

Legislative Assembly of Alberta

Title: **Thursday, March 4, 2004**

1:30 p.m.

Date: 2004/03/04

[The Speaker in the chair]

head: **Prayers**

The Speaker: Good afternoon.

Let us pray. As we begin our deliberations in the Legislature today, we ask for strength and encouragement in our service of others. We ask for wisdom to guide us in making good laws and good decisions for the present and the future of Alberta. Amen.

Please be seated.

head: **Introduction of Guests**

The Speaker: The hon. Minister of Energy.

Mr. Smith: Thank you very much, Mr. Speaker. It's a pleasure for me to introduce to you and through you to the House members from a small school in Calgary-Varsity called the Truth Academy. So I would ask Sherri Long, Alana Bentley, Chris Roy, and Esther Hellquist to please stand and receive the warm welcome of the Assembly, and I hope they do find truth in the Assembly this afternoon.

The Speaker: The hon. Minister of Sustainable Resource Development.

Mr. Cardinal: Thank you very much, Mr. Speaker. I would like to introduce to you and through you to the members of the Assembly a group of 39 students, teachers, and supervisors from Boyle school in my constituency. They are seated in the members' gallery. I would like them to rise and receive the traditional warm welcome of the Assembly.

The Speaker: The hon. Minister of Revenue.

Mr. Melchin: Thank you, Mr. Speaker. It's my pleasure to introduce 11 guests here from Alberta Revenue who are visiting, part of the public service orientation tour. I'll have them stand as their names are read: Brett Armitage, Catherine Bittner, David Buzzeo, Brandee Carson, Pamela Gibbs, Dan Hallet, Sunny Kakar, Nussry Jomha, Raj Mann, Phyllis Phan, and Keltie Watson, all from investment management, tax revenue administration, risk management insurance, internal audit, and communications from the department. They're in the public gallery. Can I have them stand and have the warm welcome of the Assembly.

The Speaker: The hon. Minister of Economic Development.

Mr. Norris: Well, thank you, Mr. Speaker. It gives me great pleasure today to introduce to you and through you a constituent of mine, Ms Dianne Williamson. Like many parents she was very impressed by the government's response in the Learning Commission and is here to watch that come out in play today. I would ask that she stand and be recognized and receive the warm welcome of the House.

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

Ms Calahasen: Thank you, Mr. Speaker. Today it's a great pleasure

for me to introduce to you and to members of the Assembly a gentleman who's with the MD of Opportunity, but he's also from Red Earth Creek, which is quite a ways from here. He's with some staff from the MD. I would ask that Georges Jadot please stand and receive the warm welcome of the Assembly.

The Speaker: The hon. Minister of Learning.

Dr. Oberg: Thank you very much, Mr. Speaker. I have two sets of introductions today. The first is four individuals: Catherine Walker and Greg Bishop from Alberta Learning's Learning Resources Centre; Rick Hayes, director of special programs of Alberta Learning; and Gordon Bullivant, executive director of Foothills Academy in Calgary. Catherine and Greg are recent recipients of the national excellence in education award for their outstanding accomplishments in the area of learning disability resource development. Gordon Bullivant of Foothills Academy has been recognized for the high-quality work for students with learning disabilities. I would ask them all to stand and receive the warm welcome of the Legislative Assembly.

The next guest is the mayor of Brooks, who has had meetings up here this morning and tomorrow. I would ask Don Weisbeck to rise and receive the warm welcome of the Legislative Assembly.

The Speaker: The hon. Member for Dunvegan.

Mr. Goudreau: Thank you very much, Mr. Speaker. It's my pleasure to introduce to you and through you to the members of the Assembly a constituent of mine from Eaglesham. Mr. Lester Webb is 85 years of age and has farmed in Eaglesham for over 70 years. In his career he has built and flown two aircraft and – would you believe it? – has also built 37 violins and still plays the violin in an old-time country band. Mr. Webb indicates that he is the one that entertains seniors up in the Peace country. He's accompanied by friends Dale Wells and Fran Wells. I would ask all three of them to rise and receive the traditional warm welcome of the Assembly.

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

Ms DeLong: Thank you very much, Mr. Speaker. I rise with great pleasure today to introduce to you and through you to all members of the House someone I've known for many, many years and very cleverly married more than 20 years ago. In the House I often speak about the importance of fathers, and this man is a very excellent father to our two children. If Dennis Beck would please rise to receive the warm welcome of the House.

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

Mr. Lougheed: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to the members of the Assembly Mr. Ed DeJong, who is a resident of Fort Saskatchewan and a former employee of Dow. I'd ask Ed to rise and receive the traditional warm welcome of the Assembly.

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

Mrs. Jablonski: Thank you very much, Mr. Speaker. I'm honoured to introduce to you and through you to members of this Assembly some very special guests who are here this afternoon to observe proceedings. They are Mr. Phil Schwartz and Ms Sandra Manzardo, who are with the safe care implementation project in Victoria, B.C. Accompanying Mr. Schwartz and Ms Manzardo is Ms Kanuka, who

is with Children's Services, Edmonton and area child and family services authority.

The B.C. government is in the process of developing new legislation and implementing a new safe care system to help sexually exploited youth similar to our protection of children involved in prostitution legislation. Mr. Schwartz and Ms Manzano are visiting us to learn from our experience in this area as well as to co-ordinate support services for sexually exploited youth between our two provinces.

Our guests are in the members' gallery. I'd ask them to rise and receive the warm welcome of the Assembly.

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

Mrs. Ady: Thank you, Mr. Speaker. It gives me great pleasure today to rise and introduce to you two very civic-minded members of my constituency. The first is Carole Oliver, who is a trustee for wards 6 and 7 for the Calgary board of education, and the second is Art Johnston, who is a retired sergeant of the Calgary police department and a fellow colleague of our Member for Calgary-Buffalo. As well, he's planning on running for MLA in the new riding of Calgary-Hays in the next election. Would you please rise, Art Johnston and Carole Oliver, and receive the warm welcome of the House.

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

Dr. Massey: Thank you, Mr. Speaker. It's with pleasure that I introduce to you and through you to members of the Assembly Jennifer Krauskopf. Jennifer is a student in office and records administration at the Northern Alberta Institute of Technology. She is on a one-day job shadow mission with the Official Opposition. With your permission I'd ask Jennifer to rise and receive the traditional warm welcome of the Assembly.

head:

Oral Question Period

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

Cattle Industry

Mr. MacDonald: Thank you, Mr. Speaker. Yesterday in this Assembly the hon. Member for Red Deer-North, in questioning the hon. Minister of Agriculture, Food and Rural Development in regard to the BSE compensation package, like a lot of Albertans was also looking for answers. The hon. minister in response to that question stated, "There is no secret about where that money went." My first question is to the hon. minister of agriculture. Will the government provide the list mentioned yesterday by the hon. minister of who actually got money in this province under the BSE aid package?

1:40

Mrs. McClellan: Mr. Speaker, I answered that question yesterday. Ninety per cent of the \$400 million went directly to producers. The remaining 10 per cent went into increased surveillance and testing with the new level 3 lab, improvements to the level 2 lab to allow Bio-Rad testing, some market development money, and some export market programs. So that was the other 10 per cent.

Mr. Speaker, I have said repeatedly, not just this week, that I have no problems releasing that, but I will release it when it is completely paid out. The program is about 95 per cent. Contrary to what objectives the hon. member might have in this, my objective will be to present it fairly and openly and in its entirety. I could stand here

today and tell you how it will be used by others, but it will be every dollar, every cheque, every name accounted for when the program is complete. We're at 95 per cent. I don't think it's too much to ask to just finish the job.

The Speaker: The hon. member.

Mr. MacDonald: Thank you, Mr. Speaker. Again to the same minister: did the minister meet last week in Red Deer with the Alberta cattle industry to discuss further financial support?

Mrs. McClellan: Mr. Speaker, I met with the four cattlemen's associations: the Feeder Associations, the feeder council, the Western Stock Growers', and the auction market and agent buyers' association. I was invited to attend their conference, to speak at their conference, and to take questions from the floor at that conference, which I did. I was able to stay for most of the rest of the afternoon, till about 4:30, 5 o'clock, and listen to some of the presentations, discuss many of the ideas that they were contemplating with individual members throughout the afternoon.

Mr. Speaker, for the member's information, I also spent three hours with them in this building the day of the throne speech, immediately after it, discussing the discussion paper that was presented at that conference. They asked if they could come. Some eight of them drove to Edmonton to sit down and have a discussion so that I clearly understood that these were discussion points, that the information wasn't as complete or conclusive as they would want. They wanted to make sure that this minister and this government, who have worked with them shoulder to shoulder for the last 10 months, were not blindsided by any of this.

It's unfortunate that they didn't invite – well, maybe it's not unfortunate. Anyway, it was their choice. I think the hon. member would have had an opportunity to be better informed about the contents of that paper.

Mr. MacDonald: Again, Mr. Speaker, to the same minister: how can Albertans be sure that any further aid package gets to every producer that needs it?

Mrs. McClellan: Mr. Speaker, that has occurred, and it's very unfortunate that the opposition members have seized an opportunity, they believe, not to help the industry but to try and discredit the government with the industry. That will not happen.

Every producer of fed cattle, whether they were small, feeding five head, or large, feeding 50,000 head, was enrolled in that program. Every cow-calf producer who registered their herd was eligible for payment under the market cow and bull program. Mr. Speaker, nobody was excluded.

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

Electricity Prices

Mr. MacDonald: Thank you, Mr. Speaker. Before the Minister of Energy discreetly tabled the embarrassing report from the Bolger commission on Tuesday, the Premier tabled information providing that monthly electricity bills have skyrocketed for all Albertans because of electricity deregulation. Clearly, the Premier's intention was to defuse a hot-button issue, but as we witnessed yesterday, he only succeeded in blowing his own fuse. Now, my first question is to the Premier. Given that the Premier knows that the only way

electricity prices are going up, why didn't the Bolger commission report regarding the future forecast of electricity prices in this province?

Mr. Klein: Mr. Speaker, I'll have the hon. minister respond to the specific question relative to blowing my fuse.

Mr. Speaker, I had the opportunity of listening to the radio on 630 CHED in the car on the way back to my condominium, and I heard the hon. member, and his tone and his style were nowhere like they were in the Legislature. The question was: why were you called an idiot? "Well, you know, the people across the way can't take the heat," and so on.

Let me refresh the hon. member as to the tone of his question and how, if I might use the term, idiotic it was.

Again to the same minister: given that this government led producers into a false sense of security by giving the impression that the borders would be open in the new year, is it not now your responsibility to share some of the financial burden currently being felt by the small cattle producers in this province?

That was so idiotic, Mr. Speaker, and that's what leads to the frustration. He gets on and he says: oh, they can't take the heat. Then the questioner says: well, what would you do? He didn't answer the question because he doesn't know. He doesn't have the answers. [interjections]

The Speaker: The hon. Member for Edmonton-Gold Bar has the floor.

Mr. MacDonald: Thank you, Mr. Speaker. Again to the Premier: given that the Bolger commission report states that electricity prices will be volatile when the province moves to a monthly flow-through price, how much more will consumers end up paying because of this volatility which is a direct result of electricity deregulation?

Mr. Klein: Mr. Speaker, he likes to blame Steve West, who will come on as my chief of staff, calling him the Eight Billion Dollar Man. He'll blame everyone. He won't acknowledge the fact that deregulation of electricity has brought on more power and stabilized prices.

I'll have the hon. minister elaborate.

The Speaker: The hon. minister.

Mr. Smith: Well, thank you very much, Mr. Speaker. You know, it is always beneficial to shine the light of truth, particularly in front of some of the students that are here from that group.

So let's talk a little bit about truth. Let's talk about a tabled report that says what is working well.

Alberta has a more reliable supply of electricity . . . New supply was added by private sector companies rather than by government . . . New electricity capacity is more environmentally friendly . . . Retail competition is fierce in the large commercial and industrial market . . . The wholesale power market is working well.

Mr. Speaker, I'd encourage the member, now that the report is tabled, to actually read it.

Mr. MacDonald: Again, Mr. Speaker, to the Premier: given that the Bolger commission report states that the price for electricity in Alberta may be higher at times because of exports, how much will Albertans pay for electricity during these periods, and how long will these periods of high electricity prices last because of electricity deregulation?

Mr. Klein: Mr. Speaker, the question itself leads to speculation, but

that is a tactic that the Liberals try to use: create suspicion, use innuendo, use speculation.

Relative to the question I'll have the hon. minister answer.

The Speaker: The hon. minister.

Mr. Smith: Thank you, Mr. Speaker. Again, if the member would just, please, take the time to read. It's pretty good-sized print, and it's well written. If you'd just take the chance to read it, it says that, you know, the commission declined to predict the future of electricity prices.

For example, if you take a look at an article from Ontario, the energy minister there is saying that Ontarians would be happy with increased prices. That's a Liberal minister, but I guess that's the kind of thing that the Liberals think of.

In fact, Mr. Speaker, what we do know is that we're getting accurate pricing in a competitive market, and most importantly we're delivering the supply to all-time record highs because of all-time economic growth.

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

1:50 Electricity Deregulation

Mr. MacDonald: Thank you, Mr. Speaker. On Tuesday the Minister of Energy repeated several times that Alberta's electricity deregulation scheme is "pursuit of excellence," but everyone knows that the only excellence this government is pursuing is discriminating against Alberta electricity customers for the benefit of generators, retailers, and transmission companies. Consumers, when they read their power bill, see the big print, which is the high cost of electricity in this province. My first question is to the Minister of Energy. How does Alberta Energy's own research, which the Premier tabled on Tuesday and which shows that monthly electricity bills have skyrocketed because of electricity deregulation, fit into this government's pursuit of excellence?

Mr. Klein: Table your own bill. Table your bill. I want to see how bad it is.

