

## Legislative Assembly of Alberta

Title: **Tuesday, March 2, 2004**

**1:30 p.m.**

Date: 2004/03/02

[The Speaker in the chair]

head: **Prayers**

**The Speaker:** Good afternoon.

Let us pray. We give thanks for the bounty of our province: our land, our resources, and our people. We pledge ourselves to act as good stewards on behalf of all Albertans. Amen.

Please be seated.

head: **Introduction of Guests**

**The Speaker:** The hon. Minister of Finance.

**Mrs. Nelson:** Thank you very much, Mr. Speaker. I'm delighted to introduce some very special guests who are visiting our Legislature and question period for the very first time. They are from the Department of Finance. We have with us Faye McCann, Erin Hnit, Heather Gibson, Shannon Heffel, Arthur Arruda, Marianne Baird, Diem Le, Valerie Goodall, Chris Gallant, and Colin Leschert. These are the young people who work very, very diligently to answer all of the action requests for information that come from all sides of the House. This is the first time they are going to see how all that information is culminated into questions and answers. I'd ask them all to rise and receive the warm welcome of the Assembly.

**The Speaker:** The hon. Interim Leader of the Official Opposition.

**Dr. Massey:** Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to members of the Assembly 78 students from Meyonohk elementary school in Mill Woods. They are accompanied by their teachers Mr. David Fairfield, Mr. Don Wiley, Mr. Victor Wang and by student teacher Miss Jessica Liddell. They are also accompanied by parent helpers Mrs. Marcie Hanson, Ms Hilda Mah, Mrs. Phillis Wong, Mr. Terry Siebert, Mrs. May Dong, Mrs. Tracy Cheng, and Mrs. Nancy Graham. Meyonohk is a school that reflects the best in multiculturalism in our country. They are in the public gallery, and I'd ask them now with your permission to stand and receive the traditional warm welcome of the Assembly.

head: **Ministerial Statements**

**The Speaker:** The hon. Solicitor General.

### RCMP Corporal James Galloway

**Mrs. Forsyth:** Thank you, Mr. Speaker. Today I rise to make a statement concerning a tragic incident involving an RCMP member this past weekend. It has been only three years since I was appointed Solicitor General, but this recent tragedy reminds me that since that time a total of eight police and peace officers have died in the line of duty in Alberta. I would like to read those names now: Senior Ranger John Graham, Constable Darren Beatty, Park Warden Michael Wynn, Constable Christine Diotte, Superintendent Dennis Massey, Constable Ghislain Maurice, Corporal Stephen Gibson, and now the latest, Corporal James Galloway.

Early Saturday morning, Mr. Speaker, Jim Galloway died in the line of duty during a police standoff in Spruce Grove. He died leaving behind his wife, Marg, three adult children, three grandchildren, and many, many friends and fellow officers.

Yesterday I had the opportunity to speak to Marg Galloway to pass on my condolences and to express on behalf of our government our deep sadness and grief. She told me how his death had shocked his family, of how she still could hardly believe what had happened, that she found herself expecting to see him walk through the door at any moment.

This most recent death has brought back the memory of another death. About a year ago I attended a funeral of a Calgary police member. My role, Mr. Speaker, was to walk behind the casket as it was carried. Police and uniformed officials from around this province and this country had gathered to mourn the loss of yet another brother. I will never forget that day, seeing hundreds of officers saluting as the casket passed by, and I remember the tears that streamed down many of their faces. Today I am once again reminded that while Corporal Galloway's death has devastated his family, it is also a tragedy for the entire law enforcement community. Every member of this community understands the risks they take, the dangers they face, the fact that one day it could be their funeral.

By those who knew Jim, he will be remembered for his leadership, his caring, his dependability, his professionalism, his expertise, his enthusiasm, his vigour, and his passionate devotion to his work. Jim was a police service dog handler with the RCMP's emergency response team. That meant that Jim and his police dog, Cito, often attended armed standoffs like Saturday's, literally hundreds of situations during a career that spanned more than three decades.

As Albertans we need to be reminded that our safe communities come at a price. We need to be reminded that men and women police and peace officers sometimes must give their lives so that we can sleep at night. Corporal Galloway deserves our deepest gratitude for his sacrifice.

Mr. Speaker, today we honour Corporal Galloway and the other fallen officers as well as their families, their friends, and their colleagues who must live with this loss.

**Ms Blakeman:** Mr. Speaker, I join all the members of this House in mourning the loss of Corporal Jim Galloway, who was killed in the line of duty this past Saturday. Police and peace officers are some of the most selfless people who walk amongst us. They put their lives on the line every day ensuring our safety and the safety of the whole community. They sacrifice time with family and friends to serve and protect. Some, like Jim Galloway, even sacrifice their lives in the performance of their duties.

It is important that all Albertans remember the service that these fine men and women perform for us every day. It is important that we remember Jim Galloway, Christine Diotte, Graeme Cumming, Ezio Faraone, Richard Sonnenberg, Johnny Petropoulos, Robert Vanderwiell, and so many other police and peace officers who have made the supreme sacrifice doing the work they loved.

Every September we gather to remember on Police and Peace Officers National Memorial Day those police and peace officers who have laid down their lives. However, we should never forget the sacrifices which are made to keep us safe. We should also never forget that each day thousands of police officers put their lives on the line. The slogan for the memorial service is They Are Our Heros: We Shall Not Forget Them. Let us all reflect on the meaning of that statement today.

Thank you.

**The Speaker:** Hon. members, in order to recognize an additional speaker, that being the hon. Member for Edmonton-Strathcona, we will need unanimous consent.

[Unanimous consent granted]

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

**Dr. Pannu:** Thank you very much, Mr. Speaker. I wish to thank the House for this opportunity to briefly participate in this tribute to RCMP Corporal James Galloway, who died tragically in the course of fulfilling his duties as a police officer last weekend. Corporal Galloway, like all police officers who do so on a daily basis, placed himself in harm's way in the line of duty every day of his long service. All Albertans owe Corporal Galloway and other police officers a deep gratitude for the service they provide to keep our communities safe.

On behalf of my colleague the Member for Edmonton-Highlands and the New Democrat opposition I wish to convey my condolences to Corporal Galloway's wife, Margaret, to his children and grandchildren, and to all members of the Galloway family on this tragic loss. I also extend condolences to Corporal Galloway's friends and his fellow officers in the RCMP as well as other police services, by whom a death in the line of duty is so deeply felt.

**1:40**

The circumstances in which Corporal Galloway died are doubly tragic, Mr. Speaker. Also dead is Mr. Martin Ostopovich, whose family is also mourning him, and I extend my condolences to this grieving family as well. In due time I trust that an inquiry into the circumstances that led to these tragic shooting deaths will be held to determine if such a tragic shooting could have been prevented and recommendations for how such tragedies can never be repeated. I sincerely hope that such an inquiry will also find answers and bring some closure for the grieving families and friends of the two men who died in such tragic circumstances last weekend.

Thank you, Mr. Speaker.

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. On April 1, 1998, the Eight Billion Dollar Man, Dr. West, stood in this Assembly and said, "The full [extent] of Bill 27 is to bring forth a deregulated electrical system to the fullest benefit of the consumer, the customer, and Albertans." But Albertans stopped being fooled by this government about electricity deregulation when they saw nothing but their high-cost power translated in their monthly bill. Now, my first question is to the Premier. Given that electricity deregulation has failed to deliver the fullest benefit to the consumer, the customer, and Albertans, when will this government do the right thing and unplug electricity deregulation?

**Mr. Klein:** Mr. Speaker, in answer to the last part of the hon. member's question, we don't plan in any way, shape, or form to unplug deregulation. Deregulation is here to stay. I would remind the hon. member that Alberta has gained over 3,000 megawatts of new power generation. That's a 30 per cent increase to Alberta's electricity supply since deregulation was introduced. In addition, investors have indicated that they propose investing close to \$6 billion by the end of 2006, which will bring another 5,400 megawatts of power on stream.

When we look at electricity, which the Liberals have failed to do – you know, they would rather talk about, well, the five-second sound bite, the Eight Billion Dollar Man, who was devalued yesterday to \$8 million and is now back up to \$8 billion. But

looking at the price of electricity, it's clear that prices in Alberta have gone down since 2001 when deregulation was introduced. The average pool price of electricity in 2001 was 7.1 cents per kilowatt hour. The average pool price last year was 6.3 cents per kilowatt hour, and the average price so far in 2004 is 5.3 cents per kilowatt hour.

I have a chart, Mr. Speaker, that I would be more than happy to table with the Assembly, that shows the month-to-month breakdown and yearly averages of the pool prices. I would be happy to table it. It's time they started to tell the truth.

**The Speaker:** The hon. member.

**Mr. MacDonald:** Thank you, Mr. Speaker. Again to the Premier: given that the Premier on March 25, 1998, stated in this House in regard to electricity that "competition equals lower prices," how can the Premier now admit last week to Albertans that electricity competition may never equal lower prices?

**Mr. Klein:** Mr. Speaker, I went through that last week, and I explained to this Assembly and to the hon. member – but, obviously, he wasn't listening – that the price of commodities generally goes up. Electricity is a commodity like natural gas, like wheat, like barley, like coal, like gold, like silver, like diamonds. Like everything else the price incrementally goes up. Hopefully, we can stabilize the price of electricity, and hopefully if more competition comes on stream, it will go down. But the price of the commodity generally goes up. It's going up everywhere throughout North America.

**Mr. MacDonald:** Again, Mr. Speaker, to the Premier: given that the Eight Billion Dollar Man, Dr. West, said this about electricity deregulation on April 22, 1998, in this House, "It will bring tremendous competition that will put downward pressure on prices" – and we know that this hasn't happened; ask any Albertan with a power bill – will the Premier now admit that electricity deregulation has failed to deliver on any of the promises made by Dr. West whenever we debated this in 1998?

**Mr. Klein:** No, Mr. Speaker. It has not failed by any stretch of the imagination, and I know that the hon. member has a very vivid imagination.

To put more light and to bring forward some facts on this matter, I will have the hon. Minister of Energy respond.

**The Speaker:** The hon. minister.

**Mr. Smith:** Thank you, Mr. Premier and Mr. Speaker. It's a pleasure for me to expose what has gone from a credibility gap from this member to actually a credibility chasm. This member has been at the point of tabling a press release that says that fog is the result of deregulation and then withdrawing that. He's had me in Oregon when, in fact, I was in Wetaskiwin. On and on go the credibility gaps of this member, and I think that today is a very good time to address that.

Not only did the Liberals, Mr. Speaker, support those quotes from Dr. West in the days of 1998 to 2001. We also see where provinces across Canada are wrestling with the very same problem that Alberta has solved. So, in fact, other jurisdictions, not only in North America but around the world, are looking at Alberta as being an example of being able to provide reasonable prices, reasonable generation, a good system that is open and transparent, a system that provides power when blackouts have occurred in other parts of

North America causing billions – billions – of American dollars, billions of Canadian dollars in damage. That has not happened in this province. This member knows full well that there is compelling economic evidence as to the success of electrical deregulation in this marketplace.

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

**Mr. MacDonald:** Thank you, Mr. Speaker. The effects of jet lag are apparent.

Now, on March 13, 1998, in a letter to the Premier regarding electricity deregulation, Mr. Ron Southern, an influential Calgary businessperson, lamented former Energy minister Dr. West's determination to ram this unfair and unjust scheme through the Legislature on a poorly informed public. My first question is to the Premier. Why did this government force electricity deregulation on consumers when it was warned by Mr. Southern and many others that there were no economic benefits whatsoever to this unfair and unjust scheme?

**Mr. Klein:** Mr. Speaker, I was involved in discussions with Mr. Southern. They were long discussions, and his concern wasn't over deregulation. As a matter of fact, he indicated to me that he favoured deregulation. His concern was over the stranded costs of his assets, his power generating plants. It had nothing to do with deregulation. It had something to do with how he was going to be compensated for his stranded costs.

**The Speaker:** The hon. member.

**Mr. MacDonald:** Thank you, Mr. Speaker. Again to the Premier: given that Mr. Southern also stated in that letter, quote, one department's determination is not an adequate substitute for clear foresight, prudence, and caution in this case, unquote, when will this government listen to the Alberta Association of Municipal Districts and Counties and others? The municipal districts and counties last fall passed an emergency resolution urging this government to abandon and unplug electricity deregulation. When will you do the right thing?

**Mr. Klein:** We are not going to abandon and unplug electricity deregulation, Mr. Speaker. I want to make that abundantly clear. So he can quit asking about it, and he can quit suggesting it. It's not going to happen.

Relative to Mr. Southern, I would challenge the hon. member to ask Mr. Southern today if he would go back to a regulated environment. I think his answer would be a lot different.

1:50

**Mr. MacDonald:** Again, Mr. Speaker, to the Premier: given that Mr. Southern also said in 1998 during the electricity deregulation debate that electricity deregulation will force consumers . . .

### Speaker's Ruling

#### Oral Question Period Rules

**The Speaker:** Hon. member, please. You know, I'm going to do this again. Oral questions, *Beauchesne*: a question "must be a question, not an expression of an opinion, representation, argumentation, nor debate . . . The question must be brief." Do I take it that we're now talking about a letter published in 1998, this being 2004? I'm sorry.

The hon. Member for Edmonton-Riverview.

**Mr. MacDonald:** Point of order.

**The Speaker:** Absolutely.

### Mental Health Services

**Dr. Taft:** Mr. Speaker, this past weekend a tragic incident between police and a gunman suffering from schizophrenia left two dead and a community in mourning. This government has continued with a long-term program of moving mental health patients out of institutions, but it has consistently failed to provide adequate resources in the community to support them. Police officers are left to respond to people suffering from many forms of mental illness, too often becoming front-line mental health workers. To the Minister of Health and Wellness: does the minister accept this incident as an isolated case?

**Mr. Mar:** Mr. Speaker, I've stood in this House on many occasions to talk about mental health programs in this province. In looking at our health care system not in the next year or the next two years but in the next 10 or 15 years, I've indicated that there are two things that loom large on our health care horizon. One is diabetes, and one is mental health. It's the reason why we have devoted much time and much effort to developing a provincial mental health strategy. It's the reason that we spent in the year 2003-2004 \$240 million on mental health services. That was an increase of 4.8 per cent from the previous year. We will always be able to find circumstances that are tragic, and I don't wish to politicize any individual's tragic circumstances, but we do have tremendous resources that we place toward the treatment of individuals with mental health problems.

Mr. Speaker, I hope that there will come a day when we will be able to look at a broken mind no differently than a broken arm, that we are able to integrate our mental health services into the health care system, that we'll be able to deal with issues without the stigma attached to those who suffer from mental illness. We are focused on trying to deliver services as best we can. We are placing resources in the community as we make the move to moving people out of institutional care and into our communities. We are in fact providing our resources at the community level for those individuals to get treatment.

We are moving forward, Mr. Speaker, on a mental health plan. We have protected the budget for mental health, and this has been something that we've done with the co-operation and the assistance and the input of stakeholders throughout this province. So I will not be drawn into a debate on the individual circumstances that may have occurred on the weekend, but we are making every effort that is reasonable to improve the mental health services in this province.

