill. This is not consultation. This is specifically dealing with a briefing on legislation that has already entered its final form before being introduced to the House.

The second point – it's a smaller one, Mr. Speaker – that I'd like to respond to the hon. Government House Leader on is that the

briefing which the hon. Member for Edmonton-Strathcona declined was one day after the briefing which was provided to the media.

So I would suggest, Mr. Speaker, that in accordance with the precedent which has been set in the federal House, this is clearly a prima facie case of privilege.

The Speaker: I want to get all the input we can possibly get because I am prepared to deal with this matter by tomorrow afternoon. If there's anything further – I've recognized two members from the third party. Does the hon. Deputy Government House Leader or the Government House Leader have anything further to respond to? There was a challenge. You don't have to.

Well, the chair has anticipated such a situation for going on two years now so finds it rather interesting that we've arrived on this day of March of 2003 with this kind of parliamentary dilemma before us, and it is one. Prior to tomorrow I would encourage a number of members to read the *Journals* dated Tuesday, March 7, 2000, at which point in time we had a similar situation arise in our House. A similar matter was dealt with. A ruling was provided at that time with respect to an almost similar kind of situation as the one we're talking about here today. Now, words were given. Caution was provided. Advice was provided.

Then, rather interestingly, since that time – and I'm just absolutely delighted, and I must congratulate the hon. leader of the third party for the impeccable research. The hon. member quotes from a ruling of March 19, 2001, in the Canadian House of Commons, which was almost one year after the one in the Alberta Legislative Assembly, a ruling provided by Speaker Milliken in which he did provide a conclusion that did set in motion a certain process.

So I will deal with this matter today and tomorrow and, hopefully, be in a position to come back and provide a ruling on this, but if any hon. member wants to convey any further information to me, the deadline for receiving such would be 10 o'clock tomorrow morning so that there would be ample opportunity for us to deal with this matter and have a ruling prepared by hopefully tomorrow afternoon at the conclusion of the question period. So I repeat: if there's additional information that needs to be provided to the chair with respect to this particular matter, please provide it no later than 10 a.m. tomorrow. Ample opportunity has been given, and ample invitations have been given to all hon. members today who chose to want to participate in this or add something of a parliamentary nature, and I think that concludes that.

So let us now proceed.

head: **Orders of the Day**
 head: **Government Bills and Orders**
Second Reading
Bill 7
Real Estate Amendment Act, 2003

[Adjourned debate February 25: Mr. Graydon]

Some Hon. Members: Question.

The Speaker: Well, hon. members, the debate was adjourned in the second reading of Bill 7 by the hon. Member for Grande Prairie-Wapiti, and the chair hears nothing but calls for the question.

The hon. Member for Edmonton-Ellerslie.

Ms Carlson: Thank you, Mr. Speaker. We are happy to see this bill come before the Assembly. It's one that we are going to be supporting. It's definitely a bill that allows the authority of the Real Estate Council of Alberta to keep pace with developments in the real estate

industry. It isn't really a very big bill. It isn't all that significant, but the changes that we see here are important. It brings appraisers under the act's licensing and regulating provisions, which we think is a very good idea. It extends the length of time the Real Estate Council of Alberta can take disciplinary action against former industry members to two years, which is also a good increase and is in line with the timing of their investigations, and it allows the council to require members to retain records for three years after they have left the industry, not as long as the tax department requires them to keep the records but certainly important for investigations done within this particular mandate. So we will be supporting this bill in principle.

[Motion carried; Bill 7 read a second time]

Bill 13

Government Organization Amendment Act, 2003

Ms DeLong: Mr. Speaker, I'm pleased to move second reading of Bill 13, the Government Organization Amendment Act, 2003.

Alberta Registries currently issues identification cards to Albertans 14 years of age and older who do not drive so that they are able to have government-issued photo identification. The production and issuance of identification cards will mirror those of drivers' licences. The identification card program is completely voluntary, and in the year 2001 there were 37,000 identification cards issued.

[Mr. Shariff in the chair]

Express legislative authority is required to continue operating the current identification card program. The basic authority is being set out in schedule 12 of the act, and most of the details will be in ministerial regulation.

Thank you very much, Mr. Speaker.

The Acting Speaker: The hon. Member for Edmonton-Ellerslie.

Ms Carlson: Thank you, Mr. Speaker. Once again, this is a bill that's relatively minor in nature, although it does raise for me a couple of important issues. The first is the issue of providing identification for people who don't have a driver's licence. We think everybody has got a driver's licence, but in fact that isn't true. Many people who have medical conditions do not qualify and need some form of ID in many cases, and some people choose not to drive, and those that are 14 or younger haven't actually put in the hours or the training to qualify for a licence and also need some kind of identification.

I recall when my father had a stroke and could no longer drive, and the worst part of the rehabilitation during that time period was the fact that he was going to lose his driver's licence. There was quite a bit of significance for him attached to that. Having talked to people who work in the health care field and the rehabilitation field, they say that that is a common occurrence, that losing the ability to drive is a big deal, but losing the ability to have some kind of ID is even a greater threat to their independence, and they see that as quite a significant event in their life. So for those reasons it is important that we have access to some kind of identification card for people in that kind of a circumstance.

But we have a real issue about security, Mr. Speaker, and I'm not sure that we see that this bill identifies any of those concerns. There have been recent events of thefts in the offices where these ID cards are going to be available. When we talk about issues of national and international security and we talk about issues of personal identifica-

tion for people, it's something that needs to be considered, and I'm hoping that in committee the member who introduced this bill will address those issues for us.

3:20

There's some talk that the fingerprint or other proof of identification that's being suggested for new drivers' licences also be used in this case. I would like to see that happen. There was not that long ago in Mill Woods an instance where a false ID was made up to take a girl across a border, and that's a pretty significant event. We need to ensure that we have enough security around these kinds of ID cards that those kinds of occurrences cannot and will not happen in the future.

So before I actually decide to support this bill or not, I would like to have the security issues identified, and let's talk a little bit about how we're going to ensure that security is maintained in these instances and that there will be the same kind of security around them as we see around other pieces of identification that are important from a legal responsibility.

With those comments, I'll take my seat.

The Acting Speaker: The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Speaker, for the opportunity to speak in second reading of Bill 13, the Government Organization Amendment Act, 2003. Specifically, as the Member for Edmonton-Ellerslie has noted, this is about capturing in legislation the ability of Alberta Government Services to continue to issue photo identification cards to Albertans who request them.

Now, I'm assuming that this can happen even if they do actually have a driver's licence, but primarily people, certainly the constituents that I have dealt with, that need to be able to get this kind of card are those who – I can think of two examples. One was an issue of poverty where the individual had experienced dramatically reduced circumstances and no longer had a vehicle to drive and hadn't for some period of time, and the driver's licence lapsed, and then they couldn't get any other form of identification. The photo ID, that is part and parcel of the driver's licence, is the number one requested piece of identification to start any other process, whether you're talking about a passport or anything else. So it's really critical that there be an alternative to a driver's licence and that if people cannot get a driver's licence or do not wish to have a driver's licence, this is available to them and needs to continue to be available to them.

The other circumstance that I've dealt with in my constituency with constituents who needed to get access to this card was those who had an illness that would preclude them from being able to drive or were taking medication that would prevent that. Again, we're in an age where everybody wants identification. As a matter of fact, we're moving towards more information being captured on the identification cards.

I know that the minister for this same department sponsoring this bill through the Member for Calgary-Bow is – I've totally lost my train of thought.

Some Hon. Members: Question.

Ms Blakeman: No. You don't get to call the question just because I lost my train of thought.

The additional information that he's proposing come out in some kind of smart card, which I continue to think of as a snoopy card because it may well be capturing far more information than they really need to on a driver's licence – I think we need to be watching

that. If there is an enhanced card being offered on one side with additional information – and I have to state that I'm very cautious about giving my support to that – we have to make sure that if that does happen, there is an equivalency through this particular kind of identification as well. We can't have a second-class form of identification just because people choose or are unable to or can't afford to keep up a driver's licence.

We are increasingly requiring that identification be produced in all kinds of circumstances now that didn't used to be the case. For this one fellow that came to me, I actually had to write up some documentation to say that I knew who he was and that I'd known him for a long period of time and that he was who he said he was so that he could actually go and get this identification card so that he had at least one piece of ID. He couldn't even get a bank account opened because he had absolutely no picture ID or identification that institutions would accept.

On the one hand, I'm glad to see that it's being solidified into legislation, but I think there are a number of other concerns that we need to look at. If I could look forward to having the questions that I've raised be answered, then I'm willing to speak to it again in Committee of the Whole.

Thank you.

The Acting Speaker: The hon. Member for Calgary-Bow to close debate.