Mr. Smith: That actually is a very good idea, Mr. Speaker. Members have suggested that maybe the member would want to table his last bills from living in the city of Edmonton. I think that would be a very good demonstration of what prices are. So let's see if he'll do that. [interjections]

The Speaker: Hon. members, the hon. Minister of Energy has the floor.

Mr. Smith: Well, thank you, Mr. Speaker. In fact, I really believe that to allow competitive market generation into Alberta is the pursuit of excellence. We're going to continue on that pursuit, and we're going to continue to find the excellence. I think the biggest referendum on electrical deregulation was held March 15, 2001.

Mr. MacDonald: Again, Mr. Speaker, to the Minister of Energy: how does a complete void of retail competition for residential electricity customers in Alberta fit into this government's pursuit of excellence?

Mr. Smith: Mr. Speaker, that's actually a very good question.

An Hon. Member: Well, I wouldn't go that far.

Mr. Smith: That's true, but I'm exaggerating for the purposes of emphasis.

There is a regulated rate option, Mr. Speaker, which offers individual consumers in Alberta a specific regulated rate or a protection of electricity rates that are filed and openly reviewed by the Energy and Utilities Board. This is the first time in the history of Alberta that this has ever been done.

So, yes, it is a pursuit of excellence. Are we there? We're a lot closer than what we were in 1998, and we haven't blacked out, even though this member says that deregulation caused the coldest month on record in January 2004.

The Speaker: The hon. member.

Mr. MacDonald: Thank you, Mr. Speaker. To the Premier: if this government's pursuit of excellence is so obvious, why does this government need a \$3 million propaganda campaign organized by the Public Affairs Bureau to sell Albertans a defective product they do not want, electricity deregulation?

Mr. Klein: Mr. Speaker, I wouldn't call it a propaganda campaign; I would call it a fact campaign. The reason we have to conduct a fact campaign is because of the Liberals and their propensity to come out with things that simply are not the truth. For instance, last week they came out and blamed deregulation for power outages in Calgary. They came out with a press release saying: this is deregulation. Then they had to pull back the press release immediately because they found out that it had nothing to do with deregulation at all.

Mr. Speaker, that's why we have to advertise: to get the facts out because this team over there are out busily amongst the people of Alberta spreading lies, propaganda, misinformation, and falsehoods. So we have to advertise to get the truth out.

The Speaker: I'm going to ask for temperateness here. There are words being used in this Assembly that will not inspire any teacher with his or her children in the province of Alberta.

Mr. Klein: I apologize for using the word "lies," Mr. Speaker. They are not telling the truth.

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

Cattle Industry (continued)

Mr. Mason: Thank you very much, Mr. Speaker. The government is pulling out all the stops to discredit the New Democrat opposition in its efforts to get to the bottom of the BSE compensation program. There are no lengths that this government will not go to in order to prevent a real investigation into where the \$400 million really ended up. They will even stoop to putting pressure on beef producers and their organizations to disavow their own report. My question is to the Premier. Will he tell this Assembly just what pressure the government used in order to get beef producers to change their tune and say wonderful things about this program?

Mr. Klein: Mr. Speaker, there was no pressure whatsoever. What happened was that a discussion paper was tabled. It was put into the hands, somehow, of the NDs and the media, who took it as gospel. You know, one of the dangers in politics – and the hon. member knows about it – is that if you think about it and you muse out loud, it becomes policy. You know, there's that old saying that yes means yes, maybe means yes, and no means maybe.

Mr. Speaker, the beef industry has been very close to this government in terms of working with the Department of Agriculture, Food and Rural Development in coming up with programs to address this very serious situation. They understand that the bottom line is to get the borders open. That is the bottom line. They understand that the bottom line also is to explain to the international community the safety of our beef and how ridiculous the international protocols are with respect to BSE.

But they did discuss – and I underline discuss – some things that perhaps – and I underline perhaps – could – and I underline could – be done in the interim. The NDs, of course, took this as fact.

So they, in turn, issued a press release today because they said that this has gone too far. Saretsky states: "Our consolidated beef industry action plan talks about" – talks about – "better ways of helping the beef industry in the short and long term. We're trying" – underline trying – "to find ways to reduce government programs, restore market stability and address the growing size of the beef herd in this country." Their actions and their motives are commendable.

But what he says – and this is very, very important – is:

The real shame from this entire episode of finger-pointing is that the needs of the province's beef industry are being ignored by the provincial opposition parties. Time and energy are being wasted by looking at the past. It is better for everyone to spend our time and energies on helping the industry survive and move forward.

Indeed, their press release is entitled *Rather than Debate the Past, Beef Industry Wants to Look Forward*. That's what this government is doing. We are working with the beef industry.

The Speaker: We'll have a tabling as well.

Mr. Mason: Mr. Speaker, can the Premier tell the House why Mr. Bard Haddrell, executive director of the agricultural information division of this government, was sent down to browbeat cattle industry representatives and whether this official asked these beef organizations to issue that release attacking the New Democrat opposition?

Mr. Klein: No, they didn't. First of all, I'm going to have the hon. Deputy Premier respond. Mr. Speaker, sorry; what was the question now?

Mrs. McClellan: Well, did Bard go to browbeat them?

Mr. Klein: No, no, he didn't go down to browbeat them. But there was something else attached to that.

Mrs. McClellan: That was it.

Mr. Klein: Oh, fine. I'll have you respond then.

Mrs. McClellan: Mr. Speaker, Bard Haddrell is a member of executive committee of the department of agriculture. He has attended probably 90 per cent of the meetings with the industry. Mr. Haddrell, again, attends these meetings on the industry's invitation, as all of us do on this side of the House and as my staff do.

Mr. Speaker, in fact, I'm going to be meeting with this group again. This is a fairly common occurrence. I don't send out press releases because I'm meeting with them because sometimes it's two or three times a week. But I will be meeting with this group, and I expect that Mr. Haddrell will be with me, as he has been at most of them.

2:00

Mr. Speaker, the industry are upset not with this government; they

are upset with the opposition parties. They're disappointed in the media because until this issue the coverage has been very, very balanced. They're disappointed. They're not upset. They're not angry. They're disappointed that what has been a very astute group of reporters missed the point at their convention that this was a discussion paper, missed the point at their convention, which was open to the media, that all of this work was being sent back to committee.

So, Mr. Speaker, I'm not calling them; they're calling me. I'll turn them over to you any time, but they don't seem to want to talk to you. I don't know.

Mr. Mason: Mr. Speaker, given that hundreds of farmers are phoning the New Democrat opposition – all our staff are busy on the phones – can the Premier please tell us why they keep throwing dust in people's eyes about the real issue instead of ordering an independent investigation by the Auditor General into whether or not meat packers indirectly benefited from BSE compensation programs? Tell us why.

Mr. Klein: Well, Mr. Speaker, the question contains a number of allegations. I know what I wanted to say: that the Alberta Beef Industry Council did not point a finger or name specifically the ND opposition. The hon. member seems to be sensitive. He said that the council is picking on the NDs. Well, they aren't. They specifically said the opposition parties, which means the Liberals as well.

Mr. Speaker, there is a number. I've said it before: if the hon. member or his leader or any member of the opposition or any citizen has a complaint relative to how that money was used, whether in fact meat packers were making excessive profits, were doing anything untoward, there is a number. It's the number of the Competition Bureau. The number is 1-800-348-5358. If there are any problems, I would invite anyone to phone that number and lodge their complaint. Indeed, I heard on the CBC a spokesperson for the Competition Bureau saying that she wants and invites people to come forward with complaints and allegations.

Now, relative to the Auditor General, because this was specific to his question, Mr. Speaker, this is what is frustrating. It has been posted on the web site. It is public knowledge, and it's under www.oag.ab.ca, and it talks about the spectrum of operations for the Auditor General. It says, "We add credibility to the Government's financial reporting and improve the financial administration of the Province and more! We . . ." And there are a number of bullets. First bullet: we "do system audits (value for money) and attest audits (provide assurance)." They can do it already.

The Speaker: A reminder again: exhibits are not to be used in the House. We've had, actually, illustrations of people who have used exhibits in the House in the past.

The hon. Member for Grande Prairie-Smoky.

Sulphur Dioxide Emissions

Mr. Knight: Well, thank you, Mr. Speaker. The University of Alberta has recently released a study showing that sulphur dioxide from air pollution affects the health of cattle. With the effects of BSE already negatively affecting the cattle industry, this is yet another blow to the industry that many of my constituents will be very worried about. My first question to the Minister of Environment: what can you tell my constituents about the results of this study?

The Speaker: The hon. minister.

Dr. Taylor: Thank you, Mr. Speaker. Well, first of all, let me say that this is a lab study done in a laboratory for a PhD thesis, and the results may not be relevant for a couple of reasons. First of all, the results may not be relevant because there were only 36 cattle tested in the lab, and they were exposed to sulphur dioxide at up to a hundred times the concentration of Alberta's air-quality guidelines. Our guideline for a 24-hour period of sulphur dioxide in Alberta is .05 to 1 part per million. These cattle were exposed to between 1 and 20 parts per million.

In hundreds of thousands of hours of monitoring Alberta's air quality, Mr. Speaker, we have never reached 1 part per million of sulphur dioxide. So I think the results were done in the lab, and we just simply can't put too much faith in them in terms of how it actually affects the environment, how it affects the cattle, because the concentrations were much, much higher, up to a hundred times higher, than you'd ever find in Alberta's air.

The Speaker: The hon. member.

Mr. Knight: Well, thank you, Mr. Speaker. To the same minister: given that our cattle industry needs accurate information about the possible health effects of oil and gas production on their livestock, what is the minister going to do with this information?

Dr. Taylor: Mr. Speaker, we've already taken action on this. About four to five years ago under the leadership of the former Minister of Environment, who is now the Minister of Infrastructure – and very forward leadership it was. He commissioned a study with three other provinces: Saskatchewan, Manitoba, and British Columbia. Four provinces are all working together on a study that's run out of the University of Saskatchewan, and the appropriate name for the group that's running it is the Western Interprovincial Scientific Studies Association.

This is a study that is peer reviewed from the start, the design of the study, to the end, when we start looking at the results, on the results of things in the air as they affect cattle or other animals as well. This study is looking at over 30,000 cattle in three western provinces – 30,000 in three western provinces – and the study, as I quite clearly pointed out, is peer reviewed. The study is costing in the area of \$18 million.

We're at a stage in the study now, Mr. Speaker, where the field research is being done. WISSA, the western group, is doing the analysis of the data as we speak. That data analysis is being peer reviewed, the results will be peer reviewed, and we expect to have the final results of this study about a year from now or by the middle of 2005 at the latest.

The Speaker: The hon. member.

Mr. Knight: Thank you, Mr. Speaker. My final question, to the Minister of Energy: what safety procedures are in place to prevent the release of sulphur dioxide?

The Speaker: The hon. minister.

Mr. Smith: Well, thank you, Mr. Speaker. A very good question. Albertans are protected. Albertans are the best protected in the world with respect to a sour gas regulatory regime. We protect Albertans with a very disciplined, rigorous method that includes open discussion at the Alberta Energy and Utilities Board, a very strong system that ensures that there's the appropriate equipment, a very strong system that ensures the appropriate emergency response. In fact, in the long-range effects with respect to flaring and sulphur

dioxide in the atmosphere, the board and the Clean Air Strategic Alliance have moved ahead of schedule in reducing flaring in this province by some 62 per cent. Albertans are well protected with this industry. World class.

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

Government Expense Claims

Ms Blakeman: Thank you, Mr. Speaker. Four days ago the Liberal opposition sent a letter to the Premier politely asking him to answer 23 basic questions about government expenses. Despite claiming on several occasions that his government is open and transparent, the Premier has not provided any answers to these questions and, in fact, indicated in this House that it would cost thousands of dollars just to answer even six of the 23. My questions are to the Premier. Can the Premier explain why he has not provided even one answer to any of the 23 questions contained in the Liberal opposition's letter?

Mr. Klein: That is a good question. I didn't say that it would cost thousands of dollars to address just six questions. Mr. Speaker, with all due respect, all you allowed me to do was to read six questions of the 26.

2:10

The Speaker: Please. It is not the chair's fault. You may continue.

Mr. Klein: I apologize, Mr. Speaker.

Mr. Speaker, four days, indeed, have elapsed since I received the letter. It's going to take some time to get the answers prepared. What I did suggest at the time was that this letter should be placed on the Order Paper as a written question because it demands a number of details in its answer, so I would suggest that the hon. member do that. In addition to that, we will do our best to get the answers in as timely a manner as possible.

The Speaker: The hon. member.

Ms Blakeman: Thank you very much, Mr. Speaker. Well, again to the Premier. We're not asking him to answer the questions now, and we did table them, so everybody knows them. Why, by asking us to use written questions, is the Premier forcing Albertans and the opposition to jump through another set of hoops in order to get the answers?

Mr. Klein: You know, Mr. Speaker, I find that her question is somewhat contradictory because in her previous question she said: why is it taking so long – understanding that the letter was given to me only four days ago – to get the answers to these questions? Then she says: well, I understand now that the Premier's office needs time, that Executive Council needs time. We will get the answers as quickly as we possibly can and provide, where appropriate, the answers to those questions.

But I would suggest again that the proper way, the parliamentary way, to do this would be not to hold a news conference five minutes before giving me the letter – right? – then sending me the letter. The proper way would be to place it on the Order Paper and have the questions come through the Legislature.

The Speaker: The hon. member.

Ms Blakeman: Thank you. Well, they still don't have to answer written questions.

Can the Premier, then, if he's agreed to give us the answers, give me a date now when I can expect to see them? I'm open. A month? A week?

Mr. Klein: Mr. Speaker, I can't give her a date right now, but perhaps I can answer one or two of the questions right now. What was the first question? You have the letter in front of you. The hon. member has the letter in front of her. Ask me the first question. If she wants to ask me the first question, I'll try and answer it.

