

## Legislative Assembly of Alberta

Title: **Wednesday, March 10, 2004**

**1:30 p.m.**

Date: 2004/03/10

[The Speaker in the chair]

head: **Prayers**

**The Speaker:** Good afternoon.

Let us pray. From our forests and parkland to our prairies and mountains comes the call of our land. From our farmsteads, towns, and cities comes the call of our people that as legislators of this province we act with responsibility and sensitivity. Grant us the wisdom to meet such challenges. Amen.

Please be seated.

head: **Introduction of Guests**

**The Speaker:** The hon. Deputy Speaker.

**Mr. Tannas:** Thank you, Mr. Speaker. I'd like to introduce to you and through you to the members of the Assembly nine individuals from Ontario participating in the Ontario Legislature internship program. They will be in Edmonton from March 10 to March 13 to meet with government officials, opposition members, and the business community. With us today are eight interns: Michael Acedo, Sarah Baker, Holly Bondy, Melanie Francis, Amanda Mayer, Kate Mulligan, David Myles, Chris Shantz-Smilely. They are accompanied by the director of the program, Dr. Greg Inwood. They are seated in the members' gallery, and I would ask them now to rise and receive the traditional warm welcome of the Assembly.

**Mr. Klein:** Mr. Speaker, it's an honour to introduce to you and through you to the members of the Assembly four Albertans that I had the pleasure of having lunch with today. The lunch was an auction item at the Royal Alexandra Hospital Foundation's Night of Laughs charity event. The Royal Alexandra Hospital Foundation does incredible work to benefit Albertans. It has raised, as I understand it, over \$14 million for hospital programs since 1991 and is truly a worthwhile organization.

I'd like to thank each of these gentlemen for their generosity in purchasing this lunch and for the pleasure of their company this afternoon: Barry Stewart, president and owner of Igloo Building Supplies Group; Ravi Kumar, vice-president of finance, Igloo Building Supplies Group; Burke Perry, an owner and partner of Burke Perry Homes; and Bill Davidson, also an owner and partner of Burke Perry Homes. I would like to ask these gentlemen to rise – I see they're already standing – and receive the traditional warm welcome of this Legislature.

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

**Mr. Rathgeber:** Thank you very much, Mr. Speaker. It is indeed a pleasure to rise and introduce to you and through you to all members of this Assembly 21 students from the NorQuest College Westmount campus who are studying English as a Second Language. They're here today along with their teacher, Ms Barbara Penner. They're seated in the public gallery, and with your permission I'd ask them to rise and receive the warm welcome of this Assembly.

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

**Dr. Massey:** Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to members of the Assembly David

Cournoyer. David is a staff member in the Alberta Liberal Party office. He's a Young Liberal, and he's an enthusiastic student of politics. David is accompanied today by Amanda Caddy. They're in the public gallery, and with your permission I'd ask them to stand and receive the traditional warm welcome of the Assembly.

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

**Mrs. Jablonski:** Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to members of this Assembly a group of students. Can you tell me if they're up there in the visitors' gallery? No kids up there? [interjection] Okay. Well, then, that must be my group of kids from the River Glen school in Red Deer.

You know, a lot of MLAs have said: the brightest and the best. Well, we have the brightest and the best in Red Deer as well, and of course that's also known as paradise. So with us here to visit today are eight adults and a class from River Glen school, and I would like to introduce their group leaders Mrs. Janice Dempsey, Mr. Bob Irwin, Mr. Kenton Biffert, Mrs. Gwen Pozzolo, Mrs. Barb Vold-Bowd, Mr. Bill Bowd, Mrs. Derilee Zeibert, Mrs. Monica Janzen, Mrs. Lorraine Irwin, Mrs. Karen Ritchie, and Mrs. Sherry Brock. I'd like to have you join me in welcoming them here today.

**The Speaker:** Hon. member, I do not believe that they have attended yet.

The hon. Member for Calgary-Fort.

**Mr. Cao:** Thank you, Mr. Speaker. It's a great pleasure for me today to introduce to you and through you to the members of the Legislature a constituent of mine, Mr. Allan Jobson. Allan has worked hard to help injured workers, and he's up in Edmonton to take a course on evidence-based judgment or arbitration or whatever. He told me that that's really a good course. He suggests that probably all MLAs should take evidence-based courses before we say anything. I'd ask him to stand and receive a warm welcome.

Thank you very much.

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

**Ms Carlson:** Thank you, Mr. Speaker. Today I think the honour of having the brightest and best students is mine. We're joined today by 29 students from Ellerslie elementary and junior high school. They are accompanied by teachers Bill Hetherington and parent helpers Mrs. Juanita Bain and Mrs. Gloria Spooner. I would please ask that they all rise and receive the traditional warm welcome of this Assembly.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. I'm pleased to rise and introduce to you and through you to members of the Assembly Mr. Dave Colburn. Mr. Colburn is part of the group People for Education, which supports the Education Watch initiative. He has a daughter who attends Delwood elementary in my constituency, and he is concerned about our public education system. I would ask that he rise and receive the warm welcome of this Assembly.

head: **Oral Question Period**

### Calgary Emergency Health Services

**Dr. Taft:** Mr. Speaker, in response to concerns I raised yesterday concerning Calgary's emergency services, all the Premier could say was, "Stay tuned," and all the minister could say was: things take

time. Well, according to the Motta inquiry, which is already almost a year old, there is no more time. While this government continues to dither, Calgarians have seen wait times increase and services deteriorate. My first question is to the Premier. Given that Calgarians have seen five years of deteriorating emergency services, can the Premier tell us how much longer they will have to stay tuned before the situation improves?

**Mr. Klein:** Mr. Speaker, I can tell the hon. member first of all that we're not dithering, secondly, that we're in constant contact with officials from the Calgary regional health authority and that we take their concerns very seriously.

Mr. Speaker, I have met with the chair, David Tuer. I've met with the CEO, Jack Davis. I've discussed their needs with them. This has been passed on to Treasury Board, certainly to the department of health. We are dealing with the situation as best we possibly can. As the hon. minister of health put it yesterday, these people – and I'm talking about the Liberals – want things done right away; they don't want things done right.

As I explained yesterday, this is a manifestation of economic growth and prosperity. There's no doubt about it. The phenomenal growth that has taken place in Calgary due to the economic policies of this government has put pressure on roads and schools and hospitals. We're dealing with the situation as best we possibly can, but you don't snap your fingers and produce a new hospital or a new emergency ward. These things have to be planned, they have to be financed, and they have to be done properly in the right places and for the right reasons.

So instead of listening to the Liberal carping, we will listen to the officials of the Calgary regional health authority. We will continue to work with them, and we will continue to do things right and for the right reasons.

1:40

**Dr. Taft:** To the Minister of Health and Wellness: given that the Motta inquiry indicated a year ago that there was no time to waste, that the alternative to immediate and dramatic improvements was to wait for another death, why has the minister allowed the situation in Calgary to worsen?

**Mr. Mar:** Mr. Speaker, the hon. member has left the impression with this House and in the minds of those who may be listening to this that no action was taken as a result of the Motta inquiry, and that's simply not correct. The Motta inquiry resulted in a number of recommendations made both to the provincial government but also to the regional health authority specifically. There were also recommendations made that would find general application in regional health authorities throughout the province. Recommendations were made with respect to the operation of STARS, the air ambulance service.

I can assure you, Mr. Speaker, that the regional health authority has continued to add beds to their facilities in the city of Calgary. They've placed more doctors who are now working in emergency rooms during peak times. The region recently approved a plan to continue to increase the number of beds in the facility. The code burgundies are an internal management tool used by the regional health authority for ensuring that the people who most need a bed in fact get a bed. I think that when people go to emergency, they acknowledge and they recognize that it's not on a first-come, first-served basis. It's based on one's medical need for care. There is, of course, a growing need for these types of services because Calgary is growing at a rather dramatic rate.

Mr. Speaker, the province, regional health authorities throughout

the province, STARS, and the regional health authority in Calgary have all responded very positively to the recommendations in the Motta inquiry, and it's because we are concerned about making sure that we have the best health care system that we can have for Albertans. If the hon. member were concerned about the same thing, then he would be addressing his mind to, frankly, matters of less political nature rather than relying on the anecdotal evidence of a letter that he happens to have.

**Dr. Taft:** Shameful.

Again I ask the same minister: will he do the right thing and call an independent public inquiry into Calgary's emergency services?

**Mr. Mar:** Mr. Speaker, we've had an inquiry into the unfortunate circumstances surrounding Mr. Motta's death. One of the recommendations that came out in that inquiry was that when an individual decides to leave an emergency room, they ought to be informing somebody so that they know that they've in fact left.

I don't wish to politicize the unfortunate circumstances surrounding Mr. Motta's death. They were unfortunate. But again to assure the hon. member and all members of this Assembly and Albertans, we are taking every reasonable step necessary to ensure that our emergency services are, in fact, there when Albertans need them.

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

### Mental Health Services

**Dr. Taft:** Thank you, Mr. Speaker. The draft plan of the government's mental health strategy has been leaked to reporters, and to no one's surprise it reveals serious problems with mental health services in this province. The people of Alberta and especially those with mental illnesses and their families need action from this government. To the Minister of Health and Wellness: given the serious problems identified in this draft, is this minister still claiming, as he was earlier this week, that mental health services in Alberta are adequate?

**Mr. Mar:** Well, Mr. Speaker, I don't wish to comment on a draft report, and let me say this: it wasn't leaked. This report was released to the stakeholders who had input into it. We've asked those stakeholders to provide their input to ensure that the comments they have made on a provincial mental health plan, in fact, are reflected in this report. I believe that was about three weeks ago.

So, Mr. Speaker, again, our interest is not in politicizing this issue. We recognize the importance of mental health delivery in this province. We've taken the right steps, and groups like the Canadian Mental Health Association, the Alberta alliance on mental health, regional health authorities have all agreed that our plan to move mental health services into the regions has been a positive step in the right direction. We want to make sure that individuals don't fall through cracks. We're concerned about issues like medications for people who suffer from mental illness and need help.

So, Mr. Speaker, we're moving forward on this plan, but again this is a draft report. I'm not going to comment on the contents of it until it's a final report as established by the stakeholders who had input into it.

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

**Dr. Taft:** Thank you. To the same minister: given that this government has been transferring patients out of mental health institutions for years and indeed decades, how much longer must Albertans wait for this government to implement its mental health strategy?

