

Legislative Assembly of Alberta

Title: **Wednesday, March 17, 2004**

1:30 p.m.

Date: 2004/03/17

[The Speaker in the chair]

head: **Prayers**

The Speaker: Good afternoon. Welcome.

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

Please be seated.

head: **Introduction of Visitors**

Mrs. McClellan: Mr. Speaker, I'm very pleased to introduce to you and through you to members of the Assembly Georges Farrah. He's the parliamentary secretary responsible for rural development. Mr. Farrah is very well aware of the changing needs of rural Canada as he represents a very rural Quebec constituency that has some particularly unique challenges. I know that he is a very strong champion in the federal government for a strong rural Canada.

Mr. Speaker, it is very appropriate and timely that I introduce Mr. Farrah to the Assembly today because earlier this afternoon we released the MLA steering committee report Rural Alberta: Land of Opportunity along with our report coauthors, the members for Innisfail-Sylvan Lake and Wainwright. We know that a strong rural Alberta is essential to the economic picture, to the culture and environment of our province, and we know that the province of Alberta will lead the way in finding solutions for our rural areas. So we are very pleased that Mr. Farrah is here to see how highly we regard the sustainability of rural Alberta and to discuss opportunities for co-operation between the federal and provincial governments and our rural communities.

Mr. Farrah is accompanied by Donna Mitchell, who is the executive director for Rural and Cooperatives Secretariats, as well as a number of staff. I would ask that our honoured guests rise and receive the very warm welcome of our Legislature.

The Speaker: The hon. Deputy Speaker.

Mr. Tannas: Thank you, Mr. Speaker. The Royal Canadian Legion's Alberta Northwest-Territories Command takes a keen interest in promoting the values of good citizenship among young people throughout the province and the Territories. The Legion is in partnership with the Legislative Assembly Office in a program that reflects that good work. It is Mr. Speaker's MLA for a Day program. We are very appreciative of both the Legion's financial support and their involvement in this annual event. In your gallery are Mr. Bob Hannah, the Legion's command president, who is accompanied by Jean Clark and Lenore Schwabe, command vice-president. I would now invite our guests to rise and receive the traditional warm welcome of the Assembly.

I'm also pleased, Mr. Speaker, to introduce to you and through you to all members the 30 student participants in your MLA for a Day program. Our shadow colleagues are seated in both galleries. They are accompanied by their Legion chaperones, Dutchy and Diane Enders, Cecile Boyer, and Gord McDonald. I would ask them now all to rise and receive, again, the traditional warm welcome of this Assembly.

head: **Introduction of Guests**

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

Mr. Dunford: Thank you very much, Mr. Speaker. Part of our activities within the personnel administration office is the attraction and retention of employees to work in the Alberta civil service. I'm pleased to report to all members today that our civil service has won, in the past, national awards. One of the things that we do to enhance our recruitment prospects is run an intern program. So today we have with us 35 interns. They are from all parts of our government. These 35 interns have just recently graduated from postsecondary education. The interns are in their first and second years of employment here with the Alberta government, and of course, as mentioned, this has been co-ordinated through the personnel administration office. So I would ask them to rise and receive the warm greetings of the members of the Legislature.

The Speaker: The hon. Member for Peace River.

Mr. Friedel: Thank you very much, Mr. Speaker. It's my pleasure and privilege to introduce some special guests today. I have 45 visitors from the Peace River high school attending at the Assembly today. They're down for a field trip to the Legislature and to other points in Edmonton. They're accompanied by teachers Dania Hill and Aaron Dublenko and a parent, Jerrold Lundgard. Mr. Speaker, I appreciated the fact that you invited them to join your MLA for a Day event this morning. I'm sure they enjoyed it. They're seated both in the members' and the public galleries, and I'd ask them to rise now and receive the traditional warm welcome of the Assembly.

The Speaker: The hon. Member for Leduc.

Mr. Klapstein: Thank you, Mr. Speaker. I'm delighted to introduce to you and through you to the rest of the Assembly our guests from the Covenant Christian School near Leduc in my constituency. We have teacher Michelle Fisher, parent helpers Linda Goltz, Elly McGowan, Bruce Moore, Nynke Miedema, and Grace Deunk, and 18 students. So I'd ask the Assembly to extend to them the warm traditional welcome.

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

Mrs. Gordon: Thank you, Mr. Speaker. I would like to introduce to you and through you to members of the Assembly Ms Tara DeLeeuw, who lives in the farthest northeastern part of the Lacombe-Stettler constituency bordering on Ponoka-Rimbey. Tara tells me that she is a strong advocate in rural Alberta, particularly for women and youth, focusing her time and energy on the need for equal access for all to law and justice. I would ask Tara to rise and receive the warm welcome of the House.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'd like to introduce to you and through you to all members of the Assembly Marilyn Corbett, who is sitting in the public gallery. She is a member of Education Watch. She's also a recently retired librarian and a grandparent who's very concerned about education funding of K to 12 and the postsecondary system. I would ask Marilyn to please rise and accept the warm welcome of the Assembly.

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

Rev. Abbott: Thank you, Mr. Speaker, and a happy St. Patrick's Day to you and all the Irish in the building and everybody else. It is a great day for the Irish, and it's also a great day for rural Alberta

because today in our midst we have the mayor of Breton, where I lived for 11 and a half years. His name is Darren Aldous. He's also the vice-president of the rural municipalities, small towns, and villages on the AUMA. I've introduced him before, but I know he was meeting today with the rural secretariat, so I'd like him to stand and receive the warm welcome of the Assembly.

The Speaker: The hon. Minister of Municipal Affairs.

Mr. Boutilier: Thank you, Mr. Speaker. The Alberta Junior Hockey League, of course, are experiencing playoffs right now. Many members in this House, in fact, are cheering for their teams. It's my pleasure today to introduce the voice of the Fort McMurray Oil Barons, which I had the pleasure last night to provide colour commentary with for three hours on radio. He's seated in the members' gallery. It's Jeff Henson. He's with KYX 98, the home of the Barons. I'd like to ask him to rise and receive the warm welcome of this Assembly.

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

Mr. Cardinal: Thank you very much, Mr. Speaker. It's my pleasure to introduce to you and through you to the Assembly five members of my department that make up the fire weather team: Nick Nimchuk, Paul Kruger, Lisa Avis, Zygmunt Misztal, and Betty Herzog. I'd like them to rise and receive the traditional warm welcome of the Assembly.

1:40

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

Dr. Pannu: Thank you, Mr. Speaker. I'm pleased to rise and introduce to you and through you to the House a parent who's an active member of the Education Watch initiative, a parent organization which is very concerned about and advocates for adequate and stable funding for public education. Ms Marilyn Covello has a daughter in grade 3 at McKernan elementary junior high school. She's seated in the public gallery. I would now ask her to please rise and receive the warm welcome of the Assembly.

The Speaker: The hon. Member for Whitecourt-Ste. Anne.

Mr. VanderBurg: Thank you, Mr. Speaker. It's an honour to introduce to you and through you to the Assembly a long-time constituent of Whitecourt-Ste. Anne, Mrs. Vera Michalchuk. Vera is a lifelong educator who grew up on a homestead near Drayton Valley and taught in many towns west of Edmonton for 40 years before retiring from the Wildwood school. Vera is not only a mother of five and a great long-time Conservative, but she's had so much positive influence on each and every one of us through her wise son David Michalchuk, our caucus director and, I'm told, her favourite. She's very proud of him. She's sitting in the members' gallery, and I'd ask her to rise and receive the warm welcome of this Assembly.

The Speaker: Hon. members, I'd like to introduce to you and to all of the people who may be listening and watching seven members of the Alberta Legislative Assembly who 15 years ago this week, on March 20, 1989, were elected to the Alberta Legislative Assembly for the first time. I'm going to ask the head page, as I mention their names and introduce them to you, to deliver to each one of them a special 15th anniversary Mace pin of the province of Alberta.

So, first of all, to the hon. Member for Highwood, the Deputy

Speaker, 15th anniversary; the hon. Minister of Aboriginal Affairs and Northern Development, the MLA for Lesser Slave Lake; the hon. Member for Athabasca-Wabasca, the hon. Minister of Sustainable Resource Development; the hon. Member for Stony Plain, the Minister of Seniors; the hon. Member for Rocky Mountain House, the Minister of Infrastructure; the hon. Member for Calgary-Foothills, the Minister of Finance; and, 15 years ago, the hon. Member for Calgary-Elbow, the hon. the Premier.

head:

Oral Question Period

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

Automobile Insurance

Mr. MacDonald: Thank you, Mr. Speaker. While the government fiddles, auto insurance rage continues to burn. Drivers from across the country and in this province are outraged by a net profit of \$2.6 billion dollars from an industry that has been just recently pleading poverty. Shamefully, the Premier defends this 673 per cent increase in profits. To the Premier: how can you defend these obscene profits?

Mr. Klein: Mr. Speaker, first of all, we don't involve ourselves with the profits of insurance companies. What we do is involve ourselves with the protection of the consumer. The hon. member should be pleased with the program we put in place because, actually, we took profits out of the insurance industry. We took about \$250 million – million dollars – out of the insurance industry so that young, safe drivers can be rewarded through lower insurance premiums and older, safe drivers can be rewarded through lower insurance premiums and those in between won't experience extreme rate increases. The program is a good program. Again, I have to commend the hon. Minister of Finance and the hon. Member for Medicine Hat for the outstanding work that they have done to stabilize insurance rates in this province.

Mr. MacDonald: Again to the Premier: when will you stop tinkering, put people before the profits, and consider the plan for public auto insurance on www.liberalopposition.com?

Mr. Klein: Mr. Speaker, relative to the first part of the preamble we have put people before profits as I outlined. We have taken about \$250 million out of the insurance industry to make sure that insured drivers in this province are treated fairly regardless of age or gender.

Relative to going to a socialist system, I don't think so. That may be fine for the NDs and the Liberals, who are socialist thinking people, but the majority of people in this province are free thinkers, really respect and understand the entrepreneurial and the free enterprise system and want to see it stay that way.

The Speaker: The hon. member.

Mr. MacDonald: Thank you, Mr. Speaker. Again to the Premier: how can you reject a plan for public auto insurance when that plan would reinvest profits into road safety, programs that reduce accidents, and further reduce drivers' premiums? How can you reject that plan?

Mr. Klein: Mr. Speaker, first of all, we don't reject a plan that reinvests money into road safety. I'll have the hon. Minister of Transportation speak to that issue.

Our main concern relative to the insurance legislation that we

passed – and we're now working on the regulations associated with that legislation – is to make sure that people in this province are treated fairly. That is the main point. That is the point that we wanted to emphasize and the point that we wanted to address, and we have addressed it very successfully indeed.

Relative to the amount of money that goes into road safety, whether that comes from insurance or whether it comes from general revenues, it is significant. I'll have the hon. minister comment.

Mr. Stelmach: Thank you. Mr. Speaker, the province of Alberta invests in excess of \$2 million annually in road safety programs. Together with what the government invests in road safety, other participants like regional health authorities, enforcement agencies, the centre for injury prevention, the Alberta Motor Association, and including insurance companies, all pool their resources and look towards focusing on safety on provincial highways.

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

Complaints to Utilities Consumer Advocate

Mr. MacDonald: Thank you, Mr. Speaker. This government's credibility continues to decline. The Utilities Consumer Advocate received over 800 complaints from angry Albertans in his first four months on the job, mostly about high bills and confusing bills and high prices, but this disaster of energy deregulation continues. These concerns are being ignored according to the so-called utilities watchdog, who said, quote, 800 calls in four months is not a huge number, end of quote. Yet just last month the Minister of Government Services, who is also in charge of the Utilities Consumer Advocate, terminated a contract with Imperial Parking after receiving the same number of complaints over 18 months. My first question is to the Premier. Why won't this government take the concerns of Albertans seriously and admit that the only solution to high prices and confusing energy bills is unplugging energy deregulation?

1:50

Mr. Klein: We will not unplug energy deregulation, because insofar as electricity is concerned, it is working, with the generation of about 3,000 megawatts more of power each and every year. Relative to gas, Mr. Speaker, gas was regulated long before the hon. member was a Member of this Legislative Assembly and long before I was a Member of the Legislative Assembly.

What the hon. member fails to point out and purposely fails – because it is their intention to mislead and misrepresent. What he intentionally – intentionally – fails to point out is that 37 per cent of those complaints to the consumer advocate were on natural gas bills, had nothing to do whatsoever with electricity. Now, Mr. Speaker, he intentionally left that out of his preamble because intentionally he wants to mislead and misrepresent the case to Albertans.

Mr. Mason: Point of order.

The Speaker: I gather that there's an intervention on a point of order. The hon. Member for Edmonton-Highlands on a point of order, and to the Government House Leader, be prepared.

Let's remember: parliamentary language. And it applies to everybody in this House.

The hon. member.

Mr. MacDonald: Thank you, Mr. Speaker. Again to the Premier:

given that 18 per cent of the complaints received by the Utilities Consumer Advocate were from Albertans who could not afford to pay their utility bills, why won't this government guarantee lower bills by unplugging this \$8 billion boondoggle?

Mr. Klein: Mr. Speaker, I don't know any other phrase to use other than "intentionally mislead" because again we heard this hon. member allude to a figure that is not correct. We heard him allude to an adjective that is certainly not correct. Boondoggle is not correct. A good program would be a correct definition. It is not an \$8 billion boondoggle. It is a program that has brought 3,000 megawatts of new energy on the market. It is a program that has stabilized electricity prices, and by the way it is a program that has brought about a consumer advocate.

You know, Mr. Speaker, I would like to put on my hat as a journalist again and ask this hon. member as a journalist: how can he one week criticize the whole notion of a consumer advocate, saying that this person is just a puppet, or something to that effect, of the utility industry because he's paid by the utilities, then get up and quote eloquently and wax eloquently about what the consumers' advocate says?

It's unparliamentary to use the word "hypocrisy," but I can't think of another word. Maybe "unprincipled." I don't know if that's unparliamentary or not . . .

Speaker's Ruling Parliamentary Language

The Speaker: But in this Assembly the hon. Member for Calgary-Elbow is not a journalist. He's the leader of the governing party and the Premier. And parliamentary language is the decorum that will be used in this House.