**Dr. Taft:** Well, given that a new mental health strategy is in final stages of development, can the minister tell us whether there will be an increase – an increase – in community support programs for persons with mental illness in Alberta?

**Mr. Mar:** Mr. Speaker, I've indicated my support, and I've tried to indicate my passion for the subject of mental health. We are again moving forward on an important plan, but matters of the budget are properly left for budget day, and there will be ample opportunity to discuss the sufficiency of resources for mental health services.

**Dr. Taft:** Well, to the Solicitor General: given that confrontations between police and persons with mental health problems too often have tragic consequences, is the Solicitor General prepared to review

training that's provided to police officers in light of the current situation?

Thank you.

**Mrs. Forsyth:** Mr. Speaker, I'm absolutely appalled at the questions coming from this member. We have a family out there that is in deep grieving right now, and to politicize an incident that happened on Saturday is, in my mind, unthinkable. We are going to have a review of the incident that happened, a very clear review. The RCMP in this province want to know what happened; the family wants to know what happened. What I'm going to say right now is: drop the crap; let the family grieve at this particular time.

**The Speaker:** The hon. leader of the third party, followed by the hon. Member for Bonnyville-Cold Lake.

### Cattle Industry

**Dr. Pannu:** Thank you, Mr. Speaker. Until now this government has refused to call an independent investigation into 800 million federal and provincial dollars spent so far on the BSE crisis. Relying on some internal study done by the same officials responsible for doling out the money will not be independent and doesn't pass the smell test. My question is to the Premier. With farm bankruptcies looming, cattle producers beginning to lose hope, high beef prices in grocery stores, and record profit margins for meat packers, what more information does the Premier need before calling an independent inquiry into what is already compelling evidence of something gone seriously wrong with the government's relief plan?

**Mr. Klein:** Mr. Speaker, I'll have the hon. Deputy Premier reply in more detail, but I would like to preface perhaps her remarks with a statement, and that statement is thus. Ninety per cent of our emergency funding for mad cow disease, BSE, which, by the way, can't be resolved through money alone – somewhere and sometime, and maybe the hon. leader of the third party can get on board, the international community needs to talk about the stupidity of the international protocols affecting this so-called disease or affliction. It is not like measles or chicken pox. The chances of getting it are, I'm told, 1 in 10 billion meals, and that's if you eat spines and brains and eyeballs and tonsils and other kinds of crap.

But getting back to the issue, 90 per cent of our BSE funding went to programs designed to get money into the hands of cattle owners and to move cattle through the marketplace. Mr. Speaker, that's what they did. Producers got close to break-even prices for their cattle, and we moved nearly 1.2 million head through the marketplace because of our programs.

**The Speaker:** The hon. leader.

**Dr. Pannu:** Thank you, Mr. Speaker. To the Premier again: what specific evidence of price gouging would satisfy the Premier and lead him to call for an independent inquiry into the claims being made of profiteering and waste of public dollars being made by the beef industry itself?

**Mr. Klein:** Well, Mr. Speaker, if the hon. member has conclusive evidence relative to price-fixing or gouging or any other inappropriate activity, present that to the Competition Bureau. There is a federal agency that is responsible and acts very quickly, I'm given to understand, when there are allegations of price-fixing. If he has a quite specific allegation, stand out there publicly, make the allegation, and then pass the allegation and any evidence he might have on

to the Competition Bureau. They're in a position to investigate thoroughly any allegations of price-fixing.

Mr. Speaker, I'll have the hon. minister respond.

2:00

**Mrs. McClellan:** Well, Mr. Speaker, as a matter of interest to the House, I'm sure, and certainly of information to the hon. member the Commissioner of Competition for the Competition Bureau has appeared before the Standing Committee on Agriculture and Agri-Food Canada, and in fact he was referring to a study on the pricing of beef at the slaughter, wholesale, and retail levels in the context of the BSE crisis in Canada.

If I may just be permitted to quote very briefly – and I would be happy to table this; it's a public document – he states:

On the basis of the information available to date, I have no reason to believe that the Competition Act has or is about to be contravened. That being said, I would like to assure the Committee that I continue to examine this important issue that is so critical to this Committee, farmers and ranchers and Canadian consumers and I will not hesitate to take appropriate action if I uncover information which points to a potential breach of the Act.

Mr. Speaker, clearly, this has been and is being reviewed by the Competition Bureau, which is the correct and proper agency to do this.

In Alberta, Mr. Speaker, we have determined that it's important for us to look at Alberta pricing. We expect to have an analysis, as complete as we possibly can do, on this issue by the end of the week, and I have said that I will share that information.

**The Speaker:** The hon. member.

**Dr. Pannu:** Thank you, Mr. Speaker. Given the recent \$1.28 billion jury award in the U.S. against Lakeside Packers' parent, Tyson Foods, for fixing cattle pricing, when is the Premier going to take his head out of the sand and acknowledge that the same kind of price-fixing could be happening right here in Alberta?

**Mr. Klein:** Mr. Speaker, you know, I take great exception to the way the hon. member is wording this: could, might have. You know, this is innuendo at its absolute worse. No one in this government condones gouging or price-fixing. Indeed, there are agencies with huge investigative powers to determine whether in fact this is taking place, and I would ask the hon. member again that if he has concrete evidence, not innuendo but concrete evidence, then please give it to the Competition Bureau, and they will thoroughly investigate this matter.

Mr. Speaker, I will say that finger pointing and accusations and innuendo of excessive profits are the last things we need right now. What we do need is an industry and political movements that will work together to find new markets and develop new products and open old borders and get the message out relative to the ridiculousness of the international protocols surrounding this affliction, BSE.

You know, there were accusations last year that feedlots were taking all the profits. I don't know if we heard the same rhetoric from the NDs or not. The year before, some accused farmers of excessive profits on hay during the drought. I recall that quite specifically.

The fact is that in an open market there are always some that will profit and some that will lose, and that's the nature of a free market. I know that the NDs can't understand that because they don't believe in free markets.

**The Speaker:** Hon. members, we're getting into a debate here now. That's not the purpose of question period.

The hon. Member for Bonnyville-Cold Lake, followed by the hon. Member for Edmonton-Riverview.

#### Aboriginal Consultation on Resource Development

**Mr. Ducharme:** Thank you, Mr. Speaker. In May of 2003 during the budget presentations the Minister of Aboriginal Affairs and Northern Development identified that \$6 million had been allocated for the development of an aboriginal consultation policy for resource development. My question is for the minister. The resource industry wants to know: what have you done with this \$6 million?

**The Speaker:** The hon. minister.

**Ms Calahasen:** Thank you, Mr. Speaker. First of all, the \$6 million was targeted for building cross-ministry capacity and co-ordination. I've said in this House many, many times over that the \$6 million was to make sure that government built its capacity. The expenditure to date is approximately \$4.3 million out of \$6 million. By building capacity, we talk about hiring, training, educating staff with the skill set to meet face to face with First Nations and industry leaders.

Secondly, Mr. Speaker, on research, document collections, supplies, travel, stakeholder meetings, and of course administrative services. The breakdown for each ministry is as follows.

**The Speaker:** That's way too much to be expected in the question period.

The hon. member.

**Mr. Ducharme:** Thank you, Mr. Speaker. My last supplemental is also to the same minister. Can the minister explain what the travelling and training has accomplished in developing these policies?

**Ms Calahasen:** Well, Mr. Speaker, I know that the breakdown of the ministry costs certainly can be tabled later. However, we held 735 meetings with stakeholders all over the province. There are, after all, 47 First Nations in Alberta and over a thousand industry members, and the key to the process has been the ability to personally meet with First Nations. Anyone who knows First Nations understands that that relationship is a very important component. We held our first round of meetings. We have gone back to validate what we heard. We will continue to do this to ensure that we have a made-in-Alberta process.

We also want to ensure that we meet with industry representatives for their input, and, Mr. Speaker, I have committed to meet with First Nations as soon as we have the next to the final draft to ensure that they know what it is that we're going forward with in government.

#### Ophthalmology Services in Calgary

**Dr. Taft:** Mr. Speaker, yesterday the Minister of Health and Wellness confirmed that he declared an emergency shortage of pediatric ophthalmologists in Calgary and then allowed two ophthalmologists from South America to be brought to Calgary. To the Minister of Health and Wellness: can the minister explain why ophthalmologists from out of country are being brought into the country to work in a private clinic owned by the chief of ophthalmology of the region while other ophthalmologists in Calgary are being underutilized?

**Mr. Mar:** Mr. Speaker, I think most Albertans and most Canadians

would applaud bringing in physicians from other parts of the world. This province has been a leader in attracting health care professionals from around the country and from other parts of the world. We've gained more than 600 physicians over the last three years. We now have more than 14,000 postsecondary seats in health care.

We've started the first, that I am aware of, program of international medical graduates getting residencies in this province. There are some 160 physicians who were trained in other parts of the world who are not working as doctors now, but we're making an effort to bring those doctors up to speed with Alberta and Canadian standards of practice. We started out last year with eight residencies for international medical graduates, and we're moving this year to 12 residencies in the specialty areas and eight more in family practice for a total of 20. I note also that the federal government is making some effort at putting some resources into training international medical graduates so that they might participate here in Canada and provide much-needed services to Canadians.

Mr. Speaker, with respect to Dr. Maria Castro and Dr. Alberto Castro yesterday, one of them is employed by the University of Calgary and the regional health authority; that's Dr. Maria Castro. In order to get her to come here, it was her wish, her condition that we, in fact, be able to bring in Dr. Alberto Castro as well. Dr. Alberto Castro does work at the Holy Cross centre, but keeping in mind that many of the services provided by Holy Cross are under contract to the regional health authority, while he might not be working for the regional health authority directly, he is still providing services that benefit the public here in the province of Alberta.

**The Speaker:** The hon. member.

2:10

**Dr. Taft:** Thank you, Mr. Speaker. Will this minister admit that it's a conflict of interest for the head of ophthalmology of the Calgary health region to sponsor out-of-country specialists to work in his private clinic in Calgary while specialists already in Calgary go without allocations?

**Mr. Mar:** Dr. Maria Castro was sought by the regional health authority as being a pediatric ophthalmologist, a specialty which is a very difficult one to fill. The regional health authority satisfied me that they made an inquiry throughout Alberta, throughout Canada and could not find a pediatric ophthalmologist, Mr. Speaker. So Dr. Maria Castro from Colombia said that she was prepared to come if there would be work available for her husband, Dr. Alberto Castro. I've heard nothing but praise for the work that is being done by those two physicians. So if the hon. member is asking me if I would approve such a part 5 special designation again, I would.

**Dr. Taft:** Given that there are four specialists in Calgary already working as pediatric ophthalmologists, some of them underutilized, will this minister terminate the emergency designation for this specialist in Calgary?

**Mr. Mar:** Mr. Speaker, at a time when people are concerned with issues of wait lists and access to the health care system, I should think that it would be really quite a folly to do that.

**The Speaker:** The hon. Member for Lac La Biche-St. Paul, followed by the hon. Member for Edmonton-Glengarry.

#### Police Services

**Mr. Danyluk:** Thank you very much, Mr. Speaker. Many communities in Alberta are struggling to pay the costs of providing police

services to their residents. The town of Lac La Biche in my constituency is an example of such a community, with a population just over 2,500 and where close to 50 per cent of taxation is dedicated to policing. In fact, the cost is so high that the town has considered the drastic step of dissolving itself, one reason being the difficulty to pay for the service and protection provided by the RCMP. My question is to the Solicitor General. Communities in Alberta argue that the threshold system is not the best resolution for policing. What alternatives can the minister see in assisting rural communities?

**The Speaker:** The hon. minister.

**Mrs. Forsyth:** Thank you, Mr. Speaker. The Member for Lac La Biche-St. Paul is right. Policing costs are a serious concern for many towns and cities right across this province, and the question of what alternatives would best address the problem is a tough one with no easy answers.

We have thought long and hard about the issue, reviewed the current funding formulas, and looked at many options in regard to how we can change this. We have consulted at great length with the AAMD and C and the AUMA to get their views, and they represent many, many communities in this province. In the end, Mr. Speaker, I believe we have come up with an alternative that will benefit all of the communities in this province.

There are financial implications attached to this, Mr. Speaker, and I look forward to budget day. I believe that we are going to solve a lot of policing problems in this province.

**The Speaker:** The hon. member.

**Mr. Danyluk:** Thank you very much, Mr. Speaker. My first supplemental to the same minister: not divulging any budget concerns, can she expand on what alternatives are possible and what has been looked at?

**Mrs. Forsyth:** Well, Mr. Speaker, it's a good question, and I have to be very careful in how I answer that without worrying about giving up some answers in regard to what we'll look forward to in the budget.

Mr. Speaker, we've looked at many, many things. We looked at population thresholds. We looked at per capita grants. We looked at: does everybody pay for policing? We looked at: what's the best solution to deal with the problem? As I mentioned earlier, in my first answer, we talked with the AUMA and the AAMD and C, who represent all of the communities in this province, came up with an answer, the first time we've had an agreement in 30 years with AUMA and AAMD and C. To the member, I think we're going to have some good news on budget day.

Thank you.

**The Speaker:** The hon. member?

**Mr. Danyluk:** No second supplemental.

#### **Aging Provincial Infrastructure**

**Mr. Bonner:** Mr. Speaker, my questions today are for the Minister of Infrastructure. Why according to the 2003-2006 Infrastructure business plan is this ministry planning for a yearly decrease in the quality of provincial buildings?

**Mr. Lund:** Mr. Speaker, over a period of time all of the infrastruc-

ture that we're responsible for ages. When you look back to when a lot of the infrastructure was built, a lot of it is getting to be in that category of 25, 30, 40 years old. When you start talking about the mechanical systems in a lot of these structures, you'll find that when they were new, they had a life expectancy of 20, 25 years.

Coupled with that, because of the great economy that we have in the province of Alberta, the population has increased dramatically when you think of the fact that over the last five years just about every year the number of people that came to the province would be equal to a city just about the size of Red Deer. Those people didn't bring their roads, their schools, their hospitals, or any of those things with them.

So we've got a combination of effects here. We've got the fact that the infrastructure is aging, we've got the growth pressures, and of course we've got the aging population, which also adds to the need for those kinds of facilities.

There's a limited amount of dollars, so we have to try to stretch the dollars out as far as we can. We are being very honest. We are being straightforward, as are other ministries in their business plans, and we know that we can't do everything in one year. So, yes, there is an indication that there would be a decrease in the quality, from good to fair, in some of our structures, but that doesn't mean that they are dysfunctional.

**Mr. Bonner:** To the same minister, Mr. Speaker: according to the 2003-2006 Infrastructure business plan why are only 79 per cent of provincial buildings providing merely adequate functional service?

**Mr. Lund:** Well, I think I went into some length explaining my first answer, Mr. Speaker. The fact is that there are a limited number of dollars, and we have to make the best use of those dollars.

