

## Legislative Assembly of Alberta

Title: **Monday, April 26, 2004**

**1:30 p.m.**

Date: 04/04/26

[The Speaker in the chair]

head:

### Prayers

**The Speaker:** Good afternoon, and welcome back. Hon. members, at the conclusion of the prayer please remain standing for the singing of our national anthem. It will be led today by Mr. Paul Lorieau.

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.

### Hon. Members:

O Canada, our home and native land!  
True patriot love in all thy sons command.  
With glowing hearts we see thee rise,  
The True North strong and free!  
From far and wide, O Canada,  
We stand on guard for thee.  
God keep our land glorious and free!  
O Canada, we stand on guard for thee.  
O Canada, we stand on guard for thee.

**The Speaker:** Please be seated.

head:

### Introduction of Guests

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

**Mr. Hancock:** Thank you, Mr. Speaker. Increasing awareness and education about the law is important to helping Albertans better understand how the justice system works. Over the past 35 years the legal studies program at the University of Alberta has remained a leader across Canada in public legal education.

An hour ago Alberta Justice and the legal studies program released A-Link, Alberta's law-related information network. A-Link is the first of its kind in Canada as an on-line directory that increases Albertans' access to information.

It's my pleasure and privilege to introduce to you and through you to all members of the Assembly three key individuals from the University of Alberta's legal studies program. Dr. Cheryl McWatters is the dean of the Faculty of Extension. Dr. McWatters is a dedicated continuous learner and a member of Canada's academic community for more than 10 years. Professor Lois Gander is the associate dean of the Faculty of Extension and director of the legal studies program. Dr. Gander is recognized as a Canadian leader in promoting public access to law and justice information. Dr. Diane Rhyason is the associate director of the legal studies program. Dr. Rhyason was the project director for the A-Link directory.

I'd also like to introduce Karen Machura, the legal education coordinator for Alberta Justice. Karen has done a phenomenal job for the department in this role, and once again it was shown today with the successful launch of the A-Link initiative.

They are standing in the public gallery, and I'd ask the House to give them their warm and traditional welcome. Thank you.

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

**Ms Calahasen:** Well, thank you very much, Mr. Speaker. Today I have the great honour of introducing to you and through you to the

Members of the Legislative Assembly some incredible young people, who are accompanied by teacher Ms Tracey Crain – I'd ask that they stand as I name them – and parent helpers Ms Wanda Amor, Mrs. Michelle Lukan, Ms Joanne Perry, Ms Inga Lanctot, Mrs. Barb MacIntyre, Mrs. Nancy Skrynyk. Of course, they are students from the Roland Michener secondary school in Slave Lake. I'd ask that they all rise and receive the warm welcome. I believe they're sitting in the members' gallery.

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

**Mr. Vandermeer:** Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to members of this Assembly 43 students from the St. John Bosco Catholic school. I had the pleasure of attending their grand opening. They are spending their first year in this beautiful school, and I want to commend them on that. They are accompanied by their teachers Mr. Zydek and Mrs. Adolf and their parent helpers Mrs. Donna Ballantyne, Mrs. Lina Brietkreutz, and Mrs. Val Obrigewitch. I'd ask them all to rise and receive the warm welcome of this Assembly.

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

**Ms Haley:** Thank you, Mr. Speaker. I have one of those strange introductions. My group will not be in until 2 o'clock, but I did want to put on record that they are coming in. It's a school from the city of Airdrie called George McDougall high school. It's a great school. Both of my sons graduated from there, so a lot of time and energy by everybody was spent at that awesome place. This is a group of 35 people coming in, five adult supervisors and 30 students from the French side of the George McDougall high school. The grade 10 students will be in between 2 and 2:30, and I wanted to mention that they would be in.

Thank you very much.

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

**Mr. McClelland:** Thank you, Mr. Speaker. I'm not sure, but I hope that this group of special guests are here. They are 40 students from Greenfield school. They're led by their teacher, a wonderful, dedicated Stacy Morgan, a very loving teacher, and parent helpers Sarah Henderson and Kim Aime. If they are here, we would ask them to now stand and receive the warm welcome of the House.

