

Legislative Assembly of Alberta

Title: **Monday, May 12, 2003**

8:00 p.m.

Date: 2003/05/12

[Mr. Shariff in the chair]

The Acting Speaker: Please be seated. Hon. members, before I recognize the next speaker, may we briefly revert to Introduction of Guests?

[Unanimous consent granted]

head: **Introduction of Guests**

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

Mr. Masyk: Thank you very much, Mr. Speaker. It gives me a privilege and an honour to introduce my son, Brayden Maebry Masyk, to the Legislature. I've talked him into coming out and watching a little bit of debate and democracy at its best. Braden has already risen, but I'd like him to receive the traditional warm welcome of this Assembly.

Thank you.

head: **Motions Other than Government Motions**

Full-service Gasoline Stations

510. Mr. Masyk moved:

Be it resolved that the Legislative Assembly urge the government to introduce legislation requiring every gasoline service station in Alberta to have at least one full-service bay to improve accessibility for the disabled and the elderly.

[Debate adjourned May 5: Mr. Maskell speaking]

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

Mr. Maskell: Thank you, Mr. Speaker, for allowing me to continue what I had started last Monday. To put it quite simply, Motion 510 deals with matters of fairness and safety. As has already been stated, the purpose of Motion 510 is to enact legislation that would require all gas stations in Alberta "to have at least one full-service bay to improve accessibility for the disabled and the elderly."

Mr. Speaker, while our province has one of the youngest populations in Canada, Alberta is experiencing an aging trend much like the rest of the country. The number and proportion of seniors in Alberta have increased steadily since the mid-1980s, and currently about 303,000, or 10 percent of Albertans, are 65 years of age and older. By 2026 it is predicted that Alberta seniors will more than double to 750,000, or about 20 percent of all Albertans. I guess I won't be worrying about gasoline for my car in 2026. However, as our population ages, as we age, two things should come to the forefront of our attention: fairness and preparedness. We need to ascertain that our society creates equal access for all our citizens and that we take steps to be ready for when circumstances change. No one here, I am sure, needs a reminder that when it comes to aging, there are no exceptions. We will all get there in one way or another.

How we age is, of course, something that will vary from person to person. We all know, I am sure, one or two senior citizens who don't look anything like senior citizens. In spite of their advanced age they both look and behave as if they were much more useful than ourselves. Others show the signs of age quite clearly. This is not necessarily a bad thing, and I'm certainly not speaking in a pejorative manner here. However, the fact remains that as we age and our

bodies show the signs of aging, we may need a little more time to complete tasks or we may need assistance where previously we needed none. This is a natural progression, like it or not.

To assist our seniors, then, we have come to view it as a societal responsibility to remove barriers that prevent senior citizens from participating as actively and as fully in society as they once were able to. Contemporary society is far more sensitive to the impediments and barriers that the aging and the disabled may face on a daily basis than was the case, say, 50 years ago or even 25 years ago. We see the signs of this increasing awareness throughout society. Buses, sidewalks, and doorways are but three examples of how everyday life has been made more conducive to the needs of the aging and the disabled. This I think is good, and I'm not surprised that Alberta Seniors supports a barrier-free society too. After all, that would seem to be one of the foremost reasons why we have a Ministry of Seniors; would it not? Supporting a barrier-free society would certainly be in harmony with the ministry's vision, which advocates "a vibrant province where seniors and other Albertans live with dignity and experience the best possible well-being and independence."

Mr. Speaker, imagine my surprise when I heard that there are some who oppose Motion 510 on the grounds that, and I quote once more: it is inappropriate for the government to interfere with business decisions. In general, I would agree that we should let free enterprise be just that: free. Government need not and should not take too active a role in how business is done. As it has been said before, government has no business being in business. This, however, does not mean that government should never under any circumstances play a part in how business is conducted. Quite obviously, this is not how things are done now even in our own province. Several examples of instances or situations where government does regulate and thereby interferes with business decisions come to mind: the sale of liquor, Alberta registries, and a variety of smoking regulations. These are but three examples of government regulations that do interfere with business decisions. Put differently, we have established certain parameters within which businesses can operate within our province. Therefore, I am not particularly impressed with the idea that Motion 510 should be rejected because it interferes with business decisions.

It has certainly been done before mainly because the greater public good has stood to benefit from the implementation of regulations of some kind or other. What does impress me and what guides me to support Motion 510 is that it would help the Alberta government meet the recommendations put forward by the Premier's Council on the Status of Persons with Disabilities set out by the Alberta disability strategy. Of the three high-priority ADS recommendations that apply to Motion 510, one stands out.

A commitment should be made to . . . universal accessibility and a process put in place to remove physical barriers from public spaces so that all Albertans can fully participate in all community, employment and business activities.

It would seem to me, Mr. Speaker, that Motion 510 presents us with a wonderful opportunity to translate the ADS recommendations into direct action.

What's more, I think that while any new regulation will require an adjustment on the part of those affected by it, this is not necessarily a bad thing. I see opportunities here for everyone involved. Indeed there may be some costs involved, but please note the word "may" as these costs are by no means a foregone conclusion. I think there is a distinct possibility that mandating that all gas stations maintain at least one full-service pump will actually allow gas station operators to tap into a new market segment. As advances in technology have been made, the very concept of operating a motor

vehicle has ceased being wishful thinking for many aging, disabled Albertans. Instead, it is now something that thanks to science and innovation is within the realm of possibility. Motion 510, therefore, is very timely as it allows us to take a very important step toward making driving more accessible for persons with disabilities.

Mr. Speaker, one of the cornerstones of our society is equality for all citizens regardless of their race, gender, creed, background, or abilities. In theory this is true in Alberta as well as throughout Canada. In practice, however, we know that inequalities persist in some areas and that as a result our society is not always as fair as we would like it to be. In the case of the disabled, equality does not exist for Alberta's half million disabled. They cannot go everywhere in the province and expect to always have ready access to buildings, offices, transportation, or public facilities. Similarly, many of our senior citizens, while not disabled, would benefit from assistance in situations where mobility and dexterity are necessary. While voluntary initiatives are always welcome, we cannot expect that they will be made. A case in point: if we could reasonably be assured that voluntary efforts would always be made, we would not be here tonight debating the merits of Motion 510.

At the present time, then, the services provided by the private sector are not regulated under any legislation to meet the needs of the disabled or elderly. Mr. Speaker, with this in mind, it would behoove us all to pass Motion 510. To think that the problems will solve themselves would be unwise, and Motion 510 will I believe allow us to take a significant step forward.

I therefore urge all members of this House to join me in supporting it. Thank you.

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

Dr. Taft: Thank you, Mr. Speaker. I just rise for a few brief moments to speak to Motion 510, which reads:

Be it resolved that the Legislative Assembly urge the government to introduce legislation requiring every gasoline service station in Alberta to have at least one full-service bay to improve accessibility for the disabled and the elderly.

I have been listening to some of the debate on this issue, and as well I serve as critic for persons with developmental disabilities boards, and I am inclined to support this motion. I think that it is a step in the right direction for helping people with disabilities to remain independent, and I note, of course, that there are many causes for disabilities. The motion specifically talks about the disabled and the elderly, and it's a danger to assume that the two always overlap. There are many disabled younger people, and there are many fully able-bodied older people.

Regardless, anybody who needs help in putting gas in their car or needs the proper facilities for putting gas in their car should be provided with those facilities, and I don't think it's unreasonable to ask the service station industry to be required to provide at least one set of those facilities at each service station. Now, undoubtedly we would hear a lot of complaining from the industry about the costs of this particular service, but I think that's just par for the course when we move forward on these kinds of issues. For society as a whole if this kind of a service allowed people to remain independent longer or, for example, allowed disabled people to obtain and operate a car so that they could keep a job or do their shopping, then I think it would be a huge step forward for our society as a whole.

8:10

It seems to me like certainly a well-intentioned motion, one that has many merits, one that will make our society a more fair, accessible society, one that supports the independence of individu-

als. So I for one will be supporting Motion 510, and I'm pleased to be on the record saying so.

Thank you.

The Acting Speaker: The hon. Member for Calgary-West.

Ms Kryczka: Thank you very much, Mr. Speaker. It's my pleasure to rise in the Assembly this evening to participate in the discussion and debate on Motion 510, which calls on the private sector to enhance gasoline service stations. I would like to first of all thank the Member for Edmonton-Norwood, to commend him for all his work on this initiative.

This motion certainly for me raises some important concerns regarding service accessibility and equality for Albertans. Motion 510 is an important initiative because it aims to improve accessibility for the disabled and the elderly. Mr. Speaker, it has become apparent that fewer and fewer gasoline service stations have full-service pumps and that most drivers are now used to certainly pumping their own gas and certainly prefer it that way, but this can be a problem for the seniors and persons with disabilities. This motion urges the government to implement legislation that would require all gasoline service stations across the province to have at least one full-service bay. This motion could possibly shield the elderly and disabled from the inconvenience and the difficulty of having to pump their own gas when their physical limitations make the task very awkward and probably in many cases very painful. I would venture to say that for some it may ultimately limit their transportation possibilities. With a declining younger population to act as caregivers in the future, more seniors will need to be able to drive themselves to doctors appointments, shopping, and social events and be able to maintain their independence as long as possible.

Mr. Speaker, the underlying intent of this motion is to instill greater equality for elderly and disabled individuals in Alberta by enhancing their accessibility to important, necessary services. I think that with the government of Alberta there is no doubt that we're committed to supporting those living with disabilities. We've shown that support through a wide array of different programs and initiatives. These programs enable those with disabilities to live, work, and participate in their communities. However, we should do all we can to make certain that these individuals have access to as many essential services as possible that would certainly enhance their equality, their independence, and thus quality of life.

I have to at this time share with you an incident of an aunt of my husband, Mary Livingstone. She is turning 95 this year, this November, and she had to give up driving about eight years ago. Actually, the family was questioning whether she was a capable driver. She was determined she was, so she went to take a driving test, and she failed it. She had to give up her car, and the next year she had to give up her apartment, where she cooked all her meals, cleaned it, and was totally independent, and she had to move to a lodge, where all this is done for her due to a health condition, keeping in mind that at this time she was about 87. She's since admitted more than once that the hardest thing to give up between the two was her car, not her apartment.

Mr. Speaker, I would like now to shift my remarks and spend a few minutes talking about seniors. I agree with this government's philosophy to ensure that seniors have the services they require to experience well-being and independence. The government does recognize the vital role that seniors have played and continue to play in communities across the province through their service and their volunteerism, and as both members across the way have said, currently we recognize the demographics. Today 10 percent of

Alberta's population are seniors, and actually as of April 1 this year over 323,000 seniors live in the province. The seniors population continues to grow in size as more seniors move into Alberta rather than out of it. Statistics continue to show that more seniors migrated to Alberta compared to all the other provinces. On average Alberta receives 721 new senior migrants per year.

It's clear that seniors make up a significant portion of the population. This number will continue to increase as more seniors arrive and the baby boomers age. Again, by 2021 a full 20 percent of Canadians will be seniors, especially Albertans, and by 2031 the seniors population will have risen to 25 percent. So I think it's very important that the Alberta government continues with initiatives to enhance the accessibility of services for this growing portion of the population.

Mr. Speaker, it must be stressed that services provided by the private sector are not currently regulated, however, to meet the needs of the disabled or elderly. The government certainly encourages private-sector service providers to increase accessibility to both groups. However, service providers have the choice, meaning this is a voluntary decision. The senior friendly approach has been widely recognized by many businesses and services, and they have successfully incorporated it in banks, grocery stores, and other services. However, gas stations have not yet implemented this approach. Implementing Motion 510 and its basic concept would be an important first step in enhancing service stations with them becoming senior friendly.

As much as I feel accessibility of services is important for the elderly and the disabled, I also have some reservations and concerns, though, regarding this initiative that I would like to briefly highlight. By requiring gas stations to have full-service pumps, this motion has the potential to impose on service stations and dictate the way they run their business. These intervening stipulations do not concur with the business policies of this government. As you well know, Mr. Speaker, the Alberta government does not interfere with the business decisions of private industry. It's committed to free enterprise and economic development. It is the policy of the government to create a positive business climate which allows private businesses to compete successfully without interference. So basically I have a concern with a suggestion to legislate a mandatory compliance with the private sector.

Mr. Speaker, this motion may also increase the labour costs slightly, which are picked up by service stations, as more gas attendants are needed for the full-service bays. Realistically, this increase in labour costs would likely result in increased fuel charges to customers. But, you know, some days I treat myself to a full-service gas bay, and I'm especially pleased to even have my windows washed, and I am then quite agreeable to a small tip. In fact, I remember the good old days. They didn't necessarily get a tip, but they filled it up and they washed your windows and they chatted with you.

Mr. Speaker, the reasons just stated are the source of my concerns and uncertainties with the potential requirement of service stations to provide full-service pumps. However, a reality is that our population is aging, and I do believe that we need to make certain that these services and others, like checking the air in the tires or the oil level, are available and accessible to the elderly and the disabled.

In essence, I truly support the intent of the sponsor of Motion 510, but I would encourage a serious look at the wisdom of the proposed legislative approach. Thank you.

8:20

Mr. Lougheed: Mr. Speaker, I just want to make some brief comments about this motion based on my experiences as the chair of

the Premier's Council on the Status of Persons with Disabilities, which has given me a good opportunity to more fully understand the concerns and the issues that exist for persons with disabilities. I think this motion speaks mostly from my perception of the frustration of persons with disabilities. To be unable to access the gasoline pumps to fill their cars so they can proceed with whatever activity they'd like to get on with is only a tiny bit of insight into the huge issue of access for members of the disability community.

Their frustration is much broader than simply not being able to refuel their cars. Their frustration exists in all aspects of community life, whether it be access to education or access to employment or access to recreation or even access to buildings, the physical access that's often denied because of poor structures, even the washrooms that are built poorly and in outmoded building techniques. Their frustration is even further challenged because of issues with the building codes when, in fact, the code may exist but there are exemptions granted in circumstances that would ultimately put people with disabilities at a disadvantage.