The hon. Member for Edmonton-Gold Bar.

Complaints to Utilities Consumer Advocate

(continued)

Mr. MacDonald: Thank you, Mr. Speaker. Given that energy deregulation is not correct, did the government appoint an industry-funded consumer advocate in order to silence other consumer advocates who have stood up and spoken out in opposition to this government's failed energy deregulation scheme?

Mr. Klein: It's not a failed deregulation scheme, and I would remind the hon. member again that 37 per cent of the complaints that the consumer advocate dealt with were related to gas prices and not electricity prices – 37 per cent – something the hon. member fails to mention. But he does mention a lot the unplugging of electricity deregulation. Well, Mr. Speaker, if I could make a suggestion – it would be helpful to all Albertans – that would be to unplug www.liberalopposition.com.

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

Long-term Care Beds

Ms Blakeman: Thank you, Mr. Speaker. Currently almost 4,000 of Alberta's long-term care beds are in private rooms, 8,800 are semiprivate, and almost 750 are in wards. Subsidies for low-income seniors and AISH recipients only cover the cost of semiprivate and ward long-term care beds, but it appears that new long-term care facilities will consist primarily of private rooms. My first question is to the Minister of Health and Wellness. Is the minister allowing

a situation to develop where the already limited stock of semiprivate and ward rooms is depleted even further?

Mr. Mar: Mr. Speaker, the reality is that there have been changes over many years with respect to long-term care, and what seniors are telling us is that they actually prefer to get away from the idea of wards and semiprivate rooms. They prefer private rooms, so we let the marketplace operate as it does to respond to the needs of what seniors actually want.

Ms Blakeman: My next question is to the Premier. Is this some misguided circular logic where the government stops building the only kind of long-term care beds for low-income seniors that it's willing to subsidize?

Mr. Klein: Mr. Speaker, we are committed to building as many seniors' units as we possibly can, both for long-term care and for assisted living and also lodge accommodation for those who can care for themselves.

But relative to the situation I'll have either the hon. Minister of Health and Wellness or the hon. Minister of Seniors respond.

The Speaker: The hon. minister.

Mr. Woloshyn: Yes, Mr. Speaker. I'd like to clarify a misconception. The support that we're giving to seniors in long-term care goes up to, in dollars, the semiprivate rate. That is correct. However, we have taken upon ourselves to advocate on behalf of seniors who are under our program to ensure that they get the private room at the semiprivate rate, which is a darn good bargain. We advocate for them by putting the families together with the individual facilities. In addition to that, any senior who was in a private room on our program would not be moved out of that room unless it was within the same facility and to a semiprivate.

So, Mr. Speaker, I'd like to point out very strongly that we did look after all of the people on our program, that they're not suffering unduly, and, in fact, that we did insist that the people in our program do for the most part receive the same kind of residual income of \$265 that the lodge people do.

The Speaker: The hon. member.

Ms Blakeman: Thank you. Then to the Minister of Seniors: if the seniors or their families are not able to convince the owners or operators of long-term care facilities to give them the private room at a semiprivate room rate, where exactly are these seniors to go? Is the government going to cover the additional cost or not?

Mr. Woloshyn: Mr. Speaker, very specifically, like I indicated, the people who were in the private rooms would not be moved out against their will, would not be forced to pay more. Quite frankly, we have been able to resolve through consultation on behalf of the residents virtually every case that they presented as hardship, and the operators have been very co-operative.

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

Special Duty Audit by Auditor General

Mr. Mason: Thank you very much, Mr. Speaker. Albertans have been flooding our offices with calls, demanding to know if the \$400 million in BSE aid was well spent or if it all ended up in the hands

of U.S.-owned packing houses. The government has insisted that the Auditor General would investigate, but yesterday we learned that this investigation would be as deep as a slough in a drought. The Auditor General now says that he will not follow the money beyond who got the initial cheques and that he will not table the terms of reference or an audit plan. My question is to the Premier. Will the Premier now admit that the routine audit asked for by the Minister of Agriculture, Food and Rural Development is insufficient to answer the questions that Albertans are asking and, instead, use cabinet's authority under the act to request a special duty audit, which can follow the money?

2:00

Mr. Klein: Mr. Speaker, it's my understanding and it should be the hon. member's understanding as well that the Auditor General is an independent individual who is appointed by this Legislature. He doesn't take direction from government. To have him take direction from government or any other member of the Legislature, for that matter, could be dangerous, very dangerous indeed. If one were to direct the Auditor General, for instance, to ignore something, that would be dangerous.

The Auditor General, as I understand it, works with his legislative mandate and conducts his work as he sees fit. That's why we recently amended the legislation with the support of at least the Liberal opposition to give him wide-ranging powers. As always, this side and that side of the government will co-operate with the Auditor General as fully as we possibly can as he conducts his work.

I tend to put more faith in the Auditor General and his assessment of what he needs to do than the NDs' opinion of what they think he needs to do.

The Speaker: The hon. member.

Mr. Mason: Thank you very much, Mr. Speaker. Well, given that the Premier is unfamiliar with the provisions of the Auditor General Act that clearly give cabinet the power to order a special duty audit, how can he claim that the Auditor General will get an answer to the question of why packer margins have increased by 200 per cent, when the Auditor General writes that the flow of money after it is in the hands of those entitled to receive it . . .

The Speaker: Hon. member, it's a question. There's no way a 45-second question is a question.

Mr. Mason: Thank you, Mr. Speaker. Given that the Auditor General has ruled out following the audit and given that the government is refusing to get to the bottom of this, when will the Premier stand up and ask Executive Council to order a special duty audit so that we can follow the money?

Mr. Klein: Mr. Speaker, first of all, as I pointed out, I don't think that it's appropriate or wise for any member of Executive Council to order the Auditor General to do anything. Now, if the hon. member or if this legislative body wants the Auditor General to do what he probably is doing anyway, then I have no problems with that being a legislative motion or anything else.

Mr. Mason: Will you vote for it?

Mr. Klein: Fine. I don't care one way or the other. It's just that I don't feel comfortable as an individual and as the Premier asking Executive Council to order the Auditor General to do anything, because if you can order him to do something that the opposition

wants, then it stands to reason that you can order him to do something that the opposition doesn't want.

Mr. Speaker, he is an officer of the Legislature; therefore, it should be the Legislature that directs him. Having said that, I do believe that the Auditor General has the powers to investigate whatever he wants, whenever he wants, notwithstanding the direction of the opposition or this Legislature.

The Speaker: The hon. member.

Mr. Mason: Oh, I get a third one. Thank you, Mr. Speaker.

The Speaker: Hon. member, you always had a third one. It's just that you abused the second one. So please proceed carefully with the third one.

Mr. Mason: Thank you very much, Mr. Speaker. Given that Albertans will not see terms of reference or an audit plan from the Auditor General, how is this government going to assure Albertans that his investigation will be a thorough analysis of the program and who received the money from it?

Mr. Klein: Mr. Speaker, you know, if I were the hon. member, I'd be very careful, because what he is doing is questioning the investigative authority and, indeed, the integrity of the Auditor General. The Auditor General has said that he will conduct – and I don't know if I'm quoting him correctly – a thorough investigation of this matter relative to BSE. I would suspect that that matter relates to whether the money under the assistance program that we launched, the \$400 million, was spent properly, whether the packers made excessive profits, a matter that is already being investigated by a parliamentary committee and, as I understand it, the Competition Bureau.

The Auditor General I believe has indicated that he will submit his report by the end of June, and it remains to be seen at that time whether or not he has done a thorough job. But I have every confidence in the Auditor General to do a thorough job because that's what he is mandated to do.

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

Cheviot Creek Coal Pit

Mr. Strang: Thank you very much, Mr. Speaker. There was an announcement yesterday by the Elk Valley Coal Partnership that they plan to go ahead with a \$50 million development at the Cheviot Creek coal pit near Hinton. As the Member for West Yellowhead, where the development will take place, I have been asked by my constituents about its economic impact. My main question is to the Minister of Economic Development. Could the minister tell the Legislature what the economic impact of this development is expected to be?

Mr. Norris: Well, Mr. Speaker, before I answer the hon. member's question, a couple of things have to be said. In light of the continued questions that come from the opposition that point to nothing but an economy that's on a downward spiral, this particular piece of news along with hundreds around the province every day clearly prove that that's incorrect and that it's been what we've said all along: the Alberta advantage is alive and well.

I would also like to offer compliments to the MLA for West Yellowhead. He and I have been working on this for quite some

time. The bottom line about this particular project is that this region has been very hard hit, Mr. Speaker, in a number of different industries, not only forestry and coal and agriculture but in tourism, and this member and I have been working together to try and secure new opportunities, of which this is one.

This plant, obviously, will generate an initial introduction of about \$50 million of new business into the community in the retrofit. Mr. Speaker, 120 new jobs, that were slated to be lost when Cardinal River Coals shuts down, will be saved. More importantly, it's an ongoing opportunity for the West Yellowhead region, and I think all members of this House, including the opposition members, should be grateful to the Member for West Yellowhead for trying so hard to build a better Alberta.

The Speaker: The hon. member.

Mr. Strang: Thank you, Mr. Speaker. My first and last supplemental question is to the Minister of Energy. What process and approval are needed before the Cheviot Creek coal pit can be producing its coal resource?

Mr. Smith: Well, Mr. Speaker, the bringing into play of a mine of this calibre is going to be a significant achievement in Alberta. Importantly, this Cheviot mine has already been approved by a joint federal/provincial panel, so much of the legwork and the bull work has already been done, and that's important. Now we're going into individual licensing processes with the Alberta Energy and Utilities Board and with Alberta Environment.

Mr. Speaker, I can point out that the Member for West Yellowhead is in charge of a committee that works with royalty review. He's updating the 1976 coal policy in this province and looking for a long-term vision so that, in fact, not only will the Cheviot mine open, but we will start to exploit and develop these resources, this coal that allows us to build new, better burning, more environmentally acceptable coal-fired generators and allows us to move into new markets.

2:10

Mr. Speaker, I think it's important that we note that a lot of this credit actually goes to China. China today, in fact, uses 50 per cent of the world's consumption of cement, which they use coal to fire with. They use 30 per cent of the world's supply of coal and 36 per cent of the steel. China is our third largest trading partner and one that will be extremely important to the Member for West Yellowhead as well as to this economy and to the creation of new jobs in Alberta.

Private/Public Partnerships for Hospital Construction

Mr. Bonner: Mr. Speaker, the Minister of Health and Wellness has recently indicated that this government is open to learning from the practices of other countries and provinces. I hope this is true because if this government paid attention to the evidence and learned from other jurisdictions, they would know that using alternative financing, like P3 hospitals, doesn't work. To the Premier: given the example set by Australia's P3 Port Macquarie base hospital, that cost taxpayers three times what a public hospital would have cost, will the government rule out P3s as a way to build and maintain health care facilities in Alberta?

Mr. Klein: Mr. Speaker, the answer to that is no. We will not rule it out. It will be ruled out, however, if it doesn't make economic sense. That's why there is a very thorough process that has been put in place to adjudicate a P3 proposal, whether it's for a hospital, a

roadway, a school, or any other public institution. Basically, that process involves a thorough review of the initial proposals, then a separate request for qualifications, then a request for proposals. At each stage of the process there is a thorough review of the proposals not only in terms of the physical qualities relative to the project but the finances and whether the taxpayer will benefit in the long run. So we will not rule out P3s, but as I said previously, we will rule out a P3 if it doesn't make sense.

Mr. Bonner: To the Premier, Mr. Speaker: given the example set by England's P3 Cumberland hospital, where an independent commission found that management problems led to poor patient care, will the government rule out P3s for Alberta's health care facilities?

Mr. Klein: No, Mr. Speaker. We will not. I think it would be folly to rule out a P3. For instance, I know that the Calgary health authority is now considering a P3 proposal for a south hospital. Now, that will have to go through the process.

There have been some failures relative to P3s, and there have been some successes. You know, we want to focus on the successful projects. Hopefully, they can work and work for us and work for the taxpayers of this province, but if they don't work, they simply won't happen. I've been to the U.K., and I visited a P3 project where the proponents and the United Kingdom National Health Service say that it's working quite fine, thank you. Now, there may be other projects in the U.K. that were built under P3 that are not working as well.

You know, it's so common for the Liberals to cherry-pick, and usually the cherries they pick are the bad cherries.

Mr. Bonner: Mr. Speaker, to the Premier: can the Premier explain why his government is refusing to learn a clear lesson from other jurisdictions that P3 hospitals are a failure?

Mr. Klein: Quite the opposite, Mr. Speaker. We are learning from other jurisdictions, but we're learning from their successes, because we believe in looking at what works well in other jurisdictions and why it works well and implementing those policies. So relative to health reform generally, for instance, it's our plan to look at those jurisdictions, those countries where the health system is deemed to be better than it is in Canada. We're saying: let's look at what works, and perhaps we can incorporate what works into our health system, and let's reject what doesn't work. The same with P3s: reject what doesn't work and take the best of the components and put that into our process. In that way, we come out with a quality project at a price that taxpayers can afford and something that may in the long run or probably will in the long run benefit the taxpayers of this province.

The Speaker: The hon. Member for Calgary-McCall, followed by the hon. Member for Edmonton-Mill Woods.

Portable Classrooms

Mr. Shariff: Thank you, Mr. Speaker. Most of the elementary schools in my riding use portables for classrooms, and many of these portables have been designed for 24-student capacity. However, it is very common to find 30 to 31 students in these classrooms, which means there are 31 winter coats, boots, jackets, and so on. Quite often teachers have to move desks and chairs around to accommodate student activities, making the rooms very, very congested and unsafe. My questions today are to the Minister of Infrastructure. Could the minister please explain what his department's guidelines are for portable size and capacity?

Mr. Lund: Mr. Speaker, I'm not sure which portables the hon. member is referring to. Of course, in the past the construction of the portables has been at the discretion of the school board, so you could get varying sizes. For our standard, as far as the department is concerned, we've now moved to an area per student as opposed to the old class of 25. Under that, the situation is that in a permanent structure it averages because it changes with a number of factors: the age, the grade level, the number of students that have special needs, and a couple of other smaller factors that figure into it. Normally the average would be about 80 metres square. Portables normally are about a hundred metres square, so they, in fact, are usually bigger than the old 25-student class size.

