

Legislative Assembly of Alberta

Title: **Wednesday, December 3, 2003** **1:30 p.m.**
 Date: 2003/12/03
 [The Speaker in the chair]

head: **Prayers**

The Speaker: Good afternoon.

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

Please be seated.

head: **Introduction of Visitors**

Mr. Jonson: Mr. Speaker, I am pleased to introduce to you and through you to members of the Assembly Master Corporal Brian Curry, a Canadian air force reservist serving with the Prairie Region Cadet Detachment in Edmonton. He is accompanied today by Captain Grant Cree, public affairs officer.

Mr. Speaker, Albertans were shocked and saddened by the tragic loss of life in the attack on the World Trade Center on September 11, 2001. Using his own initiative and ingenuity, Master Corporal Curry designed and donated a monument dedicated to those who died in the World Trade Center. This monument, a 2.5-metre-high scale model of the trade center with the names of all 2,987 victims on it, is currently on display at the New York port authority near Times Square, where more than 200,000 people pass by each day.

Part of my ministry's mandate, Mr. Speaker, is to promote relations between the U.S. and Alberta. I cannot think of a better way to enhance that relationship than to demonstrate our solidarity during a time of need, as Master Corporal Curry has done with his wonderful monument.

Master Corporal Curry and Captain Cree are seated in your gallery, Mr. Speaker, and I would ask that they please rise and receive the traditional warm welcome of the Assembly.

head: **Introduction of Guests**

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

Mr. Hancock: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to members of the Assembly 24 grade 6 students from Earl Buxton elementary school in my constituency of Edmonton-Whitemud. They are accompanied today by their teacher, Mrs. Val Ritter. They're here, obviously, to observe and learn with keen interest about government and about their Legislature Building. They're seated in the members' gallery. I would ask that they please stand and receive the traditional warm welcome of this Assembly.

The Speaker: The hon. Minister of Seniors.

Mr. Woloshyn: Thank you, Mr. Speaker. It's my pleasure to rise today to introduce to you and to members of the Assembly staff members of the office of the public guardian. The office of the public guardian provides service to dependent Albertans throughout the province by providing appropriate decision-making mechanisms for individuals who are unable to make personal nonfinancial decisions for themselves. The office of the public guardian is celebrating an important milestone as December 2003 marks the

25th anniversary of the enactment of the Dependent Adults Act in Alberta.

Mr. Speaker, I'd ask the following five people to rise as I call their names to introduce them and receive our welcome. I will start with Darrel Koller, who is the public guardian for Red Deer central region – he is the only one who has been in the office since its inception – Brenda Lee Doyle, the newly appointed director of the office of the public guardian; Colin Grant, public guardian for the Calgary region; Barbara Hendry, public guardian for the Edmonton region; and Barbara Martini, public guardian for the north region. I would ask that we extend them the warm welcome of the Assembly.

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

Mr. Vandermeer: Thank you, Mr. Speaker. It's my privilege today to introduce to you and through you to the members of this Assembly 20 wonderful and, I will add, well-behaved students from Kildare elementary school. They are accompanied by their teacher, Mr. Iain Watson, and their student teacher, Mr. Dan Pagnucco. They are seated in the members' gallery, and I would ask that they rise and receive the traditional warm welcome of this Assembly.

The Speaker: The hon. Member for Whitecourt-Ste. Anne.

Mr. VanderBurg: Thank you, Mr. Speaker. I'd like to introduce to you and through you to members of the Assembly two very special visitors in the members' gallery: first, my constituency assistant, a very bright and capable person that keeps me well organized in the constituency, Faye MacAskill, and her favourite helper and her favourite grandson, Dylan. Would you please rise and receive the warm welcome of this Assembly.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. It's a pleasure to introduce to you and through you to all hon. Members of this Legislative Assembly visitors from Suzuki charter school in the constituency of Edmonton-Gold Bar. Mr. Ian Gray, the teacher with the class, today is accompanied by two parents, Ms Jeannette Smit and Mr. Daniel Cottell, and 15 students from the Suzuki school. Every visit I have to Mr. Gray's classroom is a pleasure. The classroom is well organized, and the students, one can tell, are very well instructed. These guests are in the members' gallery, and I would now ask them please to rise and receive the warm and traditional welcome of this Assembly.

Thank you.

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

Mr. Bonner: Thank you, Mr. Speaker. It's my pleasure this afternoon to introduce to you and through you to all members of the Assembly a constituent of Edmonton-Glengarry, Jennifer Ellefson. Jennifer is the niece of the late Brian King, who was a well-known and widely respected staff member in this building for 10 years. I would ask that Jennifer now please rise and accept the traditional warm welcome of the House.

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

Mr. Horner: Thank you, Mr. Speaker. It is my pleasure to rise and introduce to you and through you to all members of the House 65 visitors from St. Albert. These grade 6 students attend J.J. Nearing

elementary. The residents of St. Albert value education, and these kids are definitely a reflection of that. They're a great group. The staff and parents are to be commended on the great job they do at J.J. Nearing. The students are accompanied by teachers Mrs. Sonia Reid, Mrs. Christine Sowinski, student teacher Jennifer Windsor, and teacher aide Barb Cannon as well as parent helpers Mrs. Charlene Heavener, Mrs. Margo Brenneis, Mrs. Corinne Van De Walle, Mrs. Kim Opalinsky, Mrs. Beth Purdon. They are seated in the public gallery, and I would ask that they rise and receive the traditional warm welcome of the House.

The Speaker: The hon. Minister of Environment.

Dr. Taylor: Yes. Thank you, Mr. Speaker. I'm pleased to be able to introduce three people in the members' gallery today. They are Michael Carten, the president and CEO of Sustainable Energy Technologies – and what's interesting about this group is that they're working with BP Canada on solar energy and are actually going to have a project in northern Alberta with solar energy, so it's very positive that they've got some patented technology – Jeff Henwood, who is the VP of . . . Hmm, I can't read it. He's the VP of something. Sorry, Jeff. And Lanny Westersund. I'm very pleased to have these people here in spite of the fact that I can't read what you're VP and president of. Please stand and enjoy the warm welcome of the House.

Ms Graham: Mr. Speaker, it gives me great pleasure to introduce to you and to members of the Assembly a young man, Mr. Tye Bietz, who's seated in the members' gallery. Tye is a first-year honours science student at the U of A and is a fifth generation Albertan and spent many of his early years in the constituency of Calgary-Lougheed, my constituency, and spent many hours on the campaign trail with his mother and I.

Tye at age 19 is an Olympic-class trapshooter and has been both the Albertan and the Canadian champion in his age category since he was 13. Competing on the world stage, he has had many remarkable successes, topped this year at the Pan Am Games when he became the only Canadian male trapshooter to qualify for the 2004 Olympic Games in Athens. Tye's next task, Mr. Speaker, is to convince the Canadian Olympic Committee that as an Albertan and a rising star he should be allowed to compete at this summer's Olympic Games.

I'd ask all of the members of the Assembly to join with me in welcoming Tye and showing our support for him and his bid to represent us in the Olympics.

1:40head: Oral Question Period

Electricity Deregulation

Dr. Nicol: Mr. Speaker, the Premier has said that the Alberta Liberal opposition is opposed to electricity deregulation because it is, and I quote, the right thing to oppose, close quote. I agree with the Premier, and as an MLA I have opposed electricity deregulation since 1995. I continue to oppose deregulation because it has led to the closure of hockey rinks, swimming pools, and community centres and has made electricity unaffordable to many seniors and other Albertans on fixed incomes. To the Premier: given how much electricity deregulation has already hurt Alberta, why do you need, and I quote, a complete and absolute collapse, brownouts all over the place, an atrocious price for no power at all, end quote, before you even consider unplugging deregulation?

Mr. Klein: Mr. Speaker, it stands to reason that if there's a total collapse of the system, we have to rethink it, but that hasn't hap-

pened. I take great exception to the assertions by the hon. Leader of the Opposition. I don't know of any hockey rinks that have had to close. I don't know of any community centres and I don't know of any seniors that have been left in the dark and without heat.

Mr. Speaker, I misspoke, perhaps, when I said that the Liberals were right. What I meant to say is that the Liberals always oppose. That's what I meant to say. They always oppose, whether the project is right or wrong or in between. If it's a government program, they oppose, and that is their function in life. Their reason, their justification for being there is to oppose. Some people may say that I'm speaking undemocratically, but that is the simple fact. The fact of life is that they oppose everything the government does because they want to get us fired and they want to be the government and they want us to be on their side, God forbid, to oppose everything that they do. That is the nature of politics. That is the nature of the parliamentary system in Canada and wherever the parliamentary system exists. Their function is to oppose.

Now, relative to deregulation, Mr. Speaker, how can they oppose 3,000 megawatts of new power coming onstream? How could they oppose competition in a system where people are advertising and offering fantastic deals relative to electricity? They can oppose, as we do, sloppy billing practices, and we are taking care of that through the Department of Government Services, and the minister will gladly outline what his department is doing to curb and to make sure that sloppy billing practices are not the practice in the future and that those who carry out sloppy billing practices are brought to task. I can't see how the opposition could oppose that, but because the government is doing it, they will oppose it.

The Speaker: The hon. leader.

Dr. Nicol: Thank you, Mr. Speaker. Again to the Premier: given that the Alberta Association of Municipal Districts and Counties is also opposed to electricity deregulation, will you unplug deregulation?

Mr. Klein: Mr. Speaker, no, we will not unplug deregulation. We will not unplug a program that has accommodated some 3,000 additional megawatts of power in the province of Alberta. Why would we?

Mr. Speaker, before, under the old system, that's when we were faced with brownouts. The system that the Liberals like, the system that the Liberals promote is the same system that threatened the people of this province with brownouts and blackouts, and they supported that system.

Dr. Nicol: Again to the Premier, Mr. Speaker: given that your own Bolger commission pointed to the failure of electricity deregulation, don't you think it's time to unplug deregulation?

Mr. Klein: Mr. Speaker, the Bolger commission did not say that. Relative to the Bolger commission, the report was delivered to the Minister of Energy, and I'll have him respond and maybe clarify for the sake of truth what the Bolger commission actually says.

The Speaker: The hon. minister to supplement.

Mr. Smith: Well, thank you very much, Mr. Speaker. If one were to go through it as it's posted on web sites and is available, you find that the Bolger commission says: what is the government doing right? They talk about robust competition in the business-to-business market. They talk about the most advanced industrial systems market in North America. They talk about the best competitive generation model in North America.

They say what needs to be fixed: exactly the things that we asked them to look at. That was consumer billing issues, issues where the meter is read by the transmission arm and then it's reported by the retail arm. That needs to be fixed. We don't have that problem in two out of the three networks. We have it in one.

And the Bolger commission said: get to a plan, find the plan, stick to it, and continue forward. That, Mr. Speaker, is exactly what the government is doing.

Automobile Insurance

Dr. Nicol: Mr. Speaker, the Alberta government still rejects any plan that would deliver real savings on auto insurance. My questions are to the Premier. Why has your government rejected a rollback of 15 percent on auto premiums?

Mr. Klein: Mr. Speaker, we do what we think is the right thing to do relative to this issue in Alberta, and we deemed that the right thing to do was to freeze auto insurance premiums.

Mr. Mason: They're the highest rates in western Canada.

Mr. Klein: Mr. Speaker, I heard some yipping from across the way that they are the highest in western Canada. Well, you know, that is not right. What the hon. member says is simply not right. As a matter of fact, I was listening to an ad. I know that the insurance company in question is probably self-serving, but in British Columbia, where it's state owned, the ad went on to say that a person of a particular age and with the same driving record actually pays a lot less in Alberta than he or she would pay in British Columbia. The ad also went on to say that even if you had tickets in Alberta and had the same number of tickets in British Columbia, the amount that you would be paying in Alberta would be a lot less.

Now, if this member who is yipping across the way – and I can't identify him – would like to sue that company for false advertising and if he's calling this company a liar, Mr. Speaker, then I would ask him to stand up and say outside the Chamber that that company is lying.

Speaker's Ruling Anticipation

The Speaker: Hon. members, yesterday the chair provided some caution with respect to certain questions on bills before the House. At approximately 12:35 or 12:40 this a.m. this Assembly rose after giving Committee of the Whole support to the bill in question. Later today, tomorrow the bill is up for third reading, so we're not going to debate Bill 53 in the House, please, during question period. If they're questions specifically on policy, we'll deal with them, not the bill.

1:50

Automobile Insurance (continued)

Dr. Nicol: Mr. Speaker, to the Premier. You claim that your plan will save 80 percent for drivers. Your calculator that you've put on the computer does not show that for most of the drivers who call in. Why is it that your calculator doesn't work?

Mr. Klein: I don't know if it's a case of the calculator not working, but I understand that what has been posted on the web site are estimates only. I'll have the hon. Minister of Finance respond.

Mrs. Nelson: Thank you very much. Not to get into the debate on

the bill, our focus has been to put in place a structure that provides access to an insurance plan, that provides comparable rates to an insurance plan, and that rewards good drivers and penalizes bad drivers. So the structure that we've put in place and are focusing on this fall is a new structure for Albertans that will deliver an insurance plan that meets the requirements under the law of the province of Alberta that you must carry automobile insurance.

We have put in place on the web site samples of how this grid will work that they are debating and that will be part of the regulations as a result of this bill. We believe that we will accomplish that goal quite easily by following through on providing accessible insurance to all Albertans, affordable insurance to all Albertans, and comparably priced insurance to all Albertans.

Dr. Nicol: Mr. Speaker, again to the Premier. Given that the government spent \$1 million for actuarial studies on insurance rates, isn't it time to give Alberta drivers evidence that they will be able to save money? Can you release the information from that actuarial study?

Mr. Klein: Mr. Speaker, I don't see why not, but I'll have the hon. minister respond.

Mrs. Nelson: Mr. Speaker, we have said in the process of doing the evaluation that as we've done the assessments, the actuarial study will be updated, and when the final copy is completed by the actuarial company, it will be made available.

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

Electricity Consultant

Mr. MacDonald: Thank you, Mr. Speaker. Last July this government hired its own electricity blackout expert, Kellan Fluckiger, who was the former energy adviser to the Governor of California, Gray Davis. Gray Davis did not unplug electricity deregulation quickly, and he was terminated. Now, his economic and energy adviser is a former chief operations officer for the California Independent Systems Operator. Mr. Fluckiger was also in charge of California's chaotic electricity system and tried to organize the massive electricity shortage there. My first question is to the Premier. Did this government hire Mr. Fluckiger to manage rolling blackouts in this province considering he's had so much experience at this in the past in California?

Mr. Klein: Mr. Speaker, the question is a somewhat silly question, with all due respect, because there have been no rolling blackouts. We have no rolling blackouts. As a matter of fact, we have an excess of power.

I will agree with the hon. member of the opposition that the situation in California was indeed chaotic. We are not going down that road. That's why we have taken such a long time – well, it's been over eight years now – to bring about deregulation and, certainly, to learn from the mistakes in other jurisdictions and to learn from the successes in other jurisdictions that have undertaken deregulation. Mr. Speaker, I'll have the Minister of Energy speak to it because I'm not sure of all the details surrounding California, but I do know that it was a bit of a mess, to say the least.

This is not a mess. This is a situation that has brought on 3,000 megawatts of new power. This is a situation that has brought about competition.

By the way, I'll remind the hon. member that when he talks about power rates going up, the majority of customers are still on a regulated system, are still on a regulated rate. They're still on a regulated rate, but they won't tell the public that, because they are afraid to tell the truth. That's the problem.

The Speaker: The hon. member.

Mr. MacDonald: Thank you. Again to the Premier, Mr. Speaker: why did this government hire Gray Davis' ex energy adviser and put him in charge of negotiating an Alberta connection to the Pacific Northwest power grid, which, everyone knows, will only increase our domestic prices in this province? Why did your government do that?

Mr. Klein: Mr. Speaker, I'm not familiar with the details relative to the hiring of a consultant. That was obviously done through the Department of Energy, and I'll have the appropriate minister respond.

Mr. Smith: Well, Mr. Speaker, Mr. Fluckiger is employed on a contractual basis with the Department of Energy after an extensive search across North America for the appropriate individual to do the appropriate job. Mr. Fluckiger is at term. Actually, it's interesting, because if you read the Liberals' Unplugged method, you'll see that their program actually copies the California program, that would cost taxpayers some 5 billion dollars to recoup their costs and then pay outrageous costs for power for the next 10 years. I don't think anybody in Alberta wants to do that.

Mr. MacDonald: Again, Mr. Speaker, to the Premier: is Mr. Fluckiger working exclusively for the government of Alberta, or is he still representing now the interests of California's electricity industry?