It's been interesting to hear some of the debate which talked about the disability community and the seniors both facing mobility issues. Certainly, as we see the proportion of seniors increasing in the population, those mobility issues are going to be more and more critical, and what's good to increase the access of persons with disabilities will also be good for people in their senior years.

We should also note that the disability rate – although it's only 3 or 4 percent at birth – rises to about 50 percent once people attain the age of 65. So those people in their senior years will be looking at a 50 percent disability rate. These access issues will become more and more important not just because they're seniors, but also because they have increasing rates of disability.

So, Mr. Speaker, I'd just like to say that I support the spirit of this motion because it emphasizes the access issues that the disability community members face; however, I do have some reservations about the implementation. I don't think that the disability community would expect every single service station in every circumstance to be a full-service station or have one bay that's full service, but there has to be a recognition of this need, this access issue, and there certainly could be accommodation made not necessarily through legislation but as an awareness issue. The disability community seeks to have their issues more front and centre in people's minds in the general population, because even if somebody with a disability was to pull up to a service station where there wasn't a full-service bay, it should be recognized that somebody in there could go out and lend a hand and accommodate those individuals.

Those are access issues. They're important to people with disabilities, and in that vein I'd support the motion. Certainly, the spirit of the motion is important. Thank you.

The Acting Speaker: The hon. Member for Edmonton-Norwood to close debate.

Mr. Masyk: Thank you, Mr. Speaker. First of all, I'd like to thank everybody who spoke in favour of it and also otherwise. Last week when there was snow on the ground, I actually went to one of the hospitals, got a wheelchair and filled up my truck and made my way to a service station. I went up the ramp, and there was a bunch of shovels and squeegees and different things, so I had to actually get out of wheelchair and walk around it, move my chair again to the other side, and go and pay for the gas. I'm not a pro at it, and I hope I never have to be, but I was actually spinning. You know, it was fairly difficult. I wouldn't want to wish that on anybody full-time. If I would've done that first before I actually introduced it, I probably could've chosen a different pile of words to introduce the

motion. But the motion will do at least one thing if everybody passes it. It'll carve out a road and it'll pave the way for some legislation, and we may combine it with others to develop an act for people with disabilities and for seniors.

I'm always of the attitude that seniors are people that we have to stand on their shoulders. We have to know where we come from in order to know where we're going. I would like to say that I lobby on behalf of people with disabilities. I would like to say that I represent them, even though it's a small number in all of Alberta. I like to say that I'm a champion for the disabled people in Alberta.

Gasoline stations. Unless you've tried it in a wheelchair, unless you had a bunch of impediments in order to get gas like I went through with the shovels and squeegees and the oil display, you wouldn't really know what it was like. I wouldn't want to be in a strange city trying to fill up my tank with all these barriers in place, and that, Mr. Speaker, was only for a few minutes.

I would ask all the members to see their way clear to support this motion. In light of the industry I would like all the members to know that I don't accept that, and I dismiss it, and so should you if you're thinking that way at all.

Mr. Speaker, people are people and feelings are feelings. I think we should honestly draft ourselves into the situation of somebody who's disabled or a senior and has these barriers to get a simple thing like gasoline. As we forge ahead, we may find other needs for people that are less fortunate by way of disabilities or age.

On that note, Mr. Speaker, I would like all the members to support this motion as a way to look into the new future. Thank you very much.

[Motion Other than Government Motion 510 lost]

The Acting Speaker: The hon. Member for Wetaskiwin-Camrose.

Association for Former MLAs

511. Mr. Johnson moved:

Be it resolved that the Legislative Assembly institute an all-party former members' association of the Legislative Assembly to focus on the interests of the membership and the good of parliamentary precinct, history, and process.

Mr. Johnson: Thank you, Mr. Speaker. It is an honour and a pleasure to begin debate on Motion 511, which asks this Assembly to create a former members' association in Alberta. I would like to briefly begin by talking about some of the other former members' associations in North America, their success as advocates for the democratic system, and the benefits that a former members' association could offer to Albertans.

Last fall I had the privilege of participating in a parliamentary conference in Quebec City involving present and former parliamentarians from parts of Canada, the United States, and even other countries. It was sponsored by the association of former parliamentarians of the province of Quebec. Through this conference I was introduced to other projects and activities of the association of former parliamentarians of Quebec and the Ontario Association of Former Parliamentarians, who also had members attending this conference. To date the provincial governments of Quebec, Ontario, and B.C., Canada's federal government, and the United States Congress have created former members' associations through legislation, all with similar objectives. For example, the B.C. association objectives are summarized as follows:

(a) to put the knowledge and experience of its members at the service of parliamentary democracy . . .

(b) to serve the public interest by providing non-partisan support for the parliamentary system of government . . .

(c) to foster a spirit of community among former M.L.A.s,

(d) to foster good relations between current and former M.L.A.s, and

(e) to protect and promote the interests of former M.L.A.s.

8:30

Canada's former members' association of parliamentarians has several successful programs as does the United States Association of Former Members of Congress. These groups have been active since the '80s and '70s respectively. Younger associations such as the British Columbia association and the Ontario Association of Former Parliamentarians aren't as large but are growing every year. The Canadian and American former members' associations are great examples of established associations that do a great deal of fund-raising for political science and public administration scholarships, have an active speakers' bureau that tours high schools and university campuses, and can be full-time hosts for visiting delegations such as those from other countries.

There are several advantages to forming a former members' association with the official support of the Legislative Assembly. Legislating a former members' association offers an instant legitimacy and makes it easier for former members to access the Assembly and its current undertakings. Former members' associations have grown into major advocates for the parliamentary system because their origin has been in the Legislative Assembly.

Over the years this Assembly has heard debate on direct legislation, enacting different forms of referenda, introducing citizen initiatives, and replacing the electoral process with proportional representation. All of these debates were an attempt to add, to tweak, or to adjust Alberta's parliamentary system of democracy. I think it's important to keep an open mind and to look at ways to improve Alberta's legislative system, but I think it's just as important to recognize the success and efficiency of the current system. The success of Alberta and Canada is not an accident. The parliamentary system may not be perfect, but there is no denying that it has played a large role in the creation and development of this great country and our province.

We must also remember that this Assembly is a member of several nonpartisan associations. For example, the Commonwealth Parliamentary Association fosters understanding and co-operation among parliamentarians from Commonwealth countries and promotes the study of and respect for parliamentary institutions. The Legislative Assembly of Alberta also meets regularly with the Parliamentary Assembly of French-speaking Peoples, the National Conference of State Legislatures, the Pacific Northwest Economic Region, the Canada/Ukraine legislative exchange program, and the Partnership of Parliaments. So you see, Mr. Speaker, there is ample precedence for establishing this sort of association.

I'd like to make it very clear that the association would be for nonpartisan purposes. As MLAs we wear our party colours and adhere to our loyalties and ideology throughout our time here in this House, but based on what I've seen and heard from other former members' associations, I do not see many potential problems for people abusing the association for partisan purposes. I am confident that former MLAs in Alberta would be no different than former MLAs in other provinces and would respect the overall objectives of the association or not participate at all.

One concern some may have with a former members' association in Alberta is the cost to the taxpayer. Again, by using other former members' associations as a model, the cost to the province would be minimal if any. These associations do not need money from the government. Funding for the association would be generated

through an annual fee and in some cases a subscription to a former members' newsletter. However, a former members' association would need an office equipped with a phone, a fax machine, a computer, and a desk. Such an office would incur very limited expense. The Legislature Annex, for example, has a few empty offices, old desks that aren't used, and phone lines with no phones. A fax machine, a telephone, and a computer would be the only added expense, which could be quite modest. The Ontario government covers these costs for their former members' association, which works out to be approximately \$12,000 per year, as I was told. The B.C. association incurs no expense to their government.

I can see a former members' association of Alberta pursuing several objectives including fostering a spirit of community among former parliamentarians and maintaining good relations between the Members of the Legislative Assembly of Alberta and former parliamentarians. Mr. Speaker, based on what I have seen from other former members' associations, I think the biggest advantage would be the former members' speakers' bureau, similar to the United States Association of Former Members of Congress, who are very active in this area. This would provide two benefits to Albertans. First of all, the speakers' bureau could effectively promote the parliamentary system face to face with Albertans. This would be a great way to add interest to the lessons in a class and concepts in a textbook.

It's also important that the members consider the possibilities that former members could provide the public. These men and women could provide an incredible learning opportunity for high school and postsecondary students. As a former educator I know how effective it would be to add a human face to an institution as big and complex as government. Schools currently welcome presentations as long as the content is beneficial and relevant to the students' education. I think it would be great if a teacher could instruct a class about government and then bring in a former MLA who could freely answer questions and provide an insider's view of how government really works. A former members' association could certainly facilitate making these arrangements. I realize that MLAs currently sitting in this Assembly already visit classrooms and talk about their work to students, but a former MLA could work closely with the teacher for a much longer period of time.

Creating a way to promote the parliamentary system may help people, especially young people, understand the role and process of government. This could improve public participation through voting to increase the number of people running for elected office.

What Motion 511 is proposing is not without precedent and not without purpose. A former members' association would be to the advantage of former MLAs by tapping their knowledge and insight for the benefit of Albertans. I would urge all members of this Assembly to support the creation of a former members' association in Alberta.

Thank you, Mr. Speaker.

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

Mr. Bonner: Thank you very much, Mr. Speaker. It is indeed a pleasure to rise and speak to Motion 511, establishing a former MLA association, and I want to thank the sponsor for bringing this forward.

Mr. Smith: Would you like to join next week?

Mr. Bonner: I know that the hon. Member for Calgary-Varsity is looking at this very closely and is also going to take his spot there very soon, and, yes, I would like to join with him. It would certainly

be fun to get together with him and talk about the Hounds from Notre Dame or the NHL playoffs along with other things that we do. It would be very good, Mr. Speaker, to have those opportunities.

Certainly, for an association of this nature there are plenty of precedents. I think more important than the precedents for an association of this nature being formed is the fact that we do have a need once we leave this establishment and this phenomenal growth opportunity that we've all experienced in here. To have that terminated, whether by retirement or not getting re-elected, certainly leaves a void.

In speaking to ex-members, I know that they thoroughly enjoy getting out to the Speaker's Cup, where they get the opportunity to meet and talk with former colleagues of the Assembly. I know for myself, on a personal note, that it's always good to get together with my former MLA Bob Dowling, out of Jasper, a man that's always a pleasure to see and certainly represented his constituency very, very well. He was a Conservative, and we liked him. He was a good man, and we have nothing against good people that represent us. I'm sure that the Coppotts from Calgary-Varsity would say the same thing about their MLA. In fact, they think so much of him, they sit on his boards.

We do have the best of both worlds with an organization of this nature. As well, there's certainly a wealth of knowledge that can be put to use, and when it's put to use in a nonpartisan way, it benefits everybody. I think that when I look at what's happened here in the Legislative Assembly of Alberta, the programs that have been initiated and instituted to try and bring the awareness of the MLA to the general public, it has been very, very good. I think, you know, of programs like School at the Leg. or being an MLA for a day, and they certainly help us connect with the larger body of people out there. I can only think that in doing a little reading on this particular subject – the United States Association of Former Members of Congress established a Centre for Democracy and Citizenship – it's certainly one of those areas that would give us an opportunity to reach out to the community and improve the image of MLAs in the community.

8:40

I see other things that can happen here as well. With this tremendous amount of knowledge that we do have amongst members in the Assembly, it would give us a great opportunity for professional development in regard to others, and as well I think that there is a need to protect the rights of former MLAs. Certainly, we have seen both sides of the equation, from those that had served prior to 1989, the types of pensions they got, compared to members who have been elected since 1989, what sort of benefits they can look at. One of the things we did have the opportunity to discuss when we were on our trip to study the Legislatures and the Parliament of Great Britain was how they treat their MLAs, how they treat their elected representatives, and certainly how they treat them once they are no longer in office. I think this is an extremely important area that we have to look at and one that since 1993 we have been seriously lacking. I would think that an independent group that is not playing any partisan politics would certainly be able to give a lot of insight into the benefits and the rights of former MLAs.

Now, then, as well, the member was indicating that there would not be a great financial burden on anyone to have an association of this magnitude, and certainly I look forward to that. I had the opportunity to belong to a number of alumni organizations, and it seems that everybody there either wants you to work a bingo or wants you to work a casino, and I am not in favour of fund-raising in this particular fashion. As well, I certainly like the membership

rules which would allow all former MLAs to become members of this association in accordance with its bylaws.

So, again, I would like to congratulate the member for bringing this motion forward. I think it's an excellent motion, and I think that the Member for Calgary-Varsity sees a need for this as well, and I'm sure that he'll be up on his feet to speak in support of it right away.

Thank you, Mr. Speaker.

The Acting Speaker: The hon. Member for Clover Bar-Fort Saskatchewan.

Mr. Lougheed: Thanks, Mr. Speaker. It's a pleasure to join the discussion this evening on Motion 511, sponsored by the hon. Member for Wetaskiwin-Camrose. I'm pleased to see this motion before the Assembly. Last fall I had the opportunity to attend a former members' association meeting in Quebec along with the Member for Wetaskiwin-Camrose and touched base with many members from different Legislatures across the country as well as members of the House of Commons and former members of the House of Commons. Not only were there former members there, but there were several current members there as well, and I think the advantage in attending that meeting was the experiences that we had as current members and being able to bring those back and perhaps utilize that information in different places in our own Legislature. We came away from that meeting recognizing that a former members' association would be of value and that it would be an opportunity for former MLAs to gather together, engage in discussion and debate, and perhaps come forward with a few ideas about what the current situation is and how it might be improved.

Just to comment a little on that meeting in Quebec, the meeting centered around the question asking what the factors were that lead to a decline of the parliamentary system in Canada, and there was quite a bit of discussion about how that kind of decline was commonplace across the country and how things could be changed to reverse that decline or to at least slow it down or arrest it in one way or another. There was a great deal of discussion about the role of the media. There were panel discussions for every topic, and they had experts from all across the country and even overseas as well.

