

Legislative Assembly of Alberta

Title: **Thursday, February 26, 2004**

1:30 p.m.

Date: 2004/02/26

[The Speaker in the chair]

head: **Prayers**

The Speaker: Good afternoon, and welcome.

Let us pray. As we conclude for this week our work in this Assembly, we renew our energies with thanks so that we may continue our work with the people in the constituencies we represent. Amen.

Please be seated.

head: **Introduction of Guests**

The Speaker: The hon. Minister of Seniors.

Mr. Woloshyn: Thank you very much, Mr. Speaker. I am very pleased and honoured to introduce a group of 17 grade 6 students from Seba Beach school. They are here on the normal visits to the Legislature. They are accompanied by their teacher, Mr. Dave Hardman. I'd ask them all to stand and receive the warm welcome of the Assembly.

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

Mr. Dunford: Thank you, Mr. Speaker. We have today in the members' gallery members of our ministry, all from the Human Resources and Employment department. As I announce their names, I would ask them to stand, and then I would hope that you would join me in providing a warm welcome to all of them. First is Shannon Marchand, Darren Campbell, Cathy Clement, Percy Cummins, Cynthia Bourque, John Vellacott, Alice Leung, and Tina Dragon. They're here investigating what it is that we do over here in this building. So let's give them a warm welcome.

The Speaker: The hon. Minister of Revenue.

Mr. Melchin: Thank you, Mr. Speaker. Along with my colleague it's a pleasure of mine to introduce 11 guests from Alberta Revenue who are visiting with us here today to also observe the proceedings of the Legislature and come to know better this part of the policy-making within our administration. All are members of the investment administration division, and I'd like them to stand as their names are read. Donna Kowal, Ivan Kupchenko, James DuBarry, Bev Campbell, Merceinthe Campbell, Doreen Chandra, Rene Schmied, Juliana Nash, Frank Marr, Yueyang Qiu, and Louise Shepherd. If we could all give them a warm welcome.

The Speaker: The hon. Member for Airdrie-Rocky View.

Ms Haley: Thank you so much, Mr. Speaker. It's a real pleasure for me to be able to introduce to you and through you to members of the Assembly a group of individuals from my constituency. You know, I don't often have visitors from my constituency, so it's really neat to have them here. The Airdrie Koinonia Christian school tries every year to send a group of students up to Edmonton when we are in session so that they can observe the Legislature and do a tour. This year it's a group of grade 10 students, and they are accompanied by Mr. Dean Hughes. It's just a small group; there are 14 students and Mr. Hughes with them. They managed to survive on

the icy roads this morning, and I hope that they'll all be safe going back home. Would you please rise and receive the warm welcome of the Assembly.

The Speaker: The hon. Member for Edmonton-Castle Downs.

Mr. Lukaszuk: Thank you, Mr. Speaker. With a great deal of pleasure I want to introduce two ladies that are visiting our Legislature today. Actually, one is a temporary resident of the constituency of our Economic Development minister, and the other one is visiting all the way from Poland. Their names are Teresa Chipiuk and Ms Monika Grzybowska. I would ask them to rise and accept the warm welcome of this Assembly.

Thank you.

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

Mr. Rathgeber: Thank you, Mr. Speaker. It's certainly a pleasure for me to rise and introduce to you and through you 16 adult students from the Yellowhead Tribal College located in the Edmonton-Calder constituency. They're from the adult upgrading program and the university/college transfer program along with their instructor, Linda Anderson. We met previous to the proceedings today, and they had good questions regarding health care and regarding student financing, so I'm sure that they will find their visit here today instructive and very valuable. They are in the public gallery. I'd ask them to rise and receive the warm welcome of this Assembly.

The Speaker: The hon. Member for Edmonton-Beverly-Clareview.

Mr. Yankowsky: Thank you, Mr. Speaker. I rise to introduce to you and through you unto this Assembly four constituents. This is a mother and her three daughters. The mother was here earlier in the week with a school class and indicated that she would like to come back and bring her daughters to watch the proceedings of the House, so they are here today. Kim Militsala and her daughters Aleia, Tara, and Tennille are here, seated in the public gallery. I would like them to stand at this time and receive the very warm welcome of this Assembly.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'm just delighted today to introduce to you and through you to all members of the Assembly two constituents and a special guest of theirs. Seated in the public gallery we have John and Bettie Zyp, who are constituents, and with them today is Jonas Coyes, and that's their grandson. He's in grade 4, and he's very interested in the political process. So I would ask them to please rise and accept the warm welcome of the Assembly.

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

Mr. McClelland: Thank you very much, Mr. Speaker. Through you to members of the Assembly it's my pleasure to introduce Mr. Michael Ivey. Michael is a grade 11 student at Harry Ainlay high school, and he is here spending the day at the Legislature on a job shadow. I happen to have the privilege of having Michael shadow me today. I would ask him to rise and accept the warm welcome of the members of the Assembly.

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

Mr. Vandermeer: Thank you, Mr. Speaker. Today it's my honour to introduce to you and through you to members of this Assembly three people that are near and dear to me. I'd like to ask them to stand as I call out their names. The first one is my lovely wife, Trish; my fine eldest son, William; and for the time being my youngest son, Samuel. I know you're sitting there wondering where my daughter is. Currently, her French class is in Quebec on a student exchange program.

head: **Oral Question Period**

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

Electricity Deregulation

Mr. MacDonald: Thank you, Mr. Speaker. This government has blown \$8 billion on trying to make electricity deregulation work. Now the Premier admits that he doesn't know, quote, if prices will ever go down. This is no comfort to consumers in this province. To the Premier: why has this Premier blown \$8 billion on an electricity deregulation scheme that will never, never work to benefit consumers?

Mr. Klein: Mr. Speaker, only the Liberals say it will never, never work. The Liberal critics say that the deregulation has caused higher power bills and that the increased generation brought about since deregulation would have happened anyway. That is nonsense. The fact is that Alberta has gained over 3,000 megawatts of new power generation, a 30 per cent increase to Alberta's energy supply, and those who say that new generation would have come about anyway are wrong.

Mr. Speaker, relative to rate increases, certainly on the retail side, the consumer side, a lot of work has been done to protect the consumer from sloppy billing, from gouging, improper pricing of electricity. Relative to the price of electricity or natural gas or oil or any commodity, there is the general increase in the rate of inflation. The price of gas, the price of electricity, the price of oil, the price of everything in other provinces is going up, as is the price of health care, by the way. Everything is going up. Their salaries go up. Our salaries go up. The salaries of the public service employees go up. Everything goes up.

1:40

Mr. Speaker, we try to achieve stabilization as much as we possibly can, but we have no control over prices going up related to the normal rate of inflation. I would remind the hon. member that if a power company wishes to have a rate increase, they have to go through the process, the process of the Alberta Energy and Utilities Board. If they're concerned about prices going up, they can intervene, which they never do.

The Speaker: The hon. member.

Mr. MacDonald: Thank you, Mr. Speaker. Again to the Premier: when did the Premier realize that electricity prices will never go down as a result of electricity deregulation?

Mr. Klein: Mr. Speaker, I don't know, but I do know that in tracking the rate of inflation, things go up. Commodity prices go down from time to time, but incrementally and over the years they go up. The price of wheat, the price of barley, the price of oil, the price of gas, the price of electricity: they go up. It's called the normal rate of inflation. From time to time they do come down, but incremental-

ly they go up. God, I can remember when the price of oil went down to – what? – about \$8 a barrel. Now it's up to in excess of \$30 a barrel. So things do come down, but incrementally and over the course of history . . . Instead of spending millions of taxpayers' dollars FOIPing to find out whether we spent \$2.70, he should maybe do some research in the incremental increases in power prices, gas prices, oil prices, wheat prices, barley prices.

The Speaker: The hon. member.

Mr. MacDonald: Thank you. There's a lot of inflation in this House.

Is Dr. West's first job with this government to correct bad public policy and to once and for all unplug electricity deregulation? Is that his first job?

Mr. Klein: No. Dr. West's first job is to make sure that the policies of the government are fulfilled. Dr. West is not involved in policy development. I can understand their concern about Dr. West being the chief of staff.

Mrs. Nelson: Snap you like a twig.

Mr. Klein: Oh, absolutely. So when they launch these frivolous requests, spending millions of taxpayers' dollars to determine whether we spent \$2.70 on a glass of orange juice, Steve West will make sure that, indeed, any requests for information are legitimate, and he will keep their feet to the fire. Mr. Speaker, I suspect we will see their rear ends pucker.

The Speaker: Second Official Opposition. The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you, Mr. Speaker. The Premier has turned the Public Affairs Bureau into the marketing wing of the electricity industry. Despite the fact that electricity deregulation is an \$8 billion waste of money, the Public Affairs Bureau still plans to spend \$3 million trying to sell this to Alberta consumers. To the Premier: why has the Premier turned his Public Affairs Bureau into the marketing arm of the electricity industry?

Mr. Klein: I don't think that that is true, Mr. Speaker. Well, I don't think – it is not true. It's not the marketing arm. As a matter of fact, I've listened to many commercials by many power-generating companies and power-distributing companies advertising rates and advertising the ability of people to contract with their particular company and advertising the wonderful service that they're prepared to offer. The Public Affairs Bureau had nothing to do with that.

Mr. MacDonald: Again to the Premier: why is the Premier committing \$3 million to trying to sell a defective product, electricity deregulation, when even he doesn't have any confidence that it works?

Mr. Klein: Oh, Mr. Speaker, that is not true. That is a big fib. I have lots of confidence in energy deregulation. I have lots of confidence in a program that brought about 3,000 additional megawatts of power to this province and prevented brownouts and blackouts. I have great confidence in the Bolger committee report, of which two representatives were from this government caucus, to deal with the retail and the consumer side. So I don't believe that energy deregulation has failed at all. I think it has been a monumental success and, indeed, is a model for those that want to deregulate – is a model – in North America.

Mr. Speaker, would this hon. member like us to go to a state-owned system where they have accumulated millions, billions of dollars worth of public debt? Is that what they want? I think that's what they want, because that is quite consistent with Liberal thinking.

Mr. MacDonald: Mr. Speaker, I want the Premier to visit liberalopposition.com and see what a real electricity policy looks like.

This is to the Premier. Who in the government ordered ATCO Gas to hand over close to half a million dollars to the government of Alberta to pay for this propaganda campaign?

Mr. Klein: Mr. Speaker, I have no idea if that statement is true. You know, we have learned in this Legislature that any statement coming from the Liberal opposition is embellished, is exaggerated, and when it's investigated, it turns out to be so far from the truth as to be absolutely ridiculous.

Mr. Bonner: What are you doing?

Mr. Klein: Well, Mr. Speaker, this hon. member, I think the Member for Edmonton-Glengarry if I recognize his chirping, is a good example, a very, very good example. He brings out this information relative to the use of government aircraft. He is totally and absolutely off base, but he creates through innuendo, vicious innuendo, an implication that something wrong has taken place when, indeed, nothing wrong or improper took place. And he refused to apologize.

Southeast Calgary Hospital

Dr. Taft: Mr. Speaker, this week alone I've received two shocking letters about appalling conditions at the Foothills hospital. While this Premier talks about providing wine and room service at health care's version of Hotel Ritz, ordinary Albertans are being made to wait eight hours in emergency with stroke symptoms and are even resorting to lying on the floor in emergency rooms. To the Premier: how does the Premier explain his government's failure to construct a new hospital in Calgary despite the fact that he personally identified this as a priority five years ago?

Mr. Klein: Mr. Speaker, first of all, this allegation, again, is wrong – wrong. His nose is growing. To stand up and say that is wrong. Indeed, the Calgary regional health authority is now proceeding with conceptual plans for a hospital in the south. Money has been committed for revamping of the trauma centre and emergency room at Foothills hospital. A children's hospital is well under construction right now, as we speak. The centre for expertise for bone and joint surgery is well underway. The Alberta foundation for medical research is well funded and is generating good research projects. So what the hon. member says, that we are not committed, is wrong, absolutely wrong. Yes, there may be problems. There are always going to be problems. That's why we are addressing as Premiers the whole issue of achieving sustainability in the health care system.