Ms DeLong: Thank you, Mr. Speaker. I will in Committee of the Whole go into more detail in terms of security issues, but to give some immediate comfort in terms of the security: the security for this card will be identical to the security for a driver's licence. As you are aware, we are moving forward in terms of increasing the security on the driver's licence cards.

To the Member for Edmonton-Centre in terms of whether or not this will be like a second-class card: this card will be handled exactly the same way as the driver's licence card. In fact, one of the things that I really like about it is that we are not setting up any sort of separate administration, no separate computer system, nothing. This is all handled exactly the same way as a driver's licence.

Thank you.

[Motion carried; Bill 13 read a second time]

Bill 10

Health Information Amendment Act, 2003

The Acting Speaker: The hon. Minister of Health and Wellness.

Mr. Mar: Thank you very much, Mr. Speaker. Across Canada electronic health records are becoming the standard in health care for efficiency and, more importantly, to improve the results of patient care and the reduction of medical errors. Developing electronic health records is a key initiative in the Premier's Advisory Council on Health report. It is our blueprint for health reform.

To realize the benefits of electronic health records, care providers need access to information. Often family members and close friends need information that helps them understand what has happened when a patient dies. Yet at the same time we must protect patients' privacy and the confidentiality of their information. Bill 10, the Health Information Amendment Act, 2003, achieves this balance between access to information and privacy and confidentiality protection.

Section 60 of the current act already requires reasonable steps to protect the security and confidentiality of health information

including information in an electronic record. Bill 10 will strengthen this protection by adding a provision specifically to protect the confidentiality and security of electronic health records. With enhanced security and with the support of all major stakeholders, Bill 10 then removes the requirement to get patient consent before information can be shared through electronic health records if that health information can identify an individual.

The pharmaceutical information network project shows that 99 percent of people consented to have their records shared by electronic means. The people who keep and manage electronic health records have told us that getting consent is an administrative burden that takes away time for patient care. All provinces and territories agree that consent should not be required in a health care setting if the information is used for treatment and care. When we ask for consent under the current act, the implicit message to patients is: the risk is yours, and you accept it. With the proposed changes we change the message to: the risk and duty is ours, and we will meet it.

3:30

Mr. Speaker, in the sad event of a death the family and friends of the deceased need access to health information to understand what has happened. The current act does not permit this information to be disclosed for reasons other than the administration of the estate. In the case of a child there may be no estate, but the parents still need to understand and work through their grief. Bill 10 addresses these issues with amendments recommended by the Information and Privacy Commissioner. Bill 10 authorizes discretionary disclosure of health information that relates to circumstances surrounding death or health services the person received before death. Where disclosure is not contrary to the express request of the deceased, this balances privacy with the surviving family's need to know. Under the current act only the personal representative of someone who is 18 or older at the time of death may exercise rights on behalf of the deceased. Because access to information may be needed to administer an estate of a child, Bill 10 removes the age restriction, as recommended by the Privacy Commissioner.

Mr. Speaker, in conclusion, in fairness to the professionals and families who need access to health information, in the interests of patients whose caregivers will be able to make better decisions, and to increase confidentiality protection for patients whose information is used to provide better care, I ask this House for support for Bill 10, the Health Information Amendment Act, 2003.

The Acting Speaker: The hon. Member for Edmonton-Riverview.

Dr. Taft: Thank you, Mr. Speaker. It is, as always, a pleasure to rise and speak in this Assembly. I was listening to the minister's comments and find myself frequently agreeing with him, so I thought I'd start off with that volley and, in fact, say that we're very pleased in particular about the component of Bill 10 that addresses the sharing of information on the death of a child. It's an issue that was brought to our attention in the fall. I think it was brought to the minister's attention as well. I'm glad to see that the minister has brought forward legislation to address that particular concern. It had led to a handful of very sad and completely unnecessary dilemmas. So there's wholehearted support certainly from me and, I'm sure, from the opposition caucus for that particular part of this legislation. We may want to discuss that angle at greater length in committee, but it's pretty straightforward.

The larger aspect of this bill and the one that is more difficult is the part that addresses the issue of consent around health information, and it's a genuine dilemma. It's one for which there is no perfect solution. In principle and in general I can say that I am

uneasy with trends towards more and more personal information being kept on computers, and I say this as somebody who has no particular history to be sensitive about.

An Hon. Member: Well, how do we know?

Dr. Taft: Well, you might find out sometime.

Nonetheless, there's a trend in society in which a tremendous amount of information is collected on each and every one of us and installed in computer databases. Every time we use a credit card, every time we make any significant or even sometimes tiny purchase, every time we rent a video, every time we respond to a consumer survey, and on and on and on, information is collected on us. Indeed, every time members of this Assembly enter their offices and use their security cards, information is collected on us.

While all of this information is distributed in many smaller databases so that there isn't one, single, Big Brother system out there, one of the most dramatic trends in computer technology is the networking of databases. Certainly, I know I have and I bet many of us have had the experience where you're making a purchase – I can remember a few years ago purchasing a refrigerator. Part of the deal was that it was an interest-free purchase, so I applied to have this interest-free arrangement, and the clerk said: well, I'll just pass this information on to our central office through phone. In about two minutes the clerk and whoever he was talking to on the other end of the phone had completely reviewed my financial records and decided that, yes, indeed, I was creditworthy. That was done through a sales clerk at an appliance store. Certainly, I assume that there was some kind of safeguard on that information, but it was easily penetrated by a clerk at an appliance store.

That's just one example. I know there have been other times. I went a couple of years ago to rent a video at a store that I regularly went to, and I showed my membership card as I had to, and the clerk popped up and said: oh, sir, your Visa card is about to expire. I'd never used my Visa card at this shop. I'd always paid cash, as we probably all do for something as cheap as a video rental, but the databases were linked, and this person knew my credit card was coming up.

I tell these stories because they illustrate how much personal information is readily available. I know these issues are well known to the minister, to the department, and to the people who have worked on developing the electronic information systems. Nonetheless, I am uneasy about this trend in our society, and I think one of the principal safeguards for individual privacy and, ultimately, individual freedom is our right to have the minimal amount of information necessary collected on us without our consent.

So the thrust of part of this bill, which is, as I understand it, to prevent or to stop requiring active consent from people for some of their information to be placed on computerized systems and to assume that that consent is given and to not collect the information only if they actively object, is to me a very major step. I must say that it's not just that way for me. I've heard from legal people, civil liberties people, and from health people who share these concerns. That is going to be, I imagine, the most contentious part of this legislation.

While I expect, as is typically the case in this Assembly as it's structured, this legislation to go through, I'm concerned, then, that down the road we may run into problems with implementing the legislation, or we may run into something of a public backlash when people who didn't realize that their private information was being computerized learn about it and say: "Hey, what's going on here? I didn't expect this. I didn't want this." So I do think that this is in that regard a very significant piece of legislation with profound potential implications.

The questions I raised today do not mean that we are opposed to electronic records on health care. I have listened for many years to physicians who have wished they could have had better information on a particular patient. There are many examples, I think the most dramatic coming out of emergency wards, where somebody turns up unconscious or without an informed friend to help them and the doctors aren't sure what medications they're on, they aren't sure what allergies they have, they aren't sure what blood types they are, and they need to act instantly. In those situations doctors are presented with a difficult and dangerous situation that they wish they could address, and presumably this kind of information system will help them address those problems.

For every one of those problems I find myself wondering: are we taking a huge and expensive step to address what is, frankly, a fairly small number of problems? Is this one of those things that from society's perspective overall it would be nice to have but except in a few dramatic cases is not necessary to have? How much is this going to cost in hardware and in software and in human effort and human time to implement? What are the benefits of that really going to be to the health care system? How many patients are really going to be treated significantly differently because of this information? I don't know the answer to that, but I think it's a question that perhaps needs to be asked more.

3:40

I am concerned, and this is a concern that goes back many, many years, to days in the 1980s when I worked in the provincial civil service. There was an initiative there, that the Minister of Children's Services has occasionally referred to as CWIS, the child welfare information system. That computer system cost millions of dollars to develop and caused incredible disruption and grief to all kinds of people as it was being developed. I began to wonder then if the real driving force behind it wasn't largely the computer companies and the software companies and the computer enthusiasts who had in their minds some kind of ideal, but when that ideal was being turned into reality or the attempt was made to turn that ideal into reality, it just didn't work very well. It was very, very costly and in many regards didn't work as well as the old paper system. Now, I assume – I hope – that CWIS has come a tremendously long way. I imagine it has, but it gave me an insight into how painful and how costly and how slow and disruptive developing these information systems can be. I do have a sense that this provincial government is actually spending hundreds of millions of dollars annually on developing new computerized systems that I'm not sure are, in fact, worth that cost.