Mr. Klein: I'll have the hon. minister respond.

Mr. Smith: Well, I think there's an appropriate person to ask for that, Mr. Speaker. In between the member's blackouts he can refer to Mr. Fluckiger personally to determine what his status is.

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

Municipal Regulation of Oil and Gas Development

Dr. Pannu: Thank you, Mr. Speaker. Alberta's municipal governments have absolutely no say on oil and gas developments taking place within their boundaries, not even when they're proposed for heavily populated and environmentally sensitive areas. Total control rests with the provincial Energy and Utilities Board. The EUB's mandate is to facilitate energy development, not to protect local citizens. Strathcona county recently set up a council committee, the first of its kind in Alberta, to try to give municipalities a voice when it comes to the siting of oil and gas developments. My questions are to the Minister of Municipal Affairs. Given that municipal approval is required for windmills to generate green power, why then is the same authority denied to local governments when it comes to oil and gas developments proposed for densely populated and environmentally sensitive areas?

The Speaker: The hon. minister.

Mr. Boutilier: Thank you. In fact, just the other day the hon. member from the Liberal opposition asked the exact same question,

and it had to do with the fact that under provincial regulation that we have today, the EUB is of a provincial nature all across the province. We have 360 municipalities, Mr. Speaker, so we have to look from a planning, from an authority perspective at how we look out for the entire provincial interest.

One thing, though, that's important that the hon. member didn't mention is the fact that the stakeholders, municipal leaders, all have an opportunity to present their case in terms of planning and developing in the long term for the interests of not only their municipality but for the entire province, and that's exactly what has happened.

2:00

The Speaker: The hon. leader.

Dr. Pannu: Thank you, Mr. Speaker. To the same minister: why is this minister and this government allowing the rights of Hastings Lake residents in Strathcona county to be dismissed out of hand by the Energy and Utilities Board while the minister stands idly by and does nothing to support local governments trying to stand up for their citizens?

Mr. Boutilier: Mr. Speaker, what the hon. member has just said is simply not true. I have a lot of faith, contrary to what the hon. member thinks, relative to municipal leaders in terms of their local authority and looking out for the interests of their citizens in Strathcona county. That's what they've been doing. They have in fact been presenting to the hearings that have been held. We look at it from a municipal perspective and also from a provincewide perspective, and again, to the hon. member, that's exactly what has happened. A consultant and stakeholders have spoken to them about the issues, and I'm very pleased to say that municipal leaders have done a very good job in terms of the points they've brought to the EUB.

The Speaker: The hon. Minister of Energy to supplement.

Mr. Smith: Thank you very much, Mr. Speaker. In fact, as the leader of the third party fully knows, that decision is open for examination. It was an open process. There were some 87 objections filed by members of the community, and the EUB evaluated each and every one of those objections. They also instructed the applicant to even further his area of interest and contact.

I can say that the Alberta Energy and Utilities Board has a great respect for the people of Sherwood Park, has a great respect for the process that's going on there, and has acted in the interests of the people of Sherwood Park, who of course benefit from oil and gas explorations throughout this great province, but also for each and every individual who is interested in the decision.

The Speaker: The hon. leader.

Dr. Pannu: Thank you, Mr. Speaker. My last question is to the Minister of Municipal Affairs. If the minister won't make oil and gas development subject to municipal approval, will the province at least give local governments the authority to use exclusionary zoning to keep oil and gas developments out of heavily populated and environmentally sensitive areas, and if not, why not?

Mr. Boutilier: You know, I'm so pleased that the hon. member had mentioned in terms of what the Municipal Government Act offers to the people of Alberta. The Federation of Canadian Municipalities, which represents over 2,000 municipalities across Canada, said that

Alberta's Municipal Government Act is a leader that other provinces should be following. Need I say any more, Mr. Speaker?

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

Kyoto Accord

Mrs. Jablonski: Thank you. Mr. Speaker, on Tuesday a senior Kremlin official declared that Russia would not ratify the international treaty known as the Kyoto accord, requiring cuts in the emissions of gases linked to global warming, delivering what many consider a fatal blow to years of diplomatic efforts. My constituents in Red Deer-North and all Albertans remain committed to taking action to reduce greenhouse gas emissions and addressing the issue of climate change. My question is for the Minister of Environment. How does the position of the Russian government affect Albertans and Alberta's plan to reduce emissions?

The Speaker: The hon. minister.

Dr. Taylor: Thank you, Mr. Speaker. We have to be clear that this recent announcement is not the official position of the Russian government. What we have is the chief scientific adviser and the chief economic adviser to Mr. Putin advising him not to ratify the Kyoto agreement. That's the advice he is being given, and I think it's good advice. It certainly vindicates the Alberta position.

Now, as I've said recently, you know, it's not over till the fat lady sings, and Mr. Putin is going to have to sing at some time, and until Mr. Putin sings, we don't know what the official position of the Russian government is. As we go forward, we wait. This Russian position is very clearly a vindication of the Alberta position, something that we've been arguing for a number of years.

The Speaker: The hon. member.

Mrs. Jablonski: Thank you. Also to the Minister of Environment: why do some people believe that the Kyoto treaty will be severely jeopardized if Russia does not ratify?

Dr. Taylor: Well, hon. member, the Kyoto agreement will fail because it needs 55 percent of the countries with 55 percent of the emissions. Without Russia's ratification the international treaty will fail. They need the Russian ratification for it to come into effect.

Mrs. Jablonski: My final supplemental is to the Minister of International and Intergovernmental Relations. What is the minister doing to follow up on reports that the Russian government will not ratify the Kyoto protocol?

Mr. Jonson: Mr. Speaker, as has already been mentioned, we have not had an indication that this particular report is substantiated. My department is and has been in contact with the Foreign Affairs ministry on this matter, and at this point in time we do not have an official position on the matter.

However, Mr. Speaker, this is a very important statement, it having been made by a very senior official in the Russian government. We hope that it reflects and comes to reflect the overall position and official position of the Russian government, and therefore we will see the opening for a more constructive and realistic approach to greenhouse gas emissions.

U.K./Calgary Regional Health Authority Consortium

Dr. Taft: Mr. Speaker, reports out of the U.K. today show that the Calgary health region's involvement in a private consortium to provide health services in the U.K. could lead to a loss of badly needed health care staff in Calgary and in other parts of Alberta. These private clinics in the U.K. will not be allowed to recruit staff from British public hospitals. In fact, a representative from the consortium has confirmed that current frontline staff in Alberta will be invited to come over to the U.K. My question is to the Premier. Is the Premier prepared to sit back and watch the Calgary health region poach its own staff away from Alberta to work in private clinics in Britain?

Mr. Klein: Mr. Speaker, the hon. member is presenting a worst case scenario, an absolute worst case scenario. This simply will not happen. As I understand it – and I haven't seen the formal agreement or even the preliminary agreement; I don't even know if there is one yet – if a health practitioner from Calgary or the Calgary region goes to the U.K., then an equivalent replacement will have to be put in place. In other words, there will have to be assurances of an equivalent replacement.

Mr. Speaker, in a conversation with Dr. Grant Gall, who's the dean of the Faculty of Medicine at the University of Calgary, he indicates to me that there will be some advantages, because he says that it's not uncommon for nurses and doctors from time to time to take leaves of absence and to seek the opportunity to study or to practise elsewhere. If they choose to practise in the U.K. at this particular hospital, they will not lose their place in line; they will not lose any seniority. So there are some advantages as well. The other advantage, of course, is that this will generate significant revenue for the RHA.

Dr. Taft: Well, back to the Premier again: where are these replacements going to come from? Has the Calgary health region or this consortium presented the government with any plan as to where this private consortium will get the health professionals needed to run these private clinics? Where are these replacements going to come from?

Mr. Klein: Mr. Speaker, the hon. Minister of Health and Wellness has been on top of this issue, and I'll have him respond.

Mr. Mar: Mr. Speaker, the details of this arrangement are still being worked out, but I want to repeat what I've said in this House before and assure Albertans that there will be no net loss of physicians from the regional health authority in Calgary. Indeed, there are a great number of possibilities that this will benefit the regional health authority dramatically. There has been a commitment that any revenue that comes to the regional health authority as a result of this arrangement will be directly put into frontline health services in that region.

There has been a commitment, Mr. Speaker, as the Premier indicated, that if people are on a sabbatical and going over to provide services in the U.K., there will be an equivalent health care professional brought in. These individuals can be recruited from all over, but in order to recruit, in order to retain the very best physicians and health care workers from anywhere in the world, we need money to do it. This is why this is a unique opportunity. It is an extraordinary example. Let me say this: only a person who is an ideologue would suggest that this isn't a good idea.

2:10

We are open to all kinds of ideas on this side, Mr. Speaker. Look at how we develop policy. We seek to understand the issues. We listen carefully to constituents from around this province to ask them what is of concern to them in the health care system. Here's what is of concern to Albertans. Albertans say that we want access to high-quality services within the public health care system. That is what our focus is on. That is what we have sought to understand. We then look at all of these different ideas. We weigh the pros and cons, we weigh the benefits, we weigh the risks, and we choose wisely with respect to moving forward on these ideas.

Mr. Speaker, in contrast, the opposition's policy is developed in a manner that perhaps a two year old would develop it. I'd say to my two-year-old daughter, "Mackenzie, what do you think of P3s?" She'd say, "No." If I asked her, "What do you think of innovative ways of delivering public services?" she'd say, "No." If I said: what about a new way of . . .

The Speaker: Hon. minister, I have no doubt that the people of Alberta are impressed with the parenting skills of the hon. Minister of Health and Wellness, but this is question period.

Dr. Taft: Well, the minister is right about one thing. Albertans do want access to services. They shouldn't have to travel to England to get them.

To the Premier: why won't the Premier do the right thing and call on the health region to withdraw from this misguided venture?

Mr. Klein: Mr. Speaker, it is not a misguided venture. It is innovative. It represents to me thinking outside the box. It will accommodate the development of medical expertise both here and in the U.K. It will generate revenue for the regional health authority, but anything that is good is opposed by the opposition.

You know, Mr. Speaker, I find it very, very interesting. I wasn't going to bring this up, but so obsessed with this situation and with the RHA is this hon. member that I understand he recruited someone in England to report back on the activities of Dr. Jivraj and Dr. Gall. Perhaps he can confirm or deny this. I was told it was a reporter, of all things, from the *London Guardian*. Now, perhaps the hon. member can confirm or deny that he had an operative in London to follow Dr. Jivraj and Dr. Gall and the rest of the delegation around. If he did, who paid for it? How was this expensed? I would really like to know. Now, if it's false, you know, if it's all a lot of blarney, then the hon. member can stand up and say so.

The Speaker: The hon. Member for Bonnyville-Cold Lake, followed by the hon. Member for Edmonton-Ellerslie.

Aboriginal Policy Framework

Mr. Ducharme: Thank you, Mr. Speaker. First Nations and Métis people in Alberta are expressing a desire to more fully participate in the province's economic opportunities. Given that Alberta's aboriginal policy framework recognizes the importance of socio-economic opportunities for aboriginal people and the potential to benefit from the natural resources sector, my question is to the Minister of Aboriginal Affairs and Northern Development. What kinds of efforts are being made by government to create opportunities for aboriginal people?

Ms Calahasen: Well, Mr. Speaker, in the year 2000 the government of Alberta actually approved the APF. It's a landmark policy document by a government. In fact, all across Canada my colleagues

at the federal/provincial/territorial ministers' meeting that I go to drool over what we've been doing with this government's progress on the aboriginal side.

In fact, Mr. Speaker, the aboriginal policy framework has two components to be able to achieve our goals and our objectives. Number one is on the internal side. On the internal side on the aboriginal policy initiative, which is a cross-ministry initiative, we have done a number of things. I think it's really important for me to be able to bring that information forward. In fact, it's available in the first annual report.

We were involved with Alberta Children's Services and Alberta Justice in terms of leading the proposed agreement in principle regarding the establishment of Blood tribe jurisdiction over child welfare matters. We were also involved in initiating involvement of the aboriginal tobacco framework as part of Alberta's tobacco reduction strategy. We also worked with Alberta Learning on the First Nations, Métis, and Inuit education policy framework. We also were involved in a first provincial program in aboriginal studies, including historical and contemporary issues. We also introduced the First Nations training to employment program with Human Resources and Employment. As you know, Mr. Speaker, EnCana Executive Vice-president Randy Eresman called Canada's aboriginal community our largest source of untapped manpower.

These are the kinds of things we're doing internally, Mr. Speaker. I would like to continue on the external side.

The Speaker: Well, I'd invite the hon. minister to take advantage of the section of the Routine that says Ministerial Statements. We'll be here tomorrow afternoon. We'll look forward to such a statement. But now we'll go to questions.

The hon. Member for Bonnyville-Cold Lake.

Mr. Ducharme: Thank you, Mr. Speaker. In light of your guidance I'll just direct one final question to the same minister. Can the minister provide some specific examples of the external partnerships that are strengthening Alberta's economic well-being?

Ms Calahasen: Well, I'm so glad to be able to talk on the external side, because, as I said, all my colleagues across the country drool over what's happening in Alberta. So I want to talk about the external component, Mr. Speaker, and I want to talk about the examples that have been happening. As an example, the St. Mary spillway, which borders the Blood reserve: Alberta public works stipulated in a tender that Blood members be given the opportunity to participate, and over \$2.5 million in payroll was actually earned by the band members.

Mr. Speaker, in the energy sector we have been working with Chevron Canada and Aseniwuche Winewak Nation, which was looking at a guiding principles agreement in March of 2001 which sets out the principles in the areas of land stewardship, project consultation, and a number of other things. Sturgeon Lake First Nation and Devon Energy Limited signed a joint venture partnership for the production of oil wells on the reserve and for the provision of oil and gas services from the First Nation to Devon Energy Limited.

On the forestry sector side, Al-Pac. Bigstone Forestry Incorporated is a sustainable wood harvesting company that was created through a partnership between Al-Pac, Weyerhaeuser Canada, Bigstone Cree Nation. [interjections] Oh, Mr. Speaker, I still have some more here.

In fact, Sustainable Resource Development has some success stories. SRD has renewed a memorandum of agreement with the North Central Aboriginal Association to make sure that they can get the coniferous wood in forest management unit S11.

We have Learning successes. We have been working with the Kainai board for the Blood reserve and treaty 6 tribal ventures, which would talk about the Stoney/Nakoda 15, 25, and 35 program being developed by Alberta Learning. Oh, I've got so much, Mr. Speaker.

The Speaker: Thank you very much, hon. minister. One of the administrative mechanisms is to try and keep the set of questions in the five-minute time frame. We've now arrived at that, so now we'll move on to the hon. Member for Edmonton-Ellerslie, followed by the hon. Member for Calgary-Fort.

Coal Bed Methane

Ms Carlson: Thank you, Mr. Speaker. Tomorrow in Camrose the Alberta Surface Rights Federation is holding a special meeting to address their concerns regarding the lack of information and regulation surrounding coal bed methane development. To date there are approximately 1,000 coal bed methane wells in Alberta, and the ministries have yet to establish an advisory committee to formulate the regulations. My first question is to the Minister of Energy. Given that coal bed methane production is well under way in Alberta, why has this government once again gotten ahead of itself and allowed production to go ahead prior to developing specific regulations dealing with unconventional gas?

2:20

Mr. Smith: Mr. Speaker, the companies involved in the production of unconventional gas have been around for a long time. Coal bed methane is not new to this province. What is new is the fact that there's new drilling technology, there's new extraction technology, and there's new seismic technology that allows us to be blessed with as much as 500 trillion cubic feet of this resource in this province.

Now, what we've seen through consultation and discussion with stakeholders is a very environmentally responsible approach to development of this product, this resource in Alberta. We're also particularly blessed in that the coal formation, the mid-coal formation of the Horseshoe Canyon, is not subject to water disposal and is, in fact, very dry. The deeper coal bed methane, Mr. Speaker, is in the Mannville zone. That Mannville zone is brackish water. What the companies do is reinject that saline or brackish or salt water back into the reservoir.

So, in fact, we have a very environmentally responsible approach to it. It has worked well with landowners, and the process is covered under the regulations set out by the Department of Energy and the Alberta Energy and Utilities Board. If there are any specific issues relating to coal bed methane, those are being covered by a stakeholders committee.

Ms Carlson: Mr. Speaker, when will the government decide to establish an advisory committee to formulate the coal bed methane regulations, and which department will be responsible, the Ministry of Environment or the Ministry of Energy?