**Mr. Bonner:** To the same minister, Mr. Speaker: why is there no measure to determine what percentage of postsecondary institutions are providing adequate functional service?

**Mr. Lund:** Mr. Speaker, we are currently working in that area. One of the things that we are attempting to do now is not only assess the physical condition of all of the structures but also look at the functions that are being provided from those facilities. We haven't completed our work on the postsecondary institutions; therefore, we do not have that measurement. Those are questions, of course, that should be discussed when we're going through the business plan and the upcoming budget.

**The Speaker:** The hon. Member for Cardston-Taber-Warner, followed by the hon. Member for Edmonton-Mill Woods.

#### **Cattle and Beef Trade Policy**

**Mr. Jacobs:** Thank you, Mr. Speaker. The Minister of Agriculture, Food and Rural Development travelled to Washington last week with many of her provincial colleagues for meetings with various American politicians, officials, and industry representatives. My question is to the Minister of Agriculture, Food and Rural Development. What next steps were discussed with respect to reopening borders to full cattle and beef trade?

**Mrs. McClellan:** Well, Mr. Speaker, it was a great opportunity to gather with ministers of agriculture and officials from across Canada to discuss these issues in Washington with politicians first and with the industry secondly. The goal of the meeting was to have frank,

open discussions and to get a sense as to where this whole thing was going. I believe the discussions were successful. I came back with a renewed belief in the fact that we will resume normal trade in the, hopefully, near future.

But it was definitely evident from the National Cattlemen's Beef Association, whose representatives we had lunch with, the National Processors Association, and the American Meat Institute, that we met with, that their goals are the same as ours. They want resumption of normal trade between our countries.

2:20

**The Speaker:** The hon. member.

**Mr. Jacobs:** Thank you, Mr. Speaker. My final question is for the same minister. The American Meat Institute, a participant in the Washington, D.C., meetings, recently wrote a letter urging Secretary Veneman to reopen the border immediately. How does this contribute to ongoing efforts to re-establish trade between our countries?

**Mrs. McClellan:** Well, no question that the American Meat Institute is an important player in the processing of agricultural products in the U.S. I would just quote two lines: "The [United States] has the authority and the credibility to lead the way in establishing a rational BSE trade policy. We urge you to take this critical first step." A second line I would read is, "We are writing to urge you to use the full range of your authority immediately to reestablish trade in cattle, beef and beef products produced in BSE minimal risk countries like Canada." Mr. Speaker, that's a very important support for moving that forward.

**The Speaker:** The hon. Interim Leader of the Official Opposition.

#### Children's Services

**Dr. Massey:** Thank you, Mr. Speaker. The Department of Children's Services is currently evaluating a number of new companies. These companies will be hired to screen and to accredit agencies providing services for children in the province. My questions are to the Minister of Children's Services. Why are a number of separate companies needed to provide this screening and accreditation service?

**Ms Evans:** Well, Mr. Speaker, at this time it would be premature for me to comment too extensively except to say this. With so many activities in our department – including adoption, including the implementation of new legislation, the resources for children with disabilities legislation and the Child Welfare Act – there's a need not only to train staff but to make sure that all of the pieces are in place so that there's not only a smooth implementation but that there is service that continues in the best possible way. With changes in the legislation I think it's important for us to look at other options for training.

**Dr. Massey:** To the same minister: why is the department soliciting proposals from companies in the United States?

**Ms Evans:** Well, Mr. Speaker, you know, we've got a lot of wonderful advantages in Alberta, but we don't have a lock on everything. There are some amazing things that we've learned both in the adoption file situation and from certain resources with the disabilities file situation. The solicitation doesn't necessarily mean that there will be an outcome that's an American firm, but if we can find the best at the best possible price to do the best job, I would say that we have no question to look elsewhere for the best price.

**Dr. Massey:** Again to the same minister, Mr. Speaker: who will bear the cost of the work done by these companies? Will it be out of the Children's Services department budget, or will it come from the agencies?

**Ms Evans:** Well, Mr. Speaker, I believe that the hon. member opposite has gone right from A to Z on this situation. I'd be pleased to table what we're doing, how we're doing it, what the results will be, and who will pay for it.

**The Speaker:** The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Whitecourt-Ste. Anne.

#### Cattle Industry

(continued)

**Dr. Pannu:** Thank you, Mr. Speaker. The Minister of Agriculture, Food and Rural Development is asking cattle producers and Alberta consumers to trust the findings of an internal study our officials are doing into what may have gone wrong with the \$800 million BSE assistance program. She's asking that we trust our own ministry's review into whether meat-packing plants lowered cattle prices in response to the subsidy payments, thereby tripling their margins. A question to the minister: why should cattle producers and Alberta consumers have any confidence in an internal study prepared by the same ministry that administered BSE assistance in the first place as opposed to an independent inquiry to get to the bottom of things?

**Mrs. McClellan:** Well, Mr. Speaker, the member as usual is wrong, absolutely wrong. You know, it would be really interesting if they became interested in this subject more than once or twice a year. Then they'd be current.

In fact, I have said that I asked for a carcass evaluation, a review of those costs for my purposes, to try and understand whether there was an issue. I have one obvious difference with this hon. member: I like to deal in facts.

**The Speaker:** The hon. member.

**Dr. Pannu:** Thank you, Mr. Speaker. Does the minister believe that her ministry, that administered the \$800 million BSE assistance, has the necessary independence to get to the bottom of this mess? Or would they have an incentive to cover things up?

**The Speaker:** Well, there are two questions there, hon. minister.

**Mrs. McClellan:** And both of them are totally ridiculous, Mr. Speaker, and hardly deserve an answer.

In fact, in Alberta there has been just over \$600 million spent on BSE, \$400 million by the province and just over \$200 million by the federal government, Mr. Speaker. In fact, if this hon. member went out of Edmonton and discussed this issue with the agricultural community, they would know that they hold my department staff in the highest regard, as well they should.

**The Speaker:** The hon. member.

**Dr. Pannu:** Thank you, Mr. Speaker. My second supplementary is to the Premier. Why is the Premier assigning the Minister of Agriculture, Food and Rural Development to investigate herself?

**Mr. Klein:** Mr. Speaker, the simple answer is that I have the fullest confidence in a competent minister.

**The Speaker:** The hon. Member for Whitecourt-Ste. Anne, followed by the hon. Member for Edmonton-Ellerslie.

### Electricity Deregulation

(continued)

**Mr. VanderBurg:** Thank you, Mr. Speaker. As a member of the Advisory Council on Electricity I'm keenly aware that the government has actively taken action on many recommendations in the ACE report. My first question is to the Premier. What is the most current information from industry leaders on the progress of electricity deregulation?

**Mr. Klein:** Mr. Speaker, speaking to the policy of deregulation, Nancy Southern, the daughter of Ron Southern, last summer at the dedication of the power plant at the Oldman River dam said that this wouldn't have happened under a regulated system. She had nothing but praise for deregulation.

Speaking to the policy of deregulation, Mr. Speaker, Mr. Ron Southern, alluded to by the hon. Member for Edmonton-Gold Bar, in an August 2003 letter said, "Your policies have allowed the creation of an abundance of generation capacity and, while the transmission no doubt could use some future reinforcements and redundancy, it is in every respect a very robust system." He goes on to say, "Your determination to level the playing field and provide retail competition has been exemplary." He goes on to say, "I truly do believe you are on the threshold of a showcase for the world of successful deregulation of electricity and gas."

**The Speaker:** The document in question will be tabled.

**Mr. VanderBurg:** Mr. Speaker, my first supplemental to the Minister of Energy: given that energy costs are down from 2001 and 2002, the majority of calls I deal with are billing issues like true-ups, off-billing cycles, and reconciliation. When do you expect these types of concerns to be resolved?

**Mr. Smith:** Well, Mr. Speaker, I think that it's clear that we're on an ongoing pursuit of excellence in this model, and that hasn't changed. In fact, that pursuit of excellence is reflected in comments from members of the industry such as Mr. Southern, and they're also reflected in the ACE report, which is the Premier's Advisory Council on Electricity. We've never been afraid to face any issue head-on. We, in fact, did this. In fact, the commission came together on numerous issues, and we've put that on the web site, and I will be tabling that report in the House today.

Mr. Speaker, we will continue to be vigilant in the pursuit of excellence for consumer protection. That consumer is being protected both by the utilities advocate here as well as the competitive process in the marketplace, and it's reflected by lower prices in the marketplace, which is a sign of increased generation and an open access, nondiscriminatory transmission policy.

2:30

**Mr. VanderBurg:** Final question, again to the same minister: given that 20 of the best and brightest minds in electricity sit on the ACE committee, what will you do with this group now that the report is complete?

**Mr. Smith:** Well, Mr. Speaker, the member is one of those 20 best and brightest minds unless the commission is composed of 21 members.

This is an important commission. This is a commission that has

undergone a very, very direct examination of issues. Unlike the opposition, Mr. Speaker, they do deal in facts. Unlike the opposition they don't deal in innuendo; they deal in reality. And unlike the opposition they have fiduciary responsibilities, corporate responsibilities, shareholder responsibilities to deliver this commodity at a reasonable price to markets across this great province.

They do it every day. Our members are there. The Member for Whitecourt-Ste. Anne will continue to be a member of that council; that council will continue to give this government good advice. There is also a second member from the government side who, indeed, may be classified as one of those best and brightest minds. We haven't done that kind of an evaluation, but the Member for Leduc is also expected to continue in that role on the advisory council on electrical issues.

head:

### Members' Statements

**The Speaker:** Hon. members, in 30 seconds I'll call upon the first member.

Hon. Interim Leader of the Official Opposition, I've been notified that you were the one speaking on behalf of your caucus under Members' Statements.

### Education Funding

**Dr. Massey:** Thank you, Mr. Speaker. Yesterday former Alberta Premier Peter Lougheed told a Calgary awards ceremony what many Albertans have been saying with respect to postsecondary education for years, and I quote: I don't think we're doing the job we could be. Further, Mr. Lougheed lamented: we're falling behind the U.S. dramatically. This government sought the former Premier's advice recently on Kyoto, and now is the time to heed his advice and start looking at education as an investment as opposed to an expenditure.

Many of our young people are caught in a catch-22 situation when they graduate from grade 12. They can either choose to go straight into typically low-paying dead-end jobs or opt to further their studies and graduate under a mountain of personal and public debt. If education is a public good, then why should students have to scrape, save, and go into debt to access programs?

The Liberal opposition agrees with the Council of Alberta University Students when they insist that postsecondary education should be a right not a privilege. The individual benefits for students of such an education while extremely important have been overstressed. The quality of the streets we drive on, the hospitals we visit, and the community amenities we enjoy are directly linked to a well-educated citizenry.

Unfortunately, tuitions are soaring at postsecondary institutions across the province making further education a less appealing choice for Albertans. This government must develop a long-term plan to finance postsecondary learning, making it accessible to all Albertans. There needs to be a realistic approach to tuition fees and resources to help institutions fund and deliver high-quality programs across the province.

Alberta cannot be proud of granting only 4.3 university degrees per 1,000 people when the Canadian average is 5.8. The time for change is now. We must properly fund postsecondary education and provide accessibility to all Albertans who want it.

Thank you, Mr. Speaker.

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

### Augustana University College

**Mr. Johnson:** Thank you, Mr. Speaker. I rise today to speak about



changes and new opportunities at Augustana University College in my constituency. On November 21, 2003, a letter of intent was signed by the presidents and board chairs of Augustana and the University of Alberta and the Minister of Learning setting up a framework for a merger between the two institutions.

Augustana, founded in 1910 by Norwegian Lutheran settlers, began operations in 1911 as Camrose Lutheran College. It was to be a residential high school embodying the values of those pioneers and bringing educational opportunities to many students across Alberta and other provinces as travel in those days was restricted. In 1959 Augustana became an affiliated college of the University of Alberta, offering university level courses with the second year of the university transfer program added in 1969. In 1985 Augustana became the first private college in Alberta accredited to grant three- and four-year baccalaureate degrees.

Throughout the many years that Augustana has been a part of the Camrose community, its residents have embraced the students that travel from around Alberta and the world to attend, with many Camrosians joining them in the classroom to take advantage of the opportunity right at home for lifelong learning. Many students earn their degrees as adults from this fine liberal arts and science university college.

Both Augustana and the University of Alberta seek to retain and build on those features that have made Augustana a unique and caring place with high educational standards. The merger with the University of Alberta will be another transition in following Augustana's mission to lead and to serve. It also offers the University of Alberta a unique opportunity to enhance service to rural Alberta.

Today I wish to acknowledge Augustana for 93 years of providing educational opportunities in Camrose and wish them continued success as they move forward with pride in past accomplishments and confidence in the future.

Thank you, Mr. Speaker.

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

#### Harry Zuurbier

**Ms Kryczka:** Thank you, Mr. Speaker. I am honoured to stand in this Assembly today to recognize Harry Zuurbier, who passed away at his home on Saturday, February 21, 2004, as a result of amyotrophic lateral sclerosis, or Lou Gehrig's disease. Harry was just 70 years of age.

Harry was a member of the Seniors Advisory Council for Alberta, and as we already had a Harry on our council when Harry Z. became a member, we affectionately referred to him as Harry Two, and he did also. Harry brought to the council an enthusiasm to learn in working for seniors, his great intelligence, and his passion for life.

Harry Zuurbier was born in Ursem, Holland, in 1934, immigrated to Canada at age 19, and settled in Brocket. In 1954 he graduated from St. Michael's high school, Pincher Creek, and taught for more than 30 years in the Calgary Catholic school system. Following retirement Harry refocused his energies as a mediator for the Calgary Police Service, the Better Business Bureau, and as a member of the Seniors Advisory Council for Alberta.

Harry is survived by his wife, Catherine, and their sons, Peter and Jacob, as well as his former wife, Marial Piotrowski, and their children, Maria, Paul, Ted, Dianne, and Donna, and two grandchildren, Jessica and Grace.

Last week I was honoured to attend with members of the council a funeral Mass for Harry Zuurbier at Sacred Heart Catholic church

and wish to share some special words of remembrance from that occasion.

Remember him with a smile today  
He was not one for tears  
Reflect instead on memories  
Of all the happy years  
Recall to mind the way he spoke  
And all the things he said  
His strength, his stance, the way he walked  
Remember these instead  
The good advice he'd give us  
His eyes that shone with laughter  
So much of him will never die  
But live on ever after.

Rest in peace, Harry Z.

Thank you.

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

2:40

#### New Immigrants to Calgary

**Mr. Cao:** Thank you, Mr. Speaker. Today I rise to speak about the population diversity in Calgary and about some ideas benefiting Alberta. In 2001 200,000 Calgaryians, 2 out of 10, were born outside Canada, accounting for 3.6 per cent of Canada's immigrant population. These new Albertans are a great asset to connect Alberta to the world, and with encouragement this global connection is becoming part of the Alberta advantage.