The Speaker: Well, unfortunately, the hon. Premier will have to take his place. Our rules clearly prohibit any member from having one question and two supplementaries, and that would be a total violation of the rules.

The hon. Member for Red Deer-North, followed by the hon. Member for Edmonton-Glengarry.

Audit of Agricultural Relief Programs

Mrs. Jablonski: Thank you. Mr. Speaker, there is no question in anyone's mind about the devastating impact of BSE on Alberta producers. Albertans know that the provincial government has provided roughly \$400 million in compensation to help cattle farmers survive this crisis. Some of my constituents in Red Deer have heard speculation that this money didn't get into the hands of those who desperately needed it. My questions are to the Minister of Finance. Given that our government has provided agricultural relief programs in the past, what is the standard audit process for programs such as the BSE compensation?

The Speaker: The hon. minister.

Mrs. Nelson: Well, thank you very much, Mr. Speaker. There is a process in place that we have adopted as a government. It's one that's been open and accountable and one that has been revered by our own Auditor General as being one of the most open in all of the jurisdictions in Canada. In fact, I think that was enunciated at a Public Accounts meeting a week or so ago.

Mr. Speaker, insofar as individual programs such as the current one that has been under debate here in this House, the process is that the accounting people within the department of agriculture will in fact have put in place processes to deal with this program. They will have already, as the minister of agriculture and rural development has already said in this House, a pre-audit function where they will make sure that applications that come through for this program are, in fact, in order before monies are released.

Now, in another few weeks we will hit our year-end. At that point the Auditor General's staff will come in and audit all departments of this government including the agriculture department. This program will be audited by the Auditor General in due course through the audit process that will be completed before his report is filed with members of this Assembly. If there are any difficulties, they will be identified by the Auditor General's staff and made known to the department of agriculture for rectifying.

The Speaker: The hon. member.

Mrs. Jablonski: Thank you, Mr. Speaker. To the same minister: what happens if this audit process identifies potential problems with any of our relief programs?

Mrs. Nelson: Well, Mr. Speaker, through the audit process and working with the chief financial officer within the Department of

Agriculture, Food and Rural Development, any adjustments that have to be made will be made, and in fact the Auditor General will make sure that there's a follow-up in that process and make corrections if there are any there. They will evaluate the system, they will evaluate the manual processes, and they will evaluate the reporting that takes place by that department back through this Legislature.

The Speaker: The hon. member.

Mrs. Jablonski: Thank you, Mr. Speaker. My final question to the Minister of Finance: what is the role of the Public Accounts Committee in this audit process?

Mrs. Nelson: Well, actually, the Auditor General performs the audit, and the audit function is his responsibility. What does happen, though, Mr. Speaker, is that once he files his report with this Assembly, that this year had 90 some odd recommendations, that is referred to a select committee of this Legislature called Public Accounts. They then meet with the Auditor General and review his report and the accounts that are presented, and each ministry is called before that committee to answer questions by the Public Accounts Committee. They're really not part of the audit process, but they review the Auditor General's report in detail, as all members should. In fact, the Member for Edmonton-Gold Bar, I believe, is the chairman of that committee, so I'm sure he's well aware of the process of Public Accounts.

Southeast Calgary Hospital

Mr. Bonner: Mr. Speaker, the Alberta government has a plan to construct a P3 megacomplex within the emergency planning zone of six proposed critical sour gas wells just southeast of Calgary. These wells will contain 36 per cent hydrogen sulphide, which is lethal in trace amounts. To the Minister of Infrastructure: why would this ministry consider planning such a large-scale P3 project in an area that could put the public safety at risk?

Mr. Lund: Mr. Speaker, I'm not sure what portfolio the member thinks that I'm now covering. Yesterday or the day before it was Transportation. Today it sounds like it's Energy. I'm just not sure where he's coming from.

Mr. Bonner: To the same minister, Mr. Speaker: what steps has this government taken to co-ordinate surface and subsurface planning and development since October 2003?

Mr. Lund: Well, Mr. Speaker, the member is talking about some P3 that I'm not aware of and mixing that in with sour gas. I guess it's gas wells that he's talking about. I just simply don't know what he's talking about.

Mr. Bonner: To the same minister, Mr. Speaker: will this ministry relocate the proposed P3 hospital project outside of the emergency planning zone in the event that sour gas wells are approved by the EUB?

Mr. Lund: Mr. Speaker, we as Infrastructure or government have not even seen anything to do with this so-called P3 hospital. I think that what he's confused with is the fact that the Calgary health region has suggested that when they do get into building the south Calgary hospital, it probably – probably – would be a good candidate for a P3, but that's not something that we're doing, and it's not something that has even progressed to any extent. It's been talked about, but that's not this department.

2:20

Mr. Mar: Mr. Speaker, if I might provide some light to this subject. The Calgary health region has expressed some concerns with respect to the development of sour gas wells in the area, and they have made submissions before the EUB with respect to how wide a range the emergency planning zone should be. I'm not intimate with the details of what the nature of Calgary health region's submissions are, but I do have a great respect for them to place first and foremost the interests of patients and Calgarians and people who will possibly use a hospital that may be located there sometime in the future. I'm also equally confident that the EUB will take into account all the information, including the submissions of the CHR, in determining what is an appropriate emergency planning zone.

The Speaker: The hon. Member for West Yellowhead, followed by the hon. Interim Leader of the Official Opposition.

Softwood Lumber Trade Dispute

Mr. Strang: Thank you very much, Mr. Speaker. My question is to the Minister of International and Intergovernmental Relations. Last December federal government officials from Canada and the United States developed a proposed interim agreement on trade in softwood lumber between the two countries. My first question to the minister: has the minister discussed the softwood lumber issue with the federal government on our current status of discussions within Canada?

Mr. Jonson: Yes, Mr. Speaker, I did discuss the softwood issue with the federal minister in December and raised Alberta's concerns about the proposed interim agreement. As you know, other provinces and many industry groups shared our concerns, and subsequently the federal government indicated to the United States government that the interim agreement was not acceptable.

I think, though, Mr. Speaker, it's important to indicate that as a follow-up the Canadian federal and provincial officials met earlier this year to discuss ways to resolve our outstanding issues. Alberta remains open to considering a new proposal if changes are made to the agreement itself and to the federal quota allocation model. In the meantime we will work with the federal government and other provincial governments and industry to deal with the various issues involved.

The Speaker: The hon. member.

Mr. Strang: Thank you, Mr. Speaker. My first supplemental question is to the same minister. It is my understanding that we are still talking about a proposed interim agreement. What is the status of the negotiations with the United States on this softwood lumber dispute?

Mr. Jonson: Mr. Speaker, as I said, the Canadian government has informed the United States government that the proposed agreement is not acceptable, and there are a number of key issues involved in this overall matter. The federal government's and the provinces' concerns were quite numerous, but I'd like to just feature some of the key ones.

One was that in the proposed agreement there was a lack of exit ramps for provinces that decided to make forest management changes. There was a limit on the share of the U.S. market that was of concern. Also, the industry was very concerned that as a result of that agreement, if it had been put in place, only 52 per cent of the duty deposits that have been paid would be returned from the United States.

So overall that is the situation, but we continue to be poised to engage in further discussions.

The Speaker: The hon. member.

Mr. Strang: Thank you, Mr. Speaker. My second supplemental question is to the Minister of Sustainable Resource Development. In light of the proposed interim agreement where is your department with the changing circumstances pertaining to the community timber program?

The Speaker: The hon. minister.

Mr. Cardinal: Thank you very much, Mr. Speaker. The whole softwood lumber negotiations continue to be a very challenging area to the industry. I work very closely with the industry. Of course, the other ministry is the leader in the softwood negotiations, but I do work with the industry very closely here in Alberta, and through their executive and our government officials we'll continue working with the other ministry in that particular area.

But I just want to mention how important the forest industry is in Alberta. You know, it continues to be a challenging area. Of the overall economic diversification plan we have in Alberta, next to energy and the agriculture industry, forestry comes in third as far as job creation, purchases, and taxes and continues to be very important.

The Speaker: The hon. Member for Edmonton-Mill Woods and Interim Leader of the Official Opposition.

Class Sizes

Dr. Massey: Thank you, Mr. Speaker. Since the Learning Commission first reported, parents on Commission Watch have heard much talk and seen little action. They are waiting for the promised changes to appear in the classes and the schools that their children attend. My first question is to the Minister of Learning. When will parents begin to see the smaller primary grade classes that were recommended in the report?

The Speaker: The hon. minister.

Dr. Oberg: Thank you very much, Mr. Speaker, and thank you to the hon. member for that question because, as the hon. member fully knows, today we had another announcement on seven more recommendations of the Learning Commission. These were recommendations that were very positive. They were brought forward after in many cases about eight months of negotiations with the Alberta Teachers' Association and the Alberta School Boards Association and arrive at what I feel is a very good compromise between all three parties: Alberta Learning, the ATA, and the ASBA.

Mr. Speaker, the hon. member has asked a specific question about the amount of dollars and the class size. This year alone we have already added another \$110 million into the learning system, into the K to 12 system.

As everyone here knows, budget is going to be coming up very, very soon, and at that time I will make more announcements about the monetary dollars for the Learning Commission and for Learning in general. Mr. Speaker, I'm sure you would not look too well upon this if I were to break budget confidentiality and say some of the things that were in the budget here now.

The Speaker: The hon. member.

Dr. Massey: Thank you again. It was more talk again today.

My next question is to the minister. How soon will parents see actual class sizes reported, as recommended by the commission, and not the averages used by the minister, which really hide the reality of 30-plus students in many primary grade classrooms?

Dr. Oberg: Mr. Speaker, actual class sizes were used. Actual class sizes were used by the individual jurisdictions, and the individual jurisdictions put out their average class size. We then put out the average class size for the province. The hon. member has the average class size data that was given to him, and it was subsequently put on our web site.

The Speaker: The hon. member.

Dr. Massey: Thank you, and again to the same minister: will the new business plans include a measure of class size so it can be monitored?

Dr. Oberg: Mr. Speaker, we continually monitor class size, and again that will be something that we are looking at. As well, it will not just be in the business plan; it will also be in the accountability statement that school boards will have to put out to their own constituents. This is extremely, extremely important in the accountability back to the constituents, the accountability to those people who have their kids in the school divisions and under the school boards. This is a huge step forward, and it's a huge step in the accountability of the whole system.

So a long answer to the hon. member's question, but, yes, school class size will certainly be one of the issues that will be in the business plan, that will be discussed in the business plan and will be discussed even more so in the accountability statements from the school boards.

head:

Members' Statements

The Speaker: Hon. members, 30 seconds from now we'll call upon the first of four members. In the interim, happy birthday to the hon. Member for Calgary-Mountain View.

The hon. Member for Calgary-Egmont.

2:30 Learning Disabilities Awareness Month

Mr. Herard: Thank you. Mr. Speaker, this week marks the beginning of Learning Disabilities Awareness Month, a month that is proclaimed nationally to draw attention to the challenges and the many successes that people living with learning disabilities experience each day.

Up to 10 per cent of the population of Canada live with learning disabilities. These disabilities affect how people acquire knowledge, organize, remember, understand, and use information. We now know that learning disabilities are a neurological condition and they could be lifelong.

This month gives us a cause to celebrate and salute the many people and organizations that help those living with learning disabilities to reach their full potential. Three of these people are here with us today, and the hon. Minister of Learning appropriately introduced them. I'd like to recognize Catherine Walker and Greg Bishop from Alberta Learning along with Gordon Bullivant, executive director of the Foothills Academy of Calgary, who are recent recipients of the national excellence of education award.

Catherine's and Greg's awards were for outstanding accomplishments in the area of learning disability resource development, and we

do have a lot of good people in the Learning department, Mr. Speaker. Gordon's award on behalf of the Foothills Academy was for the school's high-quality work with students with learning disabilities.

On behalf of the government of Alberta I'd like to thank the many individuals and organizations, including Alberta Learning, the Learning Disabilities Association of Alberta, and our postsecondary institutions, for working together towards a common goal. Because of your ongoing hard work and research we are closer to identifying specific factors that can predict successful life outcomes for those living with learning disabilities.

Thank you, Mr. Speaker.

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

Scott Tournament of Hearts

Mrs. Jablonski: Thank you. Mr. Speaker, there's no bodychecking, no bump and grind, and no exhilarating speeds, but the 2004 Scott Tournament of Hearts hosted in Red Deer, Alberta, reached exhilarating attendance records and stopped hearts as fans focused on fatal shots that missed their mark by millimetres.

In 2001 the Scott Tournament of Hearts, the Canadian women's curling championship, won the Gemini award for the top live sporting event on television. So why would a curling championship beat out a hockey event in Canada? Well, in Canada there are 1.2 million people who curl every winter. In the rest of the world the total number of curlers is 100,000, including 17,000 in the U.S. Curling competes with hockey for popularity because there are 1.2 million people who actually play the game. In the book *Burned by the Rock* Jean Sonmor explains: "These Canadians are farmers, fishermen, stockbrokers. They run computers, hairdressing salons or supermarkets. The mix is as diverse as the country." Curling is a major winter pastime in Canada.

Scott Paper, a division of Kruger Inc, has sponsored the Tournament of Hearts for the past 23 years and has agreed to sponsor this tournament for another six. They are the longest national sponsor of amateur sport in Canada. So with toilet paper, facial tissue, and paper towels adorning the hallways and runways of the curling championship, 113,000 fans and 12 championship teams experienced the friendly faces and helping hands of over 700 volunteers from central Alberta.

Team Alberta made a valiant attempt but were knocked out in the round robin. The heart-stopping final game played on February 29 between Team Canada and Team Quebec was a final fit for Canadian fans. Quebec won the hearts of the crowd as they cheered for the young and tenacious team, but Colleen Jones and Team Canada with the experience of six national championships won the tournament.