Mr. Smith: I think that committee is probably about two to three years old now, Mr. Speaker. That program was in response to what we saw happen in the United States as they wrestled with the development of their coal bed methane and, in fact, did a poor job in their early stages. They're now getting much better at it. We haven't run into those controversies. We've got a particularly good approach to coal bed methane development. Regulations, as they're required, will be developed in the full course of time. Of course, not

one department in this government does anything solo. It's always done in consultation with the other departments.

Ms Carlson: Mr. Speaker, to the same minister: then what actions are the ministries taking to minimize the impacts of coal bed methane extraction to ensure that our province doesn't become an environmental wasteland like the Powder River basin in Colorado and Wyoming?

Mr. Smith: Mr. Speaker, the Powder River basin is not an environmental wasteland, as the member knows; neither is the Appalachian basin or the Warrior basin, where this coal bed methane was originally extracted under the new technologies.

Mr. Speaker, we have inset, because of our experience with natural gases and resources for the last 40 years, some of the best regulations in the world. We're the best regulator in the world. I would say that we have the best Department of Environment and Department of Energy in any oil producing jurisdiction, and I would think that they would continue in that pursuit of excellence.

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

Calgary Transportation Issues

Mr. Cao: Thank you, Mr. Speaker. In rural Alberta we frequently have suffered natural disasters, but in urban Calgary we are under tremendous growth pressure with no less urgency. Indeed, Calgary has grown by leaps and bounds. The population has reached 1 million, and in the last five years we've grown by 100,000 residents. New residents don't come with the proper infrastructure in their suitcases but with their free enterprising spirits and skills. I know that transportation roadways play a vital role in economic development and quality of life for Alberta, particularly in the large industrial park in my riding. My question today is to the Minister of Transportation. What have you done for Calgary during recent years?

The Speaker: I think, hon. minister, there are sections in the Order Paper called Written Questions and Motions for Returns. "Recent years" might elicit a response beyond 30 seconds, but try and stay within 30 seconds if you would, please.

Mr. Stelmach: Mr. Speaker, over the last three years we've certainly dedicated a fair amount of funds to the city of Calgary through the 5 cents a litre and also through other grants. I believe that over the last three years it is in excess of \$500 million. We have also assumed the full responsibility for the Deerfoot Trail. We've just recently extended it to highway 2, and that's helped out greatly. We are ongoing studying other, better economical additions to the city's roadways. We're also completing the three interchanges on the Deerfoot Trail. So there is a fair amount of investment going into Calgary.

The Speaker: The hon. member.

Mr. Cao: Thank you, Mr. Speaker. My supplemental question is to the same minister. Given that the city of Calgary council has recently approved \$900 million for transportation-related projects out of a \$2.5 billion five-year capital budget, how does the minister plan to assist them in these projects?

Mr. Stelmach: Mr. Speaker, the funds raised locally by the city will

of course go to their priorities. With the additional 5 cents a litre that they will be receiving from the global taxpayer of the province of Alberta, we do have some input in the kind of priorities that the city of Calgary puts forward in terms of their roadways. Overall, over the next three years just on the 5 cents a litre they will be receiving about \$212 million. Coupled with the money that they're raising, there'll be a sizable investment to the city of Calgary roadway system.

Again, we're going to do the ongoing completion of the roadways that we are responsible for around the city of Calgary as well. Highway 8 comes to mind. We're doing a functional plan there. We're completing the Stoney Trail part of the ring road. So there is a fair amount of work. I believe the ring road, the Stoney Trail, should be done by about 2007, so there'll be a vast improvement in the roadway system in and around Calgary in the next three years.

The Speaker: The hon. member.

Mr. Cao: Well, thank you. My last supplemental question is to the same minister. The minister mentioned the ring road around Calgary. Could you give us an idea what the status of it is now in terms of the land acquisition for the ring road?

Mr. Stelmach: Mr. Speaker, through the forward, very visionary thinking of the previous administration under Premier Lougheed we actually had purchased all of the land for the ring roads around Edmonton and Calgary – that's the transportation and utility corridor – so the land is in place. Now it's up to us to work on a plan to complete the roadway.

We are of course waiting with bated breath to see what news we will be receiving from the federal government in terms of infrastructure support. We're just waiting for the regime to change and see who we'll be working with in the future. There have been certainly loud musings from Ottawa that there'll be some contribution to growth pressures, population pressures when it comes to transportation. So we're awaiting that.

Given that, we have committed to completing the north/south trade corridor, and part of that north/south trade corridor, of course, is all the roadways within the city of Calgary as well. So that's the most information we have to date.

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

Unlicensed Day Homes

Dr. Massey: Thank you, Mr. Speaker. Burger flippers at McDonald's earn more than some workers caring for Alberta children. Fewer licensed child care spaces, unmonitored day homes, and declining day care college programs are the direct result of government policy with respect to children. My questions are to the Minister of Children's Services. What is the government doing to assure Albertans that children placed in unlicensed day homes are safe and well cared for?

Ms Evans: Mr. Speaker, there are no issues that we are aware of that relate to unlicensed day homes in Alberta. We have 41,000 spaces for children in regulated day cares. We had 256 withdrawals over this last year, but we actually have 7,000 unused spaces for children in day cares. Part of the reason that we subsidize parents is so that they are involved in the direct choices made for children that they place, so we rely on those parents to work with the community, work with the provider and make sure that the best care possible is there for the children. I will go so far as to say that the reporting has had

certain inaccuracies as it relates to Alberta and Alberta's day care community.

2:30

The Speaker: The hon. member.

Dr. Massey: Thank you, Mr. Speaker. To the same minister: given that we wouldn't abandon school-age children to unlicensed and unmonitored teachers, why is the government willing to place preschoolers in unlicensed and unmonitored homes?

Ms Evans: Well, the government does not place children in unlicensed and unmonitored homes. People choose to put their children based on their own best interests and on their own perceptions. A lot of grandmothers and aunts and uncles and family members would be disturbed if this government took the position that if there was somebody in their home receiving care, it was an unlicensed, unregulated, and poor placement for the child. Many of these homes are extended family members. We are with the pilot project, in fact, encouraging that. Mr. Speaker, it's a good thing for children to be surrounded by their own family members.

The inconsistencies here in this report, painting black the whole unregulated environment, seem to deem that the government is leaving capacity unfulfilled for these families.

I'll point out one other thing. In the past year's budget we provided \$5.6 million for day cares and day homes that seek to raise their qualifications so that they can provide 80 percent of those dollars for the day care workers, therefore having an effect of sustaining very strong and very capable workers, making sure that the staff turnovers are lower, and giving parents the opportunity to see extra developmental capacity built into programs in family day homes and in family day care. Mr. Speaker, we're working on an accreditation program, and we have all of the providers across Alberta bringing us ideas and better practices that we can do in that capacity. I think that rather than moving in a reverse fashion, we've moved forward to provide higher standards of care, and where people make their own individual choices, that is not something that government interferes in.

Where we have had complaints, Mr. Speaker, we have gone in and, to the best of our ability within the constitutional limitations, done an investigation, brought those issues to court, prosecuted those people that are doing things in an untoward fashion, and made sure wherever possible that we guide people to get educated about what the best places are in their community, to go to the Net, www.child.gov.ab.ca. They can find out how to be subsidized, find out what the standards are.

Mr. Speaker, I think we're doing more rather than less.

The Speaker: The hon. member.

Dr. Massey: Thank you. To the same minister. In spite of the minister's claims, poorly paid day care workers say that they cannot afford to continue programs. Why? What is the government going to do about it?

Ms Evans: Mr. Speaker, I referenced the \$5.6 million last year. We are providing for those day care employees to receive additional supports, to receive additional training. Our program at Grant MacEwan has added an even stronger opportunity for day care workers to be informed. We are, as I've said, putting more money into staff development than we had done previously through the accreditation program, providing those dollars to day cares where they have illustrated a willingness to work in elevating their

standards and making sure that the staff that are educated there are fully qualified in looking after the children.

Thank you, Mr. Speaker.

The Speaker: Hon. members, before we go to the next order in the Routine, I'm going to call on the Deputy Speaker for a special presentation. The hon. Deputy Speaker.

Page Recognition

Mr. Tannas: Thank you, Mr. Speaker. All hon. members, each day of the session we are served by the tireless efforts of our pages. On behalf of all the members of this Assembly we want to give each page a small Christmas gift to say thank you and to wish each and every one a Merry Christmas. I'd ask the Speaker's page, Greg Andrews, to distribute these gifts for us with our Merry Christmas.

The Speaker: Hon. members, might we revert briefly to the Introduction of Guests?

[Unanimous consent granted]

head: **Introduction of Guests**

(*reversion*)

The Speaker: Well, we have six members who want to participate. We'll call on the hon. Member for Grande Prairie-Smoky.

Mr. Knight: Thank you, Mr. Speaker. It is, indeed, a pleasure for me this afternoon to rise and introduce to you and to all members of the Assembly a very special guest that we have with us this afternoon, His Honour Wayne Ayling, the mayor of the city of Grande Prairie. Wayne is accompanied by his wife, Christine; his parents, Mr. Don and Mrs. Elaine Ayling of Stettler; sister Lois from Edmonton; and an aunt, Kay Strain. I would ask them to please rise and receive the warm welcome of this Assembly. They're seated in the members' gallery.

Thank you.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'd like to introduce to you and through you to all members of the Assembly a playwright, an actor, screenwriter, director, and theatre educator, a graduate of the MFA program in playwriting from the University of Alberta, and now the 2003 Governor General literary award recipient for playwriting for his *Einstein's Gift*, which received production at the Citadel Theatre last season. He is my constituent and a friend and an honoured writer. I would ask Vern Thiessen to please rise, and would you please give him a warm welcome. Another literary champion for Edmonton.

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

Ms Graham: Thank you very much, Mr. Speaker. I do have an introduction, but I would like to make one clarification for the record. The parents of Mayor Ayling, who is one of the award recipients we will be hearing about later, Don and Elaine Ayling, actually live in Calgary-Lougheed. They're my constituents, and I welcome them here today as well.

It is also my pleasure, Mr. Speaker, to introduce to you and other members of the Assembly Mr. Michael O'Reilly, who is seated also in the members' gallery. He is a resident of Calgary-Lougheed as well, and I just had the pleasure of meeting him for the first time

today. He tells me that he spends at least half of his time in Edmonton, so he covers all of the bases. I will be telling you more about him during Recognitions. He is one of the two recipients of the Dr. Gary McPherson awards of excellence, which were awarded today at City Hall. So I'd like him to stand.

As well, I'd like to recognize Dr. Gary McPherson, who's also in the members' gallery, for whom these awards have been named.

Let's give them a warm welcome from all of us.

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

Dr. Pannu: Thank you, Mr. Speaker. I'm pleased to rise and introduce to you and through you to all members of this Assembly my guests who are seated in the public gallery. They have traveled here from the Hastings Lake area to come and watch the proceedings of the House. They are Vic and Marie Newman, owners of the Berry Inn Bed and Breakfast; Carl Hoybak, Hastings Lake Bible Camp; Bill and Greta Voight, Hastings Lake Bible Camp. I will now ask them to please rise and receive the warm welcome of the Assembly.

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

Mr. Mason: Thank you very much, Mr. Speaker. I, too, have some guests from the Hastings Lake area – I'm not sure that all of them could stay – who are concerned about the impact of drilling in their neighbourhood. They are Bonnie Riddell, from the Elk Island public school district; a resident, Kelly Rolston; sisters Shirley and Marion McFall and their mother, Betty McFall, from the McFall ranch. I would ask them, if they are here, to please rise and receive the warm welcome of the Assembly.

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

Mr. Hutton: Thank you very much, Mr. Speaker. It is a pleasure for me to rise and introduce to you and through you to members of the Assembly a constituent of mine who is a very strong proponent of public education. Last week I tabled her response to the Learning Commission, and she is here today to watch the proceedings. I would ask my constituent, Mary Dunnigan, to please stand and receive the traditional warm welcome of this Assembly.

2:40 head: **Recognitions**

The Speaker: The hon. Member for Medicine Hat.

International Volunteer Day

Mr. Renner: Well, thank you. Mr. Speaker, December 5 marks International Volunteer Day, a day when communities around the world celebrate and honour those who dedicate their time to improving the lives of others. This week the Alberta government will pay tribute to six outstanding volunteers. I might add that one of those volunteers is Mrs. Evelyn Stahl, from the constituency of Medicine Hat.

The Minister of Community Development, responsible for tourism, will present each of these individuals with stars of the millennium volunteer achievement awards from the Wild Rose Foundation in the category of youth, adult, or senior. They will also be inducted into Alberta's volunteer wall of fame in the Legislature pedway, which was created as a tribute to volunteers in honour of the International Year of Volunteers in 2001.

Every year in every part of our province volunteers are making a difference in our schools, hospitals, youth centres, theatres, and nonprofit organizations. In fact, over 70 percent of adult Albertans

offer their time, skills, and talents to benefit others. Please let them know how much their service means and join me in sincerely thanking all of them.

The Speaker: The hon. Member for Grande Prairie-Wapiti.

Wayne Ayling

Mr. Graydon: Thank you, Mr. Speaker. I rise to recognize the mayor of Grande Prairie, Wayne Ayling, who was introduced a few minutes ago. He has joined us in the gallery along with Dr. Gary McPherson. Wayne Ayling is one of the first recipients of the Dr. Gary MacPherson award, presented by the Premier's Council on the Status of Persons with Disabilities at a ceremony today at city hall commemorating the International Day of Disabled Persons. Congratulations, Wayne.

As a lawyer, volunteer, culture and sport organizer, alderman, and now mayor, he has contributed to the inclusion of persons with disabilities in Grande Prairie. Last year he created a policy that allows AISH recipients to travel free on the Grande Prairie transit system, the first city in Canada to put in a policy like that. He's also spent a decade as a wheelchair basketball referee and recently received the Queen's Golden Jubilee Medal for his outstanding contributions.

Congratulations, Mayor Ayling. Thank you for helping the disabled community in so many ways, and congratulations as well for doing such a good job of filling the rather large shoes of the previous mayor of Grande Prairie.

Michael O'Reilly

Ms Graham: Well, Mr. Speaker, I too am very pleased to rise today and recognize Michael O'Reilly, the other recipient of the Dr. Gary McPherson award of excellence, which was presented today in conjunction with the International Day of Disabled Persons. Mr. O'Reilly is being recognized for leadership in the area of community inclusion for persons with disabilities.

As president of Thibodeau's Centre for Hearing Health and Communication Mr. O'Reilly uses a holistic approach to help deaf and hard-of-hearing individuals. He believes in the philosophy of social innovation through entrepreneurial activity.

Two recent Thibodeau projects illustrate this social entrepreneurship in action. The first involves a partnership with the University of Alberta and Grant MacEwan Community College to provide hearing aids, education, and training to deaf and hard-of-hearing individuals and their families in Ukraine. The second relates to the Canadian Snowflake Foundation, which is an endowment fund Mr. O'Reilly established and raises money for deaf or hard-of-hearing services and supports.

Congratulations, and thanks for your contributions.

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

Violence against Women

Ms Blakeman: Thank you, Mr. Speaker. This Saturday, December 6, is the 14th anniversary of the massacre of 14 young women at l'école Polytechnique. These murders were committed for the sole reason that the victims were women. I was executive director of the Alberta Advisory Council on Women's Issues on December 6, 1989, and one year later, with the support of the council and the help of women from many community organizations, I started a commemorative event which was held each year until recently. Those original committee members have stayed connected, and many continue to work on this issue. My thanks for their vigilance.

Fourteen years later the harsh emotions have faded, but the statistics continue to mount. Women under 25 are at highest risk, particularly when leaving an abusive relationship. Aboriginal women die from spousal violence at eight times the rate of nonaboriginal women, and 21 percent of women victims are abused while pregnant. One in two women has been a victim. A hundred of our sisters die each year in Canada. Those are just spousal violence statistics, not sexual assault, not child abuse.

Thank you.

Steven Kesler

Mr. Lord: Mr. Speaker, just recently we had a milestone of sorts in the Marda Loop district of Calgary-Currie when one of our most famous small businesspeople quietly sold his business and went into retirement. A shy, soft-spoken fellow, Steven Kesler hasn't been in the news much since 1985, but he was the biggest news story in Canada that year, garnering front-page headlines for months as the drugstore vigilante, a media circus I well remember, having started his legal defence fund. Tens of thousands across Canada supported Steve, and thankfully many donated money as well, but Steven himself had never sought out and was frankly embarrassed by such attention and was very glad to see it all eventually go away.

There are still many profound questions raised by that incident that to this day remain unanswered, such as: how far can a small businessperson go when, clearly, the system is failing to protect them? But those are questions for another day.

