## Legislative Assembly of Alberta

Title: **Tuesday, March 9, 2004 1:30 p.m.**
Date: 04/03/09
[The Speaker in the chair]

head: **Prayers**

**The Speaker:** Good afternoon.

Let us pray. Grant us daily awareness of the precious gift of life which has been given to us. As Members of this Legislative Assembly we dedicate our lives anew to the service of our province and our country. Amen.

Please be seated.

head: **Introduction of Guests**

**Mr. Mar:** Mr. Speaker, I'm pleased to introduce to you and through you to members of the Assembly Dr. Glen Roberts, director of health programs of the Conference Board of Canada. Under Dr. Roberts' direction the Conference Board recently completed some very important new research on cost drivers and cost escalators in the Canadian health care system. The report documenting the board's findings was released this morning in Ottawa, and an overview was presented to the Standing Policy Committee on Health and Community Living earlier today. This project was sponsored by the Department of Health and Wellness, and the report will be made available to other provincial and territorial governments.

The report provides projections through to 2020 and looks at the impact of items such as home care and drug costs, which really puts health care sustainability as an issue in a new perspective and clearly makes the case that additional funding alone is insufficient to sustain our health care system in the long term. Major system reform including a close look at the best practices of other countries is needed if we are to ensure that health services of comparable quality are available to Albertans in the future.

Mr. Speaker, Dr. Roberts is accompanied by Mr. Fred Horne, director of sustainability for my ministry. They are in the members' gallery, and I would ask that they rise and please receive the warm welcome of this Assembly.

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

**Rev. Abbott:** Thank you, Mr. Speaker. It gives me great pleasure today to introduce 55 of Alberta's brightest and best. They come from the Calmar school in Calmar. They are accompanied by teachers Mrs. Sue Biddell, Gerry Gibbs, Kathy Timmons, by parents and helpers Mrs. Ine de Martines, Mrs. Tammy Vandenberghe, Mrs. Kathy Nielson, Mrs. Dawn Fryk, Mrs. Alice Hager, Mr. Rick Fitzowich, Mrs. Kathleen Sikliski, and the bus driver, Mrs. Jeanette Deakin. I'd ask them all to stand and receive the warm welcome of this Assembly.

Thank you.

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

**Mr. MacDonald:** Thank you very much. Mr. Speaker. I would like to introduce to you and through you to all hon. members of this Assembly three classes from St. Gabriel school in the constituency of Edmonton-Gold Bar. There are 55 representatives from the school: 49 polite and thoughtful students, three teachers, and three helpers. The teachers are Ms Rita Sibbio, Mrs. Svetlana Sech, and Mrs. Joanne Friedt. The helpers are Mrs. Tammy Toronchuk, Mrs. Melanie Sinclaire, and Mr. Ken Lettner. They are in both the members' gallery and the public gallery, and with your permission I would now ask them to rise and receive the warm and traditional welcome of this Assembly.

Thank you.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. I'm very pleased to rise today and introduce to you and through you to the Assembly a gentleman who is trying my job on for size today, as I will be trying his on later in the week. He joined us this morning in developing our questions for today's question period and asked that we challenge the Premier with tough, pointed questions such as: what is the Premier's favourite colour? A supremely credentialed man in his capacity as a reporter, he has travelled all over North America, mixing and mingling with some of Hollywood's big names. He's interviewed Sylvester Stallone, Harrison Ford, Tom Cruise, and Jennifer Lopez and is today mingling with some much bigger names at the New Democrat opposition offices. He is Graham Neil from CFRN, and he and I are participating in the station's Trading Places feature. I would ask him to rise and receive the warm welcome of the Assembly.

head: **Oral Question Period**

### Utilities Consumer Advocate

**Mr. MacDonald:** The Minister of Energy has again picked the pockets of Alberta energy consumers. Through secret orders ATCO Gas, AltaGas, and the electricity Balancing Pool were commanded to pay for the Utilities Consumer Advocate. This is a far cry from the independent utilities watchdog that the Bolger commission recommended and the Alberta government promised. My first question is to the Premier. Given that the Bolger report stresses that a consumer advocate should be independent and government funded, why did the minister secretly order the gas and electricity sector to fund the office of the utility commissioner?

**Mr. Klein:** Mr. Speaker, I don't know of any secrecy surrounding this decision relative to the Utilities Consumer Advocate. You know, there are undoubtedly questions to be raised, as they have been raised by the media and the opposition, relative to the costs and source of funding for the office of the Utilities Consumer Advocate, but we think that it's entirely reasonable. The advocate's budget is paid for out of the fund that is contributed to by the utility companies, the Power Pool, and that fund is managed independently under government regulation. There's nothing wrong with that. Why would we pay for something when we can get the money elsewhere and make sure that there is an open, transparent, and independent adjudication of the situation?

Part of that fund is to pay for consumer advocacy information and awareness, which is exactly what the advocate's office does. It wasn't meant to stand alone. It was meant to create a voice for consumers within government. The funding is irrelevant.

**Mr. MacDonald:** Again, Mr. Speaker, to the Premier: given that consumers will be made to pay an additional $2.6 million on their bills without any say, why weren't these ministerial orders made public?

**Mr. Klein:** Mr. Speaker, I don't know if that, indeed, is true.

I will have the hon. Minister of Energy respond.

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

**Mr. Smith:** Thank you, Mr. Speaker. The ability for us to put the cost of the consumer advocate in the hands of the Balancing Pool is an exact, appropriate position for this fund because it is focused directly on the consumer and on the utilities and on that particular market. Of course, as the Premier says, it's also responsible for a consumer awareness fund. In fact, if you go back to the gazillion press releases, well, the ones that aren't withdrawn, to the Liberal news release of October 4, 2002: "MacDonald says the government cannot pass the buck onto electricity retailers. It must act now to deliver a consumer education [plan]. . . . surely they can find the money."

**Mr. MacDonald:** This is not about a consumer education program.

Again to the Premier: since 80 per cent of the budget of the Utilities Consumer Advocate now comes from the electricity Balancing Pool, will the Premier finally admit that 80 per cent of consumers' energy complaints are a result of this government's failed electricity deregulation scheme?

**Mr. Klein:** The answer to that, sir, is: absolutely not.

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

### Cattle Industry

**Mr. MacDonald:** Thank you, Mr. Speaker. Last night the hon. Member for Edmonton-Glengarry and I attended along with 100 farmers a public meeting at the Rimbey Community Centre regarding BSE. An official from the Department of Agriculture, Food and Rural Development announced that the federal government is contributing an additional $300 million in BSE support here in Alberta. My first question is to the Premier. Will the Premier now demand that the Auditor General, Mr. Fred Dunn, report on the $400 million Alberta BSE aid package before this federal program is rolled out so that if there have been mistakes, they will not be repeated?

*1:40*

**Mr. Klein:** Mr. Speaker, what the feds do is entirely up to the federal government. Our Auditor General, Mr. Dunn, as capable as he is, has nothing to do with the federal government programs and, as far as I know, has no authority to investigate programs entirely funded by the federal government.

Mr. Dunn on his own has launched an Auditor General's inquiry, I guess, or probe or investigation, whatever you want to call it, into the BSE issue and specifically into whether the $400 million in Alberta government money was properly spent and went to the right places and for the right reasons.

**Mr. MacDonald:** Again to the Premier: what efforts is this government making to ensure that the federal program goes to the small producers, the ones that need the most help?

**Mr. Klein:** First of all, Mr. Speaker, I must confess that I know nothing of the federal program and this additional $300 million. Perhaps the Deputy Premier can shed some light on this, because I know absolutely nothing about any additional funding coming from the federal government.

**Mrs. McClellan:** Mr. Speaker, I'm not sure where the hon. member gets his information on this subject or any other, because I spoke to Minister Speller last evening, and to the best of my knowledge, unless it came out very early this morning, there was no program announced. Three hundred million dollars is not a figure that I have heard anywhere. However, we do tend to deal more in fact than in fantasy on this side of the House. So if the hon. member would like to share his information, perhaps we can shed some more light on it.

**Mr. MacDonald:** I already have.

Now, again to the Premier: given that the official last night also admitted that strategic documents do exist regarding contingency plans if the border with the U.S. does not reopen, will the government table those contingency plans now?

**Mr. Klein:** Mr. Speaker, as far as I know, contingency plans are being prepared in the event that the border does not reopen. As you know, the U.S. is going through a comment period right now, and hopefully we won't experience the same thing that we experienced the last time around where another case of BSE was discovered, a case of mad cow disease in Washington state, where apparently the cow came from Alberta.

I know of no document that's lying around the department of agriculture relative to a contingency plan. I do know that officials in that department are working on a contingency plan with the industry, as I understand it, and will file that plan by the end of April.

### Calgary Emergency Health Services

**Dr. Taft:** Mr. Speaker, a year ago now the inquiry into Vince Motta's death found Calgary's emergency services in crisis and under siege and recommended that unless there was dramatic improvement, a public inquiry should be held. Tragically, things are getting worse in Calgary's emergency wards with wait times growing and patients left on the floor for lack of beds. While this government has tens of millions of dollars for new health care information systems, it doesn't seem to have the money for the emergency services Albertans need. My questions are to the Premier. Can the Premier explain why his government allows emergency room wait times in his home city of Calgary to climb despite recommendations from the Motta inquiry for, quote, dramatic change?

**Mr. Klein:** Mr. Speaker, we do recognize and understand completely the emergency situation in Calgary. What I would advise the hon. member to do is to stay tuned and work with us.

**Dr. Taft:** Will the Premier admit that a desperate bed shortage caused by his own government has forced the health region in Calgary to call more than twice as many code burgundies in the past six months as in all of last year?

**Mr. Klein:** Mr. Speaker, the assertion that any bed shortage in Calgary was caused by this government is absolute blarney. Baloney, blarney, as they say as St. Patrick's Day is coming up.

Mr. Speaker, as a result of the closure of some hospital beds . . .

**An Hon. Member:** Boom.

**Mr. Klein:** Well, an implosion, yes. Absolutely.

As a result of the closure of some hospital beds and the closure of the Holy Cross hospital, we were able to open up basically the equivalent of a brand new hospital, about 500 state-of-the-art beds that were otherwise being mothballed. So that is basically a new hospital.

What has contributed to the situation in Calgary is the phenomenal growth that has taken place in this city due in part to the economic policies of this government. You know, it's one of the downsides, I guess, of success, of political success, of economic success. One of the downsides of economic growth and prosperity is that you have to meet the challenges of that growth. In Calgary the growth has been phenomenal, but we are working with the Calgary regional health authority to address those needs.

**Dr. Taft:** Will the Premier respect the advice of the Motta inquiry and call a public inquiry into Calgary's beleaguered emergency service before someone else has to die unnecessarily?

**Mr. Klein:** Mr. Speaker, I speak with and I'm sure the hon. minister of health speaks with officials from the Calgary health authority on a regular basis. They apprise us of the problems relative to growth and the pressures it's putting on the system, and we work diligently with the Department of Finance, with the health department, with the region to address those problems.

I'll have the hon. minister supplement if he wishes.

**Mr. Mar:** Mr. Speaker, the region has made significant changes to improve access to emergency care. They're planning this; they're doing it carefully. They want to add additional beds in hospitals. They want to use new technology to track patients according to priority. They are posting quarterly emergency performance reports. I would say that overall it's gone very, very well.

Now, the hon. member wants things done right now; he doesn't want it done right. He would prefer to have it right away as opposed to right. But that focuses on the difference between this government and the opposition. Mr. Speaker, our planning is cautious; it's not reckless. Our responses are thoughtful; they're not knee-jerk. Our solutions are comprehensive; they're not piecemeal. Our strategy is visionary, not myopic.

**The Speaker:** The hon. Member for Edmonton-Highlands, followed by the hon. Member for West Yellowhead.

## Cattle Industry
*(continued)*

**Mr. Mason:** Thank you very much, Mr. Speaker. Last week the Premier was waving around the 1-800 number for the federal Competition Bureau in an attempt to divert attention from his government's failure to address concerns about monopolization and manipulation of cattle prices. The government has done nothing while giant U.S. meat packers lowered cattle prices and tripled their margins on each animal slaughtered. Later today I will table a letter from the federal Commissioner of Competition regarding her jurisdiction in this matter. My question is to the Premier. If the Premier is so sure that the Competition Bureau is able to deal with allegations of price manipulation and monopolization in the packing industry, can he tell Albertans under what circumstances the Competition Bureau can undertake such an investigation?

### Speaker's Ruling
### Questions outside Government Responsibility

**The Speaker:** Hon. Premier, please. The purpose of question period is to deal with matters of administrative competence of the government of Alberta. The federal Competition Bureau is a federal agency. It's not incumbent upon any minister of the Crown in the province of Alberta to comment on federal jurisdiction. Now, if the Premier wants to proceed, he can.

The hon. member.

***1:50*** **Cattle Industry**
*(continued)*

**Mr. Mason:** Very well, Mr. Speaker. Given that the Premier has been telling Albertans that his government does not have jurisdiction in this matter but the federal Competition Bureau does, is he aware that the federal Competition Bureau commissioner has indicated that it can only investigate if there is evidence of active collusion between packers to fix prices?

**Mr. Klein:** Mr. Speaker, I'll tell you that that makes a lot of sense: if there is evidence. You know, this hon. member is shadowing a news reporter. I hope he learns in the course of his journalistic experience the concept of journalism, the fundamental, basic concept of journalism, that says that you need to be fair and objective. He is neither fair nor is he objective, so I hope he learns something.

Mr. Speaker, evidence. That is a very, very strong word. Evidence as opposed to innuendo, evidence as opposed to vague allegations. I have said to the hon. member that if he has evidence that there is any wrongdoing relative to the packers – price-fixing, gouging, anything that's inappropriate – then he should bring that to the Competition Bureau.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. Well, while the Premier waves around the 1-800 number for the federal Competition Bureau, the question that most Albertans have is: why has this government failed to actually ask whether or not a degree of monopolization has resulted in high prices at the supermarket and low prices for beef producers? That's the question, Mr. Premier.

**Mr. Klein:** Interesting question, Mr. Speaker. Again, there is testimony now being taken by a committee of Parliament, as I understand, to ask precisely those questions in that this is a federal government jurisdiction.

Relative to the issue of the $400 million program that was launched to assist farmers, beef producers in particular, as to whether that money was used properly, the Auditor General is rightfully doing an audit of that particular situation. So the bases, I would suggest, are being covered.

I'll have the hon. minister supplement.

**Mrs. McClellan:** Mr. Speaker, I think it's unfortunate that for 10 months this opposition bench was totally silent on the crisis that was facing the beef producers in this province and has not been out in the country attending meetings of 100 or 1,000 farmers or ranchers or feedlot owners to deal with those questions.

Mr. Speaker, absolutely, the Competition Bureau has asked that if anyone has evidence, bring it forward, and that number has been made available.