Congratulations Team Canada. Congratulations, too, to Al Redel, chair of the tournament, and the 700 volunteers of central Alberta for demonstrating why I call Red Deer paradise.

May everyone in Canada look forward to next year's Scott to be held in St. John's, Newfoundland-Labrador, where I'm sure they plan to break the Red Deer record for sales in the Heart Stop Lounge.

Traffic Safety

Mr. Bonner: Mr. Speaker, traffic safety is an important indicator of the quality of life in any community. Now more than ever traffic safety is an important issue here in Alberta.

Even with education and enforcement programs designed to lower the rate of traffic collisions in the province, fatalities and injuries

resulting from collisions are still unacceptably high in Alberta. In terms of population growth Alberta's fatal collision rate decreased from 2001 to 2002; however, 2002 saw the number of collisions on Alberta's roadways rise by almost 9,000 to over 116,000 total collisions.

In 2003 drunk drivers continued to wreak havoc on city roadways despite years of public awareness campaigns and efforts by police to catch offenders. Sadly, in a recent survey by Stats Canada Edmonton and Calgary ranked first in drunk driving offences among Canada's nine largest cities. The issue of drinking and driving becomes particularly predominant during the holiday season, when people tend to consume more alcohol. In cases like these we must ask ourselves why for some it is still considered socially acceptable to drink and drive and why so many people continue to make the choice to do so.

The issue of traffic safety is particularly important because it affects Albertans on a number of levels. Collisions, of course, cause great emotional trauma, but they can also have grave financial consequences for both individuals and communities. Victims and families of victims require emotional and financial support to cope with loss and medical bills and with vehicle repairs and higher insurance premiums. Communities must repair damage to public property caused by collisions as well as make programs and services available to those who have been involved in accidents. Based on estimations by the Alberta Motor Association the overall cost of collisions to society will be over \$4.2 billion in 2003.

The government's recent announcement of an independent review into its current traffic safety program recognizes this. What is needed is a comprehensive review of the current situation in Alberta so we can better address the issues around traffic safety that continue to elude us. I look forward to seeing the results of the independent review in May.

Thank you.

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

Low-income Albertans

Mr. MacDonald: Thank you, Mr. Speaker. We'll need to listen more carefully regarding the needs of low-income Albertans. We also need to listen to the Alberta Federation of Labour when they say:

Welfare is the income source of last resort for Albertans, the final strand in the so-called "social safety net." In theory, at least, welfare is supposed to protect each of us from becoming completely destitute in the event we lose all other sources of income.

In a society where many of us live from paycheque to paycheque, any job loss carries with it the potential, however slight, to become a financial catastrophe. But if you lose your job and you can't get Employment Insurance, or if you can't find a new job before your EI benefits run out, welfare is supposed to be there to prevent your family from losing everything and ending up homeless.

Of course welfare benefits in Canada are set at a level that means many recipients will, in fact, end up living on the streets. Certainly most Canadians wouldn't be able to keep up their mortgage payments or pay rent if they had to rely on income from welfare.

Welfare Incomes 2002, published by the National Council of Welfare, estimates the basic welfare income of four "household types" in each province of Canada. In three of the four categories, Alberta's welfare benefits are among the lowest in the country.

As we saw in the case of the minimum wage, Alberta treats its poorest citizens more harshly than do other provinces in Canada, despite the fact that it is the wealthiest province. While persons with disabilities, for example, may have their welfare income

supplemented by other services, does anyone seriously believe that these Albertans can enjoy a reasonable quality of life on a cash income of \$7,600 a year?

For the welfare households consisting of a single parent with a child, the picture is equally bleak. In this instance, Alberta ranks dead last among provinces. The typical single parent family is headed by a woman, who has been deprived of spousal income and support by either marital breakdown or the death of a spouse. What kind of upbringing, what kind of future, can these single mothers provide for their children on \$11,600 a year?

I ask the Minister of Human Resources and Employment to please ensure that these people have an increase in their benefits in the next budget year. Thank you.

head: 2:40

Notices of Motions

The Speaker: The hon. Minister of Community Development.

Mr. Zwozdesky: Thank you, Mr. Speaker. I rise pursuant to Standing Order 34(2)(a) to give notice that on Monday I will move that written questions appearing on the Order Paper do stand and retain their places with the exception of written questions 1, 4, 5, 15, and 33.

I'm also giving notice that on Monday I will move that motions for returns appearing on the Order Paper do stand and retain their places with the exception of motions for returns 21 and 43.

Thank you.

head:

Tabling Returns and Reports

The Speaker: The hon. Minister of Community Development.

Mr. Zwozdesky: Thank you, Mr. Speaker. Two quick tablings. One of them highlights the international spotlight that is going to be shone on Alberta's artists, specifically the music community. Today we released the first ever compilation CD featuring Alberta musicians, which will go world-wide to trade offices, government offices, consulates, and so on, around the world. So I'm tabling that news release for everyone's information.

Secondly, very quickly, the Alberta Magazine Publishers Association first ever Read Alberta Magazines Month, which will officially be launched tomorrow, is of great significance, and I'd like to table a letter of congratulations to Ruth Kelly of that association for that Alberta first.

Thank you.

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

Mr. Hancock: Thank you, Mr. Speaker. Earlier today in question period the Premier referred to a media release from Alberta Beef Industry Council, and I think you requested that the release be tabled. So I'm happy to table for the benefit of the Assembly the Alberta Beef Industry Council's media release for immediate release March 4, which essentially says that the beef industry is

deeply concerned that their recent draft report is being used by provincial opposition parties to pressure the Alberta government into conducting an investigation . . . Our council is thankful for the support that the provincial government has previously provided . . .

The Speaker: I just asked for tabling, not a reading of it.

Hon. Member for Edmonton-Glenora, did you have one?

Mr. Hutton: Thank you, Mr. Speaker. It is a pleasure today to rise and table the appropriate number of copies of a letter from the Glenora Elementary School Council. They have outlined their

support and priorities relating to the Every Child Learns; Every Child Succeeds report of the Commission on Learning.

Thank you, Mr. Speaker.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. I would like to table for the benefit of all hon. members of this Assembly an article from the business section of the *San Francisco Chronicle* dated Friday, February 27, 2004, that I received from Lucien Duigou of St. Albert, and this indicates that whenever deregulation is unplugged, the power prices in California decrease by 8 per cent.

Thank you.

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

Mr. Lord: Thank you, Mr. Speaker. I rise to table the requisite number of copies of a technology review article titled Recharging the Power Grid regarding new pilot projects on flow cell batteries and other new technologies enabling storage of vast amounts of electricity, thereby reducing the need for new transmission lines and boosting the usefulness of windmills for generating electricity.

Thank you, Mr. Speaker.

head:

Projected Government Business

The Speaker: The Official Opposition House Leader.

Ms Blakeman: Thank you. Under Standing Order 7(5) I would ask the government to share the projected government business for the week of March 8 to 11, 2004.

Thank you.

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. On Monday, March 8, in the afternoon, which normally would be private members' business all afternoon, at 5:15 pursuant to Standing Order 19(1)(c) the question on the throne speech will be put. That would be Government Motion 10 called to engross the throne speech. At 9 p.m. under Government Bills and Orders in Committee of the Whole we would anticipate speaking to bills 12 and 13; time permitting, second reading on bills 15 and 10 and as per the Order Paper.

On Tuesday, March 9, in the afternoon under Government Bills and Orders for second reading Bill 16, the Residential Tenancies Act, 2004; Bill 15, the Fiscal Responsibility Amendment Act, 2004; and Bill 10, the Justice Statutes Amendment Act, 2004. Time permitting, Committee of the Whole on bills 12 and 13 and as per the Order Paper. At 8 p.m. in Committee of the Whole, bills 12, 13, 16, 10, 15, and as per the Order Paper.

On Wednesday, March 10, under Government Bills and Orders for second reading Bill 17, the Agricultural Operation Practices Amendment Act, 2004, which we anticipate being introduced on Monday – it's on notice now – and Bill 18, the Maintenance Enforcement Amendment Act, 2004, which is also on notice and would be introduced for first reading on Monday; Committee of the Whole or third reading on bills 15, 13, 16, 10 and as per the Order Paper. There are also, just for the advice of the House, three additional bills which we anticipate will be introduced for first reading on Tuesday, and we may move them for second reading in the afternoon on Wednesday so that they're on the table. That would be Bill 19, the Public Trustee Act. Bill 20, which is on notice, is the Minor's Property Act, and Bill 21 won't be available at that time, so

I won't mention it. On Wednesday at 8 p.m. for second reading bills 17, 18, 19, and 20 and then in Committee of the Whole on bills 15, 12, 13, 16, and 10.

On Thursday, March 11, under Government Bills and Orders we anticipate Her Honour the Lieutenant Governor might attend to provide royal assent for those bills at that time awaiting royal assent, and we would proceed with second reading and Committee of the Whole as per the Order Paper.

The Speaker: Hon. members, before calling Orders of the Day, I just want to clarify a few things and tidy up a little bit of business as we leave this week.

Speaker's Ruling Members' Statements

The Speaker: First of all, three of the members who participated in Members' Statements went well beyond the two-minute time level which is in Standing Orders. Now, look; I know the way the game is played. You put on a boundary, and everybody then lives with the boundaries for a while. Then, all of the sudden they put one little toe over to see how far they can go, and then it's three feet. Well, we've got to stay within the time limit; okay? Please. It's your rule.

Speaker's Ruling Exhibits

The Speaker: Secondly, there was an exhibit used in the House today. That's a no-no, Government House Leader. I just want to say it by way of this example. We once had in this House a former Minister of Finance who used an exhibit. He was advised by the chair that that wasn't very good. He then left this House, and once he was involved in a national television debate, and he used an exhibit. And boy, oh boy, the people of this country thought that wasn't very good. So let's just remember what happens to people who use exhibits in the House so that nobody gets carried away with using exhibits.

Speaker's Ruling Intemperate Language

The Speaker: Some intemperate language was used periodically this week; there was such a thing. Yesterday we had a situation where the Speaker on page 298 of *Hansard* of March 3, 2004, said the following: "I'm not sure if *Hansard* caught the words, but there were some words echoed at about the same time as this question was being raised, something to the effect of: what an idiot." I heard that. *Hansard* did not, so it's not recorded in *Hansard*.

However, in going back to my office and doing my own personal research, it became clear to me that such a phrase was said in this House. At the time, I wasn't sure where it came from or who it was, what the intent was. But in the last 24 hours in the province of Alberta virtually every radio station and a whole bunch of others basically used this same play as well.

I know who said it, and I'm asking that person to rise and to withdraw such a comment in the House. Oh. The hon. Minister of Finance.

Mrs. Nelson: Mr. Speaker, as you know, that would be myself. I used the phrase "what an idiot" during debate on a question as it pertained to the BSE issue.

I guess frustrations sometimes prevail as we hear questions come across and you know how terribly hard and diligently our Premier and our Minister of Agriculture and Rural Development have worked with the industry to get them through this devastation, an emotional – emotional – battle that rural Alberta has gone through

in disasters in the last two years. When there are questions about things, it becomes difficult.

So I would like to remove the words, withdraw "what an idiot," and apologize to the House.

2:50

The Speaker: Hon. members, there was another phrase that was used today. I've been an elected person since 1979, and should anybody ever say these words to me, I would immediately stop and there would be a real challenge. The hon. Member for Edmonton-Glenarry used a phrase several times on an elected person, basically: you're running away. Should anybody ever have used a phrase like that to me, it would have prompted a response and a reaction.

Words have meanings to various people at certain times, and for anybody to say: well, you shouldn't use "running away" – it's the context in which it's used that can prompt the response. So I'm not saying that you can't use "running away." I'm just saying that there's got to be temperance at the time that it's used because it will evoke a response and a reaction in the same way that the previous phrase, "what an idiot," was used. I have no idea to whom it was used. It could have been the hon. minister's neighbour, seatmate, anybody in this House. That was never identified and doesn't have to be. It's just that it's an intemperate thing to say.

head: **Orders of the Day**
head: **Government Bills and Orders**
Third Reading
Bill 4
Blind Persons' Rights Amendment Act, 2004

The Speaker: The hon. Minister of Community Development.

Mr. Zwodzesky: Thank you, Mr. Speaker. It's a pleasure to rise on this wonderful day to conclude this debate on Bill 4, that being the Blind Persons' Rights Amendment Act, 2004, and I want to say that it's been an honour for me to pilot this bill along. In that regard also, I want to thank other members of the House who have spoken to it and/or have supported it and in particular the representatives from the Canadian National Institute for the Blind who helped us develop it and have attended at this House often and with whom I have met on numerous occasions.

This is a very good bill that has been brought before the House after considerable public consultation, after considerable review, and after much discussion and debate with persons whom we are actually trying to serve through and with this particular legislative piece.

In that respect, Mr. Speaker, the Department of Community Development has been very pleased and proud to have received responsibility over the act as well as responsibility for visually impaired and/or blind and/or deaf-blind individuals in this province. That responsibility was transferred from the Alberta Department of Health and Wellness a few years ago, and we have done our very level best to work with that community to bring in this set of amendments to effect the changes that we need.

In sort of wrapping up here, Mr. Speaker, I just want to highlight once again that this has been truly a journey of change to affect thousands of Albertans whom we are trying to serve. It helps to close a gap in our legislation that will result in better protection for individuals who are blind and also for those who require a guide dog or a white cane. In doing so, the act will also resolve a difficulty that has been around for some time, and that is the definition of blindness. We know from the community we're trying to serve that the current definition does not serve the needs as well as it ought, and they would prefer to have a definition as determined by the medical profession come forward, and we will be doing that.

We are also well aware that in some cases there are abuses of law in all jurisdictions, and in this particular case in order to stem the flow of any further abuses, we are significantly increasing the fines in the various areas for various violations of the act.