Of the new immigrants to Calgary in 2002 53 per cent applied under the skilled worker class and 30 per cent under the family class. Most new immigrants to Calgary were between the ages of 26 and 35. These Albertans provide a productive workforce helping Alberta develop its economy to the world scale. Forty-eight per cent of new immigrants to Calgary in 2002 were male and 52 per cent were female, making Calgary more beautiful each day.

Of all immigrants to Calgary in 2002 49 per cent knew neither English nor French. This indicates a need for language training. I suggest that Immigration Canada create language training at the departure point where the Canadian way of life is taught along with the language. This will cost much less and help immigrants to integrate more quickly into the Canadian environment. Yes, Mr. Speaker, there is the ESL, English as a Second Language, program. An ability in our common language, in this case English, is vital to immigrants. I want to suggest that we should change ESL to EFL, English as a First Language, and make it suitable to the type of learners.

Of the immigrants to Calgary in 2002 48 per cent were over the age of 18 and held at least a bachelor's degree or higher. This indicates a need for an Alberta program to help these highly educated and already trained individuals to integrate properly into the economy. Alberta doesn't have to pay the costs of 22 years of education and reaps the benefit. I suggest an internship program be created to help Alberta realize this benefit earlier.

Thank you.

head:

#### Introduction of Bills

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

#### Bill 10

#### Justice Statutes Amendment Act, 2004

**Mr. Hancock:** Thank you, Mr. Speaker. Today I request leave to introduce Bill 10, the Justice Statutes Amendment Act, 2004.

The bill proposes amendments to seven pieces of justice legisla-

tion. Perhaps the most significant change under the bill will allow courts to order periodic payment of settlements or judgments, otherwise known as structured settlements, in cases involving injury or death. This change to the Judicature Act will provide courts with the flexibility to address both current and future needs of victims and their families.

Other amendments, to the Provincial Offences Procedure Act, will allow for the electronic transfer of ticket information from enforcement agencies to the courts and will generally apply to offences under the Traffic Safety Act.

These changes along with some other minor amendments and housekeeping to the Court of Appeal Act, the Court of Queen's Bench Act, the Jury Act, the Motor Vehicle Accident Claims Act, and the Queen's Counsel Act will help to ensure that these acts are up to date.

Thank you, Mr. Speaker.

[Motion carried; Bill 10 read a first time]

**The Speaker:** The hon. Minister of Finance.

**Bill 15  
Fiscal Responsibility Amendment Act, 2004**

**Mrs. Nelson:** Thank you very much, Mr. Speaker. I beg leave to introduce Bill 15, the Fiscal Responsibility Amendment Act, 2004.

Bill 15, Mr. Speaker, amends the existing act to raise the limit of nonrenewable resource revenue spending to \$4 billion from \$3.5 billion as the sustainability fund is forecast to be fully funded in this fiscal year.

[Motion carried; Bill 15 read a first time]

head: **Tabling Returns and Reports**

**Ms Calahasen:** Mr. Speaker, as promised, I rise to table the expenditures for government's efforts in building an effective consultation with First Nations and industry regarding resource development.

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

**Dr. Pannu:** Thank you, Mr. Speaker. I have one document to table: five copies of this document which indicates that Tyson Foods in the United States was hit with a \$1.28 billion judgment by a federal jury for manipulating the cattle market and was ordered to change its buying practices.

Thank you, Mr. Speaker.

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

**Mr. MacDonald:** Thank you very much, Mr. Speaker. I have two tablings this afternoon. The first is a letter to our office from Delia McCrae, and it is in regard to the Learning Commission.

The second letter that I have is a letter from a concerned parent, Ms Elizabeth McLeod on 79th Street in the constituency of Edmonton-Gold Bar, and this is also concerning Edmonton public school board funding.

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

**Dr. Taft:** Thank you, Mr. Speaker. Three tablings today with permission. The first is a letter that has been brought to my attention and that I was asked to table. It's from a constituent who has traced

his ATCO Gas bills for the last 18 years, and they've more than doubled in the past six years. He wanted to bring that to public attention.

The second is an eloquent letter from Karen Cox of Bashaw raising many concerns with government waste.

The third is a petition signed by 18 Albertans urging the Legislative Assembly to protect patients' rights.

Thank you.

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

**Mr. Hancock:** Thank you, Mr. Speaker. Earlier today there were allusions in question period to a letter, I think in 1998, from Mr. Southern of ATCO Gas, and the Premier, in responding to questions, alluded to a much more current letter of August 20, 2003, which refers to a definition of excellence in terms of the way that the government has handled the deregulation process. I'd like now to table five copies of that letter for the House.

**Mr. Smith:** Mr. Speaker, much as I would feel compelled to read every word of that previous letter into the record, it's my privilege today to table to you and through you to the House five copies from the Alberta Advisory Council on Electricity. This is a signal that Alberta is ready to meet serious questions about serious topics head-on and put together, as said earlier in the House, some 20 of the best and brightest minds in this industry. Here are the deliberations. Here are the results of the reports. It's with pride that I am able to table these in a sense of transparency, openness, and gratitude to the members who served on that committee.

**The Speaker:** Are there others?

The hon. Member for Edmonton-Gold Bar on the point of order.

**Point of Order  
Explanation of Speaker's Ruling**

**Mr. MacDonald:** Thank you, Mr. Speaker. I rise, please, under Standing Order 13(2): "The Speaker shall explain the reasons for any decision upon the request of a member."

Earlier in question period, Mr. Speaker, my attempt at my second question was cut short. You gave an explanation; I believe it was *Beauchesne* 409. There was a lot of noise from across the benches. I didn't hear your full explanation. As I said earlier this afternoon, I rose to participate in Oral Question Period but was not permitted to follow up my main question. I seek your guidance and your advice on this matter.

In 1986 Speaker Bosley of the House of Commons gave a statement of how question period should be conducted as described on page 425 of *Marleau and Montpetit*. Speaker Bosley stated a number of principles, of which all Legislative Assemblies in this country have taken notice, including that the primary purpose of question period must be the "seeking of information from the government and calling the government to account for its actions" and "members should be given the greatest possible freedom in the putting of questions that is consistent with the other principles."

Marleau and Montpetit continue on page 426, Mr. Speaker, by stating that in Question Period, a member should, among other things, seek information and "ask a question that is within the administrative responsibility of the government or the individual Minister addressed."

Further on, on page 430, Marleau and Montpetit state in part that "members may seek to clarify the answer to a question or solicit further information through the use of supplementary questions." It was my second supplementary question that I was asking, and of course I was not allowed to finish that question.

2:50

Now, Mr. Speaker, there are naturally guidelines that have to apply to initial questions and how they flow with supplementary questions, but a follow-up device flowing from the response – I agree it ought to be a precise question put directly and immediately, in this case to the Premier, and I believe I did that. I believe a review of the *Hansard* Blues, which I haven't had an occasion to do, will confirm that I asked a supplementary question that flowed from the response I received from the government in order to solicit further information about the subject matter that was then at hand.

Mr. Speaker, the second supplementary question that I posed I believe clearly sought information from the government, clearly called the government to account for its actions, and clearly was on a subject that was within the responsibility of the government. I in no way intended my supplementary question that I posed to be any sort of an argument, I didn't pose it to be in any way hypothetical, and I believe it was certainly, as I said before, within the responsibility of the Premier.

Now, Mr. Speaker, I again seek your guidance and your advice on this matter. This has been a matter that has been reoccurring in this Assembly. The hon. Member for Edmonton-Riverview had a question at some point recently that was ruled out of order, and for myself and particularly for the research staff I await your guidance on this matter.

Thank you.

**The Speaker:** The hon. Government House Leader.

**Mr. Hancock:** Well, thank you, Mr. Speaker. I appreciate the opportunity to comment with respect to the request for clarification by the hon. member. I appreciated also hearing the hon. member actually read some of the rules with respect to question period in the hopes that he will abide by some of them in the future.

*Beauchesne's* 409 on page 121 indicates, for example, in (8) that "A question that has previously been answered ought not to be asked again." Of course, we've heard that over and over again, and even today the hon. member violated that rule.

I only point that out, Mr. Speaker, to say that it's entirely appropriate in my submission to you for the Speaker to interject when the rules are being blatantly violated over and over again. The members of the House will note that I have not been rising on points of order with respect to the frequent misuses and abuses of the rules and misuse and abuse of question period because, unfortunately, under the rules that we have, all of those points of orders are dealt with after the fact when they can be of no force and effect. So it's entirely appropriate – it ought not to be done often, and you've used it only sparingly – for the Speaker to interject when rules are being violated on an ongoing basis.

So I think it would be appropriate to clarify for the House your ruling in respect to the particular question that was asked. But I think it would also behoove me to encourage you to continue, not on a daily basis but when the rules are being grossly violated over and over again, when supplemental questions are, indeed, not supplemental but prewritten. Supplemental questions, according to *Beauchesne's* 414 are supposed to be "necessary for the elucidation of the answers that have been given, within due limits." Often we hear supplemental questions which actually have no bearing or no relationship to the first question or have obviously been prewritten so, therefore, couldn't possibly adhere to the rules.

So, Mr. Speaker, a timely intervention by the hon. Member for Edmonton-Gold Bar asking for your advice with respect to how he might appropriately put questions in the future.

**The Speaker:** Well, the hon. Member for Edmonton-Riverview,

your name has been mentioned. Do you have a participation to make?

**Dr. Taft:** No.

**The Speaker:** Oh. So I'll assume there was no petition on your behalf.

All hon. members, there's an old saying – I think it's in English literature; I think it was Shakespeare who once wrote it – something along the lines of, "I think you protesteth too much," or something to that effect.

Okay, hon. Member for Edmonton-Gold Bar, you have an assignment, and that is to do some homework. Homework number one is to read the letter that I sent to all hon. members prior to the commencement of this session. I think it's the seventh such letter that I've sent in the last seven years, and it outlines the rules that we will follow. It outlines the documents that we will use to administer the procedures of the House.

I would also draw to the attention of the member an agreement that was signed by the various House leaders, signed some time ago, about preambles. Basically, it indicated that a preamble was permitted in the first question of the set, but there was to be no preamble in the second and subsequent, and as I recall there are signatures from three House leaders with respect to that document. So would you kindly find such document? Would you have a discussion with your leader, who signed it, and ask for an interpretation of what it meant?

Now, number three. I have read the Blues, and the member is wrong. The member goes on ad nauseam. The member violates the preamble rule repeatedly. These violations occur over and over again, but the Government House Leader asked me to just intervene intermittently, which has been my style: to intervene intermittently. Quite frankly, I could probably intervene 10 or 12 times a day, which would be known as Mr. Speaker's intervention period rather than the question period.

Now, having done that, you will also read the Blues tomorrow for what I've just said today, so there's no mistake because everything I've said here today is in writing.

### Speaker's Ruling

#### Oral Question Period Rules

**The Speaker:** We will now deal with *Beauchesne* 409. I repeat this again for all hon. members not just the member in question that I'm talking about today. "It must be a question, not an expression of an opinion, representation, argumentation, nor debate." All members might want to study *Hansard* to see how all of these things have been violated in most of the questions that come in here.

Secondly, "the question must be brief." Now, "a preamble need not exceed one carefully drawn sentence." Whoa, hon. member. Hon. Member for Edmonton-Gold Bar, I'm not even talking about your first question; I'm talking about your second question when I quote:

Thank you, Mr. Speaker. Again to the Premier. Given that Mr. Southern also stated in that letter, quote, one department's determination is not an adequate substitute for clear foresight, prudence, and caution in this case, unquote, when will this government listen to the Alberta Association of Municipal Districts and Counties and others?

And then, you know what? *The Hansard* people have put a question mark in there, but that's not where it ends. It continues:

The municipal districts and counties last fall passed an emergency resolution urging this government to abandon and unplug electricity deregulation.

It still doesn't end. Then it goes on:

When will you do the right thing?

I mean, there are several. I didn't do this; the *Hansard* people did. Total violation. Total violation.

Now, number three: "[A] question ought to seek information and, therefore, cannot be based upon a hypothesis, cannot seek an opinion, either legal or otherwise, and must not suggest its own answer," – how often do people come in with a question saying: well, you know, we're right; why don't you do the right thing? – "be argumentative or make representations."

The hon. Member for Whitecourt-Ste. Anne asked for, I guess, accommodation from the Minister of Energy today about bright minds. He got one. That violated that one too, but I thought that one was rather frivolous and most people would see through that, so I didn't have to intervene.

And 409(8): "A question that has previously been answered ought not to be asked again." And on and on and on it goes.

Then, Mr. Bosley's quotation is a great one, hon. Member for Edmonton-Gold Bar, because you didn't use everything in the section. I draw your attention to page 430. I think that Speaker Bosley is in that area, but on page 430 it says this: "In conformity with parliamentary tradition, the Speaker retains the authority to determine when supplementary questions may be permitted."

3:00

So, in essence, if I read – which I did not write; it's not my book; I didn't write this. We take great heed with respect to parliamentary tradition. It essentially means that, to follow through from our Standing Orders wherein I quote Standing Order 2, the Speaker must retain order in the House, must ensure that the practices of parliamentary tradition are present. Basically, decorum must be followed.

Then you go from there. Speaker Bosley and all the other authors of this particular document, *Marleau and Montpetit* on page 430, and I quote again: "In conformity with parliamentary tradition, the Speaker retains the authority to determine when supplementary questions may be permitted."

When the Speaker today suggested to the hon. Minister of Aboriginal Affairs and Northern Development that she need not proceed to tell the whole world what every department of government is doing with respect to a certain matter, there was an intervention in terms of the conformity to parliamentary tradition. You, hon. Member for Edmonton-Gold Bar, received the same treatment in a fair, unbiased, nonpartisan, dignified manner. It's the job of the Speaker to do that for the benefit of the protection of the democracy in Alberta.

Thank you very much.

head: **Orders of the Day**

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

**Bill 14  
Appropriation (Supplementary Supply) Act, 2004**

**The Speaker:** The hon. Deputy Government House Leader on behalf of the hon. Minister of Finance.

**Mr. Zwodzesky:** Yes, Mr. Speaker. Thank you very much. It's my pleasure to move on behalf of the hon. minister Bill 14 at second reading, that being the Appropriation (Supplementary Supply) Act, 2004.

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

**Ms Carlson:** Thank you, Mr. Speaker. I'm happy to have this opportunity to once again, as I've repeatedly done over the years I've

been here, speak to an appropriation bill, this time Bill 14 as the supplementary supply.

This is, Mr. Speaker, the second supplementary supply requested by the government in this current fiscal year. In November 2003 16 ministries, one office of the Legislative Assembly, which was the office of the Information and Privacy Commissioner, requested a total of \$1.251 billion in supplementary supply for operating expenses and equipment and inventory purchases and capital investment.

This last year was a lot of money especially since the government's new fiscal framework had just been announced seven months earlier. Here we are, a few short months, back again where this government has to come back here for more money because they still haven't figured out after all these years in office how to adequately budget or forecast. That's a real problem. It would be a significant problem in a province that wasn't as wealthy as ours, but repeatedly this government is able to get away with this because there seems to be more than enough money to go around to those departments and those issues that they think are important.