Today I just wanted to recognize this footnote in the history of the Marda Loop and send my congratulations and best wishes to Steve and his wife Mary for having survived long enough in their small business to finally reach retirement.

Thank you, Mr. Speaker.

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

Clarence Peters

Mr. Marz: Well, thank you, Mr. Speaker. I rise today to recognize Clarence Peters, who was honoured this past summer by the Calgary Stampede board awarding Clarence the prestigious pioneer of rodeo award.

By the time most men start thinking about chasing girls, Clarence at age 14 was already chasing chuckwagons around the half mile of hell at the Edmonton chuckwagon races. As Clarence became more experienced on the circuit, he was more in demand, often riding every heat, sometimes nine or more in a single evening.

Over the years Clarence won championship buckles, outriding for such chuckwagon greats as Tommy Dorchester, Dale Flett, Hally Walgenbach, Dallas Dorchester, and Bobby Cosgrave. Clarence rode for the chuckwagons from the age of 14 to 35, when he took about four years off only to return for another few years to ride for the Buddy Bensmiller outfit in 1979, when he won his 10th championship buckle.

Clarence has enjoyed a very long time in the sport he loved, a sport that has many risks but provides many thrills and excitement for so many fans.

This past weekend the Huxley community also honoured Clarence for his accomplishments with the presentation of a plaque commemorating his achievements. Congratulations, Clarence, on a very successful career in the sport of chuckwagon racing.

Thank you.

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

Violence against Women

Mr. Mason: Thank you, Mr. Speaker. On December 6, 1989, Marc Lepine entered l'école Polytechnique in Montreal, killing 14 young women because they were women. December 6 is a day to remember that violence against women continues to plague our society. A new report by the Canadian Institute for Health Information found that 8.4 percent of Canadian women report some type of partner violence. The highest rate was in Alberta, at 11.5 percent.

Jack Layton, leader of Canada's NDP, was a founder of the White Ribbon campaign commemorating December 6. The white ribbon is a symbol of men taking responsibility for ending men's violence against women. Today I would like to recognize all men and women who are working to end violence against women and children. We recognize those who work and give of their time and energy in emergency shelters, transition houses, and crisis centres. We salute those who will not give up until the violence stops.

Thank you, Mr. Speaker.

The Speaker: The Clerk will go on to the next item of the Routine, but, hon. members, today's seven presentations were outstanding. I wish all the citizens of Alberta could hear this all the time. Congratulations to all of you.

head: Presenting Petitions

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

Ms DeLong: Thank you, Mr. Speaker. I rise today to present a petition signed by 59 Albertans petitioning the Legislative Assembly to urge the provincial government to "establish a provincially subsidized monthly transit pass program for low income Albertans that would apply to all municipalities with a public transit system."

Thank you, Mr. Speaker.

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

Dr. Pannu: Thank you, Mr. Speaker. I rise to table a petition signed by 2,319 Albertans petitioning the Legislature to urge the government of Alberta to establish "the Chinchaga Wilderness as a legislated protected area."

Thank you, Mr. Speaker.

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

Mr. Mason: Thank you, Mr. Speaker. I'm presenting a petition signed by 277 Albertans petitioning the Legislative Assembly to urge the government of Alberta to "introduce legislation declaring a moratorium on any future expansion of Confined Feeding Operations, with a view to phasing out existing operations within the next three years."

2:50head: Tabling Returns and Reports

Mrs. McClellan: Mr. Speaker, I wish to table three documents today. The first is the annual report of the Alberta Agricultural Products Marketing Council for the fiscal year ended March 31, 2002. This is in accordance with the provisions of the Marketing of Agricultural Products Act.

Secondly, the Alberta Grain Commission annual report for 2002-2003. It was their goal to increase communication with the Alberta crop industry.

Finally, Mr. Speaker, I'm pleased to table the 2003 program for the Alberta Order of Excellence investiture ceremony, which was

held on October 16, 2003, at Government House. The Alberta Order of Excellence is the highest honour that the province of Alberta can bestow on a citizen. This year's three respected inductees are the Rt. Hon. Donald F. Mazankowski, Audrey Morrice, James Palmer, and Dr. Leonard Ratzlaff. Each shares a fervent belief in the human spirit and the promotion of education and lifelong learning.

Thank you, Mr. Speaker.

The Speaker: The hon. Minister of Human Resources and Employment.

Mr. Dunford: Thank you, Mr. Speaker. I have four tablings today. The first is the 2003 annual report for the Certified General Accountants Association.

Secondly, we have the 2001-2003 annual report of the Appeals Commission; thirdly, the 2003 annual report for the Alberta Land Surveyors' Association; and, lastly, the 2003 annual report for the Institute of Chartered Accountants of Alberta.

Thank you.

The Speaker: The hon. Minister of Community Development.

Mr. Zwodzesky: Thank you, Mr. Speaker. I rise today with two brief tablings. The first is copies of the special bulletin that I issued today called Albertans recognize International Day of Disabled Persons.

The second is the official program regarding ceremonial proceedings that occurred today at Edmonton city hall in honour of International Day of Disabled Persons. This was a special recognition event which our Premier's Council on the Status of Persons with Disabilities helped co-organize along with the city of Edmonton's Advisory Board on Services for Persons with Disabilities and with the Alberta Disabilities Forum. I just want to thank our staff, Terry Keyko, and others for their outstanding work in that regard.

Thank you.

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

Ms Blakeman: Thanks very much, Mr. Speaker. Sheila Precoor, Angela Krizan, Laura Smith, Katrina Plamondon, Julie Meilleur, Natasha Willier, and Julie Stephenson, who are all nurses, have asked me to table copies of their letters to their MLA. They are outlining a number of concerns including their ability to provide safe care, the small number of negotiating hours before this was sent to arbitration, and their concern of the possibility of nurses moving away from Alberta because of the current situation.

Thank you.

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

Dr. Taft: Thank you, Mr. Speaker. I rise to table with permission the appropriate number of copies of letters from Mary-Ellen Wiechnik, Donna Maxwell, D. Woodward, Marilyn Nydakus, Alan Besecker, Margriet Edwards, Diane Lantz, Sherry Stone, Judy White, Pauline Worsfold, and Elayne Tarzwell. These letters express a range of concerns about negotiations between the PHAA and the UNA. They are all personal and heartfelt and represent, as I go through them, well over two centuries of nursing experience across this province.

Thank you.

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

Dr. Massey: Thank you, Mr. Speaker. I have a number of tablings. First I'd like to table letters from the Riverbend Elementary Parent's Society in Calgary, concerned with the cutbacks and the impact that the cutbacks in education have had on the programs that are offered in Riverbend elementary school.

I also have copies of a number of postcards that were sent to the Leader of the Official Opposition asking him to urge the Minister of Learning to reinstate funding so that there could be more teachers, teacher aides, and special-needs programs in public schools.

The last one is again from parents in Riverbend elementary school concerned with the cutbacks and the effect that the cutbacks are having on programs at Riverbend elementary school.

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

Mr. MacDonald: Thank you, Mr. Speaker. I have, with permission, two sets of tablings this afternoon. The first is letters of concern from constituents of the area of Clover Bar-Fort Saskatchewan. These letters of concern in regard to the collective bargaining negotiations going on between the Provincial Health Authorities Association and the United Nurses of Alberta are written by Pauline Worsfold, Darlene Graumann, and Linda Slusarenko.

The second series of tablings I have are from Judy Howe, Donna Nelson, Veronica Chan, Joan Porter, and Ronda Paluch. These are also nurses concerned about the collective bargaining agreement and the progress of that collective bargaining process between the UNA and the Provincial Health Authorities Association. These nurses are from the constituency of Westlock-Barrhead.

Thank you.

The Speaker: Actually, it's Barrhead-Westlock.
The hon. Member for Edmonton-Strathcona.

Dr. Pannu: Thank you, Mr. Speaker. I've got two sets of tablings today. The first set is letters from three residents of the Hastings Lake area. The first letter is from the Berry Inn Bed & Breakfast, dated November 25, addressed to the EUB, stating their concerns about the adverse effect that gas drilling will have on their business. The second letter is from Shirley McFall, dated November 23, addressed to the EUB, requesting the board to be fair and responsible and protect the public interest, as they're mandated to do. The third letter is from Marion McFall, dated November 30, addressed to the Premier. She is concerned that despite hundreds of letters opposing oil well drilling near her family home at Hastings Lake, drilling continues to go apace.

The second tabling, Mr. Speaker, is a document which contains the results of a survey conducted by the Central Alberta Council on Aging. A large majority of respondents are deeply concerned about the 40 percent or more increase in long-term care, and almost 100 percent found the electricity and natural gas prices intolerably high.

Thank you, Mr. Speaker.

head: **Orders of the Day**

head: **Government Bills and Orders**

head: Second Reading

Bill 57
Miscellaneous Statutes Amendment
Act, 2003 (No. 2)

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

Mr. Hancock: Thank you, Mr. Speaker. It's my privilege to move

in the tradition of the House Bill 57, Miscellaneous Statutes Amendment Act, 2003 (No. 2), for second reading.

[Motion carried; Bill 57 read a second time]

Bill 56
Alberta Court of Justice Act

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

Mr. Hancock: Thank you, Mr. Speaker. I'm pleased to rise and move second reading of Bill 56, the Alberta Court of Justice Act.

This bill is the third pillar of the government's reform of family law in Alberta. Last year this House passed the Adult Interdependent Relationships Act, dealing with nontraditional family relationships. This year the House has been considering and I hope will pass Bill 45, the Family Law Act. The Family Law Act consolidates and modernizes family law as it applies to all families in Alberta. The Alberta Court of Justice Act is the third pillar and proposes to establish a unified family law court to deal with our updated and modernized family law.

3:00

The need for a unified family court was strongly stated in the report of the Unified Family Court Task Force that was released in December of 2000. The task force was chaired by the hon. Member for Calgary-Lougheed and included MLAs, members of the judiciary, and members of the legal profession. In speaking to the bill, Mr. Speaker, I wanted to pay tribute to the members of the task force and to quote from their report:

The Task Force considers that all Albertans, wherever they live, have an equal entitlement to the services of the family-law court, judicial and otherwise. This should be recognized as a guiding principle. Where it is not possible to make those services equally available in terms of time and distance, every effort should be made to make them as accessible as possible, and in any event accessible within a reasonable time and distance, and creative and innovative measures should be adopted to give full effect to this guiding principle.

This bill has been based upon those very principles of equal access and the use of creative and innovative measures to do this.

I'd like to discuss four things with members as the House begins its review of the bill: why we need a unified family court, the factors that need to be considered in developing a unified family court, the principles of the bill and why it's a very good approach to developing a unified court, and the process of consultation and discussion that will continue after the introduction of the bill.

Currently, Mr. Speaker, there are two courts in Alberta that provide family law justice and services to Albertans. First, the Court of Queen's Bench sits either through resident judges or circuit judges in 13 centres in Alberta. Second, the specialized judges of the family and youth divisions of the provincial court do most of the provincial jurisdiction family court work in and around Edmonton and Calgary, and the remainder of the provincial court judges provide family law services in 75 centres around the rest of the province.

Some problems or inefficiencies exist because there are two court systems providing family law services. For example, the public can find it confusing as to which level of court they should be in. Similar proceedings can be dealt with in either court in many matters, so litigation may be duplicated. Public resources are expended under two separate systems that often overlap in jurisdiction. Having a single family court would eliminate the confusion, the overlap, the duplication, and the inefficient use of resources. As

well, having a single family court would provide the following opportunities.

Justices could specialize in family law matters. Although I want to be clear that we are not critical of judges and justices in the existing system, some justices do specialize or devote a large portion of their time to family law cases, but having a specialized court would attract justices who wish to specialize in family law matters. The government could focus public resources and, particularly, programs and services on one unified system rather than trying to cover two systems. A unified family court would be developed with the average citizen in mind, with easy to understand procedures which would also allow individuals to represent themselves in court where and when it was appropriate to do so.

There are very good reasons to have a unified family court, and as a result I don't believe that there is any opposition to the principle of having a unified family court. The debate and the discussion is really over how that court should appear.

Mr. Speaker, in developing a unified family court, there are several constraints that have to be considered and addressed. The first constraint is the Canadian Constitution. I don't wish to be overly technical, but there are two levels of court doing family law work because of the Constitution.

Section 96 of the Constitution requires that the federal government appoint judges to the Court of Queen's Bench. These judges are often referred to as section 96 judges. This has also been interpreted to mean that a province cannot confer on a body other than a Queen's Bench level court functions or authorities analogous to that of the so-called superior court. So, then, Alberta cannot confer on the provincial court, which is appointed and paid for by the province, functions or authority normally belonging to the Court of Queen's Bench, or section 96 justices.

Given these realities of the Constitution, a unified family court that has complete jurisdiction over family law needs to have section 96 court powers or at least needs to include section 96 court justices. Section 96 court justices are appointed by and paid for by the federal government. No province acting alone can establish a unified family court with section 96 powers. There has to be a partnership with the federal government, and that is the first constraint on the legislation.

The second constraint is judicial independence. Judges sitting today have been appointed by the federal government to sit in the Court of Queen's Bench and by the province to sit in the provincial court. As well as working with the federal government, we need to work with judges and justices at both levels of court to develop a court structure that justices will want to be appointed to.

The third constraint is resources. The percentage of judicial time spent on family law matters is very large. We could not build a new system and leave the existing systems as they are. As the new system is established, we need to be able to transfer resources from the old systems to the new. We cannot just build a new system and operate it alongside the old.

The fourth constraint is the geography of Alberta. We have two large urban centres, a number of regional centres, numerous small towns and rural communities throughout the province. We need to develop a court model that allows equal access for all Albertans to settle their family law disputes within a reasonable distance from their place of residence.

So, Mr. Speaker, then I'd like to turn to the bill itself, and as I explain to the House some of the key features, I believe members will understand how Bill 56 addresses both the opportunities and the challenges of developing a unified court in Alberta. Part 1 of the bill sets out the sections needed to establish the Alberta Court of Justice.

In section 2 the constitution of the court is described. These provisions create a court called the Alberta Court of Justice, having

two divisions: a family division, or section 96 court, and a provincial division. Members will appreciate that with these two divisions, the bill establishes the necessary section 96 component of a unified court. The provincial division would continue to handle civil matters under \$25,000, residential tenancy matters, adult criminal matters, and traffic matters. The family division would consider all family matters, including youth and criminal justice matters.

Section 3 describes how the court would be composed. The family division – in other words, the section 96 division – would be composed of a federally appointed Chief Justice and a number of federally appointed justices. To the extent that the federal government funds new judicial positions to the family division, new judges would be appointed. We anticipate that three-quarters of the federal appointments will come from the existing provincial court family judges. The other appointments would come from either members of the Court of Queen's Bench or from new appointments.

As only a limited number of new federal judicial positions would be made available, the future of the section 96 family division positions would be filled as Court of Queen's Bench positions became vacant. New judges would be appointed to the Alberta Court of Justice rather than to the Court of Queen's Bench until there was an appropriate balance of judges between the two courts. The fact that new appointments would go to the new court until the balance was reached is an indication that a significant part of the workload of the existing court would be transferred to the new court. This also addresses the problem of trying to resource a new court while continuing to operate the existing courts. Of course, the movement of judicial positions would occur over time until the full complement of the Alberta Court of Justice was reached.

Section 4 of the bill addresses the issue of transitioning from the current system to the new system by providing that each Court of Queen's Bench justice would also be a justice of the Alberta Court of Justice. This way, those justices could continue to deal with family law matters. As well, the Alberta Court of Justice would have provincial judges of the provincial division to sit in the family division. Provincial judges can handle most but not all family matters. As part of the implementation of the new structure we would have a single court administration that would be able to direct matters appropriately. Essentially, matters that needed to go before a section 96 justice would go before that justice. Other matters could be placed before a provincial judge of the family division.

The ability to use provincial judges in this way does a couple of things, Mr. Speaker. First, it allows the new court to be developed while continuing to provide existing court functions. It allows us to manage the transition to a fully resourced unified court. It also allows unified family court coverage of the entire province. Many other provinces have introduced family courts, but they've had to do it on a pilot basis or a geographic-specific basis. By setting up this structure and by providing for this particular type of transition, we see an opportunity to build a family court which could serve the whole province.