**The Speaker:** The hon. Member for Medicine Hat.

**Mr. Renner:** Thank you very much, Mr. Speaker. As you may know, today members of the ALS Society of Alberta are meeting with MLAs throughout the building to discuss issues related to ALS and the treatment and programs that are available through the Alberta government. This morning the Member for Redwater and I had the pleasure of meeting with a delegation from the ALS Society of Alberta, one of whom was a constituent of mine. I'm very pleased to see that he has joined us in the members' gallery today, and I would like to ask Mr. Rod Helfrich, who is an ALS victim himself, to rise and receive the recognition of all Members of the Legislative Assembly.

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

**Dr. Massey:** Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of the Assembly 33 students from Mill Woods Christian school in Edmonton-Mill Woods.

They're accompanied by their teacher Mrs. Judy Krahn and parent helpers Mrs. Kathleen Landsman and Mrs. Christine Silva. They're in the public gallery, and with your permission I'd ask them to stand and receive the traditional warm welcome of the Assembly.

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

**Dr. Pannu:** Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of the Assembly 16 representatives of the Amyotrophic Lateral Sclerosis Society, ALS for short. These guests represent individuals living with ALS, volunteers, and staff of the ALS Society. They include representatives from the ALS Society of Alberta, ALS Society of Canada, as well as the ALS societies of Manitoba and British Columbia. Today is ALS Awareness Day at the Legislature, and that's why I'm wearing these cornflowers.

These guests are meeting with various caucuses to share information on the effects of ALS on people living with the disease, the services the ALS Society provides, and to identify ways to collaborate strategies to better meet the needs of those living with ALS. These guests are seated in the public gallery. I would now request them to please rise and receive the warm welcome of this Assembly.

1:40

**The Speaker:** The hon. Member for West Yellowhead.

**Mr. Strang:** Thank you very much, Mr. Speaker. At this time I'd like to introduce to you and through you to the rest of the Assembly one of the members of the ALS Society of Alberta, Mr. Victor Beland from Grande Cache, who has really worked hard on this, so at this time I'd like him to rise and receive the traditional warm welcome of this Assembly.

Thank you.

head:

#### Oral Question Period

**The Speaker:** The first Official Opposition main question. The hon. Leader of the Official Opposition.

#### Health Care Reform

**Dr. Taft:** Thank you, Mr. Speaker. On February 11 the Premier said he would release the controversial Graydon report on health care in six weeks, but last Thursday, when asked about that promise, the Premier said, quote, well, I fibbed, end quote. It's time for the Premier to start telling the truth and admit to Albertans that rather than strengthening health care, as the Alberta Liberals would do, this government plans to undermine public health care and leave Albertans paying more out of their pockets for fewer services. My questions are to the Premier. Why are Albertans hearing fibs about health care from this government instead of the truth?

**Mr. Klein:** Well, I'm not a 'Fiberal.' Mr. Speaker, quite simply, it was our original intention to release the Graydon report, but having second thoughts, which those in politics are allowed – and anyone is allowed to have a second thought, a second thought about any issue – it was decided that we would release the Graydon report in conjunction with a multitude of other reports.

The reason for that, Mr. Speaker, is that I have seen the actions of the Liberals in this Legislative Assembly, and basically what they want to do is take that report and pick out of that report those things that make for a good 15-second sound bite, and they will try to sensationalize elements of that report. They won't consider it in its total context. So it was decided that that report would be released

along with numerous other reports as well as best practices in other jurisdictions.

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

**Dr. Taft:** Thank you. Will the Premier confirm that under a plan circulating in his government and in his department of health, user fees for health services will escalate with each additional usage of the system, penalizing those that need health care the most?

**Mr. Klein:** Mr. Speaker, the question alludes exactly to what I was speaking about, and that is user fees and those things that make for a good 15-second sound bite. The Graydon report, along with all other reports, will be released prior to caucus meeting, and caucus will consider an overall plan of action. That plan will be taken out to the public for consultation and everyone, including the Liberals, will have an opportunity to comment.

**Dr. Taft:** Why is this government embarking on its fifth attempt at health reform in 12 years instead of doing what Albertans want them to do, which is provide more beds, reduce waiting lists, and reduce emergency room overcrowding?