We can't support this, Mr. Speaker. The reliance on supplementary supply estimates to manage a government is neither effective nor responsible management for a \$20 billion corporation. In the business world these guys would be turfed as managers so fast that you wouldn't be able to blink. The current reliance on supplementary supply estimates points to real problems with budgeting processes and the revenues and the way this government has managed their ability to forecast those revenues.

Relying on the supplementary supplies for making up budget shortcomings demonstrates a clear lack of effective management and long-term planning. We saw that reflected when we had the appropriations before us and we had the ministers reporting. Repeatedly they underbudget, underestimate.

I'll take fire management as an example. They have a five-year forecast, an average of what they've spent, yet each year they come in under that forecast when it comes to budget time. Well, what's that all about? Common sense tells you that at least you should be hitting the forecast, and particularly when we've had widespread drought conditions and several years of higher than normal fire forecasts, you would anticipate that the year to come would also be a problem, and you would budget accordingly. But not this government. It is the way they like to do it.

The government brought in a new fiscal framework. They talked about it as the Financial Statutes Amendment Act that enshrined into law several new fiscal rules that they promised would protect Albertans from riding the energy roller coaster. This new framework was supposed to put an end to the stop-and-start program funding and the government's reliance on supplementary supply. Yet this hasn't been the case. Less than a year later the government is breaking its own rules. We see that Bill 2 has capped government resource revenue spending, but the Premier recently announced that new legislation will be introduced this spring to raise the resource revenue spending cap. So how is that responsible fiscal management?

We've got a number of questions still outstanding on what's happened here that we weren't able to have answered when we had the supplementary supply estimates in front of us. In terms of those that are pertaining to ministries that I follow as the critic, it's primarily the fire question that I have, and I would hope that that will be answered.

I know that the minister has the answers to these questions because we have talked to them about them off the record, but I would like them answered here before we get through this bill, Mr. Speaker, specifically, in addition to what I've talked about, what I

see as an inadequate forecasting process for this particular department on this particular issue. Could he answer the question of where the forest fires were during the last four months of the year for which this extra money is being requested, and has the ministry already spent all of the \$113 million requested in supplementary supply for firefighting just four months ago?

So if I could have those questions answered before we pass this last bill, I would very much appreciate it. I'll take my seat now and allow another member to ask some questions.

[Motion carried; Bill 14 read a second time]

### Bill 12

#### Financial Administration Amendment Act, 2004

**The Speaker:** The hon. Member for Little Bow.

**Mr. McFarland:** Thank you, Mr. Speaker. It is my honour, my duty, and my job to move second reading of Bill 12, the Financial Administration Amendment Act, 2004.

Bill 12 streamlines and clarifies how government manages and invests funds, clarifies its wording and definitions, and makes other technical amendments. Mr. Speaker, the act is a key part of the province's financial management. It identifies how the government is to manage and control the financial resources of Alberta and provides for accountability by assigning authority and responsibility for financial management.

There are three main aspects that I would like to address in a very brief way, the first being amendments relating to how certain aspects of investments are administered, the second being amendments relating to the consolidated cash investment trust fund, the third being amendments that would allow for improved controls around the authorization of disbursements by accounting and expenditure officers.

The first change relates to the allocation of investment costs amongst various participant funds. Rather than conducting transactions for each investment fund for which the province is responsible, for example, it's more efficient to create a pooled fund. Structured not unlike a mutual fund, you buy it for your own investment and invest all the various funds as units in this pool.

As the province manages funds and surplus cash, each transaction bears a cost, including the cost of buying and selling, the personnel cost of managing and administering the investment, and so on. It is most efficient to have these costs allocated to the pooled fund and reflected in the value of the units held by the various funds that invest in the pool, just as each investor in a private mutual fund pays a cost for the management of the bigger mutual fund. So the amendment that we are proposing simply clarifies that the investment cost can be allocated to the pooled funds. This is the existing administrative practice.

3:10

Next, amendments would clarify that where the Minister of Finance is a trustee of funds, such as the pension fund, these funds may be invested in units in the province's pooled funds. Again, this is to clarify that the existing administrative practice of public sector pension fund participation in pooled funds is appropriate.

With respect to the CCITF, the consolidated cash investment trust fund, there is a further change relating to the establishment of these funds. This practice is very outdated, Mr. Speaker. It was written some 15 or 16 years ago, and we propose streamlining the legislation and replacing the details of administrative practice in the statute with provisions for contractual agreements. With these changes the minister may enter into contractual agreements with financial

institutions and with the participants in the fund for the management and pooled investment of the participants' surplus cash. This will streamline and update our current cash management practice, and participants in the fund will see no significant changes to the way the funds are managed.

The final change that I wish to address relates to the authorization of disbursements. Now, this amendment allows Treasury Board to make regulations or issue directives establishing controls with respect to the disbursement authorization. When the Financial Administration Act was written, it did not contemplate many of today's common practices; for example, the world of electronic payments. So this amendment would authorize the establishment of alternative approval procedures to allow a greater flexibility for the authorization of disbursements by expenditure and accounting officers.

Treasury Board will also be given the authority to approve alternate procedures. Treasury Board directives and regulations are publicly available, so there will be full accountability and transparency of our internal processes. This does not change the principle of expenditure officer and accounting officer authorization, but it does provide for improvements to the authorization controls.

Mr. Speaker, the changes proposed under the financial administration amendment act would streamline how the government manages and invests fund and will clarify wording and definitions. The proposed amendments are designed to improve efficiency in administering investment opportunities and improving the effectiveness of controls on payment authorization.

I urge all the members to support this, and I hope it's self-explanatory. Thank you.

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

**An Hon. Member:** Question.

**Dr. Taft:** Nice try.

Thank you, Mr. Speaker. Bill 12 is going to work its way gradually through here. I don't think it's going to get a lot of opposition from us, but perhaps as the debate moves along we will be able to make some suggestions to improve the legislation. The object of this bill, as I understand it, is to streamline and clarify how the government manages and invests funds, to clarify the wording and definitions, and to make a few other technical amendments to legislation.

It's also attempting to update the legislation to keep the province's investment activities in line with electronic fiscal transactions, which might save money in the management of government funds by reducing transaction fees. I would be interested, actually, in whether there's any estimate of how much money this transition from paper to electronics might save and, in fact, how the electronic information will be backed up.

I think, though, given that this is second reading – we're looking at intent here in a fairly general discussion – a point has to be made that the province should actually be in the position of having to manage far more wealth than it has. The volume of nonrenewable resource revenues that have flown through the provincial coffers since this particular government was elected is absolutely staggering. Over 90 per cent of it is gone forever. So is the oil and gas.

So here we are looking at legislation that adjusts the technicalities of how government manages and invests funds, but we never raise the much bigger issue of how large the amount of funds we're dealing with should be. In my view it should be vastly greater than what it is now, and if we'd had wiser management, it would be vastly greater than it is now. But here we are today reduced to debating details, and details are important.

I appreciate the efforts of the Member for Little Bow in briefing us. At this point there does not seem to be a lot to oppose in Bill 12. It largely adjusts language, brings language up to date. There are a few questions, and perhaps some day I'll even ask the member if he can arrange a tour, a visit to the government's investment offices.

I am curious to know how the amendments proposed here are actually going to improve the efficiency in administering investment opportunities. Has there been any cost-benefit analysis done? Are we able to say, "Yes, by bringing in this legislation, we're going to be saving \$100,000 a year in transaction fees" or whatever? That's just a pure example. Or are we doing this without a cost-benefit analysis? Any information along those lines would be helpful. I would hope that somewhere behind the scenes somebody has looked at the details to justify this legislation and said, "Yes, this is going to save us money," or "Yes, this is going to allow us to be quicker," or "Yes, this is going to do something for us." More detail on that of course would be helpful.

I think that until we get into committee, I will probably leave my comments at that and look forward to any information that can be brought to me by the Member for Little Bow on this or perhaps by the Provincial Treasurer.

Thank you.

**The Speaker:** The hon. Member for Little Bow to conclude the debate.

**Mr. McFarland:** Mr. Speaker, I'd be happy to provide the information to the hon. Member for Edmonton-Riverview, and I'll undertake to do that. In the meantime, I'd like to call the question.

[Motion carried; Bill 12 read a second time]

### Bill 13 Forest Reserves Amendment Act, 2004

[Adjourned debate February 26: Mr. Marz]

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

**Mr. Marz:** Thank you, Mr. Speaker. I had moved second reading previously. If I could just take this opportunity to provide some highlights of the legislation for the members before I turn the floor over to other members.

This legislation is proposing to update the act to reflect the present practices in Alberta. It'll also address concerns over noxious and restricted weeds and propose to increase penalties for violations of the act and provide consistency with other existing legislation. It will also delete parts of the act that are covered in other legislation so that there's no duplication and provide a streamlined process to update the legislation when required.

These adjustments will continue a very long tradition of Alberta heritage in this province of grazing livestock throughout the forested area. It dates back to the early 1900s. Grazing is a sustainable land use that also assists in managing natural grasses that in times of forest fires can help control that situation.

With that, I'd be eager to listen to comments from the other members and happy to answer any questions.

3:20

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

**Ms Carlson:** Thank you, Mr. Speaker. I'm happy to have an opportunity to speak to Bill 13, the Forest Reserves Amendment Act, 2004. This bill was first described to me as being something that

may not be that big of a deal, but as we look at it, we've got many, many questions outstanding on the bill. The initial groups that we sent this bill out to to review have raised some pretty grave concerns and are hoping that we can hold this bill over for some time while they can look at it in more detail and look at the implications.

As we see it, this bill proposes to give broader, more sweeping powers to the government with regard to forest reserves and their management in the province. I'm going to put my questions on this bill on the record in second because until we have the questions answered, in principle we won't be able to support it.

So we see now that this act applies to all the forest reserves in the province and not those established after the year 2000, when there were some previous significant changes. It looks to us that it gives rather sweeping powers to anyone in government and that they're assigned to deal with the forestry reserves and not just the forest officers, specifically referring to section 7 of this act.

In section 6 we want to know why the reorganization of the acquisition of land is done the way it is and why there's the order of preference that there is: expropriation, purchasing or otherwise acquiring, or exchange. So some more specifics on why that section is in there and how the ministry would expect that to be used.

Then we see in section 6(b) that "any personal property" is added to this section, so if we could have the questions answered on why that is happening. Also, it states in the bill that it allows the minister "to purchase or otherwise acquire any estate or interest in land and any personal property in conjunction with it." This is a pretty general statement. So can you give us some examples of where we expect to see this being used and whether or not there are going to be any specific conditions on it?

Also, we see additional power being given to the minister through section 6(c), "where the Minister considers," to determine adequate compensation for land exchange. Already this year alone, Mr. Speaker, I've had two complaints to my office about people thinking that land had been exchanged in an unfair process, that it didn't seem to be a fair value exchange. So in the interest of being open, transparent, and accountable we want to see that process work for all people. Would the minister answer the question of whether or not when transfers are done they could be made public at that time so that the appearance of value is not subjective, that it's open to interpretation by all people in the community? It doesn't look like that would happen here, and we would like that added.

We also see that this bill removes the authorization by the LG in Council "to prohibit or restrict . . . any business or commercial activity" in a forest reserve. That's the one that's got a number of the communities that we sent this bill out to very upset. So if that can be addressed in terms of why that's in there, we'd appreciate it.

Section 7 removes "the Lieutenant Governor in Council may make regulations," and replaces it with "the Minister may make regulations," always a highly contentious issue for us and for many people in this government and in this province, that the ministry has such an overriding authority. So if that could be answered as to why that change is being made and why we couldn't leave it the way it was and whether or not there are any expectations that those regulations may be posted in public before they're put into force.

It's standard practice at the federal level of government for that to happen so that impact statements can be made and there can be some discussion about whether or not the regulations being put forward are going to hurt, help, or even substantially hinder the way people can protect areas and do business. So is there any move to do that in this case? That would eliminate a lot of the concerns from people in the first instance.

Section 7(b) also gives the minister the authority to make regulations regarding

- (i) vehicular, pedestrian or other traffic,
- (ii) the conduct of any business or commercial enterprise, or
- (iii) any other kind of behaviour.

So what it looks like to us is that that essentially removes prohibitions and restrictions rather than increases them, and when we're talking about forest reserves, once again that's a problem.

Because of the power that section 7 gives the minister, section 11(2) becomes subject to any regulations that might be made by the minister under this act. This could mean that such regulations could usurp the authority of both the Forests Act as well as the Public Lands Act. So if we could get some comments on this. In particular, we are concerned about whether or not this will blur the separation of the sale and leased timber rights between the Forests Act and the Public Lands Act. If so, why would this be the case? If not, that's great. Just explain it to us, and we can send it to our groups that are concerned and have a further debate when we get to committee.

It also takes out all references to signage in a reserve until section 9, which is also amended to give the minister all authority in this area. So why that was done, I guess, is the question.

We see that the prohibitions are removed relating to traffic in forest reserves as well as the use of firearms and air guns. Once again, who was the lobby group that you were working on behalf of here, and why would you do this?

We also see that the minister is allowed to establish fees for services. Anytime we smell user fees coming down the pipe, we want to be sure that that's the most effective way to manage the areas because, generally speaking, it's been my experience in this House that it isn't.

Overall we think that this bill weakens the protection of forest reserves. We do like the idea of higher fines for offences against the act, so that's a good move. The questions around the fines are: why are the fines for administrative penalties in section 8 as high as those for offences and penalties in section 10? Do you anticipate seeing more administrative penalties? Are they easier to enforce; less easy to enforce? Are they less serious; more serious? What's the justification for going here?

If we take a little bit of a look at the background of forest reserves, we saw under the Forest Reserves Act of 2000 that

all forest reserves within Alberta are set apart and established for the conservation of the forests and other vegetation in the forests and for the maintenance of conditions favourable to an optimum water supply,

and we agreed with that statement. We see some undermining of this by the late agreements that have come in when much of the land and forest reserves was turned over to forestry companies to manage with the idea that their primary use would be for logging. I think we need to have a public discussion about whether or not that should be the primary use and whether or not the forestry companies are always the best stewards in this particular instance.

We are also very concerned that these agreements continue to be made behind closed doors. The lack of public consultation signifies that we could have future problems with public access to forest reserves being denied and other kinds of problems occurring for the management of the flora and fauna in the areas because what happens traditionally is that there is more of a focus on the economic harvest and less of a focus on the water management strategies and the conservation strategies. So I would like some comments about this.

At first glance it looks like this bill represents the shortcomings that we've seen in forest management, and we've had quite a bit of contact. Just so the minister and the member who introduced this bill know, the stakeholders we've consulted so far are the Alberta Wilderness Association, CPAWS, the Sierra Club, and the Environmental Law Centre.

3:30

While a lot of people could say, "Oh, you just talked to green organizations on this," in fact I would have to say that at the very least everyone has to respect what the Environmental Law Centre has to say on this bill because their primary focus is proper management in the areas of the province. They have a high stake in ensuring that we have a lot of continuity here in how we manage our forests and the interrelation between them and water. So I think it's pretty hard to discount some of these comments that we've heard.