Now, with the policy, as far as into the future, we are looking at trying to standardize and to try perhaps even the government building and then leasing to school boards as opposed to the school boards doing it. However, we are going to look at the standard construction as well so that there is a more uniform standard throughout the province.

When it comes to health and safety, Mr. Speaker, as far as air quality is concerned, we do have in place the standards that must be met in all classes. Of course, as far as health and safety the school board working with the school would deal with things like the exits.

Mr. Shariff: My first and only supplementary is again to the same minister. Given the safety of our children in such situations, what is the departmental safety policy, and when was it last reviewed?

Mr. Lund: Mr. Speaker, as I said earlier, for the safety as far as air quality is concerned, we have those standards. The size of the portable, the amount of room, is governed under the area utilization formula. That formula is extremely important to us not only in situations like the hon. member has mentioned but also when we are building new schools and to size the classes and to size the overall school to fit with what is necessary in that area.

Also, when we look at the utilization factor – and this is really important. As we move forward, we have a policy that we will not – we will not – build new schools in a jurisdiction until the utilization is up to 85 per cent. That is really critical, because if you go below that, you end up then having difficulty with the operating and maintenance side, and you end up with a lot of space that is not necessary. We can't afford to continue to do that.

However, having said that, we do recognize – and the Minister of Learning and I have talked about it on many occasions – that where you have K to 4 children that are being bused for a long distance, we must take another look at that, but we've got to stick with the 85 per cent utilization.

The Speaker: The hon. Interim Leader of the Official Opposition, followed by the hon. Member for Red Deer-North.

2:20

SuperNet

Dr. Massey: Thank you, Mr. Speaker. Alberta taxpayers have paid almost \$200 million for SuperNet, but with the downloading of costs, for many communities it's going to become NoNet. My questions are to the Minister of Innovation and Science. Why is the government allowing companies involved with SuperNet to charge struggling communities, like the village of Heisler, a \$4,000 hookup fee and \$3,000 a year just to maintain one connection to the system?

Mr. Doerksen: Well, Mr. Speaker, the Alberta SuperNet will in fact connect almost every community in Alberta. Any community that has a library, a school, a hospital, or government building will have SuperNet access located in that town.

The Speaker: The hon. member.

Dr. Massey: Thank you. Again to the minister. SuperNet is in the village. Hooking it up is going to cost them \$4,000 and another \$3,000 a year. How are they going to incorporate that into their budget year after year?

Mr. Doerksen: Mr. Speaker, the Minister of Municipal Affairs may wish to supplement. When we started this process, it was quite clear to the municipalities that our obligation was to take the point of presence for this high-speed optical network into that community. That, in fact, gave the opportunity for the municipalities to connect to the SuperNet because the base network or the main connection across Alberta was being put in place to let them access that high-speed optical network. So, in fact, it is an advantage to them.

The Minister of Municipal Affairs may wish to talk about some discussions that he has been having with the municipalities.

The Speaker: The hon. minister.

Mr. Boutilier: Thank you very much, and I would like to supplement, Mr. Speaker. As the minister of innovation has indicated, we've been working very closely with our municipal partners, both rural and urban. I want to say that the annual convention for the Association of Municipal Districts and Counties is coming up within the next two weeks, which, I know, many members from this Assembly are going to be attending. I'd ask the member to stay tuned, because we've been working very closely with this ministry in terms of how every single municipality in this entire province will be hooked up. SuperNet is a program that is unmatched. No other province in Canada has anything even close to it.

Dr. Massey: My question is again to the Minister of Innovation and Science. What solution does the minister have for cash-starved communities like Heisler who simply can't afford SuperNet? Downloading the costs onto them isn't the solution.

Mr. Doerksen: Well, Mr. Speaker, again I might ask the Minister of Municipal Affairs to supplement the answer. I know of no other jurisdiction, frankly, in the world that makes this opportunity available to all Alberta citizens. It is unparalleled, and in fact a recent article out of IEEE magazine, which is a highly respected technical magazine, gave the Alberta SuperNet an innovation award for the vision of that network.

Mr. Boutilier: Mr. Speaker, to follow up from the minister of innovation, every single village, small town, municipality, all 360 of them – I don't want to scoop myself here, but I can say that we have some very important news, because we're working with our partners within municipalities.

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

Employment Training

Mrs. Jablonski: Thank you, Mr. Speaker. My question is for the Minister of Human Resources and Employment. Mr. Minister, it was reported in Red Deer that you said that there is a fierce demand for skilled workers in northern Alberta's resource industry and that employers are made to think that they have to hire high school graduates for every job. Are you suggesting that it is not necessary to graduate from grade 12 or to finish high school and that students can drop out of school to get a job? [interjections]

Mr. Dunford: Pretty spicy stuff, eh?

Let's be clear. If the people that are listening to us now and the people that will be reading *Hansard* are in school, stay in school. If you are about to graduate, get yourself into our excellent postsecondary system right now or just as soon as you possibly can. If you're under I'm going to say the age of 25, get yourself back into school.

But there's a time for clear talk, and I think this is it. What I'm meaning is that we have a whole generation of folks out there that are older than 30 and have not completed high school, and if we have employers and if we have governments myopically saying that you have to have grade 12 in order to enter the workforce, then we are subjecting a whole generation of people to poverty.

What I was suggesting in the public meeting where I was quoted – and it appears almost misquoted – is that we have to look at the individual person, and we have to determine what is best for them in terms getting them into the workforce. We need flexibility on the part of the training institutions. We need flexibility on the part of the employers. With that flexibility we can get everybody productive in Alberta, and that's what we want.

Mrs. Jablonski: Mr. Speaker, my final question to the same minister: what jobs can people who don't have a high school diploma get?

Mr. Dunford: Yeah, there are lots of them there. There'll be a string. The thing that we need to know and understand is that we have people over 30, we have people that have not completed high school that are trainable and can work into our workforce.

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

Electronic Health Records

Dr. Taft: Thank you, Mr. Speaker. The main problem facing Alberta's health care system is not out-of-control costs; it's mismanagement of the money we have. Yesterday I asked reasonable questions of the Minister of Health and Wellness about whether his department did due diligence on the electronic health record system. The answer I got didn't address the question, so I'll give the minister another chance today. To the Minister of Health and Wellness: given that the minister announced \$59 million in October for health information systems, then provided the AMA with \$65 million in November, and RHAs are spending untold millions more, will the minister tell us the total expected cost of establishing the electronic health record system?

Mr. Mar: Well, Mr. Speaker, in the spirit of St. Patrick's Day I feel compelled to answer in the following manner.

There once was a man from Riverview
Whose opinions were respected by few.
He said: it's so grand to have your head in the sand;
Our health system we need not renew.

Mr. Speaker, I would be happy to sit down with the hon. member at any time that he'd like to educate and edify him on the subject of the importance of Wellnet. We have invested over \$130 million from 1997 through to March 31, 2003, on information technology. It has been for the following purposes. It has been to improve patient safety, and it is to improve quality of care. The electronic health record, pilot programs leading up to the EHR, the seniors' drug profile program, the pharmaceutical information network, and the newborn metabolic screening system are only to name a few. I would like to point out that that last program recently won a prestigious national award.

Mr. Speaker, \$59 million was allocated to develop the EHR, including its implementation up to 2004. The Department of Health and Wellness is pursuing other sources of funding, including the federal government's program under Canada Health Infoway. So far Wellnet has received \$16 million in funding from CHI, Canada Health Infoway, to implement the pharmaceutical information network.

2:30

The Speaker: The hon. member.

Dr. Taft: Thank you, Mr. Speaker. Again to the same minister: given the staggering amount of health information generated every day in clinics and labs, in hospitals and doctors' offices, what cost controls are in place to ensure that the costs of the health information system don't soar?

Mr. Mar: Mr. Speaker, Albertans can be assured that there are sophisticated financial systems in place and controls within the Department of Health and Wellness including Alberta Wellnet. Also, of course, the Department of Health and Wellness is subject to the financial scrutiny of the Department of Finance, and all of Alberta Wellnet's reporting controls include documentation providing specific details before a project begins. This includes issues of deliverables, milestone dates, details on resources needed to complete the work, and, finally, monthly status reports on the work that's been completed. Alberta Wellnet is audited by the provincial Auditor General. The contracting process adheres to the policies and the procedures set out by Alberta Finance.

The Speaker: The hon. member.

Dr. Taft: Thank you. Will the minister, instead of waiting for a written question, table for us any cost-benefit analysis that was done to justify spending \$124 million on the new health information system?

Mr. Mar: Mr. Speaker, if the hon. member wishes to send me a letter on that, I would be happy to prepare him a written response accordingly.

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

Health Care Reform

Dr. Pannu: Thank you, Mr. Speaker. On January 22, 2004, the Minister of Health and Wellness said loudly and clearly that the government had decided not to accept the Graydon report recommendations because Albertans do not support user-pay schemes. After no doubt being read the riot act, the minister is now falling in line behind the Premier and Steve West in advocating snake oil remedies that will inevitably lead to a two-tiered health care system in this province. My questions are to the Minister of Health and Wellness. Why is the minister championing the very two-tiered health care system that the Graydon report recommends after categorically rejecting the same report's recommendations?

Mr. Mar: Mr. Speaker, there is no such report, that I'm aware of, that recommends a two-tiered health care system.

The Speaker: The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. Why is the government

misleading Albertans with spin about the nonsustainability of the health care system when the minister knows and the government knows from the government's own public accounts that health spending in Alberta has been stable over the last dozen or more years once inflation and population are factored in?

Mr. Mar: Mr. Speaker, the sand that is running in the ears of the Member for Edmonton-Riverview seems to be running in the ears of the Member for Edmonton-Strathcona as well.

I refer the hon. member to the report that was tabled earlier this week done by the Conference Board of Canada. This is the most important public policy issue, not just in Alberta but across Canada. There is a remorselessness to the arithmetic that you cannot have health care spending growing at 8, 9, 10, or 11 per cent a year when government revenues are only growing at 2, 3, or 4 per cent a year. Mr. Speaker, that is the remorselessness of the arithmetic.

It matters not whether you're a Conservative in Alberta, an ND in Saskatchewan, a Liberal in British Columbia; this is the reality across Canada. It's the reason why it's the subject matter of important debates currently going on among ministers of health across this country, the reason why first ministers have asked ministers of health and ministers of finance to get together this summer. It's the reason why this is the most important public policy issue that we will deal with in the next 10 years.

It's not just us that are saying it, Mr. Speaker. Premier Lord from New Brunswick would say that on the current cost tracking that we're undergoing right now, the Canadian health care system will not be here in 10 years' time. We are taking active steps to avoid that consequence.

The Speaker: The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. Among all the provinces of Canada why does Alberta stand alone in advocating the two-tiered approach of the Graydon report, which the minister less than two months ago said would not be accepted by most Albertans?

Mr. Mar: Mr. Speaker, this Assembly is filled with people who know what they know, it's filled with people who know that they don't know, but it also has a few members that don't know that they don't know.

head:

Recognitions

The Speaker: In 30 seconds I'll call upon the first member.

Hon. members, I have seven hon. members who want to participate in Recognitions today, and I'm not sure that any of the seven are of Irish heritage. Well, if the hon. Member for Edmonton-Highlands is of Irish heritage and if there's something about St. Paddy's Day, you're first.

Mr. Mason: It's not about St. Patrick's Day; I'm sorry.

The Speaker: You're not Irish?

Mr. Mason: Half.

The Speaker: Well, that's not good enough.

All right then. Okay. The closest that I can see to an Irishman in the Assembly, the hon. Member for Calgary-Fort.

Mr. Cao: Thank you. I'm wearing some green here today.

International Day for the Elimination of Racial Discrimination

Mr. Cao: Mr. Speaker, March 21 is the International Day for the Elimination of Racial Discrimination, proclaimed in 1966 by the United Nations, calling on all nations to redouble their efforts to eliminate all forms of racial discrimination such as xenophobia and related intolerance; discrimination based on culture, nationality, religion, or language; and racism resulting from official doctrines of racial superiority or exclusivity such as ethnic cleansing.

To me, eliminating discrimination must also come from individuals at home. Individuals must reach outside their own ethnic and cultural zones of comfort. I challenge every Albertan, every Canadian to make it their living routine to invite a person of different ethnic and cultural heritage into their own homes.

Mr. Speaker, in Alberta the human rights, citizenship, and multiculturalism law recognizes that

all persons are equal in: dignity, rights and responsibilities without regard to [the protected grounds of] race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income or family status.

I feel blessed to live and raise our family in Alberta, in Canada.

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

U of A Pandas Hockey Team

Dr. Taft: Thank you, Mr. Speaker. On March 14, 2004, the number one ranked University of Alberta Pandas hockey team claimed their third consecutive national championship and fourth in the last five years with a 2-nothing victory over the Ottawa Gee-Gees in Montreal, Quebec. The Pandas got two goals from CIS player of the year Danielle Bourgeois for the second consecutive game as Alberta dominated the game throughout, outshooting Ottawa 28 to 5 through two periods and 49-11 overall. CIS coach of the year Howie Draper suggested that March 14 culminated a stunning season for the Pandas, who ran their undefeated streak against CIS opponents to an unbelievable 81 games.

Congratulations to the U of A Pandas hockey team.

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

Alberta Rocky Mountain Parks

Mr. Hutton: Thank you very much, Mr. Speaker. Today I stand to recognize the Alberta Rocky Mountains. Recently Alberta Rocky Mountain parks were acknowledged as a premier world destination for sustainable tourism. National Geographic surveyed 200 specialists in sustainable tourism, destination stewardship, and related fields, and the results reported in the March 2004 issue of *National Geographic Traveler* ranked Alberta's Rocky Mountains sixth out of 115 locations around the world. It is notable that Alberta's parks ranked ahead of the Bavarian Alps, the alpine regions of Switzerland, and even my Scottish highlands.

Mr. Speaker, I congratulate the tourism operators in Banff, Jasper, and Lake Louise on their excellent work to earn this tremendous recognition.

Thank you, Mr. Speaker.