So that's another reason I'm skeptical of this whole direction. Is this a nice-to-have, or is it really a need-to-have? What's the cost, and what's the benefit? Is the benefit really as great for society as people who sell computers and software would like us to believe? I remember back – I'm sure we all remember – to the promises of a paperless office. The computer was going to bring the paperless office. Well, I probably got 500 pages of paper delivered to my office today alone, so a lot of these promises haven't materialized.

I'm also concerned that there are times when it's better to be second or third or fifth or tenth in developing an innovation than trying to develop it yourself. It's not always the best to be the first one to challenge a problem because all of the expensive lessons are learned at your cost and all the expensive mistakes you made at the cost of your government or your citizens. So I can't help wondering if we wouldn't be better off letting another province iron out all the enormous bugs we're going to have with this system and then learn from their difficult experiences.

An Hon. Member: Why not let the feds do it?

Dr. Taft: Well, maybe we could learn a lesson from the federal government – you're not kidding – on how not to do something.

So I'm hoping for some interesting comments from the government members on the issues of personal privacy and individual freedom and on the issue of intrusion of government into people's private lives without their active consent. I assume that's a significant issue for all members of government, especially the Member for St. Albert, who is making a variety of comments on this.

Ms Blakeman: But not on the record.

Dr. Taft: But not on the record. No.

So I look forward to the discussion that's going to be here, Mr. Speaker, and I'm happy to see how the debate unfolds. Thank you.

The Acting Speaker: The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Speaker. I'm glad to join in the debate in second reading on Bill 10, the Health Information Amendment Act, 2003. This is a proposal that always seems to have two sides or two parts to it, because off the bat the bill has what I think is quite a good, positive movement, that I'm not going to challenge, and then I think there's another side of it that is worth challenging.

Obviously, the section of the bill that's dealing with allowing for the discretionary release of health information around an individual's death is a positive move. I think a number of us can remember the episode that led to this. As a matter of fact, I know that in the Official Opposition we in particular pushed for this amendment, even calling on the Minister of Health and Wellness to implement it back in November.

The second part of it, though, is this sort of negative billing idea, of giving or not giving permission, and there's a good and a bad side to that one as well in a couple of different ways. I think that we can look at it and say: okay; well, this does allow for health professionals to share accurate information quickly and easily. It would stop some duplication of testing and diagnosis.

I remember when I was in the hospital, I couldn't believe that every single health professional that came at me had to run the same dang tests, and they were particularly uncomfortable. I kept saying: don't you keep this information somewhere centrally where you can all look at it; why do you have to keep doing this to me? It was kept centrally. It was supposed to be, you know, the clipboard that used to hang on the end of patients' beds. But even by that time that wasn't necessarily happening, and I felt at the time that there was a lot of duplication of service and staff time that didn't need to be happening if they'd just managed to share the information and the results of various diagnostic tests with each other.

All of that would certainly be addressed if we had this sort of instant access from the health professionals to a shared database of information on a computer. So we're trying to balance here expediency and delivery of high-quality health care against an individual's privacy.

I think what always comes to me is the removal of choice in this situation, that what we have now is that the choice is there and has to be offered to the individual. They have to be told, you know: you must release this or sign a consent form so health professionals can get at this. The person is offered the choice. They can take it or not take it. But what we're talking about with this bill is eliminating that section. So they're no longer offered the choice; it just happens.

This government seems to be very keen on taking away people's

ability to protect their personal privacy. I mean, we had an MLA police review that talked about having unmanned drones going out in the country and spying on people and collecting video tapes of folks, you know. I think you have to draw a line – and that may well be an ethical line; it could be a moral line – where you say: no, we're not going to take away people's ability to stop that.

I'll give you a sort of minor example of that. A lot of us, when we go to the stores now, are offered these customer loyalty cards, and with it usually comes an incentive, like you'll be able to take advantage of sales that only those people with these cards will get. True, but you also are giving over an awful lot of information about you and your choices in life. Of course, all of those are recorded, and that will lead to your being lobbied to purchase other kinds of similar merchandise, but you still have the choice. You may not like the choice particularly – that is, I don't want the customer loyalty card, and therefore I won't be able to take advantage of your sales – but at least that choice is still there rather than having to say to everyone: sorry; we're going to record every single thing that you're going to buy whether you like it or not, and you're going to get lobbied by other marketing firms whether you like it or not. I still maintain that we need to hold onto that personal integrity and that personal choice about that.

3:50

I heard someone over here heckling about: oh, the sky is falling; the sky is falling. I don't think the sky is falling here, but I think that there are a number of very clear, conscious choices that we need to make about how we as legislators deal with people's personal information.

Now, we have a number of examples in front of us. This is a question of trust. If that personal information is collected in whatever form, can we trust that it will be reliably held, that the people who get access to it will be restricted, that it will be only those people that absolutely have to be able to get access to it? I would argue that the examples we have before us do not give us a lot of faith in that. We're still getting stories of medical records found in boxes in people's backyards, of hard drives of computers being sold before they were wiped off.

You still also have to deal with not human error here but, I guess, human corruption. What comes to mind is the story in Quebec where the Hells Angels were able to bribe an employee who was working in a private registry to look up the licence plate number of the journalist and was able to provide that. Of course, then they waited in the parking lot by the car with that licence plate number and were able to shoot at the journalist.

So that is a matter of human corruption. That person had access to very personal information, and there was no way to control them. I mean, no, they're not supposed to do it, but they did it. That's the issue here. No, they're not supposed to do it. No, other people are not supposed to be looking at this information, but I don't see the safeguards that assure me that that's not going to happen. I don't see that there's enough protection there that's going to make me trust that this system is going to work. I mean, it seems every month, every couple of months there's another story of how a bunch of personal information on a computer, on paper, on whatever that was collected by government on its citizens is found in a place that it shouldn't be, or people that shouldn't be having access to it indeed have access to it. I think until we can have, let's say, a demonstrated period of time where the government manages to keep all of this personal information on people indeed secure, I'm not able to extend my trust in government that they will do that.

Again, I think it is wrong to take away the choice of people to say yes or no. As I gave an example with the customer loyalty cards,

they do make that choice understanding what the limitations are, yes: I won't give you that personal health information, and I understand that that might mean I don't get an immediate diagnosis if I am in a car accident because you will not have access to my health care records. Maybe it's a two-hour wait or a four-hour wait or an eight-hour wait, but, you know, frankly you could be sitting that long in emergency waiting to get checked in anyway until your family members, whoever else has that information, show up. So at this point I don't see the urgency there.

I don't see that there are enough safeguards being put in place that protect how the information is collected, where it's stored, who has access to it, and how it's disposed of eventually. What do you do with old information? How is it archived, and, again, who has access to it? So I see too many reasons still out there to not trust that this system can be put in place in a way that satisfies my need on behalf of constituents to protect their privacy and to protect their choice.

It may well be that the minister has stupendous statistics that he's able to bring forward of where the system works and what he's willing to see put in place to offer these safeguards that I'm looking for, and I look forward to hearing more from the minister and to further debate in Committee of the Whole. I have real hesitation in supporting this bill as it stands now.

Thank you.

The Acting Speaker: Hon. members, Standing Order 29 kicks in.

Hon. Member for Edmonton-Highlands, are you rising to ask a question?

Mr. Mason: Yes, I am. I'd like to ask the hon. Member for Edmonton-Centre if she has concerns about the number of people who have access to this information and whether or not individuals should have access to their own information?

Ms Blakeman: That's interesting. Yes to the second part. I think that individuals always need to be guaranteed access to the information that's kept on them. We, I think, have lots of examples where in fact information is incorrect, yet an individual looking at their own files could instantly say, "Oh, that's the wrong information; here is the correct information," or supply them with documentation of it corrected. It's just fundamentally wrong to keep personal information on someone and not let them see it. Now, there can be a process in place to allow them to gain access to this information – that's fine – but they have to be allowed to see the information that is being kept on them. So I answered the second part of your question first.

The first question. Part of what I was talking about is the concern about how many people get to have access to this information. Where does the buck stop? Where does the access code end? I remember I had an alarm system once that you could sort of graduate employees on when they were able to enter the office space and who was allowed to come in after hours or on weekends and how many times they could come in and out in a given period of time. I don't see any attempt to have that kind of coding or security in there. So where does this end? Maybe the minister can lay this out for us. Who all does get to see this? Doctors? Okay. Pharmacists? Well, possibly. The orderly? The nursing aide? The personal care attendant? Who? Who all gets to see it? What is that list, and what's the security clearance, if you want to call it that, of the people that get to see it?

So I think there is a real concern about that, and thanks for the question.

The Acting Speaker: There being no questions, the chair recognizes the hon. Member for Edmonton-Ellerslie.