One of them talked about: the amendments speak to the issue of this government allowing the forest industry to control access to our forest reserves, which were initially created to ensure conservation and protection of water. As such, these proposed amendments may look like they are trying to guarantee access to forest reserves for other uses like industry and that the future public access may be denied, as it is now in B.C. So if we could have some comments on that.

There's always the concern about turning the public responsibility over to the private sector, which would make it impossible to co-ordinate an effective forest management strategy and will place our forest reserves in the hands of private interests. Cases such as the hearing that stopped logging at the Bar C Ranch Resort show that the pressure that is being put on forestry companies is happening now for those companies that are not acting responsibly. These are clear indications that SRD as a ministry has to take back the management of forests and involve the public in its decisions.

We've heard time and time again in this Assembly that the forest companies are good stewards and good managers, but as that case particularly showed, it isn't always the case. It's a horrendous fight for members from the general public to get involved in and very costly in terms of time and money to fight these cases, but we've had more than one in the last few years. So we have to consider that and those ramifications when we talk about this.

I go back finally to my last concern about this province and about how it's managed environmentally, and that's that I've said for more than a decade that before we make any decisions to change how we manage the land, the landscape, and flora and fauna, we really have to talk about cumulative impacts when we go into an area, particularly when it's a direct focused attack by industry. Not that they can't be good players and good stewards, but when they're not looking at it from a cumulative impact position, then they're missing some of the mitigating circumstances that could make a difference in how we sustain these forests for the next 50,000, 100,000 years. So my major concern in this area is that we're not talking about those particular issues any time we see an environmental bill before this Assembly, and that's a real problem.

It really seems to me that this bill is more than just about Alberta livestock producers having access for cattle grazing in the Rocky Mountains forest reserve. I think that this is a bit of a slippery slope, and I think that we're going to see some fairly significant concerns. Certainly, over the years we've had many alarms sounded about Canadian forests and about how we need to overcome some barriers to manage forests well in this province. This is a good time to talk about them in this bill and to be concerned about cumulative impact and to discuss who it is that should in fact be managing a natural resource like that: industry or government. I firmly believe that it's government's role.

With that I'll hold my questions and concerns until they're answered in committee. I would expect that the answers will come back in committee, and we'll see how we proceed from there.

Thank you, Mr. Speaker.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. I'm pleased to speak to Bill 13, the Forest Reserves Amendment Act, 2004. Certainly, the importance of conserving our wilderness areas and our forest areas in this province needs to be a top priority, and to some extent I think the bill moves in this direction. But there are a number of questions that need to be answered before we on our part can support this bill.

Just a few questions. How will the minister determine the qualifications of Crown employees to administer and enforce the act if forest officers are no longer considered the standard to do that? Who will do it if not forest officers? Will that, in fact, permit the government to appoint people who are not government employees; that is to say, contract this work to private companies or individuals?

My second question has to do with the destruction of weeds. This has created some concern in the environmental community in particular because the question that comes to mind is the use of herbicides in our forest envisaged here. If so, is this going to be at the unfettered discretion of the minister, or in fact could we not do it in a different way that places a greater threshold to the use of any kinds of chemicals to maintain weeds in the forest? Certainly, an elaboration on this part would be important.

There are many fragile ecosystems and many ecosystems within forest areas that could be damaged if herbicides were misused, and the question of when they'll be used and on whose behalf is an important one. Is it the government's intention to use weed control measures including herbicides in order to extend the use of these forests for ranching and other purposes? So questions with respect to that need to be answered.

A third set of questions, Mr. Speaker, deals with the question of watershed management. The wording about maintaining "conditions favourable to an optimum water supply" currently in the legislation is being changed to read: within the confines of the reserve. So the question becomes whether or not water management can be effectively carried out within the boundaries of a particular forest reserve.

I guess I'd like to raise the concern that in many cases it may not be possible to maintain water conditions for a particular piece of land if you just look at that piece of land. What happens outside it, upstream or in aquifers that overlap with the forest reserve, I guess leads me to conclude that it may be possible to damage the water supply in a forest reserve by not protecting that water supply in an area adjacent to the reserve but not actually in it. That's a very serious concern, and we're hearing quite a bit about that from people who are following these matters and are very concerned about the conditions relating to water supply in these reserves.

3:40

Now, Mr. Speaker, a fourth point that I'd like to refer to is a question about whether or not businesses and commercial enterprises are going to have an easier time gaining access to the forest reserve. Is it the government's intention to ensure the original meaning of this, that it was setting up these protected areas so that they would not be compromised through the introduction of industrial activity?

I think there are lots of very important questions, Mr. Speaker, that must be responded to because I think that what the bill is purported to do and the actual effect of some of the language may not exactly be the same thing. Again, we have an extensive use of regulation and that, of course, puts much of that beyond the control of this Legislature.

[Mr. Shariff in the chair]

I want to indicate that it's of paramount importance to us that the preservation of water supply to these forestry areas is preserved, and

if that means controlling activities upstream but not on the reserve, then that needs to be done. Particularly, we are also very concerned about increasing industrial and commercial activities within the forest reserve. That seems to be a direction of the government in general, but it's not necessarily going to retain these forest reserves as sustainable forest areas.

I guess the last point that I'd like to make is the question dealing with user fees. I certainly think that we need to know more about how user fees will be used: who's going to pay them, what for, generally what kind of amounts are intended, and so on. Certainly, people that make money operating in these areas should be compensating the Crown, and their activities ought not to be financially supported by the taxpayer. But people who legitimately use it for other purposes I think need to have some protection against being charged fees that will unduly burden them. So we make a distinction between people who are exploiting the forest for economic reasons and the public, who may just wish to use it for other purposes, recreation and so on.

So, Mr. Speaker, those are my questions and comments. I certainly think that strengthening some of the penalties is a good aspect of this bill, and I think that when I've heard some of the responses to these questions in committee, I'll be in a better position to indicate to the House the position that we will ultimately take with respect to the approval of this piece of legislation.

Thank you, Mr. Speaker.

#### **The Acting Speaker:** Standing Order 29?

The hon. Member for Edmonton-Mill Woods.

**Dr. Massey:** Thank you, Mr. Speaker. I have just a couple of comments about Bill 13. If you look at section 6, the Lieutenant Governor in Council is given some rather sweeping powers to be able

- (a) to expropriate any land in or adjoining a forest reserve,
- (b) to purchase or otherwise acquire any estate or interest in land and any personal property in conjunction with it where the Minister considers that the land or personal property is required for the carrying out of any policy, program, service or other matter relating to the administration of a forest reserve, or
- (c) to exchange public land in or adjoining a forest reserve for land outside a forest reserve where the Minister considers that adequate compensation is obtained for the public land, and to pay further compensation on the exchange.

So sweeping powers for the minister and for the cabinet.

I was struck when I was reading the bill with the kinds of concerns that we've raised with respect to another bill that was introduced this session, and that was Bill 2, the Black Creek Heritage Rangeland Trails Act. Mr. Speaker, what I fear is the precedent set.

Bill 2, the Black Creek Heritage Rangeland Trails Act, makes the kind of power that's given here to the minister and to the cabinet questionable. It seems to me that if you read this bill from the viewpoint of someone who sees it as being in the public interest, a bill that will allow the government to act in the best interests of forest reserves – and that's what I think most of us would hope is the motivation for the bill – that assurance I think is chilled somewhat when, in the very session that the government is taking this kind of power onto itself for the protection of forest reserves, we see it overriding in another bill protection that we all thought was in place.

I don't think any of us thought that the government would do anything that would interfere with the Whaleback. I remember when the Whaleback was being discussed, the area that's being set aside to protect that area, how strongly people felt about that, yet here we see it being set aside. So I guess the question it asks is: how good is



the legislation? Does it really provide the protection, or the very first time that a special interest group comes along, a company that wants to do something, will all of this be set aside and those groups accommodated?"

So, as I say, I think it's rather interesting that we would be considering both of those bills at the same time during this session, Mr. Speaker. I think the existence of the first, Bill 2, weakens the arguments and support for Bill 13, the Forest Reserves Amendment Act.

Thanks, Mr. Speaker.

**The Acting Speaker:** Standing Order 29?

**Mr. Lund:** Mr. Speaker, the member in his comments was really questioning the value of legislation and then cited the Black Creek Heritage Rangeland Trails Act as the one that he claims was the change in policy or change in legislation. I would like to ask the member: if, in fact, there's a commitment by government that has been made prior to the legislation for some certain thing on land, should the government go through with its commitment on that land? I would like to know his opinion of that.

3:50

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

**Dr. Massey:** Sorry, Mr. Speaker. I don't have the background that the minister has. I'd need further clarification.

**Mr. Lund:** Well, I guess to set the record straight, the fact is that there was a commitment back before the Whaleback and/or the Black Creek were designated, and the commitment was that those trails that are existing today would not be shut, would not be closed. Unfortunately, the way the legislation was written, they did get closed. So the legislation that the hon. member was referring to as if it was some kind of a backtracking of legislation is absolutely not true. There was a commitment as a matter of fact. The people that had that land under disposition prior to the designation – part of the condition of them allowing this to move forward was the fact that those trails would not be cut off. So there was not a backtracking of commitment.

**Dr. Massey:** Well, then I guess my response is that that's sloppy law-making. Surely you wouldn't bring a bill to this House knowing that there was a prior commitment and not include that commitment in the bill.

**Mr. Lund:** Of course, the difficulty that happened in that whole scenario was that the minister that was involved in the designation – there was an event called an election in between the time that the negotiations were going on and the legislation. So there was a gap, and that's how that all happened. But I firmly believe that when government makes a commitment on anything, then it should be followed through, and I feel very strongly about that.

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

**Dr. Massey:** Yes. My point stands. It's sloppy.

**The Acting Speaker:** Anybody else wish to participate in the debate? The hon. Member for Edmonton-Riverview.

**Dr. Taft:** Thank you, Mr. Speaker. This bill seems all too consistent with a couple of general trends of this government. One is the

consolidation of power into the hands of fewer and fewer cabinet ministers, and we're seeing that played out here over and over when powers are actually pulled out from the Lieutenant Governor in Council and are given specifically to the minister, which certainly bypasses or short-circuits any normal democratic process of cabinet discussion or, even better, bringing decisions out for public consultation. That concentration of power is consistent over and over in this government.

I guess it's an approach of philosophy, although it seems ironic that it's coming from a government that complains so much about not having enough power from Ottawa and wanting more and more power delegated from the federal government while at the same time as a provincial government it wants to hold onto more and more power itself.

I also see this bill as making accountability more difficult. It's partly because of that consolidation of power into the hands of the minister that it becomes more and more difficult to have a sense of what goes on in the decision-making process. It pulls the decision-making process further and further behind closed doors. As a result, it becomes more difficult, I think, to hold the government accountable because of this bill.

This even can in some points get pretty dramatic under Bill 13 when you have, as I understand it, in section 7 that sweeping powers may be granted to anyone in government that the minister assigns to deal with forest reserves, and that's not limited to just forest officers. It could be almost anybody, it seems. So there is a substantial increase of powers there.

Alberta's forests are perhaps one of its least recognized resources by the general public. There was a time about 15 years ago when Alberta had the largest virgin boreal forest in North America and some of the largest in the world. Virtually all of that forest, certainly a huge majority of it, has long since been assigned for use by the forestry industry and the paper industry. We have as a result seen a real decline in the percentage of Alberta that is actually in wilderness condition, especially the percentage of forest that's in a wilderness condition.

Here we have a risk under this legislation, and perhaps that risk will be dispelled when we get into committee, but right now it looks like there's a risk that we have the government actually allowing the forest industry to increase its access and to increase control of access to our forest reserves. These were originally set aside for purposes of conservation and water management, and it seems now that we're seeing that curtailed and limited more and more severely.

In particular, when it comes to water, which is going to be a vastly growing issue here, we are by all accounts narrowing the mandate of forest reserves and forest reserve managers to be concerned about water management outside of the limits of the forest reserves. So while these forest reserves were initially created to ensure conservation and protection of water, including water outside the range of those reserves, there is now a risk that with these amendments under this particular bill we'll be curtailing the mandate of forest reserve managers to only considering the effects of water within that reserve.

I expect that there's going to be some significant debate on this legislation as awareness of it grows and as various groups make their views known and have time to study it. As unfortunately happens with so much legislation, it passes through this Legislature with terrific speed, and given the small resources of the opposition and of people in the public, a thorough review of the legislation can't always happen. Sometimes this leads to mistakes and sloppy legislation, as was pointed out by the Member for Edmonton-Mill Woods just a few minutes ago.

So I will be looking in subsequent debate, Mr. Speaker, for government members or the minister or the sponsoring member to

perhaps consider amendments to reduce the consolidation of power in the hands of the minister. Why are we having it do that? Are these cabinet ministers not already powerful enough to do their jobs? Why do they have to be able to have fewer and fewer lines of accountability and fewer and fewer counterbalances to their decision-making? That'll be, perhaps, my key concern as I watch this legislation unfold.

Thank you.

**The Acting Speaker:** Standing Order 29. Anybody else wish to participate in the debate?

The hon. Member for Olds-Didsbury-Three Hills to close debate.

**Mr. Marz:** Thank you very much, Mr. Speaker. I commit to the members that spoke that I'll review their comments and questions in *Hansard* and be prepared to answer their questions once we get into committee. So, with that, I would call for the question.

[Motion carried; Bill 13 read a second time]

head: 4:00     **Government Bills and Orders**  
                  **Third Reading**

**Bill 11**  
**Alberta Personal Income Tax**  
**Amendment Act, 2004**

**The Acting Speaker:** The hon. Member for Lac La Biche-St. Paul.

**Mr. Danyluk:** Thank you very much, Mr. Speaker. I'd like to move Bill 11, the Alberta Personal Income Tax Amendment Act, 2004, for third reading.

This bill, Mr. Speaker, introduces amendments that will make technical and clarification changes to ensure that provincial legislation remains consistent with federal legislation, with current administration, and with other parts of the act.

Thank you.

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

**Dr. Taft:** Thank you, Mr. Speaker. It's interesting that in the discussion of the last bill there was a bit of comment about when legislation gets rushed through too quickly and not enough people are involved and the stakes get made and then we're back having to revise bills in the subsequent session. I wonder if that might be what's happened here as well.

This particular bill, which is fairly brief, fairly small, basically addresses technicalities, and it seems to make some corrections, in effect, to legislation that was passed earlier. So one of the lessons here might be that if the government took a bit more time in drafting legislation and debating it and distributed it a bit more widely, we might actually be able to avoid having to keep coming back to correct bills in subsequent legislation.

So this is more or less, I think, a housekeeping bill. I don't think it requires much in the way of comment on this, although there are a couple of questions such as the one about: why do we have to be discussing the bill in the first place? Why wasn't the job done correctly last spring when we passed what was then, I believe, Bill 4?

I guess we might as well move things along, so I will stop my comments there, Mr. Speaker. Thank you.

**The Acting Speaker:** Anybody else wish to participate in the debate?

The hon. Member for Lac La Biche-St. Paul to close debate.