**Mr. Mar:** Mr. Speaker, I'm not sure what the hon. member is referring to when he says that for decades we've been transferring patients. I'm not sure from where to where.

The point is that we are moving forward on a significant mental health plan. We recognize the importance of this to Albertans and particularly those who have mental illness. We don't wish to politicize it yet one more time.

I mentioned earlier this week in answering the hon. member's question, that we devoted some \$240 million to the operations of the Alberta Mental Health Board, which was a 5 per cent increase from the previous year. But that, in fact, is only a part of what we devote in terms of dollars to the services for people with mental health concerns. Over and above that \$240 million, Mr. Speaker, the regional health authorities have identified that they spend an additional \$100 million. Over and above that, from our medical services budget, out of which physicians are paid, there are some 100 million dollars plus paid for the services of psychiatrists. We pay for drugs. These are all significant contributions to dealing with this very, very important issue.

Let me finally say, Mr. Speaker, that because we did have services that were provided through our regional health authorities and our Alberta Mental Health Board, that's exactly the reason why we wanted to consolidate our programs, not to spend less on them but to spend better on them, in a way that's more co-ordinated. That's the whole purpose of providing a mental health plan that works province-wide.

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

**Dr. Taft:** Thank you, Mr. Speaker. Can this minister tell us what investigations his department is undertaking to ensure that the two recent tragedies in Edmonton involving the mentally ill are not the result of failings in the mental health system?

**Mr. Mar:** Mr. Speaker, those matters are currently before respective inquiries. I'm reluctant to speak specifically to them as a result of that. I understand that to be the rules of this House.

However, I can say that we are interested in the whole area of mental health. It's, again, exactly the reason why we are moving forward on preparing a provincial mental health plan, Mr. Speaker. We think that this is important. As I've said in this House and on many other occasions, when you look at the burden of illness that will be the responsibility of the Department of Health and Wellness in this province 10 and 15 years out, I've identified that diabetes and mental health issues are the two most important ones. I would challenge the hon. member to find another province anywhere in this country that is taking the kind of bold steps that we are in this province for the delivery of mental health services.

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

### 1:50 Electricity Deregulation

**Mr. MacDonald:** Thank you, Mr. Speaker. I never thought I would see a former member of the Deep Six Progressive Conservative committee, that used to advocate less taxes and less government waste, secretly raise taxes once he became a member of the Crown. The Minister of Energy has passed secret orders commanding energy consumers to pay for the office of the Utilities Consumer Advocate and now, we find out, also pay for parts of a \$3 million pro-electricity deregulation propaganda campaign. These secret orders are taxation without representation. My first question is to the Minister

of Energy. What authority does the minister have to levy this tax on energy consumers without approval of this Legislative Assembly?

**Mr. Smith:** Mr. Speaker, I'd encourage the hon. member to read the Electric Utilities Act, one that he's talked about for the last four years. It's always good to read them. They are tabled in the House. They're also subject to an amendment. Last year it was Bill 3. I would encourage the member to examine that information.

Now, Mr. Speaker, with respect to the specific charges through to the Balancing Pool and subsequently to the Alberta Energy and Utilities Board for the collection of funds to sponsor the utilities advocate, in fact this is the most transparent method that can be found in the government today. The charges are absolutely levied at the area where the source is, and through fully transparent and transcribed hearings those charges are made known to the public in advance, and that's where this member gets his information. So he's getting secret information from public documents.

**Mr. MacDonald:** Again, Mr. Speaker, to the same minister: given that these secret orders are not appropriate uses of this legislation, specifically section 148 of the EUA, why is the minister levying extra taxes on utilities to be paid by their customers when he does not have the legislative authority to do so?

**Mr. Smith:** Mr. Speaker, the policy is clearly a matter of the record.

**Mr. MacDonald:** Again, to the same minister: how many more times will this minister force customers to pay for a significant error in this government's judgment, which is electricity deregulation?

**Mr. Smith:** Well, Mr. Speaker, I think the most important thing is how much Albertans will save from having a competitive electricity system and not being subject to blackouts that we've seen in other jurisdictions across the world today, whether it be in Ohio or Ontario or Italy. In fact, the ability for this competitive market generation to function puts us in a position that's far ahead economically of any other jurisdiction in Canada. We have provided the electricity, record loads, record economic growth, the fastest growing economic jurisdiction in North America. It's a good system, it's a competitive system, and it's an open system.

**The Speaker:** The hon. Member for Edmonton-Highlands, followed by the hon. Member for Calgary-Fort.

### Cattle Industry

**Mr. Mason:** Thank you very much, Mr. Speaker. Information tabled at the House of Commons agriculture committee shows that in the last four months a whopping \$227 million in extra profits have been made by the meat-packing industry. In October of last year this surged to \$82 million in just one month on extra profits for processing beef, which corresponds to the period when most of the payments were being made under the BSE assistance plan. While the representatives are being grilled in Ottawa, this morning Tory members of the Public Accounts Committee outdid themselves as the Keystone Kops of cover-up.

### Speaker's Ruling Committee Proceedings

**The Speaker:** Hon. members, there was some anticipation by the chair with respect to this. The hon. Member for Edmonton-Highlands is the third party House leader, and he has been provided with all of the rules associated with question period. Might the chair just

read from *Marleau*, the Canadian House of Commons, the following: "Questions to the Ministry or a committee chair concerning the proceedings or work of a committee may not be raised." Further, "When a question has been asked about a committee's proceedings, Speakers have encouraged Members to rephrase their questions." The business of a committee is the business of a committee. It's not the business of the House until a report has come to the House from the committee.

So would the hon. member proceed on a different basis.

### **Cattle Industry**

*(continued)*

**Mr. Mason:** Thank you very much for that, Mr. Speaker. My question, indeed, is: how does the government explain the \$82 million in extra profits made by meat packers last October on beef sales during the same time that BSE compensation monies were being paid out by this government in large amounts? That is to the Premier.

Thank you.

**Mr. Klein:** Mr. Speaker, I'll have the hon. Deputy Premier supplement. But what is happening in the House of Commons is, in my mind, what should happen in the House of Commons, and these questions should be asked.

Mr. Speaker, there is no cover-up whatsoever involved in this situation. As a matter of fact, I can't think of an issue that has been more investigated and more scrutinized than this issue of BSE. No. BSE has not been. That's the issue that should be scrutinized: the stupidity of BSE and the international overreaction to this affliction and the absolute minimal . . .

**Dr. Massey:** Is that what you're going to say to the Americans?

**Mr. Klein:** I will say to the Americans that there is minimal risk relative to BSE and that our beef is safe and it is of the highest quality. That's what everyone should be saying. It seems that in the whole issue of whether the \$400 million that we provided to help beef producers was being spent properly, the issue of BSE seems to have been lost completely and how we get the international community, along with the Americans, to gain confidence in the quality and the safety of our beef.

That's why I've suggested that a strike force be established, so that we can tell the international market first of all that American and Canadian beef is safe and it's of the highest quality and, secondly, that the international protocols need to be changed. This is not 1985. This is the year 2004, and the protocols relative to BSE have changed dramatically.

I mean, I've eaten more beef in the last year – I may be mad from time to time, but I'm not a mad cow. The risk of getting this is 1 in 10-billion meals, and that's if you eat eyeballs and brains and spines and ganglia and the other things.

**The Speaker:** Before my lunch is moved, the hon. member.

**Mr. Mason:** Thank you, Mr. Speaker. When the Premier talks about BSE, he tends to drop the E.

How can the government remain silent when, according to information prepared for the House of Commons agriculture committee, beef packers have generated \$227 million in extra profits since last October at the expense of consumers and cattle producers? Doesn't the government care?

**Mr. Klein:** Mr. Speaker, perhaps I should drop the E because I've been listening to a lot of it from that side, I'll tell you.

First of all, you have the House of Commons committee undertaking its review of the situation as it pertains to packing houses and packing house profits and whether there was any gouging or any misrepresentation by the packing plants of the money that was being used or whether they were making excessive profits.

2:00

First of all, tomorrow the minister of agriculture will release a full accounting of where every dollar of assistance went. Then we have the Auditor General, our Auditor General, doing what he is entitled to do, and that is to conduct a full audit of the programs. There are no restrictions, no restrictions whatsoever, placed on the Auditor General on how he chooses to conduct that audit. The only thing that he has received from this government is a letter from the hon. Deputy Premier asking him to fast-track it so that it doesn't linger and give more grist for the ND mill.

You know, the opposition, in my mind, are attempting to sow distrust and discord amongst the agricultural community. They meet with one small segment of the agricultural community, but they are trying to create discontent and discord among the agricultural community in regard to the effectiveness of the BSE assistance programs.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. Well, I would ask the Premier if he will accept a challenge to come with me to Vegreville tonight and meet with about 200 beef producers, who would be no doubt thrilled to hear his arguments there.

**Mr. Klein:** Mr. Speaker, I wouldn't go across the street with this member.

You know, Mr. Speaker, I travel the province, and the hon. Deputy Premier travels the province, and we don't need contrived and set up meetings to hear from the beef industry. We hear from the beef industry each and every day from all segments of the community. We don't pick and choose one segment of the beef industry.

I was in Vulcan just last week, and there were cow-calf operators, there were feedlot operators, and there were people from all components of the industry and not one complaint. Nothing but praise for this government and the way it has handled the BSE issue, particularly the assistance program, Mr. Speaker. Nothing but praise.

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

### **Registration of Real Estate Documents**

**Mr. Cao:** Thank you, Mr. Speaker. Given that the real estate business plays a vital part in Alberta's economy, contributing billions of dollars and tens of thousands of jobs, and given that there are millions of transactions taking place each day, a day of delay costs a lot. I have brought to the minister responsible the issue of too long a turnaround time in document processing: 11 days of waiting, as one of my constituents told me. My question today is to the Minister of Government Services. What has the minister been doing to address this matter?

**Mr. Coutts:** This is a very good question. The hon. member is

acting on behalf of his constituents, people coming to this province, moving here, building houses, folks renegotiating their mortgages, Mr. Speaker, through the economic activity in this province.

We've had record volumes of land titles and mortgage registrations in this province over the last six to eight months, and, yes, we were as high as 18 days' turnaround. But the hon. member has brought it to my attention, as well as other members of this House, and we embarked immediately to get our staff in both Calgary and Edmonton to work some overtime, and they worked Tuesdays, Thursdays, and all day Saturdays. As well, we hired extra staff to get the turnaround times down to three days in Calgary and two days in Edmonton. The turnaround time has been improved.