Ms Carlson: Thank you, Mr. Speaker. I, too, am happy to be able to rise today and speak to Bill 10, the Health Information Amendment Act, 2003, as introduced by the Minister of Health and Wellness. It's interesting to have seen the evolution of this bill or some variation of this bill over the 10 years that I've been in this Legislature. We've seen trial balloons raised by a variety of health ministers and sometimes government private members on issues around smart cards and gathering information on people and some form of information transfer that makes the information readily accessible to whoever is out there that might want it.

Interestingly, also in this bill we see the government resorting to one of their usual tactics, Mr. Speaker, and that is that they put a little piece in the bill that is motherhood and apple pie, that is very difficult to not support, that in fact everybody in the world would support. In this case, that is the piece that talks about allowing custodians to provide access to and disclosure of health records/information of deceased individuals. No one wants to vote against something like that. It's a very supportable part of the legislation, and we have seen recently, as discussed by several of my colleagues, instances where that's very important to occur, but it's a small piece of this bill.

The major piece of this bill talks about what is in fact an example of a kind of negative billing. Where we all will understand what this legislation does in this Assembly because it's been discussed, most Albertans won't know that this goes into place, so they won't know that their health information is out there electronically, able to be transferred to those people that somebody else deems to be appropriate.

4:00

So when we talk about this legislation, the fundamental questions for me are: do I trust the government to get the information correct in the first place? The answer to that, fundamentally, is no. We have seen too many examples of this government not processing information accurately, sometimes through no fault of their own, but something happens in the translation of the data where there is incorrect information. When someone from my family or myself or anyone I know has health information that can be transferred from here to there that I don't know is happening or where I don't know that this entity has access to transfer it there, how am I going to know, one, that I want it to go and, two, that it's accurate? In a case where you have to give consent first, there is an understanding of what's occurring, and there is an ability for the individual to check the accuracy and to actually convey the message of whether or not they want the information transferred. That won't happen with this bill. We are going to see lots of people come back to the government and to their doctors and to the hospitals and say, "Why did you do this?" and then, "If you did it, why didn't you get it right?"

So it's very interesting that this is a government who talks all the time about reducing regulation, about reducing information, about increasing individual rights and freedoms, but what we see, slowly, year after year, is more legislation coming in that does exactly the reverse of that, actually quite different than what their philosophical bent is. It's interesting to see the increase in control that they have taken on people's information and how they want to be able to do that now without getting anybody's consent. That deals with the issue of whether or not I think they can get it right and whether or not they should have the access to that.

It really comes down to an argument over values, Mr. Speaker. We as Liberals certainly value the individual and the individual's

rights, and we think that health information is probably the most important, the most vital, the most sensitive information there is out there about us that can be shared and that Albertans need to be consulted in a very widespread manner to decide whether or not this should happen. This is, in fact, a very good referendum question, and that is: do you trust the government to keep this information and share it without you being able to give consent and then, in fact, verify and know who the information is going to? As it stands here, you won't always know who's getting the information, which was the Member for Edmonton-Highlands' question.

So I think that for those reasons I can't support this bill, certainly, in principle, and I think that perhaps on this bill, Mr. Speaker, we should have a standing vote at second reading, because it is a vote in principle on whether or not we trust this government to handle personal health information correctly and whether or not it should be able to be transferred without consent having been given. So I leave that out there for discussion and debate. I hope that we'll get some feedback from government members or government private members on this particular issue, because this is a big issue for people in this province. I know that they expect and hope to pass this very quickly, without too much discussion, but I'm not sure that's going to happen.

The Acting Speaker: Under Standing Order 29, any questions?

Speaker's Ruling

Question and Comment Period

The Acting Speaker: Hon. members, this chair failed to recognize one hon. member who had a question not directed to the Member for Edmonton-Ellerslie but to the Member for Edmonton-Centre. For the record, the chair will provide an opportunity to the hon. Minister of Justice to enter the question in the record, and if the hon. Member for Edmonton-Centre chooses to respond for one minute, the chair will also provide her a response time.

The hon. Minister of Justice.

Mr. Hancock: Thank you, Mr. Speaker, but I can raise the point in speaking directly to debate.

The Acting Speaker: Wonderful. Thank you.

Debate Continued

The Acting Speaker: The hon. Member for Edmonton-Highlands.

Mr. Mason: Thank you very much, Mr. Speaker. It's a great pleasure to rise to speak to Bill 10, the Health Information Amendment Act, 2003. I just want to indicate that I think that there are tremendous increases in efficiency and effectiveness that can be found through electronic means of records of any sort, and I think there are particularly great advantages to be found in the area of health records and permitting the sharing of health information amongst the people who need it and who have received the permission of the patient, either at the time or previously, to access that information.

Having said that, Mr. Speaker, I also have reservations about the lack of safeguards around this information. The question of who can have the information is one. Clearly, doctors should have it. Other health care professionals who may be dealing directly with a patient should have it. However, can the information be accessed by people who shouldn't have it? Can, for example, officials of the Ministry of Health and Wellness access the information? I think the minister should respond to this, and I'm sure that he'll respond that, no,

there's no such intention, but I would ask then: what is the safeguard?

Secondly, is the information going to be made available for medical research? Can it be used by researchers in some way? There are many good arguments that would be put forward for that type of thing – the advancement of science, seeking breakthroughs against disease – many, many arguments that, I think, have a lot of validity, but the question comes back to consent and the ethics of proceeding with research without the informed consent of the people who are supplying data. So I'd like that addressed, not just in terms of whether in principle the government is for it or against it but concretely how they would ensure that people's information is not accessed without their consent for purposes for which they did not give the information.

Then, I guess, there's the question of how people are being deemed to have provided their consent. There was a case a few years ago, Mr. Speaker, when cable companies in this province and across the country as well provided new packages of service to their regular customers and raised the bill for them and informed them that if they didn't want the extra package of channels and didn't want to pay the extra money, it was their obligation to contact the cable companies and inform them of that fact. Otherwise, they would receive the extra channels, and they would be charged. This became known as negative option billing, and it got a lot of people very angry in this country and in Alberta, and the government, in fact, introduced changes to its consumer legislation to outlaw the practice. That was a positive step, but the question is: how does it get applied?

I raised in this Assembly about a year ago a question of one publication that was engaged in the practice of negative option billing. The minister took it under advisement and acknowledged that it was, in fact, negative option billing, and the government's response was to send people who received this publication without their consent and who were having their credit cards charged for something they didn't request another letter, to which they had to respond to the publication. The government's response under its own legislation, when negative option billing was clearly banned, legally banned, was illegal in the province – their remedy in a case was to engage in the same practice again of forcing people to respond if they didn't want it.

4:10

I don't know where we're further ahead, but it leads me to the question of whether or not the government can be trusted in this kind of case, and the government is clearly operating with respect to consent to medical information in the same fashion; that is to say, it is a negative option approach. If any citizen does not want their health information to be recorded electronically and available to whoever can access it, they must take the initiative and ask that their information not be included. It's precisely the same situation that the government banned when it came to consumer information, even though they haven't enforced it properly, that is being suggested here by the government in terms of how people will have an opportunity to make sure that their information is only there with their consent. So the consents that are envisaged by the government are negative option consents, and that is a serious problem.

Mr. Speaker, I started by saying that I thought there was tremendous opportunity, particularly in the health care field, for electronic information to be a tremendous benefit to medical professionals and to patients, but it's a new area, a complex area, and one which we have seen is wide open to abuse. There is no lack of stories about hackers or misuse of information, about the lack of safeguards for electronic information in the world. It is incumbent on the government, in my view, to clearly demonstrate that they have found and

anticipated various elements of potential abuse to which this information could be subject and that they have provided remedies against it.

If you look at Bill 10 and its grand total of five clauses – there's a fifth clause striking out one sentence, so I guess it has five sections, a very, very short bill – it clearly doesn't fit the bill in terms of providing adequate safeguards on the use of the information, on the requirements of permission for people, and who may or may not access it. As a result, Mr. Speaker, the New Democrat opposition will not support Bill 10 as it is a clearly flawed approach to an important frontier in medical science.

Thank you, Mr. Speaker.

The Acting Speaker: Standing Order 29.

There being none, the hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I just wanted to take a brief opportunity to speak to Bill 10, because I think it is not only an important piece of legislation in and of itself but symbolizes a very important process of government. Speaking to the process of government, the Health Information Act was brought in some two years ago, I believe, and it was the subject of a considerable amount of debate around the issues of the privacy of information in respect to the rights of the individual and those issues. There was a debate around those issues at the time and a thorough airing of those concepts including a lot of concerns being raised, sometimes, I think, inappropriately, with respect to access to information by members of cabinet, for example, and who they could share that with.