A couple of other critical areas, Mr. Speaker, are with respect to the protection that we know needs to be provided to the persons who are training these dogs for use and employment in the community. So this particular act will provide that additional protection for certified dog trainers as well as for the dogs that are actually in training. They will be allowed to go where they need to go in order to experience what their new employment as dogs will be, and that's a very good improvement for everyone concerned.

The issue of identification cards I have commented on before, Mr. Speaker, and this particular act and the accompanying regulations will allow us to issue an identification card for the blind person/guide dog team. That, too, will be deemed very beneficial.

Finally, Mr. Speaker, the minister in this case – I'm honoured to be so – will have the responsibility for making regulations regarding the qualifications required for guide dogs. I'm particularly excited that we might see the addition, in fact I think we will see the addition of other training facilities being added to the existing list of accredited facilities. I've indicated before that since there is only one official training and licensing school in Canada – and I believe it's in Ottawa – I think we should seriously consider how we might in fact have a similar facility right here in Alberta. We have many things that we as Albertans have done that have been of a first-ever nature, and this could well be another one of those.

Thank you, Mr. Speaker, for allowing me to make those concluding comments. If there's anything else that needs attention or addressing, I'd be happy to follow up with individual members or for that matter with members of the community as we see this bill move forward and become law in the very near future.

Thank you.

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

Ms Blakeman: Thanks very much, Mr. Speaker. I'm pleased to rise and on behalf of the Official Opposition give our support in third reading to Bill 4, the Blind Persons' Rights Amendment Act, 2004. We've been pleased to support this bill with rapid passage, which I think is no small indication of our esteem for the persons involved here and our willingness and eagerness, in fact, to have this legislation swiftly passed and implemented.

We're pleased with those that it's able to help and the definitions that the minister mentioned, going to a medical model definition. The penalties and the fines that are increased in the act to show a seriousness of how offences are to be taken are excellent and of course the inclusion of trainers under protection along with those that are actually using the dogs: all excellent.

I continue to put on the record my disappointment that the minister has been unable or unwilling to give us some indication of when we could expect a companion bill; that is, a bill that will extend protection and rights to other kinds of service animals. I pressed for that answer while we were in second reading, in committee, and now I'm in third asking the same question of the minister: when can we expect to see the companion bill brought before the Assembly? It's my only hesitation about this bill at all. As I said, we've been very happy to give it swift passage, but we really were looking to see when we would get the second half of this.

So with those words of support I'm happy to recommend passage of third reading. Thank you.

The Speaker: The hon. Member for Lacombe-Stettler.

Mrs. Gordon: Thank you, Mr. Speaker. I, too, would like to thank the minister for bringing this bill forward. I have received a number of phone calls and letters from people that are very, very pleased that this is finally before this Assembly. As my colleague from across the way just mentioned, I think that we have moved through this bill very swiftly.

I, too, would ask that you consider a companion bill that would see the use of service dogs by others. I recently talked to some people that said that the hearing impaired can very often use a service dog to help them in their day-to-day life. I think that any time that we as legislators can make someone's life a little easier, then let us look at doing so.

3:00

I cannot imagine the happiness and the encouragement that an animal can give these people. Many of us have pets in our own home, and we know how much they mean to us. Think how much these dogs mean to these people, that not only would be a pet but also provide them with many, many things that they haven't been provided with before. So if we can do anything at all, would you please, Mr. Minister, look at something in the future to help others where this could really make a difference.

I also am very encouraged by your words, that you would look at a training facility for these animals in the province. I think that would be marvellous, and I encourage you to do so.

Thank you to the members of the Assembly for supporting the bill thus far, and I know the people in the gallery will be very pleased when it is finally passed. Thank you.

The Speaker: The hon. Minister of Community Development to close the debate.

Mr. Zwodzesky: Thank you, Mr. Speaker. Just with reference quickly to the previous two speakers I want to thank them, first of all, for their support for this bill.

With respect to the other issue of other assistive animals for other purposes I did indicate – I believe maybe it was during Committee of the Whole stage – that I will be looking at that issue, but let's not forget that individuals who are using other animals, including dogs, for other purposes than what Bill 4 is all about are already provided a fairly high degree of protection under the Human Rights, Citizenship and Multiculturalism Act. It doesn't mean that we can't do more, but I'm saying that there is some protection there already.

Nonetheless, we are reviewing the issues that have been raised in that regard, and I will communicate further with all members of the House as that process moves along. We're just not ready to move with it right now, and I didn't want to complicate the bill before us, Mr. Speaker, nor the important issue of what the bill serves. I didn't want anything else sort of interfering at this time. So I'm happy that we're able to move this forward.

With that, I'll conclude debate. Thank you.

The Speaker: The hon. Minister of Community Development has moved third reading of Bill 4, the Blind Persons' Rights Amendment Act, 2004.

[Motion carried; Bill 4 read a third time]

Bill 14

Appropriation (Supplementary Supply) Act, 2004

The Speaker: The hon. Deputy Government House Leader.

Mr. Zwodzesky: Thank you, Mr. Speaker. It's my pleasure to move

third reading of Bill 14, the Appropriation (Supplementary Supply) Act, 2004, on behalf of the hon. Minister of Finance.

I think, as previous speakers have already indicated on this matter and on this important bill, the record is clear as to why it is necessary to see it through to its conclusion, so with that I'll cede the floor to other speakers and other comments should there be any.

Thank you.

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

Ms Blakeman: Thanks very much, Mr. Speaker. I don't think I have words to describe how much I disagree with the previous speaker, but let me try.

The Speaker: Well, actually, we're dealing with the debate on the bill.

Ms Blakeman: Absolutely. With the bill, which is the Appropriation (Supplementary Supply) Act, 2004, Bill 14.

When I look at the reason that we would get such a bill before us, it's additional money that's being asked, in some cases asked for forgiveness rather than permission to spend additional money beyond what was in the budget. In some cases, many cases, the money has already been spent; thus, we're being approached as the Legislative Assembly to give permission after the fact for the spending of the money.

I think that most Albertans would agree that there's a reason to go beyond your budget to request additional funds under a few very narrow categories, that there was a sudden and unexpected occurrence that would require the injection of money. In other words, if it could have possibly been foreseen that the money needed to be expended, then it should have been in the budget in the first place or it should go into the next year's budget, but to just kind of fling it about when you knew darn well that you needed to spend this money is not an acceptable reason to be putting it into a supplementary supply.

I think Albertans would also agree that in the case of an emergency there's good reason to be coming back before the Legislative Assembly and asking for supplemental supply. Fighting fires comes to mind. Emergency assistance for drought comes to mind. The issues around the plight of the farmers and the cattle producers come to mind. All of those we've actually looked at, I think, in the last year. In fact, this is the second supplemental supply that's been requested inside of this fiscal year.

So two reasons: it should not be expected that you would be spending this money, so if it's unexpected for some reason, it could be considered a request for emergency funds, and I think that's particularly true. You could have a subcategory under that that's around life and limb in some cases. I'm thinking of the homeless, for example. If we had an increased number of homeless people, we had no reason to expect that that was going to happen to us, so it was unexpected, but it's also life and limb. Then there is a responsibility of the government to in fact come forward and request the additional funds to make sure that we don't have people dying in the streets. All of those would be reasonable requests for additional sums.

So let us just go through the departments that are requesting additional monies here. Under the Aboriginal Affairs and Northern Development we have a request for \$1,750,000 "requested to provide for the Province's costs in implementing the Fort McKay First Nation land claim settlement." Well, this settlement has been in negotiation in the courts for some time. I don't think we could claim that this was unexpected, so this would not fall under my list of a reasonable request. It's clearly expected expenditures. Why is

it coming forward as a supplementary? It either should have been in the budget in the first place or it will have to wait until the next one.

We're next looking at Health and Wellness in which we have a supplementary estimate of \$6,167,000 requested. Out of that we've got two million and change, \$2.1 million, "for the increased costs of the Non-Group Health Benefits program" and \$4 million "to respond to the West Nile virus threat."

Well, I appreciate that the government is looking at doing the research and the work that needs to be done behind the West Nile virus threat, but I would question whether this was of such unexpected immediacy that it has to come through as a supplementary supply. We've been dealing with West Nile well outside of this fiscal year, so either it should have been in the budget coming into this year or it should wait, but this looks to me like: we've got extra money; let's chuck it in here now. That's not a good budgeting process, and I don't think it's particularly supported by people in Alberta when we see this sort of serendipitous taking advantage of additional funds.

There's also an additional \$6.3 million "requested to provide for the enhancement and deployment of the Pharmaceutical Information Network. The spending in 2003-04 will be offset by funding provided by [the] Canada Health Infoway." Again, I question: was this expected spending? This looks again like there was extra money: let's throw it in here; it's something we always wanted to do.

Well, it raises a number of additional questions, then. Is there enough money to continue? Once you've started this program, will there be enough money to continue to pay for the program? This government likes to get into one-off projects, but the world does not operate on one-off. Things need to be continued, so will we now see this come partly to fruition and then be cut because we don't have the funds to continue to do it? Or if there are the funds to continue to do it, again, why do we have this under a supplementary supply?

3:10

Under Human Resources and Employment there's a request for \$28,680,000. Out of that we've got \$14.68 million "for Supports for Independence to address caseload and cost-per-case increases." Now, this is an interesting one. Could we have foreseen that there was going to be a requirement for additional monies?

I suspect that a good deal of the additional monies that are being requested here are to help offset higher electrical utility bills, which certainly could have been foreseen. But perhaps I am mistaken in it and, in fact, we have more people that are requiring government assistance. Well, larger question: why? Why do we have more people? What has happened in society that we have more people requesting this? This government is very fond of saying that they have decreased these welfare rolls, so what's gone wrong that there's an increase? I suspect that's not what the problem is here. I think this is about paying for the increased electricity.

There's also \$14 million for skills investment, and under that there's "an increase in career and employment assistance services . . . an increase in enrolment in basic skills and academic upgrading, and . . . an increase in enrolment in apprenticeship and short-term skills training programs." Some of those I think could be argued under our increasing problems with a shortage of skilled labour. Although at this point next year is a matter of weeks, to say, "We've got to wait until next year before we start programs that will produce skilled workers for the labour force" – there may well be a good argument that could be made there as to why this needed to happen inside of this fiscal year with an additional request of funds for it, but I'm not sure that in fact is the case.

Then we have under Infrastructure a supplementary estimate request of \$35 million "to provide for energy rebates pursuant to the

Natural Gas Price Protection Act,” and “pursuant to . . . the Fiscal Responsibility Act, energy rebates are being funded from the Sustainability Fund.” Well, that one we certainly could see coming, but it’s an interesting way . . .

See, part of what’s happening here is that the Minister of Finance, in her third-quarter update, announced that we had a \$3.5 billion surplus. In fact, I would argue that it was significantly higher than that, probably closer to a \$5 billion surplus, but that’s really going to make the government look odd in that they didn’t budget for and spend that money as they came to it. That kind of thing, where we’ve got \$35 million put into this particular fund, should have been added to the amount of the surplus. They’ve now managed to nip it off and account for it under a different place. They’re not going to have to count it in as part of their surplus money.

Then we’ve got Innovation and Science, which is requesting a supplementary estimate of one and a half million dollars “to provide for increases in operating and upgrading expenses for the Alberta Government Integrated Management Information System.” Imaxis is what we call it. I would hardly think this is unexpected. I clearly remember reading about this in the Auditor General’s report several years ago. Seeing as I don’t read those Auditor General reports until almost a year after we’re examining, this is far from unexpected, nor would I see it as an emergency or threatening life and limb.

Under the Department of Learning we have \$14,600,000 to fund a number of different pressures. In fact, their pressures total \$15,700,000, but they’re asking for an additional amount of money of \$14.6 million. So they’re looking for money for separate and public school support, for “increasing numbers of grade 12 students returning to high school for upgrading,” for “providing learning programs to students in provincial institutions.” There’s quite a bit of money in here in a couple of different ways for early childhood support, particularly around children with severe disabilities.

I made the argument at a teachers’ forum last week that a child is only going to get one February in grade 2. You know, they only get one period of time. They don’t get to do grade 1 again with that teacher and that class, and they shouldn’t be penalized because the government is being tight-fisted with the money. So in most cases I would support what’s being put through here.

Finally, we’re looking at Revenue, which is requesting \$875,000 “to provide funding for the acquisition of an investment risk management system.” Total cost of the system is estimated at \$1.26 million. Half of the cost is recovered through charge-backs. Again I would argue that this was not unexpected. It is not an emergency, and it certainly is not solving any threat to life and limb.

Finally, under the seniors’ programs a supplementary estimate is requested of \$10,900,000. This is \$4.5 million for an increased number of low-income seniors with the costs of long-term care. Well, the timing of the long-term care increase was 100 per cent within the control of the government, and I’ve already raised this argument yesterday. And \$900,000 supports “additional year-round and seasonal beds in homeless shelters,” which certainly falls under our life and limb category here, and \$5.5 million for “increased provincial funding under the Canada/Alberta Affordable Housing Agreement.” Again I think that the protection of life and limb is an argument that could be used under this.

So we have a number of examples here. All of the money that’s being requested, which is \$114 million in operating and an additional \$6.3 million in capital investment, I would argue is a rather glaring example of a government’s inability to manage properly, to cast forward and manage projects that they know are coming, that are obvious. This is just a way of hiding the extra money so that they’re not too embarrassed at how far off they were in their predictions in their budget.

You’ve got to remember that the point of budgeting is not so that you can stand up at the end and go: see how much I have left over. The point is to actually spend the money, to go “How much is required in all of these areas?” and spend the money because those are the programs and the services that the government has agreed to provide and the people need. So you’re not to be congratulated because you are able to stand up and go: look how much we didn’t spend. That’s money that wasn’t spent on health, it wasn’t spent on education, it wasn’t spent on infrastructure, it wasn’t spent in a lot of places, and to come three weeks before the end of the fiscal year and chuck money at it is not an efficient way to manage. This government would be very critical of any company, of any nonprofit, indeed of any individual that managed their finances like this.