In addition, Mr. Speaker, in order to communicate that to the real estate industry and to lawyers, we post the turnaround times through the Internet. They can get a hold of us through Service Alberta, the home page, at gov.ab.ca to make them fully aware of the situation so that the realtors and lawyers can control their times and take them into account when they're doing their transactions.

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

**Mr. Cao:** Thank you, Mr. Speaker. My last supplemental question is to the same minister. Why are the turnaround times longer in rural Alberta than in Edmonton and Calgary?

**Mr. Coutts:** Mr. Speaker, this is a really good question. For those lawyers and realtors that do not have the opportunity to go directly to an office downtown in Edmonton or Calgary, where they have to rely on mail, where they have to rely on courier services, there will be a couple of days extra to look after transportation of the documents.

However, once they get into the Calgary office, once that documentation gets into the Edmonton office, they are put in the same order as every other registration that comes in. The turnaround times for the rural people are exactly the same, once it gets into our Calgary office and Edmonton office, as for all other registrations. The documents are done precisely in order so that everyone gets treated the same way.

Thank you very much, Mr. Speaker.

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

#### Victims of Crime Fund

**Ms Blakeman:** Thank you, Mr. Speaker. People convicted of an offence and sentenced to a fine pay an additional surcharge which goes to the victims of crime fund. In addition to compensation and funding the Criminal Injuries Review Board, the fund also allocates dollars to victims' programs, but in Alberta the victims of crime fund continues to have millions of dollars in surplus every year. My questions are to the Solicitor General. Given that there remain such large surpluses every year, why aren't all the groups that are eligible to receive funding getting the full amount that they've asked for?

**Mrs. Forsyth:** Well, Mr. Speaker, we have made significant progress on supporting victims in this province. I was pleased to announce two years ago that the MLA for Calgary-Shaw would do an in-depth report in regard to a consultation with victims and organizations across this province. I have received her report and have spent a lot of time reviewing it, and I don't make excuses for that. There are some financial implications to that, and we're working through the process and will be announcing something shortly.

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

**Ms Blakeman:** Thank you. Did the consultation on the victims of crime fund done by the Member for Calgary-Shaw contain any recommendations for what to do with the surplus that's in the fund?

**Mrs. Forsyth:** Well, you know, Mr. Speaker, that's a good question. The report done by the Member for Calgary-Shaw made many, many recommendations, and it made very, very good recommendations. There are several recommendations that are well done that are going to benefit all of the victims in this province.

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

**Ms Blakeman:** Thank you. My final question to the Solicitor General: why is the Solicitor General allowing the victims of crime fund to hoard money that could be going to benefit victims' programs in this province, like funding for sexual assault centres?

**Mrs. Forsyth:** Well, Mr. Speaker, that's not true.

**Ms Blakeman:** Yes, it is. You've got a surplus; you're hoarding that money. Answer it.

**Mrs. Forsyth:** Well, you're yelling across the hall. You're so rude.

**The Speaker:** The hon. Member for Lacombe-Stettler, followed by the hon. Member for Edmonton-Mill Woods.

#### Hog Producers

**Mrs. Gordon:** Thank you, Mr. Speaker. My questions today are to the Minister of Agriculture, Food and Rural Development. Today I would like to reference another good meat source, Alberta pork. Lacombe county raises more hogs per acre than any other area in this province. Many of my producers have concerns, having experienced drought, increased input costs plus prolonged low market prices, and now the talk of tariffs. Thus, their questions, hon. minister: will the Canadian agricultural income stabilization program, CAIS, help both the small operator as well as the large operator; for example, those who manage up to 5,000 sows farrow to finish?

2:10

**Mrs. McClellan:** Mr. Speaker, I firmly believe that the CAIS program, the Canada agricultural income stabilization program, will assist our hog producers, our grain producers, our cattle producers, in fact all aspects of production in this province. To make sure of that, we've spent a lot of time with the industry, and of course I've outlined in the House some changes that we've negotiated in that program to deal with some of the issues that the hog industry are dealing with, and one is negative margins.

It also affects the grain industry if you have prolonged periods of drought, and it has affected the cattle industry with the significance of the BSE. This program is designed to respond to perhaps small changes in income, but with the additional changes dealing with negative margins, payment caps, and accrual or inventory, it will deal with the others.

To make sure that it would work for the industry, Mr. Speaker, what we have done is bring in a group of hog producers who have very kindly brought their records from their operation in, and we have worked that program with their actual on-farm records to ensure that we haven't missed anything else in the program. So I'm firmly convinced that this will be responsive to them.

**Mrs. Gordon:** Will the recently announced deadline changes to this program affect my producers, possibly to the point that you have given serious consideration to deferring the deposits for CAIS for 2003?

**Mrs. McClellan:** Mr. Speaker, the deadline extensions that the federal government have announced don't apply to Alberta because we are going to administer the program in our own province. We have found that our producers prefer the ability to contact a person to have a hands-on opportunity rather than going through a telephone system that is difficult at best. One of the reasons that we don't have to worry about one deadline is that the federal government have changed their deadline to December 31; ours always was.

Now, the deadline for actually selecting your level of income protection is March 31. We have asked Ag Financial Services to review that deadline and ensure that with all of these other things that our industry is facing, they can meet that deadline.

**Mrs. Gordon:** Hon. minister, what is the reality of this situation if the U.S. indeed does add a tariff to Alberta's live hog exports?

**Mrs. McClellan:** Mr. Speaker, as far as I understand the latest information I have, the U.S. government has not at this point made any motions to impose a tariff. However, we do know that the U.S. pork producers have filed a petition demanding that a tariff is instituted. We're very disappointed that this petition has been filed.

Alberta does not in any way unfairly subsidize its hog producers, and in fact the CAIS program, that we just discussed, was designed very carefully to ensure that it would not cause countervailing actions. I can tell our hog industry that we'll be working with them and our federal government very hard to ensure that the interests of our hog producers are protected.

Mr. Speaker, finally, I think this does again point to the weakness of antidumping laws as they apply to agriculture in particular, and I hope we can rectify that.

**The Speaker:** The hon. Member for Edmonton-Mill Woods, the Interim Leader of the Official Opposition, followed by the hon. Member for Innisfail-Sylvan Lake.

#### Alberta SuperNet

**Dr. Massey:** Thank you, Mr. Speaker. There are many private companies working with the government on the development of the SuperNet. Nearly \$200 million have been committed to this venture. My questions are to the Minister of Innovation and Science. When companies buy computer parts for the SuperNet, is it mandatory that the full discount that they receive be passed on to the government?

**Mr. Doerksen:** Mr. Speaker, the construction of the SuperNet is a contract with, primarily, our major contractor, Bell West, to construct and roll out construction throughout not only the base network, in which they've committed money, but also into the extended network that will connect every school, hospital, government building, library across this province.

The specific question is something that I will take under advisement and provide the member with a more complete answer after review of the question.

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

**Dr. Massey:** Thank you, Mr. Speaker. Again to the same minister: what role does the department play in inspecting work that is currently being performed?

**Mr. Doerksen:** To deliver the kind of broadband capability that we have put into the contract requires certain electronic components to be installed in locations right across the province. The department ensures through the inspection of those electronic systems and the characteristics that they meet the standards that are set out in the contract so that we can deliver the kind of service to the schools and the hospitals and the libraries that is set out in that contract.

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

**Dr. Massey:** Thank you. Again to the same minister: what checks does the department perform to ensure that the amounts charged to the government for the hours worked are correct?

**Mr. Doerksen:** Mr. Speaker, again that's a very important question. As you roll out any kind of contract in government, you want to make sure that you are getting value for the money that you have spent, and we do undergo a rigorous process to make sure that the standards as were set out in the contract are in fact met and that the money is accounted for. But, again, I will look at the specific question there and provide the member with a more detailed explanation upon that consideration.

**The Speaker:** The hon. Member for Innisfail-Sylvan Lake, followed by the hon. Member for Edmonton-Centre.

#### Beef Slaughter Facilities

**Mr. Ouellette:** Thank you, Mr. Speaker. As many in this Assembly know, provincially inspected cow slaughter facilities have waiting lists, some as long as two to three months. Many of my cattle ranching constituents have been calling me about using mobile butchers, or mobilers, to kill their cattle and then send them to a provincially inspected slaughterhouse for cutting and wrapping. My constituents tell me that provincial inspectors are being too hard on producers who attempt this. My questions are all for the Minister of Agriculture, Food and Rural Development. Why in a time when our cattle industry is dealing with unprecedented challenges are provincial inspectors being so hard on small slaughter facilities trying to use mobile butchers to help relieve the backlog?

**Mrs. McClellan:** Mr. Speaker, quite simply put, we're not prepared to reduce our standards and call into question our procedures in the safe handling of meat. Let me make it very clear. Mobile butchers are allowed to slaughter cattle on the farm for the immediate use of the family or persons that would be on that farm. They can have an animal slaughtered on the farm. There is a way to do that and then take it to a slaughterhouse. However, I'm having a hard time understanding, if the backlog is two to three months, how killing the animal and then getting it to the abattoir is going to help that a lot, but I'm willing to accept that that may be the case.

There is a way to do it on a farm. First, you bring in a veterinarian, and you inspect that animal. Then the animal would be tagged by that veterinarian, and that veterinarian would identify if there were any preslaughter signs of illness. This would be on a form that would be presented to the provincial inspector at the provincial abattoir or the slaughter facility they're taking it to, and then a postmortem investigation would occur there. The producer has to assume those costs of having that veterinarian come in and fill out those forms and send them on, but you can do it.

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

**Mr. Ouellette:** Thank you, Mr. Speaker. Why are mobilers required to skin the carcass prior to sending them to a slaughter facility even though this is potentially harder and more dangerous to do on the farm than in a slaughter facility?

2:20

**Mrs. McClellan:** Well, Mr. Speaker, you can leave the hide on before you take it, or you can kill the animal and take it in with the hide on, but the place that you take it to has to have a separate room for skinning, and not all do or not all will provide that. So the slaughter facility would have to apply to Alberta Agriculture, Food and Rural Development. They'd have to have their dedicated room inspected, and barring any complications, this will allow mobile butchers to leave the skinning to the slaughter facility. Again, you could do it, but there are rules around it.

Mr. Speaker, we have examined this extensively at a policy level over and over and over again, and food safety and the quality and safety of our product have to remain paramount.