All of that amounted to somewhat a scaring of the public with respect to an issue which is of supreme importance to us, and when I say scaring of the public, I say that advisedly, because it's patently obvious from the bill itself, now the Health Information Act, that there were severe penalties put in place, \$50,000 under section 107 of the act, if people misused information or utilized information in an inappropriate manner.

The Member for Edmonton-Centre was speaking this afternoon, was talking about the need to be careful about collecting information – and I hope I'm not paraphrasing her inappropriately – because somebody somewhere once sold information from a registry fraudulently and inappropriately. Well, surely the fact that sometimes people do bad things – and hopefully get caught and are sanctioned for it – should not stop us from moving forward on processes which are exceedingly important for the good of the community.

What I wanted to point out in debate is that when we look at Bill 10, we have to look at Bill 10 in the context of the Health Information Act. The severe penalties and the strictures in the Health Information Act do protect the public with respect to their information and the inappropriate sharing of their information, provide heavy sanctions for those people who use information inappropriately or share it inappropriately but allow us to move forward to gather information in health records in an electronic manner so that they can be used for the benefit of the individuals no matter where they access health care professionals.

If we are to engage in true health care reform which allows health care professionals, whether they are doctors or nurses or pharmacists or other health care professionals, to practise their profession to the extent of their training and expertise and to provide full value to the community by providing their services at the highest level they can, then we have to have the ability for them to access information appropriately. Really, what the Health Information Act is about is providing for electronic health records so that health care professionals, wherever located, can in appropriate circumstances access appropriate records for the good of the individual involved.

Now, in order to make that effective, there needs to be an appropriate database maintained and there needs to be appropriate information put on that database and there needs to be appropriate safeguards built around that database so that there's protection for the public and for individuals from misuse. It's quite astonishing to hear the Liberals get up and say that they're the protectors of the rights of the individual when that is classically what the Conservatives do. Again, what we're doing at this stage with the Health Information Act is providing for the proper use of public resources in a publicly funded health care system to ensure that individual Albertans can have access to their records through their appropriate health care provider in appropriate circumstances and appropriate places.

Will there ever be a release of information inappropriately? Mr. Speaker, you can't guard against all eventualities, but what you can do is build a system that's the strongest and best system possible and then put severe sanctions in place for those that misuse the system, and that is what is in place under the Health Information Act as it stands, even without Bill 10.

What Bill 10 does – and it's the second part of the remarks I wanted to make – is indicate a process whereby the government is flexible enough to be able to look at a piece of legislation that was put in place, and as we move through this system of health care reform and as we move through the process of introducing technology to improve the quality of health care that's available to individual Albertans, we're prepared to make appropriate amendments at appropriate times in order to make the system work better and, indeed, protect the public even more. So I would encourage people to support Bill 10.

The Acting Speaker: Standing Order 29. The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much. I listened carefully to the minister's attempt to defend the bill, but nowhere did I hear him attempt any justification of the removal of choice that currently resides with the individual as to whether or not they wish to give consent for access to their personal health records. Can the minister attempt to justify that removal of choice from the individuals that is encapsulated in this act?

Mr. Hancock: Well, Mr. Speaker, choice is still there. It's just a question of how it's exercised. In this case, the change in the act is to allow a person to choose not to have their records put into the system.

But I would indicate to the hon. member that right now, as people go to see their health care provider, a record is made and put in the file and put on a shelf. Everybody in that office has access to that record, and anybody who wants to break into that office has access to that record. Their health care record is no safer in that office, I would suggest, than it is hanging on the end of the bed at the hospital, where, when you go to visit somebody in the room, you can read the records of the other three people.

This is a significant improvement, I would suggest, under the Health Information Act, to the protection of health care records, not a denigration of it. People still do have the choice to take themselves out of the system, but the system doesn't work if you add too many burdens to it, and therefore the change of the process of choice is necessary.

4:20

Mr. Mason: Just a comment, Mr. Speaker, on the minister's response. It's clear that the minister doesn't understand the

difference between a locked filing cabinet and a modern, networked electronic data system. There's a quantum leap in accessibility to records which are stored electronically, and anyone who has the right code can access the information. So that's why you need to design modern electronic techniques to protect the information, which is much, much different than just a sanction in case you happen to get caught, because nine times out of 10 you won't get caught.

Mr. Hancock: Obviously, Mr. Speaker, bigger filing cabinets need bigger locks, and when you're designing an electronic system, you have to design locks that work on an electronic system. When you have a filing cabinet, you use the key approach. But we're moving into a modern era. We're in the 21st century. We're going to be using technology. We're going to be using it to the advantage of the public, and, yes, security needs to be designed in.

The Acting Speaker: The hon. Member for Edmonton-Ellerslie.

Ms Carlson: Thank you, Mr. Speaker. My question has three parts. Could the minister table information for us laying out that this will be a strong and secure system? We haven't seen any documentation so far. The second part is: can he tell us what the cost is going to be of enforcement and monitoring and what that plan is? And, more generally, we would like a cost-benefit analysis of moving forward on this position.

Mr. Hancock: It appears, Mr. Speaker, that the Liberals would like to know exactly what has happened in 1950 before they get into 1980 or, indeed, 2003. The only way you can actually have the absolute details of everything that's happened is if you go to public accounts.

Mr. Speaker, when you design systems, you don't design all the details before you pass the legislation. You pass, as she so rightly pointed out in her remarks, the framework of the legislation, and then under the framework of the legislation, which sets out the principles of what you're trying to accomplish, you put in the details and regulation with respect to the regulatory process, and then you get the experts to design the system. Yes, most Albertans do have faith in their government and do trust that the public servants that they hire to take care of those details will do those jobs to the best of their ability and in the public interest.

The Acting Speaker: The hon. Member for Edmonton-Riverview? Any other questions? Anybody else who wants to speak on the bill?

Mrs. O'Neill: Mr. Speaker, I just want to make a comment with respect to the bill and the discussion that we've just had and the choice that has been put before us and been questioned by members of the two opposition parties. They have used in their speeches references to credit cards. They have used references to smart buyer cards. They have used references to, probably, the Safeway purchasing card. They've said that it has a choice.

Well, I'd like to talk about another choice that impacts more specifically and, I think, less frivolously on the discussion at hand, and that is with respect to the driver's licence that we have, that gives us the opportunity to choose whether we wish to donate our organs should we die in an accident. It is a choice, and it's a choice that we are able to make and sign and have verified by those whom we love, and it's a choice that I think should rightfully reside there. However, let's consider just for a moment the fact that since it is not a given, there are many opportunities that happen where individuals who die could have, should they have known, been able to donate their organs and save someone else's life.

So while I respect that that whole process should be by choice, I would say that if we're still talking in the arena of health care delivery, by knowing what can happen with our record, just by virtue of allowing and trusting our information to go into the system, we are going to allow a number of people to get the best care they possibly can and the immediate attention that they need and the appropriate one.

So we have two different scenarios. Don't misunderstand me. I'm not trying to say that we should just automatically be able to give our organs, but I do want to say that in many cases it's a question of life and death. It's a case of health care, and I think that, in this instance, it does indeed mean that we will be able to provide better health care, faster health care, more accessible health care, and ultimately the most appropriate health care to those people when they need it.

The Acting Speaker: Standing Order 29.

Ms Carlson: Mr. Speaker, I don't think the member was all that clear in her remarks. Is she suggesting that all people should now be, without their consent, automatically organ donors unless they opt out?

Mrs. O'Neill: No. I was not suggesting, and if the member had listened, she would have heard me say: make no mistake about it; I am not suggesting that these should be similar.

Ms Carlson: Then, Mr. Speaker, exactly what was her correlation between the organ donor story and the story about not having any consent with medical records?

Mrs. O'Neill: I wasn't making a correlation, and I indicated that I wasn't making a correlation. I was making a reference to the delivery of health care and what records or what consent or the requirement of consent in the case of the organ donor or, in this case, the assumption of the consent of sharing that information, and I was saying not a correlation but a fact that both instances with different entry points and consents do provide for better health care.

The Acting Speaker: Any other member who wishes to speak on the bill?

The hon. Minister of Health and Wellness to close debate.

Mr. Mar: Mr. Speaker, I've listened carefully to comments made by hon. members on both sides of the House. I note that there are some concerns that are being expressed that, I think, are legitimate ones but are properly dealt with, as the Minister of Justice correctly stated, as we develop the system once we've passed the framework as set out in Bill 10. Accordingly, I move second reading of same.