**Mr. Klein:** Mr. Speaker, we want to achieve all of those things, but we want to do it at a cost that is affordable and sustainable so that we will have health care for all of us, our children, and our grandchildren in the future. That's what reform leading to sustainability is all about.

**The Speaker:** Second Official Opposition main question. The hon. Leader of the Official Opposition.

#### Government Aircraft

**Dr. Taft:** Thank you, Mr. Speaker. While everyone else drives to get around Alberta, cabinet ministers last year alone took over 1,100 flights on the government's fleet of passenger aircraft. My questions are to the Premier. How does the Premier justify employing 12 pilots, a flight attendant, and four aircraft on standby 24 hours seven days a week at taxpayer expense when the great majority of flights are simply for cabinet ministers?

**Mr. Klein:** Mr. Speaker, that is not entirely true. I've been on many government flights that involve public service employees, and of course public service employees and firefighters use the planes as well.

It's impossible to put a price tag on the time required to do government business by all of those in government, including cabinet ministers, MLAs, and the 22,000 people that we have working in the government. Use of government aircraft allows MLAs and government staff to quickly attend to issues in all parts of the province. It allows ministers, especially, to get more done in one day, which would not be possible with commercial aircraft.

Now, Mr. Speaker, I would like to mention the cost. Government fleet flights can save taxpayers' dollars. For instance, not including fixed costs such as salaries and insurance, a full flight on a King Air 200 costs \$76.71 per seat round trip to Calgary. What we try to do is make sure that the plane is loaded.

Mr. Speaker, the plane is available to opposition members as well, those who want to fly to Calgary. There was one member who lived outside the city of Edmonton. I don't know why the others would require it, but certainly on Thursday afternoons and Monday morning or Sunday night there is a shuttle from Calgary to Edmon-

ton. We load up that small aircraft, and we land, conveniently, at the City Centre Airport.

Mr. Speaker, I would also like to point out that on many occasions, especially in North America, including Mexico, we use the King Air rather than commercial aircraft at a cost of about \$400 an hour as opposed to the \$3,000 or \$4,000 per round trip it would cost to take commercial airlines. Unlike the federal Liberal cousins that they so want to emulate, we do not fly around in A320s or Challenger jets. These are turboprop aircraft. We do have the inconvenience from time to time of having the toilet seat loaded with pizzas or sandwiches as opposed to a full galley, so sometimes we are denied the use of the toilet as well.

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

**Dr. Taft:** Thank you, Mr. Speaker. Well, since the purpose of these flights is most of the time unknown and undisclosed, will the Premier publish for the public to see the flights taken by cabinet ministers and the purpose they serve?

**Mr. Klein:** Mr. Speaker, all flight manifests are kept, and any member of the public is welcome to view them. The hon. member knows that, and to stand up and say that he doesn't have access to the information is at least, at very, very least, misleading the public.

**The Speaker:** The hon. minister to supplement.

**Mr. Lund:** The reason for the flight is included on every manifest.

**Dr. Taft:** Since the vast majority of these flights, over 1,100 last year alone, were approved for use by cabinet or Executive Council, not firefighting, and since a one-way flight on the King Air to Ottawa is over \$11,000 according to the government's own figures, can the Premier estimate the cost to taxpayers for flights taken by his Executive Council alone?

1:50

**Mr. Klein:** Mr. Speaker, I'd be glad to. Again, he's using figures. If we load the King Air 350 and have someone sit on the toilet, that would make nine people. If we were to book economy class or even business class, the cost to Ottawa would be approximately \$4,000 per person round trip. Multiply that by eight or nine. That is \$36,000. So at \$11,000 it's a bargain.

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

**Ms Blakeman:** Thank you, Mr. Speaker. There is almost no public accountability on the 1,600 flights taken on government aircraft in 2003. Contrary to previous procedure government is now telling opposition that they may look at the records but cannot copy them or bring any computer equipment into the room. To get a copy of the records, we have now been told by the minister's office that we must FOIP for them, so once again less transparency, less accountability. My questions are to the Premier. In order to inform the public, can the Premier explain why in February 2003 a government aircraft was used by the minister of health to fly to Camrose and back?