Mr. Speaker, it is not helpful when this beef industry, which contributes the majority of the agricultural cash receipts and manufacturing in this province, is being, I think, vilified by this discussion. The programs that were developed in this province were developed in consultation and together with the industry, and while in this House it may be quite appropriate to call on government only, I take great exception for the fine people that have given up time from their own operations to work towards a plan that would keep this very valuable industry in our province.

**The Speaker:** The hon. Member for West Yellowhead, followed by the hon. Member for Edmonton-Centre.

### Pollution Standards

**Mr. Strang:** Thank you, Mr. Speaker. The government recently announced that it would be imposing new pollution standards on electricity plants. My main question is to the Minister of Environment. Why are you forcing industry to bear the extra burden of meeting these new standards?

**Dr. Taylor:** Well, Mr. Speaker, I must take a bit of exception to the final statement in his question saying: why are we forcing industry? I want to point out very clearly that we are not forcing industry.

The Clean Air Strategic Alliance, which consists of industry, consists of nongovernmental environmental organizations, consists of the federal government, consists of the provincial government, consists of many other organizations, actually came up with the new standards. About two years ago I asked the Clean Air Strategic Alliance, or CASA, to develop new standards because they work on a consensus-based model. So I know that when I get something from that model, everybody has signed off on it. That means that industry has signed off, the nongovernmental environmental groups have signed off, the federal government has signed off, and the provincial government has signed off on these new standards.

So industry is in agreement with these standards. It's a good step forward, and it gives industry security for the next 20 years as they move forward in developing new electrical generation that this province will need. It's a very positive step and a good step for our province and industry.

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

**Mr. Strang:** Thank you, Mr. Speaker. My first supplementary question is to the same minister. Given that electricity consumers are extremely price sensitive these days, can the minister tell us how much these new rules will increase the cost of electricity?

**Dr. Taylor:** Yes, Mr. Speaker, I can. But I think I should give some other information as well in terms of the reductions of the emissions from these various coal-fired and gas-fired plants.

There will be a 50 per cent reduction in mercury, Mr. Speaker. There will be a 46 per cent reduction in sulphur dioxide, a 32 per cent reduction in nitrogen dioxide, and a 51 per cent reduction in particulate matter. It's particulate matter that causes the yellow haze, and these are the things that cause the yellow haze over Edmonton and Calgary in the wintertime in particular and even now sometimes in the summertime.

Now, in terms of the cost, Mr. Speaker, there will be zero cost to the consumers until 2010, and after 2010 the cost will be about 2 cents a day, or $7.50 a year, which, I believe, is a small price to pay for these kinds of reductions in emissions.

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

**Mr. Strang:** Thanks, Mr. Speaker. My second supplementary question is to the same minister. Greenhouse gases are conspicuously absent from these new standards. Is the province stalling on implementing controls on greenhouse gas emissions for coal-fired generation plants?

**Dr. Taylor:** No, Mr. Speaker, we are not stalling. As you know, Alberta very clearly has an action plan on greenhouse gas reduction. We will continue with our action plan. We've led the way as a government in this action plan. By 2005 90 per cent – 90 per cent – of the power that this government utilizes will be green power, either wind generation or biomass, and it has created a whole biomass industry in this province. So, no, we haven't.

CASA continues to work within their framework on a consensus-based model on greenhouse gas reductions, and they will continue to work at that. Hopefully, in the future they will come up with a result and a solution to that.

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

### Seniors' Benefits Program

**Ms Blakeman:** Thank you, Mr. Speaker. Income thresholds for the Alberta seniors' benefits don't appear to be tied to LICO, the low-income cut-off, or the market-basket measures. My questions today are to the Minister of Seniors. Can the minister explain the basis for the income thresholds that are currently used by the Alberta seniors' benefits program?

**Mr. Woloshyn:** Mr. Speaker, these thresholds come under constant review, and we try to ensure that the people who are getting assistance are looked after adequately. If you look at our thresholds, you will see that they are, in fact, as it pertains to support for health care premiums, much higher than any of the other thresholds.

**Ms Blakeman:** The question was: what's the basis?

Again to the Minister of Seniors: given that the government is moving to tie AISH and SFI rates to the market-basket measure, is the minister considering the same or a similar move for Alberta seniors' benefits?

**Mr. Woloshyn:** Mr. Speaker, we do consult quite closely with the minister of human resources, and we would be looking at how the thresholds would best support the seniors.

I might point out that the hon. member should look at what has been done just very recently. For example, we've got a program that helps the seniors in long-term care whereby if they're on the seniors' benefits plan, they are guaranteed an income of $260. The same happened in the lodges. We have recently increased the lodge tenants' ASB contributions so that they could in fact have money left over after rent, and at the same time the lodge operators were able to continue. So on an ongoing basis, Mr. Speaker, we currently review the needs of the seniors and try to meet them.

***2:00***

I might also point out that if you're going to look at the thresholds, please factor in the fact that if any senior on our seniors' benefits program can show that they have an extraordinary need, they can claim up to $5,000 through the special-needs assistance program.

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

**Ms Blakeman:** Thank you. Again to the same minister: has the ministry done any studies to counter arguments from COSA and others that government policies are impoverishing middle-income seniors?

**Mr. Woloshyn:** Mr. Speaker, we currently meet with any advocacy group. I've met with the SUN people. I've met with COSA. As recently as yesterday I met with the whole board of the Alberta Council on Aging, and I certainly respect their opinions, their input, and where it's feasible within the programming, we would respond to it.

But, Mr. Speaker, I have to point out that this province has the best programs for low-income seniors in Canada and probably all of the United States. So when we do have groups come forward who have concerns, I certainly do pay attention to them and I want to work with them to see if we can in fact, in whatever way possible, improve the state of the seniors.

I would like to point out again that when we had the budget adjustments due to the September 11 activities of 2001, the Seniors budget remained intact, and we were able to maintain and, in fact, improve our payouts to the seniors over the intervening years.

**The Speaker:** The hon. Member for Edmonton-Rutherford, followed by the Interim Leader of the Official Opposition.

### Out-of-province Health Care Services

**Mr. McClelland:** Thank you, Mr. Speaker. I was surprised to learn that last year Alberta Health provided 130,000 services to non-Albertans, primarily through the Capital and Calgary health authorities. We understand that approximately $20 million in service costs has yet to be recovered. My question is to the minister of health. How many services were provided to Albertans by other jurisdictions over the same time frame?

**The Speaker:** The hon. Minister of Health and Wellness.

**Mr. Mar:** Thank you, Mr. Speaker. I'm advised by the Department of Health and Wellness that over the past fiscal year other provinces and territories have provided approximately 72,000 hospital services to Albertans at a cost of roughly $23 million. The top three jurisdictions in which Albertans received hospital services were, first, the province of British Columbia, 37,000 at a cost of $10.8 million; Saskatchewan, 11,000 at a cost of $4.5 million; and the province of Ontario, 9,500 at a cost of $4 million.

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

**Mr. McClelland:** Thank you. My second question to the same minister: how many services in total were provided by Alberta Health over the same time frame?

**Mr. Mar:** Mr. Speaker, I don't have that data in front of me, but my recollection – and I can correct myself at a later time if I am incorrect – is that over the same period of time there were 130,000 services delivered, but I can't say for how many Albertans that was.

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

**Mr. McClelland:** Thank you, Mr. Speaker. Will the minister, then, undertake to ensure that the health authorities affected by the lack of payment by the users are fully compensated, if not by the province or the province concerned, then by the federal government?

**Mr. Mar:** Well, Mr. Speaker, I wish that I could do that, but the fact of the matter is that the amount of money involved is relatively small in the whole scheme of the delivery of health care. One has to keep in mind that the Capital health region and the Calgary health region collectively have a budget of roughly $3 billion between those two health regions. I may stand corrected on the exact figures. But when we're trying to talk about the recovery of $20 or $30 million, it doesn't seem to be a particularly material amount in the overall scheme of how large those respective budgets are.

**The Speaker:** The hon. Interim Leader of the Official Opposition, followed by the hon. Member for Lac La Biche-St. Paul.

### Education Funding

**Dr. Massey:** Thank you, Mr. Speaker. The minister of health recently told University of Alberta students that the province won't be able to put more money into education until it gets a handle on rising health care costs. My first question is to the minister of health. Is the minister telling Albertans that even with recent billion-dollar surpluses there is no money for Learning budget increases?

**Mr. Mar:** Mr. Speaker, I don't purport to speak on behalf of the Minister of Learning as it relates to the size of that budget.

**Dr. Massey:** That's exactly what you did.

My question now is to the Minister of Learning. Does the minister of health's statement mean that the Learning Commission recommendations will be mothballed?

**Dr. Oberg:** No.

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

**Dr. Massey:** Thank you. Again to the Minister of Learning, Mr. Speaker: when will the government abandon this peekaboo funding game and finally provide schools with the dollars that they need to deliver the programs that this government mandates? Forget the peekaboo.

**Dr. Oberg:** Mr. Speaker, in this Legislative Assembly we've got a very wonderful process called the budget process, at which point every year the budget figures for the upcoming fiscal year are made public. For me to talk about the budget in any other fashion would be against the rules of this Legislative Assembly. I can clearly say to him, though, that the Learning Commission recommendations have been taken into consideration in the setting of my budget and that people, I believe, will be pleasantly surprised when my budget comes out.

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

### Child Welfare Services Accreditation

**Mr. Danyluk:** Thank you very much, Mr. Speaker. Last week we heard that Alberta Children's Services is taking steps to improve services to Alberta children, youth, and families by enhancing the accreditation process for contracted child welfare service providers. My question is to the Minister of Children's Services. What is the purpose of this accreditation?

**Ms Evans:** Mr. Speaker, much like hospitals and postsecondary institutions accreditation gives a very thorough and comparable assessment so that the services delivered are of quality and are in fact delivered in the best way possible. We deliver accreditation services to foster homes, to group homes, to residential homes, and in total presently there are 8,411 children either in temporary or permanent care in such accommodation that deserve to know that they're in a place where they are safe and well looked after. Accreditation through a certified agency assures that we are building on that quality standard.

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

**Mr. Danyluk:** Thank you very much, Mr. Speaker. I understand that the accreditation for the welfare services already takes place, but also to the same minister: how is the advanced accreditation going to work, and which agencies are selected?

**Ms Evans:** Mr. Speaker, in 1992 an Alberta Association of Services to Children and Families was formed to define an umbrella organization for certifying agencies. A hundred and forty-five agencies became part of that group. Last year in June we looked at the fact that one agency representing all of the agencies was not only doing the accreditation but was conducting member surveys and providing other training and learning expertise.

We believe that introducing the opportunity for other certifying agencies, people with organizational expertise, can not only improve the service but enhance the various agencies' ability to select services that will give them supports that they need, both for training staff, for helping them in their advocacy position, and most of all for providing us a wider selection of people to assess the scope of the service that's being provided to children.

Mr. Speaker, the bottom line is this. We want the very best possible service in giving quality standards and assurance to Albertans that their children are taken care of safely. We believe we'll get it with more agencies involved in the certification process.

### *2:10* Accessible Specialized Transportation Services

**Mr. Bonner:** Mr. Speaker, funding for accessible specialized transportation in rural Alberta is not addressing a minimal demand. Already in 2004 Innisfail has lost its handibus because it was so old that it failed a road inspection, and Lacombe has had to end its handibus program because of lack of funding, and it cannot find other organizations willing to take on the burden. Accessible transportation isn't so accessible for rural Albertans. To the Minister of Municipal Affairs: given that rural Alberta has been expressing concerns around this issue since 1999, why has this ministry not addressed those concerns?

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

**Mr. Boutilier:** Thank you, Mr. Speaker. The Municipal Government Act of Alberta discharges the responsibility to local authorities relative to the services they provide, and I'm very proud to say that transportation is one of them, dealing not only with just seniors but youth and others.

I would ask the Minister of Seniors also to supplement relative to many of the positive initiatives that have been launched in helping Alberta seniors.

**Mr. Bonner:** To the same minister, Mr. Speaker: when will this ministry live up to its commitment made in 2001 to review the unconditional municipal grant program in order to address funding for accessible specialized transportation in rural Alberta?

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

**Mr. Boutilier:** Thank you. The member is quite correct in that we took together, in fact, a trail system, a special transportation system, but also I would say that as part of the unconditional grant system we have policing in there as well. Of course, the budget is coming out where we're going to be dealing with some of the specific issues relative to policing. I know that the Solicitor General as well as the Minister of Finance will be making comments.

Regarding the issue of seniors and special transportation, clearly the local authority and the municipal councils are working closely with their government when it comes to unconditional grants, and I would like to be able to say that seniors are very important in terms of what we need and how we deliver service to them, which, I believe, we are doing very well here in the province of Alberta.

**Mr. Bonner:** To the same minister, Mr. Speaker: will this minister work with rural specialized transportation organizations and their stakeholders so that all of their needs can be addressed?

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

**Mr. Boutilier:** Thank you, Mr. Speaker. Clearly, I want to compliment every municipal council in this province who worked very closely, as the hon. member mentioned, relative to special needs such as for seniors, but we want to compliment our local municipal authorities for the good work they do with stakeholders. Anywhere the province can be involved in working with our local authorities, we're certainly prepared to have done that in the past, the present, and in the future.

**The Speaker:** The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Edmonton-Castle Downs.

### Mental Health Services

**Dr. Pannu:** Thank you very much, Mr. Speaker. Two recent tragedies bring into sharp relief gaps in Alberta's mental health care system. The executive director of the Alberta branch of the Canadian Mental Health Association said today that there are enough reports on what's failing in the mental health system that the reports, if piled up, would form a stack four feet high, and piled they are, he said, gathering dust on shelves. My question is to the Minister of Health and Wellness. Mr. LaJeunesse is asking what many Albertans are asking: why are mental health patients being deinstitutionalized and have been deinstitutionalized without adequate, timely, and appropriate supports being available for them in the community?

**Mr. Mar:** Mr. Speaker, I have tried my very best to address this question to the House not only this week but in previous weeks and out in public venues as well. We do in fact devote significant resources to the area of mental health services.

We recognize that there is, frankly, a social stigma associated with mental health problems, but we ignore that. We believe that this is a very, very important area of health care to Albertans. We are well aware of what mental health advocates like the Canadian Mental Health Association and the Alberta alliance on mental health tell us about the rates of mental health issues among Canadians, and it is significant. It's the reason why we devote $240 million this year to the delivery of mental health services. It's the reason why we increased our budget from the previous year by about 5 per cent.

Mr. Speaker, we continue to work on a mental health plan, but this is difficult work. There are many different stakeholders out there with many different interests. I think I referred earlier in the week to our current legislation for mental health, which took 11 years to develop because there were so many divergent issues that needed to be consolidated into something that made sense in terms of our legislation.