1:50

When the hon. member talks about wine in hospitals, Mr. Speaker, put it in context. I alluded to a person who visited Birmingham, England, where he has operatives, by the way, in England or the U.K. anyway, a person who related to me a story about going there to have the Birmingham hip installed and taking advantage of some rooms attached to the hospital that were luxury rooms that generated

money, that generated money for the national health system, for the public system, generated big dollars. At least half the people occupying those luxury rooms were from Alberta, believe it or not. You know, you have to ask yourself why. This fellow said that, yes, he could order wine. Well, big deal. Now, if the *Edmonton Journal* wants to make a big deal out of it and if this hon. member wants to make a big deal out of it, so let it be, but the average Albertan understands what I'm talking about. It's talking about thinking differently and doing things differently.

Dr. Taft: Will the Premier confirm that this five-year delay has facilitated his government's discussions with private developers interested in constructing, operating, and maintaining this new southeast Calgary hospital, including a hotel facility?

Mr. Klein: That very well may be, and if indeed the Calgary regional health authority is talking to private developers to enter into a P3 and if indeed there could be a hotel component with that hospital, great. Get at it.

Dr. Taft: So his agenda is revealed.

Is the Premier bringing back Steve West, his former quarterback of privatization, to privatize the health care system in this province?

Mr. Klein: No. But, you know, I can say that one of the reasons Steve West is coming back is to pound some common sense into the Liberals.

The Speaker: Third party opposition question. The hon. Member for Edmonton-Highlands.

Electricity Deregulation

(continued)

Mr. Mason: Thank you very much, Mr. Speaker. Back when he was the Minister of Energy, Steve West gave a speech to the Calgary Chamber of Commerce about electricity deregulation. He said, and I quote: you can't give people power too cheaply. He said that he was very confident that we can lower the cost to the consumer. Yesterday the Premier admitted that there was nothing his government could do about the fact that power bills have gone through the roof. My question is to the Premier. If deregulation can't deliver cheaper power, then why keep it?

Mr. Klein: Mr. Speaker, he does not tell the truth again. I never said – never ever, ever said – and he should stand up and apologize because I never said that there is nothing this government can do to stop prices from going through the roof. I never, ever said that, and he knows it. Stand up and apologize and state what I said for the record. I said that there is nothing that this government can do to stop normal price increases.

As I said in this House, things go up. The price of wheat goes up. The price of barley goes up. The price of oil goes up. The price of gas goes up, the price of houses, the price of cars, everything. This member attended university for many, many years. All he needs to do is go back, look at a simple chart and see that the price of virtually everything has gone up. Will he do that? If not, I'll provide him with the information on any commodity.

Mr. Mason: Mr. Speaker, given that electricity prices in Alberta have doubled since deregulation and are now considerably higher than in other provinces in this country, will the Premier stand up and apologize for misleading this House?

Mr. Klein: Well, Mr. Speaker, that is not true, and I won't apologize. That is not true. Stand up and tell the truth. They are not higher than in any other province. I had a document that was given to me yesterday showing that power prices are very comparable to those paid in other provinces.

Mr. Speaker, you know, I would like to produce my own power bill. I think it was something like \$29. I mean, that is not an outrageous power bill.

I don't know what your power bill is. What is your power bill for your house? You know, I would challenge the hon. member to table his power bill in the House. I would challenge him to table his power bill from, say, 10 years ago, and I would like him to track the general rate of inflation. Will you do that? Will the hon. member stand up and commit to doing that? Mr. Speaker, there's a challenge. You will see that his bill, except for some spikes during the difficult times in deregulation, has gone up, but generally it has tracked the rate of inflation.

At least now he has the security of supply. Would the hon. member like to stand up and say to this House, "I would rather risk brownouts or blackouts than pay a little bit more on my electricity bill"? Is that what he's saying?

Mr. Mason: Mr. Speaker, given that I've already tabled power bills that are much higher than they used to be from dozens and dozens of Albertans, will the Premier admit that he has not been able to produce one power bill that shows that power prices have come down since deregulation was brought in?

Mr. Klein: I would like to table for the perusal of the members four copies of this document. It shows residential bill comparisons, consumption based on 600 kilowatts. It's based on ATCO energy rates, based on December 29 to January 27 flow-through rates. It talks about the rates in Edmonton, Whitecourt, Calgary, and Grande Prairie, Mr. Speaker, and nothing on this chart indicates to me that anything – anything at all – is unreasonable.

The Speaker: The hon. Member for Edmonton-Meadowlark, followed by the hon. Member for Edmonton-Centre.

Identity Theft

Mr. Maskell: Thank you, Mr. Speaker. Identity theft has become one of the fastest growing crimes in North America with at least 50 million Americans victimized. The problem is as serious in Canada, happening without our realizing it through the use of credit cards, by submitting personal information over e-mail, at ATM machines, and by hacking into databases. My question is to the Minister of Government Services. Does your department have information on the magnitude of this crime in Alberta?

The Speaker: The hon. minister.

Mr. Coutts: Thank you very much, Mr. Speaker. First of all, identity theft or anyone attempting to assume somebody else's identity is a crime not only in Alberta but in North America. These crimes are committed by unscrupulous people who have absolutely no conscience. They have devious minds, and they will do anything to lie and cheat and misrepresent themselves to secure your credit card, your debit card, your driver's licence, your passport, your social insurance number. They will use those documents to assume your identity so that they can break into your bank account and do anything to secure your property. This is a North American problem, but in Alberta in the last three years the number has risen

from 640 instances to over 1,000 instances, and the total loss has risen from just under half a million dollars to \$1.2 million in this province alone.

I've created in my department a new investigation team, and that's done in co-operation with the police and court investigation units to look at the instances here in Alberta. Presently we have 100 files on identity theft that we're going over at this particular time.

2:00

The Speaker: The hon. member.

Mr. Maskell: Thank you. Is your department developing a plan – and I guess you've partially answered – or a program to inform Albertans about the risks of identity theft and about what actions can be taken to minimize those risks?

Mr. Coutts: Absolutely, Mr. Speaker. In addition to the investigative team that we have in place to look at what's presently happening, we are embarking on an education program for Albertans. We have an identity theft tipsheet that is available, and it can be found on our web site in Government Services.

We also have helped other consumer protection divisions in various governments across Canada set up a national identity theft kit. This theft kit will help anyone who's been a victim of identity theft clear their name with one standard form that they can go down and have a checklist on how to correct their credit rating across Canada. We also use this form to notify banks and retailers and credit card users about how their identity has been misrepresented.

In addition, Mr. Speaker, we have just recently come up with a brand new driver's licence, which is more secure and tamper proof, and that is a big deterrent to identity theft in Alberta. But, most importantly, consumers should keep their documents safe. They should shred all documents that have any account numbers on them, and they should make sure that their credit cards and debit cards are kept safe as well as their passports and social insurance numbers. That's the biggest deterrent to identity theft.

The Speaker: The hon. member?

The hon. Member for Edmonton-Centre, followed by the hon. Member for Olds-Didsbury-Three Hills.

Edmonton Remand Centre

Ms Blakeman: Thank you, Mr. Speaker. Built for less than 300, the Edmonton Remand Centre now houses over 700 people. Medieval living conditions are resulting in judges ordering 3 for 1 credit for time served at the remand centre when sentencing convicted criminals. This government's policies increasingly result in criminals spending less time in jail. My questions are to the Solicitor General. Why is this government allowing conditions to deteriorate so badly at the Edmonton Remand Centre that criminals gain by not having to serve their full time behind bars?

The Speaker: The hon. Solicitor General.

Mrs. Forsyth: Well, thank you, Mr. Speaker. I'd first like to mention that the hon. member has mentioned a case in regard to somebody that was given some time off due to serving time in our remand centre. That was an exception in that particular case. Unfortunately, I can't go into the details on that.

Mr. Speaker, in regard to our remand centre I have to tell you that we don't have any control over the people who comes into our remand centres. We can't hang a no vacancy sign on a remand centre when people are sentenced to the remand centre. We treat all

our prisoners with dignity and grace, and we provide them what they need while they're serving time in our jails.

The Speaker: The hon. member.

Ms Blakeman: Thank you. The minister is responsible, however.

Given that the Fort Saskatchewan Correctional Centre has one and often two units sitting empty, why is the minister not housing low-risk detainees there to reduce overcrowding at the remand and not just the weekend people.

Mrs. Forsyth: Well, Mr. Speaker, people who are usually sentenced to remand aren't people that can go into a low-risk area.

Ms Blakeman: You've got empty units there.

Again to the same minister: given that smoking is not allowed in most workplaces or in public institutions, why is the Solicitor General continuing to allow inmates to smoke throughout the remand centre, affecting the health of other inmates and especially the staff?

Mrs. Forsyth: Well, Mr. Speaker, the hon. member has a good point. Smoking is allowed in our remand centres in certain areas, and we are well aware of some of the things that are happening within our remand centres in regard to smoking. We have been monitoring what was happening in Nova Scotia when they made their facilities a nonsmoking environment, and I would ask the member to stay tuned because it's going to be happening in our area also.

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

Agricultural Small Business Assistance

Mr. Marz: Thank you, Mr. Speaker. My first question is to the Minister of Finance. BSE has not only had a devastating impact on Alberta producers, but it's also put many agricultural manufacturing businesses at risk. At the same time, Alberta Treasury Branch is calling in loans on some of these businesses. These same businesses are being courted by American jurisdictions to relocate to various locations in the U.S.A., complete with the offer of venture capital to get them established. If we lose these businesses, they won't be back, and that's unacceptable. To the Minister of Finance: given that Alberta Treasury Branch was originally born to address these very kinds of issues back in 1938, can the minister tell me if there are any advantages for small business to still deal with the ATB over other financial institutions?

The Speaker: The hon. minister.

Mrs. Nelson: Thank you very much, Mr. Speaker. The hon. Member for Olds-Didsbury-Three Hills is correct. The ATB has a long history of providing sound financial services to its clients. In fact, this year the Canadian Federation of Independent Business ranked ATB Financial number one across the country for service to small business in 2003.

All that being said, I can say that ATB has been servicing the financial needs, of course, for 65 years within the province, and today almost two out of four farm families do their banking with ATB Financial. Let's be very clear; ATB understands agriculture and small businesses within Alberta and continues to grow strong local business while helping customers with their success. One thing

that is very, very obvious in this province is that ATB is located in the vast majority of small communities within the province and has been there with those communities from day one and services them very, very well.

The Speaker: The hon. member.

Mr. Marz: Thank you, Mr. Speaker. Could the minister tell me what other financing options are available for these small businesses that are at risk to get them past this BSE crisis?

Mrs. Nelson: Well, Mr. Speaker, we've had this tremendous tragedy and disaster hit this province. I understand that the financial institutions within the province have tried very, very hard to deal with the disaster that has hit our agriculture community once again.

Insofar as ATB Financial is concerned, they have been very proactive in working with their customers throughout the province and, in fact, have been trying to mitigate some of the impact on their customers on a one-to-one basis by seeing what best suits them. I can say that ATB has clearly recognized, even in their most recent annual report, their focus on the BSE issue as it pertains to Alberta customers this year, and they are trying to work on situations where they could help them through the crisis and stay with these communities. In fact, I can tell you from the annual report I just went through that it's very obvious that ATB is there for Alberta rural communities without question.

The Speaker: The hon. member.

Mr. Marz: Thank you, and I'd like to thank the Minister of Finance for that answer.

My next question is to the Minister of Economic Development and tourism. What's your department doing to prevent what could soon become an exodus of Alberta businesses?

The Speaker: The hon. minister.

Mr. Norris: Well, thank you very much, Mr. Speaker, and I also want to thank the hon. member for taking time to share his constituency with me the other day and some of the problems that are being faced. There are a number of programs that are ongoing right now that are of great importance to, certainly, rural Alberta and all of Alberta, especially faced with the BSE crisis. One of them, of course, is our value-added strategy that looks at turning commodities into more profitable high-end products within the very constituencies they're taken from. The other is our rural development strategy, which the hon. Member for Innisfail-Sylvan Lake and the hon. Member for Wainwright co-chaired, and I'm working on that with the hon. minister of agriculture.