**Mr. Klein:** Mr. Speaker, I have no idea. I would assume it was government business.

Relative to the procedures with respect to viewing the manifests, I'll have the hon. Minister of Infrastructure respond.

**Mr. Lund:** Mr. Speaker, those manifests are all available to the public, and they can be viewed at any time. The opposition is asking for us to copy all those manifests, and there's a cost to all of that. Through the FOIP they would know what those costs are. But certainly they're open. They can come in and view them, but we are not going to copy them for free. That's a cost to government; it's a cost to the taxpayers. If they want those manifests copied, we'll do it, but there will be a fee.

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

**Ms Blakeman:** Thank you. You wouldn't even allow us to take electronic copies.

My next question is to the Premier. Can the Premier inform Albertans what the purpose was of an October 2003 series of flights taken by the Premier and others from Edmonton to Calgary to San Jose, Albuquerque, Houston, Cheyenne, and back to Calgary? Please tell us.

**Mr. Klein:** Probably can, Mr. Speaker. It was government business. I would remind the opposition that the opposition is certainly part of PNWER and takes government aircraft. I've been on the plane with members of the opposition.

I would assume that that was a mission perhaps in conjunction with Team Canada – maybe not; I don't know – or in conjunction with Premier Campbell or the western governors' conference. It could have been any one of those things. I'm not sure. I don't have that information in front of me. Had they had the courtesy of submitting the questions long before question period, I could give them specific answers, but they are not courteous people.

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

**Ms Blakeman:** Thank you. Again to the Premier: will the Premier lift the gag order, recommit to openness and transparency, and ensure that anyone who wishes to copy or make electronic records of the Infrastructure flight logs can do so again? Will you commit to that, Mr. Premier?

**Mr. Klein:** Mr. Speaker, there is no gag order. When the opposition talks about three King Airls, one 350, two 200s, and a Dash 8 that are in the air most of the time, allowing people – staff members and MLAs and ministers – to conduct government business, they conveniently forget the extravagance, the absolute extravagance of their federal cousins who flip around in Challenger jets and A320s.

By the way, when they report expenses, while we're on it – I gleaned from the Internet how the federal government posts their expenses. This is the travel and hospitality expenses detailed report from the Prime Minister for all of 2004 thus far. Now, four months have almost expired, and he has one expense. Where? The Challenger jet broke down. Poor dear soul had to take commercial to Montreal at a cost of \$420.39. That's all I've been able to get off the web relative to federal government expenditures. These people are trying to tell the public that the Prime Minister of this country has only spent \$420.39 on expenses and travel. That is balderdash, to say the least.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. That wouldn't even pay for the Premier's orange juice.

### Beef Recovery Strategy

**Mr. Mason:** Mr. Speaker, both the federal Liberal and the provincial Tory governments are experts in designing BSE compensation programs where the money seems to end up where it's needed the least. Moreover, while we all hope that the U.S. border opens to live cattle exports soon, it continues to be abundantly clear that there is still no strategy to deal with the situation should the border remain closed. My question is to the Premier. Given that it's been almost two months since the Premier first committed the province to developing a plan B scenario should the border not open to live cattle exports, can the Premier explain just where the heck plan B is?

**Mr. Klein:** Mr. Speaker, it is in front of the minister as we speak. As a matter of fact, we had the opportunity to discuss it briefly at Agenda and Priorities this morning. It'll be coming to cabinet tomorrow.

I'll have the hon. Deputy Premier speak more on this matter.

**Mrs. McClellan:** Mr. Speaker, the beef recovery plan strategy or contingency plan, if you wish to call it that, has been worked on by the industry. We have a round-table that numbers up to 60 persons periodically, sometimes a few less, sometimes a few more, as well as some very diligent government MLAs, who try to attend as many meetings as they can. Last Friday we had our final meeting, and the final report was drafted. I received a copy of it about 9:30 this morning. I've had an opportunity to very quickly peruse it. As the Premier indicated, our cabinet will be reviewing this document tomorrow.