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

**Mr. Ouellette:** Thank you, Mr. Speaker. Given that there are many Albertans who would buy beef directly from a producer even if they had to sign a waiver, would the minister consider allowing producers to sell beef that's been slaughtered by a mobiler?

**Mrs. McClellan:** No, Mr. Speaker. We wouldn't consider allowing this to happen, and there's a good reason why. Because the person who signed the waiver would have to eat all of the beef. Otherwise, we'd have to have a waiver from anybody else in the family that was going to consume that. So the person couldn't feed it to his family. He couldn't feed it to his friends. He couldn't feed it to his neighbours. How useful is that? It's an if. We assume that all food is safe, but if there was an incident, the liability would be incredibly high.

Mr. Speaker, we're fully aware of the pressures that our industry is feeling, and I have to say that my colleagues have brought these issues to me. We've debated them through a policy area, and we're trying everything we can to alleviate the backlog, but we've made a decision as a government that we will not compromise Alberta's quality food safety system in this or any other issue.

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

#### VLT Payout Rates

**Ms Blakeman:** Thank you, Mr. Speaker. The Alberta Gaming Research Institute released a report on VLT gambling in Alberta recently which indicated that there was significant player confusion over VLT payout rates. The report indicated that this was "startling and runs counter to the precept of 'informed consent' that undergirds consumer protection legislation." Signs in VLT locations read: the video lottery network in Alberta has been designed to pay out approximately 92 per cent. My questions are to Minister of Gaming. Given that signs promising a 92 per cent payout are misleading, when is the minister going to correct the signs or change the payout?

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

**Mr. Stevens:** Mr. Speaker, thank you, and thank you to the hon. member for the question. I think it's important for those who are

listening to recognize that the hon. Member for Edmonton-Centre is the Gaming critic for the Liberal Official Opposition, and the fact that the last question she asked me as Minister of Gaming was a year ago speaks volumes to the quality and substance of our gaming policies. Indeed, I think that a lot is to be said of the men and women who implement those policies through the Alberta Gaming and Liquor Commission.

Now, with respect to the particular question the fact is that each and every one of these machines has a gaming chip, and each and every one of those gaming chips is verified by a certified organization, and the information with respect to those gaming chips has been available to players for a very long time. The information that the hon. member referred to is exactly right.

**Ms Blakeman:** I think the minister assumes too much and misunderstands the question.

What steps has the minister taken to make Alberta less susceptible to the same legal action that Quebec is experiencing over similar signage?

**Mr. Stevens:** Mr. Speaker, I'm very proud of the work that the AGLC and Alberta Gaming do with respect to informing the public and with respect to responsible gaming.

I think it's fair to say that the initial question that the hon. member put to me referenced a report that had this particular matter in it, and one of the things about that particular report was that it was published on the Internet on February 12, one month ago. One of the comments I made at that time was that the report had not been peer reviewed and that there were some issues with respect to it and that I was looking forward to a scientific verification of a substantial portion of that report.

One of the things I would like to do today, Mr. Speaker, is to table with you a letter that I have received from the Population Research Laboratory, which is well known to the opposition – it's a very credible research component at the University of Alberta – that comments on the limitations of that particular report. I think it's important that that be put on the record given the general line of questioning that this hon. member is taking based on comments in the report.

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

**Ms Blakeman:** Thank you. Given that the minister constantly touts the new responsible gaming features on the VLT machines, how can the government expect these to work when, at the same time, the new VLT machines you spent so much money on are filled with all the new flash and dazzle that incites people to come and play them?

**Mr. Stevens:** Well, Mr. Speaker, the responsible gaming features, which we call reality checks, are based on some work that was done in Nova Scotia a couple of years ago. That was the first provincial jurisdiction to introduce these reality checks into the gaming machines.

Essentially, what they are are things like a clock. There's been a criticism that people lose sense of time, so there is now a clock. There's another feature which has both credits and dollar value. There have been suggestions that people, when they see only credits, don't have a sense of the value of what they are playing for, so that particular feature is now there. There's also a pop-up which says: "You've been playing for 30 minutes. Do you wish to continue?" You have to engage that particular message in order to continue. A criticism was that people had lost the sense of time, and that addresses that issue. Another one is a responsible gaming banner

which indicates information with respect to where people can get help on problem gambling matters. That has obviously been an issue, so that is there.

I can tell you, Mr. Speaker, that when this came forward, we said that what it will do is it will help players manage their time and money. The full impact of that particular program is not known. The research has not been done, but I can tell you that we have embarked upon research that, hopefully, will provide us with some assistance in determining the value of those particular features. Admittedly, we do not know in full what they will be, but the fact is that the general consensus is that it is a good first step.

**The Speaker:** Hon. members, 30 seconds from now I'll call upon the first of seven members to participate.

Well, hon. members, I'm not sure if this Assembly can handle this twice in one day, but is the Assembly prepared to allow the hon. Member for Red Deer-North to redo her introduction?

[Unanimous consent granted]

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

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

**Mrs. Jablonski:** Thank you very much, Mr. Speaker. I'm very pleased to see that the students from Red Deer have arrived safely, and it is now my great pleasure to introduce to you and through you to members of this Assembly 43 of the most enthusiastic and energetic kids in Alberta. They're here with some of their teachers and some of their parents, and I'd like to introduce them: Ms Janice Dempsey, Mr. Bob Irwin, Mr. Kenton Biffert, Mrs. Gwen Pozzolo, Mrs. Barb Vold-Bowd, Mr. Bill Bowd, Mrs. Derilee Zeibert, Mrs. Monica Janzen, Mrs. Lorraine Irwin, Mrs. Karen Ritchie, Mrs. Sherry Brock. They are in the members' gallery, and I would ask them all to rise and receive the warm traditional welcome of this Assembly.

head:                            **Recognitions**

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

#### **Kids Help Phone**

**Mr. Hutton:** Thank you, Mr. Speaker. I rise today to recognize a phenomenal service, the Kids Help Phone. This is Canada's only national, bilingual, 24-hour, toll-free telephone counselling service for children and youth who are experiencing difficulties or situations of personal crisis. The phones are staffed with professional counsellors with backgrounds in social work, education, and health care, who provide confidential counselling information, education, and referral services.

The Minister of Community Development and I were at a launch for the Bell Walk for Kids, which will take place in 35 communities across the country on May 2. Anyone interested in participating can sign up on-line or pick up a brochure at Bank of Montreal for the Bell walk, which will support this worthy cause for children and youth, Kids Help line.

Thank you, Mr. Speaker.

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

#### **Multicultural Health Brokers Co-operative**

**Ms Blakeman:** Thank you, Mr. Speaker. I'd like to recognize the work of the Multicultural Health Brokers Co-operative. Their

mandate to support immigrant and refugee individuals and families in attaining optimum health through relevant health education, community development, and advocacy support has been a great asset to Edmonton. Their services are available to anyone at no cost. As the MLA for Edmonton-Centre, many of my constituents are immigrants and new Canadians. The Multicultural Health Brokers can offer services in over 16 languages including Spanish, Eritrean, Kurdish, Persian, French-speaking African, Somali, or Sudanese.

Emerging from health initiatives in the early '90s, the co-operative is now a registered workers' co-op and has since 1995 been providing culturally and linguistically relevant prenatal and postnatal outreach as well as parenting support. The Multicultural Health Brokers will do home visits or counsel by phone. They organize hospital tours, do community education, consult and advise concerning crosscultural issues, and provide advocacy support to individuals and families.

I'm so grateful that this group of dedicated multicultural professionals make Edmonton better by helping all cultures to achieve wellness and to thrive.

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

#### **Gloria Miller**

**Ms Kryczka:** Thank you, Mr. Speaker. I'm very proud to recognize Gloria Miller, a constituent of mine in Calgary-West who was recently awarded a Lifesaving Society rescue award by the Lifesaving Society, Alberta and Northwest Territories, for her immediate reactions to a situation at hand on July 20, 2003.

On that day Riley Minue dove off a cliff at Nature's Hideaway along the Sheep River near Okotoks. He hit the water the wrong way and was knocked unconscious on impact. Gloria Miller, who was in the area with family and friends, noticed Riley's body face down in one and a half feet of water. She immediately pulled him to shore, had someone call 911, and applied CPR until he was breathing again and until emergency medical services arrived. Riley was airlifted by STARS air ambulance to a Calgary hospital and has since recovered from his extensive injuries. There is no doubt Gloria's quick actions saved Riley Minue's life.

Congratulations on your rescue award, Gloria.

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

#### **Arthur Bruyere**

**Mr. Graydon:** Thank you, Mr. Speaker. On March 12, 2003, Percival Meruena was working on a boat near a pier in Hawaii when he fell overboard and got caught in the propeller of a tender boat. Coworker Arthur Bruyere of Grande Prairie, Alberta, was on the beach when he received a radio message from security requesting immediate assistance. Arthur ran to the pier, assessed the situation, and without any thought for his own personal safety dove into the water to help safety manager Billy Gilbert in keeping Percival's head above water. His pants were wrapped around the propeller shaft, so he was unable to move.

Arthur knew that time was of the essence so he obtained a mask from a bystander and went underwater for long periods of time, working as quickly as he could to untangle Percival's pants. His efforts met with success. With the assistance of Billy they removed Percival from the water to safety.

There is no doubt that Arthur Bruyere's quick action and disregard for his own personal safety saved the life of Percival Meruena. It is for this reason that Arthur Bruyere from Grande Prairie was the recipient of a life-saving rescue commendation award and the



Lifesaving Society medal with the bar of merit, and it's for his heroic action that I'm recognizing Arthur Bruyere today.

Thank you.

**The Speaker:** The hon. Member for Calgary-Mountain View.

**Sheri McDougall  
Kyle Blocksom  
Brent Miller**

**Mr. Hlady:** Thank you, Mr. Speaker. On Monday, March 8, it was my distinct pleasure to attend the annual life-saving investiture ceremony organized by the Lifesaving Society for Alberta and the Northwest Territories. Three of the recipients are from my constituency of Calgary-Mountain View, and I'm proud to recognize them today. Sheri McDougall and Kyle Blocksom were presented with the M.G. Griffith certificate in recognition of their heroic efforts in the execution of two separate life-saving endeavours.

On August 9, 2003, Sheri McDougall drew upon her life-saving and lifeguarding skills when she came upon a motor vehicle collision near Stettler. Sheri was instrumental in assisting both drivers involved in the accident until police and emergency response personnel arrived.