I would like to say to the hon. member that it's because of efforts like his that those problems have been brought to light to the Ministry of Economic Development and other ministries, and we do recognize the importance of them. It's been very tough in rural Alberta to deal with these, but hopefully these strategies we're working on will help combat this in the future.

2:10

To his original question about the exodus of businesses, we take that very, very seriously, and we do not want to see one business leave the province of Alberta. In fact, we believe that the more businesses come, the greater the tax base pie, the better for all of Alberta. The evidence is that in most industries the growth rate is very significant. With this particular industry we're monitoring it

very closely, and we'll be bringing forward programs, as I said, through the rural development strategy and the value-added strategy to help combat the commodity price, which is really at the heart of this crisis.

Again, I want to thank the hon. Member for Olds-Didsbury-Three Hills and all rural members who have brought that to our attention. Thank you.

Water Management

Ms Carlson: Mr. Speaker, communities around the province are watching the Red Deer River diversion hearing with grave concern. This hearing sets a precedent for how fresh water will be used in this province, and so far it looks like this government supports promoting development at the expense of sustainability. My first question to the Minister of Environment. Mr. Minister, you waffled all week on this answer. Will you just say no to using fresh water for oil field injections?

Dr. Taylor: I don't even like waffles, Mr. Speaker. We haven't waffled. I've said very clearly what process is happening. We've got a semijudicial process that's happening. It's in the public. It's the Environmental Appeal Board, which has its own legislation. It's a public body conducting a public hearing. They will make a recommendation to me within about 30 days of the conclusion of the hearing as to what their recommendation is in regard to the Capstone Energy application for a water licence.

Once again I repeat: as far as I know, we're the only province that has a public hearing process like this, where if a member of the public does not agree with a decision that one of my environmental directors makes, they can appeal that through the Environmental Appeal Board in a public process. Mr. Speaker, not even the NDP provinces in this country offer that.

Ms Carlson: Mr. Speaker, to the same minister: why would this government allow companies to even apply to use freshwater injection when the government-appointed committee is in the process of making recommendations on water use in this province?

Dr. Taylor: Well, Mr. Speaker, we have legislation which allows a certain procedure to follow for a water licence. Capstone Energy has followed a procedure. An irrigation district or an irrigation farmer or a golf course will follow a process to apply for a water licence, and that's exactly what has happened in this case. We have under legislation a process to apply, and that's open to the member if she'd like to apply for a water licence as well.

Ms Carlson: This minister has the authority to freeze that process.

Will he confirm that the real reason they are allowing these applications to go forward is because development is more important to this province, this government than sustainability?

Dr. Taylor: Absolutely not, Mr. Speaker. Certainly, people of Alberta appreciate the strong and healthy economy we've got, but they also appreciate the strong and healthy environment we have, and we will continue to protect the environment as a government, and we do have a wonderful environment in Alberta.

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

[The sound system emitted a prolonged, high-pitched squeal]

Mr. Lukaszuk: Thank you, Mr. Speaker, for clearing my sinuses.

The Speaker: Hon. member, there are switching problems in this building. It's caused the lights to flicker now and then and perhaps the sound system, and it's simply due to the age of the infrastructure. So please be patient and proceed.

Correctional Services

Mr. Lukaszuk: Thank you, Mr. Speaker. It's hard to compete with that squeak.

There have been many questions and speculations about correctional services in Alberta, including suggestions that the remand centre may be overcrowded, coming from those who are very sympathetic towards prisoners, but also that correctional officers may be in danger and that offenders serving their sentences in the community are not adequately monitored. The minister received a report a year ago dealing with such issues. My question today is to the Solicitor General. When is the correctional review report being released?

The Speaker: The hon. minister.

Mrs. Forsyth: Thank you, Mr. Speaker. First of all, I would like to thank the hon. member for bringing up that question. I'd also like to thank the members who have served on that committee.

Mr. Speaker, the member is correct. I have had that report in my office for the last year, and I will not apologize for that. What I will say is that that report contained many, many, many very, very good recommendations, some of them very controversial. Some of them we have monitored over the last year to make sure that we are making the right decision. I'd be pleased to tell the hon. member that with this report there were budget implications, and that report will be released after the budget, because we'll have some good news then.

The Speaker: The hon. member.

Mr. Lukaszuk: Thank you, Mr. Speaker. My first supplemental: what is the minister's response to allegations that the Edmonton Remand Centre is overcrowded, not in relationship to the comfort of prisoners but the safety of employees there?

Mrs. Forsyth: Well, Mr. Speaker, any time you have people held within a remand centre or a correctional facility, you always have to worry about the correctional officers who serve this province. All of the correctional officers in this province do a good job. They're well trained. It would be insane for me not to have to worry about them in regard to their health and their safety, but they're well trained. They deal with the conditions that they have to deal with. Like I indicated to the member across the way, I can't put a "no vacancy" sign on my remand centre. We deal with the prisoners the way they should be dealt with, with dignity, and I always worry about the safety of our corrections officers. But, again, they're very well trained.

The Speaker: The hon. member.

Mr. Lukaszuk: Thank you, Mr. Speaker. My last supplemental: considering that more and more offenders are now serving conditional sentences in the community, what is the department doing to ascertain that members of our community are safe and those prisoners are adequately supervised?

Mrs. Forsyth: Mr. Speaker, another good question, one that is dear

to my heart and dear to the Justice minister. For the last three and a half years the Justice minister and I have been going to federal/provincial/territorial meetings and advocating how we feel about conditional sentencing in this province. I think Albertans would be appalled if they knew the number of conditional sentences that we're dealing with in this province.

I want to especially express my thanks to the probation officers in this province that deal with conditional sentencing. We closely monitor our offenders that are in the community serving conditional sentences. Mr. Speaker, one of the things I'm looking at and that I hope to announce after the budget, again, is some surveillance monitoring. I know that's something that the hon. member would like us to proceed with, and we will.

The Speaker: The hon. Interim Leader of the Official Opposition, followed by the leader of the third party.

School Closures

Dr. Massey: Thank you, Mr. Speaker. Twenty-five years ago planners for the Calgary board of education recommended closing 31 schools. The plan, of course, wasn't acted upon, but former MLA Tom Sindlinger attributed the chaos of closures to the lack of a long-term plan to address the disposition of schools with declining enrolments. My questions are to the Minister of Learning. What direction is given to the Department of Infrastructure with respect to closing out programs or closing schools?

The Speaker: The hon. minister.

Dr. Oberg: Thank you very much, Mr. Speaker. There is a very definitive process that has to occur any time a school or a school program is closed. If a junior high is closed, there has to be a consultation and subsequent decision made, all within the school year. If a high school is closed, the same thing. In elementary if three consecutive grades are closed, there has to be the process that takes place. There's a very strict consultation process that has to occur with the community. It has to be done within the school year and within certain time frames.

Mr. Speaker, there have been some criticisms of this process, and realistically I think it's valid criticism. I think that what it does is it does not necessarily allow some of the school boards to plan long term. One of the things that we're looking at very seriously is to enable the school boards to be able to put out long-term plans about what they are going to do with specific schools and specific locations as it applies to new schools and the closing down of older schools.

The Speaker: The hon. member.

Dr. Massey: Thank you. Again to the same minister: why are we still saddled with a policy that links new school construction with school closures and results in neighbourhoods being pitted against neighbourhoods?

Dr. Oberg: Mr. Speaker, there is nothing in the school closure policy that relates to new schools. What is in the new school policy, so to speak, is an occupancy clause, which states that there has to be so much occupancy, and I would invite the Minister of Infrastructure to comment on that. But there is no direct link.

Keeping that in mind, though, Mr. Speaker, I still feel and I'm a strong proponent that the whole idea of school closures and, subsequently, new schools should be done on a longer term plan so

that it does not pit community against community, school against school for closure and/or new schools. I think that that will be a step in the right direction, and we are moving in that direction.

The Speaker: The hon. minister to supplement.

2:20

Mr. Lund: Mr. Speaker, I think it's important to recognize that we do have to have some way of dealing with the excess space today within the province of Alberta. If you added up all of the excess space, there are probably somewhere around a hundred schools, if you could put it all in one location, that are excess to the system. So to talk about building new schools when you've got all the excess space makes it very, very difficult, and quite frankly to operate all of that space would not be a wise use of taxpayers' dollars.

With the process that the hon. Minister of Learning described, with being allowed to do planning over the longer term, that is exactly what we are very anxious to get into so that we don't pit communities. After all, this is more about students than it is communities.

The Speaker: The hon. leader?

The hon. leader of the third party.

Health Care Reform

Dr. Pannu: Thank you very much, Mr. Speaker. The Premier seems to be taking a page out of the Pentagon playbook and engaging in his own shock-and-awe campaign against public health care. By threatening to pull out of the Canada Health Act and openly advocating health care user fees, the Premier is launching a shock-and-awe campaign against the wallets of Albertans. My question is to the Minister of Health and Wellness. Why is it that the government's concept of sustainability boils down to nothing more than imposing deductibles and user fees, thereby shifting the burden of funding health care onto the patients and their families?

Mr. Mar: Mr. Speaker, I don't think that this hon. member has heard a single thing that I've said since we commenced this session and we've been answering questions in question period. The core issue is this, and I've said it a number of times in this Assembly. The core issue of sustainability is that our health care system is growing at roughly twice the rate of the rate of growth of government revenues. That's not just in Alberta; that is across Canada. It's not just the province of Alberta that is talking about the issue of sustainability and its solutions. It is also the NDP Premiers of Saskatchewan and Manitoba. So if he would caucus with those Premiers, perhaps that would help him out in understanding what this problem is all about.

Mr. Speaker, we as a government are striving to protect the basic principles of the Canada Health Act. What we do is seek to ensure that Albertans will have the service when they need it, not only now but also in the future. In order to do so, we're prepared to look at all the options. We are not ideologues, as the hon. member appears to be. We are open minded to different options throughout the country, throughout the world, in an effort to ensure that when Albertans are sick, they'll get the service that they need when they need it, in a timely way, in the most effective and efficient way possible. We'll stop at no length to make sure that we find every possible solution to make our health care system work. Full stop.

The Speaker: The hon. leader.

Dr. Pannu: Thank you, Mr. Speaker. Can this very open-minded minister please explain how shifting costs of health care onto patients, their families, and employers does anything to make the health care system less costly or more sustainable?

Mr. Mar: We again want to focus on the core issue, and we'll look at all of the solutions. We're not proposing anything yet as a government – we're not proposing anything yet as a government, Mr. Speaker – but we are saying that we'll look at: how does the Swedish health care system work, how does the French system work, and how does the system work in New Zealand? What we'll find is that there are mixed delivery systems involving the private and public sectors. Some of them are successful; some of them are not. We need to evaluate each one. As I've said before, if we're prepared to recruit physicians from other parts of the world, we should be prepared to recruit the solutions that help achieve sustainability in our health care system.

Mr. Speaker, it's absolutely critical that we deal with this, because again the hon. member would be well advised to listen to the words of NDP Premiers and NDP governments. My colleagues Minister Nilson in Saskatchewan and Minister Chomiak in Manitoba recognize the core problem in health care, and they are also prepared to say that the system as we understand it today will not survive the decade, and if we don't do something, the principles of the Canada Health Act by the end of the decade will certainly be in jeopardy because we didn't do something. His solution is to just keep it the same. By default we'll end up with a two-tiered system under his proposal.

Dr. Pannu: My final supplementary to the same minister, Mr. Speaker: if his government is so concerned about curbing rising health care costs, will he reverse the proposed changes to Alberta Blue Cross, changes which he himself admits will drive up medical and dental benefit costs for hundreds of thousands of Albertans, and if not, why not? Keep an open mind on this.

The Speaker: Hon. minister, if that's part of the debate that we have on the Blue Cross bill before the Assembly, it has to be noted that it is only the Assembly that can deal with a bill. Now, I'm not sure, so I'll be guided by the minister's response in this question.