We've had a conversation with the industry as to when we would make that public. I think the hon. member would understand that it would be only courteous to share that report with the 60-odd industry people who had input into it. Because we had a drafting team of about a half a dozen people from the industry, designated by the industry, they would like the balance of their members to see the report. The Premier has said over and over again: by the end of April. I don't know where this member is going with this. By my reading it's the 26th today, so we're actually a little ahead of schedule on this issue. As soon as the industry indicates how they would like to release this with us, we'll commence with the release.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. Well, given that six weeks ago the government promised to table in this Assembly an itemized list of every recipient of BSE compensation and the amount that they received and at that time the minister indicated that it was 97 per cent complete, what's the holdup with this one?

**Mrs. McClellan:** Well, Mr. Speaker, we're at about 98.7 per cent now. When you consider that in this House some weeks ago I indicated that we had issued cheques to some 1,564 feedlots and owners of cattle at that time, I think the hon. member would understand that with the moving of 1.2 million head of cattle through the system, through almost 1,600 owners, there might be just the odd chance that you would have one, two, or three of these claims or maybe four or five or six that you would have to do some further work on.

I have made a commitment to release that. I have not backed off from that commitment. But, Mr. Speaker, I will not release it until it's complete. We anticipate that happening very, very shortly.

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

2:00

**Mr. Mason:** Thank you very much, Mr. Speaker. Well, given that meat packer margins are once again on the rise, as evidenced by the most recent Boxed Beef Report, which shows that they're running 300 per cent higher than at the same time last year, why is the government not supporting the House of Commons agriculture committee in demanding that meat packers open their books?

**Mrs. McClellan:** Mr. Speaker, this is purely in the hands of the federal government. They have two avenues: of course, the agriculture committee, who is doing this, and also the Competition Bureau. I know that maybe not a lot of concern is there for duplication and waste, but frankly I have a concern for it, and I don't see any benefit in our replicating the work that's already going on.

Mr. Speaker, we did a review of this to satisfy our own information needs and released that some weeks ago. He will have to contact the federal agriculture committee and ask them why they're not getting this done faster.

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

### Direct Energy

**Mr. Klapstein:** Thank you, Mr. Speaker. After months of speculation I understand it is now confirmed that Direct Energy has come to terms with ATCO's retail sector and is now officially setting up shop here in Alberta. My first question is to the Minister of Energy. What does this transaction mean to my constituents who currently receive natural gas or electricity from ATCO?

**Mr. Smith:** Well, Mr. Speaker, what it means is that for the first time in Alberta there will be one provider who can sell both electricity contracts and natural gas contracts throughout Alberta. In other words, there'll be one provider, one bill. I understand that this company can also offer other services as well. So it puts a completely different perspective on the marketing of electricity and natural gas utilities across Alberta. What it means is that there is a new provider.

What it also means, what does not change, Mr. Speaker, is that the entry of Direct Energy does not affect payments that will be made under our natural gas rebate program. Those will continue for the five important months of the year, and even if you sign a contract with Direct Energy, you will still be entitled to save the money as the rebates are applied.

Also, Mr. Speaker, Direct Energy will be the retailer of electricity and natural gas services. ATCO will continue to remain in the marketplace as the distributor, as it were.

**Mr. Klapstein:** My second question is again to the Minister of Energy. Is this deal a good deal for the 180,000 electricity customers and 840,000 natural gas customers affected by this private-sector transaction?

**The Speaker:** There's a lot of opinion here, so let's be careful.

**Mr. Smith:** Well, that is calling for an opinion, but I think, Mr. Speaker, that the circumstances are appropriate. The government has in an open and transparent manner through regulation, through passage of a bill from the Member for Innisfail-Sylvan Lake and last year through the passage of Bill 3 from the Member for Grande Prairie-Smoky — there is a playing field now that is level. The EUB is observant and examinative of rates that are put forward to them by

all providers of electricity, all providers of natural gas, which includes city-owned utilities.

What we do know is that Albertans will continue to have the absolute lowest natural gas rates in the country. We also know, Mr. Speaker, as the competitive market model has worked – we don't have the hundreds of billions of dollars of debt against the Crown, and we do have some of the lowest wholesale prices of electricity in Canada – that we have the right model for the right companies at the right time.