On November 30, 2002, Kyle Blocksom drew on his bronze medallion skills to rescue Wayne Thomas, who had fallen through the ice on Bow Lake. Along with help from others they got his friend Lori off the ice to safety as well.

Brent Miller of my constituency received the Commonwealth certificate of thanks for his dedication and commitment to the society's drowning prevention program known as Canadians Water Smart.

I would like to extend my sincere congratulations to all of these brave and dedicated members of our community.

**The Speaker:** The hon. Member for Innisfail-Sylvan Lake.

**Matthew Rice  
Lee Chambers  
DeeAnn Daniels**

**Mr. Ouellette:** Thank you, Mr. Speaker. I rise today on behalf of the Member for Rocky Mountain House to recognize Matthew Rice of Rocky Mountain House, who was awarded the Royal Life Saving Society's M.G. Griffith certificate on March 7 by the Lieutenant Governor of Alberta. This award is the second highest national rescue award of the Royal Life Saving Society and is presented for demonstrating significant personal bravery in an outstanding rescue attempt.

On August 9, 2003, Mr. Rice came upon a motor vehicle collision near Stettler and using his acquired life-saving skills was able to immobilize the semiconscious driver, thus saving her life. Two other constituents, Lee Chambers and DeeAnn Daniels, were awarded the bar to the Commonwealth service medal and the certificate of thanks, respectively.

I would like to ask members of this Assembly to join me in recognizing the bravery of Matthew Rice and the outstanding volunteer service of Lee Chambers and DeeAnn Daniels.

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

**Preserve Garneau**

**Dr. Pannu:** Thank you very much, Mr. Speaker. It's an honour for me to stand and recognize Preserve Garneau, an organization that's

been, along with many residents of the Garneau community, striving to protect Garneau's unique historical character.

In their ongoing efforts to stop the encroachment of the University of Alberta into the Garneau community, residents have had some notable successes. Last September I had the pleasure of attending the dedication of Adair park, named in honour of Joseph and Dorothy Adair. Among the many accomplishments attributable to this remarkable couple, I would like to note that Dorothy Adair was a founding Alberta member of the Co-operative Commonwealth Federation, the forerunner of the party I'm privileged to lead. Community residents and groups have also been able to obtain historical designations for many of the houses in the area such as Rutherford House and the Cecil Burgess House.

So congratulations to Preserve Garneau and other groups and residents for their successes. My thanks for their efforts and my best wishes as they continue their work. Thank you.

head: **Presenting Reports by  
Standing and Special Committees**

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

**Mr. MacDonald:** Thank you very much, Mr. Speaker. As chair of the Standing Committee on Public Accounts, I hereby submit five copies of the Report of the Standing Committee on Public Accounts for the Third Session of the 25th Legislature covering the committee's activities in the year 2003.

Thank you.

head: **Notices of Motions**

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

**Dr. Taft:** Thank you, Mr. Speaker. I'd like to give notice that I plan to raise a matter of urgent and pressing necessity under Standing Order 40 at the appropriate time.

head: **Tabling Returns and Reports**

**The Speaker:** The hon. Minister of Children's Services.

**Ms Evans:** Thank you, Mr. Speaker. I'm pleased today to table the required number of copies of the Social Care Facilities Review Committee annual report for 2001-2002. As you know, the Member for Calgary-Shaw chairs this particular review committee. During that year the committee visited 103 foster homes, 37 child and youth social care facilities, 17 women's emergency shelters in 11 of our regional authorities. During those 157 visits the committee interviewed more than 750 service recipients, foster parents, and staff members. There's been huge work done in these reports, and I commit them to the Assembly.

2:40

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

**Mr. Mason:** Thank you, Mr. Speaker. Today I'm tabling five copies of documents tabled in the House of Commons Committee on Agriculture and Agri-Food showing that meat packers have made an extra \$227 million in profits since October 2003.

**The Speaker:** Are there others?

The hon. Government House Leader on a point of order.

**Point of Order  
Allegations against a Member**

**Mr. Hancock:** Thank you, Mr. Speaker. I raised a point of order

during question period today when a question was being posed by the hon. Member for Edmonton-Gold Bar. My point of order is raised under Standing Orders 23(h) with respect to making an allegation against another member and 23(j), using abusive language. I'm going to be very straightforward and brief with respect to this point of order.

The hon. member clearly made an allegation against the Minister of Energy when he indicated in the preamble to his question on numerous occasions that the minister was making secret orders with respect to secret taxes. I think that's clearly an allegation that's outside the scope of question period. He could have asked his question in an appropriate manner relative to the issue with respect to the sum of money which was purportedly being paid by consumers, but instead he was suggesting – more than a suggestion, making a direct allegation – that the Minister of Energy contravened the law and imposed a secret tax without telling anybody. That is an allegation which should be ruled out of order, in my submission.

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

**Ms Blakeman:** Thank you, Mr. Speaker, for the opportunity to answer the point of order raised by the Government House Leader. I'm going to approach this in two parts. One is the question of whether something was secret or not, and the choice of the word by the Member for Edmonton-Gold Bar was not arrived at lightly. It was some effort to find a ministerial order, and in fact it was not gazetted; it was not available through sessional tablings. When I looked at a dictionary definition of what secret is, it's kept from the knowledge of others, a mystery, kept hidden.

So, certainly, the Member for Edmonton-Gold Bar felt that the information was kept secret. It was not available through the usual processes that this House is accustomed to using, that being the tabling or the *Gazette*. In fact, he had to get it through a third source, so it was kept hidden from here.

As to the allegation that the Member for Edmonton-Gold Bar was somehow saying that the minister had contravened a law, he says quite clearly – I was not able to look at the Blues; I'm going off the question from the member – and does repeatedly talk about secretly raising taxes, which was the anecdote he was using to describe the money that was being asked for, and that he passed secret orders commanding energy users to pay for the office of the Utilities Consumer Advocate.

In fact, that appears to be a reality. There are no allegations involved there about doing something that's contravening the law. I would argue that in fact the minister did pass a secret – that is, kept hidden – order that was asking for payment for the Utilities Consumer Advocate. That is backed up by the information that in fact is available through this ministerial order 82/2003. The member did not make an allegation that he contravened the law. He very clearly said that the Minister of Energy had passed a secret order, and in fact an order has been passed, and it was kept hidden, which would make it secret.

So I would argue that there's no point of order. Thank you.

**The Speaker:** Hon. Member for Edmonton-Gold Bar, are you involved?

**Mr. MacDonald:** No. Thank you.

**The Speaker:** Most of what we do in this House is based on the temperance of the language in the time in which this would happen. So this is during question period. Well, of course, everybody knows that the motivation in question period is to pin somebody's shoulders

to the wall. So one takes every available kind of opportunity within the squares given to them, i.e. the rules, to try and get there.

In this case the hon. Member for Edmonton-Gold Bar uses the phrases “secretly raise taxes”, “secret orders”, “secret orders.” Well, I'm sitting here saying: my lord, if this is secret, why are we talking about it here today? If it was secret, how could it have been kept so hidden? Obviously, I mean, if it was secret, we wouldn't be talking about it today. So there had to be motivation for the hon. Member for Edmonton-Gold Bar to cast some form of aspersion on another member with respect to this.

So I think this is a dutiful point of order, dutifully raised, and we should not use language like that. I cannot believe – I just cannot believe – all the hard work that the chairman of the Members' Services Committee does to ensure that in the research facilities for all the parties in this Assembly people are actually studying documents to try and find words to do this. I can't believe that I've spent all this time on behalf to try and find that.

Why don't we use tempered language, which civilized people would use, on all occasions? We'd be much happier, wouldn't have to do this, and we'd be able to move on, and I would feel much better.

head: **Motions under Standing Order 40**

**The Speaker:** The hon. Member for Edmonton-Riverview under Standing Order 40.

#### **Calgary Emergency Health Services**

**Dr. Taft:**

Be it resolved that the Legislative Assembly urge the government to appoint an independent, nonpartisan commission under the Public Inquiries Act with a broad mandate to review the financing and delivery of health services as it relates to emergency services in Calgary as per the recommendation made by the fatality inquiry of April 2003 into Vince Motta's death.

**Dr. Taft:** Thank you, Mr. Speaker. I rise on a Standing Order 40 application to present a motion to the Assembly. I've got the appropriate copies here for distribution. As you know, Standing Order 40 applications are to be made “in case of urgent and pressing necessity.” I can think of no matter more pressing than addressing the mismanagement of services that Albertans rely on when they are sick and in desperate need of medical attention.

The problem with emergency health services in Calgary is not new, but it is urgent because the situation is only getting worse. Almost one year ago the fatality inquiry into Vince Motta's death found that the Calgary health region's emergency services were quote, under siege, end quote, and quote, in crisis, end quote.

In light of this situation, the Motta inquiry called for dramatic and immediate change. In the words of the inquiry's final report, quote, a system under siege or in crisis requires dramatic change, not incremental change, end quote. In fact, the Motta inquiry recommended very clearly that without dramatic changes, an independent, nonpartisan commission be appointed under the Public Inquiries Act with a broad mandate to review the financing and delivery of health services as it relates to emergency services in Calgary.

Well, Mr. Speaker, here we are almost an entire year later, and things have not gotten better. They've only gotten worse. In the past six months the Calgary health region has implemented 14 code burgundies, as compared to six in the entire previous year. Code burgundy refers to a situation where the region is so desperate for beds because of emergency admissions that they re-evaluate patients

who otherwise would not be discharged to determine if they can be safely sent home.

2:50

I've been receiving letters from patients waiting unreasonable amounts of time in emergency, leaving without seeing a doctor, and some even being left to lie on the floor because there are no beds. Last week I raised questions in the Legislature about Kathy Briant's mother – and I used her name with permission, Mr. Speaker – an elderly woman suffering from a stroke, spending over eight hours in emergency at the Foothills. I raised the issue of an elderly man being forced to lie on the floor for hours in emergency at the Foothills hospital because of a lack of beds.

These stories of unacceptably long waits and the lack of resources in emergency are more and more the norm. The Calgary health region's own numbers show that the length of stay for admitted patients in emergency has grown at all four of Calgary's hospitals while many other statistics on emergency services have improved very little.

Mr. Speaker, this matter is urgent not because I say it is but because the thousands of Calgarians who use Calgary's emergency services say it is, because the inquiry into Vince Motta's death says it is, because we can't afford to have the recommendations of the Motta inquiry ignored or forgotten. Too much is at stake.