Mr. Speaker, I want to talk about covering the entire province. Referring again to the quotation I read from the Unified Family Court Task Force, it states: "The Task Force considers that all Albertans, wherever they live, have an equal entitlement to the services of the family-law court, judicial and otherwise." In establishing a unified family court, we do not want to have a unified court that's available only to Albertans in Edmonton or Calgary, or both, or only to Albertans in the 13 centres served by the Court of Queen's Bench. We want all Albertans, wherever they live, to have access to the court. Access is not just a matter of appearing before a justice. It means access to all those services, counseling, and precourt processes for dispute resolution. All members of this House

will know that family law problems do not stop at the borders of our cities and larger towns. Small-town Albertans and rural Albertans have the same need for these services as their city neighbours, and this bill represents a way of providing all Albertans with equitable access to justice in the family law area.

3:10

The other important component of the bill that I'd like to draw members' attention to is the provisions for officers and employees found in section 13 and onwards. The task force was very clear that the judicial component of a unified family court was only one aspect of a successful system. The availability of programs and services is also essential. Our intention is to make a broad spectrum of family law programs and services available to families through the unified court, and these provisions provide us with the framework to do that.

I can't stress this aspect enough, Mr. Speaker. Albertans need more than an efficient and effective forum to resolve their disputes. They need a family justice system that will actually help them, help them to resolve their disputes as easily and as amicably as possible, help them through the trauma of family disputes, and, in particular, help their children to adjust to new family circumstances. Moreover, they need a system that will encourage them to take responsibility for their own disputes and dispute resolution while ensuring that the necessary tools and expertise are available to ensure their success.

You'll note that the act is very large. In addition to setting up the court, the act contains many of the provisions of the existing Provincial Court Act. For example, part 2, called Provincial Division, contains the provisions for the appointment of provincial division judges, provisions for retirement, provisions for reappointment.

Part 3, Family Division, sets out the jurisdiction of the family division and also sets out the powers the court will need in order to consider family matters.

Part 4, entitled Provincial Division, describes the jurisdiction of the provincial division and sets out what are essentially the existing provisions surrounding civil claims.

In part 5, General Judicial Matters, we find the general powers that are necessary for the Alberta Court of Justice to do its work.

Part 6 covers the administration of the court and, more specifically, the council of judges. The council of judges is made up of the chief judges and members of the provincial division and family division. Its role is to review the court's business plans, set general policy on court sittings, look at the operation of the act, its rules, and court officers.

There are also a number of consequential amendments contained in the bill which will do two things. They'll change references in other statutes from provincial court to provincial division and, more importantly, will amend substantive family law to give authority to the family division of the Alberta Court of Justice to hear and consider family law matters.

Other provinces in Canada, Mr. Speaker, have unified family court systems, and different provinces have addressed unified family court issues in different ways. There is no perfect model. The task force looked at models in other provinces and made recommendations about the composition of a unified family court in Alberta. They also did a lot of work finding out what Albertans want in a unified family court. Although this bill adopts the principles of the task force, I want to be clear: it does not adopt their recommendation as far as the court model is concerned. While the task force was concerned with the constitutional constraints and the difficulty of transition and therefore recommended a different model, I believe that the model proposed in the bill does the best job of any model in addressing the issue of equal access to justice for Albertans across the province, and that makes it worth striving for.

I began my remarks by noting some of the constraints that we have to address when developing a unified family court. We also have to

act in partnership with the federal government, with the justices of the Court of Queen's Bench, and with the judges of the provincial court. We need to involve lawyers and listen carefully to the advice and experience of the practising family law bar. Most importantly, we have listened to Albertans, and because this has to be a court that works well for Albertans, it can't be a court that only works well for lawyers and judges.

The introduction of this bill is not the end of consultations or discussions about how we should develop a unified family court or what its model should look like. The government does not intend to pass Bill 56 in this sitting of the Legislature or encourage the Legislature to pass it but, rather, wants to table the bill so that the bill can look at a preferred model for a unified family court. We believe that the discussion of a unified family court will be advanced if there's a legislative proposal to debate and upon which to base discussion.

I know that the practice of hon. members of the House is to be constructive in their analysis when family law matters are on the floor for debate. I would like to ask all members to be equally constructive in their discussion of this bill. If this is not a model of the unified family court that would benefit Albertans, then we need to consider an alternative model that is guided by the same principles that have guided this model.

These principles are guided by the result of the task force, the needs of the federal government, and our needs as a provincial government representing Albertans. These include providing a single court with a jurisdiction to hear all family matters, providing access to an array of programs and services, providing specialized judges who are experts in family law, providing a user-friendly environment where procedures are easier to understand, achieving efficiencies by reducing overlap and duplication by using alternative dispute resolution, ensuring that access to services is maintained in terms of the diversity of services offered in the community served, encouraging people to be involved and take responsibility for their own dispute resolution, take responsibility for ensuring that the best interests of the child come first, and having access to the tools and expertise to be successful.

I'm convinced that this bill is a good model and a good approach, but I'm open to the discussion of members and Albertans. As I indicated earlier, it would not be our intention to pursue passage of the bill. We wanted to put it on the table to have a model for people to look at, to open the discussion, and I hope that we'll be able to bring back this or a better model for consideration in the next sitting of the Legislature.

Mr. Speaker, I would move that we adjourn debate at this time so that we can have that full and complete public discussion before we bring the bill or a new form of the bill back for discussion by members in this House.

[Motion to adjourn debate carried]

head: **Government Bills and Orders**

head: Committee of the Whole

[Mr. Tannas in the chair]

The Chair: I now call the committee to order.

Bill 57
Miscellaneous Statutes Amendment
Act, 2003 (No. 2)

The Chair: Are there any comments, questions, or amendments to be offered with respect to this bill?

[The clauses of Bill 57 agreed to]

[Title and preamble agreed to]

The Chair: Shall the bill be reported? Are you agreed?

Hon. Members: Agreed.

The Chair: Opposed? Carried.

Bill 48

Alberta Heritage Foundation for Science and Engineering Research Amendment Act, 2003

The Chair: Are there any comments, questions, or amendments to be offered with respect to this bill?

Mr. Doerksen: Mr. Chairman, I just want to thank the various members who spoke at second reading in support of the efforts and work we're trying to do at the Alberta ingenuity fund, more commonly known here as the Alberta Heritage Foundation for Science and Engineering Research. I don't believe that there are any amendments to be forwarded on this bill, so I would ask that we proceed.

Thank you.

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

3:20

Dr. Massey: Thank you. Just a couple of comments about Bill 48, Mr. Chairman. It's a good bill, and we're pleased to have it here and to support it.

It's going to build the international reputation of science and engineering research in this province and has the potential to add to the top-notch research environment that already exists in this area in the province. It's going to attract and train and help us retain the brightest students and researchers in engineering and science, and it will attract funding from public and industry sources to the betterment of research in this area. We'll see in the future that it holds the promise of creating and being the basis for many new enterprises and businesses in our province, so we're delighted to see it here. We're delighted to see the money from the fund being expended.

Thank you.

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

Dr. Pannu: Thank you, Mr. Chairman. I'd like to make a very few remarks on Bill 48, Alberta Heritage Foundation for Science and Engineering Research Amendment Act, 2003. This bill is about making the foundation and its work even better than it is now.

I notice that other than making some minor editorial changes which are a response to the changes in designations of ministers and the addition of a new minister, section 8 is repealed and is substituted by provisions which I think are good provisions. They certainly are a considerable improvement over the relatively vague section 8 which it replaces. It specifies the market value, defines it, exactly what's meant by it. It specifies that the foundation can draw 4.5 percent of the market value every year, and if in a given year the foundation requires less than 4.5 percent, then the difference between that which is withdrawn and the 4.5 percent amount can be transferred over to the next year. It can be made available to researchers and institutions that draw on this fund in the following year. So, certainly, that is an improvement, and there's greater

clarity and specification with respect to the provisions of the existing act.

With those few remarks, I think it's a good bill. It certainly makes the needed improvements and has the New Democrat opposition's support. Thank you.

[The clauses of Bill 48 agreed to]

[Title and preamble agreed to]

The Chair: Shall the bill be reported? Are you agreed?

Hon. Members: Agreed.

The Chair: Opposed? Carried.

The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I would move that the committee rise and report bills 57 and 48.

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy Speaker: The hon. Member for Calgary-Lougheed.

Ms Graham: Yes. Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following: Bill 57 and Bill 48. That is my report.

The Deputy Speaker: Does the Assembly concur in this report?

Hon. Members: Agreed.

The Deputy Speaker: Opposed? So ordered.

head: **Government Bills and Orders**

head: Third Reading

Bill 48

Alberta Heritage Foundation for Science and Engineering Research Amendment Act, 2003

Mr. Doerksen: Mr. Speaker, I again want to thank all members of the Assembly for their support of this bill and the ability of the Alberta ingenuity fund, the trade name under which it operates, to continue and sustain their investment in research in the province of Alberta while at the same time now allowing the fund to grow in value and sustain its value.

Mr. Speaker, while I call for third reading of this bill and move it, I do want to just point Albertans' attention to two things just to illustrate the importance of the Alberta ingenuity fund. One would be the Water for Life strategy, that was unveiled last week by the Minister of Environment. It talks about the importance of science and research in that initiative, and the Alberta ingenuity fund actually has begun to play a role in this already. You can actually read about it on their web site. I would invite members of the Assembly or all Albertans to look up their web site – it's under the worldwide web, albertaingenuity.ca – and read about the good things that this fund is doing.

On October 15, 2003, there was a significant announcement made by the ingenuity research to do with a centre for water research, which is actually a collaborative initiative by three of Alberta's universities, those being the University of Lethbridge, the University

of Calgary, and the University of Alberta. This is an excellent first step in addressing some of the scientific and research requirements under the Water for Life strategy, and I'm pleased that the ingenuity fund has taken this on as kind of a flagship initiative that will begin to make its mark for the future of Alberta.

So with those few comments, Mr. Speaker, I am pleased to support this change because it means a more stable and ongoing commitment to the research in this province.

[Motion carried; Bill 48 read a third time]

Bill 51
Natural Resources Conservation Board
Amendment Act, 2003

The Deputy Speaker: The hon. Member for Whitecourt-St. Anne.

Mr. VanderBurg: Thank you, Mr. Speaker. I'm pleased to move third reading of the Natural Resources Conservation Board Amendment Act, 2003. First, let me thank the Minister of Sustainable Resource Development and his staff and the chairman of the NRCB for educating me with regard to the dealings of this very important board.

The role of the Natural Resources Conservation Board is to provide an impartial process to review projects that could affect Alberta's natural resources. As I mentioned in earlier debate under this act, the board may also give other responsibilities under other acts such as the Agricultural Operation Practices Act. Those responsibilities may include running a regulatory system in addition to the board's quasi-judicial status.

The board's duties have increased significantly since this act was originally established. For the board to function effectively and efficiently, its roles and responsibilities must be clear. For that to happen, some changes are needed. They need to clarify the board's more comprehensive function. They need to ensure adequate resources to meet an increased workload, and they need to keep the financial processes consistent with government practice.

Mr. Speaker, the amendments proposed in the Natural Resources Conservation Board Amendment Act bring the clarity needed to distinguish its diverse and comprehensive duties and enhance its accountability. The changes will also clarify financial controls, membership of the board, and the objective nature of the appeals. They will permit the board to fill its quasi-judicial role in a fair and neutral fashion and still keep its administration businesslike and efficient.

Thank you.

3:30

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

Dr. Taft: Thank you, Mr. Speaker. Our concerns, certainly my concerns remain what they were, and nothing has been done to address those. Fundamentally my concern is that this bill will have the effect of increasing the power of the minister over the Natural Resources Conservation Board by giving her or him, in effect, complete budget control. So that, of course, as I said earlier, reduces the independence of this board – if it doesn't in actuality, it does in appearance – and for this board to function well, independence is crucial. The public must perceive this board and the processes it administers as above politics and above political interference, beyond the reach of those kinds of interests.

So that fundamental concern remains, and as a result I for one feel compelled to oppose this bill. Thank you.

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

Dr. Pannu: Thank you, Mr. Speaker, for the opportunity to briefly comment on Bill 51, Natural Resources Conservation Board Amendment Act, 2003. Other than outlining the maximum number of members of the board by way of this act and specifying that they'll be appointed for a five-year term and their designation, then, as either full-time or part-time, the most important part of the bill is contained in section 22, which will now be renumbered. The addition to that section 22 in the form of sub (2) is the one that concerns me most. That's the one that would seem to take away whatever independence and autonomy this board has had from the minister in the past.

The renumbering of section 22 and the addition of sub (2) very strongly redefine who has the control, and that's the minister. So the board's ability as a quasi-judicial body, as the Member for Whitecourt-Lac Ste. Anne emphasized, will be compromised further by the change that's sought by way of this act. So it's a step backwards.

If the role and the functions of the board are to be quasi judicial, then its independence must be protected. It's not merely a question of perception here. It's a question of, really, the actual substance of that independence that remains with the board. This bill will very seriously reduce that, so it will make the ability of the Natural Resources Conservation Board even more restricted by making it accountable first and foremost to the minister himself because it won't be in a position to exercise independence from the minister.

So for that reason, the New Democrat opposition remains opposed to Bill 51. Thank you, Mr. Speaker.

Hon. Members: Question.

The Deputy Speaker: The question has been called. The hon. Member for Whitecourt-St. Anne to conclude.

Mr. VanderBurg: Question.

[Motion carried; Bill 51 read a third time]

Bill 44
Personal Information Protection Act

The Deputy Speaker: The hon. Minister for Government Services.

Mr. Coutts: Thank you, Mr. Speaker. I'm pleased to rise in the Assembly this afternoon to move third reading of Bill 44, the Personal Information Protection Act.

Mr. Speaker, Albertans value the privacy of their personal information and want to ensure that this information is not being used inappropriately by commercial organizations in the private sector. The Personal Information Protection Act will establish clear, concise, and commonsense rules for commercial organizations in their collection, use, and disclosure of personal information.

The government certainly appreciates and acknowledges the support on both sides of the House for the principles embodied in Bill 44. It is also important to note that this bill is very similar to the act recently passed in British Columbia, which will enable organizations in both provinces to operate under the same rules. It would be very positive if other provinces were to follow our lead.

Mr. Speaker, I believe that Bill 44 has improved with the consultations that have occurred since introduction in May. We have heard from many organizations and have responded by making some amendments to the bill. We have heard from our stakeholders that

the Personal Information Protection Act is good legislation and will be much easier for businesses to comply with as opposed to the federal privacy legislation that will take effect next year.

I would like to thank the hon. Member for Spruce Grove-St. Albert for his participation in moving second reading of the bill in my absence. I know, Mr. Speaker, from the debate we have had that the passage of Bill 44 will provide Alberta businesses with the certainty that they will be governed by a provincial act designed for Albertans to meet Albertans' specific needs.

Thank you.

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

Dr. Taft: Thank you, Mr. Speaker. I do have a number of comments about this act that I feel compelled to put on the record, and perhaps at some date the minister can respond. This act, as the minister said, applies to commercial activities. It's being brought in to avoid the federal legislation taking hold in Alberta, and of course I hope that works out for the best.

But there are some complications. As health critic I think of these complications especially in terms of the Health Information Act and the relationship between that piece of legislation and this particular bill we're discussing today. The fundamental question really is: what is the relationship between the two bills? What is the relationship between the Health Information Act, on the one hand, and the Personal Information Protection Act on the other?

For example, we have many health care professionals who will find themselves caught under both pieces of legislation. A pharmacist, for example, may fill a prescription that comes under the Health Information Act and needs to proceed through that whole system, and then he may have a prescription that's simply under the Personal Information Protection Act. It may not even be clear to that pharmacist which act applies.

3:40

For example, if it is a prescription written by a doctor under the public health care system, the legislation that applies is the Health Information Act. If it's a prescription written by a doctor who's working through Workers' Compensation, then it's a commercial activity, and it's under the Personal Information Protection Act. The pharmacist may not know, and this, of course, will create problems for pharmacists.

The same kind of thing could happen to surgeons, for example, who may have one patient who comes in – let's say it's a plastic surgeon – for removal of a suspicious mole on their arm. That is a medical procedure covered for information purposes under the Health Information Act. The next patient may be seeing the plastic surgeon for something entirely private: a facelift, a tummy tuck; who knows? That kind of business is under this bill we're debating today. Again, this is going to cause frustrations, confusion, and extra work and bureaucracy for any number of health professionals. That's an issue that, to the best of my knowledge, has not been sorted out through either legislation or regulations.

If the minister, perhaps another day, wants to respond to those concerns in writing, I'd appreciate that. I would actually suggest that we should consider folding the Health Information Act under this piece of legislation at some point in the future.

I also have to return to my concern about what the costs are going to be to businesses of complying with this piece of legislation. Has the government done any analysis? What is the effect of that going to be? When I go to small, little businesses, as I did a couple of weeks ago – I went to a coffee shop, and the coffee shop owner had his business cards out, and underneath his name and title he had in

brackets: chief privacy officer. Well, there probably weren't three employees in his entire business, and they had to have a chief privacy officer.