Mr. Mar: Mr. Speaker, it would be within the ambit of the bill, but I can assure you that the purpose of that bill being put forward is to ensure that there's a level playing field for private-sector insurance.

Mr. Ouellette: Mr. Speaker, Albertans and Canadians understand the importance of our health care system. Lately there's been a lot of talk about delisting services and opting out of the Canada Health Act. This has many Albertans concerned. My question to the Minister of Health and Wellness: is Alberta opting out of the Canada Health Act?

Mr. Mar: Mr. Speaker, the Premier has made his point very clear on this. What we need is more flexibility from the federal government on how the Canada Health Act is interpreted. Opting out is a very last resort. But this Premier, the Premier of Alberta, and all of the Premiers across Canada have agreed that the Canadian health care system is in urgent need of reform. In some provinces health care costs are approaching and, in fact, exceeding 50 per cent of their overall budgets, leaving less and less money for other important public priorities. Imagine what it would be like to spend more on one portfolio, in health care, than on everything else that this

government does put together. That is not the direction that we want to go.

With respect to the principles of the Canada Health Act, Mr. Speaker, this government supports those principles under the Canada Health Act in spirit and, in fact, in law. This is the only province in Canada, that I'm aware of, that has enshrined the principles of the Canada Health Act in its own provincial legislation, the Health Care Protection Act.

Mr. Ouellette: My next question to the same minister: can the minister tell us if the government will be delisting services as a way to reform our health care system?

Mr. Mar: Well, Mr. Speaker, I just want to reiterate that we are absolutely committed as a government to the spirit and intent of medicare, that no one will face personal hardship because of a health crisis that they might have. Basic health care is basic to public health care.

Mr. Speaker, over the last 40 years the province of Alberta has continually added to services that go well beyond that which is required under the Canada Health Act. As an example, Alberta is recognized as a leader in a number of these different areas, but keep in mind that roughly \$2.3 billion that we spend out of our \$7.3 billion budget is for non Canada Health Act services.

So, Mr. Speaker, we are working hard at improving the sustainability of our health care system to protect the principles of the Canada Health Act, but again our future public health care system must continue to provide services but do so in a way that is sustainable to the pocketbooks of Alberta taxpayers.

The Speaker: The hon. member?

Mr. Ouellette: Okay.

The Speaker: Hon. members, in a few seconds I'll call upon the first of several members to participate, but in the interim might we revert to Introduction of Guests?

[Unanimous consent granted]

head: 2:30 **Introduction of Guests**
(reversion)

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

Mr. Cenaiko: Thank you very much, Mr. Speaker. I'm very pleased to introduce to you and through you to all members of the Assembly representatives of various Alberta paramedic services, the Alberta Fire Fighters Association, and the Alberta Federation of Police Associations. These representatives are here because Alberta's front-line police officers, firefighters, paramedics, and other emergency personnel are routinely at risk of exposure to the blood and bodily fluids of people they come into contact with as first responders to emergency incidents. They are here today to observe the introduction and first reading of Bill 204, the Blood Samples Act, by the hon. Member for Edmonton-Castle Downs.

Among these dedicated professionals I'd like to acknowledge three persons who have experienced the trauma of blood exposure during the course of their duties. They are Constable Ray McKenzie of the Calgary Police Service and constables Mark Bloxham and Andrew Hoglund of the Edmonton Police Service. I'd ask them and all the other emergency service representatives to please rise and accept the warm welcome of this Assembly.

head: **Members' Statements**
Silver Skate Festival

Mr. Vandermeer: Mr. Speaker, this weekend the Dutch Canadian Club once again combined its efforts with the Children's Ability Fund to host the 12th annual Silver Skate Festival at Hawrelak park in Edmonton. This popular event began as an idea of its originator, Mr. Rikke Dootjes, honorary consul for the Netherlands in Edmonton, who wanted to organize a recreational skating party on Alberta's Family Day weekend. It has grown into a wonderful weekend of recreational skating, friendly speed skating competitions, snowshoeing, little-sledge hockey, snow sculptures, a display of theatre on ice, and a showcase for young figure skaters in our province.

At the same time, the Silver Skate Festival raises money for the Children's Ability Fund, a nonprofit organization that provides power chairs, power walkers, lifts, ramps, voice synthesizers, hearing devices, and adaptive computer equipment for disabled individuals. This festival also showcases the importance of ice-skating to people of Dutch ancestry as portrayed in the famous storybook *Hans Brinker or the Silver Skates*.

On behalf of myself and the Minister of Community Development, who attended and launched this year's Silver Skate Festival, I extend congratulations and thanks to our Dutch community; to Carol Russ and the Children's Ability Fund; to all the event sponsors; to founding sponsor Sid Braaksma, owner of Northgate Industries; to the National Ice Theatre of Canada; and to all the participants and volunteers for a job very well done.

Thank you.

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

Peter Elzinga

Mr. Hutton: Thank you very much, Mr. Speaker. I rise today to recognize the tremendous contribution to Alberta made by Peter Elzinga, who today announced his impending retirement from his current post as chief of staff in the office of the Premier.

All members of our caucus have benefited from Peter's wisdom, good advice, and sound counsel. He has provided valuable insights for how we as MLAs can serve our constituents and this Legislature. By word and by deed he has been an example for us on how to conduct oneself in public life. The benefits of his contributions have been felt by all of our caucus, whether we have served for three years or for 30, Mr. Speaker.

I know that the hon. Premier would be the first to agree that Peter has also made tremendous contributions to the work of the Premier's office and to helping the Premier manage his demanding schedule and responsibilities. Above all, for the Premier, for all the members of our caucus, and for all who had the opportunity to work with Peter, he has been a true, true friend. He has been there to help many of us through personal matters, times of doubt, and on occasions when a warm thought, a firm handshake, and a kind word were needed.

For all those reasons Peter will be missed by everyone who came in contact with him during his six productive years with the Premier's office. Of course, those six years as chief of staff were just one chapter in Peter's distinguished career. In three decades of public service, whether serving in Edmonton or in Ottawa, Peter has built a lifetime of contributions to his community and his province. I am certain, Mr. Speaker, that there are many more chapters to be written as Peter moves on to new horizons.

First, though, as many know, Peter plans to undergo a medical procedure to donate a kidney to a dear friend in need. That is a true

friend. While that is a remarkable and telling example of the type of compassionate and giving person that Peter is, it is only one example. People who know Peter also know that it has been a lifetime of compassion and giving.

On behalf of my caucus colleagues and certainly on behalf of our Premier I extend many thanks to Peter Elzinga and best wishes to Pat, to him, and his family for good health and continued happiness. Thank you, my friend, and God bless.

Thank you, Mr. Speaker.

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

Edmonton Public School Board

Mr. Bonner: Thank you, Mr. Speaker. It is my pleasure to rise today to recognize the many accolades that Edmonton public schools is receiving from across Canada and the United States for its innovative education model. The *Globe and Mail* called Edmonton schools "a textbook case of success."

Edmonton public responded to a desire by communities to have local control over school resources in order to meet local needs by introducing school-based budgeting, which allows principals and parents to decide how resources would best be used in their own schools. As a result, its principals control 92 per cent of their budgets, which is far more than the average North American principal.

The success of Edmonton public school based budgeting is also recognized in a book called *Making Schools Work*, in which the author, UCLA management professor William G. Ouchi, argues that successful school districts give principals the freedom to control their own budgets.

In addition to school-based budgeting, Edmonton public has proven itself as responsive to a changing educational climate in other ways. Competition from private schools in the late 1970s encouraged the school division to decide that it wanted to offer school programs that were just as good as private institutions. This plan entailed allowing students to attend any school in a district and offering dynamic arts and athletic programs. The division also invited independent schools to join the school board.

Edmonton public schools is recognized across the continent as a leader in education, and school systems in Seattle, New York City, and British Columbia are now adopting the Edmonton model.

C.D. Howe Institute president and CEO Jack M. Mintz wrote in the *Globe and Mail* on February 6, "Canadians and their governments should be debating how best to spread Edmonton's success to other schools."

We have a wonderful example of innovation and success in education right here in Alberta. Educators across North America have recognized Edmonton public's efforts and are trying their best to emulate its success with high student achievement scores for kids from all socioeconomic backgrounds. I'd like to take this opportunity to congratulate Edmonton public schools on its commitment to excellence.

Thank you.

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

Public Health Care System

Dr. Pannu: Thank you, Mr. Speaker. While pretending to float suggestions about much-needed health care reform, the Premier has been laying the groundwork for a serious and ideologically based attack on public health care. While the per capita spending on health care has not increased significantly, all we hear from the Premier are

doomsday scenarios. This doomsday rhetoric would be a little more believable if it weren't based on distorted statistics and if the government hadn't just presented a bill that will increase health care costs by forcing the Blue Cross to make payments in lieu of corporate taxes. This legislation, which contradicts any efforts at cost-cutting, can only be understood as a gift to their friends in the private insurance industry, a gift that will be paid for by the hundreds of thousands of Albertans who depend on Blue Cross for supplementary health care coverage at affordable cost.

2:40

There is no doubt the reform to the public health care system is necessary. Our Premier, however, has fallen out of step with the rest of the Premiers of this country, who are calling for the implementation of the Romanow report. Instead of taking seriously recommendations of the Romanow commission, the Premier has chosen to pursue wine sales and expensive hotel rooms. These suggestions would be laughable if they weren't so clearly part of a well-planned and ongoing attack on medicare. Rather than listen to the advice of groups such as the Friends of Medicare and the Romanow commission, the Premier has surrounded himself with health care hatchet-men and yes-men who will support his flights of fancy about health innovation. Clearly, Mr. Speaker, this government represents a clear and present threat to the future of public health care in Canada.

Thank you, Mr. Speaker.

head:

Statements by the Speaker

Ladies & Gents of the Legislature 2004 Swimsuit Calendar

The Speaker: Hon. members, before we move on to the next item in the Routine, let me just advise that the Legislative Assembly Office has been nominated for a 2003 United Way Spirit award for its Ladies & Gents of the Legislature 2004 Swimsuit Calendar. The awards of distinction will take place tonight.

Several members of this Assembly were models in this particular project, and as all the members will know, the calendar featured volunteers dressed in period bathing costumes dating from around the time the Legislature Building was opened. The Legislative Assembly by way of its United Way campaign this year raised \$15,166.

Special thanks to Carole Knowles and Michelle Grove, who did all the work with respect to this project.

Calendar of Special Events

The Speaker: As this is the last day in February that we'll be sitting, I think it's also important that we recognize certain events as we leave February. As an example, the year 2004 is the International Year to Commemorate the Struggle against Slavery and Its Abolition, and it's also the International Year for Rice.

Now, February was Black History Month, as already commented on by a particular member. It's also Heart Month, Potato Month, and Junior Achievement Month.

February 1 to 7 was International Development Week. February 1 to 7 was White Cane Week; that has been commemorated. February 1 to 7 was Eating Disorder Awareness Week and also Burn Awareness Week. February 6 to 8 was Ski for Heart. February 9 to 16 was Take it to Heart Week. February 13 to 21 was Cops for Cancer Stationary Bike Ride and also the Heart Fund Campaign during that week. February 15 was National Flag of Canada Day. February 15 to 22 was Scout-Guide Week.

February 16 was Family Day in the province of Alberta and

Heritage Day in other parts of Canada. February 16 to 22 was Heritage Week. February 16 to 22 was also Brotherhood/Sisterhood Week, and it also was Random Acts of Kindness Week. February 21 was International Mother Language Day. February 21 was Cops for Cancer Auction and Dance celebrations. February 22 was Thinking Day for Scouts Canada. February 22 to 28 was Freedom to Read Week, and it was also Antibiotic Awareness Week. All members will want to know that February 28 is the SPCA's International Spay Day, and February 28 to March 7 will be National Engineering Week. And the hon. Minister for Human Resources and Employment is having a birthday this month.

head:

Presenting Petitions

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

Mr. MacDonald: Thank you very much, Mr. Speaker. I have one petition to present to the Legislative Assembly, and this petition urges the Legislative Assembly to have natural gas rebates.