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

2:40

Art Smith

Mr. Amery: Thank you, Mr. Speaker. On February 19 of this year the hon. Minister of Seniors and myself attended the grand opening

of a transitional residence in my constituency that will provide a safe and comfortable home to eight people requiring housing assistance. This project was the result of a partnership among Horizon Homes, the community facility enhancement program, Calgary Homeless Foundation, Alberta Seniors' homelessness initiatives, and Human Resources Canada.

This house, Mr. Speaker, was dedicated to an outstanding Canadian who devoted most of his life to serving his fellow citizens as an alderman, a member of this Assembly, a Member of Parliament. In 1998 he founded the Calgary Homeless Foundation. This gentleman is the hon. Art Smith. I would like to ask all of my colleagues to recognize Art Smith for his commitment and dedication to those most in need.

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

Alberta Schools' Athletic Association Curling Championship

Rev. Abbott: Thank you, Mr. Speaker. It is my pleasure to recognize the girls, boys, and mixed division winners and all of the teams who competed in this year's Alberta Schools' Athletic Association provincial curling championships, which took place in Drayton Valley this month. The winning rinks included in the mixed division Beaumont composite high school, in the girls' division Stony Plain's Memorial composite school, and in the boys' division Lamont high school. As well, Frank Maddock high school, the host team from Drayton Valley, finished third in the mixed division.

Mr. Speaker, curling is a sport that captivates the Canadian imagination. Everyone knows great competitors like Alberta's own world champions Randy Ferbey and Kevin Martin as well as Canadian champions such as Colleen Jones and Sandra Schmirler.

It is at high school competitions where the next Alberta champion and the next Brier, Scott, and world champion makes his or her mark. It's also at these competitions where new friendships are forged, many of whom will continue to compete against each other as they move up the curling ranks.

Finally, Mr. Speaker, let me say a huge congratulations to all of the volunteers from Frank Maddock high school and the Drayton Valley community. Many students, staff, and volunteers worked very hard to make the Alberta provincial high school curling championships a huge success, and each volunteer deserves a warm round of applause.

Thank you.

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

Great Kids Awards

Mrs. Jablonski: Thank you, Mr. Speaker. On Sunday, March 14, 2004, the Premier, the Minister of Children's Services, and Mrs. Colleen Klein presented 16 children and youth with the Great Kids award. These young people between the ages of five and 18 have made great contributions to their communities, their schools, and their families. From collecting books for children to raising \$76,000 for cancer research, these Great Kids have already made a difference in this world.

With thanks to the corporate sponsors each Great Kid will receive a computer from IBM, an education bursary from TransCanada, accommodation at Fantasyland Hotel, and attraction passes to West Edmonton Mall.

Mr. Speaker, the 16 Great Kids that were selected from 257 outstanding nominations are Jazlyn Wiebe, Sherwood Park; Helen Cashman, Edmonton; Mikyla Sherlow, Jasper; Keiran Sawatzky,

Okotoks; Paul Zimmerman, Wetaskiwin; Katy White, Banff; Candy Squire, Vulcan; Jacqueline Luhoway, Edmonton; Rodrick Mwemera, Youngstown; Jaylene Norris, Red Deer; Nolan Sleeva, Medicine Hat; Carlia Schwab, Sylvan Lake; Kelsey Trach, Vermilion; Jayden Madsen, Hinton; Taryn Penrice, Red Deer; Megan Fester, Calgary.

I ask that all members of this Legislature join me in congratulating Alberta's Great Kids 2004.

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

Tookey Gomberg

Mr. Mason: Thank you very much, Mr. Speaker. On March 4 Albertans lost a true champion for social justice and the environment. With the passing of Tookey Gomberg we have lost a formidable environmental advocate and a visionary activist who inspired many. No one walked the talk like Tookey. It takes a unique personality to do so in everyday life and far more so to do so in political life. He was a straight talker who always told us what he thought we needed to hear even if it wasn't what we wanted to hear.

Tookey saw the environment as necessary to the world's life and to our own. He placed huge value on that life. He didn't only want to preserve our natural environment; he wanted it to thrive. In trying always to think of better ways to do things, his uncompromising approach sometimes led to strong opposition, but his values never wavered. Tookey took on the toughest job of them all: trying to change the world.

Losing Tookey is a loss for me, for our province, and for all Canadians. In fact, it's a loss for our planet. I would like to express my condolences to his wife, Angela, and to his family.

head: **Presenting Petitions**

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

Mr. Mason: Thank you very much, Mr. Speaker. I am presenting a petition signed by 137 Albertans petitioning the Legislative Assembly to urge the government of Alberta "to return to a regulated electricity system, reduce power bills and develop a program to assist Albertans in improving energy efficiency."

head: **Notices of Motions**

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

Mrs. Ady: Thank you, Mr. Speaker. I would like to give oral notice that the following bill will be introduced on Thursday, March 18, 2004: Pr. 1, St. Mary's College Amendment Act, 2004.

Mr. Bonner: Mr. Speaker, I would like to give oral notice that the following bill will be introduced on Thursday, March 18, 2004: Pr. 2, Sisters of Charity of St. Louis of Medicine Hat Statutes Repeal Act.

Thank you.

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

Mr. Marz: Thank you, Mr. Speaker. I'd like to give oral notice that the following bill will be introduced on Thursday, March 18, 2004: Pr. 3, Living Faith Bible College Act.

head: **Tabling Returns and Reports**

The Speaker: The hon. Minister of Revenue.

Mr. Melchin: Thank you, Mr. Speaker. I rise today to table the requisite number of copies of two reports. The first one is the 2002-2003 annual report of the Alberta Securities Commission.

The second is the first report of Alberta Revenue, the 2002-2003 annual report.

The Speaker: The hon. Member for Wainwright.

Mr. Griffiths: Thank you, Mr. Speaker. I rise today to table the appropriate number of copies of two letters from the Alberta Urban Municipalities Association expressing support for Motion 501, which called for the gradual elimination of the education portion of property taxes.

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

Mr. Mason: Thank you, Mr. Speaker. I have two tablings today. I'm tabling five copies of a letter dated March 16, 2004, from the Auditor General to me saying that he will not be able to follow the BSE compensation money.

Secondly, I am tabling five copies of a document called Key Messages: NDs Public Accounts Motion from the Public Affairs Bureau in the agriculture department advising negative remarks with respect to the New Democrat caucus.

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

Mr. Hutton: Thank you, Mr. Speaker. I am tabling the appropriate number of copies of the National Geographic Traveler Destination Scorecard that I mentioned in my recognition.

Thank you, Mr. Speaker.

Mrs. McClellan: Mr. Speaker, I'm pleased to file today with the Assembly copies of the report Rural Alberta: Land of Opportunity, the MLA steering committee report on rural development. Early this afternoon with coauthors, the members for Innisfail-Sylvan Lake and Wainwright, in attendance the report was released. Copies of the release are filed.

Mr. Speaker, we know that a strong rural Alberta is essential to the economy, culture, and environment of this province. Alberta will lead the way in finding solutions for our rural areas, and this report from the communities will help us find those solutions.

Thank you.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. I would like to table on behalf of the Official Opposition our policy: public insurance which is fair, affordable, and accessible.

Thank you.

The Speaker: The hon. Member for Edmonton-Highlands on a point of order.

Point of Order Parliamentary Language

Mr. Mason: Thank you very much, Mr. Speaker. I would refer you to the list of expressions which are considered unparliamentary, and it included statements made by the Premier today in question period that the hon. Member for Edmonton-Gold Bar was deliberately misleading the public and the Assembly on certain matters in his question. In the expressions ruled unparliamentary by Speakers and chairmen of the Alberta Legislative Assembly, on page 9 it says that

mislead deliberately or deliberately meant to mislead the House and misleading intentionally were ruled to be unparliamentary.

I would request that the hon. Premier withdraw the remarks and apologize to the House.

2:50

The Speaker: The hon. Government House Leader on this point of order.

Mr. Hancock: Thank you, Mr. Speaker. Certainly, one of the things which we must aspire to in this House is to use parliamentary language at all times and to treat each other with the utmost respect. There are, in fact, in *Beauchesne's* pages and pages of words that have been used in houses of parliament which have been either ruled to be in certain circumstances allowable and parliamentary and in other circumstances to be ruled out of order.

The measure of whether a word or use of words or context of words is parliamentary or not parliamentary, of course, comes out of *Beauchesne's* 491.

The Speaker has consistently ruled that language used in the House should be temperate and worthy of the place in which it is spoken. No language is, by virtue of any list, acceptable or unacceptable. A word which is parliamentary in one context may cause disorder in another context, and therefore be unparliamentary.

Mr. Speaker, I of course, knowing full well that you've meant us to memorize your memo of February 12 and attachments, would refer to page 2, where again you deal with the question of unparliamentary language: "The Speaker takes into account the tone, manner and intention of . . . the person to whom the words were directed; the degree of provocation; and most importantly, whether or not the remarks created disorder in the Chamber."

So it's clear that in terms of language spoken in the House and words used in the House, the question really is: have they created disorder? That seems to be the common theme in both of them: "May cause disorder in another context, and therefore be unparliamentary" according to *Beauchesne's* or "whether or not the remarks created disorder in the Chamber" in the context of your own remarks in your memo.

Clearly, first and foremost, the member to whom the response from the hon. Premier was directed made no comment, raised no issue with respect to the question of whether or not it was unparliamentary. Members of his own caucus didn't raise any objection, and in fact as I recall the circumstances at the time, it was one of the quieter times in the House. So disorder was clearly not provoked by use of the word.

Then to go further, of course in the 11th question in the House this afternoon the leader of the third party used the word "misleading" himself in the context of his question. [interjections]

The Speaker: The hon. Government House Leader has the floor.

Mr. Hancock: The question of whether one can use the word "misleading" in the context of debate in the House or in answering questions in the House in this context, whether one can use even the term "deliberately misleading" clearly has to come from the context. In the context in which it was being used and in answer to the question where the Member for Edmonton-Gold Bar had used certain information but had left out certain other information, the words "misleading" and "deliberately misleading" apply to the description of what was actually happening and, in fact, caused no uproar in the House. As I recall and I think other members recall, it was a very quiet time in the House. The only person who jumped up somewhat belatedly was the Member for Edmonton-Highlands.

So, Mr. Speaker, I would request that you take into account the

context of the question and the answer, the context of the word used, the context that "misleading" has been determined both parliamentary and unparliamentary, the fact that subsequent to that you clearly admonished the House to utilize parliamentary language, and, I think, the fact that the hon. Member for Edmonton-Strathcona thereafter used the word "misleading." Surely he took it to mean that that was not something which had caused such a degree of uproar in the House as to be unparliamentary.

I think we have a clear understanding of what happened and what ought to happen in the future, and we should leave it there.

The Speaker: The hon. Opposition House Leader.

Ms Blakeman: Thank you very much, Mr. Speaker. Well, there have been some interesting points raised, and if I may be allowed to join in the debate that is occurring right now over the comments, I too would also refer to the document provided by the Speaker on February 12, 2004.

The Government House Leader refers to something on page 2, but when I actually look through those phrases which the Speaker has asked us to please have a look at – in fact, we are cautioned to be careful in their use – in fact, "mislead" is quite clearly spelled out a number of times, whether you wish to take it in the context of continue to mislead, mislead the House, deliberately mislead the House, deliberately meant to mislead the House. There are three different citations there, three different examples. A "deliberate attempt to" mislead the people, "misleading": four different examples of that. A "misleading statement," "misleading the Assembly," misleading the House, misleading Albertans: there are half a dozen examples of where that was not acceptable. "Misleading information," intentionally misleading.

I think it's quite clear based on the document the Speaker provided that he intended that we understand that the word "mislead" in any of its many possible combinations was not a word that was particularly considered parliamentary in this Assembly.

An interesting point raised by the Government House Leader seems to be trying to establish precedent, saying that if the member who it could be argued had the insult upon them doesn't raise the point of order, somehow that's not worthy of being considered for comment or for citation. I would argue that any member of the Assembly has the right, indeed the responsibility to rise in the House if they feel that decorum is being breached, that there is unparliamentary behaviour taking place in the House, or even that the tone that we're all working on is being deliberately lowered in the House. I would think it incumbent upon any member of the Assembly to rise and to bring that to the attention of the Speaker and, in fact, to ask for the House to be brought to order.

I would also argue against the Government House Leader's assertion that an uproar needs to be demonstrated in order for the words to be considered unparliamentary. I don't believe that's the case at all. I think, again, that the whole tone of the House can be lowered if comments are made repeatedly and left to go unchallenged. I don't think that there needs to be people rising up in arms or taking to arms for something to be pointed out to the Speaker and brought before this Assembly as being unparliamentary, unprofessional, and frankly disrespectful.

Those few comments I may offer up mostly in response to those raised by the Government House Leader. Thank you very much, Mr. Speaker.

The Speaker: Hon. members, I want to make this very clear at the outset. Question period and the functioning of question period I really truly believe should have the fewest possible interventions by

the chair to be most successful and effective, and I decline as much as I possibly can to interrupt question period. There were two times I intervened today with comments, and they're in *Hansard*, and all members can refer to it.

Now, here today we have a point of order. First of all, let me make it very, very clear that any member has the right to rise when they feel that unprincipled parliamentary conduct is underway in the Assembly. That is not only their right; more importantly, it is their responsibility to do that. So just because a particular member does not, does not mean that there isn't an opportunity for others to do it.

3:00

In the case of what we're dealing with today in the point of order from the hon. Member for Edmonton-Highlands, basically it has to do with language. Well, here is what was said, and I quote directly from *Hansard*. This is part of the response given by the hon. Member for Calgary-Elbow, who happens to be the president of Executive Council, who happens to be the Premier of the province of Alberta.

What the hon. member fails to point out – and purposely fails, because it is their intention to mislead and misrepresent. But what he intentionally – intentionally – fails to point out is that 37 per cent of those complaints to the consumer advocate were on natural gas bills, had nothing to do whatsoever with electricity. Now, Mr. Speaker, he intentionally left that out of his preamble because intentionally he wants to mislead and misrepresent the case to Albertans.

Now, we have documents, that we have circulated in the past, from me about when it is unparliamentary to use such phrases, such words, and what have you, and they have been quoted too. I need not go through them again because I've dealt with them in *Hansard* before, but clearly anything like "mislead," "misleading," "misleading statement," "misinformation," "intentionally" had been ruled unparliamentary. The document I've circulated before gives you the time, the dates when the interventions were. I also provided to all hon. members occasions and dates when such words as "misleading," "misleading statements," "misleading the House," "misled," "misrepresentation" were ruled not unparliamentary. That is part of the dilemma, and that is part of the difficulty in hearing some of the arguments.