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

**Mr. Klapstein:** Thank you, Mr. Speaker. My final question is to the Minister of Government Services. Given that some of the marketing practices of Direct Energy's international parent company have come under question in other jurisdictions, what is the government doing to protect Albertans?

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

**Mr. Coutts:** Thank you very much, Mr. Speaker, and it is a good question. We like to let Albertans know what their rights are. The rights of the consumer are protected in a code of conduct and regulations under the Fair Trading Act. Direct Energy as well as all other electricity and natural gas marketers in this province are well aware of the provisions in the Fair Trading Act, and if anyone is caught violating those conditions and those regulations, we can and do prosecute. If anyone has any questions, they can call our consumer toll-free line at 1-877-427-4088. If they're curious about what their rights are, we will advise them.

Marketers have to provide identification when they come to your door. They must provide you with a written contract, and they must give you the opportunity to sign that written contract and leave you with a copy of that written contract. If they do not, then there is no contract. They also must have a provision in the contract that there is a 10-day cancellation clause so that after you've signed it and you wish to cancel after a 10-day cooling off period, you can do so.

So Albertans have lots of rights, and they can call our toll-free line to get more information.

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

#### Classroom Conditions

**Dr. Massey:** Thank you, Mr. Speaker. Teachers in 42 of Alberta's 62 school authorities do not have contract settlements in place. Twelve of those districts are currently in mediation, and two have conducted strike authorization votes. My first question is to the Minister of Learning. Given that classroom conditions have changed little from two years ago when most Alberta teachers went on strike, what plans does the minister have to ensure that the issue is not again mismanaged and results in similar actions by teachers?

**Dr. Oberg:** Mr. Speaker, two years ago there was a very substantial strike in Alberta. The arbitrator's settlement came back at 14 per cent, which resulted in the teachers being paid the highest in Canada. This year we put \$250 million in budget over budget. There's a considerable amount of money that has been put into the education system, and I will hope that the school boards and the ATA find ways to resolve this, find ways to sign contracts, as it is in the local jurisdictions' purview to utilize that debate.

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

**Dr. Massey:** Thank you, Mr. Speaker. Again to the same minister: has the minister done any board surveys to determine what additional teaching staff reductions are being considered for next September?

**Dr. Oberg:** Mr. Speaker, I would be extremely, extremely surprised and disappointed if after putting \$250 million into the school system, into the K to 12 education system, there was a decrease in teachers that was being contemplated by any board. The only circumstance that could allow that is where you have the enrolment decrease, and I think everyone in this Assembly certainly would understand that.

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

**Dr. Massey:** Thank you. My third question is to the Premier, Mr. Speaker. Given that the minister is the only one living with the fiction that classroom conditions in the province are actually going to improve, will the Premier take charge of the situation now before we drift into another strike?

**Mr. Klein:** Mr. Speaker, the education system is in good hands with the Minister of Learning, so I see no need to interfere with negotiations that are all part of the collective bargaining process, nor do I see any need at this particular time to interfere with the workings of the Minister of Learning.

**The Speaker:** The hon. minister to supplement.

**Dr. Oberg:** Thanks. I'd just like to add, Mr. Speaker, that in the two school jurisdictions that are looking at potential strike votes, it's my understanding that the issues are not salaries. Quite simply, it's conditions, it's classroom size, and it's things like that, that are fully negotiable between the school board and the local ATA. The local ATAs want it to remain that way, I want it to remain that way, and it's part of the negotiation process.

**2:10**

I think that if the hon. member were to look back over the last 20 years, there have been a significant number of negotiations that have been done in exactly this way. We look forward to the conclusion of negotiations. We look forward to that. I believe and I certainly would hope that this would not lead to a teachers' strike after a considerable, huge amount of resources, \$250 million of taxpayer dollars, Mr. Speaker, have been put into the K to 12 system this year alone.

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

#### Clean Coal Strategy

**Mr. Strang:** Thank you, Mr. Speaker. Many of the West Yellowhead constituents are aware that coal is an important resource for energy in this province, not to mention that Alberta has an abundant source of coal. What many Albertans may not know are the positive steps that Canada and the United States and especially Alberta are taking to address this issue of clean coal technology. My question is, then, to the Minister of Energy. What are Canada and the United States doing regarding clean coal strategies?