**Mr. Danyluk:** Thank you very much, Mr. Speaker. I'd just like to say that there were changes that were made to the federal acts and federal bills, and this government, I believe, was very prompt in identifying those changes. That's why it's before you here today.

Thank you very much, Mr. Speaker.

[Motion carried; Bill 11 read a third time]

**Bill 5**  
**Family Support for Children with Disabilities**  
**Amendment Act, 2004**

**The Acting Speaker:** The hon. Deputy Government House Leader on behalf of the Minister of Children's Services.

**Mr. Zwodzesky:** Thank you, Mr. Speaker. It is indeed my pleasure to move for third reading Bill 5, Family Support for Children with Disabilities Amendment Act, 2004, and I do so on behalf of the hon. Minister of Children's Services.

Mr. Speaker, I know that our Minister of Children's Services would like to extend her thank yous to the MLA for Red Deer-North at the very outset of this debate at third stage for all of the incredible hard work and time and effort that she put into this particular issue and this particular bill on behalf of all of Alberta's children and the youth in our province.

It is groundbreaking legislation through this particular Assembly, and I think all members here are aware of that. The minor amendments outlined in Bill 5 are very necessary prior to proclamation and implementation of the Family Support for Children with Disabilities Act. I think we should express confidence in this legislation, that it is going to be a beacon of light, as it were, across the entire country with reference to the coverage of services for children with disabilities. This particular legislation is, of course, the first of its kind in Canada because it will provide separate and distinct legislation to cover services for the children with disabilities.

I know, Mr. Speaker, that through the various consultation processes and research that has been done for the drafting of this bill many parents and service providers throughout the province were contacted and spoken with and listened to, and we have listened to what they have said to us. Indeed, this legislation itself came out of what we heard from the families of children with disabilities and from other key stakeholders who expressed concern that the unique needs of children with disabilities were not being sufficiently addressed in some cases within the provisions of the child protection legislation.

There are 10 child and family services authorities and the ministerial advisory committee and the expert advisory committee who have actively participated in the process as well, and they, too, need to be thanked. I also know, Mr. Speaker, that our Minister of Children's Services would like to extend her thanks in particular to our colleagues the Minister of Health and Wellness and the Minister of Learning for their insight and willingness to address the challenges that have arisen as this legislation has been developed.

For the past several months we have seen consultation with an even wider range of people, including parents, service providers, and other stakeholders, regarding the drafting of the regulations that will accompany this particular legislation. So the public consultation process that ended just a few days ago in February I think has resulted in very necessary and very good improvements to the services that we are already providing and will provide in the future to children with disabilities.

Specifically, this new legislation will ensure greater consistency in services for children and families and will also ensure that families

and children receive appropriate supports and services based on their assessed needs. This act will broaden the scope of the existing resources for children with disabilities program to focus on supports for the child and the family rather specifically.

The Family Support for Children with Disabilities Act will provide a wide range of family-centred services and supports that will preserve, strengthen, and empower families in caring for their child with a disability. As I have said and other members in this House have said, children are our most precious resource in this province. These are God's children, and they deserve the same opportunity that any other child in Alberta is being offered. The legislation is also going to provide that opportunity well into the future.

Mr. Speaker, I want to add my personal thanks from the Ministry of Community Development, and in my capacity as the minister responsible for the Premier's Council on the Status of Persons with Disabilities my personal thanks are added to the Minister of Children's Services and also to the Member of the Legislative Assembly for Red Deer-North. This is an excellent bit of work here, and we're all thankful to you. I hope that this act will in fact positively affect and change the lives of children living with a disability and their families. I'm looking forward to the proclamation this summer of the Family Support for Children with Disabilities Act, which will of course be a very momentous occasion for our province and for all children with disabilities and for their families.

Thank you, Mr. Speaker. With that, I'm pleased to lend my support to third reading of Bill 5 and do the same on behalf of the Minister of Children's Services.

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

4:10

**Dr. Massey:** Thank you, Mr. Speaker. Just a few final comments on Bill 5. Bill 5 essentially takes the definition out of Bill 23 with respect to disability and expands upon it.

It's a bill that everyone wants to succeed, Mr. Speaker. The definitions are extremely important to families that have children needing services and needing help from the government. The wording is crucial. I thought it telling, because I'm fairly well acquainted with the area, that I still found myself asking the minister for examples of the various categories. I think that that's going to continue to be a problem for parents, and it wouldn't surprise me if we're back here a third time at it trying to clearly define what is meant with respect to the act. I hope that's not the case.

When the minister was good enough to give examples, it became clear. Unfortunately, those examples aren't in the act. It's really an act that requires plain English, and it's an act that has to be written with an eye on the prospective reader, which is parents in this province who are seeking assistance for their youngsters. So I hope that we won't be back here, but it wouldn't surprise me if we are, Mr. Speaker, making modifications to it.

With that said, Mr. Speaker, I'll support the bill and, as I said, hope that it does the job that it was intended to do, and that's to bring some clarity to section 1(c) of Bill 23.

Thank you.

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

**Mrs. Jablonski:** Thank you, Mr. Speaker. I'm very pleased to stand on third reading of Bill 5, the Family Support for Children with Disabilities Amendment Act, 2004.

I just want to go over the five amendments that this act involves, and those amendments include clarifying and broadening the

definition of disability; changing the phrase "therapeutic services" to "child-focused services"; requiring the director and the appeal panel to consider a family's specific circumstances as set out in regulations when making decisions that affect services to be provided; the fourth one, stipulating a residency requirement for children and families receiving services under the act; and the fifth and last amendment, allowing a parent under the age of 18 to enter into a legal agreement regarding supports for their disabled child.

I think that during debate last Tuesday the hon. Minister of Children's Services clarified issues that were raised by members of the Assembly.

I'd like to thank all members for their support of this legislation, and I would just like to say thank you again, Mr. Speaker, and move third reading of this bill.

**The Acting Speaker:** Standing Order 29?

The hon. Member for Edmonton-Highlands.

**Mr. Mason:** Thank you very much, Mr. Speaker. I'd like to speak to this bill, Bill 5, the Family Support for Children with Disabilities Amendment Act, 2004. This bill, I think, does what it sets out to do. It tightens the definition of disability, eligibility, services, and guardian, and it gives some direction on decision-making under the act. At least on the surface it looks like these changes will facilitate how families with disabled children are assisted and will help to ensure that children with conditions that could be treated medically are not grouped under the label disabled and hence may be eligible or ineligible for services.

So, Mr. Speaker, I just want to indicate that the New Democrat opposition thinks that this bill is generally positive, makes changes that are going to do more good than harm, and we are pleased to support the bill.

Thank you.

**The Acting Speaker:** Standing Order 29? Anybody else wish to participate in the debate?

The hon. Deputy Government House Leader on behalf of the Minister of Children's Services to close debate.

**Mr. Zwozdesky:** Thank you, Mr. Speaker. You know, there are many occasions when members of this House take strong stances in opposition to certain things that are sometimes advocated, and on the other side of that coin there are occasions when everybody knows what is serving the common good and comes to agreement. I think we see that case here, which is again reflective of the comments that I alluded to in the opening remarks.

I'm pleased to conclude debate at this time on this important and historic legislation.

[Motion carried; Bill 5 read a third time]

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

[Mr. Shariff in the chair]

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

#### **Bill 7 Senatorial Selection Amendment Act, 2004**

**The Deputy Chair:** Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Minister for International and Intergovernmental Relations.

**Mr. Jonson:** Thank you, Mr. Chairman. I would like to make a number of comments with respect to Bill 7 at committee stage. I think it's important to emphasize that this bill provides for a very simple and straightforward measure, and that is extending the application of the Senatorial Selection Act until 2010.

As you know, Mr. Chairman, Senate reform has long been a priority for this government, and there is a renewed interest in change with respect to many aspects of looking at the future structure of our government, not just in Alberta but, as I've said, in other parts of Canada. As an example, it was not too long ago that, as I recall, statements were made on this topic by the Premier of Nova Scotia, and he was indicating that the Senate structure needed to be examined, needed to be reformed. They had their views on that particular topic, but it was certainly important to them as well, and I sense that there is a similar interest in many other parts of Canada.

So as far as the bill is concerned, Mr. Chairman, Bill 7 represents an important but relatively small component of the government's overall activity in this very important area of Alberta's place and Alberta's future as far as Confederation is concerned, but also it's a matter for consideration by other provinces all across our land.

I want to emphasize, because there were certain remarks made by the Member for Edmonton-Centre evening last, that this is only a small component of our overall effort in looking at various aspects of Alberta's role in Confederation. As members should be aware, we do have a committee chaired by the Member for Edmonton-Rutherford that has been struck and has been hard at work going across the province from north to south and east to west and into our major urban centres providing a vehicle for Albertans through public hearings to express their views about how our place in Confederation could be enhanced. That, of course, has application possibly to all the provinces in Canada. They might want to examine this overall matter and pursue various initiatives as well.

The committee has been very busy in doing their work. I think that for a topic of this type it has had considerable media coverage. It has had, I think, a pretty good attendance given the time of year that these hearings are being held and the lack of co-operation of the weather on certain particular evenings, and there's certainly been no shortage of views and recommendations coming from the Alberta public on this overall issue.

4:20

There have been, yes, additional comments with respect to Senate reform. There have been comments with respect to gun control, the collection of taxes, the future of the Canada pension plan as it applies to Alberta. The list is very, very long. It will be, I think, a very important but also a very challenging task for the committee when it is done to bring all of this material, all of these viewpoints, ideas, and recommendations together as a report to myself as minister. But, of course, I am only one person involved in this overall work. It will be something that will have to be considered by government, and certainly we will want to, I would expect, further consult and get a reading of the public's views once we have a report to present from the work of that committee.

At the first ministers' level I believe that there are two things that I'd like to comment on. In a general way there has been additional impetus given to working on new arrangements and more effective ways of relating to and working with the federal government in this country. The first ministers of the provinces and territories have agreed to set up a structure called the Council of the Federation. It's had its first meetings, and there is there, I think, a new sense of co-operation and cohesion as far as the provinces are concerned in terms of the way they present various recommendations and enter into various agreements with the federal government. To this point

in time the federal government has been responsive to a large degree to the ideas and initiatives being put forth from the Council of the Federation.

We look forward, Mr. Chairman, to being very active in the area of interprovincial relations and federal/provincial relationships, and we are far from just dealing as a government overall with Senate reform. Bill 7 is a time-sensitive matter. We need to extend the Senatorial Selection Act so that the provision is still there for the selection by the province of our future Senate nominees, and I would request the Assembly's consideration in having this passed.

I would just like also to assure members of the Assembly that the whole matter of improving overall governmental relations and our place in Confederation is a very high priority with our Premier, with our caucus, and we are certainly working on matters far beyond this particular bill, Bill 7. Bill 7 is one important step in an otherwise very important area with many, many facets to it.

Thank you.

**The Deputy Chair:** The hon. Member for Edmonton-Highlands.

**Mr. Mason:** Thank you very much, Mr. Chairman. I'm pleased to rise and address Bill 7, the Senatorial Selection Amendment Act, 2004, and very pleased to announce today that Alberta New Democrats are prepared to support a triple-E Senate. That stands for eliminate, eradicate, and erase.

The position that we have taken for many years, Mr. Chairman, has been to eliminate the Senate, to abolish it. I like to think that the New Democratic Party in Canada was the leader in Senate reform and is prepared to go further than any other party in reforming the Senate. It is a rather useless encumbrance, and that is not to say that many of its members are not distinguished Canadians and actually do good work, but having a Senate of the form in Canada is not useful and not democratic. So the question is then: why eliminate it instead of reform it? To go back . . .

**Mr. Dunford:** I'm sending a copy of your speech to Tommy Banks.

**Mr. Mason:** I hope you'll include, hon. member, the part about the distinguished Canadians who do good work.

It is something that we think is not acceptable in a democratic society, to have something appointed essentially by the Prime Minister, and we question the need for a check on the democratic passions of the House of Commons.

I might point out that this was certainly the view about the time of Confederation, and the House of Lords, upon which the Canadian Senate was modelled, was considered to be a check on the democratic passions of the population. There was a great deal of nervousness among the privileged classes of Britain in those days about the extension of the franchise, first to all men and later on to women as well. There was a real concern that democracy might get away on them, and they might find themselves having to work for a living. But, in effect, that has never been the case. In fact, there's been a long period of struggle in Britain, in Australia, and in Canada to restrict the upper House's powers and its ability to prevent and hold up legislation that the democratically elected House decided to put forward.

It's interesting to note, Mr. Chairman, that a number of provinces used to have upper Chambers that were appointed in the same fashion; that is to say, by the government for extended terms. They have gradually been eradicated, and the last to go was that of Quebec, which was eliminated in I believe 1967 or 1968. They did away with the Red Chamber in Quebec.

The history of these upper Chambers in Canadian history going

back before the Canadian Senate and before Confederation was that they were essentially appointed by the British Crown in order to retain control, Executive Council, and were in fact an instrument of British control over the colonies that came to make up Canada. Gradually, as responsible government developed and colonial Legislatures evolved, they came into conflict with the appointed Executive Council, the governor and council.

That has largely been resolved today in the sense that in Canada as in Britain the Senate, or the upper Chamber, no longer has the ability to permanently hold up legislation which has been approved by the lower Chamber. So it has now some power to delay.

4:30

The question is whether or not this is necessary and whether or not it's necessary to have a Senate to represent provincial interests. I think that that's a very debatable proposition. I believe that provinces in this country do indeed have a considerable amount of power and particularly when they can work together. That doesn't eliminate a considerable amount of frustration with the actions of the federal government from time to time, and that's not limited to Alberta or even to western Canada. So I think we would be far better off, Mr. Chairman, to eliminate the Senate and work towards a more co-operative style of federalism, and I think that some steps have been taken in that regard.

Now, I think that some of the activities of this government, Mr. Chairman, have been political and partisan in nature and quite counterproductive. I'm thinking about some of the actions the government has taken with respect to Kyoto, with respect to the Wheat Board, with respect to the gun registry, and so on. These activities are not designed to resolve these issues, and I certainly think that constructive efforts in those areas would be of some use. But they are very often based on simply distraction and attempting to get Alberta voters fired up about the federal government in Ottawa as a means of distracting them from issues here in Alberta. So, for example, I'm thinking of electricity deregulation. I'm thinking of automobile insurance, the cuts to education, and so on.

I don't believe that this use of fed-bashing, if I may call it that, is constructive, and it certainly doesn't work to strengthen the unity of the country. I think there are legitimate interests that Alberta has in Confederation, and they do need to be represented, but the government has in my view misused its platform in order to distract attention from a serious and growing number of problems here in this province.

Mr. Chairman, I want to talk a little bit about proportional representation. I think part of the reason some people feel alienated in western Canada has to do with the system of individual geographical ridings which we use in Canada, and it's one of the few democratic countries left in the entire world to use this type of system. I think there are only about three or four. Most democracies now either use a form of proportional representation or mixed member proportional representation, which does allow the retention of geographical districts and makes sure that there is geographical distribution of the representation in the Assembly or the parliament, but the numbers are proportional to the votes cast for the party.