I ask you and this Legislature to heed the words of the Motta inquiry when considering this motion. The inquiry stated that if the situation in Calgary's emergency services did not improve dramatically and if a public inquiry was not held, and I quote, the alternative is to wait until another death becomes the subject of inquiry in the context of beleaguered emergency services, end quote.

To you, to all members, don't let that happen. Let's vote to change things for the better. For the health care workers who work tirelessly every day in Calgary's emergency rooms and for the thousands of Calgarians who rely on this service, we must do this. We need this debate.

Thank you, Mr. Speaker.

**The Speaker:** Hon. members, under Standing Order 40 a motion such as this requires unanimous consent of the Assembly in order to proceed.

[Unanimous consent denied]

head:

**Orders of the Day**

head:

**Government Bills and Orders**

**Third Reading**

**Bill 15**

**Fiscal Responsibility Amendment Act, 2004**

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

**Mrs. Nelson:** Thank you very much, Mr. Speaker. I'm very pleased to move third reading of Bill 15, the Fiscal Responsibility Amendment Act, 2004.

There's been good debate on this bill in the Legislature. I believe that it meets the needs of the people of the province of Alberta. It is the result of the first year of operation under our new fiscal regime that was recommended by the Financial Management Commission.

I would encourage all members in the House to approve third reading.

**The Speaker:** The hon. Member for Lethbridge-East.

**Dr. Nicol:** Thank you, Mr. Speaker. I just rise again to re-emphasize the points that I made during committee in the sense that, you know, we need to check and make sure that this new amendment to this act really, truly lets us use the flexibility that's intended by the fiscal stabilization fund.

The interpretation that I have on it says that the only time we can actually take money out is if there is a deviation in the nonrenewable resource revenues. If we have a reduction in other revenues, other than the nonrenewable resources, and if that creates a shortfall in the middle of the year, can we still trigger the stabilization fund to support programs with that? I haven't had a clarification on that concern from last night, and I would still like to put it on the record.

Other than that, as I said, the other amendments to this bill are very supportive and improve the bill, and I look forward to hearing an eventual clarification on that. Thank you.

**Mrs. Nelson:** Mr. Speaker, I can assure the hon. member opposite that the bill is reflective of his concern, and it is there, and it does meet the needs, I believe, of the fiscal framework for this province.

[Motion carried; Bill 15 read a third time]

### Bill 13

#### Forest Reserves Amendment Act, 2004

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

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

We've updated the legislation to reflect changes in the department, to delete obsolete parts that were covered elsewhere, and to make the wording consistent with other legislation. We have added more responsibility for the minister to broaden enforcement of the act and to introduce a streamlined process to update the legislation as situations change. As well, we've included a provision to be able to address the control of restricted and noxious weeds, as required under the Weed Control Act.

There were a number of other questions that arose from Committee of the Whole, and I'd like to address those now, Mr. Speaker. During committee the question of who will administer the legislation was again raised. I did address this yesterday, but I'd like to explain it again. This legislation simply gives the minister authority to appoint the appropriate staff to administer the legislation. Government has always had the ability to contract services out, and where appropriate it has done so, but that is not the intent of this amendment.

When this legislation was originally drafted, forest officers primarily administered the legislation. As a result of some department and broader government reorganization, professional rangeland agronomists mostly administer the legislation these days. These are very well trained and well-educated professionals employed by the government. In the same way that forest officers are governed by legislation, so, too, will these agronomists be under this act. They are obligated to adhere to professional standards and guidelines. This change to the legislation was made simply to reflect what is currently happening on the ground. Alberta continues to have trained professionals administering the legislation. These changes to the legislation will not change that.

Mr. Speaker, one of the other members also suggested that people charged under the new administrative penalty won't be able to appeal. I'm not sure how the member can interpret the legislation that way. In fact, the opposite is true. Section 8.3 clearly states: "Subject to the right to appeal a notice of administrative penalty."

Section 8.4 goes even further, indicating that the minister may in fact create regulations that deal specifically with appeals.

Moreover, there's absolutely nothing in this legislation that says that a person charged under an administrative penalty cannot appeal. In fact, under the administrative penalties and related matters statutes amendment act an appeal process is being developed. This process will apply to several pieces of legislation including the Forest Reserves Amendment Act. Addressing appeal processes with one act ensures consistency and ensures that the appeal process is the same across the board. A more effective and a more efficient process will result. To me that makes sense.

The size of the forest reserve was another issue brought up. These comments were around the management of the forest reserve. Some suggested that this legislation would shift responsibility for this area from the government to the private sector. Some even went so far as to question the area's sustainability. The reserve is about the same size as it was originally in the early 1990s. If the member wants me to show him some pictures from that period of the 1990s compared to today, there's even more forest in some of those areas than there was back in the 1990s due to forest fire control and that sort of thing.

So this act continues to address the many uses in the area today, and these amendments will not change that. They're simply needed to update the legislation and bring it in line with other pieces of legislation like the Public Lands Act.

3:00

Again I'll say that this legislation will not change the way in which the forest reserve is managed. It will not change the current land uses in this area or impact the area's other values. It will continue to address the important environmental values of the area, and it will continue to be managed sustainably for a variety of uses, as it always has been.

As I said before, the changes proposed are required to update the legislation and ensure consistency with other legislation. They allow for continued sustainable grazing in the Rocky Mountain forest reserve, which is an Alberta heritage practice dating back to the early 1890s. We continue to protect the integrity of the land, the environment, and respect for other land users.

With that, thank you.

[Motion carried; Bill 13 read a third time]

### **Bill 10 Justice Statutes Amendment Act, 2004**

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

**Mr. Hancock:** Thank you, Mr. Speaker. I'm pleased to rise to move third reading of Bill 10, the Justice Statutes Amendment Act, 2004.

We've had a discussion in this House on Bill 10 previously, and I think it's common ground that the bill, which amends seven statutes, is one which has been relatively well consulted, such that members of the opposition have not heard back, as I understand it, from anyone with respect to any concerns relative to the proposals that are being raised.

In brief, the act amends the Court of Appeal Act, which allows for the empanelling of fewer than three judges on certain specific items to come before the court, and that is done at the request of the Court of Appeal to allow it to be more efficient in hearing matters which don't actually require the full panel of three.

The amendments to the Court of Queen's Bench Act and, I guess, further amendments to the Court of Appeal Act allow for changes to the rules. I explained, I think, earlier in the House that we amend the

Rules of Court from time to time on recommendations from our Rules of Court Committee, which has representatives from the bench, the courts involved, a representative from the Department of Justice, and a representative from the Law Society.

Generally, we get the Rules of Court amendments as proposed by that committee, their recommendations, which are given to the Minister of Justice and then brought before Executive Council for an order in council, but periodically we have to come back to the House and actually verify or approve those rules because there may be an argument raised from time to time as to whether the rules actually impact substantive law rather than just procedural law. What we're purporting to do with this act is not only to actually verify the rules that have been passed from time to time since the last time this was done but also to put in place a process which would actually substantiate those rules as and when they're passed without the requirement to come back to the House.

The most substantive portion, of course, of Bill 10 is the amendments to the Judicature Act which put in place on a request by one of the parties the proposal for the use by the courts of the concept which is colloquially known as a structured settlement. I believe, Mr. Speaker, that this will be a major step forward. Up to this point or at least until mid-December of last year structured settlements would only be put in place with respect to any personal injury action if both parties to the claim agreed. We had some comments in committee from the Member for Edmonton-Calder outlining, I think, some of the benefits of a structured settlement.

It is pretty clear, when you look at the available information, that lump-sum settlements and major damage awards relative to personal injuries can be problematic at times. Statistics will show, at least to the extent that there have been studies available, that some two years after a major lump-sum award is made, in the vast majority of cases the award has been spent.

We have to keep in mind that these awards are made not only for the current costs – for example, making adaptations to houses or purchasing a special vehicle or those sorts of expenses which are immediate – but also for long-term living expenses. In other words, the awards tend to replace income, and the awards also tend to be in place for longer term payments which may be needed for particular specialized medical services which aren't necessarily covered under health care.

So the concept of a structured settlement would allow for the payment of an upfront lump-sum damage award sufficient to cover expenses that have already been incurred and expenses that may be incurred to deal with issues that are immediate but then provide for, in essence, periodic payments over time, perhaps with lump sums built into it, to take the place of the income that was lost on a periodic basis so the person who was aggrieved can actually have the benefit of those payments when they need them throughout the course of their life. The act purports to set out specific rules relative to how that might apply and how that could be done in a fair and beneficial manner to the parties.

The act also provides for an amendment to the Jury Act which would, where a justice of the Court of Queen's Bench considers it appropriate, allow for the judge to indicate that a proceeding be tried pursuant to summary trial procedures set out in the *Rules of Court*. In other words, where the matter is of such a nature that it should be tried under the summary proceeding rules, it ought not be allowed to be tried before a jury.

Under the Motor Vehicle Accident Claims Act the amendment is simply to align the definition of motor vehicle with that in the Traffic Safety Act. Again, this is just simply to make sure that our acts are consistent and that people making claims under the Motor Vehicle Accident Claims Act are in fact those who would have been covered by public liability insurance of an individual operating a motor

vehicle who was in an accident with them if, in fact, they had complied with the law and had insurance. So that definition change merely aligns with the Traffic Safety Act and makes it clear that it's those people that the motor vehicle accident fund is there to protect.

Under the Provincial Offences Procedure Act, as I explained to the House earlier, we are simply moving into the electronic age even more so than we have before to allow for the movement of huge volumes of paper – I might say with respect primarily to traffic tickets that are written – each time a traffic ticket is written and then is moved through the various processes. This will allow us to use some of those processes electronically.

Mr. Speaker, the last item I address only briefly, and that is with respect to the Queen's Counsel Act. We have, in fact, in this province a Queen's Counsel Act. Some other jurisdictions have actually abandoned the opportunity to award Queen's Counsels. I am, in fact, a very, very strong supporter of the concept of awarding Queen's Counsels. I think that there are far too few ways in our society today that we can actually acknowledge service, that we can actually acknowledge the contributions that are made by people.

In this case under the Queen's Counsel Act every two years we're acknowledging the service that lawyers provide both to their profession and to the community. As I say, we don't often have that opportunity to say thank you in that way, and the Queen's Counsel Act allows us to do that every two years, to say to a certain number of lawyers in our community that we recognize the service that they've provided in enhancing the rule of law in our society and, most importantly to me, to make a contribution to the community.