What is not part of the difficulty in understanding this, however, is the intent of accusing someone else of uttering a deliberate falsehood, and that is unparliamentary. That is not a debatable point, and there is no context. The member stands up. There are opportunities for members to have different views, different opinions, and that's part of what debate is all about. To suggest that another member is dishonest is not an appropriate policy for any member in this particular House.

One can deal with a whole series of authorities and go from *Erskine May*, the 22nd edition, page 387, *Marleau and Montpetit*, page 525, and *Beauchesne's* sixth edition, section 492, listing the words that I've provided, listing the words *Beauchesne* has in it, and on and on and on. Then we can go to our own Standing Orders 23(h), (i), and (j).

Members should simply not accuse other members of being less than honest. This is a place of integrity. It should be a place of integrity. Members can have different views on certain things. We have led ourselves to believe, in fact, that we can hear one statement that says it's this and another statement that says it's that, and we know what the statement really is. But we've been conditioned to believe in the integrity of members, that when they speak, they speak with integrity.

So I don't like what happened here today at all, and I don't think that it keeps with the tradition at all. I did make two interventions

in the Assembly when this was done. I'm concluding that this is a point of order. It's a recognized and a legitimate point of order. I did make some comments to the Member for Calgary-Elbow about tempered language in the House before.

Now, the other day I ruled on a point of order against the hon. Member for Edmonton-Gold Bar, and a number of members sent me notes and said: well, you ruled on a point of order against the hon. Member for Edmonton-Gold Bar, but you didn't make him apologize. I said: well, I think that I used enough language in giving the ruling that that probably wasn't required.

I'm going to maintain the same policy with respect to this matter today in the case of this particular point of order because it is tainted by one other thing that is true. The hon. Member for Edmonton-Strathcona in his second question in his set used similar language. You know, what's good for the pot should be good for the kettle or something to that effect, whatever the heck it is. But the point of all of this is that we can all be better than we are at some time, and I encourage all of us to please remember that.

There are a lot of young people up here today. Certain people are going to get e-mails and memos and letters from people across the province who saw question period again, and they're going to be making accusations against hon. members who utter disrespectful statements. They often send me copies. My list is getting pretty thick, in fact. Pretty thick.

head: **Orders of the Day**

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

[Mr. Shariff in the chair]

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

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

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

Mr. Klapstein: Thank you, Mr. Chairman. I'm pleased to rise once again to speak to Bill 17, the Agricultural Operation Practices Amendment Act. After second reading of this bill I was pleased to hear that there was general support for the amendments, and I appreciate the comments that were made. This gives me further confidence in the fact that these amendments will provide further clarity for the Natural Resources Conservation Board, which administers confined feeding operations in Alberta, for the livestock industry, and for other stakeholders. I am confident that these amendments provide the clarity needed by all stakeholders as they are based on consultations with them last year.

I would like to respond to the questions and comments that some hon. members raised during second reading to clarify the intent of the proposed amendments. As I have stated on many occasions, further clarity is what these amendments are all about.

I agree with the comments from the hon. Member for Olds-Didsbury-Three Hills that prior to the amendments to AOPA in January of 2002 there was a patchwork of municipal land-use bylaws and rules across the province related to confined feeding operations. This patchwork and uncertainty caused many problems within neighbourhoods and between neighbours. I would like to thank the

hon. member for his comments that since the NRCB was given responsibility for regulating CFOs in Alberta, there is more consistency across the province, and the standards for these operations will allow the livestock industry to move forward in a responsible manner.

Further to my original response last Thursday the NRCB is being given further discretion to determine the minimum distance separation from an existing residence when an operation is applying to expand. The amendments are intended to give the NRCB the ability to look at the specific circumstances surrounding the proposed expansion and make a decision based on the facts of the matter and common sense or judgment.

As I mentioned in my response last week, the site-specific topography, prevailing winds, and other factors need to be part of the decision on appropriate MDS rather than an inflexible line on a map. As the hon. member knows, the NRCB has been given a lot of discretion in administering AOPA to make the right decisions based on the unique situations surrounding each operation. We need to continue to trust that they will make the right decisions.

Over the past two years the Minister of Agriculture, Food and Rural Development has established two practice review committees. One of these committees has completed its review, and the other is ongoing. In regard to the member's concern with giving the minister more discretion to deny the establishment of a practice review committee, this discretion is limited in that it only gives her additional discretion to deny a request if a practice review committee has already dealt with the issue or if the request does not have merit or the NRCB is already dealing with the concern.

3:10

We do not want to re-create the tactics that some opponents used in the past by requiring the CFO operator to spend considerable time and money defending an unsubstantiated claim. For that reason I would also not support the suggestion of a refundable deposit. The establishment of a committee should be based on the merit of the request, not the ability of someone to force an operator to defend an allocation because someone is prepared to lose a small deposit.

The hon. member also expressed concerns with removing the affected-party status from neighbours of lands on which manure from the operation is intended to go. From our experience over the past two years these manure spreading lands often change, in some cases the day after the application is approved. As well, manure application usually only occurs once or twice a year, and in some cases manure is not applied on the same land for several years.

As I mentioned during second reading, we'll be adding more stringent restrictions to the regulations with how close to a residence or public building like a community hall you can spread manure if it is not incorporated. The example that the hon. member used of manure being spread across the road and hitting cars is an issue of improper manure spreading. It is not an issue of a neighbour not being an affected party. The NRCB currently has authority through AOPA to deal with problems of the improper application of manure.

As well, proposed amendments to AOPA will give affected-party status to neighbours of new and expanding registration-sized operations. These are smaller operations. Previously this status was limited to the municipality and the applicant.

I thank the hon. member for his support in changing the term for short-term storage of manure from six to seven months. This will help avoid the need for the spreading of manure on frozen or snow-covered ground. The regulations deal with the spreading of manure on snow or frozen ground. I am proposing that operations that have nine months of permanent manure storage not be allowed to spread manure on snow or frozen ground without the NRCB approving a

manure handling plan. There are unique circumstances, such as prevention of wind erosion in southern Alberta, that may benefit from a winter application of manure.

As far as the NRCB having discretion to not require nine months of permanent storage, as I mentioned during second reading, the NRCB would have to approve a manure handling plan that identified why nine months of permanent storage would not be required. The example that I used was selling manure to a mushroom grower so that he would not need to store manure on his own operation. If the situation changed and the operator needed to store manure on his operation, they would be required to have adequate storage.

Regarding the hon. member's comments about the use of manure as a soil amendment for saline soils, a recent study completed by Alberta Agriculture showed that saline levels in soil would only be increased with large additions of manure being applied on a continual basis. These application rates would far exceed the limit specified in AOPA. The use of manure to improve the organic matter and structure of these soils is meant to encourage plant growth and improve these soils. A management plan would be required by the NRCB to ensure that application did not create a risk to the environment.

Regarding the concerns raised by the hon. Member for Edmonton-Glenarry, the minister will determine the merit of an application when considering the establishment of a practice review committee based on the facts included in the request. The determination of what is a minor alteration to an existing building or structure that will not require notification of neighbours will be at the discretion of the approval officer. This discretion will be limited to those minor modifications that will result in improvements or minimal change in the risk to the environment or disturbance from the operation. Any increase in the capacity of the operation to house animals is not considered a minor change. An example would be a change to a manure storage lagoon from top to bottom loading, which would reduce odour.

Regarding the hon. member's concerns with approval officers not being bound by all provisions that municipalities include in their municipal development plan, the original intent of AOPA was to encourage municipalities to identify where they did not want CFOs to be located. Approval officers will continue to be bound by these provisions. However, some municipalities have started to include technical requirements in their municipal development plans that are over and above or contrary to the provisions of AOPA. Previously an approval officer had to automatically deny an application simply because these provisions were included in the plan. This would require an appeal to the NRCB by the applicant, creating unnecessary costs and delays. Again, this is a clarification of the original intent of AOPA amendments two years ago.

There are many issues that have to be evaluated and dealt with in considering establishing or expanding a CFO, just like the establishment or expansion of an operation in any other industry. It would not be prudent to deal with one issue at a time as in most cases they are linked to others and, therefore, need to be addressed collectively in order to make the best decision.

I appreciate the hon. member's support for the proposed emergency order provisions. It is also encouraging to hear that the environmental groups we consulted with through our process last year support the direction we are taking regarding the definition of a CFO.

Regarding the comments made by the hon. Member for Edmonton-Mill Woods, I certainly agree that the environmental principles of AOPA are sound. One of the fundamentals of AOPA continues to be that the neighbours of these operations are protected and their well-being considered when these operations are estab-

lished or expanded. The main purpose of the minimum distance separation in AOPA is to provide some distance between these operations and their neighbours to reduce their impact. These distances increase as the number of animals on the operation increases. The NRCB works closely with the regional health authorities when considering an application for a new or an expanding CFO.

Regarding the comments made by the hon. Member for Edmonton-Strathcona, the intentions of these amendments are not to relax standards in the legislation. Although AOPA does not require existing operations to meet all the standards in AOPA, if these operations are causing a risk to the environment or an inappropriate disturbance, the NRCB can require them to fix the problem. The same principle applies when the building code changes. The province does not require all homeowners in the province to upgrade their homes to the new standard. This principle also applies to operations that were previously approved through the municipal development permit process.

There is certainly intent to look at the specific circumstances surrounding a CFO and balance the needs of the operation, protect the environment, and minimize the impact on neighbours. There are no provisions in AOPA or in the proposed amendments that allow the NRCB to override the Public Health Act. As I mentioned a moment ago, the NRCB works closely with the regional health authorities.

In regard to the questions from the hon. Member for Edmonton-Gold Bar two examples of size of operations that would produce 500 tonnes of manure per year are a 35-sow farrow-to-finish operation or a 21-head herd of dairy cows. In AOPA manure also includes associated bedding and feed spillage. As one can see, these are very small operations.

Regarding the hon. member's concerns with amendments to allow neighbours of CFOs to waive the requirements for MDS, experience has shown us over the past two years that an operation could not expand because a neighbour was within the MDS, even though they supported the expansion of the operation. This amendment would allow these supporters to waive the requirement and allow the operation to expand.

Mr. Chairman, this government recognizes that by making these changes to the Agricultural Operation Practices Act, the original intent of the legislation will be clarified for all those concerned: confined feeding operators, municipalities, the public, and the Natural Resources Conservation Board, which administers the act. Passing Bill 17 will clarify a number of technical and policy changes that were brought up in a review of the act during the stakeholder consultation last year. The amendments enhance the province's ability to deal with nuisances such as odour, noise, dust, smoke, or other disturbances resulting from an agricultural operation. They also continue to provide producers and other stakeholders with a one-window process for siting of new or expanding confined feeding operations.

With those comments, Mr. Chair, I will conclude by encouraging all members of this Assembly to support this bill. Thank you.

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

3:20

Ms Carlson: Thank you, Mr. Chairman. I'm pleased to have an opportunity to speak to Bill 17, the Agricultural Operation Practices Amendment Act, 2004. We've been waiting for this piece of legislation for quite a long time. Over the years that I've been in this House, I've had the opportunity to visit many intensive livestock operations and hear about their concerns and visit many of the

communities that they reside in and hear about those concerns.

So we've been looking forward to some of the necessary amendments. For the most part this bill addresses the easy ones; let me put it that way, Mr. Chairman. What we see it not addressing are the health impact assessments that we expected to be in this legislation. I don't see any serious addressing of environmental concerns. What we don't see here, I don't think, is help for area farmers surrounding the operations considered to be directly affected persons. Well, the health impact and the environmental impacts are very important issues to be dealt with, but what is most pressing to people who live in these communities is the decision of who is and who is not directly affected because, of course, there are some real impacts for people who live in these areas in terms of smell and quality of life.

So with that, Mr. Chairman, I'll be introducing an amendment that deals with that particular concern.

The Deputy Chair: Hon. member, you may proceed now. We shall refer to this as amendment A1.

Ms Carlson: Thank you. As members can see before them, what this amendment does is amend section 12 in the proposed section 21(a) by striking out "of ½ mile or the minimum distance separation, as determined in the regulations," and substituting "2 miles."

So if you were to go to page 8 in the bill and take a look at point 12, section 21 is amending what is now designated to be an appropriate area to deem people to be directly affected. It says by adding and in the case of an application for a registration or an amendment of a registration must notify the owners or occupants of land within the greater of ½ mile or the minimum distance separation, as determined in accordance with the regulations, of the parcel of land on which the confined feeding operation is located or is to be located before "within the time period."

For anyone who's visited these areas, you can clearly see that a half a mile is not enough space, that people farther away than half a mile are significantly directly affected by the confined feeding operations, particularly by smell and by the impact on their road system of the trucks travelling back and forth, also the impact when manure is spread, whether it's composted or spread as a liquid. For anyone upwind or downwind of these particular locations it can have a significant impact. There's no doubt that at certain times of the year the last thing you'd be doing if you were within even a two-mile radius of a confined feeding operation is having a barbeque on the outside patio of your home because the smell is such that it will certainly put you off your food and impacts everything in your life, including the smell being pervasive and getting in your clothing.

We're saying that as laid out in this legislation a half a mile is just not enough space. Certainly, people at a further distance than that are directly affected, and we've chosen two miles because that seems to be a reasonable compromise. We know that in some of the areas I visited, people feel that they are directly affected within a five- or 10-mile radius. All this is asking for is to expand that particular distance so that more people can have some say, pro or con, on any changes in the area.

So with that, Mr. Chairman, I'll cede the floor to anyone else who wants to comment on this amendment.

The Deputy Chair: The hon. Member for Lethbridge-East.

Dr. Nicol: Thank you, Mr. Chairman. I rise to speak in favour of the amendment. This is basically an amendment that is going to in some ways achieve some of the things that were requested in the rural development strategy that was released today by the government, in

the sense that it talks in there about the stronger rural community voice. They talk about the fact that the lifestyle, the commitment of the community, the sense of community that's so relevant in rural areas is one of the things that's attractive about the development potential of our rural communities. If we have an opportunity for individuals to get more involved in discussions about what's going to happen to their communities, what the ambience of their community is, then they, in effect, will achieve some of the things that are being asked for in the rural strategy.