One of the other factors was the use of the Internet for some kind of a world government kind of discussion talking about the number of elected members that exist all across the world, something in the order of millions – I can't remember what it was – and how they could be connected through the Internet. It seemed a little beyond what I would have really wanted to be involved in, but it was a topic of discussion.

I remember, as well, that Claude Ryan was one of the people that came to the forum and was one of the panel members for one session. It's really interesting to see the reception that he received in that Quebec Legislature and how well regarded and respected he was. He talked quite a bit about representation. I asked him during the question period what his view was of proportional representation, that being the idea of whatever percentage of votes you received in the general election, that would be the percentage of members you would have in the Assembly. He went on at some length talking about how when he was a member, he had held the view that that would be appropriate, but upon reflection over the past several years, being out of the Legislature and being able to think more about these things, he had come to the conclusion that he was not convinced at this time that proportional representation was what he would support.

That was a little bit of flavour of the meeting. I found it interesting that the hon. member who spoke last talked about improving the image of elected members, and that was the essence of the entire

meeting that we had in Quebec. It talked about the decline of the parliamentary system and what the reasons were for that decline in image, and of course we were quite free to express our opinions as were especially the former members who quite happily engaged in the debate.

Let's talk a little bit about the potential value some former members could contribute to the situation in the province and how an association would benefit Albertans. Certainly, we have all realized since being elected that this is a very unique position to hold. The experiences are unique, the relationships that are formed are very important, and the jobs that we have to do are very important to the people we represent. When we leave this Assembly and are no longer part of the decision-making process, that does not mean that the experiences gained could not contribute to the service of Albertans in a format such as the one we experienced in Quebec, where there's open discussion and seeking to resolve some of the issues that currently are faced by parliaments everywhere. Certainly, as well, once the MLAs no longer have those political constraints that they may be under at the present time, they can be free to debate and contribute to parliamentary democracy.

One of the important points to remember about existing former member associations is that they need to grow considerably before making a major impact on the province. It would take time for that membership to grow. It would take time to fund-raise to get the funding necessary for the association to have programs such as scholarships up and running. Over time it could be a very productive relationship that could be formed.

8:50

A former members' association could best serve the public interest through that nonpartisan support, and they could put their knowledge and experience of parliamentary democracy into practice. It's a common theme of other former members' associations. I think it's important that we do the same. Although some former members may not share the same political philosophy, they must share the same responsibility of promoting our system of governing.

Now, we all understand that not many people who have not been in this position understand the issues that are faced by representatives as individuals as well as the other politicians do. There aren't many people that understand the sacrifices, the time spent in meetings, traveling, being away from family, but we all recognize the amount of adjustment that's required.

I think a former members' association would be useful to help tell Albertans about government from the perspective of a person who had been there, who had sat in this Chamber and been a member of this Legislature. I think that educating the public, especially young Albertans, the people who will replace us in the future, to talk to them about the virtues and the importance of the parliamentary system could diminish some of those negative connotations associated with politics and with government. This could be an opportunity to increase voter turnout, reduce apathy, and reduce skepticism towards the legislative process.

Mr. Speaker, there's a final point in support of Motion 511. As I said before, I think former MLAs could provide a unique service to the members currently sitting in the House. In an indirect way I think that the men and women who used to serve in this House could help strengthen Canadian provinces. Alberta's Premier and the new Premier in Quebec have expressed interest in strengthening relations among Canada's provinces. It's believed that increasing cohesion among provinces will create a stronger unified voice to lobby the federal government on provincial issues, but as we all know, different regions have different concerns, and we'd be kidding ourselves if we denied that there might also be disagreements

between the provincial governments. Therefore, work needs to be done to iron out disputes between governments before provinces can improve respect from and for the federal government. I think a former members' association in Alberta could effectively work with associations from other provinces to spread goodwill and to help break down barriers.

There are four former members' associations in Canada, and there's talk of two possible additions. I think that Alberta could be part of a strong coalition that could build a national branch that could be at the service of Canadians and build strong relationships with other provinces.

Mr. Speaker, I strongly support Motion 511, and I would urge other members to do the same. Thank you very much.

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

Mr. Mason: Thank you very much. Mr. Speaker, I'm pleased to rise and speak in support of Motion 511. I attended a parliamentary conference with several other members of the Legislative Assembly including the MLA for Wetaskiwin-Camrose, who has moved this motion. While there, we learned about the associations in some other provinces and federally for former members of Legislative Assemblies and the Parliament of Canada.

Mr. Speaker, I'm going to be brief. I would hope that this motion could be passed this evening. I think that there are a number of beneficial outcomes of having such an association.

The Acting Speaker: Hon. members. Hon. Member for Calgary-Varsity, according to our Standing Orders anybody wishing to rise on a point of order needs to be in their own place. Are you rising on a point of order, sir?

Mr. Smith: No, I'm not.

The Acting Speaker: Okay.

The hon. Member for Edmonton-Highlands.

Mr. Mason: Thank you very much, Mr. Speaker. I was anticipating a point of order by the hon. Minister of Energy, but I guess it's not to be, at least on this motion.

Anyway, Mr. Speaker, I think that there are lots of advantages of such an association, and it allows people who have gathered tremendous experience, valuable experience to continue to put that experience at the disposal of the people that they formerly were elected to represent. You know, I think we all learn a great deal by participating in electoral politics. It's not necessarily marketable experience. It's not necessarily that you can go out and get a job because of your political experience. In fact, in my view it's undervalued in the job market, but there is a strong desire on the part of almost everyone who participates in electoral politics to contribute to the community. That desire does not end when one is defeated or one retires, and the experience and the desire to assist the community doesn't die with the political career.

So, Mr. Speaker, I think this association provides an outlet for that experience and that desire to serve, and I would recommend this motion to all members of the Assembly.

Thank you.

The Acting Speaker: The hon. Member for Calgary-Shaw.

Mrs. Ady: Thank you, Mr. Speaker. I'll be very brief. I'd like to rise and speak on Motion 511, that's been sponsored by the hon. Member for Wetaskiwin-Camrose, and urge the Assembly to

establish an all-party former members' association. Since I really only have a very short time, I'd just like to talk about the fact that I have benefited from the knowledge of someone that sat formerly in the House, my father-in-law, Jack Ady. I've walked into his den many times and seen pictures on the walls of some of my colleagues when they were much younger, much, much younger.

An Hon. Member: And better looking too.

Mrs. Ady: No. I'm not saying better looking but much younger.

It's always interesting to me to hear him talk about the time that they had in the Legislature and been very beneficial to me as I've asked him questions about why certain policies were done and how they came to life, and I have found it to be of great benefit.

I think that this motion is a wonderful idea, and I'm highly supportive of it. I know that all the decisions they made in the past were good decisions, and they've proven to be good decisions. I think that we as a Legislature could benefit from that same kind of advice. So I'm happy to support the motion.

Thank you, Mr. Speaker.

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

Mr. Maskell: Thank you, Mr. Speaker, for allowing me the opportunity to rise today and offer my comments with regard to Motion 511 sponsored by the hon. Member for Wetaskiwin-Camrose. As my colleague has already stated, the purpose of Motion 511 is to create an all-party former members' association whose purpose would be to promote and provide support for the parliamentary system of governance here in Alberta and also in the rest of Canada.

Mr. Speaker, I believe that creating an association made up of former Members of the Legislative Assembly would be a highly important and valuable development which would not only benefit former members but all Albertans as well. I say this for two main reasons. My primary motivation behind supporting this motion has to do with the fact that a former members' association would be a perfect organization for encouraging and educating the general public and especially our young people about our parliamentary system and how it works in real life. Former Members of the Legislative Assembly are in an ideal position to share this kind of knowledge because unlike active MLAs they have more time to dedicate to this cause, and they have the luxury of space to properly analyze and reflect on our system of governance.

The Acting Speaker: I hesitate to interrupt the hon. Member for Edmonton-Meadowlark, but the time limit for consideration of this item of business has concluded.

9:00head: Committee of Supply

[Mr. Shariff in the chair]

The Deputy Chair: Hon. members, we'll call the committee to order.

head: **Main Estimates 2003-04**

Aboriginal Affairs and Northern Development

The Deputy Chair: The hon. Minister of Aboriginal Affairs and Northern Development.

Ms Calahasen: Thank you, Mr. Chairman. I know that it's late, and

I know that we want to get done, so I'll be very brief, but first I would like to introduce a few members of my department who are here with me today. First of all is my deputy minister, Paddy Meade; my assistant deputy minister, Ken Boutillier, and all of you guys know him; Lori Sajjad; Thomas Droege; Cynthia Dunnigan; Peter Tadman; Martin Hanly; Tom Baldwin; and of course you all know this guy, Jim Kiss, my executive assistant.

I'm pleased tonight to present Aboriginal Affairs and Northern Development's 2003-2004 estimates. [some applause] Thank you, thank you.

This is the ministry's third budget. I know that you're interested in discussing how we have moved ahead since last year, and I look forward to answering your questions. For 2002-2003 our plan was focused on integrating the divergent parts of the ministry – notably aboriginal, land, and northern issues – into a coherent whole. We have made significant progress in this regard, and this year's budget reflects our efforts through our funding to core businesses, goals, strategies, and performance measures. I want to thank everyone who has contributed to this process because we have received helpful input and advice from many sources, including the Auditor General, aboriginal business and community leaders, and many of you here tonight.

We have a budget of \$31.6 million. A large portion of this is for legislative funding requirements, otherwise called statutory funds, which are provided to the Métis Settlements General Council pursuant to the Métis Settlements Accord Implementation Act. The act requires payment of \$10 million per year to April 1, 2006. As well, under the legislation we are required to provide funding through the matching grants replacement agreement, otherwise known as the MGRA. The grant amount for 2003-04 is \$5.3 million. This brings the total for Métis settlements legislative requirements and governance efforts to \$15.3 million.

Also under the Métis settlements governance we have the Métis Settlements Appeal Tribunal, which receives \$930,000 for its operation. Three hundred and fifty thousand dollars is budgeted for the Métis settlements land registry and \$450,000 for the now-operating Métis Settlements Ombudsman's office. This leaves \$14.6 million for two program areas. For the aboriginal affairs aspect of the ministry I've allocated \$12.6 million. The Northern Alberta Development Council, chaired by my colleague the Member for Peace River, receives \$1.9 million, and he will speak to NADC's efforts shortly.

Six million dollars was announced earlier this year to be shared by six ministries. Aboriginal Affairs and Northern Development receives \$1.2 million for our part. The strategies, of course, are cross-ministry. We take into consideration a number of other ministries. Sustainable Resource Development is receiving \$1.7 million; Justice, \$1 million; Energy, \$938,000; Environment, \$623,000; and Community Development, \$410,000. Aboriginal Affairs and Northern Development will use our allocation to build human capacity, and we hope to have representatives out in communities doing consultation as quickly as we can. Ongoing consultation expenditures include legal research, including document collections, supplies, travel, administrative services, and litigation management if needed.

We have 77 full-time employees: 55 in the ministry, 15 with NADC, and another seven assigned to the Métis Settlements Appeal Tribunal. We have three shared service agreements: the first one with the Alberta Corporate Service Centre, the second one with Alberta Learning for human resource planning and programs, and the third with International and Intergovernmental Relations for other administrative and financial services including the senior financial officer and the chief information officer.

We have a challenging mandate. There is pressure on the Alberta government to address aboriginal and northern issues in a timely manner and to look to the longer term. Some needs are tangible and can be addressed with basic prioritization, planning, and funding. Other needs are less tangible and dependent on co-operation, openness, patience, and effort by a variety of individuals, organizations, and governments.

Our vision is an Alberta that includes full participation of aboriginal and northern Albertans in the province's opportunities and prosperity. We hope others share this vision. It'll take willingness, dedication, and a unified effort to make it happen. We welcome the role of developing and co-ordinating cross-ministry policies, strategies, and initiatives. As a small ministry we are not in the business of program development. We are in the business of building and strengthening relationships to address issues. Our mandate is to work with aboriginal and northern people, communities, and organizations; Alberta ministries; other governments; and the private sector to respond appropriately to aboriginal and northern issues. Our greatest strength is that we are always making sure that we can facilitate. We recognize the constitutional rights of aboriginal people and work to fulfill legislative commitments and resolve unsettled legal matters. We facilitate cross-ministry and federal, provincial, and aboriginal initiatives. We advance sustainable northern resource development with other ministries and northern stakeholders.

[Mr. Lougheed in the chair]

In all of our activities we strive to ensure organizational excellence. The ministry has four core businesses, which are compatible with its goals. Our first core business is aimed at improving the participation of aboriginal people in Alberta's social and economic opportunities, and we do this by serving aboriginal people and communities through the implementation of the aboriginal policy framework. Eighty-three percent of ministry plans continue to include reference to the aboriginal policy framework, the aboriginal policy initiative, or at least one strategy that relates to aboriginal people or issues. This is a demonstration of major progress since the adoption of the aboriginal policy framework in September of 2000. The aboriginal policy framework sets out the long-term structure of our existing and new government of Alberta policies to address First Nation, Métis, and other aboriginal issues in Alberta.

Aboriginal Affairs and Northern Development supports the government's goals towards people, prosperity, and preservation and is uniquely tied to goal 5, which is: "Aboriginal communities in Alberta will be effective and self-reliant." Effective and self-reliant communities have the capacity to set their own priorities, manage their own affairs, develop a sustainable economic base, and participate in partnerships with governments and the private sector. Our staff are working directly with aboriginal organizations to enhance their planning and performance measure capacities and improve accountability mechanisms. The Métis Nation of Alberta and the native friendship centres are two organizations taking part in these efforts.

We lead the aboriginal policy initiative, or API, and work actively on three other cross-ministry priority policy initiatives: the health sustainability initiative, the Alberta children and youth initiative, and the economic development strategy. Our participation in all priority policy initiatives provides further opportunities to co-ordinate Alberta's responses to aboriginal and northern needs and issues.

Our second core business is to fulfill our legislative commitments to Métis settlements. Much of this core business is administrative and technical in nature, but there are other, observable activities

occurring. Upon the recommendation of an independent panel I have appointed a former Alberta Ombudsman, Mr. Harley Johnson, as the Métis Settlements Ombudsman. The establishment of the ombudsman's office is indicative of ongoing efforts to move toward greater transparency and accountability. We hope that the settlements will move to integrate the idea of an ombudsman into their own governing structures.