[The Deputy Speaker in the chair]

So I continue to raise these issues every time I see one of them, and the government continues to give me ample opportunity to do that, seeing as we’re now looking at supplementary estimates, No. 2, for this year. I’m sure there will soon be interim supply requests coming because the government couldn’t manage its finances well enough to get the budget introduced and through before the fiscal year-end. Obviously, that’s not going to happen. We’re three weeks from the fiscal year-end and there’s no sign of a budget. So this government that has all the control in the world, that has all of those employees, that has all of that money cannot manage itself well enough to get a budget introduced and passed before the fiscal year-end. For shame.

Thank you.

[Motion carried; Bill 14 read a third time]

Bill 1

Alberta Centennial Education Savings Plan Act

The Deputy Speaker: The hon. Deputy Government House Leader on behalf.

Mr. Zwozdesky: Thank you, Mr. Speaker. It’s my pleasure on behalf of the hon. Premier to move Bill 1, the Alberta Centennial Education Savings Plan Act.

That having been said, Mr. Speaker, I would like to just comment briefly on my support for this particular bill. When rumours of similar plans surfaced a year or perhaps two years ago – I can’t recall now – I can remember a few people phoning me and indicating that they had some concerns about how a program like this might work. But I have to say that now that people have the bill in front of them and now that there has been considerable debate, persons who have been getting in touch with me are in favour of this long-term investment in education by the government of Alberta.

I also say as the father of two children and, hopefully, one day perhaps a grandfather as well that it’s a good thing. As with all good things they need a start. So while I respect some of the comments that I’ve read, I don’t want those negative comments that we’ve heard to be used as any reason to stop this particular bill from going forward to fruition. You have to begin a good program somewhere, so a beginning point has been arrived at, and I think the legacy that it will create will well be worth the investment and the decisions that we are making today.

3:20

The Learning Commission report, that has been the subject of some great discussion in this House, a report that I have looked through and for the most part support almost all of the recommenda-

tions in it personally, has brought into sharper and sharper focus the need for us to do whatever we can to support the education system in this province in a much larger way, and we will I'm sure be doing that.

There are other ways that we can help with education and provide postsecondary education on a larger basis, and that is specifically what this act will do by encouraging families with children who are born or adopted beginning January 1, 2005, to start setting money aside. We are helping to kick-start that program for the children involved.

Mr. Speaker, I'll take my seat so that others can perhaps speak to this. I would hope that the Alberta Centennial Education Savings Plan Act, introduced by our hon. Premier, will receive the support it requires, particularly given that this government has indicated that education in all its forms is a number one priority for us.

Thank you.

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

Dr. Massey: Thank you, Mr. Speaker, for the opportunity to make a few remarks at third reading of Bill 1, the Alberta Centennial Education Savings Plan Act. Third reading is a chance for us to again reflect on the principles that underlie a bill after having examined it first at second reading and looked at the details of the bill in Committee of the Whole.

I think that it is important to again visit the principles that seem to set the framework for this bill. They're important principles, Mr. Speaker. I think that we have to encourage more high school graduates to pursue higher education. Whether that be a program at one of our postsecondary institutions, continuing education programs, or apprenticeship, there are a variety of ways that they can continue that education. It's a principle that I think should be acted upon as frequently as possible in terms of making high school students aware of the implications of not continuing their high school.

I noticed in a report from the New York City schools that that school board has actually moved to having dropouts or potential dropouts sign a sheet that indicates that by dropping out, they are going to face a future of unemployment and low wages, detailing rather graphically what happens if you drop out of high school and don't continue your education. It's been controversial, some parents indicating that it goes too far, but I think it does underline how important it is that we encourage young people to continue their education. That's one of the principles that I think Bill 1 has tried to support. Now, how well it's supported I think is another question.

Another principle, though not part of the bill, is one that we would expect to be part of the bill, and that is that it needs to be fair to all Alberta students. I don't think Albertans would expect any less from legislation that appears before this Assembly than that it would be legislation that is fair to all Alberta students. Again, I think it's a principle that the bill fails to support. This is going to be for many Albertans the bill that left them out, and I think that that's unfortunate.

It could have easily been otherwise, Mr. Speaker. There are a number of things that the bill could have done to make sure that it was fair to all Alberta students. There have been all kinds of suggestions with respect to that in terms of making sure that tuitions at postsecondary institutions were affordable, making sure that there was support in place not just for those students who are honours students but for those students who just make passing grades yet manage to go on and better themselves. So I think there are a number of ways and mechanisms that could have been used to make

sure that it's fair to all Alberta students, and unfortunately the bill hasn't done that.

I think that the notion that it needs to be open to all Albertans is closely related to that principle. The studies that we've looked at I think are fairly conclusive that registered education savings plans are not participated in by people who have limited incomes, that they are accessed primarily by people who have middle and upper socioeconomic circumstances. They're the ones that are able to take advantage of this. So it's not really, truly open to all Albertans, just to a certain economic class.

Another principle that we looked at in second reading was that anything that is proposed not be used as a substitute for properly funding postsecondary schools. That's one of the fears that I've had about the bill right from the beginning, that somehow or other it may take the pressure off the government to properly fund postsecondary education.

I have to say with respect to this that I was disappointed earlier today at the press conference that the Minister of Learning didn't see fit to act on the recommendation from the Learning Commission that would have required a review of the postsecondary education system in the province, that that recommendation has been rejected by the government. Again, I think that that's unfortunate, because it's related to this notion of adequacy, of affordability, of providing adequate resources for those postsecondary institutions. It's a little convoluted, but I think that this has the potential to give the impression that the government has done its job by offering this and that there's a lesser obligation to actually look after those institutions.

We talked about the preamble before. I think the words are good. I like the notion that the government "recognizes the benefits of post-secondary education." My concern is that the kind of actions that one might expect to support that statement do not always follow. I'm again reminded of how badly devastated our institutions were in the 1990s, taking some of the biggest hits in terms of budget cuts. Those institutions haven't recovered fully from those cuts.

3:30

I think that those are the main principles. I think we've heard the objections to the bill not just from opposition benches but from government benches, the concerns about the bill. Again, the basic question, I guess, that arises is: is this the appropriate bill to mark the centennial of the province's beginning? I'm not convinced, Mr. Speaker, that it's fair and is as all inclusive as one would hope that a bill that was going to mark the 100th birthday of our province might be, so unfortunately I find myself not able to support Bill 1.

Thank you very much.

The Deputy Speaker: The hon. Member for Calgary-Egmont, followed by the hon. leader of the third party, followed by the hon. Member for Calgary-Fort.

Mr. Herard: Well, thank you very much, Mr. Speaker. I'm very proud to speak to the third reading stage of Bill 1, the Alberta Centennial Education Savings Plan Act, an act that we hope will change the paradigm with respect to the culture of saving that Albertans do for the postsecondary education of their children and for their grandchildren. We hope that this will mean that more Albertans will graduate from our postsecondary institutions and be able to transition directly into postsecondary from high school, be able to perhaps better afford to go on to postsecondary with respect to having saved from the beginning of their life and perhaps also graduate from their postsecondary education with considerably less debt than they would have otherwise had.

I just want to say a few words of thanks to the Deputy Minister and Minister of Learning for their support and good counsel on the details of this bill and in particular to Mr. Steve MacDonald from learning transitions at Alberta Learning, who co-ordinated a number of departments both here and in Ottawa, and I thank them all as well.

But most of all I want to thank our Premier for allowing me to work on this idea and for the honour of making it his bill, Bill 1, in the Fourth Session of the spring sittings of the 25th Legislature. The Premier has made it possible for each private member to make a difference at every stage on every issue, and I think that's one of the hallmarks of this Premier, that as a private member you can make a difference in every stage of policy development. You can walk into his office with an idea and he says: go ahead, run with it; see if you can get it through. So I want to thank the Premier for allowing everyone to be able to take an idea and run with it and hopefully one day stand in this Chamber and see it come to reality.

I want to thank everyone who is in support of the bill and hope that everybody votes for it. Thank you very much.

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

Dr. Pannu: Thank you very much, Mr. Speaker. It's a pleasure for me to rise and speak to Bill 1, Alberta Centennial Education Savings Plan Act, in its third and final reading. This bill is the flagship bill of the session. The bill also comes, of course, during the fourth and critical year of the election cycle. That's the sort of immediate context of the bill.

I want to go over some of the recent developments, Mr. Speaker, with respect to postsecondary education culminating in the passage of Bill 43 in the last session, which drew lots of attention from postsecondary students – the Council of Alberta University Students, called CAUS; ACTISEC, Alberta College and Technical Institute Students' Executive Council – academics, parents, and others. The campaign that was run on Bill 43 by postsecondary students interestingly was named, sort of to catch attention, I guess, Deregulation Nation.

From the point of our postsecondary students the provisions of Bill 43 not only lifted the cap for postsecondary tuition from where it was and promised to stay by the government in previous years; the government sort of went back on its promise to keep that cap. Bill 43 was the mechanism through which that cap, therefore, was disposed of and lifted, thus opening the doors for unlimited, continuing yearly tuition rate increases which go far beyond either the rate of inflation or some other measure that would suggest that they are just meant to keep up with the costs. What the government's policy on tuition fee increases reflects and changes in their policy, as I said, you know, from a cap of 30 per cent to go beyond it as allowed by Bill 43, reflects the government's preference . . .

The Deputy Speaker: The hon. Member for Calgary-Egmont on a point of order.

Point of Order Relevance

Mr. Herard: Yes. Relevance, Mr. Speaker. We're in third reading on Bill 1, and I think the hon. member wants to talk about Bill 43, which has already been passed in this House, which is another point of order that I sort of forget the number of, but once you pass a bill in this House, you don't bring it back into debate, especially on another bill. So I would hope that you could ask the hon. member to speak to the bill that we're currently working on.

The Deputy Speaker: The hon. Member for Edmonton-Strathcona on the point of order.

Dr. Pannu: Thank you, Mr. Speaker. There is no point of order. I'm speaking to Bill 1, and in order to speak to Bill 1, I'm referring to the context in which we discuss Bill 1. The discussion on Bill 1 I hope doesn't take place in a vacuum. As legislators I think it's important for us to refer to the important elements of the context in order to make sense of what the bill is about and to make sensible comments about the bill.

Thank you.

The Deputy Speaker: Well, there are two points that one must first deal with, and that's perhaps to review for all of us debate on third reading. Procedures on third reading are very much like second reading except that reflections on third reading are the bill as it currently stands, not on what it might have been, what it could be, what it should be. That's all for second reading and to a certain extent in committee, when you make amendments. But when we're in third reading, *Erskine May* quite clearly says on page 544 that "debate on third reading, however, is more restricted than at the earlier stage, being limited to the contents of the bill." To that extent, the hon. member is quite right.

If we're talking about some other bill that should or should not have been passed, then we come into a whole new point of order which prohibits us from debating a bill for a second time in the same session. Anyway, I would think that if that's what the point of order is, then the hon. member would just guide himself accordingly.

Edmonton-Strathcona, continue.

3:40

Debate Continued

Dr. Pannu: Thank you, Mr. Speaker. My comments on Bill 1 are not at all intended to seek any changes in the bill. They are to in fact reflect on the principles of the bill and what's, strictly speaking, the substance of the bill and how it will affect the concerns that prevail. That's why I just want to draw attention to those concerns and not just speak to another bill, you know, that had been previously debated and passed.

The bill that I referred to before is now government policy, so I'm referring to government policy rather than Bill 43. This bill, therefore, speaks to that policy, and that policy is based on the principle of user pay. This bill is very much driven by this principle that those who go to postsecondary education should be able to pay for most of the costs, and that's why, I guess, registered educational savings plans are a preferred option by some, by this government and by many of the members on the government side who have spoken to the bill.

There are problems with this bill because this very principle I think puts into question the significance of not only individuals and families investing in postsecondary education but communities, societies, provincial bodies such as the Alberta government seeing postsecondary education as a most important arena in which to make a social investment for their future. This bill is about investing in the future, as I understand it, and therefore I think it's quite germane to draw attention to the flaw in the bill, in that it really does not address the question of equity. It does not address the question of the significance of social investment and how investing in human creativity should be perhaps a guiding principle in how we spend our money on postsecondary education. Bill 1 fails to embrace that principle.

Earlier in the debate on the bill one of the hon. members from the government backbenches drew attention to its inequity, its exclusionary nature. Any bill that deals with educational savings and educational investments must necessarily address the question of equity, and this bill, Mr. Speaker, fails to do that. It leaves out

children already born and not yet in school and certainly all of those children who are born and have started school, even though they're in kindergarten and beyond.

The other difficulty, Mr. Speaker, in terms of the principles of this bill is not just its exclusionary nature but its failure to in fact take note of the fact that educational savings plans have proved not an effective instrument of generating savings for children born in families, in particular where there aren't means readily available for those families to support those children as they move through the educational system and reach a stage where they have to make decisions and then pay for postsecondary education.

The experience with RESPs and the studies done on that experience clearly demonstrate that only about 42 per cent of families take part in those plans. So although we have Bill 1 before us, Alberta Centennial Education Savings Plan Act, it doesn't seem to factor in the serious limitations of registered education savings plans and how they leave out a majority of families which are unable to have sufficient income to save some to invest.

The hon. Member for Calgary-Egmont did talk to a need for a paradigm shift, as he called it. I was quite intrigued by a reference to shifting paradigms here. He talked about a culture of saving as something that this bill will encourage. I don't think, Mr. Speaker, the problem is with respect to the absence of such a culture among the 58 per cent of Canadian families who don't have RESPs. I'm not entirely sure exactly what percentage of Alberta families have RESPs for their children. I think the problem is not the absence of a culture of saving; the problem is the impossibility for many Albertans to save for the postsecondary education of their children. I want to just make sure that this point is clear.