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

**The Speaker:** Hon. member, with due respect, this is the Legislative Assembly of the province of Alberta, and it's really not within the competence or the purview of a minister of the Crown of Alberta to

be concerned about nor be responsible for what happens in other jurisdictions. If you want to deal with the question about Alberta, that's fine, but America and some other country do not fall within the administrative competence of a minister of this Crown.

### Clean Coal Strategy

(continued)

**Mr. Strang:** Okay. Thank you, Mr. Speaker. My first supplemental question is again to the Minister of Energy. How are Canada and Alberta working together to accomplish this goal?

**Mr. Smith:** Well, Mr. Speaker, I'm sure the Member for West Yellowhead sees himself as an Albertan first and as a Canadian and, as such, would be looking at Alberta as a leader in clean coal technology and one that does work on a bilateral basis with the United States and with certain states inside the United States as well as across Canada.

I think that, firstly, Mr. Speaker, the need for clean coal technology is one that's very evident. Alberta has well over 700 to 800 years' supply of low-ash, low-sulphur coal. This is the best thermal coal in the world and, in fact, is only surpassed by the low-ash, low-sulphur coal deposits that exist in Wyoming. It is to Wyoming that we've actually looked for a co-operative program. In fact, when I heard earlier of a trip to Cheyenne, I can remember speaking in Cheyenne, Wyoming, on Heritage Days with the governor of Wyoming on the subject of sharing clean coal technology.

**An Hon. Member:** You mean by plane?

**Mr. Smith:** We were fortunate enough to be able to use the government of Alberta aircraft and travel at less than commercial expense.

So through those efficiencies, Mr. Speaker, we have found that there are, one, commonalities that exist between Wyoming and Alberta with respect to burning coal with reduced emissions. If we can reduce the emissions rather than take the head-in-the-sand approach that the Ontario Liberal government has done about banning coal producing generators by 2007, why not take advantage of this good fuel source and find a way to burn it cleaner, better, more completely to allow us to use that low-cost generation? The low-cost coal generation has delivered today the lowest wholesale prices of electricity in Canada.

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

**Mr. Strang:** Thank you very much, Mr. Speaker. My second supplemental question is to the Minister of Energy. How is the minister going to ensure that the integrated clean coal strategy is carried out?

**Mr. Smith:** Very simply, Mr. Speaker, I'm going depend on the hard work and the good reports coming forward from the Member for West Yellowhead and the work that he's doing under the review of the Alberta royalty structure on coal and his recommendations that will be forthcoming for a new Alberta coal policy that positions coal as an important and reliable option for energy generation and value-added products while continually addressing environmental requirements for clean air, clean water, nondisturbed land. I know that this committee can put together an appropriate strategy that combines the work of the Clean Power Coalition, that works across Canada, as well as the bilateral efforts that we have with the great state of Wyoming and the ability to work with the private sector and with nongovernmental organizations as well.

Mr. Speaker, the Alberta government through the Alberta Energy

Research Institute is also spending money to push the limit for reduction in emissions. We know that the supply of this low-cost fuel is important to low-cost electrical generation, and we know that good environmental practices are the norm in Alberta.

### Direct Energy

(continued)

**Mr. MacDonald:** Deregulation has been an economic disaster for the consumers of this province. The transfer of assets from ATCO to Direct Energy, which is going to be finalized later this week, is yet another example of that. Direct Energy has already been given the green light to increase billing charges on utility bills by \$40 to \$45 per year. My first question is to the Premier. In light of this increase in utility costs on our bills, how is the entrance of Direct Energy to the Alberta market going to enhance consumers?

**Mr. Klein:** Mr. Speaker, first of all, the sale of ATCO's retail activities to Direct Energy has absolutely nothing to do with deregulation. I would point out that the sale of ATCO's retail services to Direct Energy has been approved. Power and gas prices won't be affected, but I understand that an administrative charge between \$3 and \$4 a month will be added to consumers' bills.

Mr. Speaker, I would point out that this is a transaction between two private-sector companies. The Alberta government's role through the Alberta Energy and Utilities Board is to review the sale to ensure that ATCO customers are treated fairly and equitably, and that's exactly what the AEUB did.