Our third core business is to manage "the Province's legal and constitutional obligations with respect to First Nations, Métis and other Aboriginal people." To do this, the province helps the federal government to meet its treaty obligations by transferring land and minerals. In 1986 we contributed to 11 treaty land entitlement settlements for Indian reserves owed under treaty. We recently reached an agreement in principle on another case which we anticipate will be finalized within this business year, bringing the number to 12. These settlements have provided First Nations with resources to increase their participation in the Alberta economy and have reduced uncertainty for industry and government in the development of the province's resources. The land and legal issues section of AAND is responsible for the settlement of land claims. This is also the section of the ministry that will be linking with other ministries to address consultation of First Nations resource development on Crown lands, at least at the moment, because I intend to make sure that we deal with that in a different structure.

9:10

The aboriginal policy framework commits Alberta to a proactive, made-in-Alberta consultation process, and Alberta is now in the process of drafting overall guidelines and implementation strategies. These guidelines and strategies will assist departments in managing their consultations with First Nations.

Our fourth core business is: "promotes and facilitates initiatives to advance the development of Northern Alberta." Essentially, this means that we advance sustainable northern development with other ministries and northern stakeholders. At this time I would like to turn my time over briefly to the chair of the Northern Alberta Development Council, the MLA for Peace River.

The Acting Chair: The hon. Member for Peace River.

Mr. Friedel: Thank you, Mr. Chairman and minister. As the minister just said, the role of the Northern Alberta Development Council could almost be summed in one line, and the first line of the fourth core business of the department is: "promotes and facilitates initiatives to advance the development of Northern Alberta." The Northern Alberta Development Council is continuing to work with the Department of Aboriginal Affairs and Northern Development and many other stakeholders in our northern development strategy. As the minister noted, we try to focus on strategic priorities.

Economically, there is much to consider in the north for the long-term sustainability of the Alberta advantage. The oil sands development is always at the forefront, but the importance of adding value to other northern resources, especially in the areas of agriculture and forestry, has to be recognized. [interjection] There's a strong supporter.

We meet regularly with northern municipal governments as well as industry, aboriginal communities, and many other of our stakeholders. A key part of the business of NADC is to connect our north to local, provincial, national, and even international opportunities. Northern highways corridors are absolutely essential for trade and economic connections and remain a primary focus for our council.

We've been actively promoting the development and use of the northwest corridor, which is a key rail link to the west coast ports,

particularly the port of Prince Rupert. Delegates to the recent Challenge North Conference in Fort McMurray spent a lot of time discussing the various opportunities to advance the northern economy. There's no doubt that the opportunities far outweigh the challenges, but these challenges also have to be addressed. Skill development remains at the top of the list and is the key focus of our plan. Recruitment, training, and employee retention are the greatest barriers to realizing the full potential not only of northern Alberta but of all of northern Canada. People are becoming increasingly more aware of the importance of northern resources to our overall economy. What is less obvious, however, is the input required to develop and exploit these resources. Getting that message out is one of the jobs of NADC.

Mr. Chairman, I could go on, but I know that many members want to ask questions. After the minister finishes her opening remarks, I will be more than glad to participate in the Q and A session.

Ms Calahasen: Just to conclude, Mr. Chairman, we're focusing on strategic relationship building. The title of the aboriginal policy framework is Strengthening Relationships, and that's part of the corporate culture that we've been trying to achieve in all our efforts. So the vision of participation and prosperity is achievable, and we need every available resource to get there. Strategically we're playing our part in the bigger picture of benefiting Alberta as a whole by strengthening its parts. The importance of building partnerships and working together will be measured by a change that will be unmistakable. We're already beginning to see it happen. Aboriginal people and organizations are having a positive impact on our communities. As a government we have an opportunity to tap into that energy, and this budget plan brings us one step closer.

Thank you.

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

Dr. Taft: Thank you, Mr. Chairman. Appreciate the comments from both the minister and the head of the Northern Alberta Development Council. Appreciate the presence of her staff here, who have been helpful to me from time to time. I note that although this is the last department to be debated or discussed in estimates, it comes first in the list of business plans and I'm sure first in the hearts of all MLAs. By budget it's a small ministry but by its potential impact a very important one. It directly touches the lives of actually I don't know how many Albertans, but it would be a few hundred thousand Albertans, which makes it a very important department indeed. Of course, through its connection with the Northern Alberta Development Council it has influence over the economic prosperity and future of half the geographic area of the province and a part of the province that includes a good portion of Alberta's most valuable resources: conventional oil and gas, forestry, and of course heavy oil.

When I bring my attention to this particular department, there is a handful of issues that come to mind first and foremost, and those are health, justice, education, and poverty. Perhaps that's not fair. That's of course leaving out many other aspects of interest and concern, but those are the ones that come first and foremost to my mind. I suppose I would like to add to that the cultural richness that the aboriginal community provides to Albertans and I hope provides much more of in the future as we work more closely with the aboriginal population of the province.

I'm going to just begin getting really specific on my questions to help the discussion move along. When it comes to aboriginal health, I'm most interested in the sharing and the co-ordination between this department and the Department of Health and Wellness, and I know also of course the federal department of Indian affairs has a large

role here. In particular, I've looked from time to time for a particular position somewhere in the provincial civil service, whether it's in this department or in Health and Wellness, for somebody with a job such as aboriginal health co-ordinator or director of First Nations health issues or some title like that, somewhere where I could see in the civil service sort of a point person for co-ordinating health issues, health delivery, health planning with aboriginal people across the province. I've never found that particular position. If it does exist, I'd be interested in where I would find it, or if it doesn't exist, maybe the minister hasn't felt that it's necessary.

[Mr. Shariff in the chair]

With justice – I'm just leaping around here a bit – a tremendous amount of time and man power, or person power, and money goes into negotiating the settlements and the arrangements between the First Nations and the provincial government. One of my questions, since we're focusing on the budget specifically here, is this. When it comes to legal advice on First Nations issues, I'm wondering how much of that is provided in-house through the provincial government's own staff lawyers and how much of that is provided through contracts with firms. I know the federal government has a very large number indeed of lawyers on its own staff who do nothing but work on aboriginal affairs questions. I'm wondering if we through the Department of Justice or aboriginal affairs are developing that same expertise internally or if we are relying first and foremost on contracts with firms. Whether it's done in-house or through contracts, I'd be interested to know the value of the legal services provided for issues relating to First Nations.

9:20

As I have looked through both the estimates and the business plans, while from time to time there is some mention made of communications, there is no line item that I could find in the estimates for communications. That's a common line item in many ministries, and I'm wondering if the minister – and you can do this in writing; that's fine – could provide the figure in terms of dollars and full-time equivalent staff for your department's expenditures on communications and, further, how much in addition to that is provided through the Public Affairs Bureau. The Public Affairs Bureau might provide one or two or three or 10 staff to supplement those of the ministry. I don't know. Those are some details I'd be interested in.

Still just jumping around a bit here. From my responses to the minister's comments the minister referred specifically to what I think is an excellent initiative, which is the creation of the Ombudsman for the Métis settlements. That Ombudsman has been appointed. It's a man with tremendous experience as an Ombudsman, having previously served as the Ombudsman of the province, and I failed to see in the estimates a specific cost allocation for that very important job. So I would be interested to know: how much are we spending on the Ombudsman? That would be the total budget, obviously, not just for the Ombudsman but for his staff.

Now, moving my way through the business plan here, it's laid out pretty clearly, but I have some concerns. I'm looking, for example, on page 55 of the business plans document of the entire government. This one covers goals 1 and 2. I've learned from my colleague for Edmonton-Centre to pay some attention to the nature of the performance measures that are presented for the business plans because after all these are the benchmarks by which the success and failures, the progress of the department are measured. So they're very, very important.

When I look at the performance measures under goal 1, they read,

“Report on the results of the objectives and targets, identified in the cross-ministry Aboriginal Policy Initiative for 2002-03, which show improvements for Aboriginal people.” I'll stop with that one for now. Frankly, I find that to be a very vaguely written performance measure. Perhaps it simply means that the minister is going to be reporting on the results, but it doesn't give any sense of how we might measure success there. Indeed, it doesn't really tell me anything. It's so vague as to in my view be almost meaningless as a performance measure when I compare it to some performance measures in other departments or even one or two in her own department. I find this one to be quite meaningless, to be blunt.

The second one under this same goal, which reads, “Maintain the government's public approval rating on Aboriginal Affairs higher than British Columbia, Saskatchewan, Manitoba and Ontario government averages,” raises all kinds of questions to me. Are we using exactly the same measure for every province west of Quebec? Surely the issues are different. We want to be measuring different things here than, say, in B.C., where the situation is so different, or in Ontario, where the situation is so different. Frankly, “maintain the government's public approval rating” really runs the risk of simply boiling performance down to a public relations exercise. If everybody in the public has a good impression of this department, then by this performance measure it would suggest that they're succeeding when in fact what's being done may not be satisfactory at all. So this dwells far too much on image management and not nearly enough, in my view, on substance.

I won't go through every performance measure in that detail under the other goals, but I do in general feel that these performance measures could be improved, could be tightened up and made more specific.

Now shifting to my specific list of questions, having gone through the estimates and the business plans, it would be useful for the record – I'm sure she's done this elsewhere – for the minister to explain once again the \$32 million that was spent last year on land and legal settlements. I'm on line 1.0.4 of the estimates. It was \$32 million. It was unbudgeted last year. It was spent. It's not budgeted again this year. I don't expect the minister to do this right now, but any details of those land and legal settlements would be useful.

With the line 2.0.1, the Métis Settlements Appeal Tribunal, there's a \$930,000 expense, and I'm wondering if that's simply for administration of the panel or if there is some other use served by that number. That's on page 22 of the estimates.

Moving ahead a couple of pages, the Métis settlements funding has dropped almost exactly a million dollars, a fair bit of money. That's about probably 15 or 18 percent of the budget. I'd be interested to have an explanation of that and an itemization of who audits the spending of the Métis settlements. Are those audited in some cases by the Auditor General, or are they audited by outside firms?

I notice that on page 29 the number of full-time equivalent employees in the department jumps by 15. I assume – but I could be wrong on this – that's because the Northern Alberta Development Council staff are brought into that count. I think there are 15 staff in the Northern Alberta Development Council. I'm getting heads nodding there, so that answers my question on that.

The \$6 million committee that was discussed in this Assembly a few months ago to address the concerns and the disputes between Northern Oilfield Contractors and the aboriginal bands – if the minister could tell us what the status is of that committee's work. Where is the cost of this committee listed in the budget? I'm not sure what line to look for, where that \$6 million would be. And what's the time line for the committee's work? Is this a committee that's going to want another \$6 million next year and \$6 million the year after, or is it something where we will see it wrapped up?

The Deputy Chair: Hon. member?

Dr. Taft: You want me to keep moving? Okay. I'm just trying to screen out the most important of my questions here.

One of the things this government has made a lot about has been its work on business plans, three-year business plans, and the goals for each year are laid out, and then they're updated from year to year. It's been interesting to go through various departments and compare the goals from one year to the next and the budgets from one year to the next, and it seems to us that the goals have changed quite a lot for this ministry for this year compared to last year. I guess that one thing under that would be an explanation of why the significant changes, and of course it's some recognition of a concern that when goals change like that, it becomes pretty hard to measure from one year to the next. If your goals are one thing last year and something quite different this year, then how do you really steer a department in the long term?

Actually, Mr. Chairman, I'm just going to check some of my other notes here, but I think that for now that covers the first round of my questions. I don't know if the minister would like to make a few comments now or would like to respond later.

9:30

The Deputy Chair: Hon. minister, would you like to respond?

Ms Calahasen: Well, maybe what we'll do is we'll get another person in, and then that way we can put them together and I'll hit the highlights, as many as we can.

Dr. Taft: Sure.

The Deputy Chair: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Chairman. It's with interest that I rise this evening to participate in the estimates debate on Aboriginal Affairs and Northern Development. Certainly, at this time I have some specific questions in regard to the department and the efforts that are being made – and perhaps this is a collaborative effort. There was mention earlier of developing strategic relationships with aboriginal communities and organizations in Alberta. It's an unfortunate fact that the unemployment rates that the majority of Albertans experience are not the same on First Nations reserves, and I think we need to work very hard to overcome that. There is a high level of unemployment particularly with younger citizens on First Nations reserves. What efforts are being made to correct this?

Certainly, when we look at aboriginal policy initiatives, all these are well meaning:

- improve the health status and well-being of Aboriginal people;
- support life-long learning opportunities for Aboriginal people and promote appreciation of Aboriginal cultures;
- increase the participation by Aboriginal people in the Alberta economy; and
- clarify federal/provincial/Aboriginal roles and responsibilities.

Well, when we look at increasing the participation of aboriginal people in the Alberta economy, just precisely how is this being done? Are we encouraging First Nations individuals to actively participate in the long term in the oil and gas industry? I'm not talking about slashing crews on a seismic line or general labour on a pipeline. I'm talking about ensuring that these individuals get enough education so that they can go to work for some of the larger corporations that are exploring and developing our natural resources, and they can have lifetime employment possibilities for themselves and their families.

The statistics, I believe, whenever you compare it to the rest of the

province, as I said earlier, are deplorable, and I would like to know what initiatives are being considered to improve the economic well-being of so many First Nations people. Also, is there any consultation or any further development in regard to partnering? For instance, Syncrude has an agreement with the Fort MacKay First Nation, and that seems to be working very well.

Also, Mr. Chairman, at this time if the hon. minister has any information she can share with this member and with all hon. members of this Assembly in regard to what initiatives are being made to ensure that there is an opportunity for First Nations businesspeople to participate in the development of our natural resources, particularly in the north. They're certainly not affirmative action policies, but what is being done to ensure that First Nations businesses are being provided with an opportunity to participate in the economic prosperity that seems to be all around? Unfortunately, they do not seem to be participating fully in those economic opportunities.