The other thing is that by increasing this separation a little bit, what it does is it really brings in an opportunity for a lot of the residents in those rural areas that are going to be impacted, not so much by the direct facility but by the waste management activities associated with that facility.

There have been a number of times this winter as I've driven around southern Alberta and through central Alberta when you would see manure being spread that can't be worked in because the ground is frozen, and people are saying: "How long is that going to sit there? Is it going to sit there now till spring thaw? Is it going to sit there till something else happens, till they get another snow to cover it up?" And in most cases, Mr. Chairman, that's what has happened. We've had a little bit more snow, and it has covered it up, and it looks nice and white again.

But if we open up and allow for people to have a say, it gives them buy-in. It gives them a sense of ownership. It gives them a sense of community. I think that's one of the things that we really need to start looking at and talking about as we go through this whole process of what is appropriate discussion when activities are going to go on in a community that have a direct effect on that community.

I think that having two miles instead of the half mile or the minimum distance separation gives us a much better approach to looking at how the whole thing fits into the sense of community that we're trying to create in Alberta and that comes out with the philosophy that was behind the rural development strategy report that was released today. I think that if we're going to really make a statement that we're buying into that report, that we believe that the focus of that report is important, in effect, we will support this amendment and give more people a chance to have input. You know, this is one of the things that we need to look at in terms of making sure that communities feel that they have some control and some say, not necessarily absolute but input to the direction their community takes. So I would encourage everybody to look at this and accept the two-mile amendment.

Thank you, Mr. Chairman.

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

Dr. Pannu: Thank you, Mr. Chairman. I want to briefly comment on the amendment. I'm going to speak in support of the amendment, but before I do that, I also want to compliment the hon. Member for Leduc for taking the trouble to systematically address the concerns and points that were made by somebody on this side, by some members of the House, including some comments that I made. So I want to thank him for paying attention to the concerns. We may or may not agree on the matters that are under debate, but at least to pay attention to and take seriously in debate those points made I think is a very refreshing sort of thing.

3:30

As to the amendment I think it does try to address one of the flaws in Bill 17. I think it is important to increase the distance between the nearest communities and the CFO location. Half a mile is not enough. Some of the smells have strong odour. Malodorous

conditions prevail in and around those operations, so half a mile limit is not good enough. To increase at least by two miles would help at least in part to alleviate some of the concerns surrounding the problems that residents or communities surrounding these operations face on a day-to-day basis.

I would certainly be happy to support this amendment and urge all other members in the House to support this amendment as well.

The Deputy Chair: Anybody else?

Mr. Klapstein: Well, we did go through a lot of consultation, and I think we made a fair judgment call. I don't think it's the time to make it more onerous for producers at this time.

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

Mr. Marz: Thank you, Mr. Chairman. Just a couple of comments on this amendment. I'm not certain what is the exact right number of miles because that can be tremendously affected by the management practices of the individual operation. It can be affected by topography. It can be totally out of view because it would be separated by a hill.

Certainly, there have been some things that have happened in the last year in my constituency that would provide a little bit of insight into what effect some of these operations do have. It's been argued, and argued successfully, that there is a negative impact on the values of neighbouring properties, especially residences. The owners of these properties appealed their assessment to the Municipal Government Board, and their appeal was upheld. They had their assessments reduced because it was recognized that their assets had actually decreased as a result of someone else developing a confined feeding operation within that area.

So whether it's a half mile or one mile or two miles, I'm not certain. I think the management practices have a lot to do with the individual operation. I would like to repeat again that those management practices make the difference between how easy it is for a new development to take place somewhere in the province or not. I submit to you, Mr. Chairman, that these things are judged by the poorest operators and what the poorest operators are allowed to do through the standards rather than what 90-plus per cent of the operations actually are, which are very good operations.

I think it behooves us all in here to make sure that these standards that are put in place are to ensure that the poorest amongst them are brought up to a standard that people can be comfortable with and trust that it's not going to have an adverse effect on their property values.

Thank you.

Mrs. McClellan: Mr. Chairman, I would just like to add a couple of comments to this. I appreciate the hon. member's input. No question; it's been an area that we've been interested in for some time and we've had a number of conversations about. However, I think that the hon. Member for Olds-Didsbury-Three Hills made the comment that is really germane to this discussion. We introduced the Agricultural Operation Practices Act a year ago and committed at that time to do a review of it when it had been in place for a year. The hon. Member for Leduc has conducted that review and spent a fair amount of time with industry, with communities. The crux of the matter is that management practices are really the key to this.

Like any industry the majority of the people who are in this industry practise very good management practice, do their best to be good neighbours, good corporate citizens. But you will have – and

members opposite know because we've worked on a couple – instances where the rules were right; the practices were wrong.

Maybe rather than making it so onerous for the 90-some per cent of good operators, we make it a heck of a lot tougher for those who aren't. I will give you my commitment that we will do that. We will enforce this act through the proper channel, which is the NRCB. This act gives them the authority to go in and do it, and sometimes it takes a little longer than we want, but eventually we get there. So I would recommend that we don't accept this amendment in the letter that it was written. But in the spirit of what I believe was intended by the member who submitted it, we'll make that commitment that we will do everything that we can to ensure that those rules are enforced and good management practices are practised.

There are so many good projects out there now, and there are so many advances in technology. I give the example of the Iron Creek colony with their biogas project that has reduced odour, emissions so significantly. We have other examples of that occurring in the province.

This industry does for the whole want to be a good community partner and wants to contribute to their communities through the jobs and opportunities that are there. Let's deal with the ones who don't under the rules and regulations that we do have in place and the legislation that we have in place and let this industry grow appropriately, not unfettered, but appropriately, and make sure that those who are in the industry follow the good legislation and regulations that are in place.

So, Mr. Chairman, as I say, I don't accept or recommend that we endorse this amendment in the letter of it, but certainly I will take the spirit of it and ensure that our authorities uphold that spirit.

[Motion on amendment A1 lost]

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

Ms Carlson: Thank you, Mr. Chairman. I appreciate the comments from the minister of agriculture and certainly also support, as she does, those operators who are taking a look at biomass operations, where they're using the gasses for other purposes rather than just having them exposed to the air. Those are areas that we've looked at extensively over the years, particularly as they have developed in Europe, and are very much supportive of them.

I also agree with her that the big concern is for those few operators in this province that are poor operators. I agree that most of the operators do an excellent job, but it's particularly because of those poor operators that we scrutinize this kind of legislation carefully and bring in amendments to try and improve it wherever necessary.

In that light, I have another amendment, Mr. Chairman, that I would like to bring forward at this time.

3:40

The Deputy Chair: Hon. members, the amendment is being distributed. For the record we shall refer to this amendment as amendment A2.

Hon. Member for Edmonton-Ellerslie, you may proceed now.

Ms Carlson: Thank you, Mr. Chairman. This amendment reads that this particular bill, Agricultural Operation Practices Amendment Act, 2004, be amended by striking out section 10. So if people will go to page 7 in this piece of legislation, and we go to 10:

Section 19 is amended by adding the following after subsection (1):

(1.1) Despite subsection (1), if in the opinion of the approval officer the proposed amendment is related to a minor alteration to an existing building or structure at a confined feeding operation or manure storage facility that will result in a minimal

change to its risk, if any, to the environment and a minimal change to a disturbance, if any, notification is not required under subsection (1).

So this amendment proposes to strike out that section. As we see it, the problem is that the section allows an approving officer to waive notice about amendments, and we want to know what is being considered as a minor alteration. It's not defined anywhere, and our concern is that it may be misused and that if anyone is amending an operation, people close by and affected parties should know about it. This is primarily a concern when we're talking about poor operators and the number of approval officers that are out there available to inspect these facilities.

We have seen in other departments where the number of people actually on the road inspecting has been greatly reduced over years. This can be such a critical function that we really believe that this leaves the ability of operators to change or make alterations to their structures or buildings too open. We just believe that this should be deleted and that those alterations should go through the regular approval process.

Thank you.

The Deputy Chair: Anybody else wish to participate in the debate?

Mr. Klapstein: Well, there is a lot of discretion left with the officer. Can you imagine what would happen if somebody wanted to change a gate on a feedlot, if somebody wanted to repair a wall or change a wall inside a building and you had to go through the whole application process for something that common sense would tell you is minor?

That was the intention of it: that if it's going to make a significant change or have a significant impact, yes, go through the application process, but if it's something minor, then give somebody some discretion to deal with it. That was the intent of it. If an officer is not exercising the proper discretion or judgment, that can soon be dealt with. But to make a minor change in an operation and have to go through a lengthy, costly application process, I can't support that.

Dr. Nicol: Mr. Chairman, I just rise to ask for clarification, then, on what constitutes minor. We dealt with a case with the minister – both ministers, in fact – where minor was a matter of interpretation as well. It was a matter of whether or not going out with a shovel and digging a little ditch to drain water was minor versus using a BobCat or using a tractor. Those three different levels of activity eventually occurred within that facility, and, you know, once you start and say, "Well, it's just a minor drainage problem," it ends up being a major earthmoving activity by the time you get to the end of it. This is the kind of clarification that needs to be put into this section.

If we're going to deal with minor alterations, I fully support the idea that changing a gate, changing a wall, moving this or that for better animal movement, that kind of thing, is quite all right.

One of the operational aspects of section 19(1.1) says: "a minor alteration" – and I'll skip down – to a "manure storage facility that will result in a minimal change to its risk." That becomes too subjective. You know, back to the example that I was talking about, everybody in the community looked at it and said that that was significant, yet the operator said that it was minor, and the inspector who was there said: well, the operator says that it's minor, so it is minor. Who gets to judge that?

Let's have this clarified; that's the intent. Let's not allow these things to go on before we can clarify how much of a change is a minor change. That's why this amendment needs to be supported.

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

Dr. Pannu: Thank you, Mr. Chairman. I'm speaking to amendment A2. To preface my brief remarks in support of amendment A2, I just want to draw the attention of the House and remind the House that a couple of years ago – well, three years ago maybe, in 2001 – when the Agricultural Operation Practices Amendment Act, 2001 was debated, the New Democrat opposition heard a great deal from concerned residents of rural communities and small towns about what was wrong with what was being proposed in that bill at that time. The bill passed in spite of widespread opposition to this and concerns expressed across the province and particularly in rural areas. We certainly were most sympathetic to those concerns, but the changes weren't made in the bill to fully address those concerns at the time.

Two years since the proclamation of the bill we are now seeing amendments being proposed to the bill from the government's side, but I think the amendments as proposed in this 2004 version of the Agricultural Operation Practices Amendment Act don't go far enough to address even the minor concerns that have remained on the table during the last two years.

This amendment which proposes to strike out section 10 on page 7 dealing with the amendment of section 19 I think is a good amendment. It will go at least some ways in improving the legislation, which is flawed in other ways as well. Certainly, if this amendment A2 is accepted, it will help address some of the concerns with the proposed bill and with the existing legislation which this bill tries to amend.

I speak in favour of the amendment, and I urge other members to do the same.

[Motion on amendment A2 lost]

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

Ms Carlson: Thank you, Mr. Chairman. I have another amendment, and I'll just start talking about this one as it's being distributed because it's very similar to the last amendment. This time if you go to page 8 of the bill, you'll see that what we're asking to be struck out is in section . . .

The Deputy Chair: Hon. member, let the amendment at least arrive at this desk first.

Ms Carlson: Okay.

The Deputy Chair: It's my job just to make sure that I have the right copies.

Okay. You may proceed now.

3:50

Ms Carlson: Thank you. This is a very similar amendment to the last one. If you go to page 8 of the bill, we're taking a look at section 21 and striking out clause (b), which is the same wording as the last amendment that we dealt with. Once again, given the debate on the last amendment, I'm still not satisfied that we have defined the difference between significant and minor changes. The discretion is left too much in the hands of the landowner as compared to the approval officer, particularly when we're dealing with environmental impact issues.

I agree with the sponsor of the bill when he says that minor changes to gates or doorways or minor structural changes aren't significant, but when you deal with any of the environmental impact issues like the processing or moving or handling of the manure or the water contained within the operation and that which needs to be

drained or added to the facility, we start to talk about significant impacts that really need to be considered within the environmental impact of the operation and the region.

So I would suggest that those are not ever minor in nature. I don't see them defined elsewhere within the act, so this looks to me like the only place where we can make an amendment that those kinds of issues will be dealt with with the weight that they need to be dealt with for the long-term viability of the operation and the community.

So I would ask all members to please support this amendment.

Mr. Klapstein: Well, once again I'm not going to support the amendment. I know it's putting some trust in the approval officer in specifying a minimal change. I think that an approval officer that's experienced and has been on the job and understands what his responsibilities are is going to know when something exceeds what is minimal.

Mr. Marz: I'd just like to make some brief comments on this. One of the concerns I raised in second reading that's relative to this is giving the NRCB more discretion than they currently have. It's been my experience in my own constituency that it's that discretion and how it was handled that has caused a lot of problems in my particular area and provided for a lot of increased complaints to the field officer, and the field officer's responses – I have copies of them here, how they claim to have responded to their concerns. The record hasn't been good.

I'm not going to go through them, but when the complaints stopped going to the approval officer and started coming to me, I went out and checked for myself and called the field inspector. I didn't get the same response because it was a different question, but I got a similar type of response, that water doesn't run off that quarter. Well, I was out last weekend, and water was running off my quarter, that was a lot flatter than this one, and filled up the dugout and ran over.

There are communities and there are probably field inspectors that do different things in different ways and interpret the act differently. In the particular case I'm dealing with, I've had nothing but problems since the development, as far as complaints go, and people stopped complaining to the NRCB because they're not getting any response.

So I think that this particular amendment has some merit, not necessarily eliminating the whole thing but providing some clarity to what is minimal risk. How many minimal risks can you tolerate before you have a major risk? How many minimal or minor changes can you have approved before you end up with a major change?

So if the mover would like to address how you would otherwise go about addressing this particular issue other than accepting this particular amendment, I would be happy to hear it.