What's really needed is a culture of social investment that we as members of this House need to inculcate and nourish. If we looked at investment in postsecondary education from that perspective, from a culture of social investment, we would find that Bill 1 is therefore deficient. It doesn't really pay attention to that very important principle, an important guiding sort of notion that any money that we spend on education in general is driven by this belief in the significance and importance of social investment.

Mr. Speaker, it's difficult to not pay attention to some of the flaws of this bill when speaking to it, because it will require a decision either to vote for it or not support it.

A TD Bank report done very recently about the Edmonton/Calgary corridor draws attention again to the problem that Bill 1 presumably is designed to address, which is, first of all, that not enough Alberta students graduate at a level in order to be able to take advantage of postsecondary education and, secondly, even if they have the qualifications for postsecondary education, make decisions not to go there. The TD Bank report underlines the fact that it's a perception of unaffordability, not the absence of a culture of saving but the perception of unaffordability of postsecondary education in this province that's the problem.

So Bill 1, Mr. Speaker, falls short in that sense, is flawed because it doesn't really construct the legal, legislative arrangements that are embodied in it based on available, reliable knowledge and information about how to tackle the problem of not enough Alberta high school graduates wanting to go beyond high school.

3:50

Bill 1, I think, is clearly a sincere attempt to grapple with the situation, but I submit to you, Mr. Speaker, submit to the House that it's not an appropriate solution for the problem that it's trying to address. [The beeper sounded indicating that Dr. Pannu's speaking time had expired]

Thank you, Mr. Speaker.

The Deputy Speaker: It would appear that somehow there is a disconnect here, so you apparently have two more minutes.

Dr. Pannu: Yes. I will take advantage of it. Thank you very much, Mr. Speaker.

So to conclude, Mr. Speaker, I want to submit respectfully that this bill fails to put in place systems that will really cultivate either a culture of postsecondary educational participation which will encourage more Albertans to take advantage of postsecondary education or a culture of social investment. For several reasons I won't be able to support Bill 1.

Thank you.

The Deputy Speaker: Comments?

Seeing none, the hon. Member for Calgary-Fort.

Mr. Cao: Thank you, Mr. Speaker. I'm pleased to have the opportunity to speak on Bill 1. I want to congratulate our Premier for introducing it and the hon. Minister of Learning and his staff for working on all the details and especially the hon. Member for Calgary-Egmont for bringing forward the concept of the centennial scholarship.

I'm not in debate strictly about the bill now, but I just want to restate some facts here. Indeed, the facts in the long history of human existence have proven that education and skill training is vital to the progress of a society. The lack of education and knowledge brings misery to the lives of individuals, society, and nations. It is also a fact that our government's focus on education is the right thing. Our government has shown leadership in education, learning, and training of our fellow Albertans. Now our government has the right investment in developing our Albertan human resources for today and for the future.

So the focus is right; the target is right. The debate is circling around how to get to the target. There are people who say or even accuse us – if we do not follow their way, that means we destroy the target; we do not believe in the target. That kind of argument is false.

To get back to the bill, there are a few people who have told me that they don't want to pay school taxes because they have no children. Their children have grown up or are not in school any more. There are a few people who have expressed to me, I hope truthfully, that they don't want to spend their tax money on postsecondary education because they have no children or their children are not in postsecondary education. Now, these are some expressions.

But the fact is that this Bill 1 is proposing a registered educational savings plan of \$500 for babies born in Alberta's centennial year and thereon. I agree with this concept because this is not a baby bonus like in other jurisdictions where the governments give out thousands of dollars in cash to parents for every baby born to encourage population growth. Now, in Alberta \$500 is all they put aside if the parents register the infant in a registered educational savings plan, and if not registered in an RESP, no money is put in. Also, I notice that when the child turns 8, 11 and 14, another \$100 is added to his or her RESP, which is great.

The money is not accessible to the parents to spend and can only be spent on post grade 12 education and training by the registered child. So the money cannot be available and used after 18 years. Now, after 18 years, graduating from high school, if the child does not go further with his study or training, the money is not given out.

An Alberta registered education savings plan encourages Alberta parents to think about their children's future, about Alberta's future. They also can capitalize on the federal matching dollars on the

education savings. Even if they do not have their own money to put in at the beginning, in total the money doesn't go anywhere except spending on the education of Albertans, on paying the universities, colleges, in the construction of buildings, and teaching staff.

There is a question that people brought forward: why not every child, or why only starting in 2005? Well, I would say that it has to start at some milestone. The centennial year, 2005, is very appropriate. If given to all children 18 years and younger born before 2005, to me there is not enough funding, not enough money. Money is already earmarked for other expenditures, unless we cut back from those.

Also, there is a notion that there is no assistance to the children or students of today. I would say: yes, there is. All the children born before 2005 still have their own existing financial assistance which is available to them. Our universities, colleges, trade apprenticeships continue to grow, as usual.

Mr. Speaker, I just want to share with you a personal perspective. My wife and I put our three children through university through our own RESPs a long time ago. They all graduated. We would feel it unfair to fund other people's children's RESPs, but we live in and share the common Alberta society. Besides, I'm thinking about our grandchildren yet to come and our great-great-grandchildren, too, so the question here is: think big; think to the future.

I also have advice to those who have the feeling or the concept that: if I cannot have it, you cannot have it either. That is a terrible attitude. So I would say: we'll just look to the future, and I support this bill a hundred per cent.

Thank you, Mr. Speaker.

The Deputy Speaker: Questions? Comments?

Seeing none, the hon. Deputy Government House Leader to close debate on Bill 1?

[Motion carried; Bill 1 read a third time]

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

Bill 16
Residential Tenancies Act

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

Mr. Graydon: Thank you, Mr. Speaker. I'm pleased to move second reading of Bill 16, the Residential Tenancies Act.

The Ministry of Government Services is responsible for this legislation. Government Services consulted a wide range of stakeholders on the proposed amendments incorporated into this legislation, and they support the changes that are being brought forward. The stakeholders consulted included landlords, tenants, consumer groups, associations, municipal landlord and tenancy advisory boards, and tenancy experts.

The proposed amendments are of several types. There are amendments to create an alternative dispute resolution process for landlords and tenants, amendments to improve rights for landlords, amendments to improve rights for tenants, amendments to clarify existing wording, and a few housekeeping amendments as well.

4:00

The key amendments: I'll go into those in a little more detail. First, the alternative dispute resolution process. We are proposing to add regulation-making power to establish an alternative dispute resolution process through which landlords and tenants can settle disputes outside of court voluntarily. Government Services will be

working with Alberta Justice and other stakeholders to develop an efficient and cost-effective dispute resolution system.

The RTA, the Residential Tenancies Act, code of practice. Mr. Speaker, some disputes arise because landlords and tenants do not understand their responsibilities or they do not understand the legislation. Government Services plans to develop, separate from the Residential Tenancies Act, a voluntary code of practice for use by landlords and tenants. This voluntary code will not be legislated in the Residential Tenancies Act, but the code of practice will serve as a plain-language resource for landlords and tenants in interpreting the act.

Section 11, notice to terminate tenancy of employee. The tourism industry has approached government with a concern in the area of staff housing. The Employment Standards Code permits employers to terminate the employment of a probationary employee for just cause without requiring a notice period. The Residential Tenancies Act as it now reads requires employers to give these probationary employees a week's notice of eviction from their staff housing. The tourism industry is concerned with the prevalence of vandalism and abuse by these employees during the week after they've been fired and before they've been evicted from the staff housing that they're living in. Employees who live with these fired employees for that week also share the employers' concern.

The ministry of Government Services will take the proper time to consult with all stakeholders affected by this provision before making a change. Consequently, it is proposed that any new notice period for termination of tenancy for employees would go into regulation after this act has passed. It is proposed that these provisions mirror the Employment Standards Code.

Dealing with minimum housing standards, or the landlord's covenants. Currently the act requires landlords to ensure that the rental premises are habitable. That is a term that is open to interpretation. To be clear, that provision is amended to require landlords to ensure that their rental premises meet the minimum housing standards set out in the Public Health Act. These standards already apply to landlords and the rental housing.

Putting this provision in the act makes it clear now that this act and the Public Health Act interrelate. Since it is an offence under the Public Health Act if these housing standards are not met, there is no need for a duplicate offence under the Residential Tenancies Act.

Regarding the termination of periodic tenancy by a landlord, Mr. Speaker, there are two types of tenancy: fixed-term and periodic. Fixed-term tenancies end on a day specified in the agreement. A periodic tenancy they can renew or continue without notice. The proposed amendments will ensure that landlords cannot terminate a fixed-term or periodic tenancy when a tenant issues a complaint under the Residential Tenancies Act or the Public Health Act. The act is currently silent on this issue for fixed-term tenancies. So filing a complaint won't result in you getting turfed out.

Regarding the prohibition re the termination of tenancy. Mr. Speaker, the proposed amendment to the act will also prevent landlords from punishing tenants, either financially or by other retaliatory means, when a tenant issues a complaint against the landlord under the Residential Tenancies Act or the Public Health Act.

Concerning the termination of tenancy for substantial breach by the landlord. If there is a substantial breach of the tenancy agreement, a landlord is able to terminate a tenancy by serving 14 days' notice to the tenant or by successfully applying to court for a termination order. The proposed new section in the act would give a similar recourse to the tenant if the landlord has committed a substantial breach by failing to meet the minimum housing standards under the Public Health Act.

Termination of tenancy for damage or assault. Currently if a tenant causes significant damage to the premises or assaults a landlord or tenant, they can be given 48 hours to move out. We are proposing that this time period be reduced to 24 hours because of damage to the premises or threat of assault to the landlord or a tenant.

Section 40, frustrated tenancies agreement. Provisions dealing with frustrated tenancies agreements are being clarified. An agreement is frustrated if the premises are destroyed or severely damaged. The amendment would provide for frustration of the agreement if the rental premises are dangerous to public health or safety.

Regarding the direction of residential tenancies legislation, one proposed amendment creates the role of a director of residential tenancies to oversee the management of the Residential Tenancies Act. The director will be assigned responsibility for inspection and investigations of potential breaches of the act.

Regarding offences and penalties, Mr. Speaker, this bill contains amendments setting out the department's authority to inspect the landlord's records, perform security deposit audits, and investigate potential offences. These provisions reiterate the department's current authority to inspect and investigate through the Government Organization Act. Department investigators have and use discretion in determining if an infraction warrants a full investigation.

The proper amendments will make it an offence if a landlord fails to keep proper records and if landlords fail to show these records to investigators if requested to do so. Currently if a landlord is successfully prosecuted for violating the act, the tenant needs to launch a civil action to recover any prepaid rent. It is proposed that if a tenant prosecutes successfully, the courts be allowed to award refunds of prepaid rent to the tenant. This will save time for both the tenant and the courts.

Limitation period. An additional proposal would increase the limitation period for prosecution under the act from the current one year to three years. This will result in consistency with other Government Services' acts, such as the Real Estate Act, which we amended last year, and the Fair Trading Act.

Regarding the ministerial regulation-making powers, the final amendment we are proposing to Bill 16 will provide the minister powers to make regulations for the fees a landlord can charge for late rent and NSF rent cheques. This is apart from adding regulation-making powers that would address notice of termination for employee tenants and the alternative dispute resolution process, which we talked about earlier.

Mr. Speaker, Alberta has good legislation for landlords and tenants. With these few changes, which are supported by the stakeholders and have been checked out by them, it will be the very best landlord and tenant act in Canada.

Thank you.

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

Mr. MacDonald: Thank you, Mr. Speaker. It's with interest that I rise to participate in the debate on the Residential Tenancies Act this afternoon, as proposed by the hon. Member for Grande Prairie-Wapiti. Certainly, I would like to express my gratitude to some of the individuals in the Ministry of Government Services, who provided a brief explanation of this legislation a couple of weeks ago and who have responded with some information regarding the questions that we had initially asked. This legislation, if passed, is going to, of course, come into force, and the Residential Tenancies Act from 2000 will be repealed.

Now, there certainly are some initiatives in here that are worth

highlighting and I think are worthy of support from this side of the Assembly. Whenever we are considering giving tenants the same rights as landlords to terminate tenancy within 14 days' notice in the case of a substantial breach by the other party, that is certainly worthy of support. Allowing landlords to evict tenants with 24 hours' notice instead of 48 hours' notice if the tenant assaults or threatens to assault landlords or another tenant or causes substantial property damage, well then, that is certainly in line.

4:10

There is certainly a need here – and hopefully it's going to be addressed – to ensure that landlords cannot punish tenants if they make a complaint under this act or the Public Health Act. Perhaps in the course of the debate we can find out how many complaints are lodged now. How much of a problem is this? Certainly, another interesting proposal through this legislation, Mr. Speaker, is the provision for the alternative dispute resolution mechanism for tenant landlord disputes so that they don't have to go to court.

Now, I asked, and I appreciate the information that I received on this from a Mr. Jim Kiss from the Government Services department. I was curious about the volume of residential tenancy cases that presently go to the court in this province and how much of a volume that was. I have received information back from Mr. Kiss, and I would like to share this with the Assembly, Mr. Speaker, that there are approximately 6,000 cases per year that go through the court system involving landlord and tenant issues.

If this legislation, this proposal for an ADR, the alternate dispute resolution mechanism, is to go forward, we could reduce that by half. We could reduce that even by one-third, by 2,000 cases. I think that would be significant. I think it is certainly worthy, and let's try it. Let's see what happens. Perhaps it'll even be more successful than reducing court appearances by one-third. It would free up the courts for other matters.