With those questions, Mr. Chairman, I will either await a written or an oral response from the hon. minister, whatever is at her convenience, and I will cede the floor to another colleague. Thank you.

The Deputy Chair: The hon. Member for Edmonton-Riverview.

Dr. Taft: Thank you, Mr. Chairman. A handful of other issues since we're raising them here. A great deal of the efforts of this department are focused on Métis settlements and northern affairs and issues relating to bands. As we all know, urban aboriginals or Indians or Métis or First Nations people are growing rapidly in number and have very great needs. The number of students in Edmonton public schools in the next decade who will have some First Nations heritage is expected to soar, and in general the number of First Nations people living in cities is expected to climb very rapidly. It's already very high. These people face many very different problems and opportunities from those living in rural Alberta and on Métis settlements and on reserves.

I would be very keen to see some explanation of the long-range strategy for urban First Nations people for this province from this minister. What in this budget can give me reassurance that we're paying attention adequately to the long-term future of First Nations peoples in Alberta cities, whether it's education, housing, employment, cultural opportunities, health issues, justice issues, all the same issues that all the rest of us face but which have their own particular complications for First Nations people in urban areas? I'd like some reassurance that as a government we are paying sufficient attention to that issue, because it's going to become a larger and larger issue as the years go by.

I would also like to direct some questions to the Member for Peace River, who serves as chairman for the Northern Alberta Development Council. One is quite specific, and it relates to the dispute between the oil field contractors and the bands. I'm wondering if the Northern Alberta Development Council has any role or involvement in helping resolve this dispute. If so, what is that role? If not, why not? There may be excellent reasons for staying out of the issue, but on the face of it it would seem to be one of some real potential interest to the council. So any comments from the chairman on the council's involvement in that issue would be helpful.

9:40

I also have looked through the summary of the Northern Alberta Development Council's activities provided in the annual report. I believe that there's a \$1.9 million budget for the council. I'm working from memory there, but I think \$1.9 million or thereabouts.

Is that right? I would like some description of where the chairman thinks the most important contribution comes from that council. One point nine million dollars is quite a lot of money when I look at the key activities of the council being things like roundtable meetings and stakeholder meetings and a newsletter and a forum and, beyond that, feasibility studies into intensive livestock operations in the north, looking at tourism possibilities in the north and also educational issues for the north. I'd be interested in the chairman's view of what is the highest priority and what is the most valuable contribution that the Northern Alberta Development Council makes for its \$1.9 million budget.

Thank you.

The Deputy Chair: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you, Mr. Chairman. I'll certainly be brief at this time. In the past it has been reported that there have been contingent liabilities and that the province as represented by the Ministry of Aboriginal Affairs and Northern Development has a contingent liability in respect of 35 claims concerning aboriginal rights, Indian title, and treaty rights. Now, as I understand it, in most cases these claims have been filed jointly and severally against the province of Alberta and the government of Canada and in some cases involve third parties. Can the minister give this House and the citizens of Alberta an update on those claims? How many of them are on disputed territory in regard to the contentious issues that were discussed earlier in regard to the oil industry and certain First Nations bands? In a synopsis, can the minister update us on any of these claims and how they're affected by those ongoing disputes?

Thank you.

The Deputy Chair: The hon. Member for Edmonton-Glengarry.

Mr. Bonner: Thank you very much, Mr. Chairman. I do have a few questions here for the Minister of Aboriginal Affairs and Northern Development.

Last year when we were discussing the same department, we did talk about a number of very serious issues that are occurring with First Nations children. Certainly, one of those that we talked about at that time was the number of suicides on reserves, so if the minister could please update us. I know she had programs in place and was certainly working to decrease the number of suicides. If she could please update us on how successful the programs that she's instituting have been.

Now, then, as well, I think that one of the areas we have to look at is the services that we supply First Nations children off reserve. It's my understanding that the treatment is very, very poor. Again, I think it's partially to do with the whole idea of whose jurisdiction it is or with people passing the buck and saying: well, no, that's a federal responsibility, it's provincial, or it's at the municipal level. Unfortunately, what happens is that when a number of First Nations do move off poor reserves, we get the poverty moving from the reserve to the urban centres. It's a vicious cycle and one that I know they would like to break. Certainly, in that regard I think we could say that to date the programs that have been put in place by the municipal and provincial levels of government have failed quite badly. If the minister could please update us on programs at the provincial level that are going to be dealing with the urban poverty of First Nations.

I was also quite startled to see that only approximately 8 percent of aboriginal teens finish high school, that 20 percent of aboriginal students in public schools graduate, and only about 50 percent of aboriginal teens even start high school. It was quite interesting to

note in a recent meeting we had with the Edmonton public school board that they could predict that almost 100 percent of the students who arrived in high school that could not read at a grade 10 level would not complete high school. That was quite a startling fact to me. So when we have that type of information that indicates that we have to have students prepared for high school – and these are not only aboriginal students; these are all students – it certainly indicates that we do have a long way to go in order to have students prepared for high school.

Now, then, I know that all parents, whether they be First Nations or others, certainly want to get good jobs, want to raise healthy families, and they want to do everything they possibly can for their children, but we do have an enormous problem of aboriginal poverty. We have a higher child mortality rate. We also have family breakdowns. I think the solution has been identified by many that in order to give First Nations youth an opportunity, what we have to do is we have to be able to develop their skills, to give them training, to give them hope and vision so that they can get good jobs and raise healthy families. If the minister could please outline what early intervention programs we do have and how these are being monitored and as well if we can see any type of success in this particular area.

As well, I think that in order to help tackle some of these problems, we have to start with First Nations children at an early age. If the minister could please outline what programs are available for mothers in the area of prenatal care and counseling so that they will know how to certainly be able to provide the best opportunities for their children. As well, this is a huge problem that I think can be addressed partially by the regional health authorities. If the minister could please outline the resources available to the regional health authorities to deal with these issues and if we can see the progress and the development of those plans as they move along.

I was noticing that there were quite a number of cuts that were made after the 9-11 disaster, and, as the Member for Edmonton-Riverview has already indicated, there is a million dollar drop in the budget this year. Are there adequate resources to do the things that have to be done in order to not only maintain but to expand programs for First Nations families? As well, what new programs are being instituted in order to assist First Nations mothers, and what resources are there?

So if the minister could please answer those either now or later, it's fine. I know that the hon. Member for Edmonton-Gold Bar would also like to ask more questions here. Thank you.

9:50

The Deputy Chair: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Chairman. I have one more question at this time for the hon. minister. It has to do with some of the activities that have occurred in the minister's department over the years, actually over the last two years because it was part of the expansion of the cabinet: the Northern Bachelor of Social Work Council of Stakeholders and the Northern Distance Bachelor of Social Work Planning Circle. Now, these groups are supported by the ministry, and students, as I understand it, can now enroll in a social work degree program in northern Alberta.

I was also interested to know if the minister is considering – and if not, why not? – promoting this sort of distance learning for registered nurses. Certainly, we know that northern Alberta contains 60 percent of Alberta's land mass yet only 10 percent of the province's population. I understand that there's a great deal of difficulty in recruiting and retaining nurses and nurse practitioners to Canada's and Alberta's north. What is the Department of Aboriginal Affairs

and Northern Development doing to ensure that there are nurses and nurse practitioners willing and able not only to go to work in the north in isolated communities but also stay there? What initiatives is the department taking to alleviate this problem? Our research indicates that it's a huge problem.

Thank you.

Ms Calahasen: Are you guys okay? Are you finished?

Dr. Taft: That's good. Thank you.

Ms Calahasen: Okay. Well, maybe I'll highlight some of the bigger ones, and then whatever I don't answer tonight in terms of specifics, we'll put in writing, if that's okay with you.

Then we'll start off with health. Edmonton-Riverview, you were asking something relative to health. We do participate in health sustainability, a cross-government initiative, and Health and Wellness has dedicated positions for aboriginal health. That basically falls in Health's area. However, we are involved in a cross-ministry initiative. Therefore, what we do is we make sure that we facilitate that with Health and ensure that we are at the table whenever anything is addressed relative to the aboriginal issues. We don't do programs. Other departments do that, and basically we're there to make sure that we bring the issues to the forefront. Then, with that, we make sure that they're addressed in a program way with the various departments. That's why we have cross-ministry initiatives. So that's basically what we do with health as well as with education and the same even with justice.

In terms of the Justice question that you asked, we have three in-house lawyers, and we work with Justice. We can supply costs in writing, I think, in detail relative to that. That will take a long time for us to be able to go through that.

In terms of the goals that you were asking about in your speaking notes and in my speaking notes actually, we changed due to new ministry evolution and changes to government ministry business plans to streamline and align with the budget. We try to make sure we do that. This is also a dynamic area, and we must continue to adapt. Other ministries are working with us to make sure that we continue to try to go into taking a greater role.

We're developing an urban strategy. You asked about the urban strategy, and I think this is really important. The urban strategy is an important one. I just pulled it out of my briefing book earlier, but the northern strategy is an urban strategy that we've been working on with urban aboriginal people in Alberta. We are actually one of the lead provincial departments under the western economic partnership agreement. I don't know if you know that one, but it's otherwise called WEPA. It provides funding support to the Calgary urban aboriginal initiative. The purpose of this Calgary urban aboriginal initiative is to co-ordinate an overall strategy for accessing and improving the delivery of programs and services to aboriginal people living in Calgary. We have committed approximately \$25,000 under WEPA. An official from our department sits on the steering committee. We have a similar Edmonton urban aboriginal initiative, which was developed to assist aboriginal people residing in Edmonton. However, that initiative did not work due to structural problems, and my department has been working with the federal government and other stakeholders to develop projects that will improve the delivery of programs and services to aboriginal people in Alberta.

We also have annual funding to friendship centres in Calgary, Edmonton, and small urban centres for programming as well as to the Métis Nation of Alberta. They develop the programs. They deal with the programs; we don't do that. So we do a number of things

relative to the urban aboriginal issue. But that was a really good question. I thought that was excellent.

Métis Settlements Appeal Tribunal. You were asking about that. You were asking actually: \$930,000 on what? We have been spending that amount. It's on the administration of a quasi-judicial body. It's making sure that we have staffing, because they do have staffing costs, and it's preliminary investigations and hearings that are set by that group.

In terms of the auditors of the Métis settlements, our corporations are required to have audited statements done. They are done yearly, like any audited statement, so that's something that's really important that we continue to do.

How much for the Ombudsman? Four hundred and fifty thousand per year. The Ombudsman is provided an allocation with an agreed-upon budget, and those allocations are \$150,000 as of April 1, \$100,000 in August, \$100,000 in November, and \$100,000 in January. It operates as independently as possible, because that's why we have him there. So they report on finances on a quarterly basis. We have an annual report as well so that we continue to see what's happening there with our money.

There were some questions relative to: what is occurring relative to economic initiatives and economic participation of aboriginal people? I just want to give you an idea as to what's been happening, examples of successful partnerships with First Nations. We've got oil and gas. We've got the forestry industry. We also have the energy industry and a number of fronts where the First Nations have been partnering with various corporations. I'll just give you an example: the Athabasca Chipewyan First Nation. What they've done is that the Aqua Jetters and Aqua Sonics business venture uses a new ultrasonic wave method to remove bitumen. In the aboriginal community the Athabasca First Nation has been involved on a partnership basis in that respect. The other one is the AWN, otherwise known as Aseniwuche Winewak Nation. They signed a guiding principles agreement in March of 2001 with Chevron Canada and Burlington Resources. In this they set out guiding principles in the areas of land stewardship, project consultation, education and training, employment and business opportunities, as well as community development. That's in the oil and gas industry sector.

Now, as an example in the forestry industry, Weyerhaeuser Canada Ltd. has relationships with Little Red River Cree, Horse Lake First Nation, and Sunchild/O'Chiese for various forestry contracts, an agreement to promote business employment training, education, and communications. So basically what we're trying to do is encourage First Nations to work with corporations and industry to see if they can come up with partnerships.

Another example which I thought was really interesting was the other one in energy. Weather Dancer 1, Alberta's tallest wind-generating turbine, is an example of world-class technology with a 72-metre tall 900-kilowatt turbine in a joint venture between the Peigan Indian Utilities Corporation and EPCOR.

So we've got a number of initiatives that have been going on where we're trying to make sure we encourage the development of aboriginal people to be involved in the economy. Those are just examples. I can send the list to you in my written submission if you want that.

10:00

There were a number of other questions that you were asking relative to consultation. As you know, the \$6 million that we have received has been divided by various departments so that we can ensure that we begin to develop the guidelines within our departments and work on a consultation basis with First Nations and the

industry to develop consultation and work on that basis. So we're just now putting that together, as I indicated in my opening remarks, and that will continue to be developed. We want to make sure that we do a proactive strategic approach to aboriginal issues and the resources developed and approved for implementation by the seven ministries that are involved. The approach involves four strategies: improving relations with aboriginal communities; increasing aboriginal participation in the economy, particularly the resource sector; implementing consultation procedures in areas such as fish and wildlife, forestry, oil and gas, and major projects; and enhancing provincial legal capacity. So what we're trying to do is make sure that we have the strategic approach to be implemented, and a number of ministries are establishing consultation capacities. So we'll continue to work in that vein and ensure that we do that.

An update on the northern contractors. Alberta has clarified our position, in fact indicating that the province has jurisdiction over Crown lands, and companies with leases and permits have a valid right to conduct their businesses without interference. The situation has been reviewed with K Division of the RCMP, and both industry and the contractors have been encouraged to report any evidence of criminal activity. A cross-ministry and early response team has been established to deal with blockades in a more timely and co-ordinated manner, and several potential blockade situations have also been resolved. Meetings have been held with the parties to find a basis for a negotiated resolution. As a matter of fact, our negotiator, John McCarthy, has been appointed as facilitator to work with legal counsel to the contractors. As well, the contractors themselves have hired a counsel, and the two are working together. The ministries are beginning to develop those guidelines, as I indicated earlier, on the consultation process, so we're making sure that we make every attempt to work with First Nations, industry, and the subcontractors.

I'll have my colleague answer some of the northern development questions, and then I'll come back if you think you want me to answer any more. If not, I certainly would be willing to answer in writing.