We'll continue to work with groups represented by people like Mr. LaJeunesse, who has had great input into our mental health plan. We acknowledge that there is a need for community supports for individuals with mental health problems when they are deinstitutionalized. We also recognize that there are some people

who will always need the services of good facilities like Alberta Hospital Edmonton and Alberta Hospital Ponoka.

So, Mr. Speaker, we're working on our plan. We want a consensus among stakeholders in the mental health community to move forward on this very, very important plan.

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

**Dr. Pannu:** Thank you, Mr. Speaker. To the same minister: why do gaps in prescription drug coverage continue to exist for Albertans with a diagnosed mental illness, and what action is the government going to take to close those gaps?

**Mr. Mar:** Well, again, Mr. Speaker, earlier this week in this Assembly I did attempt to address this question by talking about our support for drugs through our Blue Cross plan, through drugs that are covered in hospitals, for programs that cover drugs for people who are of lower income in this province. That includes psychiatric drugs.

Let me say this. We have a good system, but by no means is it perfect, Mr. Speaker, and if we can say that we are delivering the right service to people 99 per cent of the time, we would say that that's a pretty good system. But, frankly, if 3 million Albertans each accessed the health care system just once in a year and we got it right 99 per cent of the time, which people would laud, the 1 per cent of cases still yields tens of thousands of Albertans who might have fallen through the cracks. We are striving to improve our system for the health care system and for mental health as well.

**Dr. Pannu:** My second supplementary to the minister, Mr. Speaker: why are so many of those diagnosed with mental illness homeless on our streets, including Whyte Avenue in my own constituency of Edmonton-Strathcona, and what is the government planning to do to make sure they have secure and adequate housing?

**The Speaker:** Well, there are about half a dozen questions in there, so take the first one, hon. minister.

**Mr. Mar:** Well, Mr. Speaker, this is the first time I've had the opportunity to answer a multiple-choice question.

You know, there are significant things that are being done with respect to mental health and its connection with other areas, be it the minister responsible for homeless issues or whether it's with respect to work that's being done with the Minister of Justice and Attorney General for dealing with these issues, but we recognize that there are a disproportionate number of people who are homeless who do suffer from mental health problems.

We do have crisis teams that are mobile. We're able to get to where people are. We recognize that they may not come to a particular locale for treatment, but we do have mobile teams that go out and reach where these people actually are. So, Mr. Speaker, again, we have a good system. We have a very good system. We have difficulty reaching everybody because there are some who avoid, frankly, our help.

**The Speaker:** The hon. Minister of Seniors to supplement.

**Mr. Woloshyn:** Yes. Thank you, Mr. Speaker. Very briefly, I might point out that we're fully aware that too many of our tenants in the homeless shelters are in fact suffering from some mental affliction, but we have to also appreciate that they have rights and they belong to the community.

In addition to that, we have through the Canada/Alberta affordable housing program opened up a significant number of spaces in conjunction with people such as Horizon Housing in Calgary, with the city of Grande Prairie, and some also in Edmonton. So the problem is being addressed, and we're trying to do it in a sensitive fashion with the people who can most help the program, in this case very largely the Canadian Mental Health Association.

**The Speaker:** The hon. Member for Edmonton-Castle Downs, followed by the hon. Member for Edmonton-Riverview.

### *2:20* Aboriginal Organizations

**Mr. Lukaszuk:** Thank you, Mr. Speaker. The Minister of Aboriginal Affairs and Northern Development publishes a quarterly document entitled A Guide to Aboriginal Organizations in Alberta. The latest of these documents has been released this February, and it lists some 199 aboriginal community organizations. My question to the minister: are all of these groups funded by Alberta taxpayers?

**Ms Calahasen:** Well, Mr. Speaker, as the member is aware, this guide is a valuable resource, and we're very proud that we've been doing this since 1981. In fact, the lists of the organizations here are from Indian bands to tribal councils to national organizations and even private-sector organizations. We in the province of Alberta do fund some components of the various groups; as an example, the native friendship centres and the Métis Nation of Alberta and a few others. But most, if any, that we do fund are usually project to project.

Mr. Speaker, these are not government-run organizations, so our support varies. I think it's important to recognize that as we do whatever we can to build relationships, we do work with the organizations. The intent of this list is to ensure that people know which organizations exist in the province of Alberta.

**Mr. Lukaszuk:** To the same minister, Mr. Speaker: what types of services do these 199 groups provide, and is there any duplication?

**Ms Calahasen:** Well, for your information the list on this is really a good list, and I'll table it later. There probably are some, but we don't know that because these are not government-run organizations. We do try to work with them in order for us to be able to determine what services they do serve to the aboriginal organizations and aboriginal Albertans. So what we're trying to do, Mr. Speaker, is to make sure that people do know what exists and who they can contact and to make sure that they can get the necessary projects or programs that they will get out of these organizations.

**Mr. Lukaszuk:** My last supplemental to the same minister: are these groups accessing any other funding, perhaps from the federal government as well?

**The Speaker:** Hon. member, there's no way a minister can deal with that. If she indicates that she doesn't know if these have any provincial funding, how would she know if they have anybody else's funding? It's a list.

The hon. Member for Edmonton-Riverview, followed by the hon. Member for Airdrie-Rocky View.

### Sour Gas Wells

**Dr. Taft:** Mr. Speaker, thank you. Despite significant environmental and health risks, six new sour gas wells may go ahead near the proposed southeast Calgary hospital site. All the while Calgarians wait in desperate need for a new hospital. My first question is to the

Minister of Energy. Given that Alberta already has over 5,000 producing sour gas wells, can the minister explain why, despite the health and environmental risks, these particular six are so important?

**Mr. Smith:** Well, Mr. Speaker, it's actually a good question. If one were to examine the application by Compton Petroleum, the purpose of the new gas wells – and they're horizontal gas wells, using made-in-Alberta technology, new technology that Albertans have invented and created – is to extract the sour gas at a faster rate than what is in place right now. This means that if the project is approved and the sour gas is extracted, it will be all done, completed, and abandoned by the time a new hospital is in fact constructed in this area.

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

**Dr. Taft:** Thank you, Mr. Speaker. To the same minister then: can he give the citizens of Calgary a sense of how many years they're going to have to wait for this to be accomplished?

**Mr. Smith:** Well, Mr. Speaker, what we do know is that there are hearings for sour gas drilling and that they're being held by the Alberta Energy and Utilities Board, that has a record of being a world-class regulator, that has a process for hearings about sour gas wells and is in a position to be able to comment on the area of response, the ignition in case anything occurs, drilling practices, past experience, competency of the company. All of these factors are taken into account in an open, transcripted, fully transparent hearing process.

Mr. Speaker, all that one has to do is wait and watch the regulatory process unfold, and then at such time you'll be able to look at the record of production for each well, then look at the size of the reservoir, do a preliminary math calculation, that anybody could do, and then calculate the amount of time to extract all the gas that is left in that reservoir at a process much faster than what is in place now. That's the purpose of this application.

**Dr. Taft:** Mr. Speaker, my question was simple, and every Calgarian is interested in it. When you say that it's much faster, how long is this going to take: three, five, 10, 15 years? How long?

**Mr. Smith:** Mr. Speaker, the question is simple because the member is not aware of what goes through the development of gas reservoirs in this province. At one time it was felt that Alberta was running out of gas, that we were down to the last nine years of gas reserves. Well, since that time we've been able to double our production. We now produce over 13 billion cubic feet a day. We produce it in Calgary. We produce it in Edmonton. We produce it in Grande Prairie, Manyberries, and Medicine Hat. The point is that the process is directed to be the same for every gas well that's licensed in this province.

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

Hon. members, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

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

**The Speaker:** The hon. Member for Peace River.

**Mr. Friedel:** Thank you, Mr. Speaker. It's my privilege and pleasure to introduce 66 visitors from the La Crete public school this afternoon. These would be very hardy students and, I would suggest, some very patient teachers, because they travelled more than 10 hours yesterday, almost 900 kilometres, in two yellow school buses for a visit to Edmonton and to the Legislature. The students are accompanied by their principal, Kathryn Kirby; teachers Morgan Coates and Steve Cole; and parents and helpers Kathy Reid, Tina Unruh, Mary Friesen, Liz Froese, Ruth Janzen, Henry Harder, and William Janzen. They're seated in the members' gallery, and I'd ask them to rise and receive the traditional warm welcome of this Assembly.

**The Speaker:** Well, hon. Member for Peace River, unfortunately I do not think we have an award awarded to students for coming the greatest distance, but we should have one. So, Mr. Clerk, you have another assignment this afternoon.

## head: Members' Statements

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

### Capsule of Life Program

**Mr. Lord:** Thank you, Mr. Speaker. Today I rise to promote an innovative new idea occurring in Calgary which is helping ambulance paramedics save the lives of patients who are having an emergency in their home. It's called the Capsule of Life program. It is designed to help people organize their pertinent medical information and store it in an easily accessible location for emergency responders. To date 25,000 of these capsules have been distributed with great success free of charge to Calgarians.

Let's face it, Mr. Speaker. No one wakes up in the morning thinking that they might have to call 911 and ask for an ambulance that day. Most people have not memorized the names of all the medications they may be taking nor the details of their medical histories and conditions, but these pieces of information can be absolutely vital in an emergency. In an emergency it is often even more difficult to try and remember all of these things, or the patient may even be comatose or unconscious.

How it works is that you record your own pertinent medical information in a simple little plastic capsule, which is then stored in your refrigerator. Why the refrigerator? Well, because every home has one, it is easily located in an urgent medical emergency, and people remember where they put it.

***2:30***

The capsule of life program is funded through the Calgary EMS Foundation. The Calgary EMS Foundation is an independent charity that operates and funds innovative programs designed to help keep Calgarians healthy and safe.

This program is a success story from many angles. It is a success for the lottery funding in this province as well as the EMS Foundation since the foundation received their initial grant to start this program from lottery funds. Since then, they have been able to acquire a major corporate sponsorship, which allows them to continue distributing these capsules free of charge.

I would encourage more Alberta communities, individuals, and even all of us to take a look at this program and see if we can't help implement or improve a similar program in our ridings. It works, it helps save lives, and it only costs a buck or two per capsule.

Congratulations to the Calgary EMS Foundation for their success with this program.

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

### Seniors' Week 2004

**Ms Kryczka:** Thank you, Mr. Speaker. As chair of the Seniors Advisory Council for Alberta I'm very pleased to inform Albertans that the 18th edition of Seniors' Week in our province is rapidly approaching. Seniors' Week 2004 is from June 6 to 12, and Alberta communities and seniors-based organizations are already busy planning special events to pay tribute to Alberta's seniors.

The theme of Seniors' Week 2004 is Seniors in Alberta: Building and Contributing. This theme speaks to the ongoing contributions of seniors in helping to shape the Alberta that we enjoy today. In the coming weeks Albertans will be seeing this theme and a new beautiful image on two posters and a Seniors' Week 2004 planning events guide.

These promotional materials are designed to build awareness of Seniors' Week and to energize all Albertans into learning more about Seniors' Week activities in their area. That can include taking in a Seniors' Week event, volunteering their time to assist with an event in their community, or begin developing their own community-based gathering that honours seniors. Over 3,000 promotional packages are being distributed province-wide, and as a part of this package the Seniors' Week planning events guide provides a number of handy tips and resources to help Albertans plan and design Senors' Week events for audiences from five to 500.

Last year Seniors' Week 2003 was one of our most successful as close to 50 communities, towns, and cities officially proclaimed the first full week in June as Seniors' Week. Two hundred and thirty events were registered with the Seniors Advisory Council for Alberta, and we knew that there were many more that were not registered but were occurring.

Over the course of Alberta's 99-year history seniors have made and continue to make an indelible difference in our province. Seniors are our family, friends, neighbours, volunteers, and community leaders actively working and involved to enhance the quality of life of all Albertans and leaving a legacy for future generations to follow.

I encourage Albertans young and old to contact local seniors' organizations and get involved, and to everyone in this Assembly today please join me in giving your support for Seniors' Week 2004.

Thank you.

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

### George Reitmeier

**Mrs. Jablonski:** Thank you, Mr. Speaker. On Sunday, February 29, 2004, at the Red Deer community sports banquet the city of Red Deer presented its most prestigious sports award to George Reitmeier, a man who has dedicated much of his life to helping Alberta's special athletes achieve their highest goals. George Reitmeier, who is 71 years old, is a two-time winner of the Alberta Special Olympics coach of the year award and was named Canadian Special Olympics coach of the year in 2002.

Except for swimming and snowshoeing George has coached every sport in the Special Olympics and is still coaching floor hockey in the winter and slo-pitch in the summer. George says that he will keep coaching as long as his legs hold out.

George got involved with the Special Olympics in 1984 because of his son Mike, who has won numerous speed skating titles as well as North American and world championships. George believes that doing not saying is the key for coaching Special Olympic athletes. George knows that demonstrating a skill is worth a thousand words and that these athletes learn more from seeing things being done than by being told.

George is happiest when he's coaching the grassroots athletes in the Special Olympics, those who aren't expected to excel on the provincial, national, or world stage. He believes that if given the chance, these special athletes can develop their athletic abilities to the highest degree. George says that the three most important things in coaching at this level are patience, patience, patience.

I ask the Members of the Legislative Assembly of Alberta to join me in congratulating George Reitmeier for his outstanding gift of coaching to our Special Olympic athletes and for receiving the city of Red Deer's sportsman's award for 2004.

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

### Provincial Fiscal Policies

**Mr. Mason:** Thank you very much, Mr. Speaker. For the last two weeks my office has been flooded with phone calls, faxes, and e-mails not only from farmers and members of the cattle industry but from Albertans who are fed up with the disrespect this government shows toward taxpayers and their hard-earned dollars.

When the first case of mad cow was discovered in May of 2003, Albertans recognized the economic, cultural, and historic importance of our beef industry and rallied to show support for cattle producers and their families. Albertans supported the expenditure of 400 million taxpayer dollars to support the beef industry because they believed they were helping Alberta farmers.

Mr. Speaker, taxpayers had the right to believe that while the government was distributing short-term compensation, they would also be developing a contingency plan should the border remain closed or at least be fighting to get the borders reopened. Last week the Premier revealed that 10 months after the crisis began, there is still no contingency plan, and the government was too arrogant and self-assured to bother presenting arguments to open the borders during the American government's last comment period.

This isn't an isolated incidence of the abuse this government heaps upon Alberta taxpayers. Taxpayers willingly support postsecondary education only to discover that when their children are ready to attend university, the government has allowed ever-increasing tuition fees to put postsecondary education out of reach for many of their children.

This government continues to burden Albertans with high premiums for health care. Albertans are happy to pay taxes for their health care, Mr. Speaker, but they can't help but be frustrated at bearing a disproportionate amount of the burden while friends of the government in the oil and gas industry get royalty holidays and other giveaways.