This legislation is going to affect a lot of people. I'm going to be anxious to hear the comments from the hon. Member for Calgary-East and the hon. Member for Calgary-Currie. I understand that they have a committee, and they are discussing basement rental suites with citizens from Medicine Hat and Lethbridge, Fort McMurray, Red Deer, Canmore, certainly the city of Calgary, the city of Edmonton. It is also, I think, an endeavour that is worth noting that is, as I understand it, trying to improve safety and provide for more affordable housing across the province, to study this whole idea of what is a legal and what is an illegal basement suite. How will they be affected by this bill, Bill 16? I would be interested to hear what those hon. members have to say.

Also, there are some concerns that I have, and, certainly, I'm going to hopefully get an opportunity in the next couple of days to discuss any reservations that some Albertans may have towards this legislation, Mr. Speaker. The hon. Member for Grande Prairie-Wapiti talked about the extensive consultation process, and we have not heard back on this side of the Assembly from anyone with any reservations about that legislation. Hopefully, now that we're having a discussion here, if there is anyone with reservations or concerns, they will bring them forward before this bill possibly could become law.

Now, when you're talking about striking a balance between the rights and the responsibilities of landlords and tenants, quite a few people will have an opinion. The Ministry of Government Services has stated that it did three years of consultations before drafting this bill, and I know that Alberta Justice is working very hard to put in place a framework for this alternative dispute resolution process that will be outlined in the regulations of this bill. I don't know if it should be in the legislation, but every work of legislation is a work-

in-progress. Any changes that we make here that are aimed at making the process more fair seem to be favourable.

I would like, and hopefully I will get the opportunity, as I said, to discuss this with a few groups. We've had some consultations, and the Edmonton Social Planning Council has indicated that they're in favour of these changes. The Edmonton Apartment Association indicates to date that they are also in favour of these changes. So we're going to have to wait and see.

There certainly are some questions that I have – and hopefully we can get to these in committee – in regard to how this legislation would affect boarding houses, where the landlord actually resides in those quarters. How are those tenants protected in this province?

Also, a social care facility licensed under the Social Care Facilities Licensing Act. What is the difference between what's being proposed in Bill 16 and what is currently in the Social Care Facilities Licensing Act?

Mr. Speaker, I also have some concerns – and we discussed these with the officials from the Ministry of Government Services. I understand that there has been a consultation process that went to Jasper and Banff to discuss with the tourist industry how this legislation would or would not affect them. Many of the operators at the ski resorts and many of the hotels in Banff and Jasper and Lake Louise hire large numbers of young people, some of whom are housed in residences owned by the respective enterprise. How are they affected by this?

Also, the oil field industry. Was the oil field industry consulted? Were the drilling contractors consulted? There are large construction projects occurring as we speak in Alberta's north and some, in fact, all across the province. There are a large number of Albertans who live in permanent construction camps. The city of Fort McMurray, for instance, would quickly come to mind.

4:20

How are those individuals affected by this legislation? There are thousands and thousands of Albertans who could be innocently caught up in this bill, and their employers could innocently be caught up in this. I would like to know who was consulted in the construction industry, what was said, and who was consulted in the oil and gas industry? A rig probably moves on a weekly basis in the southeast corner of the province. Up in the Peace country it could move on a monthly basis. It's hard to say. It depends on how deep you're drilling. Are those people affected by this legislation?

Now, I understand that there is additional consultation underway that will include the oil field industry and the construction industry as well as the tourist industry. I would like to know if this consultation process is going to be finished and if we're going to be able to have a report on this before we possibly make this bill into law.

I'm also told that the proposed legislation does not specifically deal with this issue that I have discussed at this time because consultation with all the stakeholders, as I said, has not yet been completed. Once this is done, I'm told, the resulting direction will be the accommodation as required. Before we go on, particularly beyond committee, with this bill, I would like to get some clarification on these issues. I think that in light of the number of Albertans who are housed temporarily under these situations who could be adversely affected by these legislative initiatives and also their employers, who are footing the bill for these camps – what rights do they have? We need to get this straightened out before we pass this bill.

Other than that, Mr. Speaker, at this time I would like to say that overall this looks like it's going to be fair to both the landlord and the tenant. I'm looking forward to hearing from any interested Albertan, whether they own rental property or whether they're

renting. Contact us at the Official Opposition if they have any reservations or any observations to point out in regard to this prospective legislation.

Thank you.

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

Dr. Massey: Thank you, Mr. Speaker. I'd like to make a few comments at second reading of Bill 16, the Residential Tenancies Act. There seem to be three major principles that the act is built around. The first is fairness, the second is flexibility, and I think the third is obligations. I think they are three sound principles on which to build an act like this because the violation of those principles is the very area that results in grief both for tenants and for landlords. So I think they're sound principles to build the act upon.

I think the fairness principle is really one that is extremely important, and the act devotes a great deal of attention to fairness, centring on concerns such as terminations. How will the agreements be terminated, both by tenants and by landlords, trying to set out a process that makes it fair to both and to prevent some difficulties before they arise. I think fairness with respect to rent increases and how they're to be handled and the obligations that the landlord and the tenants have with respect to rent increases but, most importantly, the obligations of the landlord.

I think an area that hasn't been much touched on in the past is the conversion of rental units to condominiums, and I think people will welcome the provisions in the act that again set out the ground rules for landlords should they want to convert their properties to condominiums and also provide fair notice to tenants who maybe find themselves in the situation where the units that they occupy are going to be converted into condominiums.

It addresses security deposits and again attempts to set out a set of fair rules for how these deposits are to be treated by the landlord and sets out the provisions that must be followed with respect to that money while it's being held by the landlord and what the tenants may expect with respect to the deposits that they make.

An important area with respect to fairness – and anyone that's been involved with rental property will welcome the sections that do deal with the recovery of damages. It's often a very emotional area, where people become very excited in terms of how damages to property are to be handled. Again the thrust of the bill is to try to set out provisions that are fair to the landlord and to the tenant. Most importantly, I guess, in terms of fairness it sets out some remedies, the way that the disputes can be settled. I think the provision of a dispute resolution provision, even though it's voluntary, is new ground and a good way to proceed.

The obligations are rather extensive as they're set out for landlords. It makes it very clear how they are to act, how they are to involve their tenants, and what's expected of them in terms of their behaviour, as it does for tenants. What are the obligations of tenants? If you're going to rent a piece of property, how should you behave, and what is expected of you in terms of payments and in terms of treatment of property and in terms of working with the landlord to make it a good experience for both parties involved?

So I think that with those brief comments and, as I said, the focus on fairness and flexibility and the obligations of those involved, I'll listen with interest as the bill proceeds through committee stage. Thank you, Mr. Speaker.

The Deputy Speaker: Comments? Questions?

If there is no one further, the hon. Member for Grande Prairie-Wapiti to close debate on second reading.

Mr. Graydon: Since there is no more debate, we will call the question on second reading then. Thank you.

[Motion carried; Bill 16 read a second time]

4:30

Bill 10
Justice Statutes Amendment Act, 2004

[Adjourned debate March 3: Mr. Hancock]

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

Ms Blakeman: Thank you very much, Mr. Speaker. As the Official Opposition critic for Justice I'm pleased to have an opportunity to respond to this bill. I have to say right off that I'm pleased to see this coming forward as an amending bill rather than trying to put stuff through miscellaneous statutes, which is an ongoing complaint from me. So I commend the minister for having collected all of these smaller amendments. We are amending several acts here: the Jury Act, Judicature Act, Court of Queen's Bench Act, Court of Appeal Act, Provincial Offences Procedure Act, and, finally, the Queen's Counsel Act. So this becomes an omnibus bill, in fact.

I would object to this bill but for one thing, and that is that the request for the changes have come through the Rules of Court Committee, which is the group that generally does recommend these kinds of changes. Then they come forward and are validated in legislation exactly through this kind of Justice Statutes Amendment Act. What's being allowed here is that there's a shift allowing that the *Rules of Court* will be validated through a process that involves coming through the Lieutenant Governor in Council, which is, in effect, the cabinet, but they are still being generated and requested through that Rules of Court Committee.

I have great problems, as the Speaker well knows, having heard me speak so often on this, with having any new permissions moved under the Lieutenant Governor in Council rather than coming forward as changes through legislation. However, in this case you've got a highly qualified group of people who are the generators of these sorts of requests to begin with, and any future requests for changes in how the courts operate would continue to be generated by this group, but now the less substantive changes will in fact be made by cabinet without having to come before the Assembly.

Since the people that are likely to be most affected by these changes work in a fairly close community, their access to the changes in the new information is not a concern to me. I'm sure that they will share the information with each other and that the lawyers and the court clerks and the members of the judiciary, of course, will be very familiar with what's possible here. Of course, the laypersons, the Albertans out there, are not likely to be aware of what those rules were in the first place, never mind what the changes are. There will be some people that are interested in this kind of thing and follow it, but in that case they'll have to be following the changes coming through an order in council.

The minister in *Hansard*, March 3, 2004, pages 315 and 316, has laid out fairly clearly what's being changed, but he is a lawyer and does use that lawyer language, so maybe I'll try it again in a bit more flat-footed approach to this.

Essentially, there's a very minor change in the Jury Act. What we have here is a trial involving an amount of money in a certain range. It wasn't clear whether a judge could restrict it to a judge-only trial, and there appeared to be an option that it could go to a jury or a judge. In a lot of cases in this day and age – sorry; I'm just going to stop here. We don't understand, because we watch so much American television, how few jury trials we actually have in this country. Usually, most of our trials are in fact decided by a judge

alone, and that in some ways saves us a lot of money, because really what we're arguing are points of law, which is why, in fact, it's heard by a judge. It's really only when you get into the sort of bigger, sensational trials that you have a jury involved.

What this is going to do is allow for the most cost-effective and the most appropriate process to be used by the parties. This is providing that jury trials are not available in situations where the court has decided or determined that an expedited process as set out in the *Rules of Court* can be applied. Basically, because it's unclear right now, it's the ability to use an expedited process where one of the parties wants a jury trial. So that's the argument. Somebody wants a jury trial, and really it's not appropriate to have a jury trial. This will now allow the judge to say: no; it's just going to be by judge alone. There. That was the layperson's version of that.

The Judicature Act has two sections in it that are being changed here. There's quite a long section about periodic payment of damages. What's happened is that often where damages are awarded – for example, in a catastrophic accident where someone is permanently disabled – there will be a very large settlement that's awarded, and it tends to be given in a lump sum, which is not always the best idea. But it's given in a lump sum because you need agreement between the parties at every stage if you're going to break it into what they call periodic payments or we could call an instalment plan. But you had to go back to court and get agreement every time you did this, so people tended not to do it, and you ended up with a lump sum.

Part of the concern there is – and I don't know if this is just inclination from people. The idea of getting the big chunk of money up front was that you were supposed to take it and use it to, you know, make changes to your home, sort of those high-end expenses that you get into that are costly at the beginning, and then put the rest of it away and manage the money yourself. Unfortunately, what's happened is that people tend to spend the whole lump sum, and then they're coming back going: well, I still need more to live on. So what this is going to allow – and it lays out a lot of rules around how it will happen – is that you can negotiate for periodic payments up front instead of being stuck with just having no option, having to deal with the lump sum.

The second part of what's being altered under the Judicature Act is the Judicial Compensation Commission. This is about setting pay for judges. We, of course, in Canada have two levels of judges, the Provincial Court judges and the Federal Court judges. This is going to allow for a co-ordination. It's actually setting out the specific dates that the group that sets these amounts meets, and in the end it will all co-ordinate.

Essentially, for the year 2009 and subsequent years the provincial commissions will occur one year after the federal commissions. So the feds are going to set their rates; the province is going to follow along a year later. But it takes a bit of juggling to make that happen, so what we've got is commissions meeting every three years from now until 2009, and then they're held every four years, essentially. But it's just the juggling that you need to make that time all line up.

We've got the Court of Queen's Bench Act. This is another one where the Lieutenant Governor in Council, the cabinet, in other words Executive Council, will get the power to make rules of a substantive nature in order to avoid validating the rules periodically. So that's exactly what I was describing in the beginning.

4:40

We've got the Court of Appeal Act. The same thing. This is giving cabinet the ability to change the rules, which validates the rules, rather than having to come back before the Legislative Assembly.

Provincial Offences Procedure Act. This is the one around electronic documents. As we've moved more and more into the use of electronic documents, we've had to kind of update our rules because we had some very clear rules, you know, the ones about the parking tickets and the speeding tickets: the paper copy has got to be signed by the person that does it. Well, how do you do that with an electronic copy? Not possible. So that's stalled our ability to move into more electronic government, electronic business. This will allow electronic documents to come into more common usage through provincial offences, which I think is an excellent idea. That will save a few trees, I'm sure.

The last issue is the Queen's Counsel Act. There's an ability to appoint people as Queen's Counsel. Up to now there's been no ability to remove people as Queen's Counsel, and every now and then we have a respected member of the bar who is not really a very respectable person for their actions and needs to be removed, and that's allowing that to happen.

That's a very brief overview of what we're looking at with Bill 10, the Justice Statutes Amendment Act, 2004.

At this point on behalf of the Official Opposition I'm willing to support what's being proposed here in principle in second reading.

Of course, we have sent the bill out and asked for comment, and I'm sure that we'll hear back from anyone that has any serious questions, but this has come forward from the legal community, which tends to consult with itself a fair bit. If there are any concerns, then I'll look at bringing them forward under Committee of the Whole and making amendments then. So at this point I'm willing to support Bill 10 at second reading.

Thank you.

[Motion carried; Bill 10 read a second time]

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

Mr. Zwozdesky: Thank you, Mr. Speaker. It's been a very productive week, as all members in the Assembly would undoubtedly agree, and on that basis I would move that we now call it 5:30 and adjourn until Monday at 1:30.

[Motion carried; at 4:45 p.m. the Assembly adjourned to Monday at 1:30 p.m.]