[The voice vote indicated that the motion for second reading carried]

[Several members rose calling for a division. The division bell was rung at 4:27 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Abbott	Hancock	O'Neill
Ady	Hlady	Pham
Amery	Jacobs	Rathgeber
Broda	Klapstein	Shariff

Calahasen	Knight	Snelgrove
Cao	Lougheed	Stelmach
Cenaiko	Lukasuk	Stevens
Danyluk	Lund	Strang
DeLong	Magnus	Tannas
Doerksen	Mar	Taylor
Dunford	McClelland	VanderBurg
Goudreau	McFarland	Vandermeer
Griffiths	Melchin	Yankowsky
Haley	Oberg	

Against the motion:

Carlson	Massey	Taft
Mason	Pannu	

Totals:	For – 41	Against – 5
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[Motion carried; Bill 10 read a second time]

4:40

Bill 14 Securities Amendment Act, 2003

The Speaker: The hon. Member for Calgary-Mountain View.

Mr. Hlady: Thank you, Mr. Speaker. It's a pleasure for me to stand today and move second reading of Bill 14, the Securities Amendment Act, 2003.

This bill will make several changes to legislation governing capital markets in the province. The proposed amendments will provide greater protection for investors, allow Alberta businesses improved access to capital markets, and make the current regulatory environment more efficient. Mr. Speaker, this legislation marks the first time securities law has taken steps to address corporate governance and protect investors. This bill also lays the foundation for improved securities laws when national laws are made down the road. As securities are constitutionally a provincial jurisdiction, provincial ministers are taking this responsibility seriously, including our own Minister of Revenue, who is taking personal leadership in this matter.

I urge all members of this Legislature to give Bill 14 their full support. Thank you.

Mr. Speaker, I would like to adjourn debate.

[Motion to adjourn debate carried]

Bill 15 Forest and Prairie Protection Amendment Act, 2003

The Speaker: The hon. Member for West Yellowhead.

Mr. Strang: Thank you very much, Mr. Speaker. I am pleased to move second reading of Bill 15, Forest and Prairie Protection Amendment Act, 2003.

First of all, I would like to address the amendments being made regarding this act, which are necessary to meet today's challenges in wildfire management. These changes are part of a continuing process to seek new and improved ways to manage wildfires for the benefit and protection of all Albertans. As we have seen in the last couple of years, Mr. Speaker, fires are a huge reality in the forest areas of our province. We have seen fires move close to and even into communities. We need to make certain that our legislation and practices in dealing with wildfire are envisioned with how we protect Albertans and their valuables.

These changes will bring the act in line with Sustainable Resource Development's business practices by upgrading wording, clarifying jurisdictions in interpretation of the act, and strengthening the department's ability to determine the cause and the responsible parties in wildfire investigations. The amendment will allow the minister to move more effectively to administer fire bans. As well, these amendments will strengthen Sustainable Resource Development's enforcement ability with the intent to reduce the number and severity of human-caused fires. The amendment will clarify that the forest protection area does not apply to land within the boundaries of the summer villages.

Sustainable Resource Development has consulted extensively with other ministries, municipal governments, and other stakeholders in preparing these amendments. Thank you for your support of this important piece of legislation.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Edmonton-Ellerslie.

Ms Carlson: Thank you, Mr. Speaker. I'm happy to have this opportunity to talk to Bill 15, the Forest and Prairie Protection Amendment Act, 2003. I would like to thank the Member for West Yellowhead for the work he's done on this bill and for his attempts to try and get ahold of me, prior to this bill being introduced, to discuss it in a little more detail. Unfortunately, given the tight time constraints we had, that was impossible, but I certainly do appreciate the effort on his behalf and his staff's behalf to get in touch and go over some of the issues.

We don't have too many problems with this bill, Mr. Speaker. The highlights of it really are that there is a lot of housekeeping and clarification in the bill over what was existing before, and that's all good news. It gives forest officers and fire guardians more powers, which we see as a positive move forward in this regard, and we'll support that.

It repeals the limit on the liability of an offending party against the act for reimbursement to the minister. That's an interesting part of the act. We don't have a real issue with that, but I think that that's the part of this act that is going to be the most open for discussion and debate, and that comes in section 4 where it talks about who in the act will be liable for reimbursing "the Minister or any other person for the costs and expenses of fighting the fire." These are going to include:

- (a) the person who caused the fire,
- (b) the person who directed the lighting of the fire,
- (c) the person who was otherwise responsible for the fire,
- (d) the person who owned the land on which the fire began and does not establish that the fire ignited or was lit without that person's consent, express or implied, and
- (e) the person who was in control of the land on which the fire began and does not establish that the fire ignited or was lit without that person's consent, express or implied.

So there are some issues around this. While it's excellent that people are being held liable for fires they cause and there should be a more just method than we've seen, perhaps, in the past of the determination of who should be held liable, there are some concerns around this.

First of all, dealing with the first three – the person who caused it, who directed the lighting, and who was otherwise responsible – if it's an underage adult, who's then responsible financially for having the fire lit? If your teenagers head out and have a bush fire and cause a forest fire to occur, who pays? The kids, the parents, or as we go down to (d), what may potentially be the person on whose land they were having the party? In many instances in that case they're not there with the permission of the landowner. So I'm

hoping that when we get to committee, the Member for West Yellowhead can explain that part of the bill in a little bit more detail.

There is some concern about assumed innocence within that principle, and maybe we want to talk about the plaintiff in such a case, which in this case would be the government, having to establish the guilt of the defendant. What's the process that we'll go through in that regard? I think that that takes a little thinking through. It isn't spelled out here. Traditionally, the devil is in the details. In this case, the details come in regulations, and we would just like to have a little more information on how this is going to be processed.

The fines, Mr. Speaker, have been substantially increased. If I'm correct, I believe they're up to and including the cost of fighting the fire, which we know is millions and millions of dollars. So that'll be interesting to see how the first kinds of fines are placed and how high those fines will be.

I guess my questions around that, too, are the old enforcement and monitoring questions. Fighting fires comes under Sustainable Resource Development. They've taken some pretty heavy hits in the past years in terms of employee cutbacks. They don't have enough people for monitoring and enforcement now. What is the expectation with regard to the forestry side of this in investigating the fires, in determining who's to blame? Who is then ultimately going to decide what the penalties are going to be for this?

So, generally, in principle, Mr. Speaker, we do support this particular bill, and I'll go through it section by section when we get to the committee stage, and at that point we might have an amendment or two. If we do, then we'll share them with the member prior to introducing them into the House to see if we can get some consensus on them. Other than that, I'm quite happy to support this legislation.

The Speaker: The hon. Member for Edmonton-Highlands.

Mr. Mason: I'll defer.

The Speaker: The hon. Member for Dunvegan.

Mr. Goudreau: Thank you, Mr. Speaker. I just want to provide a few comments on Bill 15, the Forest and Prairie Protection Amendment Act, 2003. There is currently some confusion regarding the role of summer villages as they are not specifically identified in the act. The amendments clarify that the Forest and Prairie Protection Act does not apply to the land within the boundaries of summer villages. Similar to a town, a city, or a village, a summer village will continue to be responsible for controlling wildfire activities within their area. This is consistent with current application and definition under the Interpretation Act, where a summer village is considered a village. As in the past Sustainable Resource Development will offer assistance if required, just like they do with a city or town or any other village. These changes will help us to clarify the status of summer villages.

Thank you.

4:50

The Speaker: The hon. Member for Edmonton-Highlands.

Mr. Mason: Thanks very much, Mr. Speaker. I'm pleased to rise to speak to second reading of Bill 15, the Forest and Prairie Protection Amendment Act, 2003. Generally, I think the act is of a housekeeping nature. It takes the existing legislation and develops it further, and it looks to us like it makes a positive contribution to the management of fires on prairie land and in forests.

It's clear, Mr. Speaker, that as a result most likely of the changing climate in Alberta, this is going to become an issue that needs more and more attention and more and more resources of the government. We've seen in recent years a very dramatic increase in the size and intensity of some forest fires. As we all know, notwithstanding the best efforts of some forestry companies, a very significant portion of Alberta is forested. It is our third industry, as I understand it, a critical piece of Alberta's economy and a critical piece of Alberta's natural environment.

As the forest appears to be drying out, more fires, larger fires, more damaging fires are going to be a problem that needs to be dealt with, so costs of fighting these fires, Mr. Speaker, are going to be a significant issue as well. The act does deal, I think, well with this problem by indicating that people who cause the fire or who directed the lighting of the fire or would otherwise be responsible for the fire are responsible or liable to reimburse the government for the costs and expenses of fighting the fire. The act goes on a little further and establishes that if you own the land on which the fire started or if you have control over the land on which the fire started, it is your responsibility to show that it was caused without your consent. So I'm assuming that if you can show that there was a lightning strike on your land and the forest fire started, you would be off the hook, so to speak, as far as the liability is concerned. What, I guess, is of concern here is placing the onus on the person who owns or controls the land to show, if a fire was caused, that they did not consent to it. That may be tricky. It's certainly a contradiction of the principle that you need to be found to be responsible for the fire. So that may be cause for some concern, but I'd certainly be prepared to listen to the minister's or the hon. Member for West Yellowhead's explanation of how that would work exactly.