Let me say this clearly and for the record: Albertans should not be forced to shoulder the burden created by the mismanagement of electricity deregulation, BSE compensation, auto insurance, health care, and the list goes on.

When it comes to the careless spending of taxpayers' dollars, this government is getting harder and harder to distinguish from the federal Liberals. In fact, the only difference is that the federal Liberals at least have the integrity to allow all-party standing committees to investigate program expenditures.

## head: Presenting Reports by Standing and Special Committees

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

**Ms Graham:** Thank you, Mr. Speaker. In accordance with Standing Order 94 the Standing Committee on Private Bills has reviewed the petitions that I presented Monday, March 8, 2004, and I can advise

the Assembly that all but two of these petitions comply with Standing Orders 85 to 89.

The committee has considered the remaining petitions and recommends to the Assembly that Standing Order 89(1)(b) be waived for the petitions of Northwest Bible College and Brooklynn Rewega, an infant, by her legal guardian and father, Doug Rewega, for a private act that will grant an exception to the law that provides for maternal tort immunity for prenatal wrongful conduct subject to the petitioners in these two petitions completing the necessary advertising before the committee hears the petitioners.

Mr. Speaker, this is my report.

**The Speaker:** Does the Assembly concur in the report? All those in favour, please say aye.

**Hon. Members:** Aye.

**The Speaker:** Opposed, please say no. Carried.

head: **Introduction of Bills**

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

**Bill 19**
**Public Trustee Act**

**Mr. Hancock:** Thank you, Mr. Speaker. I request leave to introduce Bill 19, the Public Trustee Act.

This bill would replace the current act, which has been in force since 1949 with minor amendments. The Public Trustee, Mr. Speaker, provides essential services to protect the assets of vulnerable Albertans when no one else is willing or able to act on their behalf. This updated legislation is the result of a 2002 consultation with the legal and insurance industries, estate planners, administrators, and Albertans. The new act will allow the Public Trustee to serve clients in as effective and efficient a manner as possible.

***2:40***

This being a money bill, Mr. Speaker, I have a message from Her Honour the Lieutenant Governor indicating that "it is my pleasure to recommend for your consideration the annexed Bill, being Public Trustee Act." Signed March 9, 2004, by Her Honour the Lieutenant Governor.

[Motion carried; Bill 19 read a first time]

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

**Bill 20**
**Minors' Property Act**

**Mr. Hancock:** Thank you, Mr. Speaker. I also request leave to introduce Bill 20, the Minors' Property Act.

This is in some manner a companion act to the Public Trustee Act in that the Public Trustee also takes care of the financial interests of minors and vulnerable Albertans.

This bill replaces the existing act by deleting outdated provisions, updating provisions that are still important to protecting the financial interests of young Albertans. The underlying principle of the Minors' Property Act is that dealings with a minor's property, contractual claims, or legal claims should be made in the minor's best interests.

[Motion carried; Bill 20 read a first time]

head: **Tabling Returns and Reports**

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

**Mr. Mason:** Thank you very much, Mr. Speaker. I'm tabling today five copies of a December 3, 2003, letter from the federal Commissioner of Competition to the House of Commons agriculture committee saying that the Competition Bureau will not be launching an inquiry because high prices and profits by meat packers are not contrary to the federal act.

**Mrs. McClellan:** Mr. Speaker, I rise to table on behalf of my colleague the hon. minister of health a report the Conference Board of Canada released today entitled Understanding Health Care Cost Drivers and Escalators. This report sounds an alarm to be heard by anyone truly dedicated to sustaining public health in Canada and whose ears and minds are open to resolutions and solutions that will make it happen, because it will not happen with the system that we have today.

**The Speaker:** Hon. members, a number of members today referred to simply the minister of health. Actually, the correct title is the Minister of Health and Wellness.

head: **Orders of the Day**

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

**Bill 17**
**Agricultural Operation Practices**
**Amendment Act, 2004**

**The Speaker:** The hon. Member for Leduc.

**Mr. Klapstein:** Thank you very much, Mr. Speaker. It's a great pleasure for me to stand today and move second reading of Bill 17, Agricultural Operation Practices Amendment Act, 2004, the amendments to the Agricultural Operation Practices Act, known as AOPA.

As I said when I introduced this bill, it will provide more clarity for the Natural Resources Conservation Board, NRCB, who administers the act, provide more clarity to confined feeding operators who are looking at changes to their operation, and more clarity on the role of municipalities.

The Natural Resources Conservation Board became responsible for regulating confined feeding operations in Alberta on January 1, 2002. Since that time, it became apparent that there were several technical areas that needed clarification. This clarification has now been provided.

For example, existing municipal development permits and health authority permits for confined feeding operations are deemed approvals under AOPA. The Natural Resources Conservation Board has sole responsibility for enforcing and amending conditions on these permits.

With the exception of land-use provisions NRCB approval officers will not be bound by the provisions of municipal development plans. Ancillary structures other than residences will be considered part of a CFO, or confined feeding operation, and will not require a development permit from the municipality.

The AOPA will regulate the composting of agricultural materials at agricultural operations except for dead animals, which will continue to fall under the Livestock Diseases Act.

The NRCB will have the authority to take emergency corrective

action and recover costs if an emergency order is not complied with and the situation poses an immediate environmental risk, a common approach also used in other jurisdictions in protecting the environment.

The NRCB will have greater discretion to determine what the minimum distance separation, or MDS, should be for a residence that lies within an existing operation's MDS when the operation applies for an expansion. Any landowner can waive the MDS requirements. Previously, only other CFO operators had this ability.

Residents and landowners located adjacent to a smaller sized CFO for which a registration is required will now be able to provide the NRCB with information pertaining to how they feel that the operation meets or does not meet the technical standards within AOPA.

A buffer will be required between residences and other public buildings when manure is not incorporated. As well, persons who apply or transfer more than 500 tonnes of manure per year will be required to keep records. This has increased from 300 tonnes.

Passage of these amendments will provide greater clarity for all concerned. These changes are a result of a stakeholder consultation from May to November of 2003. It was my pleasure to be the chair of the steering committee.

Mr. Speaker, I urge all members of the Legislature to give these amendments their full support.

I move adjournment of debate on second reading consideration of Bill 17. Thank you.

[Motion to adjourn debate carried]

## Bill 18
## Maintenance Enforcement Amendment Act, 2004

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

**Mr. Hancock:** Thank you, Mr. Speaker. It's my pleasure today to introduce Bill 18 and move second reading.

The Maintenance Enforcement Amendment Act, 2004, provides the maintenance enforcement program with some new and essential tools. The maintenance enforcement program provides essential services to Alberta children and families. Among the program's clients are single-parent and low-income families, and simply put, if child support is not paid, it is low-income families and particularly children that suffer the greatest financial impact.

Currently the program administers over 48,000 files on behalf of 63,000 children. In fiscal year 2002-2003, the last full year for which figures were compiled, the program collected more than 78 per cent of maintenance payments that were due. While this is an impressive compliance rate, it translates, Mr. Speaker, to nearly 14,000 children each month who do not receive the financial support to which they're entitled.

With Alberta having the fastest growing population in Canada and a divorce rate of about 40 per cent, the program's caseload is expected to reach 60,000 files by 2007-2008. One of the goals of the Department of Justice, with the help of the tools provided in this bill, is to improve the collection of maintenance payments so that we can increase financial security for Alberta's children and families.

Improving the program's ability to effectively collect on all files is essential to ensuring that future generations of Albertans will live up to their full potential to become productive members of our society. Collecting the support that is due to these families will ensure that Alberta's strong economic and social fabric remains intact for generations to come.

Too often child maintenance is not being collected despite the best efforts of the program. I have to say, Mr. Speaker, that we have a very strong program, very strong staff, people who dedicate their time and energy to collecting on behalf of children, but notwithstanding the good efforts of the program too often child maintenance is not collected. Too often debtors find ways to avoid their responsibilities to their children. This bill contains several important collection tools designed to improve the program's enforcement authority.

Over the years the program has built strong partnerships with others, including employers and banks, to aid in the collection of maintenance. Now more want to come on board to help support Alberta's children and families. This legislation will require other government departments and private entities to notify the program when payments are being made to a defaulting debtor. Notification will allow for payment arrangements to be made with the debtor or for the program to intercept the payments.

Because the Western Canada Lottery Corporation is one group that wants to assist in the collection of maintenance, the regulations will allow the attachment of lottery ticket winnings in excess of $1,000. This will ensure that lottery winnings go to the support of the family of a debtor who has maintenance obligations. Manitoba is already doing this very successfully.

***2:50***

As they can with registered retirement savings plans currently, the program will also be able to intercept locked-in retirement accounts, or LIRAs, so that these funds can be applied to arrears and benefit the debtor's family now, when they need it the most. More details on these new partnerships will be in the regulations.

The program will also be able to restrict recreational hunting and fishing licences when a debtor is in default, in line with current procedures during drivers' licences. Debtors who make payment arrangements with the program will not lose their ability to hunt and fish. I want to stress in this area, Mr. Speaker, that what we need to have with maintenance enforcement is the ability to get the attention of those people who are not fulfilling their obligations to their children, and I make no apology for using every appropriate tool to get that attention.

No one can claim that they are denied a privilege in this province by virtue of the restrictions under the Maintenance Enforcement Act or under this amendment because they always have the opportunity to reobtain those privileges by taking care of their obligations to their families.

When a defaulting debtor is a member of a self-governing profession, like a lawyer or a doctor, the program will have the ability to report noncompliance with the court order to the governing body of the profession for resolution or action as that body deems appropriate.

Again, Mr. Speaker, I'd stress that debtors can avoid all or any of these collection actions simply by making and keeping appropriate payment arrangements with the program. It's as simple as making a phone call, sitting down and saying: "I'm ready to live up to my obligations to my children. Can we work out an appropriate payment plan so that I can meet my current obligations and pay some appropriate sum towards any arrears that have been built up?" It's the program's job to encourage compliance with court orders so that children and families receive the support to which they are entitled.

Another goal of the Maintenance Enforcement Amendment Act is to promote compliance and more effective use of the program's resources by its clients. This bill will help to achieve that goal by establishing the potential for deterrent fees. Mr. Speaker, I would like to emphasize that this is the first time that the program will be charging deterrent fees since its inception in 1986, but we feel that

the deterrent fees have become necessary to encourage compliance with court orders and the efficient use of program resources.

In some cases it is difficult to get clients to comply with maintenance orders or to provide the program with information which it needs and which they are obliged to provide. This results in extra efforts expended by the program in terms of time and resources that could and should be devoted to providing better service to all of its clients. It's important to keep in mind that any charges will only be incurred by clients who refuse to comply with the court order or intentionally withhold information from the program. Again, these measures will be applied against those people who do not fulfill their obligations and who do not follow the requests of the maintenance enforcement program to provide information.

In June 1998 the MLA review committee released its report concerning maintenance and child access in Alberta after consulting with the public across the province. I might just reference again for the House that that committee was chaired by the Member for Calgary-Lougheed. The review committee initially proposed that debtors bear the costs that arise from the additional work caused by their default. Members of the review committee recommended this both as a tool to encourage compliance and to recoup enforcement costs for the Alberta taxpayer. Now under Bill 18 a default fee will be charged to defaulting debtors who are not complying with a payment plan. If debtors contact the program and make and keep payment arrangements, they will not be charged default fees. This will maximize the incentive for voluntary payment.

Fees will also be charged to debtors who bounce cheques to reduce the amount of valuable time spent by program staff dealing with following up on NSF payments. When debtors fail to complete a statement of finances, a tool for financial disclosure, the administration of the file is further delayed. A fee will be charged to debtors who do not comply with requests to file a statement of finances.

When a creditor fails to report payments received from the debtor, this could result in the program bringing unnecessary enforcement action against a debtor who is not in default. Consequently, creditors who do not report payments made directly to them by the debtor will be charged a fee. Parties requesting substitutional service of documents through the program will be charged a fee to help offset the program's cost in providing the service. Lastly, fees will be charged to clients who reregister their files after withdrawing them from the program. Closing and reopening files is a very time-consuming process.

I should point out, Mr. Speaker, that all the fees charged will be equal to or less than the program's actual cost of performing the required actions. Again, all charges are avoidable if clients keep their file information up to date, contact the program to make payment arrangements, and keep their payment obligations. Not only will clients avoid charges, but they will receive improved client service as the program can focus its time and resources on answering client inquiries and collecting on difficult files.

In terms of the collection of these charges creditor charges will be deducted from funds collected on their behalf only in those months when the program has been successful in collecting the full amount of ongoing maintenance due to them. Debtor charges will be collected in the same manner as maintenance.

Funds collected will be paid out first to the creditor in the full amount of the current month's support. If there are arrears, 90 per cent of the balance would then go to the creditor arrears and 10 per cent to the outstanding deterrent fees owed by the debtor. It's important to remember that the program does not collect maintenance from anyone that the courts decide cannot pay. These charges will be incentive for clients to decrease actions that tax program resources unnecessarily, resulting in increased service for all clients.

Again, I would like to emphasize, Mr. Speaker, that the goal, the objective of this act and the objective of charging these fees, is so that we can have the resources in the program to raise the compliance level from the currently high 78 per cent to a number in the 80s or the 90s so that Alberta's children can have the resources they need to maximize their potential.

Service improvements which can be effected if we can devote resources appropriately will include reduced wait time on the telephone, the acceptance of payments at 226 registry offices in Alberta, increased networking and referrals to resources in the clients' communities, and staffing a direct telephone line for employers.

Other amendments will help the program gather the information it needs to enforce a court order for support. This includes expanding the number of organizations and the type of information that the program can access to locate debtors and their assets. Access to justice will be improved in cases where the parties reside in different jurisdictions, as these amendments allow the program to advise their clients which reciprocating jurisdiction is handling their file where the other party lives outside of Alberta. Clients will then know where to send their court applications to vary maintenance orders, and program staff can explain the reciprocating program's practices and legislation.

The program will also be able to provide the courts in Alberta and other jurisdictions with contact information for serving court applications. This supports the commitment made by all provinces to streamline processes and increase co-operation among jurisdictions. As well, the program will be able to share file information with police to promote public and client safety.

So, Mr. Speaker, Bill 18 is an important piece of legislation which will allow Alberta's maintenance enforcement program to work more effectively for Alberta's children and their families while at the same time ensuring the program's viability into the future. It will provide children and families with better financial support, and that is our main goal. I urge all members of this Assembly to give Bill 18 their full support. Thank you, Mr. Speaker.

I would move that we adjourn debate on Bill 18.

[Motion to adjourn debate carried]

head: *3:00* **Government Bills and Orders**
**Committee of the Whole**

[Mr. Shariff in the chair]

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

**Bill 13**
**Forest Reserves Amendment Act, 2004**

**The Deputy Chair:** Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Olds-Didsbury-Three Hills.

**Mr. Marz:** Thank you, Mr. Chairman. Today I'm bringing forward amendments under the Forest Reserves Amendment Act, 2004, on behalf of my colleague the hon. Minister of Sustainable Resource Development. The amendments that we're proposing are part of a continuing process to update our legislation to be more effective, to make it consistent with other legislation, and to reflect present practices in Alberta.