3:10

Just for the record I'd like to say what I often take the opportunity to say in public meetings when lawyers are there and, obviously, often helping to organize the event. As we look around in community organizations, we often find that there are lawyers there that have helped set up the organization, helped put together its constituting documents, helped provide the order and structure for the organization, volunteering their time on a pro bono basis to help societies get up and running, to help community organizations get up and running. I find very often, when I'm involved with community organizations or attending a community function, that lawyers, in fact, members of the Law Society, are there behind the scenes doing a lot of good work to help make our community a better place.

The Queen's Counsel Act allows us on a periodic basis to say thank you and to acknowledge that and to hold out those who do give exemplary service and are of exemplary character as models and as examples to others in our society. It's for that reason, Mr. Speaker, that we need the amendment that we're proposing here.

The amendment, as it indicates, will allow us to also remove the designation of QC from a person who no longer exemplifies that model of conduct, in particular somebody who has been disbarred or is deemed to have been disbarred by virtue of a resignation by a member in the face of discipline pursuant to section 61 of the Legal Profession Act. In other words, if a person has committed a criminal offence for which they've already been convicted but also have lost the opportunity to practise law – they've been disbarred – then they ought not to continue to carry around the designation of QC, which is a designation which says that we respect and honour that member for the contribution that they've made to society.

So those are the amendments that are proposed to various justice statutes in Bill 10, and I would ask for the support of the House.

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

**Dr. Pannu:** Thank you very much, Mr. Speaker. I rise to speak to Bill 10, the Justice Statutes Amendment Act, 2004, in its third

reading. I'm pleased to extend the support of the caucus of the New Democrat opposition to Bill 10. I also want to compliment the Minister of Justice and Attorney General for providing good, thorough briefing to us before the bill was introduced. That really is very helpful for me and for our staff to respond appropriately to the bill.

[Mr. Shariff in the chair]

The bill is in part housekeeping, and parts make some substantive changes, and I think they certainly have our support and deserve the support of the House in general. The only questions are some concerns that I have with respect to the flexibility that's built into the alternative, the lump sum payments, to people who win these court awards. There may be cases where some lump sum payments are necessary, although the minister has indicated that such provision will be made, but I guess it's going to be outlined in the regulations. There's perhaps not enough detail in the act itself with respect to that.

That said, I'm happy to take my seat, Mr. Speaker, and indicate our support for the bill.

**The Acting Speaker:** The hon. Member for Lethbridge-East.

**Dr. Nicol:** Thank you, Mr. Speaker. Just to rise to briefly summarize the Official Opposition's position on the bill. It's great that occasionally we do update the laws that relate to the workings of the court, the workings of the judicial system.

One of the really good aspects of this bill is the ability to take and review the QC designation for individuals. I think this is something that in my travels across the province we've been really encouraged to do on a number of different occasions, so I think it would be a good addition to the process and the procedure that's available.

I hope that we do move forward on this because it really helps to bring the laws that relate to this aspect of our legal system into current expectations, the use of more of the electronic age components. That all helps. It makes things work easier.

I commend the minister for making these changes. Thank you.

**The Acting Speaker:** The hon. Minister of Justice and Attorney General to close debate.

**Mr. Hancock:** Thank you, Mr. Speaker. Only to add something which I forgot to say, which is that I wanted to thank the critics for both parties opposite for making themselves available to discuss these aspects, and I also wanted to mention that in bringing forward modernization to various justice statutes amendment acts, there's a lot of work that goes into that, even though it may be simple provisions. That work is obviously done by members of the Department of Justice, but also we look to the Law Reform Institute for its guidance from time to time on matters. Often matters which are brought forward in the justice statutes amendment acts are, in fact, an attempt to implement what we've been advised by the Law Reform Institute.

With respect to the structured settlement process I would advise the House that there's still some discussion around the appropriate mechanisms and processes, and I may in fact be back to this House at some point in time asking for slight changes to the process or amendments if we get further advice in that regard. I brought it to the House this spring in order to ensure that our law with respect to personal injury was aligned with the law which we passed in December relative to insurance.

[Motion carried; Bill 10 read a third time]

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

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

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

**Mr. Hancock:** Thank you, Mr. Speaker. It's my pleasure to rise today to move Bill 19, the Public Trustee Act, for second reading.

I will just indicate that having moved it and spoken to it, at the end of my comments I will move that we adjourn debate in order to allow my critic from the Official Opposition to speak to it later in the day.

The office of the Public Trustee, part of Alberta Justice, administers over \$400 million in assets for nearly 14,000 clients. Most Public Trustee clients fall into one of three groups: minors, vulnerable adults, and estates of deceased persons. The Public Trustee also holds property for missing persons.

Bill 19 repeals and replaces the current Public Trustee Act, which has been in force in this province since 1949. Although the bill modifies many details of the legislation governing the office of the Public Trustee, the core functions of the office remain the same under the new act.

The modifications are intended to allow the Public Trustee to serve clients in as an effective and efficient manner as possible. Organizational aspects of the office of the Public Trustee are mainly unaffected by the bill. However, the existing requirement that the person appointed as a Public Trustee be a lawyer will not be continued.

I have mentioned that one of the Public Trustee's functions is to hold property belonging to missing persons. The new provision will make it clear that the Public Trustee may make expenditures out of such property to try and locate the owner.

**3:20**

The bill contains a provision dealing with unclaimed property in the hands of the Public Trustee. The current rules in this matter are unduly complex. In some cases the Public Trustee must hold the property for at least two years. At the end of two years the property or the proceeds of its sale may be transferred to the general revenue fund. If a person later establishes a claim to the property, they can get it back along with interest. The claim could in theory be asserted many decades after the money was transferred into the general revenue fund. If the claim was established, interest would be payable for the entire period.

In some cases—namely, where the public trustee cannot determine whether anyone is entitled to the deceased person's estate—the rules are different. Again unclaimed money is paid into the general revenue fund, but here a person only has six years to start legal proceedings to establish a claim to the property. If they do establish their claim, they will not get interest on the amount that was transferred to the general revenue fund.

Under the proposed new act the same rules would apply in all of these cases. The Public Trustee must hold the property for at least 10 years. Only then could the Public Trustee transfer the property including any accumulated interest to the general revenue fund. There would be no cut-off date for a person to start proceedings to establish a claim to the property, but if someone establishes a claim, they will not be entitled to interest on the money that was transferred to the general revenue fund.

In a typical year, Mr. Speaker, the Public Trustee takes on the administration of several hundred deceased persons' estates. The

Public Trustee sometimes administers an estate to protect the interest of a vulnerable person who is interested in the estate. The vulnerable person might be a minor or an adult for whom the Public Trustee is acting as a trustee under the Dependent Adults Act. In other cases the Public Trustee becomes the administrator because no one else is able or willing to do it. The changes in this area are intended to allow the Public Trustee to administer estates where needed in as cost-effective and efficient a manner as possible.

The circumstances in which the Public Trustee has priority to administer an estate will be broadened slightly. Currently the Public Trustee may administer the estate of a deceased who has not left a will if no one else steps up to do so. The bill extends this to cases where the deceased has left a will but no one has taken steps to administer the estate.

The bill also broadens the scope of an expeditious procedure that applies to estates of modest monetary value. Generally, the Public Trustee must apply to the court for a grant of administration to acquire the right to administer an estate, but if the deceased has not left a will and the estimated value of the estate is below a prescribed amount, another procedure is available. Instead of applying to the court for a grant of administration, the Public Trustee may file an election to administer the estate. The bill extends this procedure to cover smaller estates where the deceased has left a will.

With respect to minors the new Minors' Property Act, which was introduced as Bill 20, deals with how property of a minor gets into the hands of the Public Trustee for safekeeping. The new Public Trustee Act being proposed addresses how the property is dealt with once it's in the hands of the Public Trustee.

One of the changes in this area relates to the Public Trustee's discretion to make expenditures out of property held for a minor. The current act gives the Public Trustee varying degrees of discretion depending on the value of the property held for the minor. This bill eliminates the distinctions based on the value of the property held by the Public Trustee. The Public Trustee will have broad discretion to make expenditures out of property held for a minor. The main criteria is that the Public Trustee must be satisfied that the expenditure is in the minor's best interest.

The bill contains new provisions that clarify the Public Trustee's role in monitoring trustees of minors' trusts. Currently there's very little legislative guidance regarding the Public Trustee's role in this area. The new act states that the Public Trustee must monitor in two situations: if the creator of the trust appoints the Public Trustee to monitor or if the court directs the Public Trustee to monitor. In either case, the bill defines the scope of the Public Trustee's duties when appointed or directed to monitor.

The Public Trustee also plays an important role in protecting the financial interests of vulnerable adults by acting as trustee under the Dependent Adults Act. The bill does not make any substantive changes to the Public Trustee's role in this area.

The investment provisions under the current act are focused on two related funds: the common fund and the special reserve fund. Money held by the Public Trustee may be invested in a common fund held and controlled by the Public Trustee. The current provisions relating to the common fund are somewhat convoluted. However, upon close inspection the following points emerge.

The amount of the client's claim against the common fund is determined much as you would determine the balance outstanding on a bank account. Clients are paid interest on their common fund balances at the rate prescribed by the Public Trustee. The amount of clients' claims against the common fund is unaffected by fluctuations in the market value of its assets or by realized gains or losses. If the common fund's earnings for a period exceed the interest payable to

clients for the period, the excess is paid into the special reserve fund. Conversely, if common fund earnings fall short of what is required to pay interest at the prescribed rate, the shortfall is made up from the special reserve fund. The amount outstanding on clients' common fund accounts is fully guaranteed by the province.

The Public Trustee may invest the common fund and special reserve fund only in securities listed in a schedule to the Trustee Act, the so-called legal list. Clients whose money is invested in the common fund benefit from an unconditional guarantee of capital, including capitalized interest. Whether you're looking at a period of a month or a decade, clients never incur negative returns. The money in the clients' common fund account is always available to the client. Clients may expect generally higher returns than could be expected if the Public Trustee had to invest each client's money individually.

The current act's investment provisions also have their drawbacks. They provide almost no guidance as to when the Public Trustee should invest a client's money in the common fund or invest it separately for the client. They provide no guidance as to how the Public Trustee should set the interest rate on the common fund. They are not as clear as they might be in describing how clients' claims against the common fund are quantified.