I think it's certainly very positive to ensure that the minister can go into agreements for fire control, and that's a continuation of what previously existed in the act, but it's a more general statement rather than the listing of various things that the act presently has. It presently lists timber, forests, mining, drilling, and so on, and I think that having a more generic catchall is a good thing.

Now, I have a question about the municipal districts and urban municipalities. It really says that the minister, first of all, can "enter into an agreement" with them, and that's good. Then it says that the minister can go in and "fight a fire within a municipal district" if he thinks that the municipality is not acting expeditiously enough in order to control the fire and extinguish it, and that strikes me as a bit of a failure.

I would prefer to have the act be more directive as far as the Crown is concerned, that plans to control and to prevent forest fires and to respond to them when they occur ought to be a mandatory obligation of the minister, rather than saying that "the Minister [might], with a view . . . enter into [it]," as if it were something that could be just left to the whim of the minister. I think the legislation could be considerably more directive here and take positive, active steps and require the government to take positive and active steps in order to have these plans in place wherever there's a significant potential risk of either a prairie fire or a forest fire. So I think that would be much preferable to having the minister sort of intervene and say: "You're not doing a good job. We're taking over. We're going to come in. The province is here, and the fire's going to be put out." As we know, it's easier said than done once a fire gets out of control. Some sort of positive preventative direction for the minister and the government would be very much a way of strengthening the legislation.

I see that the legislation also talks about railway rights-of-way. The existing legislation talks about 100 metres either side of the railway right-of-way as being the responsibility of the railway. The

new legislation will allow this number to be established by regulation. So I'm curious as to why this is. Is the 100 metres not enough or too much? What really ought to be the responsibility of the railways? Very often railways can be a source of fires, not as much as in the days of steam, I'm sure, but there still are chemicals used. There still is friction. There still are things that can go wrong, even cigarettes thrown off a moving train, I suppose. Trains often in the areas of forest fires are the only human corridor through these areas, and I think that that implies or requires a greater level of responsibility on the part of the railways. If there's a forest fire and it's a quarter of a kilometre off the railway right-of-way but the railway is passing through, they are in the best position to report and deal with the fire at its early stages. It seems to me that we should have some more certainty with respect to railway responsibility just outside the bounds of their right-of-way.

5:00

Now, the changes to closure of forest areas are interesting, but they limit who can close the forest area in the event of a fire, and I think that that's something that needs to be taken into account as well. Generally, Mr. Speaker, there are some changes a bit later where it talks about the responsibility of urban municipalities in or bordering a forest to "take all necessary precautions that the Minister orders to prevent and suppress fires on land within its boundaries or under its control." This goes back to the comment that I was making earlier with respect to the responsibility of the minister to enter into fire control agreements. It's wonderful that the legislation is directive in this matter, but it could again go further and require the minister to have some consultations and to have a plan rather than just to issue orders to urban municipalities. I think that there's a joint responsibility and that joint planning is the way to go rather than just issuing orders to these municipalities.

It does give entry and inspection powers, and this is an interesting thing. This is essentially a continuation of the existing legislation which allows that

a forest officer or fire guardian may without a warrant, at any reasonable time, enter on and inspect any land and premises, except a private dwelling house, for the purpose of exercising powers or performing duties under this Act or [under the legislation].

I think that is useful, but the act goes on and talks about some of the things that the forest officer or fire guardian can do, which include the production of documents relating to "the purpose for which the officer is exercising any such power." Now, that is a concern, Mr. Speaker, because you have the officer coming in. It's a circular argument, essentially, which is that you can require anybody to produce any documents related to any reason why you've shown up on their property in the first place. It should, I think, specify what exactly the documents are that can be taken by the officer.

It goes on. It can:

(d) take samples of any substance or thing;

What does that mean?

(e) conduct tests or take measurements;

Again it's completely undefined.

(f) record or copy any information by any method;

(g) reproduce any record from data in the form of a printout or other intelligible output;

(h) take photographs or audio-video records;

(i) make reasonable inquiries of any person orally or in writing.

So there's a real lack here, Mr. Speaker, of specificity, and I believe that it should be limited much more tightly than it is.

It goes on to say that "a forest officer may, without a warrant, seize anything that is produced to that officer or that is in plain view during an inspection." That means that, I guess, the officer can't look under - well, I was going to say under the bed, but private

homes are excluded. So it would have to be in the stable, or it would have to be something like that. Obviously, this is a really interesting approach. You can just sort of come without a warrant, seize anything that you can see. You can't lift anything up to look, but if you can see it, you can take it. Then you can "remove the thing seized or may detain it in the place where it is seized and shall deal with it in the same manner as if it were seized under the authority of a warrant." What is this, Mr. Speaker? These are broad powers without any explanation or definition whatsoever. I really don't understand why this section on seizure is so ill-defined yet so sweeping, and that's a significant concern that I have about this.

Now, it goes on that the forest officer can "stop and inspect any vehicle, rolling stock, aircraft or vessel that the officer reasonably believes is or has been used in the commission of an offence." That's reasonable, Mr. Speaker, I would have to say.

The Speaker: Thank you. Standing Order 29(2)(a) now kicks in. The chair will recognize an additional speaker.

Some Hon. Members: Question.

[Motion carried; Bill 15 read a second time]

Bill 3 Electric Utilities Act

[Adjourned debate February 26: Dr. Nicol]

The Speaker: The hon. Member for Edmonton-Strathcona.

Dr. Pannu: Thank you, Mr. Speaker. I'm pleased to have this opportunity to enter debate on Bill 3, the Electric Utilities Act, in its second reading. This is an interesting bill. That's the best way I guess I can describe it. It's a bill that I think restates this government's intention to continue down the disastrous road of deregulation for the electricity industry and production and transmission and distribution and the retailing of it that it's been doing for some time. I think Albertans need to be worried even more now with this bill before us, and I'm sure it will be going through this Legislature but, in my view, with a speed that's unhealthy. I think we need to hold some public hearings on issues like this before we go through a sort of mechanical debate on this, given the balance of numbers in this House.

Bills as important as Bill 3 need to receive more public attention and public input into the debate rather than just going through the normal procedure, but that not being the case, I have to say that the underlying principles and objectives of Bill 3 are fundamentally flawed, Mr. Speaker. I was looking at the purposes of the act and its rhetoric of competition and choice and markets, which shows to me that there is an unwillingness on the part of this government and the minister who is in charge of this particular area to learn from experience, to have sort of pragmatic common sense come into play. There's reluctance to let it happen.

Bill 3 seeks, in my view, to more deeply entrench and extend electricity deregulation by establishing an even more dysfunctional legislative framework than we currently have. Electricity deregulation has demonstrably failed everywhere, including Alberta. However, while other jurisdictions like California and Ontario have wisely chosen to throw in the towel on deregulation, this province, this government, the Tory government, has chosen to more deeply entrench it, and that's unfortunate. This is more than a rearranging of the deck chairs on the *Titanic*, Mr. Speaker. This is reckless and irresponsible. It is turning directly into the path of a coming iceberg as opposed to turning to avoid it.

5:10

In discussing the deeply flawed objectives of Bill 3, I want to briefly reflect on a meeting I held last week with representatives from a company called Direct Energy. Interestingly enough, this British-owned company is being held up as a shining example of how competition will increase should Bill 3 be approved by this Assembly. At this meeting, Mr. Speaker, we were told by the representative of Direct Energy that their purchase of the retail businesses of ATCO Gas and ATCO Electric was conditional on the Legislature passing Bill 3 and a separate bill yet to come establishing similar rules for natural gas utilities. So maybe to be more transparent, this bill's title should have been the direct energy act.

I find it instructive that members of this Assembly are being asked to change rules to benefit foreign-owned multinational corporations while hurting Alberta-grown, very successful institutions including municipalities and the power corporation that they own, rural electrification associations, and rural gas co-ops. It's like turning our backs on our own winners, on our own entrepreneurs, on our own institutions, and that's regrettable.

My colleague the Member for Edmonton-Highlands recently attended the annual meeting of the provincial Federation of REAs. Believe me, Mr. Speaker, the really normal Albertans who attended this meeting were scathing in their criticism of the government's failed electricity deregulation scheme.