This proposed adjustment will update the wording in the legislation to reflect changes that have occurred in the department in the

administration of the act. Previously, only forest officers could carry out duties in regard to the act. The proposed adjustment will broaden the scope of those who can administer the act.

In regard to acquisition of land, we're adjusting wording in the legislation so that it's consistent with the Public Lands Act. We've also deleted parts of the act that are duplicated in other legislation.

Mr. Chairman, we're proposing that the Minister of Sustainable Resource Development assume responsibility for future regulations under the act. Now the Lieutenant Governor has that role, and it must be done through legislative changes. This change would make it easier to amend and update the regulations in the future by allowing the minister to do so without going through a formal legislative process.

The issue of noxious weeds was also raised. This government is very concerned about controlling the spread of noxious and restricted weeds, and it's also an international issue that governments everywhere are dealing with. We're proposing an addition to the legislation to be able to address the need for control and destruction of restricted and noxious weeds on forest reserve lands. This positive and productive approach to the issue can have a positive impact on the environment, the land base, fish and wildlife, and other land users.

Finally, Mr. Chairman, we're suggesting a much-needed increase in financial penalties for violations of the act. These changes will further encourage compliance with the legislation and ensure sustainable use. The first change will increase the maximum amount that can be assessed for offences under the act. The fine for being charged with an offence under the act has been set at $5,000 a day. This is consistent with assessments for offences under other acts such as the Public Lands Act.

Another change will allow the Minister of Sustainable Resource Development the authority to assess administrative penalties for minor violations under the act and regulations. A maximum of $5,000 per day will be set for this purpose under the act as well. This change is being proposed to streamline the processing of minor violations. These changes will improve enforcement by ensuring uniformity when dealing with contraventions, act as a deterrent, and ensure consistency with other legislation such as the Public Lands Act.

Mr. Chairman, during second reading of this legislation a number of questions were brought up by members of the opposition, and I indicated at the time that I'd be pleased to respond in more detail during committee. Now I'd like to take the opportunity to do so. The first area that I want to address is the idea that this bill is giving sweeping powers to the minister with the suggested amendments. Another point that was raised by the Member for Edmonton-Ellerslie was that the minister could use these regulations to usurp the authority of both the Forests Act and the Public Lands Act. This is clearly not the case.

As I've mentioned before, the last review of this legislation occurred in 1980. As a government we are being responsible in ensuring the legislation that governs us is up-to-date and reflects the reality of what is occurring in the landscape. There's nothing sinister about this, and we're not giving sweeping powers to the minister as was suggested by a number of the hon. members.

Any changes to regulations must be in line with existing pieces of legislation, including the Forests Act and the Public Lands Act, Mr. Chairman. We need to have current legislation that will allow us to effectively manage our public lands and forest reserves, whether it's making changes to how we administer the act or what penalties are in place for those that contravene it. The government needs to have effective legislation in place to ensure good stewardship of our public lands. That's the real intent of this legislation.

Also, for the record, when it comes to working through regulations, we certainly don't do this in isolation. We work with stakeholder groups and interested members of the community on these regulations. This is clearly the way we reflect what really needs to be said in law to manage our resources. Especially in this particular ministry, staff are out in the field talking all the time to disposition holders, community members, and industry about issues. To think that we're doing things without any attempt to discuss it with Albertans is simply not the case.

Regarding the questions that were brought up about expropriation, which is mentioned in section 6, the current wording is also found in the bill opposite section 6, and the power of that expropriation already exists in the act. Currently the Lieutenant Governor can authorize the minister to expropriate land if necessary, and that's not changed. Under the new act the Lieutenant Governor would still provide authorization if expropriation were necessary.

Although expropriation would rarely be used, the legislation will still allow for this option if necessary. Expropriation would only be used as a last resort, failing negotiations for the sale or exchange of land. Furthermore, any expropriations would continue to be governed by the rules of procedure and practice of the Expropriation Act.

The hon. member also asked why personal property is included under this act. Well, this section is consistent with the wording in section 13 of the Public Lands Act, and we're talking about section 6(b) of the Forest Reserves Amendment Act, 2004. Personal property could include improvements such as fencing or watering facilities or perhaps even portable corrals.

The hon. member also asked how the process of exchanging public land will be fair and whether the process would be made public. Under section 6(c) existing processes now used under the Public Lands Act would apply. Exchanges are done on a voluntary basis and normally done where there's a benefit to both parties. To ensure that the process is fair, private appraisals would be completed for both parcels to determine fair value of the land. I can say from my personal experience in my constituency where these types of things have taken place that other interested parties such as leaseholders or even trapline holders are consulted before that process takes place. Land exchanges are private business transactions, however, and are not normally made public.

Also, one of the hon. members asked about the establishment of fee for services. This is simply the enabling provision for establishing grazing fees under the act. Grazing fees are not new; they're currently allowed for in the regulations. The changes allow for the creation of new fees under the regulation, if necessary, to transfer grazing rights.

Right now there are no provisions for implementing fees for transferring grazing rights under this act. We've talked to permit holders about the issue, and they agree that there may be a need for such a fee in the future. The Public Lands Act currently has assignment fees for transferring grazing rights from one individual to the other, so this amendment would merely make it compatible with the Public Lands Act. No other fees are being contemplated.

New provisions have already been added to any provisions that already exist in the act today. We have in fact deleted one prohibition that restricted the use of firearms and air guns in forest reserves. This is already covered under other legislation such as the Wildlife Act, and there's also federal legislation covering the use of firearms. So that is amply covered.

Under section 8 the hon. member asked why the administrative penalties are the same as those given for an offence under section 10. This simply gives the department the option of enforcement actions for specific contraventions of the legislation. For minor violations

administrative penalties would be used. For more serious or repeat offenders a court-imposed fine could be used under section 10. We need to remember that the penalty amounts that are specified are maximums, and penalty assessments in most cases would be less than the maximum allowed. The maximums would be reserved for the more serious offences.

The member also asked about the posting of signs. Again, this is a carry-over of an existing provision in the act. We want to ensure that appropriate signs are used to mark trails to alert the public to livestock grazing. We also want to limit posting of signs by other people for other purposes. We have to remember that this is the wilderness area and we don't want it cluttered up with a lot of unauthorized signs.

*3:10*

Mr. Chairman, another issue brought up yesterday concerned who the minister will appoint to administer the act. It was suggested that the minister would be contracting out this administration, perhaps to private companies. This is certainly not the case. Existing staff within the Ministry of Sustainable Resource Development who are professional agrologists will also administer this act.

An issue regarding needed attention being provided to watershed management issues on forest reserves was brought forward in debate. Certainly as a government we, too, are concerned with protecting lands that are a major source of water for the North and South Saskatchewan River systems. That is one of the reasons that we have legislation in place protecting the Rocky Mountain forest reserve. All planning and land management decisions within the reserve are made with attention to good watershed management.

Mr. Chairman, another question was brought up regarding the use of pesticides for weed control. Pesticides are only one form of weed control. Weeds can also be controlled by other methods such as mechanical, manual, or other biological means. Various weed control methods have been used on forest reserve land for years. We simply want to clarify in the legislation the responsibilities for this activity. In regard to weed control the faster you can find noxious or invasive species of weeds, the better and the more effective you can be to control them and prevent their spread throughout the area.

One of the last questions or comments that was raised last time we debated this was the idea that these amendments would make it easier for business or industry to gain unfair access to forest reserves. These amendments clearly do not give industry any easier access to forest reserves. However, that being said, at the same time we will be maintaining the existing rights of users. For instance, the use of an area for livestock raising will not limit or restrict the ability of other users such as recreational users and access by the public.

In conclusion, Mr. Chairman, as I've mentioned, these adjustments that I have outlined will update the legislation to reduce duplication, provide consistent wording within the legislation such as the Public Lands Act, and we have added important new pieces to the legislation that will ensure continued access to public rangeland in the Rocky Mountain forest reserves while ensuring environmental integrity of the land base.

We have held targeted consultations with stakeholders, and they have expressed no major concerns.

Thank you.

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

**Ms Carlson:** Thanks, Mr. Chairman. I would like to thank the member for the responses he gave me to my questions that we had in second reading. However, I'm not completely satisfied with all the responses we got, particularly the one where you talked about SRD as a normal course of their business having consultation with people in the community. Random or periodic consultation is quite different than when you're taking a look at adding amendments and redrafting a bill, going out and consulting all stakeholders who are directly affected, including environmental groups, which in this case wasn't done to my knowledge.

Then there's the overall concept of this tinkering with this legislation. It's true that the Forests Act hasn't been overhauled for a very long time period. For many years now we've been asking for a complete overhaul of this act because it's archaic in many ways, particularly in the management styles that it puts forward. So we were expecting sometime soon, this year or next year, a process starting that would be like the CASA-like boards, where you bring people from industry and environmentalists and directly affected people like landowners and municipalities into the decision-making to talk about what's working with the Forests Act and what isn't working with it because there are any number of concerns.

We thought that when that happened, the ministry would be taking a look at it from the perspective of cumulative impact for the whole province because everything you do in the forest directly affects every other aspect of our life and our geography and our flora and fauna in this province from water to land management to herd management to people management to recreation management. All of those issues are directly affected and need to be talked about. As we see more pressures in our forest reserves, we need to make sure that the decisions we're making today can be managed and are sustainable for decades to come, not just a short while. It doesn't seem like any of that's being addressed in this particular legislation.

Now, we've got a great deal of concern from the environmental groups that we went out to to consult on this particular bill. One of those for sure was section 4, where the change is to "all forest reserves . . . are set apart . . . for the maintenance of conditions favourable to an optimum water supply," the new addition being "in those reserves." What this talks about then, as we see it, is that SRD is interested in water quality inside the forest reserves but isn't taking any responsibility for impact outside of those reserves. I would like the Minister of Environment to respond to this because definitely managing our water supplies has an enormous impact on water quality across not just Alberta but Saskatchewan and Manitoba, who are also directly affected provinces.

So here we see a time when municipalities are taking a much greater interest in the management of land and watersheds than the provincial government is. The first government that should be taking direct responsibility is the provincial government, and it doesn't seem to be happening here.

A particular concern of the Sierra Club was that the amendments speak to the issue of the government allowing the forest industry to control access to the forest reserves. If you go back in history and take a look at what those reserves were initially set up to do, it was to ensure conservation and protection of water.

You know, the forests are the key to us being able to recapture some of the water that we have lost over time, and they are particularly an integral part of managing our water strategy in the future. We don't see any of this being addressed in this act, and I'm wondering why that is. As we see these proposed amendments coming forward, they look like they're trying to guarantee access to forest reserves for other uses like industry, and we may see future public access denied or management styles denied. So if you could respond to that.

The biggest concern in this bill still is the degree of change there is from taking these forest reserves from a public responsibility over to the private sector, and that really makes it impossible to coordinate an effective forest management strategy. We've seen the impact of some of those recently.

We've seen the kerfuffle there was at the Bar C Ranch Resort on the company that was going to go in there and do some selective logging but also some clear-cutting. Bar C fought that, and the community fought that, and ultimately that logging was stopped at least for the time being and for good reasons, most particularly what happens when you log on riverbanks, the kind of soil erosion that happens there, and how you lose your ability to capture the water on the land base and it dries out. It's not good for the forests, it isn't good for any of the users, and it certainly isn't any good for the long-term water management strategy in this province.

This is just for me another indication that SRD has to take back the management of the forests, that we need an overall strategy that focuses on cumulative impact, and that we cannot allow private companies to decide how these forests are going to be managed.

We're also seeing a great deal more interest month by month and year by year in the international market action against companies who are not certified with the forestry standards council, and I've talked about that before in this House. What happens then is that companies cannot compete in the global marketplace, and Alberta is a particularly hard place for companies to get that particular certification. We've heard the minister repeatedly say that he's encouraging the companies to go there, but it's not possible because there are some actual structural impediments in this province to getting FSC certification.

The reason why it's important to get that certification is because forest managers who live up to those principles – there are 10 of them and 56 different criteria – have well-managed forests. When they are unable to do them, then it's a real problem for the long-term sustainability of the forest.

***3:20***

In Alberta there are two fundamental barriers that forest managers face in achieving FSC certification. One is the lack of a scientifically defensible protected areas network in Alberta. We've said for a long time: make the decisions based on science not based on politics. The second impediment is the inability of the Alberta forest industry to manage forests due to the tenure rights and activities of Alberta's oil and gas industry. So we're seeing these forest industries and oil and gas increasingly come into conflict.

It is the government's responsibility, particularly SRD's responsibility, to take on that role and find some solutions. This is a government that always talks about how pro business it is. Well, they are actually acting as an impediment to successful business in the long term in this province if these companies can't get FSC certification, because many individuals and many other companies are refusing to buy from them. Having protected areas is really important for the certification.

We know and this government knows that the long-term maintenance of biodiversity requires an approach that combines both protected areas and ecologically based management of the industrial land base. When these approaches are integrated, they form the basis of a strong ecological forest management, and that's what's required in this particular case in order for us to actually be able to move forward in a progressive manner.

It isn't just the environmentalists that are complaining about this any more. Now we're starting to see other kinds of reports coming out. There was a scientific report that came out in the spring of 2003 that talks about the disadvantages we're facing in this province when we see the rapid drilling for oil and natural gas along with logging inflicting major damage to our boreal forest and threatening to destroy old growth stands and eroding the watershed basis.

This report is particularly interesting because who funded it was a timber company, Al-Pac. Unlike many of the other more narrowly focused scientific papers that we've seen, this one did what we were asking for, which was the cumulative impact, and it took a broad assessment of the combined impacts of human activity, including industrial activity there, on the boreal forest. The impact is severe and significant. It threatens the long-term ability of the forest to produce lumber and therefore jobs and therefore revenues for Canadians.

There's been a lot of controversy about this study since it came out in part because of the criticisms of the Alberta government policies that invite oil and gas drilling and logging on the same landscape but fail to co-ordinate them. That is the key piece. It isn't that you can't have oil and gas and logging; you have to co-ordinate those activities. For at least five years in here I've been asking for cumulative impact studies and for a complete comprehensive review of this Forests Act that would bring all parties who have a vested interest in this to the table to find some solutions, but this government is not prepared to do it.

Part of this report also talked about different industrial sectors continuing to be managed by different agencies using different policy instruments. Environmental protection is handled through piecemeal regulations. We truly expected this legislation to address that, but it doesn't. We hear more piecemeal regulation, and from those who are looking at this through an environmental protection filter, we see that it is negligent in many areas.