Thank you.

head:

Notices of Motions

The Speaker: The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Speaker. I rise pursuant to Standing Order 34(2)(a) to give notice that on Monday I will move that written questions appearing on the Order Paper do stand and retain their places.

I'm also giving notice, actually, at the same time that on Monday I'll move that motions for returns appearing on the Order Paper also stand and retain their places.

head:

Introduction of Bills

The Speaker: The hon. Minister of Finance.

Bill 14

Appropriation (Supplementary Supply) Act, 2004

Mrs. Nelson: Thank you, Mr. Speaker. I request leave to introduce Bill 14, the Appropriation (Supplementary Supply) Act, 2004. This being a money bill, Her Honour the Honourable the Lieutenant Governor, having been informed of the contents of this bill, recommends the same to the Assembly.

[Motion carried; Bill 14 read a first time]

The Speaker: The hon. Member for Calgary-Lougheed on behalf of the hon. Member for Calgary-West.

Bill 203

Canada Pension Plan Credits Statutes Amendment Act, 2004

Ms Graham: Thank you, Mr. Speaker. On behalf of the Member for Calgary-West I am requesting leave to introduce a bill this afternoon, the Canada Pension Plan Credits Statutes Amendment Act, 2004.

Mr. Speaker, this bill amends the Domestic Relations Act and the Family Law Act to provide that a written agreement between spouses or common-law partners not to divide their unadjusted pensionable earnings under the Canada Pension Plan Act will be enforceable.

[Motion carried; Bill 203 read a first time]

The Speaker: The hon. Member for Edmonton–Castle Downs.

**Bill 204
Blood Samples Act**

Mr. Lukaszuk: Thank you, Mr. Speaker. I beg leave to introduce Bill 204, the Blood Samples Act.

The goal of Bill 204, Mr. Speaker, is to protect police officers, firefighters, correctional officers, front-line emergency workers, good Samaritans, and health care workers who in the course of their work exchange bodily fluids with someone who may have a communicable disease.

Mr. Speaker, this bill would create a process to allow a qualified medical practitioner to take a mandatory blood sample from someone who refuses to comply voluntarily. The blood sample may only be used for the purpose of the act and cannot be used in a criminal proceeding. The bill will also include provisions protecting the privacy of the test subject.

Thank you, Mr. Speaker.

[Motion carried; Bill 204 read a first time]

head: **Tabling Returns and Reports**

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

Dr. Pannu: Thank you, Mr. Speaker. With your permission I would like to table five copies of an Alberta Finance document which shows that health care spending has actually dropped as a percentage of Alberta GDP since the early '90s.

Thank you, Mr. Speaker.

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

Mr. Dunford: Thank you very much, Mr. Speaker. I'm going to table Motion for Return 14, the financial audit of the Alberta Career Computer Center Inc. Last spring Alberta Human Resources and Employment was requested to submit a copy of the financial audit of the Alberta Career Computer Center Inc., and today I'm pleased to table eight copies of those portions of the report which was prepared in early 2003 by Doug Courts, chartered accountant, Jervis Afanasiff & Redinger, for HRE as deemed subject to disclosure under the Freedom of Information and Protection of Privacy Act.

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

Dr. Taft: Thank you, Mr. Speaker. I have two tablings today. First is the appropriate number of copies of a letter I referred to in question period from Kathy Briant, whose 80-year-old mother waited eight hours in the emergency room in the Foothills without seeing a doctor and had to leave.

The second is the appropriate number of copies of an e-mail from Moneca Blackwell, who was also at the emergency room at the Foothills and who was with a friend acutely ill who ended up lying on the floor because there were no gurneys or beds available.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. I have one tabling this afternoon. It's a letter that I received from the hon. Minister of Energy on July 21, 2003, and it's in regard to the Alberta royalty tax credit.

Thank you.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I have two tablings today, both on the Learning Commission. The first is from Dan Friedt, who comments that he's concerned about recommendation 78 of the Alberta Learning Commission to establish a new council of education executives. He believes that removing administrators from active membership will cause great problems and does not approve of supporting it.

2:50

The second letter is from a constituent, Delia McCrae, who also is reacting to recommendation 78 from the Learning Commission, believing it disadvantages everyone; also concerned about recommendation 75, that eliminating the board of reference puts "teachers in a . . . vulnerable position"; and recommendation 81, noting that "working conditions are of paramount importance" and teachers should be involved in discussions on that.

Thank you very much.

**Speaker's Ruling
Tablings**

The Speaker: Hon. members, let me just make a comment with respect to the tabling of e-mails again. How does an hon. member know that what might be in an e-mail or even a letter to them is true? How does one know that? When an hon. member stands up in this House and quotes either something from a letter that they have received or has provided an editorial comment with respect to it, how does that hon. member know that what he or she is saying is the truth? There's a code in this House that is extremely important. When an hon. member says something in this House, this hon. member must know for sure. I provide that as a caution.

I made comments last year about the tablings and the reports and how this is dealt with in all other jurisdictions, virtually, in the Commonwealth, that the only documents that are tabled are official reports required by statutes essentially to do it. We've allowed a great latitude in this Assembly. I want to provide again caution, because there will be a point in time when an hon. member will be challenged under a point of privilege by another hon. member, and that will have very serious repercussions.

Mr. Mason: May I ask a question as a point of clarification?

The Speaker: Absolutely. Under Standing Orders that's permitted.

Mr. Mason: Yes. I wonder about tabling documents which are referred to in the asking of questions. Is that something that's appropriate?

The Speaker: Well, hon. members, we've talked about that before, and then the three House leaders have had discussions with respect to this matter in the past. At one point in time there was a section in the Routine that provided for tablings of returns and reports prior to the question period. Then, as a result of the consultation among the three House leaders, the determination was that the Routine should be changed and that Tabling Returns and Reports should come after that. So there's always a subjective point during, particularly, the question period when an hon. member refers to a document. At times in the past I've said: "Look; well, hon. member, okay. If it's really important at that point in time, table it. Go ahead and do it." But the preferred approach is to wait until this section in the Routine called Tabling Returns and Reports comes about.

There's a dilemma, though, with that. If an hon. member refers to

a document that hasn't been tabled, there could be almost an hour from the time, one hour ago in the question period, when a document has been referred to, and it may be of particular impact or importance to another member or minister, and it won't be one hour until that particular document is circulated to all members. So, in essence, you've got a kind of a vacuum of knowledge. If a particular hon. member would then say, "Well, okay; this is such an important issue that I want to deal with it," but we prohibit that document from being provided to that hon. member, I think there is perhaps a disservice to the performance of the House.

The preferred mechanism, of course, would be that if an hon. member were to know that he or she is going to refer to a document in the question period, as a courtesy provide a copy of that to the person that they may be directing the question to prior to the question period. Today we had a different situation. We had one where an hon. member referring to a question would not have known what the question would be but had in his possession a certain document and during the response said that he would table the document.

I've given you all the whole expanse of the options. The preferred one: if an hon. member is to raise a question, out of courtesy provide a copy of that particular document to the person that he chooses to raise a question. If a person responding to a question has a document they want to table during the question period, the preferred mechanism is to await Tabling Returns and Reports, although there would be some exceptions to that.

head: **Tablings to the Clerk**

The Clerk: I wish to advise the House that the following document was deposited with the office of the Clerk on behalf of the hon. Mr. Cardinal, Minister of Sustainable Resource Development: the Surface Rights Board and Land Compensation Board annual report, 2003.

head: **Projected Government Business**

The Speaker: The Official Opposition House Leader.

Ms Blakeman: Thank you, Mr. Speaker. Subject to Standing Order 7(5) I would ask the Government House Leader to please share projected government business for the week of March 1 to 4, 2004. Thank you.

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. Of course, subject to progress today I would expect that on Monday, March 1, at 9 p.m. under Government Bills and Orders for second reading bills 6 and 13 and in committee bills 1, 2, 3, 4, 7, 8, and 9. Bill 6 is the Income and Employment Supports Amendment Act, 2004; Bill 13, Forest Reserves Amendment Act, 2004; and in committee Bill 2, Black Creek Heritage Rangeland Trails Act; Bill 1, the Alberta Centennial Education Savings Plan Act; Bill 3, Architects Amendment Act, 2004; Bill 4, Blind Persons' Rights Amendment Act, 2004; Bill 7, Senatorial Selection Amendment Act, 2004; Bill 8, Blue Cross Statutes Amendment Act, 2004; Bill 9, Prevention of Youth Tobacco Use Amendment Act, 2004; and as per the Order Paper.

On Tuesday afternoon, March 2, under Government Bills and Orders for second reading Bill 12, the Financial Administration Amendment Act, 2004; Bill 13, the Forest Reserves Amendment Act, 2004; Bill 14, the Appropriation (Supplementary Supply) Act, 2004. In committee bills 1, 2, 3, 4, 7, 8, and 9 and in third reading bills 2, 5, and 11 and as per the Order Paper. At 8 p.m. under Government Bills and Orders the same list in committee: bills 1, 2,

3, 4, 6, 7, 8, and 9, and third reading of bills 1, 2, 3, 4, 7, 8, and 9 and as per the Order Paper.

It's anticipated that a notice should go on the Order Paper this afternoon or Monday that there will be three additional bills at least available to the House: the Fiscal Responsibility Amendment Act, 2004; the Justice Statutes Amendment Act, 2004; and the Residential Tenancies Amendment Act, 2004. In the event that they are placed on notice and introduced for first reading on Monday or Tuesday, then we might anticipate second reading of those bills on Wednesday in the afternoon under Government Bills and Orders together with committee on bills 12, 13, and 14 and third readings on bills 1, 2, 4, 5, 6, 7, 8, 9, and 11 and as per the Order Paper. In the evening at 8 under Government Bills and Orders the same bills and as per the Order Paper.

Thursday afternoon as per the Order Paper.

head: **Orders of the Day**

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

Bill 6

Income and Employment Supports Amendment Act, 2004

[Adjourned debate February 25: Mr. Hancock]

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

Ms Blakeman: Thanks very much, Mr. Speaker, for the opportunity to bring forward comments on Bill 6, the Income and Employment Supports Amendment Act, 2004. I just had a couple of questions on this act. There's not a lot in it here, and I wanted to go back and read the remarks from the mover of the bill. He's now spoken in two parts: when he first introduced the bill and then I think again yesterday. I haven't read his comments from yesterday, so I'm sorry if I repeat questions that you have already answered.

The bill is saying that it will assist parents to obtain child support agreements or court orders. My question is: would the parents or one of the parents have to be on an assistance program through the government like AISH or supports for independence in order to be eligible to have the government assist them to seek and obtain child support agreements or court orders? What's happened in the past is that the maintenance enforcement staff were available to go to court to pursue only subrogated amounts – in other words, amounts that had accrued or were accruing while the individual that had the order was in fact receiving government benefits – because the government viewed that as money that they were eligible to recover. If they were providing supports to a single parent and that single parent was eligible to receive maintenance payments, then the government felt that those maintenance payments should in fact be coming directly to the government to pay them back for having doled out money through the assistance program. That's not clear from what I'm reading in the news release and what I heard the member say when he introduced the bill. As I say, I don't know if he followed up again with it yesterday. So that was one of the questions that I had around this bill.

3:00

The first section of it is really around a whole section, changing it from the minister's direction to "the Director, which appears to be just a straight housekeeping change, which is fine, changes a few comments around "eligibility or continuing eligibility for, or the amount or value of." It's just a minor wording change there.

The larger piece is around getting information from people who may know where a creditor parent, the noncustodial parent, could be,

where their location is, one presumes so that papers could then be served to seek the money from them. So this is to protect individuals who may be able to give that information like a landlord or a neighbour or a friend or an employer and, further, that the information about who gave them the information would not then be released to anyone else. That makes a certain amount of sense. They're protecting their source, in other words.

Now, I did hear the sponsoring Member for Edmonton-Castle Downs talk about the Alberta Works program that was mentioned in the throne speech when he first commenced his comments on second reading of this bill, and I'm not sure why he was looking to do that because I don't particularly see any reference to that in this bill. So is he foreshadowing something to come, or is he pulling out something in this bill that I have not seen?