So I worry. I worry about the kinds of bureaucracy we're putting in place. I understand why it's going in, because I also respect the need for managing privacy, but this is a bill that I think we're going to be revisiting sooner than many of us expect.

What education program is in place as these businesspeople struggle to implement this legislation, as health professionals struggle to implement it? How are they getting trained? I believe the FOIP commissioner has efforts under way here. I just hope that they're adequate.

And, of course, there are some fuzzy areas around the jurisdiction of this bill. We had some discussion around its application to political parties or not and sorted that out. How clear is it now how the bill will apply or won't apply to charities, to professional bodies, to clubs, and on and on? There's a lot of room here for clarification. I'll be looking to the regulations for good guidance on that.

So it's with some reservation that I consider this bill. I guess we do need to move forward. It is presumably more workable than the federal legislation. I just hope we haven't cut too many corners in thinking this through.

Thank you, Mr. Speaker.

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

Dr. Massey: Thank you, Mr. Speaker. I'd like to make a few comments at third reading of Bill 44, the Personal Information Protection Act. This is an important act for Albertans. The question of personal privacy with respect to your personal information seems to almost daily be in the news because of breaches of that information or falsifying of that information or actually the theft of that information by individuals, so it's become an increasingly important aspect in our lives. I suspect that part of that is due to the rapid advances in technology and the amounts of information that can now be stored and transmitted.

That being said, the act has tried to deal with a number of concerns that would assure Albertans that their personal information is well cared for, yet I don't believe the act has addressed the three major criticisms that were leveled against it by the federal Privacy Commissioner. One of the weaknesses was the power given to the Lieutenant Governor in Council to make regulations. The commissioner pointed out four areas in the bill that concerned him. One was giving consent, that they have powers with respect to giving consent. The powers listed are also procedures that can be used in making and responding to access requests. A third concern was that they would be able to make regulations with respect to the circumstances in which personal information can be collected, used, or disclosed without consent – that was a major concern of the commissioner – and the ability of the cabinet to declare areas of personal information to which the act does not apply. The commissioner identified the regulation power of the cabinet as being a major weakness or flaw in Bill 44.

There were two other concerns. The second one was the business of grandfathering, those provisions in the bill that talk about information collected before and after the coming into effect of the bill, the act stating that information collected prior to the bill was deemed to have been collected pursuant to consent given by that individual. This is a very difficult problem because I think it was pointed out in some letters to us that there are service providers that have massive lists of customers. Were they required to gather consent, it would be a horrendous task for them. Yet that being the case still doesn't detract from the commissioner's concern that information was gathered that indeed may not conform to the

provisions of this act and that that is really a concern and that there's no really meaningful protection for that information that's sitting out there with respect to individuals.

The third area that the commissioner mentioned that is still in the act and is still of concern is the permission that the bill gives employers with respect to the rights of employment. The commissioner points out that it's really the workplace where most of us spend our waking lives. For the bill to allow the collection, use, and disclosure of employee personal information without consent really does deprive employees and prospective employees of control over their own personal information.

I'm sure, as my colleague for Edmonton-Riverview indicated, that we are going to be back sooner rather than later with amendments to the act as the act goes into force and we work our way through it. Maybe given the nature of this kind of legislation, that's the only way it could have been done, Mr. Speaker.

So with those few comments, I conclude. Thank you.

3:50

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

Dr. Pannu: Thank you, Mr. Speaker. I'd like to again comment briefly on Bill 44, the Personal Information Protection Act, or PIPA. I want to note that the minister did invite us for consultations on the bill and expressed considerable interest in addressing some concerns that we had shared with him, but my understanding is that we weren't able to get the minister's agreement to make some necessary changes in the act in order to narrow the scope of one particular term, agreement, which is used as a blanket category when talking about the effect of this act with respect to protecting privacy on accessing information.

My colleague from Edmonton-Highlands has spoken extensively to our concerns, has communicated those concerns personally to the minister, shared those concerns with him, and had some discussions. Later my colleague from Edmonton-Highlands tried to amend the act with respect to that particular concern so that the collective agreements are exempted from the provisions of the act. That has not happened. We have expressed our opposition to that part of the bill consistently, and we continue to have those concerns.

I guess that the New Democrat opposition will have to now wait to have a look at the regulations that are developed and approved by the minister as the bill is proclaimed. I urge the minister to address that concern that we have specifically expressed with respect to the possible application and use of this act to restrict the ability of labour organizations, employees' representative organizations, to have access to the information of their members or employees that they represent in workplaces where they're represented, especially during organizing drives and after a certificate has been issued but before a first collective agreement is reached.

So there is a potential problem with the bill. We have certainly flagged it. We have drawn the minister's attention to it. We appreciate the fact that he gave some consideration to this. Now we will wait to see whether or not that concern and consideration that he has expressed to this point gets translated into specifically allaying those concerns as the regulations of the bill are developed after its passage in conjunction with its proclamation.

Thank you, Mr. Speaker.

[Motion carried; Bill 44 read a third time]

Bill 50 Wildlife Amendment Act, 2003

The Deputy Speaker: The hon. Member for West Yellowhead.

Mr. Strang: Thank you very much, Mr. Speaker. I would like to move third reading of the Wildlife Amendment Act, 2003.

The intent of this bill is to make the Wildlife Act more effective in a number of areas, primarily enforcement and administration. During committee we learned that many of the amendments support the work of the fish and wildlife officers. Increased penalties for poaching: increasing the fine for wildlife violation sends a clear message to the public and to the courts that Alberta takes such violations very seriously. Seizure of equipment used in poaching: authority to seize and retain equipment used by poachers certainly directly supports enforcement efforts. Reciprocal agreements: the capacity to co-operate with other jurisdictions ensures that those convicted of serious wildlife violations elsewhere won't be able to get hunting licenses in Alberta and vice versa.

Access to warrants and authorizations: another enforcement-related amendment that gives fish and wildlife officers access to federal investigation related warrants for more information about wildlife offenders. Outstanding fines for wildlife offences: people who haven't paid fines for wildlife violations won't be able to buy hunting or fishing licences until outstanding fines have been taken of. Trafficking in wildlife: advertising wildlife for sale – they may not be sold – will be deemed as an act of trafficking in wildlife. Reducing wildlife/human conflict: to reduce wildlife/human encounters, Alberta will require the authorization to issue cleanup orders to make people clean up food, resources, or other attractants that draw wildlife to settled areas. Exemptions of employees: another amendment related to duties of fish and wildlife officers, including wildlife research and duties that involve hunting and enforcement activities.

In conclusion, Mr. Speaker, Alberta is a very big province, and it is impossible to monitor everybody in the wilderness areas. With our rapidly growing population more people are living in rural areas or enjoying recreational activities on public land and where wildlife is more common. Accordingly, the Wildlife Act introduces additional valuable tools to assist our government in protecting and managing wildlife for Albertans.

Thank you very much, Mr. Speaker.

The Deputy Speaker: The hon. Member for Edmonton-Glenarry.

Mr. Bonner: Thank you very much, Mr. Speaker. It is indeed a pleasure to rise today and talk to Bill 50, the Wildlife Amendment Act, 2003, and, certainly, to thank the hon. member for bringing this particular bill forward because it does address a number of issues and tightens up legislation in regard to our wildlife here in the province. One of the things that we certainly saw in the bill and liked was that there are increasing penalties for certain offences. As well, what would happen with the changes in this bill is that repeat offenders would face higher penalties than first-time offenders. As well, those who are convicted of offences in relation to key species such as grizzly bear would face significantly higher penalties.

We certainly like the section of the act that will provide authority for an officer to order the cleanup of attractants or other actions that would attract certain forms of wildlife to garbage containers. Having grown up in Jasper, I've had many occasions to witness the bears coming into town or at the lodge dump, where the grizzlies would gather on a nightly basis to feed. Certainly, one of the highlights of our evenings was to go out and watch the grizzlies in action.

4:00

Dr. Taft: Was it like being here?

Mr. Bonner: Well, no. These guys are tame compared to those

grizzlies. There's no fear here. I think that if the opportunity arose today, Mr. Speaker, I'd also have to say that I have too much respect for the grizzly to put myself in that situation again.

We certainly enjoyed the portion of the act that was amended to require trappers to first have grounds or belief that the traps are unlawfully set and report such findings to an officer. This, again, is a very good change in the act.

As well, we like the new class of authorities called guide designations, which are now being used in accordance with various criteria in the regulations. These were formerly called guide licences. Amendments that will be taking place will be more like licences and permits and, therefore, have similar requirements pertaining to them. Provisions would also be made to deal similarly with new documents created in the future by prescribing them in regulation.

So, Mr. Speaker, in summary, certainly many good points with this particular bill and very happy that I've had the opportunity to point out some of the highlights. I would urge all members in the Assembly to support this bill.

Thank you.

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

Dr. Pannu: Thank you, Mr. Speaker. I rise to speak on Bill 50, Wildlife Amendment Act, 2003, which is sponsored by the hon. Member for West Yellowhead. It deals with matters that fall within the purview of the Sustainable Resource Development ministry. Again, my hon. colleague from Edmonton-Highlands has spoken at some length on this bill during previous debate.

The question of increasing penalties for poaching has been addressed by way of this bill, and strengthening the authority of fish and wildlife officers dealing with these offences related to poaching and other related offences is certainly something that on the surface would seem to promise improvement with respect to the ability of this legislation to ensure sustainability of resources and resource development.

But there are concerns, Mr. Speaker. One not only needs the capacity to deter poaching - and that's what I suppose the increase in fines will do - but one also needs to ask questions related to the enforcement of the law. If a law is not enforced properly, it loses credibility and hurts, as a matter of fact, the credibility of legislative measures and actions as such. So enforcement is a key component of any legislative attempt to deter wildlife poaching and related acts.

As a bill I think it certainly expresses well the concern of this government about wildlife poaching, and many of the amendments here relate to improved enforcement. If you look at the record of this ministry with respect to enforcement, one doesn't get any assurance from the evidence that's available that this bill, when passed, will make much of a difference on the issue of deterrence, because deterrence is as much a function of the magnitude and the severity of penalties as it is the probability of enforcement of those penalties.

As the Alberta Union of Provincial Employees has indicated very clearly,

While it is a positive idea to introduce a law raising fines for poachers, the department has cut operating funds to front-line Fish and Wildlife enforcement officers to the point that they are unable to enforce the law as the public [expects and] deserves.

These are the words of the president of the Alberta Union of Provincial Employees, which represents the enforcement staff of the department.

The AUPE statement continues: "Operating budgets for fish and wildlife enforcement districts across Alberta have been slashed from 20 per cent to 50 per cent." So the conclusion by AUPE is that "a commitment to enforcement means we have to pay for enforcement," but the resources are not there.

In the 2000-2001 fiscal year, Mr. Speaker, roughly two and a half years ago, fish and wildlife officers made 230,000 contacts with the public. In 2001-2002 that was down to 116,000. In the current year, which is just about to end within weeks from today - that is, the 2002-2003 fiscal year; well, it has a few more months - it has fallen to 70,000 contacts with the public. So the department's own documentation states that the proactive compliance checks are the best way to identify noncompliance with fisheries, wildlife, and parks' laws. But if that is the case, then what does the rapidly dropping frequency of contacts with the public over the last three years say about the real commitment to increasing proactive compliance checks? Not much.

There can't be these contacts, there can't be these checks unless there are wildlife officers, field officers, out there in the field

- preventing harm to endangered species and other environmental damage,
- protecting citizens and owners of livestock and property from such illegal activities as discharging firearms close to buildings and night hunting,
- helping ensure Alberta's tourism industry remains economically viable.

These are some of the points that are made by the Alberta Union of Provincial Employees.

4:10

There are other concerns that have resulted from the impact felt by fish and wildlife officers due almost exclusively to a lack of available funding: for example, reduction or elimination of proactive preventative enforcement compliance efforts; district equipment being inoperable and needing repairs or replacement; equipment being unsafe or unreliable to conduct patrols and compliance checks; lack of funding for specialized patrols, operations, or programs such as helicopters or horse patrols, surrogate operations, night flights; unidentified priority fish and wildlife enforcement programs; reduced ability to meet personal and public expectations for an adequate level of service due to vacancies in fish and wildlife offices, district administration, and wildlife and fisheries biologist positions; office closures; district budgetary restrictions; inability to replace older vehicle fleet, thus placing a larger financial burden on district budgets for maintenance costs; a reduction in funding for surveys of fish and wildlife population that's unable to accurately look at resources. I could go on.

Let me just conclude this part, Mr. Speaker, by referring to two other negative impacts of cutbacks in resources: loss of credibility to the public or other agencies, stakeholder groups, and even other divisions within the department; and the feeling on the part of officers that they don't have the support. They feel worthless; they're demoralized. Staff surveys and health and wellness programs do not compensate for officers' dedication and commitment to the protection of Alberta's natural resources.

These are some of the impacts from the point of view of failure to enforce existing laws. So tightening or strengthening the existing laws in terms of the penalties is a halfway measure unless enforcement of this measure is guaranteed, is improved, improved considerably. The only way that that can happen is if more resources are put at the disposal of the enforcement people and their numbers are increased so that they're adequate enough to provide surveillance, spot-checks, or what have you. Poaching is not likely to decrease in this province. Both the *Edmonton Journal* and the *Edmonton Sun* have outlined those concerns extensively.

So while the bill is strong on the side of increasing penalties, it certainly falls short and, in fact, is silent on the question of what to do about enforcement. Enforcement is the key, Mr. Speaker, to protect endangered species, to stop poaching, to discourage illegal

activity in this area of our province's life. So the bill in that sense doesn't really measure up to or doesn't really address the real outstanding issues that need to be addressed if poaching is to be stopped, if endangered species are to be provided protection, and the fish and wildlife are to be enhanced as an asset, as a resource which all of us can enjoy and on which depends, of course, among other things, the future of the tourism industry in this province.

Thank you, Mr. Speaker.

The Deputy Speaker: The hon. Member for West Yellowhead to close debate.

Mr. Strang: Thank you very much, Mr. Speaker. I just want to thank all members for their contribution to this bill. I strongly believe, number one, that this is going to give our fish and wildlife officers the extra tools that they need, and I guess I just want to reinforce the aspect that enforcement is not just patrolling. It involves education, communication with all Albertans.

In addition to the good work regularly done by our uniformed fish and wildlife officers, there also has certainly been a lot of good work done by our undercover operations. Just to let the House know, over the last six years undercover operations have resulted in 1,100 charges and about \$1.1 million in fines and about 20 years in prison sentences. There are almost 2,000 department staff working for Sustainable Resource Development, and about \$37 million is being spent on fish and wildlife. This is up from last year.

So I'd encourage all members to support this very important piece of legislation. Thank you.

[Motion carried; Bill 50 read a third time]

Bill 43 Post-secondary Learning Act

The Deputy Speaker: The hon. Minister of Learning.

Dr. Oberg: Thank you very much, Mr. Speaker. It certainly is an honour to be able to rise and speak to Bill 43 today and to move Bill 43 at third reading.

Mr. Speaker, this bill has had a very checkered past. It was first introduced in May of this year to sit over for the summer. During the summer we undertook an extensive consultation with all of the stakeholders and came forward with a bill that is not what everyone wanted; however, it is probably the best bill. It does some wonderful things for students. The ability for technical schools or colleges to be able to grant degrees where the quality is there certainly will help our rural students, especially if some of the rural colleges take us up on this.

Mr. Speaker, the whole idea of combining four bills into one truly signifies the importance of our postsecondary institutions working together, retaining their diversity but still working together. That certainly sends a message loud and clear. We have already seen that happening in our postsecondary system.

So I certainly will listen to what everyone has to say. I know that there are some people on our side who wish to speak to the bill. I'd just like to in advance thank everyone who has been part of this bill, including all the colleges, technical schools, and universities, including the students' associations, faculty associations, and anyone else who has had a part in this. It truly is a revolutionary bill, and it's something that is going to benefit students in Alberta for many, many years to come, Mr. Speaker.

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

Dr. Taft: Thank you, Mr. Speaker. I appreciate the chance to speak in third on Bill 43, which is a bill that I have followed from the beginning, in fact from before it was Bill 43, back to the preparation of the first draft.

My compliments to the minister on bringing it in in May and letting it sit over the summer for public consultation. I appreciate that, and it led to many good amendments, as he said. My compliments to the student leaders in the gallery, who, frankly, set an example for all Albertans on how to effectively respond to a piece of legislation and, I will say bluntly, set an example that I feel their faculty associations would be well advised to follow. In this case, the students should be teaching the faculty on effective democratic activity.