A final comment that I'll share from this study is that it stated: "The current system of forest management in Alberta is a relic of earlier times. Essentially unchanged from the 1950s, it was established to maximize economic returns from resource extraction in the north." So that's the key problem with this. It doesn't take a look at long-term sustainability.

As we see this unfolding, it certainly does predict some dire consequences for our forests. Certainly, old-growth softwood forests such as spruce and pine will disappear in 20 years, and we'll be totally reliant on tree farming. Old-growth stands of aspen will disappear in 65 years. Habitat, of course, is directly affected by this. Woodland cariboo, which is already a threatened species, will shrink from 43 per cent of the area to 6 per cent. A rapidly expanded network of roads will cause soil erosion, destruction of water and fish movements, and increased access by humans, which leads to more hunting and poaching. Certainly, within the next 50 years we can see timber shortages primarily because the annual harvest rates are currently based on the rate of tree growth without accounting for loss from fire and the activities of the petroleum sector.

So this government needs to wake up and smell the coffee in this regard because they are not taking care of business. [interjection] Well, it's true. They're not taking care of business in Alberta when it comes to managing our forests, and we want to see a complete review of the Forests Act.

I see the former Minister of Environment is just willing to hop to his feet and correct me on all issues, and I certainly hope he will. We've had this debate many times between the two of us over the years, and I'm certainly willing to continue it because out of that some good ideas were brought forward. I am hoping that he will lobby his colleagues in Environment and Sustainable Resource Development to ensure that we start to take a cumulative impact approach to managing the forests in this province and that we see that kind of legislation coming forward soon.

Thank you.

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

**Mr. Marz:** Thanks, Mr. Chairman. I'd like to take the opportunity to respond to some of the comments from the Member for

Edmonton-Ellerslie. I tried to listen to specific criticisms of what's in the bill. I did pick out a few, and I'd like to respond to them, but I think most of the criticisms were on what wasn't in the bill.

She is absolutely correct: this is not a major overhaul that is including everything that opposition members may want to see in the act. This Forest Reserves Amendment Act is merely updating the act to provide the livestock industry with access to long-term, secure, public rangeland grazing in the Rocky Mountain forest reserve and to reflect some restructuring in the SRD department. That's all. That's all we're dealing with.

The other thing, to suggest that no review was done except for what people hear out in the field – I'd just like to assure the member that we have completed a targeted review, as I mentioned before. I didn't mention the stakeholders that were involved in it. I will highlight them now. They were the grazing and livestock producers, the Alberta Outfitters Association, the Alberta Beef Producers, Alberta Fish and Game Association, Alberta Grazing Council, and the Western Stock Growers' Association, and all the grazing permit holders. Out of those consultations, as I said before, no major concerns were brought forward to us.

As I said before, we're not restricting or allowing more use or less use by other stakeholders through this act. So we're not affecting recreation users. We're not affecting the forestry with the permits or leases they have in the area or the oil and gas sector long-term commitments that have been made to them. This act is not dealing with that. It's not proposing to deal with that. It's merely proposing to deal with the changes in the department as well as long-term arrangements for grazing leaseholders.

With that I'll take my seat. I think we've addressed the situations that this act addresses, not other things.

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

***3:30***

**Ms Blakeman:** Thank you very much. In listening to the sponsoring members, there are two areas that are concerning me. One is around the addition of the words "and . . . personal property" to section 6(b). The member has talked about it and explained that this was anticipating possibly the need to incorporate things like corrals or sheds or watering troughs, that kind of thing, but to me this is just too loose and too large and too easy, I think, to misunderstand what's being intended.

Generally, when you get something that needs to be narrowly defined, it is in fact found in the definitions. There is no attempt here to add a definition of what's anticipated by this bill to mean personal property. I might suggest that it probably needs to go into a definition section here because this is just too large and could be interpreted to mean a wide variety of other things beyond sort of stationary property. It's certainly not what I would have thought of when I originally read this. So I'll charge the sponsoring Member for Olds-Didsbury-Three Hills to look at that.

The second issue that's giving me some concern is the removal of the prohibition relating to behaviour and traffic in the forest reserves and the use of firearms and air guns. Now, the member has said: well, no problem; this is actually covered under some other related acts. My concern is: can the member reassure the House that the discussion of the use of firearms and air guns in these other acts – one, which other acts? Two, is the prohibition as strong or stronger than what was in this act prior to the removal of the prohibition that's anticipated in Bill 13?

So those are the two quick issues that I wanted to raise with the member. My thanks to the Member for Edmonton-Strathcona for allowing me to leap in on that one.

Thank you, Mr. Chairman.

**Mr. Marz:** On the question of the compatibility – is the legislation as strong or stronger on firearms? The act that it's covered in I think I mentioned is the Wildlife Act. I don't have the answer right now whether it's as strong or stronger, but I would presume that certainly federal firearms legislation, according to what most Albertans feel, is amply strong enough to deal with firearms control in any part of the province, including public lands or forestry.

Section 6(b): I'll have to get that answer back to the member at a later date.

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

**Dr. Pannu:** Thank you, Mr. Chairman. I rise to speak to Bill 13, Forest Reserves Amendment Act, 2004, in the Committee of the Whole stage of debate. I've been listening with rapt attention to comments being made by hon. members of the House on Bill 13, and I think the hon. Member for Olds-Didsbury-Three Hills is right. Although it amends the existing Forest Reserves Act, it's really minor in the scope of what it amends, which in itself perhaps should be deemed as a bit of a problem. This existing bill has not been updated for a long time, and I think it did deserve more extensive updating.

So the narrow scope of the amendments being proposed by way of Bill 13 itself raises questions about whether or not there should be more regularized periodic updating of the bill that's part of the amendments so that the government is obliged every five years or so to return to it to see whether or not the bill works and works well and then can proceed with updating the existing legislation.

That being said, yes, it restructures the authority within the Department of Sustainable Resource Development. In my view, it gives far too much authority to the minister, moves it away from the council of ministers into the hands of the minister, so the minister gets, in my view, an unduly large amount of authority through this restructuring.

The second concern that's been articulated here I guess by several members of the House has to do with the arrangements with respect to who will be responsible for management and the ability of the minister to appoint whomever he sees fit to provide those services. The sponsoring Member for Olds-Didsbury-Three Hills has himself drawn to one of these concerns expressed earlier by another hon. member that the government might be thinking of contracting out, you know, such activities.

Although the member assures the House that that's not the intent, there is nowhere in the amendments that such assurance is contained. If that is, indeed, the case, then I think there's a need for clarification and a clear commitment on the part of the government that appropriately qualified members of the public service who do provide these functions will be the ones who'll be providing these functions.

It gives the minister, in my view, a free hand in the way he or she wants to deal with the question of who has that responsibility. Certainly, environmental groups have a great deal of concern about the downgrading of the protections that these reserve lands deserve if appropriately qualified personnel are not the ones who have that responsibility.

So that certainly remains a concern. The bill is rather ambiguous, to say the least, and silent on the issue of giving a clear undertaking or assurance as to who these people are who'll be providing those important services required for protection.

Another concern that's been expressed to us while we have been consulting with various groups has to do with the restricting of the penalties to administrative penalties. Regardless of the nature of the damage or the infraction, regardless of the seriousness of it, the administrative penalty doesn't leave concerned citizens or groups or

parties the opportunity to seek damages through the courts, you know, that could be assessed. So the administrative penalties foreclose that possibility for Albertans to seek reparations for the damage that may be caused through the noncompliance with the provisions which the forest reserves are provided in the amended legislation.

*3:40*

Another concern, Mr. Chairman, has to do with the reference to streamlining of the process. I guess more in these news releases the claim is made that this is supposed to streamline the process. I don't think streamlining means giving more authority and discretion to the minister. I don't see how that can streamline. It certainly strengthens the powers of the minister, but it doesn't necessarily provide the kind of streamlining that Albertans concerned about the future of forest reserves and the protection of watersheds contained in them are really interested in.

So the bill is really quite open to interpretation by the minister and doesn't really give enough assurance to concerned groups and citizens about what the bill's scope is and how it's likely to strengthen, as a matter of fact, the provisions for providing conservation of wilderness areas in Alberta.

The one positive feature of the bill that needs to be mentioned I think is in 1(a), where the words "for the time being" are struck out. I think that's good. It takes the notion of the temporariness of the legislation, the transience out of the way, so that certainly is, I think, a good feature whereas the forest reserves status part of the bill seems to be diluted and weakened by allowing the minister to appoint anyone employed by the Crown rather than just forest officers to administer the act.

The bill also, of course, restricts maintaining favourable conditions for optimum water supply to the confines of the reserve thereby weakening watershed management. This change means any impacts on the water supply downstream from the reserve now can be disregarded. I think that's a concern that's been expressed to us as we consulted with the various groups, and I want to certainly put on the record that that, indeed, seems to be one of the serious weaknesses of the amendment. As a matter of fact, the amendment seems to weaken that aspect of the existing legislation.

We have received other comments, one of them actually from someone who has worked with the World Bank on related matters and has some interesting comments which the hon. member who is sponsor of the bill may want to address. It has something to do with the maintenance of optimum water supply. The comment that we are getting is that while it is important to maintain optimum water supply in those reserves, the other concern is that the primary purpose of our forest reserves with regard to water supply would be the maintenance of an optimal water supply for the areas well beyond the reserves for the downstream user areas. There is little if any use of the water resource within the reserves, and the main users and beneficiaries would be the downstream regions. So that's a concern.

Unless I misread or misunderstand the amendments proposed in Bill 13, this bill seems to display a lack of understanding of the purpose and function of forest reserves with regard to water supply, and if it's not lack of understanding, then it seems that there is an intentional sort of element there to downgrade the importance of the forest reserves with regard to water supply. So one way or the other I think that matter needs to be addressed. Even the Alberta environmental network's own plans under the water for life strategy, under the goal of healthy aquatic ecosystems, one of the medium-term actions is to "update water quality programs to support watershed protection and planning."

Now, although the water for life strategy is not necessarily a perfect strategy, there's a clear intention in it to improve the watershed protection, and the forest reserves are the most important watersheds for the water supply in southern and central Alberta, where most of the population is concentrated. So that, I think, is a problem with this bill. It seems to focus attention on water conservation just within the reserve and not downstream. The proposed change is of special concern at a time when oil and gas exploration and production, clear-cut logging, and largely uncontrolled motorized recreation are an increasing threat to the forest reserves and particularly to the maintenance of an optimum water supply.

Another concern is that the upland areas usually do not benefit from the awareness, stewardship, and engaged actions of local watershed stewardship groups since there is no local population. Therefore, the government – i.e., Sustainable Resource Development – should be the steward of the reserves and the protection of water supply.

There is a concern, I guess, from communities such as the city of Calgary. I think the mayor of Calgary, if my information is correct, last year had written a letter expressing his great concern over the impact of motorized recreation use in the Ghost-Waiparous area, which is in the forest reserve.

One last point that I want to make, Mr. Chairman, has to do with user fees. There's quite a wide latitude given here to the minister to impose all kinds of user fees on people: loggers, ranchers, campers, grazing contractors, tourist facility operators, who knows what. That really opens wide the opportunity for the minister to impose new user fees or to increase the cost to the users by the excessive power that the minister has to change or introduce those user fees at will.

So those are some of the concerns that I have and some of the concerns that have been shared with us during our consultation process with various interested stakeholders and parties.

I look forward to further debate and, hopefully, debate on the amendments that might be proposed here to Bill 13. With that I close my remarks for the moment, Mr. Chairman. Thank you very much.

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

**Mr. Marz:** Thank you, Mr. Chairman. Just a couple of comments to the member concerned about contracting out. I believe he was referring to the administrative work. Well, section 3 clearly states that

> the Minister may appoint, from among employees of the Crown in right of Alberta, such individuals as the Minister considers necessary for the administration of this Act and the regulations, and may, in writing, specify their positions.

So it's clearly stating that it's employees of the Crown that he's talking about, not that I would see anything seriously wrong with contracting anything out if it's appropriate to do so. It's the end and not the means by which you do things.

The act doesn't refer to anything at all that would lead anyone to think that with this act the minister is looking to appoint someone from outside government or to contract out. Clearly, it seems like there's more being discussed about what's not in this act than what's actually in the act. It's pretty simple and straightforward.

Other than that and the administrative penalties, which I covered before, I'll go through *Hansard* and look at it very closely to see if there are any other questions that I've missed, and if there are, I'll address them in third reading.

*3:50*

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

**Mr. MacDonald:** Thank you very much, Mr. Chairman. It's a pleasure to participate in the debate this afternoon on the Forest Reserves Amendment Act, 2004, Bill 13. Certainly, when one looks at this legislation and listens to the debate that has occurred with the previous speakers, the whole notion that we are proposing to give much broader sweeping powers to this particular government with regard to forestry reserves in this province, I think that we should proceed with caution.

There are many questions, and I think the first one is: what are the forest reserves now? One hears conflicting reports; it sort of depends on whom you talk to. There are those who think that the forest reserves we presently have are not large enough to sustain the capacity we have now in the wood fibre industry.

We are hearing over and over again from this government not about stability but about sustainability. I believe they changed their buzzword from stability to sustainability because of the hon. Member for Lethbridge-East's sound idea, prudent idea regarding the stability fund. So now we have this whole issue of sustainability, and whenever we look at Bill 13, we have to wonder: are forest reserves in this province sustainable? Can we rely year after year on the timber harvest? Is the timber harvest enough to meet the demand?

Now, we look at what has happened in other markets in other parts of the world. California certainly comes to mind. In California there was a heated battle in regard to certain wildlife, the spotted owl, and how it relied on old-growth forests to maintain its habitat. Now, the logging trucks in some cases in California have stopped. The chainsaws have been silenced, and in the last 15 years over 60 mills have closed.

So if the harvest of the timber was reduced – and in some places it was significant – who made up the shortfall? One of the places where suppliers came, of course, was to the eastern slopes of Alberta to what we fondly call the Subarctic boreal forest. This was a new area to harvest timber, wood fibre. Californians have changed their ways, and certainly there have been at least short-term significant economic benefits to Alberta along the eastern slopes and in the north.

When we're debating this bill, we're also debating the future of forest reserves and how much will be left. We can talk about having the heritage savings trust fund, but, in a way, having stands of harvestable timber is a trust fund too.

When we look closely at this act in committee, this act would now apply to all forest reserves in the province, not just those established after the year 2000. I said earlier that it gives sweeping powers. Well, it certainly does. It gives sweeping powers to anyone in government that the minister assigns to deal with forest reserves, not just to forest officers. This is in section 7, for those who are interested.

A question that I have again for the record is: why does section 6 reorganize the acquisition of land the way it does? Is it in order of preference: expropriation, purchasing or otherwise acquiring, or exchanging, being subsection (c)? We are also looking here at permitting the minister to "purchase or otherwise acquire any estate or interest in land and any personal property in conjunction with it" whenever it is of any interest to the administration of a reserve. That's pretty general, and if I could have some more details on that, Mr. Chairman, from the hon. Member for Olds-Didsbury-Three Hills, I would appreciate that.