The Deputy Chair: The hon. Member for Peace River.

Mr. Friedel: Thank you, Mr. Chairman. There were a couple of questions asked regarding the role of NADC. The Member for Edmonton-Riverview asked about, first of all, the involvement of NADC and the issue of the dispute between aboriginal communities and oil field contractors, but I believe the minister answered that. NADC isn't that directly involved in that end of it, but we do get involved to the extent of promoting business employment opportunities and skill development because a lot of these issues are more a matter of maybe communities that don't have access to some of the training. You know, if you don't have the first-line opportunities to compete, maybe some of the less desirable activities take place. I think it's very important that one of the programs that we do get involved directly in is specific training. We encourage industry and postsecondary institutions to get into specific training for things like heavy machine operations, the kind of industry that's very much in demand in the forestry industry, also heavy equipment operation and such. I think we'd like to believe that we take a proactive step in helping those folks in the remote communities that need that kind of a boost.

You also asked about the budget and made reference to conferences and meetings and such. Certainly, these activities are very much a part of awareness of what NADC does and getting communication out to the stakeholders, but the biggest part of our budget goes to skill development, which is probably the single highest priority of the NADC. In that regard we have the northern bursary program,

which includes a return service agreement for people who want skill development and to work in the northern communities. We also have the youth apprenticeship program, which probably could be described as an early intervention apprenticeship program.

Our Northern Links program assists predominantly high school students but also junior high school students in making decisions on what postsecondary opportunities might exist. It also delves into the field of keeping people in the smaller communities interested in high school, at least completing that portion, and taking away the fear, if you want, not being aware of what it means to go to another community and probably larger towns or cities, that in themselves are a bit of a cultural shock to many young people in smaller communities, leaving your family, leaving a place you're comfortable with, and going someplace to not only establish a residence that's completely foreign to what you might be used to but getting into classrooms where you have, say, college classes or university classes that are numbered in the dozens or hundreds of pupils per class when you're used to being in a high school where your entire high school might have 30 kids in it. So we try and give opportunities for these kids to get out and see what it means to get involved in postsecondary education, what the challenges are, and most importantly what the opportunities are, what you can get into once you've developed that skill.

We also work with the northern colleges through a partnership that's known as the northern labour market information clearinghouse, that brings educators and employers together to identify the training needs and the skill development needs, again particularly for young people but also people who are already in the job market but need upgrading, and instead of having to leave a job and move away for a few months or a year, we make sure that those opportunities are offered as ongoing learning. We also spend a lot of time working with industry and our educational institutions in many areas, making sure that the courses that are offered are the most appropriate. Industry also is very involved in a partnership way in our bursary program.

The Member for Edmonton-Gold Bar asked about training incentives and particularly mentioned the nurse practitioner program. When I talked a minute ago about skill development being a goal of NADC, our bursary program is probably primarily directed toward health care professionals and probably is one of the most needed and, unfortunately, one of the more difficult skill groups to attract. The nurse practitioner program has been for quite a number of years a well-accepted program in many of the northern aboriginal communities. There was a pilot program established in the early 1990s in the town of Rainbow Lake and in Red Earth to see what would be involved to improve the skills of a super-qualified nurse to work in the communities and see what kind of services could be delivered. We recognize that there are limits to the level of service that can be delivered in a small, remote community, but we think it's essential that the highest level of expertise possible is still recruited, and recruitment is one of the challenges that we're faced with.

NADC is highly involved in a northern awareness program that helps employers, in this case health care employers and regional health authorities, to allow potential employees to find out what it's like living in the north, what the opportunities and, you know, without sugarcoating, what the challenges are of being a pioneer in some of our communities, and secondly, as I mentioned just a few minutes ago, ongoing training, because that's very important to many professionals. You don't want to become stagnant at a particular level of training. If you can remain in a job that you might enjoy but need some assistance in getting some ongoing training, that would be one of the areas that we're working with.

So I think that answers the questions that were addressed to me, Mr. Chairman. With that, I'll turn it back to you.

10:10

Ms Calahasen: We'll answer in writing all the questions that we haven't been able to answer.

The Deputy Chair: After considering the business plan and proposed estimates for the Department of Aboriginal Affairs and Northern Development for the fiscal year ending March 31, 2004, are you ready for the question?

Hon. Members: Question.

Agreed to:

Operating Expense \$21,603,000

The Deputy Chair: Shall the vote be reported? Are you agreed?

Hon. Members: Agreed.

The Deputy Chair: Opposed? Carried.
The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I'd move that the Committee of Supply rise and report the estimates of Aboriginal Affairs and Northern Development.

[Motion carried]

[Mr. Shariff in the chair]

Mr. Lougheed: Mr. Speaker, the Committee of Supply has had under consideration certain resolutions, reports as follows, and requests leave to sit again.

Resolved that a sum not exceeding the following be granted to Her Majesty for the fiscal year ending March 31, 2004, for the following department.

Aboriginal Affairs and Northern Development: operating expense, 21,603,000.

The Acting Speaker: Does the Assembly concur in the report?

Hon. Members: Concur.

The Acting Speaker: Opposed? So ordered.

Mr. Hancock: Mr. Speaker, as previously discussed with opposition House leaders, I would seek unanimous consent of the Assembly to revert to Introduction of Bills to allow for the first reading consideration of Bill 40, the appropriation of main estimates.

[Unanimous consent granted]

head: **Introduction of Bills**

The Acting Speaker: The hon. Minister of Finance.

Bill 40 Appropriation Act, 2003

Mrs. Nelson: Thank you, Mr. Speaker. I request leave to introduce Bill 40, the Appropriation Act, 2003. This being a money bill, Her Honour the Honourable the Lieutenant Governor, having been

informed of the contents of the bill, recommends the same to the Assembly.

[Motion carried; Bill 40 read a first time]

head: **Government Bills and Orders**

head: **Third Reading**

Bill 18 Energy Statutes Amendment Act, 2003

The Acting Speaker: The hon. Member for Calgary-Bow.

Ms DeLong: Thank you, Mr. Speaker. I'd like to move third reading of Bill 18, Energy Statutes Amendment Act, 2003.

The Acting Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Speaker. Bill 18, the Energy Statutes Amendment Act, 2003: there are still a number of questions I have outstanding in regard to this legislative initiative, and until those answers come forward it would be very difficult, impossible as a matter of fact, to support this bill. There are many, many questions left, certainly, whenever one considers that past headlines suggested that in the province of Alberta the laws and the regulations are top of the field as far as attracting investment to this province for resource development.

When one compares this legislation to the similar piece of legislation that was introduced earlier in the Legislative Assembly of British Columbia and that research indicates has become law, the B.C. legislation certainly addressed the ownership uncertainties surrounding coal bed gas, or coal bed methane as we know it. If the purpose of that legislation in the sister province of B.C. was to promote economic activity in that province by removing any uncertainty that surrounds entitlement to coal bed gas underlying both Crown and freehold lands in the province, I think we should have done the same here, and I'm not sure that this legislation has achieved that.

I certainly had many questions in regard to this at committee, and I'm astonished that there was no attempt made to answer those. I can only contemplate why, but we need to ensure that we have an investment climate that is going to attract players to this province with coal bed methane development in mind. Now, I don't know why these questions could not have been answered. I think they were valid.

I understand that in the recent past there were in this province many landowners and some rural politicians that called for a greater openness in the development of what they considered was Alberta's newest, biggest, brightest energy source, but they were surprised that a major conference on the subject of coal bed methane had been declared off limits to the media. The media had been barred, and some members of the public had to pay at least \$1,700 to attend the conference.

I think the province of Alberta government has to step up to the table or at third reading here and present the facts in regard to Bill 18 and how it's going to affect in one way or another the development of the coal bed methane industry in this province. It is astonishing. The future is, I think, very bright for that industry. As I said earlier, Mary Griffiths, a Pembina Institute policy analyst, is working on a report. Certainly, I think that in a timely fashion that will be made public. She estimates that there could be potentially 10 times as much coal bed methane in the plains and foothills regions of western Canada as there is in the remaining established reserves of conventional natural gas as we know it in this province. There are many

people from all across this province that are very anxious to see this industry develop and develop in a sound way. The questions that the Official Opposition put forward in committee are not answered and at the same time this legislation is going to become law. I would at this time, Mr. Speaker, in conclusion be very anxious to know when this act will be proclaimed and when these laws, or this lack of laws in this case, are going to be promoted.

Now, with that, Mr. Speaker, there's not much else we on this side of the Assembly can do but express our disappointment. In conclusion, again I would have to hold to this view, maintain this view, that Bill 18, the Energy Statutes Amendment Act, 2003, is not what the coal bed methane industry needs at this point in this province, and I would fully expect that the answers to my questions should be part of the public record.

Thank you.

10:20

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

Ms DeLong: Yes. I would like to say, first of all, that yes, Alberta does have a very positive future when it comes to coal bed methane, but please remember that coal bed methane is just the sexy new expression for natural gas that happens to be in coal. The really interesting part is over on the scientific side of things in terms of the possibility of putting CO₂ down there and being able to get lots of coal bed methane or what we've always known of here for 20 or 30 years as natural gas. It happens to be in coal beds instead of in sandstone or something else like that. In terms of us getting natural gas out and the possibility of getting revenues into the pockets of Albertans, yes, it's an exciting new future, but I'm afraid it's just natural gas. The royalty system that we've set up will apply to it, so there isn't any special thing here that has to be done in terms of our royalties.

I move that we now vote on third reading of Bill 18.

[Motion carried; Bill 18 read a third time]

Bill 20
Alberta Municipal Financing Corporation
Amendment Act, 2003

Mr. Hlady: Mr. Speaker, I move third reading of Bill 20.

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

Mr. Bonner: Thank you very much, Mr. Speaker. Just a few comments on Bill 20, the Alberta Municipal Financing Corporation Amendment Act, 2003. This is primarily a housekeeping bill. It does update the act, which was first introduced in 1956 and hasn't been updated since 1980. It certainly allows the corporation greater flexibility to fulfill its mandate, and it allows it to engage in loans without the purchase of securities from local authorities.

So with those few comments, I think it's an excellent bill. It modernizes the bill, and I would encourage all members to support this bill.

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

Mr. Mason: Thank you very much, Mr. Speaker. I'm afraid that I can't concur with my hon. colleague from Edmonton-Glengarry. I think that there are in fact many beneficial aspects to this bill, but the concern that I have – and it ought to be a concern to the Member for Edmonton-Glengarry as well given his strong performance in

challenging the government's plans for P3s in question period; he's been very consistently going after the Minister of Infrastructure on that particular point, and we agree with him – is that the Municipal Financing Corporation, which has been established to provide low-cost, reliable financing for municipal governments, may in fact be asked to extend provincial financing of P3s to nonmunicipal sources.

I'm not alone in having that concern, Mr. Speaker. AUMA and other stakeholders have expressed concern that sections 1(e)(i) and (ii) appear to open up the possibility that private companies through P3s could borrow from the same pool of money that's supposed to be set aside for public projects only. The alderman from St. Albert, Mr. Burrows, said: in my mind, it's a private-sector subsidy, and I don't think we should support it. Mayor Plain of St. Albert said: the amendment puts the fund and its low interest at risk because of the potential for failure on the part of private-sector companies. That was reported in the *St. Albert Gazette*.

This is a serious concern as far as we're concerned, Mr. Speaker. Mr. George Rogers has written expressing concern with the lack of consultation that urban municipalities received prior to the introduction of Bill 20, and it says that they're particularly disappointed in their "exclusion from consultation given our specific request to Alberta Finance last year to have the structure and governance of AMFC reviewed and discussed with our Association." This letter was sent to the Premier on the 31st of March of this year. So it may be, Mr. Speaker, that some of these points have been addressed in debate earlier and I have not picked them up from *Hansard*, in which case I would ask some hon. members to rise and set the record straight for my benefit, but it is a serious concern.

I want to say, Mr. Speaker, that the Alberta Municipal Financing Corporation has been an excellent institution in this province and has contributed in a tremendous way to all sorts of wonderful things in this province that have been developed by municipalities. It has been a very, very effective tool for municipalities in order to build the kinds of structures, infrastructure, and so on that have provided a high quality of life for their citizens. It's an institution that needs to be protected and strengthened and safeguarded, and I trust that the government is committed to doing that as well.

Now, if some hon. member can set the record straight with respect to the potential use of this source of financing by private organizations in the P3 program, then I'll be happy to support the bill.

Thank you very much, Mr. Speaker.

10:30

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

Mr. Hlady: Thank you, Mr. Speaker. I will try to clarify for the Member for Edmonton-Highlands, as the Member for Edmonton-Riverview had asked during committee the same question. At that time, I had answered that the proper understanding of that particular situation is the fact that, no, private corporations would not be able to borrow under that even though that concern had been raised. The reason that that won't be allowed is because you have to be a shareholder of the corporation, and those are the public bodies that are named in there, being regional health authorities, being schools, being the municipalities themselves. Those are the organizations that can, and under regulation it will be controlled that a private corporation could never be a shareholder; therefore, it would never have the right to borrow from the corporation. So it's protected that way, and the private sector will not be able to ever raise any capital through AMFC.

I hope that clarifies it for the member, and I'll call the question.

[Motion carried; Bill 20 read a third time]

Bill 25
Class Proceedings Act

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

Mr. Rathgeber: Thank you, Mr. Speaker. It is with great pleasure that I move third reading of Bill 25, the Class Proceedings Act.

This act will allow class actions to be allowed under the *Alberta Rules of Court*, where multiple plaintiffs can file one action with one representative plaintiff, thereby freeing up the courts from dealing with multiple cases on the same cause of action. There having been no amendments proposed at any stage of this bill or constructive criticism of this bill either in second reading or in committee, I would ask that all members support Bill 25, the Class Proceedings Act.

The Acting Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Speaker. I noticed with interest that the hon. Member for Edmonton-Calder had spoken that there had been no constructive criticism of this particular bill, but certainly there have been concerns expressed not only in the course of debate in this Assembly but by Albertans as well. There are those who think that this new bill will stifle access to justice.