Mr. Klapstein: The choices really are to force an operator through the entire approval process over something that is minimal or having some trust or some confidence in an officer of the NRCB that he will exercise some sound judgment on small things. If I have to choose between the two, I will choose to not put that operator through a full-blown application or approval process over something that's minor. I will trust the officer to do what's right, and if he doesn't, we have ways of addressing that.

Ms Carlson: Mr. Chairman, then my question to the sponsor of this bill is this. Why didn't you define "minimal" within the act? As we have heard first-hand, there have been some experiences where the judgment of that person out there in the field wouldn't pass scrutiny in other areas or in other circumstances. So tell us exactly why there

were no definitions provided in these changes for that issue, particularly where it deals with the environmental issues of manure handling and water management.

The Deputy Chair: The hon. Member for Leduc.

Mr. Klapstein: Yeah. Well, what is minimal can be a whole range of things that might happen or that a person wants to do on their operation. The spreading of manure, the environmental risk, that applies to everybody. Regardless of the size or regardless of the changes they want to make, they have to comply with what the rules are in terms of protecting the environment. Even the small operations, that we try to treat differently and in a less demanding process, still have to comply with all the environmental rules and regulations. So I don't think that changes.

Ms Carlson: Mr. Chairman, I just want to put on the record that I find that answer completely unsatisfactory.

The Deputy Chair: Okay. Anybody else wish to participate in the debate? Is the hon. Member for Edmonton-Highlands drawing my attention, wanting to speak?

Mr. Mason: No, I did want to speak on the bill, but I'm not yet familiar with the amendment.

[Motion on amendment A3 lost]

Ms Carlson: Mr. Chairman, I have one more amendment on this bill, and I'll have it distributed now.

The Deputy Chair: We shall record this next amendment as amendment A4. Please give a few minutes for distribution.

Hon. member, you may proceed now.

Ms Carlson: Thank you, Mr. Chairman. This particular amendment amends section 9 by adding the following after the proposed section 18.1(5). I would refer people to page 6 of the bill if they want to follow along. We're adding here:

18.2(1) In this section "health impact assessment" means an assessment conducted by the medical officer of health, or designate, of the health unit or health region under the Regional Health Authorities Act in which the proposed or operating confined feeding operation or the proposed amendment to an approval, registration or authorization is located on the potential impact of the operation to the health of humans.

(2) Any approval, registration or authorization that is deemed to be provided under section 18.1 must, within 6 months of the coming into force of this section, be submitted for a health impact assessment and must comply with Part 2, Division 1 of the Environmental Protection and Enhancement Act.

Mr. Chairman, this amendment speaks directly to the comments made by the mover of this bill to the previous amendment when he said that issues must comply with current legislation around environmental impact. In fact, for the most part, these operations are not required to either have health impact assessments or environmental assessments. That is something that has been missing in this legislation and is missing in the amendments to this particular act. We're trying to put some definitions and some clarity into this amending act, which are missing and which the mover of this particular bill seems to be unable to specify directly in terms of what definitions should be.

4:00

We truly believe that the future of this industry is contingent upon these operators being operators that will pass inspection for health

impacts and environmental impacts. For those operators who operate efficiently and effectively, this will be very minor in terms of consequence, but for those who do not, then it has a major impact not just on the operators and those people working within that facility but all their surrounding neighbours.

As we look at this province opening up its borders to more operators in this industry, we must significantly look at how we assess the impact on the environment and the health of anybody affected. This is the step that we need to go for these operators and for all Albertans. It's a necessary, critical step to put in place in this legislation. If we don't do this, when we think about the volume of manure created yearly by these pigs – it's significantly greater than anything that humans could contribute to in a year – the health impacts and the environmental impacts are significant and serious.

We've seen all kinds of issues develop over the years with regard to this in terms of heavy metal deposits when manure is being spread, in terms of what it does to the soil if not properly processed, particularly with regard to waterways. We heard one story about dugouts running over. It happens. It happens frequently in this province when we have operations not far enough back from waterways, when we see that the containers that they have are not properly sealed and we get contamination into groundwater. All of those are instances that have happened. We must stop those kinds of processes immediately.

Also in terms of the impact on those people employed in these confined feeding operations – we have to take that into consideration. That's what this particular amendment puts forward and takes a look at doing.

I sincerely hope that the mover of this bill will have just seen this as a minor oversight on his part when putting this legislation together and will support this amendment, which will make this bill much stronger. Thank you.

Mr. Klapstein: Well, once again, I'm not going to support the amendment. When AOPA was done a couple of years back, it was designed to have a one-window approach so that you went to one place to file an application to have it dealt with. Along with that, provisions were made for consultation with the health authorities, and to the best of my knowledge that's working pretty well.

We were in the Lethbridge area. You talk to the health authority people there, and they seem to be very pleased with how it is working. As far as I know, the consultation with the health authorities and NRCB has worked very well, and those recommendations are taken into account when the decision is made, similarly with the environment. There's a linkage that was designed into it when the act was brought in in 2002.

I still support the one-window approach. I agree that health and environmental considerations have to be taken into account when that decision is made, and the provisions are there for it to be done.

[Motion on amendment A4 lost]

Mr. Mason: Well, Mr. Chairman, I do want to enter a few general comments with respect to this bill and to raise a few other specifics, and I just want to talk a little bit about the direction of the government with respect to this industry. This morning there was an MLA committee who, together with the Minister of Agriculture, Food and Rural Development, released a report on rural Alberta and what needed to be done.

You know, it was interesting that the report painted I guess by implication a rather gloomy picture of rural Alberta and came forward with a number of very general strategies for dealing with the problem. The problem, I think, is simply stated as a continuing

decline in population in rural Alberta and a decline in the population of many towns and villages in Alberta and serious problems that arise for municipalities as a result, financial problems, problems with a declining tax base, potential bankruptcy of towns, and so on.

I guess the concern I have is that rural Alberta is in decline partly due to the policies of the government itself. I would say that the shrinking of population in rural western Canada is a historical trend that has gone on for decades, in fact probably over an entire century. That is not something that one could hold this government or any government accountable for, but it's my view that government policies in terms of agriculture have accelerated the decline. They've done that specifically by encouraging the concept that bigger is always better.

Going back a number of years, the Conservative government of Alberta provided incentives for large meat-packing plants to come into Alberta and as a matter of policy helped create the situation we now have in this province where two large meat-packing plants dominate the beef industry, in fact have 90 per cent of the capacity in Alberta, and in Canada as a whole they still have about 70 per cent of the capacity. Those plants were enticed here by the government, and what happened is that they put a lot of existing plants out of business, and they shut down.

This has certainly affected my constituency of Edmonton-Highlands, where the Maple Leaf plant was shut down just a few years ago – before that it was the Gainers plant – and has been vacant for a considerable amount of time. So these plants, which were considered inefficient and small scale, closed down, laying off thousands of people, and they have a similar effect in rural areas.

The government has encouraged ILOs and large ones to boot, and this legislation is about the rules that will be placed around the operation of these plants. This direction in agriculture will kill small farms. It will put them out of business, and it will lead to a further decline in the rural economy and in the rural population base.

So at the same time that the minister is releasing a report full of vague strategies for dealing with the crisis in rural Alberta, we're dealing with a bill here that is part and parcel of a government policy in rural Alberta that bigger is better. Bigger is better is a very dangerous doctrine for our rural communities because it means the loss of the family farm; it means the loss of the small town. The bank closes, and the grain elevator closes. And it's all a result of the same policy.

4:10

Similarly, the government's opposition to the single-desk selling of the Canadian Wheat Board is something that favours larger grain farmers who hope to be able to sell their grain directly and benefit by eliminating the single desk, but it's the small grain farmer who will be disadvantaged. And the margins in farming are paper thin and have been since the middle '70s in almost all areas. So small farmers need every advantage they can possibly have just to survive, but I would submit, Mr. Chairman, that it's the government's policy to accelerate the bankruptcy of small business and small farmers in rural Alberta because they believe that large-scale and possibly massive-scale operations are superior and are more competitive, and they don't care if they're owned by foreigners. They don't care if Albertans lose their own land and have to work for low wages for some of these foreign companies. We become tenants in our own province.

So I have opposed the direction of the government on ILOs for that reason and also for health and environmental concerns. We did some calculations when the last bill went through this Assembly about the amount of manure that would be produced if the Premier had his wish and we went up to 17 million hogs in this province. I

don't have the actual calculations, Mr. Chairman, but the amount of pig manure that will be produced will be absolutely enormous, and it is a particularly difficult manure to deal with in terms of its ability to create health problems, nuisances such as odours, and pollution. In those volumes I believe that the provincial ecology and public health will be threatened.

Now, I'd like to know what would be done to ensure that all facilities which do process manure as part of their operations are legally required to ensure that their activities are not damaging the health of people in nearby communities. I think, Mr. Chairman, that that needs to be in place regardless of how long the operation has existed.

I'd like to ask the question: why are operators such as racetracks explicitly excluded from the bill? Are they not capable of causing health risks to the nearby communities? I'd like to know how the peer review will ensure that fair hearings take place to the complainants, and I'd like to know how committee members would be chosen under the bill.

Mr. Chairman, I have heard from a number of Albertans who have very strong concerns about the questions that we've raised. There was a situation in the town of Bentley which was reported to us. An expansion went ahead there, and there has been a serious problem with odours, and it has been a contentious issue in the community. There have been reports of respiratory problems that need to be dealt with. One person contacted our office and said that the people of Bentley are being bombarded with these toxic chemicals. There's nothing in the act to cover this other than that the odour is a nuisance. It's the only way that it's looked at.

We have other concerns that have been raised about the impact on surface water from these lagoons and so on, and there remain questions that I don't think the government has adequately answered about the potential threat to our aquifers. I'd just like to indicate, Mr. Chairman, that we do have a lot of concern with this bill and would like to hear a lot more from the member who has proposed this and from the minister in order to allay our concerns.

Generally, however, the direction of having large-scale industrial agriculture operations involving livestock is not a direction that we would endorse, and we don't believe that there are sufficient protections in terms of nuisance odours and public health to continue with this policy. We believe that the policy of large-scale operations in general, industrial operations, is transforming the countryside and is a key factor in the continuing crisis in Alberta's rural communities. These need to be addressed at the source, not with a bunch of vague strategies as we saw in the MLA report that was released this morning.

Thank you, Mr. Chairman.

The Deputy Chair: The hon. Member for Vermilion-Lloydminster.

Mr. Snelgrove: Thank you, Mr. Chairman. How appropriate that we're dealing with manure management after that speech.

I come from a family farm, a small farm, the kind that apparently the hon. member thinks the government is out to do in. I can tell you that my neighbours just down the road in Saskatchewan would love to have that attitude from their government surrounding farms that this government has looked after.

There are so many inaccuracies. I just have to put this: it is a huge investment now in any type of farm. There's no question – the member is absolutely right – the margins are extremely tough. To make an investment, whether it's in a feedlot or a cow-calf operation, can literally run into the millions of dollars, and as a businessman that farms, I have to know the rules around the investments I'm going to make. I can't even pretend to think it's a wise investment

if someone who pretends to understand agriculture, who knows what's right for me, moves in down the road and says, "I don't like that smell. I moved to the country for some fresh air, and now I have to smell that cattle farm or that hog barn."

So I have to be protected, and as much as I'm certainly not a promoter of legislation, I also need protection from people who don't understand agriculture, and it's quite obviously what's come out of that speech.

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

Mr. Marz: Thank you, Mr. Chairman. I, too, am utterly amazed at the self-proclaimed expertise of the Member for Edmonton-Highlands. Perhaps he would gain a far broader, useful knowledge of farming if he started farming some of those highlands.

You'd think that this government was responsible for the small margins. The fact of the matter is that the small margins that farmers do have in agriculture are based on world markets. A lot of that is based on the subsidies: our neighbours to the south and our European neighbours constantly are competing against us with larger subsidies.

This government has been there for the Alberta farmers more than any other government in any other jurisdiction in Canada, not just once, not just twice, but every time there's a crisis, absolutely every time. I know because I am a farmer. I have farmed all of my life, and I talk the talk, and I know how to walk the walk. I can walk it in high boots, as the former leader of the Liberals wears quite often. There's a reason that sometimes you have to wear those high boots, and I'm starting to think that I'd better wear them in here. Some of the stuff you have to listen to in here is absolutely amazing.

4:20

Whether it's low grain prices, low feed prices, grasshoppers, the BSE situation, this government has been at the plate first up every single time and will continue to be whenever this industry is in crisis. We have developed markets for all these products in a way that no other province has done. How come this feeding operation hasn't established in Saskatchewan? Lots of wide open spaces there. They could raise cattle there just as easily as they could here. More water in the north than we have here. So I don't buy the argument from the Member for Edmonton-Highlands that this is all this government's fault that there are low margins in agriculture.

I do have some concerns about this bill. I'd like to start off by thanking the Member for Leduc for taking the time both in the House in addressing some of my concerns but outside the House and sitting with me for hours combing through this stuff, this pile on my desk here, trying to work with me to address those concerns. I'd like to thank him for that.

I think most of the concerns I've raised can be addressed in regulations if there's a will and a commitment from the member to do so. I think I've already got that commitment from the Minister of Agriculture, Food and Rural Development. However, there are a couple of outstanding issues that were raised as a result of the comments that the Member for Leduc made.

In second reading I asked how many practice review committees were established, and I believe the answer was two. If there were only two in the last year, it does cause me to wonder yet why we need to change the rules and give more discretion to perhaps not hear some of these complaints that are construed to be vexatious or without merit.

I'd like to remind the member that vexatious actions can work both ways. I've got a number of examples that I could give, that I

have talked to the member about before. I classify these operations into the good, the bad, and the ugly. The ugly is a very, very small percentage. They're the ones that cause the most problems, and they can actually go out and be very vexatious to anyone who raises a complaint. We have to have protection against that sort of thing too. I'm hoping that the member and the minister will look at those particular instances and look at addressing those in the regulations.

The other thing I'm concerned about that probably can't be addressed in the regulations is the issue of giving the NRCB more discretion or more power, because in my particular situation in my riding regarding one particular development – I'm not going to put a classification on that; I'll let the neighbours do that – I think there's no trust in that community with the NRCB. The NRCB has not earned their trust and certainly currently does not have that trust, and to give them more discretion is not going to increase that trust in that community.