Now, I have many other questions. Some of them have been addressed previously by the hon. member, and some of them have been asked by the hon. Member for Edmonton-Ellerslie. But in regard to the previous speaker, the hon. Member for Edmonton-Strathcona, and his quest for information in regard to the minister and user fees for services, well, I have to correct that hon. member. User fees are taxes, another form of tax. How will these tax increases be implemented?

Now, certainly there are questions surrounding the administrative penalties in section 8. They are as high as the penalties for offences in section 10. An explanation of this I think certainly would be in order at this time, Mr. Chairman. When we look at the concern that has been expressed by many people, whether it be on the editorial pages of our daily papers, whether it be in various reports, we have to consider and question whether this bill is right for Alberta forests and right for those who make their living from the wood fibre in those forests. There has been, as I said, various expressions of concern about the timber shortfall and our annual harvest rates.

In conclusion, Mr. Chairman, I think we have to make sure that there's a little bit of spruce for the moose. The spruce and the moose are part of Alberta's heritage, and the moose would have no place to hide if some of the forest practices were to continue and we were to clear-cut. I don't know where they would hide. [interjection] No, there wouldn't be much cover for a moose in the Drumheller-Chinook constituency; that's for certain.

***4:00***

With those remarks, Mr. Chairman, I will cede the floor to any other hon. member of this Assembly who would like to participate in the debate, but I, too, would have to caution all members that we have to make sure that this amendment, Bill 13, will provide the sustainability not only for our forests but also for our environment. Thank you.

[The clauses of Bill 13 agreed to]

[Title and preamble agreed to]

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

**Hon. Members:** Agreed.

**The Deputy Chair:** Opposed? Carried.

## Bill 16
## Residential Tenancies Act

**The Deputy Chair:** Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Grande Prairie-Wapiti.

**Mr. Graydon:** Thank you, Mr. Chairman. I'd like to answer some of the questions that were posed at second reading by the hon. Member for Edmonton-Gold Bar. Just a couple of questions that were posed. I know he's been in contact with the staff and had some of his other questions answered, but I will answer the two that were on the record.

The first one dealt a lot with whether the Residential Tenancies Act applied to construction camps, camps that are sometimes set up out in the forest where people can stop in for a night or two nights if they're working on a seismic project or working on a drilling rig, that kind of thing, and other camps for bigger projects that might be located around Fort McMurray, for example.

Basically, the Residential Tenancies Act applies if the occupant is paying the bill himself. So if you check into one of these camps and you're paying on your own expense account or your own credit card, I guess, the cost of that accommodation and meals for the evening or two or three days, or whatever the case may be, then the Residential Tenancies Act would apply. If your accommodation costs are

being paid for by your employer, then the RTA does not apply. That kind of answers that question.

The other question that was asked was around whether landlords do evict tenants for filing complaints to the department, whether there's been a history of that. Accurate figures are probably hard to determine because all evictions are not necessarily reported. There have been some, only a very few, mind you, but probably a few because if you felt that you were going to get evicted, that might temper your desire to file a complaint. Certainly, over the past year there have been at least three cases where people have come forward and said that they felt that they were evicted because they had filed a complaint against the landlord.

Hopefully, the changes that are in this act will remove that fear, and people, if they have a legitimate complaint, will feel comfortable in filing that complaint knowing that that won't result in an eviction notice coming their way.

So those are really the questions that I noted in second reading, and with that we'll see if there are any more coming forward in committee this afternoon. Thank you.

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

**Ms Blakeman:** Thanks very much, Mr. Chairman. I'm pleased to be able to join in this debate in Committee of the Whole for Bill 16, the Residential Tenancies Act. Next to maintenance enforcement I think many of us serving in this House get a very high number of calls on renters and owners and the issues that come around this, so it's nice to see a revisit and an updating and a revamp of the Residential Tenancies Act.

This is an important act to a lot of people because it gives them a context for their homes and helps them gain some understanding and some stability knowing what the rules are about how everyone is supposed to conduct themselves, and that's critical. We're talking about where people live, where they need to feel safe, where they go after work. It's their sanctuary. So there needs to be an ability for people to feel that there's fairness in the system, that they can get a hearing, that the rules are such that they're there to protect them but that there are also some expectations, some responsibilities built into the process.

To be honest with you, I think both parties that tend to be involved in these, that being the landlord and the tenant, are equally capable of creating tremendous disruption in the other party's life. It can be very disruptive and certainly perceived as unfair, although it's perfectly legal, by a good tenant to get the three months' notice that they have to vacate. You know, they didn't want to vacate. They may have been perfectly happy to live in that location for an extended period of time, for years to come, but for whatever reason the landlord wants the space, and with the 90 days' notice on a monthly rental they're able to give notice to vacate and have the tenants get out.

On the other side of things are tenants that don't take care of the place. They vacate, and you go in and go: "Oh, my goodness. It's hard to believe anyone could make such a mess out of a place in such a short period of time." So each party can certainly create a great deal of disruption and heartache and financial difficulty for the other.

There are a couple of areas in particular that seem to come up for my tenants. One is the disposal of property. For many of them, often with mental health issues underlying whatever other issues are bubbling on the surface, it's very difficult for them to find another place to live. Disposal of their property, which, frankly, can be in a couple of black garbage bags – nonetheless, that's the only property they have. They need to know or want to believe that it's going to be cared for until they can come and pick it up. So any ability to do that is appreciated.

I do see changes that are contemplated here, but that's mostly around making it easier for landlords to dispose of property. I often get heartbreaking calls in the constituency office from people who found their belongings in the alley. They'd been put in the garbage. I wish there was some way that we could deal with that in a way that was a bit more helpful to people.

Part of what I like in this updating of the Residential Tenancies Act is that it is contemplating not forcing people to end up in court to resolve their disputes. The truth of the matter is that many people don't bother going to court. They just give up. They walk away and they say: "Okay. Forget it. I lost money there. I learned a lesson. I'll never make that mistake again." And hopefully they don't. It seems to a large degree that it's not the individual landlords, the people that own one house with a main floor suite and an upper suite, that tend to go to court. It tends to be the larger companies that have large apartment buildings or the walk-ups, and they're in the business of this. They have lawyers on retainer, and off they go.

***4:10***

I think there's an inherent problem in what's been set up here, and it's partly to do with the work that's being contemplated by the Member for Calgary-Currie; that is, if we are looking to try and resolve some of the housing difficulties that we have, particularly in the larger metropolitan areas of Edmonton and Calgary but also, I think, in some centres like Grande Prairie and Fort McMurray, Red Deer possibly, Lethbridge, where we're trying to get more housing possibilities for people, part of that is around the secondary suites. A lot of them exist; very few of them are legal and are acknowledged as legal.

As we try and draw these people out and get these suites to be legal, to conform to building codes and fire codes and things like that so that people are safe where they live – again, part of what I started out talking about; we want people to feel safe in their own homes – those secondary suites tend to be in individual houses. We're talking about what I would call the small landlord, not that they're small in stature in any way but that they're dealing with a small number or limited number of rental accommodations. We're not talking large companies that have, you know, hundreds or thousands of rental units. It's these smaller landlords that we're trying to I think offer the option of not having to go to court but trying to set it up so that they can make use of the mediation/arbitration service that is the new addition to this act and is contemplated by what's in this act.

There is a problem that has been transferred and brought forward from the other act that I would like to have the sponsoring member look at. A couple of issues here. One, if we're going to be setting up an arbitration/mediation service through the landlord and tenant act – "an alternative dispute resolution mechanism" is how it's referred to in the act, and this is under section 70, I think – I'm making a plea here that we pay the mediators and arbitrators a reasonable amount of money so that we get professional people doing this job.

**Mr. MacDonald:** I can't do it?

**Ms Blakeman:** No.

Let's face it. If we're trying to move this into a legitimate process that is to be regarded as an alternative to court, we have to take this seriously. At this point, given that it takes literally thousands of dollars to become qualified as a mediator in particular, to expect somebody to work for several hours for $50 is not reasonable.

Frankly, I think it shows that we're not taking this process seriously.

I know that in some of the other areas that have been set up and changed through amending legislation in this Assembly, recently coming through the Justice minister, there have been higher charges in small claims court, for example, hoping that people will shift over to a mediator. But, you know, it's two hours' worth of work for $50. People are supposedly being charged $100 for small claims court so that that'll pay for that service. Well, it's just not taking this seriously. So I'm putting in a plea that we pay these mediators what they're worth, and frankly at this point a going rate for a very reasonably priced mediator would be in the $150 an hour range because there is an expectation that they're coming prepared, so there is prep time that's considered inside of that hourly rate.

I mean, let's put this in context. If we're talking about going to court and the cost of the courtroom and the CAPS officers and the judge and the lawyers and the lights on in the building, we're certainly talking significantly more than $150 an hour. So let's balance this against what it could cost us if people end up in court, what it costs the taxpayers to support that system. If we're going to want people to use an alternative dispute mechanism, then we've got to be willing to invest at least a reasonable percentage of that amount of money into it.

What I see here is that there is a timing problem specifically. Where my concern arises is out of section 30 of Bill 16, and that's the carry-over. Specifically, it's section 30(3). It's talking:

> If a landlord terminates a tenancy by serving a notice under subsection (1) and the tenant has not vacated the premises by the time and date set out in the notice, the landlord may within 5 days after the termination date apply to a court for an order confirming the termination of the tenancy and for any remedy that may be granted under section 26.

What happens here for most of these what I'm calling smaller landlords is let's say that they have a situation where somebody doesn't pay their rent. Okay; fine. By the time you get to them and say, "You haven't paid your rent," there's a good intention that people, in fact, want to stay there. Okay; fine. They're going to try and find the money, borrow it, get a second job, whatever. They'll try and come up with the money. Well, at a certain point it becomes clear that they're not, and you as the landlord go and serve the notice of the 14-day eviction notice on them.

This is where the timing problem starts to come in. At the end of the 14 days you go back to the individuals, and they go, "Yeah, sorry; we really wanted to stay, but we just can't come up with the money, and since we can't, we understand that we're under an eviction order, and we'll get out right away now." Okay; fine. Then you find out two or three or four or five days later that, in fact, they didn't leave. You may not necessarily live close enough or be able to go and visit to find out that the tenants did not vacate. You've now passed that five-day portion, and everything you've done up to now is null and void.

Well, you only make that mistake once. Henceforth you will always make sure that you get all the court documents in place and you enforce them rigorously right off the bat. That's where you create that animosity, that hostile environment that you didn't need to do.

I question why the five days is there. We've gone back and asked the department what the reasoning is behind it, and the reasoning we were given was: it was in the other bill. Well, that's not very helpful. But it had to do with the required three days' notice that the court requires plus the anticipation of over a weekend. That's giving you the five days.

My point is: why do you need the limitation of the five days at all? If the landlord has already gone to the work of getting the 14-day notice and they've served it on the people, at any point that they discover that the people didn't leave, they should be able to then go to court and make use of the court to force the eviction of the people. But when you enforce that five days, it just means the landlord has to go to court right away. They can't take advantage of any option to wait to try and work it out with their tenants and use any kind of alternative dispute mechanism. Why bother? They just immediately go straight to the court because they're not going to lose that money.

I mean, part of the other thing that's coming into play here is that as soon as you're going to go and file in court, it's going to cost you more money. So as a smaller landlord you're out the rent money at this point. Who knows? You may be out the damage deposit if there was, you know, substantial cleaning to happen or any damage that happened, and now you're having to consider an additional $100. So, of course, you're going to hesitate. Of course, you're going to work with the tenants and try and get them to leave or get them to come up with the money, which means they're going to continue their tenancy; right?

But as soon as you put that limitation of the five days on them, they have to act, and they have to act inside of that court system. It forces them into the court system rather than giving them the time to try and work it out with their tenant and take advantage of any kind of alternative dispute mechanism that can be made available to them.

***4:20***

I hope I've been able to lay this argument out. It does get complicated and tedious, and I apologize for that. But I think that if we are talking about a situation where we're trying to draw out people that have suites in their houses or own one or two single-family detached residences where there are some suites in there, we're trying to offer an alternative dispute mechanism to them, and we're trying to get these secondary suites legitimate, on the books so to speak.

We need to recognize the situations where we're forcing average Albertans into a hostile environment, where they will go to the courts first because they've learned their nasty lesson and they're not going to get ripped off that money again. Let's face it. For many smaller landlords that $1,000 or $1,500 is a significant amount of money, and they don't want to be out that money. But when you squish them in with that five-day requirement, they don't want to have to go back and start all over again, and if they don't act, then they lose the option of being able to have the courts help them. They're going to go for the courts. They're going to go for that more hostile environment.

I think that's not the attempt that's being considered here. It's giving those smaller landlords the option of being able to work with their tenant to give everybody the opportunity to take advantage of noncourt proceedings, using the courts as the last resort rather than as the first resort. But you only make those mistakes a couple of times before you start going, "I don't have any more options as a small business owner," if you want to call an individual landlord that, before they're going to be forced into that situation of using the courts first. Well, that totally takes away any possible option of using an alternative dispute mechanism because that's to come before they go into court.

So I'm asking the sponsor of the bill to have a look at the situation that's being created here because I don't think that's what, in fact, he was anticipating. I think the purpose of this bill is to try and promote an alternative dispute mechanism, not to reinforce a situation that's making it almost impossible to take advantage of it.

I think the government needs to understand that they're forcing people to be hard-hearted here. It's that situation I talked about where the landlord feels that they've been ripped off. They're not

going to get into that situation again. They don't see any other possibility, and then they're forced into this: if you don't act within five days, then everything you've done is wasted and you have to start over again. At that point, you're contemplating losing another month's rent. Most people don't want to be hard-hearted. Individuals tend to avoid that kind of conflict wherever they can, and I'm sure they would prefer to.

Of course, tied up with all of this is the whole idea of being able to draw out those people that have illegitimate secondary suites and try and get them on the books and legitimize those secondary suites so that we can bring them under the building code, the fire code, and make more public the housing alternatives that are possible, especially in the larger cities.

So that's the issue that I wanted to raise at this point in this bill. I will look forward to a response from the member, and if he's willing to work with me, maybe we can return another day with some kind of an amendment to the bill, because I would certainly like to see that done. It's possible, and I think that it's following with what's anticipated in the spirit of what's being brought forward by the amending bill. I think there are lots of golden opportunities here, and I don't want to see them missed for timing, so I'm more than willing to work with the sponsoring member on this. Thank you for the opportunity to bring the issue to light.

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

**Mr. MacDonald:** Thank you very much, Mr. Chairman. In regard to Bill 16, the Residential Tenancies Act, this afternoon I would like to express my gratitude to the hon. Member for Grande Prairie-Wapiti for his answers to my earlier questions at second reading of this bill. Certainly, that clarified some of the questions I had in regard to this legislation, and I appreciate that.