Now, we in this province certainly can use a form of class action legislation. There's no doubt about that. We discussed earlier in debate the whole issue of pine shakes and how people had to address their concerns through representative action. Certainly, Bill 25 will enable people to engage in class action lawsuits here instead of having to go to another jurisdiction to do them. B.C. was a choice location for citizens who were contemplating class action. There was a small cottage industry in the legal profession that had been established there to deal with class action lawsuits.

One only has to consider this province and what's going on with some of the frustrations that have been expressed with regard to the intensive livestock operations. It's in yesterday's *New York Times*. It was quite an interesting article about how American landowners adjacent to the same sorts of setups, these ILOs, were launching class action lawsuits. Hopefully that won't happen here, but certainly a bill like this would give citizens that opportunity or, as the government members so fondly say, give them that choice. It's another choice; it's another option that they can exercise. But there are several parts of this bill that I think warrant comment at this time in third reading.

Now, when you consider that we've been waiting for this form of legislation, Mr. Speaker, for quite some time – the former Member for Calgary-Buffalo had been asking for class action legislation, and the current Member for Edmonton-Centre, the justice critic, had been asking the government to implement class action up through 2001 – we on this side of the House would really like to support this legislation, but certainly there are some outstanding questions on the bill as presented.

Whenever we look at the bill, one of the most contentious parts – and perhaps this can be further explained – is that when we consider that costs are awarded under the rules of the courts, that means that in Alberta costs can really only be recovered in a meritorious outcome. Now, this could be a problem for some people. Many experts have commented on this legislation. Certainly members of the Alberta Law Reform Institute have expressed the feeling that there is no basis for some of the concerns, but for others there is. Now, we can only wait, as I understand it, and see what happens with this legislation.

In conclusion – and this gets back to the whole issue of pine

shakes and where those citizens would have to go – Alberta does have what is called rule 42 representative actions, and that is winding its way through the court. However, this has been interpreted as not being sufficient for dealing with class action type lawsuits, and this is why this bill at this time may be a step in the right direction, but we will certainly see how it works out as far as access for Albertans goes. Bill 25 will allow for citizens to sue for costs similar to other actions which are present in Alberta, but it should be noted that B.C., who has no cost scheme, is actually looking at getting out of the process, and perhaps the hon. Member for Edmonton-Calder could update the Assembly on that.

With that, Mr. Speaker, I will conclude at this time my remarks on Bill 25, the Class Proceedings Act. I can only hope that this works out in the best interests of all citizens, and certainly I hope that this bill will not limit access to justice, as some have expressed that concern.

Thank you.

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

Mr. Mason: Thank you very much, Mr. Speaker. I'm pleased to rise to speak at third reading to Bill 25. This is a potentially good piece of legislation that has in fact been ruined by some of the details contained in the bill, which renders it quite useless for many of the purported purposes that the legislation has. Now, it is certainly a positive thing to allow for class action suits. There are many cases when large groups of people have had some similar negative effect by someone and would benefit by taking action either as a group or some individual or individuals on behalf of a much larger number of individuals who have been affected negatively in some way. That should give them recourse in the courts. But the devil is in the details, and of course the financial arrangements in undertaking lawsuits of this kind have a significant effect on who is able to do it and when, and in this case it is not people with modest means who are advantaged.

10:40

Now, despite recommendations from the Alberta Law Reform Institute to the contrary, Bill 25 allows costs to be awarded against representative plaintiffs; that is, the individual who initiates the action and with whom other plaintiffs join. Given that these suits are very often against large corporations or the government, the defendants are likely to expend significant dollar amounts in their defense, and it is unreasonable to expect that individuals of modest means would be prepared to risk bankruptcy in the face of having to pay such significant costs. Allowing cost awards against a representative plaintiff would therefore deter any such action from being initiated in practice. So the government through this act has created the situation where in principle, in theory, individuals can initiate lawsuits on behalf of significant groups of individuals in the hopes that they will all adhere and benefit by the action, but in practice, Mr. Speaker, the financial risks rule it out and make the beneficial aspects of the legislation unavailable.

There have been news articles suggesting that the government is protecting itself and its big corporate friends by bringing in this piece of legislation. For example, on March 9 an op-ed piece by Mindelle Jacobs of the *Edmonton Sun* says:

If the province is truly interested in promoting a user-friendly justice system, it will revamp its embarrassing class-action bill.

The goal of such legislation is simple – streamlining the process by which large numbers of people with a common complaint can sue an alleged wrongdoer.

Instead of numerous plaintiffs bringing separate suits over the same matter against a defendant, one person acts as a representative plaintiff in a collective case.

This is “not a revolutionary concept,” she says.

Ontario and Quebec brought in such laws years ago. More recently, B.C., Saskatchewan, Newfoundland and Manitoba have followed suit.

Now [apparently] Alberta has jumped on the bandwagon.

She continues, and I think this is the important point, Mr. Speaker:

Unlike the other provinces that allow class-action suits, Alberta plans to force plaintiffs who launch the collective suits to pay all the costs of litigation.

It means that Joe Albertan, a representative plaintiff who might win a couple of thousand dollars in damages if he’s successful, could be on the hook for, say, \$100,000 if he loses.

The province’s legislation ignores a major recommendation by the Alberta Law Reform Institute (ALRI), which wanted a no-cost process.

In a lengthy report on the issue in 2000, the ALRI recommended that losing parties not be liable for costs unless there has been frivolous conduct, unnecessary applications to delay the proceedings or exceptional circumstances.

The bill, as it is currently written, will effectively scare off anyone thinking of starting a class-action suit. We might as well have no class-action legislation at all, for all the assistance it will provide . . . plaintiffs.

Now, Mr. Speaker, the hon. Member for Edmonton-Gold Bar raised the question about the thousands of Albertans who’ve tried to sue the government over rotting pine shakes, but individual lawsuits are still dragging on. Here’s something interesting. Clint Docken, the head of the Calgary law firm that handles such cases, says: what person in their right mind would put forward a claim if they are facing the possibility of paying a huge cost award well beyond what they stand to gain by winning? He continues: they’re wasting their time if they make representative plaintiffs liable for costs.

Mr. Speaker, this is a fatal flaw in this piece of legislation. It stacks the deck against plaintiffs and makes it clear that the chill that exists over this legislation will be similar to the chill felt by thousands of Albertans turning down their thermostats and their electricity use in order to survive high energy prices in this province. I think that the government wants to have it both ways. It wants to have a situation where on the books there is some seemingly progressive legislation allowing for class action suits and in practice they and their friends are well protected from the practical threat of class action suits. The people of Alberta are not well served by legislation that is structured in this way, and unfortunately I cannot support this bill.

Thank you.

The Acting Speaker: The hon. Member for Edmonton-Calder to close debate.

Mr. Rathgeber: Thank you, Mr. Speaker. As I indicated in committee, the reason that Bill 25 does not have a fund provided for plaintiffs is that the general practice in Alberta is that costs follow the cause. Successful plaintiffs are able to recover their court costs from the unsuccessful party. Similarly, successful defendants who fend off a lawsuit, be it a class action or otherwise, are able to recover their court costs from the unsuccessful plaintiff. This is the normalcy in Alberta, and Bill 25 does nothing to change the normal provision for costs. Also existing in Alberta is the discretion of a judge to not award costs if it would be unduly hard on the plaintiff, so there is that discretion.

I think that this is good legislation. The reason we chose this model is that the last thing we want is a cottage industry for frivolous or unmeritorious lawsuits. So this is the model that we chose. Costs follow the cause, and I ask all members to vote in favour of Bill 25.

[Motion carried; Bill 25 read a third time]

Bill 26

Corrections Amendment Act, 2003

The Acting Speaker: The hon. Government House Leader on behalf of the Solicitor General.

Mr. Hancock: Thank you, Mr. Speaker. On behalf of the Solicitor General I’d move Bill 26, the Corrections Amendment Act, 2003, for third reading.

Dr. Taft: Well, Mr. Speaker, I have very extensive comments on this bill, but I’ll keep them to myself tonight. I don’t think this bill is going to achieve what is intended, what the hope is. I mean, I will end up supporting it and I know the critic from Edmonton-Centre will support it, but I think we all recognize that it’s not going to have the impact that’s desired. There’s no real provision within this legislation for harm reduction within the prison system, the provision of things like bleach kits or needle exchanges or condoms or provisions that accept the reality of life, as it’s explained to me, in prisons. Having never been in prison, I can only go secondhand and hope that it always stays that way.

10:50

My understanding is that zero tolerance policies have been attempted in many jurisdictions and that one way or another the drugs get past the prison guards and around the prison walls, and we end up with abuse in the prison system, which raises all kinds of health problems. While we can make efforts at zero tolerance – and we should make a best effort at that – the prison system is porous, and nobody that I know of has been able to plug all the holes that allow the flow of drugs into prisons. So zero tolerance alone isn’t going to work.

We should be looking realistically at other provisions and taking other steps, and those are not taken in this bill. They’re not provided for in this bill, nor are any steps provided in the bill to recognize that because of the relatively short stays that most prisoners have in jail, if they are addicted to drugs when they go in, they’re going to be still addicted when they come out. They may only be in a very few weeks, and especially if we’re not providing drug rehabilitation programs, they will not have recovered.

So this bill I suppose is an admirable gesture, but it’s surely going to miss the mark. We’ll support it for its effort, I guess, but not for its likely success.

Thank you.

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

Mr. Mason: Thank you very much, Mr. Speaker. It’s my pleasure to rise and speak to Bill 26, the Corrections Amendment Act, 2003. This bill is misguided. This bill is directed, much like the previous Solicitor General’s decision to take away colour TVs from inmates, not at correcting anything or assisting anything behind the walls of the prison system but is in fact directed at the public and is playing upon the prejudices that exist with respect to people who are offenders.

The problem with the punitive approach that the government takes, the prescriptive, directive approach, is that it doesn’t produce the results that are promised to the public. When the government talks tough about people behind bars, it probably helps its popularity, perhaps considerably, among many sections of the population, but I think if the population had a better understanding of some of the aspects of corrections policy, they would be much more critical of what the government is doing.

Now, for a number of years, Mr. Speaker, I chaired a committee

of the Federation of Canadian Municipalities that dealt with corrections policy. It was co-chaired by a deputy commissioner of Corrections Canada and included representatives of municipalities across the country as well as Corrections Canada and the National Parole Board. During the course of this committee's work we toured a number of federal corrections facilities including the Edmonton Max, where we got to witness a riot, not caused by our attendance that day; the Kingston Max; the women's prison; several of the new, modern women's correctional facilities; Stony Mountain prison in Manitoba; and a number of others as well as observing parole hearings and so on.

It's clear that almost everybody that goes into prison, Mr. Speaker, comes out again and rejoins the community. It is also clear that an enlightened harm reduction program pays far greater benefits than this kind of approach, which is not designed to actually improve the health conditions and the rehabilitation potential within facilities. It is rather designed to win votes.

It's clear that corrections staff that are engaged in and aware of what's going on within the particular institution and have connections and interactions with the people confined there on an ongoing basis know more of what's going on and have more ability to control things. However, it's clear that even in a maximum security penitentiary people are not monitored and cannot be monitored every second of the time that they're there. There are many, many activities that take place that are out of the view of corrections officials, unless individuals are placed in solitary confinement, and that is virtually the only way that these things can be controlled.

So here's the misguided element of the bill: it believes that just by getting tougher in a prison, you're going to be able to change prison behaviour which is well established, and persistent attempts like this over many, many years have failed to change it. So what's happening here is simply an attempt to repeat the same things that have been tried over and over again and expecting different results. Well, I can tell you, Mr. Speaker, that they're not going to get different results.

So, at best, this legislation is going to be ineffective. If it's ineffective and if there are better, more enlightened ways of reducing the incidence of HIV and addictions and other diseases that spread in the prison population, then we can reduce the impact on the outside communities when these people are inevitably released.

The government is missing an opportunity. There are programs, particularly in European countries, that have higher rates of success than what is being proposed here or certainly better rates of success than you have in the United States, for example, which has one of the worst prison systems in the industrialized world and incarcerates more of its citizens than virtually any other country in the world.

So in attempting to replicate in a knee-jerk way the American approach, we're going to very likely get the same results as their system. That means higher rates of HIV, higher rates of drug use, higher rates of other diseases, and correspondingly greater impacts on the community as individuals are released. I believe that what the government is doing here is in fact going to rebound upon them and, unfortunately, rebound upon Albertans, because they have such a poor approach.

11:00

Here are some things, Mr. Speaker. Alberta has been ranked 14th out of 16 Canadian jurisdictions for measures taken to prevent the spread of HIV and hepatitis. I think that if the government wanted to have more positive programs to help people deal with their addictions and adopt safer practices, then these would have a much stronger effect and a more positive effect on the communities in which these institutions are located.

Having said that, Mr. Speaker, I want to indicate that I will not be supporting Bill 26, because I think that it takes an outdated approach, an approach that's been tried repeatedly and has produced results opposite to what the government claims for this bill. So on the face of it it would seem that the government is not serious about the goals that this bill purports to have, and I would urge all hon. members to oppose Bill 26, the Corrections Amendment Act, 2003.

Thank you, Mr. Speaker.

The Acting Speaker: The hon. Government House Leader on behalf of the Solicitor General to close debate?

[Motion carried; Bill 26 read a third time]

Bill 28

Freedom of Information and Protection of Privacy Amendment Act, 2003

The Acting Speaker: The hon. Minister of Government Services on behalf of the Member for Edmonton-Castle Downs.

Mr. Coutts: Yes, Mr. Speaker. On behalf of the hon. Member for Edmonton-Castle Downs I'd like to move third reading of Bill 28, the Freedom of Information and Protection of Privacy Amendment Act, 2003.

The Acting Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Speaker. Certainly, in Bill 28, the Freedom of Information and Protection of Privacy Amendment Act, 2003, there are some worthwhile legislative initiatives, but when one looks at what has happened with FOIP legislation in this province since it was passed on October 1, 1995, to say that it has fostered openness and accountability would be an embellishment.