The legal list approach may preclude the Public Trustee from adopting optimal investment strategies. Some long-term plans would benefit if the Public Trustee could establish pooled investment funds that are more like mutual funds. The Legislature will recall that we passed amendments to the Trustee Act last year which allowed for the prudent investment rule to be applied, and that would be a similar concept that we're talking about here.

The new act's investment provisions are designed to build on the current act's strengths while addressing its drawbacks. The common fund and special reserve fund will be merged into a single common fund. The Public Trustee will still maintain reserves within the common fund, but the purposes for which the reserves are maintained are not advanced by maintaining two legally distinct accounts.

The new act introduces the concept of guaranteed accounts to clarify how clients' claims against the common fund are quantified. The government guarantee will continue as a guarantee of the amount outstanding on the clients' guaranteed accounts. The Public Trustee will continue to set the interest rate payable from time to time on clients' guaranteed accounts. In setting the interest rate, however, the Public Trustee will be governed by criteria to be established by regulation.

The Public Trustee will be governed by prudent investment principles, not the legal list, in investing common fund assets. The Public Trustee's application of prudent investment principles will reflect the objectives of the common fund.

It needs to be kept in mind that the common fund supports the Public Trustee's obligation on accounts that are fully guaranteed as to capital, including capitalized interest. This entails that the common fund will remain heavily weighted towards high-quality, fixed-income investments. The common fund will be the appropriate destination for most money of most clients.

However, the bill recognizes that the common fund will not always be the appropriate destination for a client's money. Long-term clients with assets of substantial value are a case in point. They could benefit if some of their assets are invested in a manner which accepts moderate short-term volatility in exchange for higher expected returns over the long haul. The bill authorizes regulations that would specify conditions under which the Public Trustee may make separate investments for a client.

This bill also authorizes regulations that would allow the Public

Trustee to establish pooled investment funds. Pooled investment funds would differ from the common fund in that money placed in such a fund would not be guaranteed. Pooled investment funds would be analogous to mutual funds in that a client's return would directly reflect the return on the fund's investments.

Mr. Speaker, Bill 19, the Public Trustee Act, is a complex act, but it's essentially a modernization of the act that was passed in 1949 and has not had any significant review since then. We've engaged in a process over the last two years to consult primarily with the people who are affected; that would be the legal community, the investment community, the insurance community, and clients. While it's not a broad community consultation, that opportunity was available for members of the public, but as you might expect, not too many people afforded themselves of the opportunity to comment.

However, we believe that we've done a thorough job and the department has done a thorough job of reviewing the Public Trustee Act, modernizing it, ensuring that we're in a position to deal with the concerns that have been raised from time to time by the Auditor General with respect to how the common funds and reserve funds are handled. Mr. Speaker, I hope that the House will support Bill 19.

I would move that we adjourn debate.

[Motion to adjourn debate carried]

3:30

**Bill 20**

**Minors' Property Act**

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

**Mr. Hancock:** Thank you, Mr. Speaker. I would like to rise to move Bill 20, the Minors' Property Act.

In many ways it's a companion to the Public Trustee Act, as I referenced. Again, at the conclusion of my remarks I will move to adjourn debate to allow the opposition critic the opportunity to speak later in the day.

Following consultation with the public, Bill 20 was introduced and will update and replace the current Minors' Property Act. The bill omits obsolete provisions in the current act while simplifying and again modernizing the provisions that remain relevant. The bill also deals with a few subjects that are not addressed by the existing act.

The common thread that runs through the bill is the protection of minors' financial interests. The bill attempts to strike a balance between two objectives: ensuring that minors' property is administered and used in their best interests and acknowledging the important role of parents and guardians and, indeed, of minors themselves in looking after minors' property.

One of the ways the law protects minors' financial interests is by curtailing their ability to deal with their own property or to bind themselves to contracts, but there are circumstances where it is in a minor's best interest if there is a mechanism to facilitate transactions involving minors' property. This mechanism has long existed for certain types of transactions, and application may be made to the Court of Queen's Bench for approval of a transaction. The court will confirm the transaction if it's satisfied that it is in the minor's best interest. Court approval makes the transaction binding on the minor. This bill consolidates and streamlines provisions that allow the court to authorize the sale of a minor's property where the court is satisfied that this is in the minor's best interest.

The bill also retains a provision of the current act relating to settlement of minors' legal claims; for example, a claim by a minor

who has been injured in an accident. Under the current law and under this bill a settlement of a minor's legal claim is binding on the minor if and only if the settlement is approved by the court.

To reinforce the importance of obtaining court confirmation of settlement of minors' claims, the bill contains a provision making it clear that an indemnity given by a parent or other guardian of a minor in connection with the settlement of a minor's legal claim is void. A new provision based on legislation in force in British Columbia will make it clear that the court may confirm any contract entered into by or on behalf of the minor if the court is satisfied that the contract is in the minor's best interest.

I've already mentioned that the law attempts to protect minors' financial interests by limiting their ability to deal with their own property. One aspect of this is that a person who holds property to which a minor is entitled cannot necessarily discharge their obligation by handing over the property to the minor.

A problem with the current law is that it is not always clear how the person who is under the obligation to the minor may actually discharge that obligation. Can they safely turn the property over to the minor, hand it over to the minor's parent or guardian, turn it over to a trustee who is authorized by a will to receive the property, or deliver it to the Public Trustee? These are all questions to which the existing law does not always provide a clear answer or may provide what seems to be a stranger impractical answer.

I'll provide an everyday example to illustrate the point. Suppose a 15 year old takes her bike into a bike shop for repairs. When the repairs are completed, she pays the bill. What should happen next? You might think the answer would be simple: the shop should return the bike to the 15-year-old customer. It's her bike, and she's paid the repair bill. But if you were to read section 6 of the current Public Trustee Act, you would find that the bike shop's apparent legal duty is to deliver the bike to the Public Trustee, not to the owner, the customer.

In fact, if you were to take the current provision at face value, any property, including money, to which a minor is entitled must be delivered to the Public Trustee except in three cases: where the money is due as wages or salary, where someone has been appointed by court order as a guardian or trustee of the minor's estate, where the property is worth less than \$4,000 and the Public Trustee exercises a discretion to allow the property to be turned over to a responsible adult.

None of the exceptions to section 6 accommodates the reasonable expectations of the parties to the transaction involving the bike that I mentioned or a host of other similar transactions in which minors are involved every day. So one of the objectives of the bill is to clarify how persons who owe money to a minor or hold property to which a minor is entitled may discharge that obligation.

The bill deals specifically with three situations. The first is where a minor has entered into a contract that calls for the other party to deliver property to the minor. Subject to the regulations the other party to the contract may discharge their obligation by doing precisely what the contract requires them to do, hand over the property to the minor. The regulations might exclude contracts involving a very large amount of money or property of a very high value.

Second, the bill provides for situations where a trustee has been appointed by a trust instrument such as a will or by a court order. The bill provides that the person who is holding the property may discharge their obligation by paying the money to the trustee appointed by the instrument or the court order.

The third scenario dealt with by the bill is where the value of the property to which the minor is entitled is relatively small. The new

provision is similar to the provisions of the current Trustee Act that give the Public Trustee the discretion to allow a third party to deliver property with a value of \$4,000 or less to a responsible adult. However, under this act the Public Trustee will not be involved at all. The new provision will apply where the value of property involved is less than an amount prescribed by regulation. The person holding the property will be able to discharge their obligation by delivering the property to a guardian who has responsibilities for making day-to-day decisions affecting the minor. Alternatively, the person could deliver the property to the minor if the minor has a legal duty to support another person.

The three situations I've described cover the majority of everyday situations in which someone owes money to a minor or holds property to which a minor is entitled. But they don't cover some of the less common but significant situations such as the following: a minor is entitled to property of considerable value from the estate of a deceased person and no trustee has been appointed by the deceased person's will or by a court order, a minor is entitled to a large sum of money under a life insurance policy that does not appoint a trustee of the money, or a minor is entitled to the money under a court judgment or settlement and no trustee of the property has been appointed by the court. In situations like these, the person obligated to pay the minor may discharge their obligation by delivering the property or money to the Public Trustee, who will then hold it for the benefit of the minor.

Mr. Speaker, the bill also clarifies the process for the court to appoint a trustee of a minor's property. The current legislation assumes that if the court appoints a trustee of a minor's estate, the trustee will automatically be entrusted with all of the minor's estate. The bill will allow the court to appoint a trustee of specific property; for example, money payable under a settlement or for a minor's property generally. Existing legislation provides the court with no guidance as to the matters the court should consider when asked to appoint someone as a trustee of a minor's estate.

This bill emphasizes that the best interest of the minor is the fundamental issue when someone asks the court to appoint a trustee of a minor's property. It also identifies specific matters for the court to consider when deciding whether to appoint the proposed trustee. The current legislation creates a presumption that the proposed trustee must provide a bond. This bill retains the presumption but is framed as a requirement to provide a bond or some other security approved by the court. The bill provides for forms of security other than a bond because bonds may be very expensive and difficult to obtain.

The bill also encourages the court to consider whether safeguards other than the provision of security might be in the best interests of the minor. Security will not be required if the appointed trustee or one of them is a trust corporation.

A new provision gives the court a power to direct someone who is in possession of a minor's property to deliver the property to the Public Trustee for safekeeping. It is anticipated that this provision would be rarely used but would be of value in situations where a minor's property is being placed at risk.

The bill requires the Public Trustee to be given notice of any application under the act. This provision is new to the Minors' Property Act, but it is based on a similar provision in the current Public Trustee Act.

The bill requires the consent of a minor who is over the age of 14 to any application under the act unless the court allows the application to proceed without the minor's consent.

Mr. Speaker, that gives a general overview of the Minors' Property Act, Bill 20, that's being proposed. It replaces an existing



act, again as I indicated with the Public Trustee Act. The intent is to modernize a provision that is there to allow the Public Trustee to act on behalf of the vulnerable and disadvantaged, in this case children. It updates our existing act, but most importantly it adheres to the guiding principle that all decisions affecting a child's property or legal rights are to be made in the child's best interest.

So, Mr. Speaker, with that, I would move that we adjourn debate on Bill 20.

[Motion to adjourn debate carried]

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

**Ms Haley:** Thank you, Mr. Speaker. I would like to move that we call it 5:30 and adjourn until 8 p.m.

[Motion carried; the Assembly adjourned at 3:40 p.m.]