At committee here I have a few more questions for the hon. member, Mr. Chairman. In regard to section 2(2)(c) what protection does a tenant of a boarding house have that's different than what's offered in this act, if any? I would be interested to get an answer to that. Certainly, those individuals have not been overlooked, but if the member could clarify that, I would be very grateful.

Now, Mr. Chairman, section 3(2):

> If a residential tenancy agreement is in writing, the agreement must contain the following statement in print larger than the other print in the agreement:
>
> > The tenancy created by this agreement is governed by the Residential Tenancies Act and if there is a conflict between this agreement and the Act, the Act prevails.

That's in writing in the agreement if there is a written agreement. Surely that will not be overlooked or ignored by tenants or landlords.

But I think we would be better served – and I'm presenting this to the House and for the hon. member to consider. When we're discussing the appointment of a director in section 55, it reads currently: "In accordance with the Public Service Act there may be appointed a Director of Residential Tenancies and any other officers and employees required for the administration of this Act." Well, I would like to suggest, Mr. Chairman, that we strike out "may" and replace it with "shall."

Certainly, we're not creating a bureaucracy here, but I think this must be done if we are as concerned as I think every hon. member of this House is in reducing the number of individuals, whether they be landlords or tenants, that wind up in court. As we said earlier, there are about 6,000 cases annually that go through the court system involving landlord and tenant issues. We heard from the previous hon. member in regard to the alternate dispute mechanism that has been proposed. Well, I think this would strengthen that. If we had this director and that director were listed, if it was mandatory in the written agreement that the office and the contact information of that director was available, both landlords and tenants would be better served. Questions from both parties could be directed to this individual.

I certainly think that we can afford to provide this service to both landlords and tenants. Whenever we look at some of the other consumer advocates that have been proposed, they're now being financed through other measures for Government Services. I'm not suggesting in any way that there be some sort of fee to pay for this office, a tax. I'm saying that we should have this because there are significant savings to be had if we can reduce the number of cases that may go through the court system. That's just one example. I put this forward for the hon. members in the Assembly at this time to consider, but it certainly would be two amendments, an amendment to section 55 and a careful wording to direct consumers, or tenants and landlords, to this office for questions they may have not only concerning this act but their lease. I think those are improvements to this bill, and we can work together to make it effective.

Thank you.

***4:30***

**The Deputy Chair:** The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Edmonton-Calder.

**Dr. Pannu:** Thank you, Mr. Chairman. I'd like to take this opportunity to enter debate on Bill 16, the Residential Tenancies Act, while it's in debate in the Committee of the Whole.

This is a fairly extensive and important bill. Looking at the government news release on it, I certainly agree with the intentions that are outlined in the news release. This replaces the existing act, and the new act, of course, includes lots of amendments to the act that it replaces. It says that the changes – they shouldn't be called amendments – from the previous act to the new act strike a stronger balance between the rights and responsibilities of landlords and tenants and create a framework for voluntary alternative methods for them to resolve disputes, that the bill also provides clearer language. That's the claim that's made.

Now, with respect to using alternative dispute resolution measures on a voluntary basis, I think it's a good thing. I think that the relations between landlords and renters can become difficult and can be problematic. Certainly, the option of the voluntary alternative dispute resolution mechanism is a good way to bring the parties together and have a third party through arbitration or mediation help them to resolve. This will, hopefully, reduce the costs for any conflicts that need resolution and may also expedite the settlement of the dispute.

But the devil is in the detail. Much of the detail with respect to how these alternative dispute resolution mechanisms will work will not become clear until such time as the regulations are available. Those regulations at present are not available. They will be developed by the minister after the bill is passed. It's difficult to pass judgment on the degree to which this option that this bill opens for tenants and landlords to exercise for the resolution of disputes will work, but it's probably an improvement over what we've had available in the past.

I'm curious about the statement that it strikes a stronger balance between the rights and responsibilities of landlords and tenants. I wonder what the word "stronger" stands for here. We certainly need to improve the balance, and I don't know in which direction the balance is tilted. The balance either goes one way or the other or comes towards the centre, where things are appropriately balanced. So I'm not entirely sure how the provisions of this bill will strike a new balance which will be stronger on both sides.

That raises the question of what kind of balance the legislation that is in existence until this proposed legislation passes and replaces it strikes between the rights and responsibilities of landlords. It's an open question. It begs the question, actually, of whether the bill that's currently in place either sort of struck a weaker balance or had an imbalance in terms of how it provided for the rights and responsibilities of landlords and tenants. It would be helpful if the Member for Grande Prairie-Wapiti would address this question in his response to the comments that I'm making here.

I'm just curious as to what the problem was with the previous bill with respect to the balance in the relations between the rights and responsibilities of landlords and tenants as seen by the hon. minister responsible for the bill and its enforcement.

So those are sort of general questions.

The legislation that Bill 16 will replace is an act of this Legislature that has been in place since 1979, certainly a period of 25 years, more or less. It was amended in '92, but the amendment was never proclaimed for some reason, so the present bill will repeal the original act and replace it with Bill 16.

Many things have changed from the original act. First, it provides the framework for alternative dispute resolution, and, as I said, the details are not available at this stage. We'll have to await those details until the time when the regulations are made public.

The second element of it is that the landlord's right to terminate under breach of contract has a parallel for tenants – so that may be the reference to the balance – that both tenants and landlords now can give notice of termination under breach of contract provisions.

The third element in the bill is in terms of when a substantial breach happens. The definition of habitable is replaced with the minimum housing standards as per the Public Health Act. I think that's an improvement. It doesn't leave the whole question of the definition of what's habitable up in the air, and it ties it to the minimum housing standards as per the Public Health Act.

The fourth element, according to the government's own version of what this bill tries to do, is that it gives the landlord the power to evict within 48 hours in case of assault. Here the provisions of the bill, I guess, include not only the incidence of the assault itself but the threats of assault. It can be quite problematic whose word prevails. How does one prove the threat of assault or not and whether or not the threat of assault as legal grounds to seek eviction can work as and when the relations between a tenant and a landlord are themselves plagued by a history of difficulties?

So the bill, I think, has certainly some positive features to it. It will provide some improvements over what's been the case in the past. The difficulty is that some other provisions of the bill such as the terms under which a landlord can end the tenancy, which were problematic for tenants under the old act, are still problematic under this act. I by no means want to underestimate the difficulty that the landlords may have in some cases and, on the other hand, tenants may have with respect to the reasons that either side may want to use for dissolving the contract for purposes of eviction or for walking away from the contract.

***4:40***

There is a problem in the case of threat of assault. The difficulty with documentation – how does one ascertain whether or not a threat of assault was, in fact, real and can be determined to be real? – makes this area of tenant/landlord relationships problematic.

The alternative dispute resolution mechanism of this bill I think is a step in the right direction, but I wish the minister had provided some draft regulations for the House to be able to assess this provision. Unfortunately, that isn't there, so it's very difficult to continue to talk about it in the abstract, not being able to really sort of put one's finger on what may or may not work as part of the proposal to introduce these alternative dispute resolution mechanisms.

Some other observations, Mr. Chairman, have to do with some of the sections of the act. Section 28(2)(b) would provide that landlords can be noncompliant with the Public Health Act if they give notice in writing to tenants as to why they cannot do the necessary repairs to the suite. Perhaps now this could carry on indefinitely, and that's a concern.

Section 30. Damage, physical assault, and threats are criminal actions which should have to be documented by police at all times. This has never been the case, and now the threat of assault has been added to this. So this makes it a your word against mine kind of situation, and this bill doesn't change that very much.

So those are a few of the observations that I at the moment want to make, Mr. Chairman. I think the bill has some positive points to it but leaves unaddressed some other matters which have been contentious and difficult in the past. Thank you.

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

**Mr. Rathgeber:** Thank you very much, Mr. Chairman. Thank you for the opportunity to add a few comments on the record in regard to Bill 16, Residential Tenancies Act. Let me premise my remarks by saying that I totally support this legislation and congratulate the hon. Member for Grande Prairie-Wapiti for sponsoring it.

Mr. Chairman, early in my legal career I had the opportunity to practise in the area of landlord and tenant law, and I've represented both landlords and tenants. When it comes to disputes that revolve around these matters, let me say that it is quite a difficult area to practise in. There is an old adage that a man's home is his castle, and if you've ever attempted to disentitle a person of his residential premises, you know how difficult these matters can be.

So I applaud Bill 16 specifically when it comes to the alternative dispute resolution mechanisms. As a former practising lawyer I say unequivocally that the court system is not the right place for residential tenancy disputes to be aired. Mr. Chairman, the court system is time consuming, it's expensive, and it often results in little satisfaction to the parties to the dispute. Parties can spend thousands of dollars in legal fees arguing over a rental property when the subject matter might be a rental payment of as little as $500 to $700 per month. When you add on to that a $200 filing fee to file an originating notice of motion, it becomes very cost prohibitive to attempt to resolve these matters in a court of law.

I think the big highlight of Bill 16 is the alternative dispute resolution mechanisms. Mr. Chairman, I'm aware that extensive consultation took place with both landlords and tenants on how exactly residential tenancy disputes are currently resolved. I think both parties were quite unanimous that the courts can be intimidating and, as I indicated, costly and also very time consuming. Neither landlords nor tenants viewed the courts as an appropriate mechanism for these types of disputes that typically arise between them.

The reason was, as I indicated, the small sums of money that are often being fought over. Pursuing the cost of these in terms of legal fees, where you have lawyers charging in excess of $200 per hour, will easily exceed the amount of arrears that are owing when a tenant is in default of his obligations pursuant to a tenancy act.

This will leave the disputes unresolved and participants dissatisfied with their present dispute, and as a result alternatives must be offered to the court-based system to solving these disputes. Mr. Chairman, even when a judge rules, it not always clear how that decision was reached. Participants will have a more direct process if the process involves mediation than by the decision of a judge,

which the participants will view as being arbitrary and often unfair.

Mr. Chairman, the residential tenancy disputes that go to court often make inefficient use of valuable court resources. They would be better used for other matters of disputes that are more amenable to the court process. I'm advised by Government Services that approximately 6,000 residential tenancy disputes appear before our courts in any given year. Clearly, I think we all agree that if we can divert many if not most of those disputes away from the court system, it will be for everybody's benefit.

It's important to note that alternative dispute resolution as proposed in Bill 16 is optional; it is not mandatory. The efficacy or the value of any alternative dispute resolution depends upon the willingness of its participants to participate fully and to go into the mediation process with a co-operative attitude, that they're going in there for the purpose of resolving their dispute, not just for the purpose of putting in face time. Often the mediation process in any alternative dispute resolution process will break down, Mr. Chairman, and on those occasions it is important that litigants or potential litigants still have access to the courts and still have access to court remedies.

Bill 16 allows both landlords and tenants the opportunity to pursue the courts for orders for possession or to get out of their tenancy obligations should mediation processes not work or for whatever reason not be appropriate. But based on research, Mr. Chairman, ADR, or alternative dispute resolution, mechanisms are typically cheaper, faster, and less formal than a court-based process. Alternative dispute resolutions as being discussed would be voluntary. Nothing would prohibit either party from choosing the court if they feel that is their best option. In fact, both parties must agree to opt for ADR.

Mr. Chairman, I understand that the Ministry of Government Services is working with landlords, tenants, and the court services division of Alberta Justice to determine the ideal ADR process for Alberta for residential tenancy disputes. Residential tenancy disputes are being addressed in other provinces and jurisdictions, including New Zealand, and the Ministry of Government Services intends to adopt a system of ADR that will best work both for Alberta and, specifically, for residential tenancy disputes. So I wholeheartedly endorse the ADR model for resolving disputes between landlords and tenants.

I think that a number of other items in Bill 16 warrant mention. The voluntary code of practice, I believe, Mr. Chairman, is a great idea. Most landlords and tenants are not familiar with legalese. They often find the act to be somewhat overwhelming in terms of technology and in the terms that are familiar to lawyers and judges. To have the voluntary code of practice written in plain language will be a benefit to both residential tenants and to residential landlords.

***4:50***

The term "habitable," which was under the old act, is a vague concept, and much legal dispute and argument has been written and argued about exactly when a premises is, in fact, habitable. The new definition that a premises meet minimum housing standards is necessarily a progressive and needed step. I think that more certainty of what is a minimum housing standard specifically as it relates to the Public Health Act is more predictable, and landlords will be able to determine what their obligations are with more specificity than the more vague concept of making a premises habitable.

Finally, Mr. Chairman, I think the mirror provisions that allow a tenant to terminate on 14 days' notice for a substantial breach is also a positive step. Typically and historically landlords were able to breach for a substantial breach by a tenant, but now tenants are offered mirror provisions, and I think that puts landlords and tenants on a more equal and level playing field and provides more fairness and more certainty to the system of landlord/tenant relations.

So with that, I will take my seat, and I encourage members on all sides of the House to support Bill 16.

**Mr. Graydon:** Mr. Chairman, I'm going to answer some of the questions, and then I would be adjourning debate to deal with another question that came up that we need clarification on.

Regarding boarding houses, maybe you might have to be a senior citizen like myself to even know what a boarding house is, but my definition of a boarding house would be no different than any other tenancy except that traditionally you're getting room and board or getting meals with your tenancy in a boarding house, I think. So I think that a boarding house is no different than any other residential tenancy, and the rules would apply, as far as I'm concerned.

The paragraph or the clause that deals with the act prevailing I think is self-explanatory and quite clear in that if you sign an agreement where the landlord says, "Well, just sign this; it says that I can raise your rent once a week if I want to," no, I'm sorry. The act prevails, and the act lays out very clearly the notification that you require to raise the rent and how often you can do that in a year, et cetera, et cetera.

The code of practice that will be developed will, as mentioned, be extremely useful to both landlords and tenants. In that code of practice I am sure that there will be much reference to the new director's position with web sites, phone numbers, 1-800 numbers, whatever, that will clearly explain to both landlords and tenants that if there's an issue that they need clarification on, the director will be available to give those answers, and there will be clear direction on how to get hold of the director.

The question on section 30(3), (4), and (5), dealing with court orders and five days' notice, et cetera, if someone hasn't moved out, is the question we want to deal with some more. I would ask for more time to answer that question.

With that, I would adjourn debate for today. Thank you.

[Motion to adjourn debate carried]

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

**Mr. Hancock:** Thank you, Mr. Chairman. I would move that the committee rise and report Bill 13 and report progress on Bill 16.

[Motion carried]

[Mr. Shariff in the chair]

**Mr. Johnson:** Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports Bill 13. The committee reports progress on Bill 16.

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

**Hon. Members:** Agreed.

**The Acting Speaker:** Opposed? So ordered.

The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Speaker. I would move that we adjourn until 8 p.m.

[Motion carried; the Assembly adjourned at 4:56 p.m.]