Dr. Oberg: Can we quote you on that, Kevin?

Dr. Taft: You can quote me on that. I'll probably hear from many of my constituents, but I genuinely think that's true.

I represent most of the neighbourhoods that are adjacent to Alberta's largest postsecondary institution, the University of Alberta, and there are a couple of clauses in this bill that will be of great benefit to those neighbourhoods and to the neighbourhoods around other universities in this province. Those are clauses that remove universities' rights to unilaterally expropriate land and subject developments undertaken by the university that are primarily commercial to municipal zoning. Most Albertans haven't realized, unless they've lived close to a university, that until this bill universities could expropriate land at will and then were entirely exempt from municipal zoning. So this is a very good development for constituents in Edmonton-Riverview and I think for Albertans in general, and again I'm grateful to the minister for working those into the legislation.

One of my concerns with Bill 43 is that it doesn't express a clear sense of purpose for postsecondary education in general or for universities in particular. I think that in the long run we may regret that. With something as massive as this bill and something as massive as our postsecondary education system in this province, a clear statement of purpose is an outstanding place to begin, and in my view, at least, the preamble of this bill, nor any other section of bill, doesn't achieve that.

4:20

There has been a great deal of debate about tuition fees in this bill, and there are always going to be two sides to that debate, or maybe more than two sides. We in the opposition have been concerned for years, long before I was here, about the upward trend of tuition fees, and they have in real terms gone up very dramatically in the last decade. There was a cap in place. Under the existing legislation Bill 43, depending on whose terminology you use, keeps it in place, removes it, or creates a soft cap. From my perspective, in the long term it's such a soft cap that it is effectively removed.

The reason I say that is that when you combine the allowance for increases in tuition with the other increases – for example, the hon. Member for Edmonton-Mill Woods and I were calculating the other day that an increase of \$275 on a \$4,500 tuition is about 6 percent. If you add to that the consumer price index of, let's say, 3 percent, there's a 9 percent tuition fee hike, and that can continue. If that trend does continue, we will see a doubling of tuition fees within the decade, and that is a concern for us. Our preference would be that tuition fees go down.

If you listen to the universities, the U of A, for example, is saying that for every dollar in tuition a student paid 10 or 12 years ago, the provincial government would put in \$10. Today for every dollar

that's put in by students, the province is putting in \$2.43. That's tough – that's tough – and it's the wrong direction to be going with education, and unfortunately this bill encourages that direction.

Another issue that we raised as a concern was the issue under section 88 that removes the right to strike from faculty. That section was somewhat amended, imposing, I believe, binding arbitration. In effect, it has many of the same effects, but I will say this: most of the faculty associations in this province willingly walked away from that issue. So they make their bed; they can lie in it. I'm not going to fight their fights if they don't have the courage to do so.

I am concerned about the broader direction of the bill in creating something called Campus Alberta. There's always been a need, at least certainly for 40 years, in this country and in this province for some co-ordination among postsecondary institutions. As multiple universities develop in the country and in Alberta, there needs to be co-ordination. You don't need a school of environmental design in every university, you don't need a school of East European studies in every university, and on and on. There needs to be some co-ordination. that stands to reason. Especially in the last decade there needs to be co-ordination between the colleges and the universities with the colleges providing entry-level programs for universities, transfer programs, whether it's in science or business or nursing or whatever. Clearly, there needs to be co-ordination.

But my concern with the entire spirit of this bill is that we are creating a single system. We are taking the diversity of institutions in this province and we are creating a single system, and in the process we are losing some of the strengths that a diverse system offers. We are taking postsecondary education in this province and creating a single kind of hierarchical structure with the minister very clearly at the top. If you go through the traditions of postsecondary education, especially at universities, that's a complete inversion of how universities historically have functioned. Universities function driven from the very front lines, driven from the research done by the professors and faculty, driven by the work done by the students and their teachers in the classroom, not driven from commanders on top.

I think a huge mistake is being made here philosophically that effectively equates postsecondary education institutions with government departments or major corporations. Government departments are top-down structures. The commander at the top gives the orders, and everybody is expected to follow the policy. The same thing with corporations. Universities, on the other hand, genuinely are bottom-up institutions. We, in fact, don't want all the policies followed from the top in the sense that we don't want a groupthink occurring in our universities. I'm concerned that what we have developing here is, in fact, a top-down command-and-control approach to postsecondary education, which will be bad for everybody.

I mentioned that it reduces diversity. I am also concerned that it increases the risk of major mistakes. When power is centralized to the degree that we are beginning to see in Bill 43, the people at the top will be issuing orders and will have power that is very, very wide ranging. Inevitably, a mistake at the top will get magnified as it reaches out through the entire system. We shall see a system that is slower to respond, and when it chooses to do things, it will do things more clumsily. So this complete turning upside down of the postsecondary system in the province is a real worry for me.

I also am concerned – and it's consistent with what I've just said – with the effect of Bill 43 on student governance and the ability of student associations to govern themselves. This has been hotly debated. There have again been some amendments made there, but fundamentally student associations at postsecondaries are adult organizations. The student executives are there because they are elected by the student bodies, and they should be accountable to

those students who vote them into place, full stop. These aren't high school or junior high school councils. These are large institutions with in some cases million dollar budgets run by adults with professional staff, accountable to their elected members. I feel that Bill 43 takes much too paternalistic a view to student associations and student organizations. If the student associations mess up, that's the student associations' problem. They should be allowed to solve it as any other business run by adults should be allowed to solve its problems.

So, Mr. Speaker, I made several points here. I think most fundamentally my biggest concern is around a long-term loss of respect for the fundamental purpose of a university. I am concerned about threats to academic freedom. Certainly, I could trot out any number of examples over the last several years of overt public or covert private pressures being placed on universities to discipline researchers who do work that's not approved of. I don't need to go through that. I've made a number of those examples public before.

Fundamentally, I do like the notion that a university is a kind of Socrates of society. It's in a university where the relentless questioning of everything should be encouraged, including the questioning of the Minister of Learning, the questioning of the Member for Edmonton-Riverview, the questioning of the Legislature. As uncomfortable as that questioning ought to make us, we should celebrate that because it's through that questioning that we will become a stronger society and a better democracy.

Universities are not fundamentally about preparing people for careers. They're not fundamentally about serving governments or corporations or unions or religious organizations. They're not about economic diversification, although all of those things are wonderful, and universities in the normal course of their activities serve all of those. I would say, instead, that universities are fundamentally about extending knowledge in the service of democracy and a better civilization.

Thank you.

4:30

The Deputy Speaker: The hon. Member for Wetaskiwin-Camrose, followed by the hon. Member for Edmonton-Strathcona.

Mr. Johnson: Thank you, Mr. Speaker. It's my pleasure to be part of the debate today on Bill 43, a piece of legislation that responds to the changing realities of our postsecondary education system. I want to first of all thank and compliment the Minister of Learning for bringing forth this very, very important legislation.

The Post-secondary Learning Act acknowledges that our world is changing, the needs of our workforce are changing, and our postsecondary education system is also changing. Alberta's future depends on a skilled and educated workforce, and we know that our postsecondary education system is a key to that future workforce. Our system has worked remarkably well in the past, and we must ensure that it does in the future as well.

In today's global economy innovation, ideas, skills, and knowledge are vital to our success and prosperity, and we have to make sure our system is prepared to meet these demands. As a government we must be forward thinking in our approach and in our direction. I believe that Bill 43 with its amendments gives us the necessary legislation to direct our postsecondary system in the future.

Mr. Speaker, the time has come to make changes. The last time that Alberta conducted a major review of institutional statutes was in 1981. Now, 22 years later, times have changed. Bill 43 addresses today's needs and directs our future. This legislation will allow our postsecondary institutions to move forward in serving all Albertans in a co-ordinated, complementary, Campus Alberta direction.

Our postsecondary institutions have experienced remarkable growth since 1994 as students from across the country and the world flock to our schools. It is worth mentioning that many parts of Canada have seen minimal increases or, even worse, decreases in their enrollments, yet Alberta grows against this trend. Bill 43 will allow institutions to better deal with increasing enrollments.

Mr. Speaker, Bill 43 also addresses an issue that has been foremost in many minds, especially postsecondary students: our tuition policy. Postsecondary education is a significant investment for students, but it is one of the best investments anyone can make, especially in Alberta, where there are great jobs, the cost of living is low, and the standard of living is high. It is a great investment for students, for government, and for society.

Mr. Speaker, the revisions to the tuition policy proposed in Bill 43 allow for growth, provide clarity on what tuition fees should include, and ensure that institutions remain open and accountable to their students. The policy continues to focus on maintaining affordability for postsecondary students.

Students in institutions have been adequately consulted on the revisions to our tuition policy since the spring sitting of this Assembly. In fact, I have done some consulting myself. The result of all the consultations is a policy that balances the need to allow for growth in the system with the need to ensure that postsecondary education is affordable to all.

I realize that many students leave postsecondary schooling with a significant debt load. The average Alberta debt load for students is around \$11,000. To me that is not an unreasonable debt to have in this province, where job opportunities are plentiful. My concern about student debt would be much greater if jobs were unavailable upon graduation. Government, therefore, can provide solutions to the student debt problem by ensuring that jobs are available. That, of course, is the challenge to any government, and this government, I believe, is doing a very, very good job in that respect.

Mr. Speaker, Alberta is a province whose growth is not slowing down. Our workforce is booming, and our postsecondary education system is growing so fast that we can barely keep up. Legislation that worked fine in 1981 will no longer suffice. It is time that we moved forward with our objectives so that we can adjust to the always changing learning needs of the system.

I have found there to be positive support for Bill 43 in my constituency, especially with the amendments made at the previous stage. I support Bill 43 because it addresses the issues that face our postsecondary learning system, and I know that our system is improved because of it.

Thank you, Mr. Speaker.

The Deputy Speaker: Before we go to the section on comments or questions, I wonder if the Assembly would give consent to briefly revert to Introduction of Guests.

[Unanimous consent granted]

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

The Deputy Speaker: The hon. Member for Vermilion-Lloydminster.

Mr. Snelgrove: Thanks, Mr. Speaker. Ladies and gentlemen, while we're dealing with education, it's truly an honour to have a class visit us from the small village of Clondonald, just north of Vermilion. We have 16 grades 5 and 6 students here today. They are not only very bright and intelligent; they're well mannered. And they're

accompanied by adults much the same. They're here with their teacher, Mr. Robert Stachniak, and parents Tammi Etherington and Tracey Snider. I would like them to rise and please accept the traditional warm welcome of the Assembly.

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

Bill 43
Post-secondary Learning Act
(*continued*)

The Deputy Speaker: The hon. Member for Wetaskiwin-Camrose, having been the third speaker, are there any comments or questions? Go on to the next one?

The hon. Member for Edmonton-Strathcona, then. Did you wish to speak?

Dr. Pannu: Mr. Speaker, I'm willing to let this hon. member.

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

Dr. Massey: Thank you, Mr. Speaker. Just a few comments because I think almost everything that can be said about Bill 43 has been said and was said the other evening when we debated it at Committee of the Whole.

I guess I'd remind my colleague from Edmonton-Riverview that it's a poor teacher that can't learn from his or her students. I'm sure that the students have taught many given the actions that they've been engaged in with respect to Bill 43. I'll leave it at that.

One of the hardest parts for the opposition to accept is the tuition provisions in the bill. I say difficult because it's part of a larger problem that faces postsecondary institutions not just in Alberta but across the country.

Statistics Canada has on their web site a document about tuition fees in the country, and they have posted that the average tuition fee in Alberta in 1993-94 was \$2,209 and that the average fee in this year, 2003-2004, is now \$4,487. They compute that as an increase in the province – this is average university tuition increases – at a rate of 103 percent, one of the highest rates of tuition growth in the country. It's that information that I think should cause us concern with Bill 43 because what we haven't had and what we need so badly is a long-term plan for financing postsecondary schools in the province.

4:40

I'd hope that we won't a decade from now, in 2013, be looking back and seeing similar increases. I think that unless we do some planning for that future, some long-term planning that takes the pressure off postsecondary institutions to turn to students for financing of the institutions, we will, and I think that would be regrettable for students in Alberta but more importantly for the future of our province.

[The Speaker in the chair]

So while there's immediate debate about the tuition fees and their caps, I think that they are symptomatic of the much larger problem that has to be addressed and hasn't been addressed, and that's the financing of postsecondary schools. It's not exclusively a provincial concern. This is a federal concern, and as I said, it's a problem that's faced institutions across the dominion.

Tuition aside for just a minute, I'm concerned by the sometimes narrow view that we take of assessing the quality of our institutions, and there's a rather interesting report put out by the Canadian Centre for Policy Alternatives, where they look at a number of measures. They look at equity in terms of who is able to enroll in universities and in our colleges. They have a quality ranking with respect to the class sizes and the number of international students, et cetera, in the institutions. They have an accountability ranking, they have an accessibility ranking, and they have an overall ranking for institutions. If you look at the indicators, I think you can quarrel with them, and some of them are rather different in terms of the conclusions that they make.

In the overall ranking we come out as a province as number seven, and smaller provinces come out with much higher rankings. So I guess one of the things that I hoped might come out of Bill 43 is a broadening of the indicators that we see, for instance, in the department's performance measures in the business plans, because I think that at the current time those measures are still very narrow and are not getting at really the essence and the heart of our postsecondary schools.

Just in conclusion, Mr. Speaker, I agree with my colleague from Edmonton-Riverview that the centralization of power in Edmonton with respect to postsecondary schools is something that we should view very, very carefully. The Member for Edmonton-Riverview indicated that top-down models of management reflected government management or business management, and I'm not quite sure that that's true. It seems to me that enlightened businesses and enlightened governments have moved to much more inclusive management models, and there have been great efforts in successful management to move to models that depend more on participation of those involved in the enterprise than they do on orders coming from the top down. There are a number of models around that are not top-down, and in fact in many places top-down models are seen as being very ineffective with respect to the enterprise.

So that concern that there's centralizing of power in Edmonton and with the government I think is one that's – and I do agree with my colleague from Edmonton-Riverview – going to come back and going to present some problems in the future.

Thanks, Mr. Speaker.

The Speaker: The hon. Member for Calgary-Fort, then the hon. Member for Edmonton-Strathcona.

Mr. Cao: Thank you, Mr. Speaker. Before I go into detail, I would like to express my appreciation for the students' associations and the faculty associations from U of C, SAIT, Mount Royal College, whose executives have met with me in my office and voiced their concerns. I am also very encouraged by the amendments introduced by the Minister of Learning to Bill 43.

The benefits of higher education to society and individuals are indisputable. The creation and transfer of knowledge will become the comparative advantage in the new global economy. Further education is a number one factor in determining whether an individual can improve their financial, social, and health circumstances. Future social unity and citizenship will depend on the education and training available. Individuals must be able to reflect reasonably, to acquire knowledge, and communicate effectively and be able to utilize the tools of a technology-based society.

Mr. Speaker, these benefits demonstrate clearly that higher education is the key to our future success in society as individuals. It is a tribute to the higher education system that despite fiscal restructuring and a rapid rate of change in the breadth and depth of knowledge, our institutions have massively expanded the number of

students gaining a credential, have maintained quality in teaching, and also have highly successful research.

However, we cannot maintain these standards by standing still. Higher education is now at a crossroad. If we get things wrong now, we will pay the price for many years to come. So the system needs to be modernized and reformed. Today access may not be best served by trying only to provide more of the same kinds of programs. Future success means we have to be prepared to offer a multitude of choices and opportunities both in the kinds of educational experience available and the means by which it can be obtained. Bill 43, the Post-secondary Learning Act, is the means by which we can set the course for the future of postsecondary education in this province, and I think the amendments we have discussed today helped cement the Campus Alberta vision that I hold dearly, which we'll pursue through this course.

On the subject of degree granting I would like to begin by speaking on the portion dealing with it because it is a key to change in our system, and it's one that I feel will provide a lot of opportunities for our institutions and for our students. We know that Albertans have a need for increased access to degrees. We also know that university enrollment will continue to climb until at least 2011, according to the research. The labour market and society will continue to demand access to degree programs, and Albertans will not accept anything less than quality degree opportunities. Original consultation with the postsecondary sector and key stakeholders identifies a need to create increased access to undergraduate-level programming.

When this bill was tabled this spring, it established the creation of the Campus Alberta Board of Accreditation and Co-ordination to facilitate a co-ordinated, balanced evolution of the adult learning system. This was a positive legislative change intended to ensure quality degree programs across the province regardless of the types of institutions.