So I'd like the minister's comments on that particular issue, and with that I'll take my seat.

Mr. Klapstein: I will respond to the Member for Olds-Didsbury-Three Hills in this way, saying that there is a process under which regulations are developed, and I'll certainly work with him through that process, but I can't make that decision myself today.

The Deputy Chair: Anybody else wish to participate in this debate?

[The clauses of Bill 17 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Opposed? Carried.

Bill 21

Child Welfare Amendment Act, 2004

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

Mr. Bonner: Thank you very much, Mr. Chairman. Just a few comments on Bill 21, the Child Welfare Amendment Act, 2004. I look forward to speaking to the bill in committee today. When we look at this bill, we are looking at the third attempt at amending the Child Welfare Act within three years. I certainly hope that on this particular occasion the amendments that have been proposed will satisfy everybody and that we can move forward from this position.

What we are trying to do with the amendments in this bill is align this bill with the Family Law Act and the Vital Statistics Act. Certainly, the major goal is that we have a smooth transition when we do go forward with this legislation. So this, Mr. Chairman, is certainly more of a housekeeping bill. What we are doing is making the wording consistent between the Family Law Act and the Vital Statistics Act.

Some of the things that we look at when we do our sectional analysis – I'm looking at subsection (3), which redefines the job of the child advocate and also includes the Protection of Children Involved in Prostitution Act. This allows the child advocate to delegate his duties to people within the child's life.

I know that our party has always supported the advocate, that the

advocate be a separate office from the government. Yet this bill in its form still has the advocate reporting to the minister, so certainly we feel that this is one of the areas that we'd like further clarification as to why the advocate is not a separate office from the government.

Section 4 changes the alternative dispute resolution to be defined by regulations. It also changes the disclosure of documents created by the alternative dispute resolution to include any documents that affect the development of a child. Our questions here are: what documents don't affect the development of a child, and who in this situation is going to protect the child's personal information after the dispute is settled?

Section 7 removes financial contributions that the family may have to provide when their child goes into service, allows the court to demand treatment for both the child and guardian, and also finishes with the clause: "any other terms that the Court considers necessary." This gives the court the ability to make decisions without regulated control on what is required to make the family come back together.

Section 11 changes the amount of time a court can make a secure services order from 10 to five days, and it forces the family or guardians to be notified by any means necessary within one day if a secure services order is given by the courts. They may apply for five more days to stabilize a child or assess a child and prepare a plan for service. There is also a set of information that is applied to the child when a secure services order is passed.

One last area that I would like to comment on is section 15, which repealed all the information about how Children's Services would obtain child support and allows the director to apply to the courts for child support. This particular section, Mr. Chairman, requires a careful looking over for it deletes a large part about child support from the original act. This removes a process by which directors would act to obtain child support. What is going to be done now in this instance? Does the child support law handle this?

So those were some of my concerns with the bill at this particular time, Mr. Chairman. I thank you for the opportunity to put those on the record at this time.

4:30

The Deputy Chair: The hon. Member for Red Deer-North.

Mrs. Jablonski: Thank you, Mr. Chairman. I hope to be able to answer some of the questions that the Member for Edmonton-Glenarry has just raised. I'm pleased to stand in Committee of the Whole and speak to Bill 21, the Child Welfare Amendment Act, 2004. The intent of this bill is to make minor amendments to the Child Welfare Amendment Act, 2003, legislation that received royal assent last spring and that is vital to the protection and preservation of Alberta's children, youth, and families. The purpose of the amendments, although there are many, is straightforward: to clarify the act, to ensure that the original intent of the act is carried out, and implementation.

I want to thank the members of the Assembly for their questions at second reading and in the committee as they provide an opportunity for clarifying a number of points and misconceptions. I welcome the opportunity today to clear up any confusion and create a greater understanding about these amendments and how they will help to ensure that the legislation is applied in practice in the manner that was intended.

I would like now to address each of the questions and points in detail to aid in that understanding. First, the Child Welfare Amendment Act, 2003, as passed last spring in this House is significant legislation that will enhance services to children and families and will be renamed the Child, Youth and Family Enhancement Act

upon proclamation. The Child Welfare Amendment Act, 2004, is making minor amendments to that act to ensure consistency with the Family Law Act, the Vital Statistics Act, and the Protection of Children Involved in Prostitution Act.

The amendments were identified as work began on preparing the draft regulations. This is consistent with the usual process of preparing legislation for implementation. The draft regulations are now in the process of being drafted. The ministry has been consulting with stakeholders throughout the process. In keeping with this consultation, an open process, both opposition parties received a letter dated December 1, 2003, that provided a postregulatory framework and invited questions should further clarification be required. The offer to meet and discuss the framework was and continues to be extended to all members.

Regarding the Interim Leader of the Official Opposition's concern about the child and youth advocate, Mr. Chairman, the proposed amendments not only retain the role of the child advocate but also enhance that role by authorizing the advocate to meet the needs of children and youth involved in prostitution.

Changes in the alternative dispute resolution have been made so that a family feels comfortable sharing their situation while at the same time ensuring their confidentiality and the safety and well-being of the children. Information and records from alternative dispute resolution processes are highly confidential, but there are instances when its disclosure may be "necessary to protect the survival, security or development of the child." The Leader of the Official Opposition raised a concern about including "development of the child." It is important to keep in mind that above and beyond this specific point, any disclosure is limited to situations where a child is in need of intervention under the act.

A question was raised about who was going to protect the child's personal information after the dispute is settled. Mr. Chairman, confidentiality provisions of the Child, Youth and Family Enhancement Act as well as FOIP are in place to protect those privacy interests.

Changing the duration of an initial secure services order from 10 days to five days will ensure that Charter rights are protected. This change will also ensure consistency with the confinement provisions in PCHIP legislation. The requirement that parents be notified of an application for a secure services order is a due process issue. Notice will provide parents with an opportunity to make representations to the court regarding an application for a secure services order.

We can assure the Member for Edmonton-Mill Woods that the amendments do not repeal any requirements regarding children's treaty registration.

Regarding the time for licensing residential facilities, the ministry has consulted with operators impacted by the new licensing provisions. The 18-month transitional period will ensure that both operators and the ministry have sufficient time to implement a smooth and effective transition.

The act currently provides authority to the court to direct legal representation for children with child welfare status. The amendments enhance that authority by also giving the courts the ability to direct legal representation for children who are the subjects of a private guardianship application.

The change in maximum sentencing time for a parent or guardian who causes a child to be in need of protective services holds parents and guardians accountable, Mr. Chairman. It is consistent with the maximum sentencing time under our Protection of Children Involved in Prostitution Act.

During second reading the hon. members for Edmonton-Centre and Edmonton-Mill Woods referred to a number of sections that were being removed from the Child Welfare Act. The most pressing

questions from the Member for Edmonton-Centre were in regard to the sections around child support orders.

Concern was expressed with the following points: the elimination of sections talking about support orders or maintenance orders from the act; concern about removing rules around how the director of child welfare goes about establishing support orders or obtaining money from a guardian in support of a child; striking out the ability of a guardian, parent, or trustee ordered to pay child support to apply to the court for a review of the order; removal of the rules around dealing with child support, including the removal of the review process and the ability of the courts to vary an order that's in place.

Mr. Chairman, the hon. Member for Edmonton-Centre was right when she supposed that there might be a simple reason for this amendment. The process for obtaining court-ordered child support for children in the care of the director is addressed in the new Family Law Act, which was introduced last spring and passed last fall. The removal of these processes from the Child Welfare Amendment Act, 2003, is a simple matter of streamlining Alberta's legislation by avoiding duplication and striving for consistency. By removing these provisions, we haven't lost anything. In fact, we've ensured consistency, ensured that there's only one process for courts to follow, and avoided unnecessary duplication.

Mr. Chairman, as I said earlier, these amendments are housekeeping. They are minor, but they're still important. I appreciate this opportunity to speak to the concerns and questions that have been raised. The Child Welfare Amendment Act, 2004, is vital legislation. It is essential that it is clear as we prepare for implementation.

Thank you, Mr. Chairman.

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

Mr. Mason: Thank you very much, Mr. Chairman. I am pleased to make some comments with respect to Bill 21, the Child Welfare Amendment Act, 2004, at this time. I just want to indicate that some of the changes are of interest.

The main intention of section 3, which amends section 6, seems to be the inclusion of matters pertaining to the Protection of Children Involved in Prostitution Act as part of the jurisdiction of the child and youth advocate, and that seems to be something worth supporting.

However, there does seem to be another change which is of a somewhat more dubious quality. In the proposed subsection (3)(b) the authority of the child and youth advocate is being extended to include PCHIP legislation, but instead of the advocate being able to receive, review, and investigate complaints, the advocate will now only be able to receive and review complaints. If this power is somewhere else restated, then hopefully the minister or the mover of the bill can direct us to that. Otherwise, I believe that it needs to be amended.

4:40

Section 4, Mr. Chairman, sets out some basic guidelines for an alternative dispute resolution mechanism. Now, we're not opposed to that in theory, but there are some concerns about the fact that the mechanism depends almost entirely on the regulations.

Alternative dispute resolution mechanisms are useful insofar as they reduce the workloads of courts and appeal panels and insofar as they are able to foster a more amicable and less confrontational atmosphere for resolving disagreements. The courts and appeal panels do, however, have a role in ensuring that intimidation, threat, and subtle forms of duress are minimized. They're meant to counter power differences and level the playing field. One hopes that the alternative dispute mechanism will also do this. In the case of

parent/teen conflicts or abusive situations there are unavoidable power imbalances, and we can't expect negotiations or compromise in these situations to necessarily be fair or appropriate.

The minister may well have thought out plans for how to make this alternative dispute resolution mechanism work, but we cannot know because once again the bulk of the matter is left up to regulation. It would be much preferable if we could see the details or even the framework in the Assembly and thereby have a better idea of what we are discussing.

Further, we need assurances of a strong commitment from the minister to provide adequate resources for these alternative dispute processes. It's not enough, Mr. Chairman, to create a program. It must be adequately funded. Some of the people we have contacted have raised this as a very real concern.

Now, under section 7, which amends section 32, page 5, it appears that this amendment gives with one hand and takes with the other. It adds a provision under which the court may authorize or mandate participation in treatment and/or remedial programs, and that is certainly worth supporting. Hopefully, the minister or the mover can explain, however, why the clause in the original act is being dropped that would allow the court to prescribe financial contributions to the maintenance of the child.

When a child or youth is in danger of harming himself or herself or others or if the young person has severe substance abuse problems, then often secure treatment is an important resource for introducing some stability and the context necessary to be brought out of immediate danger. This is an important resource but is one that must be used very carefully. I've had at least one young person come into my office terrified that she would be put back into secure treatment. She felt that secure treatment was as much a prison as it was a treatment mechanism. So we must understand that a balance is necessary between the loss of certain rights and freedoms of young individuals and the need to strongly intervene to restore the youth's safety.

Mr. Chairman, when the Child Welfare Act was passed, the length of stay in secure treatment was radically reduced. The reasoning behind this was never fully explained. So I think it's good that this legislation is shortening the time allowed for the director to communicate with youth about their secure treatment and their ability to challenge a situation, but there still are questions about the length of stay of youth in secure treatment.

With those comments, for the moment, Mr. Chairman, I'll take my seat. I am particularly interested in the question of whether the child and youth advocate will not have the authority to investigate complaints but only to receive and review them. Pending the answer, I may have an amendment.

Thank you.

The Deputy Chair: Anybody else wish to participate in the debate?

Mr. Mason: Well, that being the case, Mr. Chairman, I will propose an amendment.

The Deputy Chair: Hon. member, I guess somebody else will have to speak before I can recognize you.

[The clauses of Bill 21 agreed to]

[Title and preamble agreed to]

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

Some Hon. Members: Agreed.

The Deputy Chair: Opposed?

An Hon. Member: Opposed.

The Deputy Chair: Carried.

Bill 23
Fuel Tax Amendment Act, 2004

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

Dr. Nicol: Thank you, Mr. Chairman. I'd like to just commend the Minister of Revenue for introducing this act, that in effect is going to bring Alberta aviation in line with the framework that's available for airlines around the world. The more we move into trying to be part of the world industry, communication strategy, even our tourism, both the people who want to come here and Canadians and Albertans who want to travel – we have to have access to air carrier capacity.

As we look at the airlines around the world with limited capital, limited investment, they make choices on where they're going to put in new flights based on the relative cost-effectiveness of their dollars. This, in effect, now will take out a factor for them that was discriminatory against new flights, new routes being established into either of our major international airports, in Edmonton or in Calgary.

So now that that deterrent is gone, this will give our airport authorities a chance to go out and negotiate on a more even basis with other airports and countries to get increased capacity to serve Albertans both in terms of our wish to travel and our wish to have tourists come and businesspeople come and others to participate in the traffic flows in our airports.

Just in conclusion, this is something that we've been hearing from the airline industry, from the airport authorities for years. The fact that the minister now is making the commitment through the budgeting process and this act to bring us in line with other airports and other authorities I think is good, and we should support this act.

Thank you.

[The clauses of Bill 23 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Opposed? Carried.

The hon. Deputy Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I'd move that the committee rise and report bills 17, 21, and 23.

[Motion carried]

[Mr. Shariff in the chair]

Mr. Maskell: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following: Bill 17, Bill 21, Bill 23. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

Hon. Members: Agreed.

The Acting Speaker: Opposed? So ordered.

head: 4:50 **Government Bills and Orders**
Third Reading

Bill 20
Minors' Property Act

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

Mr. Hancock: Thank you, Mr. Speaker. I have spoken at introduction, second reading, and again in committee with respect to Bill 20, the Minors' Property Act. I move it for third reading.

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

Ms Carlson: Thank you, Mr. Speaker. I'm happy to have an opportunity to speak to this particular bill, Bill 20, the Minors' Property Act. It seems that as we review what has been said in *Hansard* over the last few days on this bill, we are satisfied with the answers that we have received. Generally, we support this particular bill.

I think those are really all the comments I have at this time because, generally speaking, this bill is a step in the right direction. Thank you.

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

[Motion carried; Bill 20 read a third time]

The Acting Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I'd move that we adjourn until 8 p.m., at which time we return in Committee of Supply.

[Motion carried, the Assembly adjourned at 4:52 p.m.]