The whole issue of pursuing noncustodial parents for maintenance agreements or support agreements is a difficult one, and we've all commented in this House about how difficult it is for our constituency office staff and, indeed, for all of the elected members to deal with this issue. For me it always comes back to: this is money that's ordered by the court for the children. So all other arguments that go on between the custodial and noncustodial parents really should not come into play here. If we're talking about court-ordered payments for children, then that's the focus that we have to keep on this. The money is for the maintenance of those kids so that they have a reasonable place to live, their electricity bill, however high, is paid, they have clothing, and, further, they can participate fully in their society, their school fees can be paid, they can participate in school activities and extracurricular activities like the rest of the kids that are around them. They shouldn't be in a worse position.

We have court orders set up to facilitate this, so when we have someone who decides not to pay for their children, we should pursue them with great vigour. We should be fair, and that's not to say that we should be taking money that isn't due, but if there's a court order that says X amount of money is to be paid for the maintenance of this child, I look to the government to pursue this with as much vigour as they can.

So this act appears to be facilitating that in that they are seeking funds on behalf of the children. My concern here is: are we just looking for money that would be in fact coming back to the government, or are they willing to pursue this on behalf of court orders where the monies would not necessarily be subrogated or in fact on behalf of parents who are not involved in a benefit program that's flowing from the government at all?

At this point I can't see any other reason for objecting in principle in second reading to this act, but I've learned to be very cautious in giving my support to bills put forward by the government until I get all the answers to my questions and I'm reassured that there's nothing unanticipated here. So I look forward to the sponsoring member being able to answer my questions either here in the House or, certainly, by note if he wishes to do that.

Thank you for the opportunity to raise the issues in second reading.

The Speaker: Hon. members, Standing Order 29(2)(a) kicks in for five minutes should hon. members wish to participate in questions or comments.

There being none, the chair would recognize the next speaker who would like to participate, the hon. Member for Edmonton-Ellerslie.

Ms Carlson: Thank you, Mr. Speaker. I would also like to make a few comments on this bill. Any time we do anything with maintenance enforcement, it's of particular concern to my constituency and a number of the people who regularly have to access our constitu-

ency services in order to deal with issues around the maintenance enforcement program.

At first glance it looks like this is an additional improvement to this particular piece of legislation. The problem of noncustodial parents skipping out on their payments and then taking a variety of evasive actions to be able to not pay what they've been demanded to pay by the courts is a real common problem. They leave the country; they leave the province; they change their names; they work for cash; they put all of their assets into a new partner's name. They do all kinds of things. They have all of their assets in their company and pay themselves out a bare minimum wage so that they can have their payments reduced over time. They go in arrears for years and years or months and months and then go back to court and get those arrears reduced in amount. So we've seen every conceivable kind of evasive action taken by noncustodial parents in the past on support payments.

So this looks like it's a step in the right direction in terms of giving anonymity to people who are disclosing information about the whereabouts of a person who can't be found. That's a good start, but it's just a tip of the iceberg on where we need to go on this issue, Mr. Speaker. Everyone in this country needs to value children, and we need to ensure that the support is in place for them to be able to be taken care of to the best ability of both parents, whether they're custodial or not, whether they're married or not. So I strongly encourage this government to take action on an ongoing basis to try to solve this outstanding problem that has been a tremendous problem over the course of my career in this Legislature.

So I will be supporting this bill, but I'm looking forward to seeing much more aggressive action than just this. Thank you.

The Speaker: Hon. members, Standing Order 29(2)(a) is available. The chair is prepared to recognize additional speakers.

[Motion carried; Bill 6 read a second time]

3:10

Bill 13

Forest Reserves Amendment Act, 2004

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

Mr. Marz: Thank you, Mr. Speaker. I'm pleased to move second reading of Bill 13, the Forest Reserves Amendment Act, 2004.

Mr. Speaker, the last major review of this legislation occurred back in 1980. We are amending the legislation by updating the language and streamlining the legislation to meet the changes that have occurred out in the field – for instance, there'll be some wording changes to be consistent with the Public Lands Act – and also reducing overlap in the legislation by deleting parts of the act that are already covered under other legislation.

We have proposed adjustments that reflect organizational and operational changes that have occurred in the department since the last review. This bill also proposes to transfer the authority to develop regulations governing livestock grazing and other related activities from the Lieutenant Governor in Council to the Minister of Sustainable Resource Development. This adjustment will allow the department to update the legislation in a more timely manner. As you are aware, noxious weeds and restricted weeds are a problem that can have a significant impact on the environment and other land users. Changes to this legislation will enable the department to address the need for control and destruction of restricted and noxious weeds through regulations.

Mr. Speaker, other changes to this act deal with the amount that can be assessed for offences and adds new provisions for administra-

tive penalties. One change is an increase in the maximum amount that can be assessed for offences under the act. The fee being charged to do with an offence under this act has been set at \$5,000 per day. This is consistent with assessments for offences under other acts such as the Public Lands Act. The change will also allow for better enforcement of the act and provide for a better deterrent.

Within that change we're also proposing that the Minister of Sustainable Resource Development have the authority to assess administrative penalties for minor violations of the act and regulations. A maximum of \$5,000 per day will be set for this purpose under the act. This change is being proposed to ensure compliance and speed up processing of minor violations. These changes will also ensure uniformity when dealing with contraventions and a deterrent, ensuring consistency with other legislation such as the Public Lands Act.

So as you can see, Mr. Speaker, these amendments will update the legislation, making it more relevant to what's happening out in the field in Alberta today, and I hope everyone supports these proposed changes.

With that, I would move adjournment of debate.

[Motion to adjourn debate carried]

head: **Government Bills and Orders
Committee of the Whole**

[Mr. Tannas in the chair]

The Chair: Good afternoon. I'd like to call the Committee of the Whole to order.

Bill 2

Black Creek Heritage Rangeland Trails Act

The Chair: The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Chairman. I rise on this occasion to make some additional comments during the committee stage of debate on Bill 2, the Black Creek Heritage Rangeland Trails Act. I guess that in particular I would begin my comments by responding to some of the comments that were made by the hon. Member for Edmonton-Ellerslie during the debate on February 24 on page 131. She made some very good points, and there were a couple that I thought perhaps needed correction and/or clarification, from my point of view.

I'll begin with the statement she made that references the management plan for the Whaleback area in general. I'm sure she probably meant to say "draft management plan" when she was quoting, but she didn't, so people looking at this are calling me and saying: "There is already a management plan put in place? Is that what you've already done?" I've said to them: "No. We haven't in fact put the management plan in place yet. What we have done is arrived at a draft management plan that has gone out for public input." People had until I think January 31 of this year to in fact put forward their comments. So I'm taking it, hon. Member for Edmonton-Ellerslie, that that's what you had intended to say, because it just got left out inadvertently here.

The second point I wanted to make is with respect to the comment she made regarding access points in other possible locations. Mr. Chairman, the Whaleback area is not only unique, as you yourself know very, very well, but it is also quite mountainous in many parts. In other parts, of course, it's got that beautiful, lush vegetation and grassland and wild-land appearance. But in terms of access points into the Bob Creek wild-land, which in this case is the western portion of the Whaleback ridge, there really were no other feasible

alternative access points that could easily be used to get into the Bob Creek wild-land.

The reason that is important to know is because the Bob Creek wild-land is an area where we do allow on already designated trails certain types of activities to occur. For example, off-highway vehicles would be allowed in that classification of a wild-land, but with no available or designated access points to get into the Bob Creek wild-land, we occasionally see people trying to get into the wild-land through all kinds of other self-made roads, if you like.

In this particular case what we have are two existing trails that have been in that area for many, many decades used primarily by the farmers and ranchers. Many of those that live there have grazing permits or grazing leases in either the Bob Creek wild-land or in the Black Creek heritage rangeland. So as a result of having those two existing trails there already, what this bill will do is restrict the public's access into the Bob Creek wild-land to those two pre-existing trails only. That, Mr. Chairman, is a good thing because it will take away a lot of the random driving that is occurring right now in other places surrounding Bob Creek wild-land, and that will help protect the area even more.

I want to emphasize again that we're talking about a trail here that emanates from Bob Creek staging area, which already exists, and another one which goes up through to the Camp Creek staging area, which we are creating. Now, a staging area is simply a place where people can gather and get ready to go out and do whatever their business is, hunting or fishing or a limited amount of backcountry camping, that kind of thing. That's what a staging area more or less is all about.

3:20

Those two trails together comprise 3.5 kilometres, and in fact I think one of them is approximately eight feet wide, and the other one is probably about 10 feet wide. They're more like ruts in the road that have been there for many, many years, so we're not fancying things up here and allowing total random access into the heritage rangeland. In fact, we are restricting it to the general public through those two trails only. So that's very important to note.

Now, to come back to the point that I started with here, which is the Member for Edmonton-Ellerslie's second point, "They virtually eliminated any other possible access points." Well, we didn't eliminate any access points, hon. member. As you probably know, there is a small access point off White Creek, which is way up on the west and toward the north end. Unfortunately, that is a difficult one to get to if you are a farmer or a rancher living down in the southeast corner. Then there is another small access point possible up in the north-northeast quadrant, but that one is little known and little used and extremely difficult to get to because you'd have to go down the riverbed or something close to that to in fact access it. So it isn't that we eliminated any access points; it's that we didn't create any others. But we did eliminate the possibility of using other ones or designating other ones, and that's an important point to remember.

Now, the other point here that came up during the discussion was the hon. member saying: "They need to find a different solution to this problem. This is not the right way to go about this." In fact, I need to inform the House, Mr. Chairman, that this is the best way to go about it under the circumstances. I've indicated before that we have very, very unique circumstances in this case, and I just want to refresh members' memories on this.

The uniqueness of it is a couple of things. First of all, in order for us to have been able to accomplish the protected area designation back in 1999, we needed to work with the local stakeholders and, in particular, with the ranchers and farmers whose livelihood depends on access into both the Black Creek heritage rangeland and into what

is now called the Bob Creed wild-land. Their livelihood depends on it, and they agreed with the designation of a special place in both these cases provided that the government of Alberta didn't shut off their access to either of the two areas, because, as I mentioned before, they rely on it for access to their grazing and permit leaseholds, whichever might be the case. They also rely on it for hunting and for fishing purposes, which is a food source that is very important to them and to others.

So that is one uniqueness of why we have to go about doing this very carefully and cautiously, and it took quite some time to get to this compromise arrangement, if you like. In fact, it is the only way that we could see going about the business that we needed to go about while also respecting the rights of access, particularly for the farmers and ranchers living in that area.

Of course, there are many recreationalists who like to hunt and fish as well, so we wanted to ensure that we also allowed them some access into the Bob Creek wild-land, where those two activities are allowed, but we didn't want to just open it up randomly. So we designated two special existing trails for that very purpose, and I can assure you that with additional attention and with good signage and with proper monitoring, which we fully intend to do, we're hoping to not only preserve that very pristine, natural area the way it is, but we will also further enhance it.

Just a couple of other quick points here, Mr. Chair. There is a comment here: "Protective legislation is originally brought into place as more than a convenience." The quote goes on: "It's brought in for specific reasons, which the government clearly outlined at the time, and they shouldn't be overruled whenever it's the most convenient way to allow access." I would hope that the hon. member would reconsider that comment. We are providing an exception – that is correct; that is exactly what this bill does – but it will be restricted to the two trails indicated, and it will be restricted to this particular heritage rangeland, the Black Creek heritage rangeland, which, as members of the House know, is the first officially designated heritage rangeland in this new class that came into being formally last year.

So it's not so much a question of overruling it as it is a question of trying to do what's right and to do what common sense would dictate we should do to take into consideration the important points raised by the local area persons, who have proven over decades themselves and through their families over many generations that they, in fact, are among the best stewards you could ever possibly hope to have. Our farmers and our ranchers depend on the land. They know how to care for it and how to look after it.