From what I understand, further consultation slightly shifted the role of the board, and this is what is reflected in this proposed new amendment in Bill 43. The focus group included institutions, academic staff, students, and industry, and this group strongly supported the concept of quality assessment while they also felt that the co-ordination role of the postsecondary system needed to stay with the minister. These proposed amendments take this comment into account and fine-tune the focus of the board around quality, including the proposal that will change the name to Campus Alberta Quality Council.

4:50

As institutions work to respond to the range of demands they face, we are seeing the blurring of institutional boundaries between universities, colleges, and technical institutes. With this blurring comes a risk of conformity through a drift toward the current definition of academic excellence, the traditional university environment. But the reality is that all students are not the same, and all their needs and all the needs of society are not the same either. We have a responsibility to put in place a vision and public policy that will encourage responsive diversity. We must set the overall strategic direction for postsecondary education and provide a framework that sets the overall mission, roles, and responsibility for institutions.

The Campus Alberta Quality Council answers this. It will review proposals from both private and public institutions wishing to offer degree-granting opportunities and make recommendations based on quality and an organizational review of the institution. The ministry will continue to be involved in the overall system co-ordination role.

I want to also talk now about the student organizations, another section in Bill 43. A student expressed concerns over the deals with student organizations. Over the summer extensive consultations

continued with student organizations on this section of the bill, which deals with the powers of student associations, including audits and investigations. I share their concerns. Student organizations were consulted extensively to find out what level of accountability they would find acceptable. Student organizations felt that first and foremost their accountability should be to the students they serve, and I think the amendments reflect this fact.

However, it was felt that some other level of accountability is required due to the large amount of funds entrusted to the student organizations. Rather than being accountable to the board, the student organizations agree that it would be more acceptable to be accountable to the Minister of Learning. In the rare cases where the need for an investigation arises, student organizations asked that the ministry cover these costs. Both these points are covered in the amendments to the bill now.

Students requested a number of other amendments that have been included to update and clarify wording relating to their roles, responsibilities, and communication processes, and the proposed amendments respond to this concern. A student bylaw will be retained in this act. Amendments will clarify that student organizations are the official channel of communication with the board and that the mechanism set out in their constitution be used to manage their own affairs.

Now, another factor in the equation is the academic staff. I would like to speak about what the academic staff expressed to me. During the consultations the faculty associations raised concerns about the harshness of section 88 containing the strike and lockout provision. Originally, this provision was added as a way to formalize what was already in place in most agreements between faculty and the boards while ensuring maximum protection for students in case of an unresolved agreement. The amendments proposed modify this section by clarifying compulsory arbitration as a dispute resolution mechanism while continuing to support existing agreements that have been negotiated in good faith between the boards and associations.

There were a number of other concerns raised by the faculty associations that have been resolved. Academic staff associations requested a change to the nomination of faculty to university boards. They proposed that faculty that are currently nominated by the general faculties council should be nominated through the academic staff association. They contended that this would be more equitable given that student organizations and nonacademic staff associations have representation on the boards. The proposed amendment will allow for a balance where one member of the faculty will be nominated by the academic staff association, one by the general faculties council. This aligns the academic staff association with other bodies that are able to nominate board members.

On the side of the student tuition, I share the concern about rising student tuition, and there's a concern about the fact that it has been removed from the legislation and moved into regulations. I can tell the students that, as I told them in my office, this is a matter of trust, and I think that you can trust the government of Alberta and the minister in this factor, and we have done so well. So the fact is that we have to move it to the regulations because there are some institutions that did so well in managing their costs, and their student tuition is still very low. They're reaching the 30 percent, so we need some way to manage that rather than making it a fixed number in the legislation. So I can guarantee to the students that I support your concern about tuition because I do have students in my family at university.

Thank you very much.

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

option to exercise the question segment or proceed to the debate.

Then proceed, hon. member.

Dr. Pannu: Thank you, Mr. Speaker. I rise to speak on Bill 43 in third reading. We have had some debate on the provisions of this bill in this Assembly over the last week or so. I certainly want to acknowledge that the minister did put this bill up for public examination for some time, and that encouraged some discussion, some critical analysis and examination, so I do want to express my appreciation for his decision some months ago to let the bill circulate so that he could get some of the responses and reactions.

I want to acknowledge the student leaders sitting in the members' gallery up there, Mr. Speaker. I applaud their continuing efforts to seek changes in the bill which would satisfy and address their concerns fully. Although they haven't succeeded in getting changes made on all the issues that were a matter of concern to them, they have succeeded in getting the minister to make some changes in response to their efforts, in response to their expression of concern and mobilization of pressure on the minister to do so. I certainly applaud the broad interests that the students have addressed by way of their response and criticism of this piece of legislation.

One thing on which they certainly, I think, have reason to be deeply disappointed is the issue of tuition fees. The issue of tuition fees is one where the bill has failed to in fact move forward to assure young Albertans, young men and women, that postsecondary education in this province will remain affordable for them.

5:00

Mr. Speaker, I just want to quickly read from a communication that I've received. A parent from rural Alberta says: my concern with Bill 43 is as follows.

It is unclear to me what the Minister of Learning hopes to accomplish by removing the cap on university tuitions. Post secondary fees are already making it very hard for many families to send their kids to further education. Surely the Minister can see the benefit of universal access to post secondary education. Taking the cap off tuitions endangers access. Also, Bill 43 proposes to limit Student Unions' ability to act politically. I'm not sure what . . .

The name of the minister is mentioned; I won't use his name.

. . . is afraid of. Dissent and public political expression are the cornerstones of democracy. By limiting the students' ability to organize it sends a message to students that the system is against them. Is this the way we wish to encourage political interest and engagement in the democratic process? We already know a large portion of this age bracket does not vote. They feel their input does not matter; they are detached from the process. What better way to confirm their suspicions than to enact something . . .

And these are the words of the writer.

. . . as oppressive as Bill 43.

Then he urges: "I hope you will vote against Bill 43."

The letter obviously was written before any amendments were made. Some of those oppressive provisions of the bill have been softened a bit; nevertheless, Mr. Speaker, the concerns expressed there are generally broadly shared, certainly expressed by students.

This letter touches on one particular aspect of educational institutions which we most often do not get to talk about in this Assembly, and that's the general milieu, the sort of institutional culture that schools and universities are and how they leave an imprint on students who experience that culture. Often among educational scholars that is known as a hidden curriculum. What's in the curriculum that's written up is one thing, but how those curriculum activities and learning activities are organized is equally important and sometimes more important.

It's not a question necessarily of hiding these impacts deliberately. Sometime we can't perceive them. These are unintended conse-

quences of some of the decisions that we make, and one of those things that concerns me in this bill is the authoritarian nature of this bill and how it centralizes the powers, as I've spoken before, in the hands of one person. I'm not talking about this particular minister. While he is in this portfolio, yes, he's the minister who will be exercising that highly centralized power, but the ministry as such becomes the arbiter of some of the most fundamental decisions that must remain with students, with faculty, with the academic communities which are represented in our postsecondary institutions, and that's what this bill does not allow to happen. These decisions are now concentrated in the hands of the minister.

Just to refer to another document, Mr. Speaker, Cambridge Strategies Inc. did an analysis of Bill 43, the Post-secondary Learning Act, and I want to just read a few of their observations into the record of the Assembly.

Alberta's Bill 43, Post-Secondary Learning Act, marks a significant deviation from the plans, priorities and practices followed by the Government of Alberta since 1993. It may be one of the most important departures from the policy course charted and followed by the Alberta government for the past decade.

One of the striking aspects of Bill 43 is its substantial variance from the Alberta government's decade-old governing philosophy. It contains robust measures to enable a vigorous and direct government role in the marketplace. While this Bill appears to focus on post-secondary education, the powers it establishes have significant implications for much of the Alberta economy, and indeed much of the province's economic future as Alberta adapts, in part, to a knowledge-based economy.

This Bill appears to embrace directions that diverge from the stated directions of Alberta government business plan and its core businesses of People, Prosperity and Preservation. The key directions that government set for itself under these core businesses, and reaffirmed in the last budget, are:

- unleashing innovation;
- leading in learning;
- competing in a global marketplace; and
- making Alberta the best place to live, work and visit.

Mr. Speaker, the conclusion of this analysis by Cambridge Strategies Inc. is that the degree of centralization that will be achieved by way of this bill in terms of who makes what decisions sort of works against the aspirations as stated here in the government's own business plan.

They have about 15 or 16 different specific observations that they make on the bill and draw attention to its weaknesses and departures from the government's official position with respect to business plans, but one observation in particular that I want to draw to the attention of the House is observation 12 in their document. It says:

Bill 43 effectively revives the forsaken government role of centralized planning, controlling and directing the economy. While there is precedent for government control over innovation and entrepreneurship, few would argue that this has proven to be an ideal practice. Is government demonstrably better than the marketplace in picking winners and losers, and in determining what skills the marketplace will need, as Bill 43 implies?

Then in the concluding section, Mr. Speaker, a paragraph or two, this commentary says:

Is Bill 43 a deliberate signal that the Government of Alberta is turning away from the principles in its business plan? . . . If the Alberta government is not changing its governance philosophy, it might be useful to test the soundness and probity of changes proposed by Bill 43 by examining the proposed legislation's consistency with the stated vision, direction and priorities of the Alberta government. It may be helpful to examine whether the policy approaches in many of the provisions of Bill 43 actually align with the governing principles, and how the proposed legislation serves to abet the government's vision for Alberta's future.

The answer to these questions from the point of view of the writers

of this report is that it really runs against the grain of the government's governing philosophy.

Mr. Speaker, I would quickly now try to conclude without saying much on the details of the bill, which I have done before. I would like to introduce an amendment with your permission. I will ask the pages, perhaps, to distribute them, and I'll wait.

The Speaker: In the meantime, hon. member, you might make sure you have the appropriate copies of the letter that you quoted from and the document that you quoted from to table in the House. That is the appropriate parliamentary way, so you should be tabling both of those.

Dr. Pannu: Mr. Speaker, the letter that I quoted from has already been tabled in the House. I tabled it last week. The document, certainly I will make copies and have it tabled.

The Speaker: I believe, hon. member, that the amendment has been circulated, so the hon. member may proceed. But you are, as I understand, moving it on behalf of your colleague, not yourself.

Dr. Pannu: Yes.

The Speaker: And you'll identify the type of amendment it is, then, as well.

Dr. Pannu: Thank you, Mr. Speaker. With your permission I would like to move on behalf of my colleague the hon. Member for Edmonton-Highlands that the motion for third reading of Bill 43, Post-secondary Learning Act, be amended by deleting all words after "that" and substituting the following: "Bill 43, Post-secondary Learning Act, be not now read a third time because the Legislative Assembly believes that it provides for tuition fees to escalate beyond the means of postsecondary students." So, Mr. Speaker, with your permission I'll speak to the motion in the time remaining, and then other members certainly will have a chance to respond.

5:10

The motion acknowledges the financial hardship that the current levels of tuition fees are causing for a very large number of postsecondary students and their families in this province. There's growing evidence, Mr. Speaker, that postsecondary education is being seen by growing numbers of families, many of them middle-income and middle-class families, as something that's beyond their children's reach. They're beginning to tell surveyors, opinion poll experts, us, politicians, that education at the postsecondary level has already reached a stage, in terms of the costs that are involved, where it is becoming unaffordable for many, many Albertans, middle-class families, students coming from those families in particular. Since they have difficulty qualifying for student loans, they're in growing numbers deciding not to go to college or university for that very reason.

Alberta's tuition fees have been growing at an extremely fast rate over the last 10 years. They have tripled over the last 10 years, and there's no end to that ongoing increase. The bill, in effect, removes the cap on tuition fees and allows them to grow at anywhere from 5 percent plus onwards, and that simply is not, Mr. Speaker, the thing that Alberta families and Alberta postsecondary students wanted to have done to them by way of a piece of legislation that's before us today, Bill 43. So the intent of this amendment is to make sure that Albertans are not encumbered by a tuition fee regime that this bill will make certain for them to have to live with. So, for that reason,

I would ask all members to support this amendment.

Thank you, Mr. Speaker.

The Speaker: On the amendment, the hon. Member for Edmonton-Mill Woods.

Dr. Massey: Thank you, Mr. Speaker. I rise to support the amendment on Bill 43. As the mover has indicated, the provisions in section 62 of the bill with respect to tuition are really unsatisfactory with respect to containing tuition costs.

There have been a number of interpretations placed on it by government speakers, but when it's all stripped away, the bottom line is that it allows institutions to exceed the 30 percent tuition cap. As soon as they get to the 30 percent, then a new set of rules applies, and I think you can extrapolate from that that each year the cost of living plus the provisions in the bill would allow tuitions to far exceed the 30 percent. In fact, with a little bit of bookkeeping there could be no cap at all.

I don't think that that's in Alberta's best interests, and it's certainly not in the best interests of students and our concern that we keep Alberta institutions accessible financially and that those institutions don't become the exclusive home of students from well-to-do families.

The motion would allow the government to go back and to address the problem that seems to be evident to almost anyone who examines those provisions of the bill and to work with students and institutions to come to a more satisfactory conclusion.

Thank you.

The Speaker: On the amendment, the hon. Member for Edmonton-Glenarry.

Mr. Bonner: Thank you very much, Mr. Speaker. I want to thank the Assembly for the opportunity to speak to Bill 43 and, in particular, to the amendment as proposed by the hon. Member for Edmonton-Highlands, that does state that tuition fees are allowed "to escalate beyond the means of postsecondary students." Certainly, for any of us that have had children in these institutions over the last decade, we have had the opportunity to see firsthand exactly the rapid rise in tuition rates and what a great burden it has placed on those students. Not only has it placed a great burden on those students, but we also see that the level of debt that students have upon graduating from university has continued to climb.

This is one of the areas that causes me great concern, because the advantages that my children had were that they could live in this city, that they didn't have to pay those rates for room and board on top of their tuition, so certainly it made going to university very, very affordable. But if they would have had to pay room and board on top, I know that they would have easily exceeded the \$11,000 average that most students are facing today.

Earlier in debate the hon. Member for Edmonton-Riverview indicated that one of the things that this bill was lacking was a clear statement of purpose. This purpose was certainly on the whole idea of capping of tuition fees. We've had a great deal of debate in the Assembly so far, Mr. Speaker, regarding tuition fees, and as the speaker previous to me, the hon. Member for Edmonton-Mill Woods, had indicated, section 62 of the bill does not adequately deal with tuition fees. The cap that was put on was certainly a very soft cap, and it wasn't defined, and it certainly isn't effective in keeping the costs at a 30 percent level. It did a reasonably good job, I would think, for those universities and postsecondary institutions who have

not reached their 30 percent cap. But it is not set. It is soft, and as a result the latitudes provided to those postsecondary institutions who have reached their 30 percent cap is too great. I would not want to see in this province a rapid increase of tuition fees for those institutions that have reached their 30 percent.

Now, then, as well, a number of speakers have talked about the affordability and the accessibility of our postsecondary institutions, and I thought it was quite interesting that in a recent tour to Grande Prairie, where we had the opportunity to visit Grande Prairie community college, the president of the college happened to indicate that the possibility of future development of the oil sands was going to be hindered more by the lack of trained and highly educated personnel than it would be affected by the Kyoto agreement.

5:20

I think that when we take a look at and have a vision of what is happening in the future, certainly with the way the tuition fees are spelled out in section 62, it will remove accessibility for many of our students. What we will do, in effect, is start to restrict postsecondary education to students in urban areas or, as the hon. Member for Edmonton-Mill Woods said, the well-to-do students.

So these are some of the concerns that I have, and that is why I'm speaking to the amendment as proposed by the hon. Member for Edmonton-Highlands. Certainly, I would like the government to have the opportunity to review those provisions of this bill that discuss tuition fees and particularly the manner in which tuition fees were capped. I look forward to further debate on this particular amendment.

Thank you very much.

[The voice vote indicated that the motion on the amendment lost]

[Several members rose calling for a division. The division bell was rung at 5:22 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Bonner	Massey	Pannu
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Against the motion:

Amery	Griffiths	Mar
Calahasen	Haley	Marz
Cao	Hancock	Maskell
Coutts	Hlady	McClellan
DeLong	Hutton	Oberg
Doerksen	Jablonski	Pham
Dunford	Jacobs	Rathgeber
Fritz	Klapstein	Tannas
Gordon	Knight	Taylor
Goudreau	Kryczka	Woloshyn
Graham	Magnus	Yankowsky
Graydon		

Totals:	For — 3	Against — 34
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[Motion on amendment to third reading of Bill 43 lost]

The Speaker: The House now stands adjourned until 8 p.m.

[The Assembly adjourned at 5:35 p.m.]