Getting back to my meeting with the representatives of Direct Energy, in sitting down with the representatives of this British-owned company, I suddenly experienced a real sense of *déjà vu*. Five years ago through Bill 27 legislation was passed to set up the legal framework for the first go-around of electricity deregulation. At that time, there was another foreign-owned company that was promising the moon should electricity deregulation be put in place. The name of that company was Enron. We shudder to hear that name, Mr. Speaker, today. Back in 1998 Enron was this government's poster child for the first round of electricity deregulation. I think we all know the government's poster child and what's happened to it: it's long gone. Enron was brought down by one of the largest corporate fraud and accounting scandals in history.

While I'm talking about Direct Energy, I'm in no way even suggesting that Direct Energy has a record that's comparable to Enron, that we need to worry about its integrity. All I am doing is urging members not to place all their hopes on a corporate white knight to bail out the government's deregulation scheme. Let's not forget that the only reason these foreign companies want to play in the deregulated electricity sector is so that they can make a buck. They are not doing it for our health.

There are so many fallacious premises on which Bill 3 is based that I don't really know where to begin. The first false premise is that municipally owned utilities like EPCOR and Enmax have somehow been competing unfairly. Nothing could be further from the truth. EPCOR and Enmax followed all the rules established by this government. The fact that the Tory government has been unable to either attract or retain other companies who are willing to play in the troubled waters of Alberta's so-called electricity deregulation market, the fact that other companies refuse to get involved in what can only be called a dysfunctional marketplace, is not the fault of EPCOR or Enmax.

Quite frankly, the Minister of Energy and his government colleagues should be getting on their knees and thanking their lucky stars that EPCOR and Enmax have continued to serve smaller Alberta customers. Without EPCOR and Enmax the Tory government's fatally flawed electricity deregulation scheme would have been an even bigger disaster than it already has been and is. Current rules require municipally owned corporations to make payments to

the Balancing Pool in lieu of the federal and provincial corporate income tax called PILOT on those portions of their operations that are deregulated. This would include their generation and retail functions but not distribution or transmission.

Under the changed rules of Bill 3 cabinet is empowered to make municipally owned utilities subject to PILOT on all of their operations, including those such as distribution, that continue to be regulated. Every additional dollar that EPCOR and Enmax pay to the Balancing Pool is one less dollar of dividends and payments for municipal governments.

In Bill 3 the City of Medicine Hat will be subject to PILOT, a payment in lieu of taxes, as far as energy trades with the rest of the interconnected system. It currently is not subject to PILOT at all. In fact, the government allowed an exception to Medicine Hat's case last time around to get all MLAs to support the then bill which has created the current mess. So the undertaking that the government gave to the citizens and residents of Medicine Hat at the time will be taken away if this bill is passed, and that will be an act of bad faith. In other words, dollars will be taken out of the pockets of citizens of Medicine Hat and put into the provincially controlled Balancing Pool.

I submit that the entire premise behind PILOT for municipally owned power companies is flawed. EPCOR, Enmax, and other municipally owned utilities do not exist to create wealth and profits for private shareholders. These utilities exist to generate revenues to support municipal services. PILOT is therefore tantamount to a provincial tax on municipalities. It's essentially a monitored transfer from Edmonton, Calgary, Medicine Hat, and other municipalities to the province. Every dollar paid into the Balancing Pool through PILOT is a dollar that cannot be used by the city for policing, firefighting, and other things.

Therefore, Mr. Speaker, I think this flawed bill needs to be put on the back burner for a while, and I have a reasoned amendment to move at this point, which I'm willing to distribute. If you want me to read this into the record as it's being distributed, I would be happy to do that. I move that the motion for second reading of Bill 3, the Electric Utilities Act, be amended by deleting all words after the word "that" and substituting the following:

Bill 3, the Electric Utilities Act, be not now read a second time because the Legislative Assembly believes that it will cause inefficiency and confusion in the electricity production and delivery system and increase costs for Alberta consumers.

That is my motion.

I believe I have already given fairly good rationale, reasons why we need to not proceed any further with this bill at this stage and should, in fact, engage in systematic consultations with Albertans by way of striking an all-party committee of this Legislature that will go around the province and hold hearings. It's too important a service, utilities. It's not a commodity; it's a utility. It's too important a utility to be left to the mercy of the market forces. It's not something that we should play around with.

We've already created considerable problems for Albertans, who are consumers of this utility 24 hours of the day every day of the month and every month of the year. Our small businesses, medium-sized businesses, and households are all hurting as a result of the crisis that the deregulation of electricity has already caused in this province. So it's time for us to heed the concerns of Albertans, and they're coming to us from across the province.

5:20

Therefore, Mr. Speaker, I would urge members to support this amendment that I have just circulated to my colleagues in the House and urge them to consider supporting it. I would like to see my colleagues now have the chance to rise and speak to this amendment.

Thank you, Mr. Speaker.

The Speaker: Hon. members, we are now on the amendment. I'd refer hon. members to *Beauchesne*, pages 200, 201, and 202, particularly sections 670, 671, and 672 with respect to "Reasoned Amendments." The debate now narrows.

On the amendment, the hon. Member for Edmonton-Highlands.

Mr. Mason: Thank you very much, Mr. Speaker. Well, I'm pleased to rise to speak to this amendment proposed by the thoughtful and wise leader of the third party in the Assembly, the leader of the New Democrat opposition. I am going to support this amendment because I do believe that this is the right course. This is an opportunity to apply the brakes to this misguided and expensive – an emphasis on expensive – ruinous, in fact, experiment with electricity deregulation that this government seems to be heck-bent on pursuing.

I think that we have seen that other jurisdictions have got into significant trouble with electricity deregulation, notably California. California was the poster child for electricity deregulation, and we have seen the dramatic problems that have existed in that state in the United States. Finally, although it took a change of party to implement that.

Dr. Taylor: Democrat to Republican.

Mr. Mason: I think it was the opposite way, hon. minister. It was Republican to Democrat. The governor there now has led the reversal of the disastrous deregulation that existed in California, and it's expensive and it's complicated and it creates a lot of problems, but it clearly doesn't cause as much problem as continuing down this ruinous path. They've finally had to recognize that in California.

Now, if California, with a population equal to the entire country of Canada, cannot make electricity markets work with the massive amount that's generated and consumed in California, what makes the government think that we can make them work here in Alberta, with a tiny fraction of the population of California? What makes them think that it's going to work here if they can't even get it to work in California?

The other place that I wanted to refer briefly to, Mr. Speaker, is the province of Ontario, and they were proceeding in this direction as well. Unlike California, which was far ahead of Alberta, they were far behind Alberta, and with electricity prices rising and with an election coming, they did what good Tories always do at election time, and that is to change direction and shift gears, perhaps only temporarily. They have plenty of inspiration right here for that, but I think that Alberta could find some inspiration in the regime of the Conservatives in Ontario in this particular case and take a look at changing direction here.

Mr. Speaker, it is clear. The record is clear. In three years of deregulation in Alberta, power prices for average consumers, including farmers, including small businesses, including homeowners, including much of the nonprofit and public sector, including hospitals and schools and universities and so on, has doubled. It's gone up between 40 and 100 percent, and it's going to go up even more. We've seen what's happened. We've seen what's happened when different companies try to participate in the market.

The government has taken away regulatory protection from consumers through deregulation, and they have not provided market mechanisms to keep prices in check and to ensure that providers give good service. Quite the contrary has happened. Anyone that thinks that when Direct Energy gets involved in this market here – whatever concessions the government is prepared to give them on the gas side, they are not going to do so with the objective of driving down power prices in this province. They will compete on a different basis. They

will compete for market share, but they will not have an objective of driving down prices to where they were before deregulation kicked in.

So, Mr. Speaker, I think that it's clear that this act, as it's presently constituted, offers no solution for Albertans. In fact, only the motion . . .

The Speaker: Hon. member, we're on the amendment, not the act.

Mr. Mason: Yes. Thank you.

Only this amendment offered by the wise leader of the New Democrat Party in our province offers Albertans what they need and what they deserve, which is a way to get out of this mess, a way to get cheaper power, a way to get simpler bills that people can understand. You know, you could certainly find that on www.newdemocrats.ab.ca.

Mr. Speaker, it is an opportunity here for this House at this time

to put an end to this foolish and expensive and harebrained scheme of electricity deregulation and get back to producing power for the interests of the public and for industry in this province at low prices and see it for what it is. It's the lifeblood of the economy of this province. It's an essential element required by everybody for daily living. It is not a commodity to be traded and driven up by monopolies imported from offshore, which is what the government wants to see by passing the act as it now stands. This amendment, quite frankly, is the only hope, the last hope of the Tory party before the next election to change this ruinous policy that is going to haunt them from riding to riding.

So, Mr. Speaker, I would urge . . .

The Speaker: Hon. members, the House stands adjourned until 8 o'clock.

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