Now, if we look at some of the amendments that were proposed at committee by this side of the Assembly, if they had been incorporated into Bill 28, then it would be, I believe, acceptable because we would be dealing with first and foremost the issue of fees, which this government expresses no interest in dealing with. If we look at section 20, it is particularly important from the perspective on this side of the Assembly that we address the single most formidable obstacle to public accountability and transparency in governance, and that is fees for access. The fees are far too high. When one looks at the negative impact of high fees, this impact is not only felt by opposition members but members of the general public, members of the media. This is not what this legislation was designed to do. One can only go a short distance from here to the Legislature Library and just see how ridiculous this fee schedule is that is presented in the back of the act. Why are always the maximum amounts in the fee schedule charged?

We look at the Legislature Library in April 1995. This bill became law in October, yet in the Legislature Library copying is 10 cents, no charges for MLAs or MLA staff or Assembly staff or Alberta public servants for copying related to work. All of a sudden we have with this act a government that's using high fees, and they're using the fee schedule to increase these fees to the point where people just get frustrated and walk away. It is simply wrong.

Mr. Mason: Similar to the class action bill.

Mr. MacDonald: The hon. Member for Edmonton-Highlands said, "Similar to the class action bill." In a lot of ways I believe the hon.

member is certainly correct in that observation and that comment.

When we look at the committee that worked on having another look at the freedom of information and protection of privacy laws in this province, why is the government now prepared to not implement all the recommendations of the Select Special FOIP Act Review Committee, the final report which was tabled in the Assembly last November?

Now, there are some recommendations outstanding that include the following, and I think that at third reading it's very important that we mention these. These are not all of them, but certainly there was a discussion in that committee on the designation of delegated administrative organizations, affectionately known by the government as DAOs, as public bodies. There were certainly discussions regarding the inclusion of the RCMP as a public body so that Albertans in communities like Red Deer and Grande Prairie have the same information rights as Albertans in Edmonton, Calgary, Medicine Hat, and Lethbridge. It is noteworthy that Red Deer and Grande Prairie still use the RCMP, the Mounted Police, as a municipal police force.

We had a discussion in the Assembly recently in regard to the denial of registry information to private parking lot operators. Harmonization with the Health Information Act and the new personal information protection act: these were issues that were discussed at that committee. Also that the issues relating to the collection, use, and disclosure from public registries be revisited with new private-sector privacy legislation. There was also a discussion on the review of guardian by the information management and privacy office. There was also the discussion to have a review of fees, but where is this going? Certainly, no one has enlightened this Legislative Assembly if one looks back into *Hansard* to see where that review is going. I hope that issue has not been dropped and now we're going to have to wait such a long, long time, to the year 2010, before another similar committee is going to be struck to look at this. If the amendment that was proposed at committee had been accepted, it would have been 2006 when we could have at least another look at this.

There was also a discussion around the development of a database of access requests similar to foilaw.net. I don't know what happened to that and why it's not included in this Bill 28. Again, there was a great deal of discussion around this issue: why do we continue to give special, preferential treatment to private universities, private colleges, and private schools by exempting them from FOIP? At this time in committee, Mr. Speaker, those are some of the issues that were discussed at the select special committee, yet I don't see them anywhere in this bill.

11:10

Now, if we look at how important freedom of information is to Albertans and how often it is used, it covers 1,500 public bodies. There were 2,200 requests in 2002, and that was up slightly from 2001. There were 1,250 requests for personal information and 950 requests for general information. Only 15 percent of general requests were granted fully; 9 percent of personal requests were granted fully. The province collected \$54,000 in fees last year, and the province dismissed \$2,800 in fees last year, waived them. Recognizing that the application fee for general information is \$25, I thought we could perhaps set that as the bar and limit all searches to that cost, but that wasn't how members opposite saw this. Now, 81 percent of requests were responded to in 30 days, and that at first glance would seem to be a significant achievement, but that's just basically generating a letter. Some of these requests go on and on and on for long periods of time.

It is interesting to note that the Department of Environment is the

most targeted department for general information. Not the Department of Energy or the Department of Health and Wellness but the Department of Environment. That indicates to this member that citizens have a concern. They want to use FOIP legislation to hold their government accountable, and they are concerned about the direction that we are going as far as environmental protection is concerned in this province.

Now, Mr. Speaker, I think it's important for all hon. members of this Assembly to again have a look at the *Canadian Journal of Economics and Political Science: How Much Administrative Secrecy?* I would like to quote at this time.

Mrs. Nelson: Please don't.

Mr. MacDonald: Yes. Bill 28 now.

This is a quote that all hon. members could consider.

Parliament and the public cannot hope to call the Government to account without an adequate knowledge of what is going on; nor can they hope to participate in the decision-making process and contribute their talents to the formation of policy and legislation if that process is hidden from view.

Now, this applies, unfortunately, to this government's attitude towards FOIP. I can't understand why this government doesn't live up to the promises that were made in regard to FOIP and allow all citizens, including the opposition, access to information. It would certainly make our job easier, and it would make this government better because we would be able, Mr. Speaker, to hold them accountable. There are a lot of tax dollars at issue here, and we need to ensure on behalf of the public that that money is being well spent.

Mr. Speaker, at the urging of my colleagues Bill 28 is unfortunately unacceptable in this form. For one to say that this is an improvement of the Freedom of Information and Protection of Privacy Act would be wrong. Certainly, there are merits, as we discussed earlier, in regard to this legislation, but Bill 28 does not update access and privacy issues. At this time I would be derelict in my duty if I were to support this legislation in this form.

Thank you.

The Acting Speaker: The hon. Minister of Government Services on behalf of the Member for Edmonton-Castle Downs to close debate.

Mr. Coutts: I call the question, Mr. Speaker.

[Motion carried; Bill 28 read a third time]

Bill 29

Law of Property Amendment Act, 2003

The Acting Speaker: The hon. Government House Leader on behalf of the Member for Calgary-Lougheed.

Mr. Hancock: Thank you, Mr. Speaker. On behalf of the hon. Member for Calgary-Lougheed I'd move Bill 29, the Law of Property Amendment Act, 2003, for third reading.

The Acting Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Speaker. At this time, third reading of Bill 29, the Law of Property Amendment Act, 2003, there are some issues that I would like to get on the record, but first the hon. Member for Calgary-Lougheed has been quite gracious with her time in regard to this bill. It seems like months ago – actually, it was the third week in March – when this bill was first introduced to the Assembly and we debated it.

To level the playing field for mortgage default insurance providers by ensuring that all providers have the ability to sue borrowers for any balance owing them when there's a default on a high-ratio mortgage is the object of this bill, but in light of some of the questions that the Official Opposition had in regard to this, to say that the answers have been satisfactory certainly would not be true. There are still some outstanding questions surrounding this legislative initiative. There have been stakeholders who have expressed some cautions about this, and at this time I think it would be inappropriate to support this legislation.

Thank you.

The Acting Speaker: The hon. Government House Leader to close debate?

[Motion carried; Bill 29 read a third time]

Bill 31

Local Authorities Election Amendment Act, 2003

Mr. Graydon: Mr. Speaker, I'm pleased to move third reading of Bill 31, the Local Authorities Election Amendment Act, 2003.

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

Mr. Bonner: Thank you, Mr. Speaker. Just a few comments on Bill 31 in third reading. I didn't get these on the record earlier, so I'd love the opportunity this evening. I would hate to think that the hon. Member for Edmonton-Gold Bar had more to say on a bill than I did.

Mr. Mason: We shudder at the thought.

Mr. Bonner: Right. So do I.

I want to first of all thank the Member for Grande Prairie-Wapiti for the opportunity to sit down with him and discuss the bill. It was appreciated. He did address the concerns we had. Certainly, this bill will allow more access for people to vote.

One of the concerns we had and I think we still have is in regard to special ballots. Our concerns there, of course, are that we would like to see more accountability on behalf of the Chief Electoral Officer or one of his polling officers to verify exactly that the person who says they are voting is voting, that that person is verified as the person who is voting and has marked the ballot.

I think this is a bill that will address some of the universal issues that we do have with elections and the voting procedure, and I would ask all members to support this bill. Thank you.

11:20

The Acting Speaker: The hon. Member for Grande Prairie-Wapiti to close debate.

Mr. Graydon: I don't have anything further. Thank you.

[Motion carried; Bill 31 read a third time]

Bill 34

Livestock Industry Diversification Amendment Act, 2003

The Acting Speaker: The hon. Member for Drayton Valley-Calmar.

Rev. Abbott: Thank you, Mr. Speaker. I'm pleased to rise and take this opportunity to move third reading of Bill 34, the Livestock Industry Diversification Amendment Act, 2003.

During the Committee of the Whole discussion of this bill the hon.

Member for Edmonton-Ellerslie referred to the 4,984 cervids that were sent for testing for chronic wasting disease, or CWD, as we will call it. This was a fourfold increase from the previous year, so I commend the member for her excellent research. Mr. Speaker, this increase in animals sent for testing is a direct result of the increase in the demand for deer and elk meat both internationally and domestically. The testing process only pays out compensation once a positive result is found. Testing doesn't provide any incentive to any producer other than allowing for increased confidence in the industry. This industry has done a great deal of work to develop markets for alternative meats, and they've done a great job. The hon. Member for Edmonton-Ellerslie knows that all domesticated cervids that die on farms and all cervids that are slaughtered for meat sales in Alberta must be tested for CWD. It is the law here.

Similarly, if – and forbid it happens in Alberta – there is an outbreak of CWD, the federal government through the Canadian Food Inspection Agency is responsible for the control of the outbreak as well as any payments to producers for loss of their animals. CWD is a very serious disease, and I sincerely hope that it never gets a foothold in this province.

The hon. member had some questions about particular portions of the act, which I will answer briefly now. The changes to section 5 will allow a cervid producer greater flexibility to manage their herd. We're also eliminating a portion of legislation that cannot be adhered to nor enforced as an animal cannot be registered until it has been identified.

As far as the changes to section 9, the minister will not be making provisions for setting animals free. These changes simply allow producers the ability to take a young animal, before it is registered, to see a veterinarian.

Finally, Mr. Speaker, the changes to section 12 mean that all animals must be registered and identified before they are sold. The inventory system in Alberta is such that each animal is tracked and inventories conducted to ensure that only domesticated cervids are bought and sold.

Let me reiterate in closing, Mr. Speaker, that the majority of the changes that are being made to the Livestock Industry Diversification Act are administrative ones that will make it easier for diversified livestock producers to do business in Alberta.

So, Mr. Speaker, Bill 34 is a step in the right direction for an industry that deserves our support, and I know that this industry is working hard to meet any challenges they face.

I encourage all members to support this bill. Thank you.

Dr. Taft: Well, I'd like to thank the Member for Drayton Valley-Calmar for cranking up the noise level and waking everybody up here, but despite his valiant attempt at convincing the Member for Edmonton-Ellerslie and, through her, the rest of us to support this bill, we're going to be opposing this on a variety of principles. Better luck next time.

Thanks.

The Acting Speaker: The hon. Member for Drayton Valley-Calmar to close debate?

[Motion carried; Bill 34 read a third time]

Bill 35

Tobacco Tax Amendment Act, 2003

The Acting Speaker: The hon. Member for Calgary-Fort.

Mr. Cao: Thank you, Mr. Speaker. I rise to speak on the third

reading of Bill 35, the Tobacco Tax Amendment Act, 2003. As previously mentioned in the House, the proposed amendments in this bill would strengthen controls regarding the purchase and sale of tax-exempt tobacco at duty-free stores, over the Internet, and through the Alberta Indian tax exemption program. These changes will help level the playing field for all businesses that sell tobacco.

Mr. Speaker, I'm very pleased to say that there are no further points raised during discussion in Committee of the Whole. As such, I'm pleased to move third reading of Bill 35 because I know that in addition to the points just mentioned, it will also further discourage smoking, making Alberta a healthier province in which to live.

As the objective of this bill is simply clear, I would like to request that all the hon. members of this House allow me to call the question.

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

Dr. Taft: Thank you again, Mr. Speaker. That was a fine introduction to third reading here. This bill really does just close some loopholes, and it hopefully will further reduce the number of smokers in Alberta. It's pretty tough to argue with a bill that closes tax loopholes and reduces smoking, so I think we'll be wholeheartedly supporting this.

Thank you.

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

Mr. Cao: I would like to close the debate and call the question, Mr. Speaker.

[Motion carried; Bill 35 read a third time]

11:30head: **Government Bills and Orders**
head: **Second Reading**

Bill 42
Electoral Divisions Act

The Acting Speaker: The hon. Minister of Justice and Attorney General.

Mr. Hancock: Thank you, Mr. Speaker. I'd move Bill 42, the Electoral Divisions Act, for second reading.

The bill that's being presented to the House is in accordance with the motion, which was approved by the House earlier in this session, accepting the report of the Electoral Boundaries Commission. While many members of the House have expressed misgivings about certain aspects of the report, I think that by passing the motion, the House indicated that while we can all address boundaries in our own individual ways and find better ways to do the job, it's a difficult job. The boundaries commission did go through the process, held the hearings, and did the job that was asked of them, and the House concurred in that job. It is then incumbent on us to introduce the bill in the form that the Electoral Boundaries Commission recommended.

As I indicated earlier when I moved the bill for first reading, there will be amendments brought forward in committee. The amendments that will be brought forward in committee will be within the parameters of the report, within the context and philosophy of the report, and will be simply related to changes of name or amendments which don't move boundaries significantly outside the ranges that were set by the report but serve to unite communities which ought to remain united or otherwise deal with minor issues but issues which are of major concern to the localities involved.

I've had some discussion with members of the opposition to let them know the types of amendments that we'll be bringing forward and to invite any of those similar types of amendments from them to be included in a package of amendments, and we'll look forward to discussing same in committee. But for second reading the bill as it is presented totally complies with the Electoral Boundaries Commission report, which was accepted by resolution of this House.

I would move that we adjourn debate on Bill 42 at second reading at this time.

[Motion to adjourn debate carried]

The Acting Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I'd move that we adjourn until 1:30 p.m. tomorrow.

[Motion carried; at 11:33 p.m. the Assembly adjourned to Tuesday at 1:30 p.m.]