This has been arrived at after some meetings and phone calls and letters and more meetings and so on, in particular with the hon. Member for Livingstone-Macleod, who is the MLA for the area, myself, the Minister of Agriculture, Food and Rural Development, the Member for Athabasca-Wabasca, the hon. Minister of Sustainable Resource Development, and many local area ranchers. We had a meeting right in Cowley, in their library as it were, and arrived at what needed to be done.

I think I have a minute or two left. I'll just let someone else take the floor in a minute.

On the comment here about significant policing needing to be put in place, well, it's impossible, as everyone knows, to put police people in place on a 24-hour basis, but I can assure you, Mr. Chairman, that with the signage and the postings that I indicated earlier and with the provisions for penalties that will be adopted through the regulations that will flow out from this particular act once it comes into law, we will do everything we can to ensure that that area is not only protected but that it is better protected than is currently the case under the circumstances before us. Again, we will be relying a lot, also, on the local area people to help us with some

of that monitoring. So I want to give that assurance to the member and to the House.

I'll come back, perhaps, and comment a little further. I believe that probably someone from across the way has a few comments to make. If there are any questions, I'd be happy to address them.

Thank you, Mr. Chairman.

The Chair: The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Olds-Didsbury-Three Hills, followed by the hon. Member for Edmonton-Highlands.

Mr. MacDonald: Thank you very much, Mr. Chairman. I was listening with great interest to the hon. Minister of Community Development in regard to Bill 2, the Black Creek Heritage Rangeland Trails Act. I have a few questions at this time, and perhaps in committee the hon. minister would be kind enough to respond to my questions.

Certainly, we know that less than 9 per cent of provincial Crown land is set aside for nonmotorized access, and we see that we are opening this up in a fashion with off-highway vehicles. Now, my first question – and I believe I already know the answer to this, but I'm going to get it on the record. Snowmobiles are certainly included in that definition of off-highway vehicles. Correct?

Mr. Zwodzesky: The definitions are in the Traffic Safety Act.

Mr. MacDonald: The definitions are in the Traffic Safety Act? Perhaps when I cede the floor to the hon. Member for Olds-Didsbury-Three Hills, I'll have a look at that act.

How much random driving is going on there now? How has that been monitored, or how has that been calculated? The minister referenced that in his comments, and I would just like to know if there's going to be an increase in the access from these random rides, if you could call them that.

3:30

My next question, Mr. Chairman, is: how many hectares of land are open for grazing leases in this Black Creek heritage rangeland? Is it all for grazing? What percentage of this land is set aside for grazing leases?

If this bill were to become law, could commercial enterprises or tourist enterprises organize rides in this area? Could they use this? Is there a licensing system in place, or could anyone just set up a commercial operation similar to what we do with horses on trail rides? Could their be quad rides, or could there be possibly in winter snowmobile rides through these areas? If this is true, how would the adjacent landowners feel about that?

Those are my questions at this time, Mr. Chairman, and I would like to express my gratitude for the opportunity to ask them. Thank you.

The Chair: Hon. minister, I wondered if you wanted to take a few questions from different people and then answer two or three people at one time. I have I think four on my list right now. So the next speaker is the hon. Member for Olds-Didsbury-Three Hills, followed by Edmonton-Highlands, followed by Airdrie-Rocky View.

Mr. Marz: Thank you very much, Mr. Chairman. It's a pleasure to rise and speak on this particular bill. As the minister responsible knows, the development of trails is a very sensitive issue in many areas of the province, especially with adjacent landowners, and my constituency has been, I guess, a bit of a flashpoint for some of these. I've received correspondence from concerned adjacent landowners

throughout the province, and I continue to do that. I continue to bring those issues forward, and perhaps that's why I continue to get them.

But I didn't get any correspondence yet at all on this particular bill, and in listening to the comments of hon. Member for Livingstone-Macleod, who's the MLA for the area, I assumed that there was not a lot of opposition, if any, to this particular thing and that there was an adequate amount of consultation done. Looking at the background of the news releases that were sent out, it would indicate that there was quite a bit of consultation done with stakeholders and particularly the municipal district of Ranchland. I think it's probably the right approach to try to protect a greater area by restricting this type of use to a confined area and making sure that that use is done in a proper and responsible way.

One of the concerns I have – looking at the map that was put out in the news release, there is an area that goes on nonpublic land through the municipal district of Ranchland, and I know that the minister has repeatedly stated that no trails would be developed in the province without approval of the municipalities that they're located in. It was my understanding that that approval would be in the form of a development permit that would be applied for through the municipality, and then they would approve it through that process, and that would be the final say, yes or no, whether or not that trail developed.

So my question to the minister is: has that process taken place through a development permit process for that area that goes through the municipal district of Ranchland? If it hasn't, perhaps he could explain what the difference would be in this particular trail as opposed to other trails that may develop in the province under Alberta Trailnet or Trans Canada Trail.

So those are basically my concerns and questions, and I'd be happy to hear the answers to those. Thank you.

The Chair: Okay. The hon. Member for Edmonton-Highlands.

Mr. Mason: Thank you very much, Mr. Chairman. I want to take this opportunity to express my tremendous appreciation of these natural areas that have been preserved. I had the opportunity last summer to visit the Whaleback area. It is absolutely one of the most beautiful and wonderful parts of this province, and we should spare no effort to ensure that it is not despoiled through development or overuse or any other means. So I have a lot of concern about the direction here. I listened very carefully to the hon. Member for Livingstone-Macleod when he spoke about this when the bill was introduced at second reading.

I guess that my questions to the minister are similar to my colleague from Edmonton-Gold Bar's. Having allowed these two trails to accommodate vehicles, how will the government keep those vehicles on the trails? We certainly have heard from wildlife officers from the provincial government, and they can't even afford the gas, in some cases, Mr. Chairman, to do their job, so deeply has the government cut this area. So the real question is: in practicality, how do you keep the vehicles on the trail? If we accept for the moment the minister's assertion and the member's assertion that it's okay as long as the vehicles stick to the trails, then how do we keep them there?

The second question is: how do we ensure that there's not a significant increase of people using the trails for recreational purposes to go four-wheeling as opposed to engaging in traditional economic activities that take place on these lands? How will the government monitor that? How will the government make sure that the use doesn't increase beyond what it is now or beyond a reasonable limit on its use?

So, Mr. Chairman, those are the primary questions. The real thing as far as I'm concerned is not what the government says it intends. I'm sure that the government, you know, is sincere in its desire to do this, but if they don't place the resources in place, if they don't plan, if they don't monitor, and if they don't have the will to take action if damage to this area occurs because of increased use, then it's all for naught. I would really like some clear and concrete answers about how the government plans to enforce the intentions that they have set out in bringing this act forward.

Thank you, Mr. Chairman.

The Chair: The hon. Member for Airdrie-Rocky View, and then maybe we'll hear from the minister and get others that may wish to speak.

Ms Haley: I'll be very brief. Thank you. Mr. Chairman, I just wanted to ask a couple of small questions and perhaps just make a comment on this bill.

First off, I want to say right up front that I truly appreciate the fact that the ministers that were involved in this – and I know that there were at least four of you that went down to my colleague's constituency. These same people were calling me asking for assistance on this issue, and the fact that we were able to sit down with them and negotiate to come up with an arrangement that is not just suitable to the province of Alberta as a whole under the heritage rangeland act but also to deal with people who actually have to live there, earn a living there, and make this work – I wanted to thank you and congratulate you on that, Minister, but I also wanted to ask if maybe when you do get up to answer questions you might explain what the impact on other rangelands in our province might be?

3:40

I also wanted to just mention that unlike some of the hon. members in this Chamber I'm one of those people that is a little bit concerned about how much land we are truly designating. I believe we're up to 12 per cent of our province now, and I hope that we're being very careful about what we are designating because people in Alberta also want to use and see and visit some of these areas as well. I just want to caution the minister on this side. On the protection side I totally concur with the concept of preserving, just as long as people can still access.

Thank you, Minister, for all the work you've done on this, and I look forward to your response.

The Chair: The hon. minister.

Mr. Zwozdesky: Mr. Chairman, thank you very much. Just in response to some of the questions asked – and if I don't get to all the answers because I couldn't write fast enough, then we'll provide them later in writing to the members.

[Mr. Klapstein in the chair]

The Member for Edmonton-Gold Bar was asking about snowmobiles, and are they allowed or not allowed and so on. I'm talking now for recreational purposes. Snowmobiles are not allowed in a heritage rangeland, but under certain circumstances they might be allowed in a wild-land park area.

The definition that he's looking for is in the Traffic Safety Act, and I just don't have a copy of it right here. As I recall from when I did read through that definition, it's quite lengthy, and it includes, typically, four-wheel drive vehicles, trikes, mountain bikes, some all-terrain vehicles, and I think there was a reference to snow vehicle,

but I'm not sure if in that particular instance it applies to a snowmobile because there are other types of snow vehicles. It could be that that snow vehicle does include a snowmobile in this case, but you would have to look at the Traffic Safety Act. If I had a copy of it here right now, I'd be able to answer that question more accurately.

The other question he asked was with respect to random traffic through the area and will it be increased or not. I believe the Member for Edmonton-Highlands asked the same question. No, I'm hoping that we won't see an increase. Perhaps, on the other hand, we will see an increase, but it will be restricted to those two areas, the two trails that are already in existence. So we'll be controlling the traffic better. If maybe that's the comfort he's looking for, then that's what he might take away from this answer.

As for the number of hectares that are open for grazing in the Bob Creek wild-land and/or in the Black Creek heritage rangeland, I'm sorry; I do not have that specific number of hectares or acres handy here, but we'll provide it to him in writing later.

Then he asked a question to do with tourism operations being set up, and that certainly is not the intention of the act. It's not something that we're looking at allowing to happen. But I have to say that where the Black Creek heritage rangeland boundary meets the Bob Creek wild-land boundary, where those two boundaries come together, there will be two staging areas, which are typically small but nonetheless larger areas than the trail, where groups can gather for purposes of getting organized about their particular activity. But it is not our intention to turn that into a commercial venture.

I do need to comment, however, that if there are existing commercial ventures, which is where you might say these grazing permits come into being, then those are being allowed to continue in the heritage rangeland and also in the Bob Creek wild-land. Other commercial endeavours at this stage are not contemplated. In fact, no one has even asked about the possibility of them occurring. So if there's more on that, I'm sure the member will let me know.

The Member for Olds-Didsbury-Three Hills asked about trails in relation to the Recreation Corridors Legislative Review, which the hon. Member for Lac La Biche-St. Paul along with the Member for West Yellowhead and the Member for Calgary-Currie have undertaken over the last while. They created a report, sent it in to me, and I sent it back out to the public for review. In that RCLR report it is very clear that insofar as trails that are or wish to be connected or hooked in with the Alberta Trailnet system or with the Trans Canada Trail system, those kinds of trails would need specific support first from whichever municipality they are in, provided that the municipality, of course, has jurisdiction over the land in question. Nonetheless, I have said very clearly that the issue of municipalities having the first right of approval is the first step with regard to the recreation corridors report that I've just referenced.

The trails that we are talking about here today under Bill 2 are a different set of trails or a different type of trail if you like. These are already-existing trails that have been there for a very long time. We're simply saying that the usage of those trails will be allowed to continue, but traffic on them is being curtailed somewhat, limited if you like, so as to not deviate off the trails, and they're only being used to access other trails in the Bob Creek wild-land. So we're really talking about two separate issues.

In specific response to his question about Ranchland county, in fact, I put it into the news release that I issued on February 18, because we are very grateful to the municipal district of Ranchland for all the help, assistance, advice, and suggestions that they gave. I've met with them a couple of times at least, as well as with local stakeholders, to finalize the requirements that we're needing for our long-term management planning process. So the local municipality or county has in fact been involved.

The Member for Edmonton-Highlands was asking about how the government will keep off-highway vehicles off the trails or words to that effect. I think I answered that when I first spoke at the beginning of the afternoon on this bill. We will do everything we can with very visible signage. We'll do everything we can by reinforcing the bill and what the signs stand for, by ensuring that there are adequate penalties in place for lawbreakers. We will definitely be monitoring and patrolling that area, albeit we won't be able to do it 24 hours a day, but we will be stepping up our monitoring. We'll also be working with the local stakeholders, the farmers and ranchers in that area, as I indicated. I think he asked some additional questions, and I'll have to review *Hansard* to see what they were.