I think that it would be quite beneficial to people's feelings of alienation if we had that sort of system. I think it would go a long way towards relieving that because every vote would count. For example, if you lived in Quebec and you wanted to be a Reformer, you wouldn't feel that your vote was lost because your candidate had no chance of winning. Similarly, if you were a Liberal candidate in Alberta, you might feel that you might still – yeah.

So, Mr. Chairman, I think that it is an important reform and one whose time has come. I think the idea of the triple-E Senate, which

was just adopted from the United States, is not suitable to Canadian conditions despite all the attempts to try and make it appear as if it's a relevant institution. I don't believe that we should be having to import our institutions from the United States, which has quite a different constitutional structure altogether.

I just want to say as well, Mr. Chairman, that I'm very interested in the exercise going on in British Columbia right now, where the government there has essentially convened a group of citizens drawn from all walks of life and all areas almost by lot, as I understand it, and put them to work drafting changes to the political system and the democratic system in that province. One of the things that they've arrived at I think is a proposal for a form of proportional representation in that province, and British Columbia may well be the first province to bring that system in. Of course, British Columbia is highly polarized, and some of the smaller parties are not represented at all in the Legislature, and I think it's the intention that a greater number of voices will be heard if that sort of system is brought into place.

I would have preferred that the government of Alberta do something like that rather than establish the committee that it has. The committee that has been travelling around the province I guess has had a couple of strikes against it. One is that it has only got members of the Conservative Party on the committee, and for a committee to go out and try to represent and hear from Albertans of all different opinions and perspectives, I think it's important that it be representative of the Legislature rather than just the government. I think that this has been one of the reasons why only certain perspectives have been brought before the committee.

I also think it's the case that the terms of reference of the committee have brought forward people who are for one reason or another dissatisfied with Alberta's role in Confederation. I'm not suggesting for a moment that only those people have come forward, but it has been a bit of a magnet, I think, for those people who have hard-core provincial rights and Alberta-alienation types of views. I just want to indicate that I think that the government could have taken a much broader perspective and talked not only about Alberta's place in Confederation but talked about how democracy works in Canada and how it works in Alberta. It could have been an all-party committee, it could have had a broader mandate, and I think that it would have heard from a broader cross-section of Albertans and probably would have been able to provide us with a more balanced and broad perspective.

Mr. Chairman, I want to indicate that that's more or less my comments on Bill 7. We will not be supporting it.

I think, just in conclusion, it's important to review the history a little bit of the government's efforts in respect to electing Senators here. Of course, under the government of Brian Mulroney an elected Senator or two were appointed by the government, but in the Senate election most recently that was not the case. It was held in 1998. The election coincided with municipal elections held across Alberta that October, and there was a lot of protest from municipal governments at having the senatorial election foisted on them. The two top vote winners were to be put forward by the provincial government.

4:40

It had a serious credibility problem from the start, Mr. Chairman. The Prime Minister at the time, Mr. Chretien, made it clear that he had no intention of appointing the winner of the election. Before the vote was held, he filled the vacant Alberta seat by appointing Douglas Roche, a former Progressive Conservative Member of Parliament.

Now, Mr. Roche, it turns out, has been one of the most outstanding Senators that that Chamber has ever seen, and notwithstanding

my views on the Senate, I do want to indicate that Mr. Roche and a number of other people, including Mr. Banks, have done an outstanding job in an institution that, unfortunately, I cannot support.

In that election, Mr. Chairman, neither the Liberals nor the New Democrats fielded a candidate. The Reform Party ran two candidates, and there were two independent candidates. One of the independents was actually somebody who had run for the Reform nomination for the Senate but came in third. So really what you had were three Reform candidates for the Senate, two of whom were official and the other independent was unaffiliated. So it was seen at the time by many people as a Reform Party exercise, and I think that's what it was, Mr. Chairman, and a futile one at that.

Public interest was extremely low. Because people were voting for municipal councils at the same time, it was difficult to know exactly how many people didn't bother to cast a vote for the Senate elections, but I think estimates are that as many as half of the people who went to the polling stations that day left their Senate ballot blank.

So it turned out to be a big embarrassment for the government, Mr. Chairman. You know, quite frankly, we haven't heard that much from this government about Senate reform since then, but they have put this little bill in here just to keep their Senate bill alive, and I suppose that they need to do that in order to satisfy certain sections of their supporters. But I think that election showed just how indifferent most Albertans really are about the government's triple-E Senate reform project.

You know, I think, Mr. Chairman, they are far more concerned about the government's handling of the BSE crisis, about the government's handling of the deregulation crisis, about the government's handling of the education crisis, or about their handling of the auto insurance rates crisis. All four of those crises are far more at the top of mind of Albertans than the triple-E Senate or the Canadian Wheat Board or any of the other little federal issues that this government would rather be talking about.

I think that the public is seeing through the exercises that the government goes through when it's talking about some of these federal issues, and they know that it's not the kind of thing that they particularly care about. They are not the kinds of things that affect them in their daily lives, and I think that they feel that the government is off base and out of touch by putting so much emphasis on these peripheral and marginal issues. That's what I think this is, and I think this bill is merely an attempt to keep this issue alive so that the government at some time can raise it again when there might be a little bit more interest and so that they can escape criticism from their supporters to whom this is a somewhat important issue.

Thank you very much, Mr. Chairman.

**The Deputy Chair:** The hon. Member for Drayton Valley-Calmor.

**Rev. Abbott:** Thank you, Mr. Chairman. It gives me great pleasure to rise and join the debate in Committee of the Whole on Bill 7, the Alberta Senatorial Selection Amendment Act, 2004. I'd just like to make a few remarks. I do support Bill 7. As a matter of fact, the Alberta government has long advocated for Senate reform, and it's something that I do personally believe in as well.

Alberta has held the only two Senate elections in Canadian history. Our province has lobbied other Canadian governments in support of Senate reform, and we continue to raise the issue with the Prime Minister at every opportunity. As a matter of fact, I understand that this has been as recent as the last first ministers' meeting in January. Our hon. Premier was there, and I know that Senate reform was one of the items on the agenda.

In 2002 the Alberta Legislature reaffirmed its support of a triple-E

Senate by passing a resolution calling on the Prime Minister to respect democracy and appoint one of the province's elected Senate nominees. Following that, our Premier wrote the former Prime Minister again asking that one of Alberta's elected Senate nominees be appointed to fill a vacancy in the upper House. Now, the former Prime Minister chose not to respect the wishes of Albertans on this matter.

With Senator Thelma Chalifoux having reached mandatory retirement age in February of 2004, just last month, and with Senator Doug Roche due to retire in May of 2004, Alberta will actually have three Senate vacancies. That is exactly half of our allotted seats, Mr. Chairman. By agreeing to appoint elected provincial nominees, the current Prime Minister would take a small but important step towards comprehensive Senate reform. It would also demonstrate that the Prime Minister is listening to the concerns of western Canadians, who overwhelmingly support Senate reform, as I will talk about later. Perhaps the Prime Minister, while he's at it, could listen to Albertans and cancel the gun registry as well.

In our federal system the Senate was designed to represent the interests of the provinces in Parliament. So to abolish it, as the NDs have just said, is to lose any hope of a provincial check and balance. Mr. Chairman, what that would do is essentially cut the legs out of any hope for the provinces having a say as to provincial jurisdiction within federal legislation.

Because the current Senate lacks a democratic foundation, it is not performing its function. Currently, Mr. Chairman, it's not an effective counterbalance to the House of Commons. The people, not the Prime Minister alone, should be able to choose their Senators. Again, the NDs don't seem to want to recognize the people's choice, which is really sad for democracy. However, it is the people that have spoken in Alberta, spoken very clearly, yet the Prime Minister has not listened to those concerns.

The Senate should be reformed so that it is elected with equal provincial representation and effective power. That's what a triple-E Senate is. That's what pioneers like Bert Brown have worked so hard on for so many years. People like Ted Morton have also worked hard to see this happen. Not erase, eradicate, and eliminate, as the NDs say, but elected, equal, and effective, Mr. Chairman.

Currently, Mr. Chairman, the Senate is also flawed because the provinces are not represented equally. In the Senate there are currently 10 seats for New Brunswick, 10 seats for Nova Scotia, four for Prince Edward Island, 24 seats for Ontario, 24 for Quebec, six seats for Manitoba, Saskatchewan, Alberta, and B.C., six seats for Newfoundland and Labrador, and one seat for each of the three territories. This is not even close to equal, not even close.

In 2003 the Minister of International and Intergovernmental Relations introduced through a government motion a model constitutional amendment to reform the Senate. The key provisions of Alberta's proposed model for Senate reform are simple: six Senators per province – that's right; even for Ontario and Quebec six Senators per province – and two Senators per territory. That's the first point.

The second point is elected Senators, elected by the people for the people – elected Senators.

Thirdly, absolute veto power over legislation that is affecting provincial jurisdiction. Mr. Chairman, the current health care debate is a good one. It's something where the provinces are trying to exercise their provincial jurisdiction, yet we have some federal legislation sitting there that could possibly encumber the provinces from doing anything. A reformed Senate would provide a much-needed balance to the House of Commons. Everybody knows that Albertans want that, that we need that. It would also force the federal government to make better decisions on a day-by-day basis for the benefit of all Canadians.

4:50

More recently, last December the Premier established an MLA committee to consult with Albertans on the current state of federal/provincial relations. Further discussions on Alberta's Senate reform resolution will await the outcome of those consultations. Mr. Chairman, I do look forward to the Member for Edmonton-Rutherford's report. I understand that it's going to be an exciting one and one that is definitely thinking outside the box.

In the meantime, we need to address the fact that the current Senatorial Selection Act will expire on December 31, 2004. As we've been discussing, the act establishes the procedures for the election of Alberta's Senate nominees. It was previously extended in 1994 and 1998, and I believe that we will continue to extend it and to improve upon it until it happens, until we finally get some satisfaction in Senate reform.

The proposed amendments in Bill 7 would extend the life of the Senatorial Selection Act to December 31, 2010, so that senatorial elections may be held in Alberta again. That's what the people want, Mr. Chairman. In fact, a recent Canada West Foundation poll showed that 80 per cent of Albertans support elected Senators, so it is important to Albertans, even though again the New Democrats say that it isn't. It is important. Eighty per cent of Albertans support elected Senators. Therefore, I support elected Senators, and I support Bill 7.

Mr. Chairman, I hope that all my colleagues in this Chamber will join me. Thank you.

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

**Dr. Taft:** Thank you, Mr. Chairman. My comments on this bill will be fairly brief. In committee I understand that we're to debate section by section. I think that including the title, this bill is only 42 words long, so I will only be debating one section, which is section 2, which reads as follows. "Section 54 is amended by striking out '2004' and substituting '2010'."

Well, I think that's a poor piece of legislation.

**An Hon. Member:** It's that simple.

**Dr. Taft:** It's that simple. I think we're missing the whole point here. It's been an interesting debate, though. It's been interesting hearing the perspective from the New Democrats to abolish the Senate completely, which, you know, is not bad. It's been interesting listening to Tory members talk about bigger dreams for Senate reform and equal Senate representation from every province and that kind of thing. Again, a very interesting debate, interesting points.

What I'd like to focus on is the section that I would like to see in here, which would have to do with democratic reform within Alberta, because I think that we could lead this whole debate by example. We could show the federal government what democratic reform is like by reforming our provincial government processes. There are just a few examples I'll lay out.

The Member for Edmonton-Highlands referred to the efforts by the B.C. government, which look really very interesting, in assembling a group of citizens chosen by lottery representing every area of the province and giving them a mandate in law with a budget and with facilitators to come up with a new electoral process for B.C. and then making a commitment to take that proposal to the citizens of British Columbia in the next general election. That's exciting. What I would like to see in a bill addressing democratic reform would be ideas like that.

Some other examples that we could look at in Alberta would be strengthening the legislation governing our Auditor General to give the Auditor General of Alberta the same power that the Auditor

General in Ottawa has to conduct investigations, to make reports public, to subpoena witnesses, and so on and so forth.

We could bring in whistle-blower legislation. Why not do that? I think that would be a great idea, and that would set an example that would be important for the federal government and for other provinces.

We could strengthen the power of our Public Accounts Committee, which was recently compared by a World Bank analyst to public accounts processes in Third World countries. He was in fact shocked and appalled at how little power the Public Accounts Committee in Alberta has. Interestingly, it's been to a large extent the work of the Public Accounts Committee in Ottawa that has led to the exposure of the scandal in Ottawa. I only wish we had a Public Accounts Committee with the same strength here.

So those are some things that I wish were in this very, very brief bill.

As it stands, I'm wondering what's going to happen if the Senators who won the last election die before the deadline, before 2010. What if they change their mind? Or, heaven forbid, what if they get appointed to the Senate? What if the Prime Minister were to appoint Ted Morton to the Senate? Wouldn't that be interesting? Then what's this legislation all about?

The people who were chosen as the so-called Senators-in-waiting were chosen through a process that in the eyes of Albertans had very, very limited legitimacy, and that was now so many years ago that extending the deadline for another six years is silly, and I think it's a distraction from the much more important issues that this province faces.

So I've made my comments clear, and from the very first word all the way through to the 42nd, which is the last word of this legislation, I'm opposed to this bill.

On top of that, Mr. Chairman, I would like to adjourn debate. Thank you.

**The Deputy Chair:** To adjourn debate, hon. Member for Edmonton-Riverview?

**Dr. Taft:** Mr. Chairman, might I make a correction? I would move that we adjourn debate until 8 o'clock this evening. Thank you.

**The Deputy Chair:** No. The motion is not in order. I'm wondering if the hon. member wanted to have a vote. Were you calling the question?

Well, anybody else wishing to participate in the debate then? The hon. Member for Edmonton-Ellerslie.

**Ms Carlson:** Well, thank you, Mr. Chairman. I do have a few comments to make.

Do you want us to adjourn debate, Gene?

**Mr. Zwodzesky:** Yes.

**Ms Carlson:** Okay. I'll leave those until 8 o'clock tonight. Thank you.

I'll adjourn debate now on this bill.

**The Deputy Chair:** Well, that motion is not in order, but the motion to adjourn debate is.

[Motion to adjourn debate carried]

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

**Mr. Zwozdesky:** Thank you, Mr. Chair. I would move that we rise and report progress on Bill 7.

[Motion to report progress on Bill 7 carried]

5:00

[Mr. Shariff in the chair]

**Mr. Johnson:** Mr. Speaker, the Committee of the Whole has had under consideration and reports progress on Bill 7.

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

**Hon. Members:** Agreed.

**The Acting Speaker:** Opposed? So ordered.  
The hon. Deputy Government House Leader.

**Mr. Zwozdesky:** Thank you. Mr. Speaker, I would move that the House now stand adjourned until 8 this evening and that we return and reconvene in Committee of the Whole at that time.

[Motion carried; the Assembly adjourned at 5:01 p.m.]