The hon. Member for Airdrie-Rocky View had asked about the impact of this legislation on other heritage rangelands. It's a very good question because the Black Creek heritage rangeland is our first heritage rangeland. I anticipate that there will be at least six others across the province, one of them, in fact, just east of Edmonton here near Beaverhill or close to there, another one east of Chauvin, another one in the Drumheller area, another one closer to the Saskatchewan border on the east side, and I think there's another one just toward the Coutts/Montana border in the deep south.

But this particular bill today is specific to the Black Creek heritage rangeland only. There are two existing trails, and we're saying: let's limit the usage to those two trails only so that people will have the access that they require into the Bob Creek wild-land. So this particular legislation will not impact the other heritage rangelands, Mr. Chairman.

3:50

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

Ms Blakeman: Thanks very much. Well, this has been a very interesting discussion. I've tried to read the previous comments in *Hansard*. I've listened to the minister's responses today, and I think what I might do is just speak a little bit more generically around the issues being raised here.

If we take a step back, there was the special places project, which was to identify and designate certain special kinds of environment and landscape in Alberta and protect it so that it continued to exist for future generations. At the time there was a great deal of, in some places, amusement that ranged to flat-out derision, I think, from some sectors because there seemed to be all kinds of exceptions that were built into this. You know, we would protect this area, but in some places I think there was even oil and gas exploration that was allowed to go on in it, so there was some question about how serious people actually were about the protection of this.

Nonetheless, the project went through, we got the designated spaces, and in some cases I think they're quite vigorously protected. I know that my colleague from Edmonton-Ellerslie was actually reading out a quote about what was and was not allowed to happen in a certain area, a management plan that said "heritage appreciation and outdoor recreational goals may be met . . . but only to the extent that their attainment does not conflict with or impinge on the preservation goal." So that was a very strong statement.

Okay; we've got these special places. They're not supposed to have things go on in them that is going to affect or ruin the reasons for them being a special place, so in a lot of cases off-highway vehicles are restricted from going in there. Now we have a situation where in order to get access to one particular recreational area, one of these protected areas is going to have to be used as the right-of-way, in effect, to get through there.

I'm a snowmobiler, and my concern when I hear the issues being raised here is: well, if we actually had some good trails that were,

you know, easily accessible, that had good staging areas, that had the kind of time and thought and resources put into them that we see in places like British Columbia, for example, or Montana and Wyoming—Yellowstone park is another one I'm thinking of—where they really put a lot of effort into making the trails well marked and groomed and they're maintained, people want to go there, and they're happy to spend their money.

I've said before that snowmobiling is not a poor person's activity. I mean, for these machines I think the low end now starts at about \$7,500, and you go up from there. So it's not cheap to get into this business. By the time you get the suit and the boots and the helmet and the electric face shield which warms up and doesn't frost over, you've laid down a lot of cash. Then you're going to stay in a hotel; you're going to buy gas; you're going to buy food. You know, there's money to be had here. This is a tourism growth industry; let's put it that way.

So I think people in Alberta, those that are snowmobilers, are of course always looking for a place to ride, and they would prefer, frankly, to ride in a place that had a staging area, that had marked trails, that had groomed trails. It's a much more pleasant experience than trying to crash your way through the bush getting hung up on, you know, dead logs and stuff and ripping your track to shreds. That's not fun, and frankly it's expensive. Tracks are very expensive to repair. So we would rather be in a place that accommodated us and was inviting to our activities.

The problem is this province has not really invested in that. There are a couple of areas just outside of Calgary, and they never really developed far enough to be a full-day's activity. You know, there are—I'm casting back in my memory here—Sibbald Creek and a couple of other ones. They were, like, five k loops or something, and, I mean, sorry, but you can do that in 20 minutes. So it wasn't exactly a full-day's activity. I know that Whitecourt has worked hard to develop their trail system. They've got some warm-up shacks. They do have marked trails. I don't know if there's an attempt to groom them. I haven't been out there in a long time. Although they're now talking about putting up the world's largest snowmobile as a monument somehow, so they must feel that it's a worthwhile endeavour in that area.

So what I'm trying to say here is that snowmobilers want to go to a place where they're welcome. They don't particularly want to be in areas that they're not wanted in. If we were provided with other places to go, then we wouldn't need to be going into ecologically sensitive areas like this.

There are consequences to choices that you make. Had the government decided to make the kind of investment in off-highway vehicle recreation in the past years, we perhaps would not be facing what we're facing now. I realize that even inside of the off-highway vehicle definition, there's greater and lesser impact upon the environment by the various vehicles that are captured there. I know that some are frankly more damaging to the environment than others, and there may need to be restrictions even inside of that subclass to deal with that.

Those places I have been that went through ecologically sensitive areas—and I'm thinking of Yellowstone park—where the trails pass through an area where they did not want the machines getting off of the path were literally policed. I'm thinking of one area just as you were coming into the little town, and there was a police officer that used to sit out there on a machine at the peak times of day. It was made very clear: you were not to go off the trail. There was signage, there were fences, and there was a police officer there. That's what they did to underline, to make sure that everybody understood, that you were not to go off the trail there.

So when my colleague from Edmonton-Ellerslie talks about the

need for policing and the minister is saying, "You know, that's not really possible," I think we have to understand what we're talking about here. If you really mean that, you've got to put the resources into saying: okay; yeah, we mean that we do not want people going off of this trail. You're going to have to put the resources into that to make sure that that's what happens.

Most people are law abiding. They will do what they are asked to do, but you need clear signage, and you've got to have a backup system to that signage. If the signage comes down for some reason, legally or illegally, you've got to have a backup there. Because how much damage can be done in a weekend or a week or a month before that signage gets fixed? If you really mean it, put the fence up. Well, now you're running a fence through an ecological area.

You know, you've created a series of difficulties here that I don't know if you've anticipated. I haven't heard that discussion be fleshed out in the Chamber. I, frankly, just find it a little odd that we have these protected places and then we allow activities in them that we know are not what was originally anticipated as an activity in a protected area.

You know, as a snowmobiler if I had a choice of going to a place where I was treading on ecologically sensitive ground, to create a euphemism there, versus one where I was welcomed with open arms, where there were, as I said, the trails, the grooming, the warm-up sheds, all of those things, I would probably choose to go to the place where there was more accommodation for me. I mean, I'm aware of all of this. I'm out in the woods. I know what happens when these trails get that kind of wear and tear. I've been there. I pack my garbage out. I'm careful about what I leave behind. I've been there. I know what can happen to these areas, and there are just some areas where it is not suitable to have those kinds of machines. I would say—and somebody, I'm sure, will argue against me here—that because the snowmobiles are operating on the snow, there's less damage done. From what I've seen, there's more damage done by some other kinds of off-highway vehicles.

4:00

I think that if you're at the point about arguing that minutia, then we probably shouldn't be in the area at all, and that's part of my concern here. I understand that the minister is saying: well, there are certain landowners that agreed, and now they feel their deal has not been upheld, and therefore this has to be done to accommodate them. I don't fault the landowners there at all. You know, if that's what they thought was going to happen and they gave an okay to a certain plan or scheme and said, "Okay; it can happen as long as I've still got access," well, who on earth was saying that this was going to happen, that it was possible? Who designed this scheme knowing that it's unimplementable and that we were going to come to this point in time where we now have to have access through a protected area to get to a recreation site? Somebody wasn't thinking far enough ahead on this one.

Even though I'm one of those recreational off-highway vehicle users who probably could get access to this site now and given my 35-year long harangue that the Alberta government has not given snowmobilers enough places to go—we've been cut off the eastern slopes; we've been cut off other kinds of places—I find it a little odd that I'm now standing here saying: okay; cut me off from another area. But I have a larger responsibility here both as an MLA and also as an Albertan when we look ahead to how much of our province is going to be left pristine for other generations, and I think there are serious questions about what the government is proposing through this bill.

I think that this was not well thought out in the first place. We're now having to have a patch put through in the form of this bill to

deal with mistakes that were made with earlier agreements. I am not at this point in favour of what's being suggested in the bill. I wish that I didn't have to say that, but I just think that there have been a lot of mistakes here, and two wrongs are not going to make a right.

So thanks for the opportunity to address the issues that I've raised here. I haven't really given the minister any particular questions to answer; rather, I've made some observations, but I think this whole thing is problematic.

Thanks very much, Mr. Chairman.

The Acting Chair: The hon. Member for Highwood.

Mr. Tannas: Thank you, Mr. Chairman. I just wanted to make a few comments and ask a couple of questions. First of all, the Whaleback area is one of the oldest agricultural disposition lands in Alberta. Some of the early ranches in the late 1870s and the early 1880s were formed in that area. It's been continuously grazed by cattle primarily but also by horses ever since the buffalo disappeared in the late 1870s. As one wilderness association said when they discovered the Whaleback – it's been there all along and used as cow-grazing land – it's pristine, and to me that really just speaks loudly for the stewardship of those many generations of ranching families that have made sure that it stayed that way.

I concur with my colleague from Edmonton-Centre, who said that this area probably isn't suited to snowmobiles. I would suggest that she's absolutely right. The area, if you think of it, as ranchland meant that because of the wonderful grasses that grow there, and we could go on a long time about those. The snow, when it comes, gets taken away quite quickly by the Chinooks, so the animals were able to graze naturally and still do, which means there isn't very much snow. If you're a snowmobiler and no snow, well, then, there's no snowmobiling.

I have a little bit of a concern about the trails. Access for the ranchers and maybe some hunters, if they're light footprints, is really not a big issue. I have a set of photographs – and I'm cognizant of the rules of the House that I can't bring them in here and show you – that will show you in an area just a little farther north what unrestrained four-wheel drives, quads, and motorbikes can do to a grazing area, destroying the grass in the area. A wonderful one where there's a trail all marked out – it's got a little bit of gravel, but the four-wheelers don't want to do that. They go on either side of it, so there are multi-trails. So anybody that wants to see those, just check with me and I'll show them to you. I have a whole set of them in my office.

A couple of questions then. First of all, does the MD, as in the MD of Ranchland, have the right to refuse a development permit for either a trail or for some commercial development that might be put on Crown land because they have the municipal responsibility?

Secondly, these access trails that let you get from one area that you

can travel on to another area that you can travel on – we all know that if there's a fire danger, the whole area will be interdicted. But if there does happen to be snowmobiles and there's a lack of snow, would we eliminate them? Again, with the lack of snow there's a great danger for grass fires. One of the biggest grass fires I've ever seen in my life, other than the Granum fire, was one that was set in December by a cigarette out a window. Of course, these catalytic converters on your exhaust system are famous for starting grass fires. So the question is: can these trails be shut down and access denied to all except those who need to be there?

Mr. Chairman, at this time I'd like to adjourn debate. Thank you.

[Motion to adjourn debate carried]

The Acting Chair: The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you. Mr. Chair, I would move that the committee now rise and report progress.

[Motion carried]

[The Deputy Speaker in the chair]

Mr. Klapstein: Mr. Speaker, the Committee of the Whole has had under consideration and reports progress on Bill 2.

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

Hon. Members: Agreed.

The Deputy Speaker: Opposed? The motion is carried.
The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you. Mr. Speaker, you know, we were having such an excellent debate on heritage rangeland and Mother Nature, so I thought I would just pop outside and take a look at how Mother Nature was doing. We have had a lot of intense fog in the last two days in this area, and I notice that it is snowing and blowing and raining all at the same time, and there are still foggy conditions. In the Edmonton area alone yesterday we had two deaths that occurred as a result of a vehicle accident, unfortunately, and that's a tragic circumstance. I wouldn't want to see that happen today, and I know that all members of the House are very busy with commitments they have to be at and homes they have to reach. So that having been said, I would move that the House now stand adjourned until Monday at 1:30 p.m.

[Motion carried; at 4:10 p.m. the Assembly adjourned to Monday at 1:30 p.m.]