There was a thorough review, extensive hearings, Mr. Speaker, and I don't know nor do I believe the hon. Member for Edmonton-Gold Bar attended those hearings or made any attempt to intervene, and that's a shame.

**Mr. MacDonald:** Again to the Premier: given that the big promise of deregulation was an increase in competition and that now that we have this transfer of assets, Direct Energy will have an 89 per cent market share of the gas retail market, how is this an increase in competition? This is not deregulation as you promised.

**Mr. Klein:** Mr. Speaker, deregulation, I would remind the hon member, relates to the generation of power, and with respect to gas that deregulation took place close to 20 years ago. But, quite generally, consumers will benefit by having a wider range of options available through Direct Energy than they did under ATCO; for example, the option to purchase energy packages that include both gas and electricity.

If he wishes to know more about the sale, perhaps the hon. Minister of Energy can shed some light on the situation.

**Mr. Smith:** Mr. Speaker, thank you. Let me say that this additional entrant into the marketplace, combined with the appropriate legislation, allows more companies to provide more products across Alberta. This stimulates competition; this stimulates choice. In discussions that I had with Direct Energy this morning, when they informed me of this sale, they said that they have well in excess of 40,000 inquiries wanting to switch right now, wanting to move towards the Direct Energy offerings.

2:20

So, Mr. Speaker, we're going to see what this market does. We've already seen how Albertans have benefited from the supply of gas in this province. We've seen how Albertans have benefited from the supply of generation, and contrary to this member's idle meanderings about the transfer of wealth and all that other hocus-pocus that

he comes up with, there has not been a blackout in this province. The only blackout is in his mind.

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

**Mr. MacDonald:** Thank you. Again to the Premier: when will this government force rural electrification associations and rural gas co-ops to allow Direct Energy access to their customers? When are we going to see that?

**Mr. Klein:** Mr. Speaker, I will defer to the hon. Minister of Energy.

**Mr. Smith:** Well, Mr. Speaker, let me say at the outset that rural electrification associations have done a good job – a good job – of delivering power far and wide across 660,000 square kilometres, a vast area, of this great Alberta. They will continue to do a great job.

Secondly, Mr. Speaker, rural gas co-ops are the model for gasification of rural areas. Alaska has talked to me about it. Other jurisdictions have talked to us about the success of rural gas co-ops. Rural gas co-ops, the strong management that they have, and the strong management units of rural electrification associations will deal with this new entrant in the marketplace, and they will find appropriate ways to do business together. Let's encourage them to be what they want to be, and let's find out where the market will lead us.

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

#### Minimum Wage Rate

**Mr. Amery:** Thank you, Mr. Speaker. The minimum wage issue is an important issue to many Albertans. Many of my constituents are earning minimum wage and would strongly agree that it should be raised. My question is to the hon. Minister of Human Resources and Employment. What is the minister going to do regarding minimum wage in the province, which is now at \$5.90, the lowest in the country?

**Mr. Dunford:** Mr. Speaker, first of all, we have to understand that minimum wage is not a horse race, so whether you're first or last or whatever is a matter of conjecture. The other thing is that there seems to be confusion amongst many people here within the province as to whether or not a minimum wage is a tool of economic policy or a tool of social policy. It's my view and the way that I've administered this portfolio that minimum wage is a tool of economic policy, and when you deal in terms of economic policy, then what becomes of paramount importance is the levels of unemployment.

One of the curious things we discover when we look at a comparison of minimum wage rates and, of course, then levels of unemployment, especially levels of youth unemployment, is that it's not a correlation of 1.00, but we find that there's a very high correlation between the minimum wage and the level of youth employment. The higher the minimum wage the higher youth unemployment. So I am very reluctant to announce at this point any increase in the minimum wage.

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

**Mr. Amery:** Thank you, Mr. Speaker. Could the minister give us an idea about – he said he was reluctant – the timing of an increase and how much the increase would be, since I have so many small businesses in my constituency?

**Mr. Dunford:** Well, the small-business sector is likely to be the one that would be most impacted. I'm not sure how many small businesses we have in this province, but there are 12,300 workers in this province that are at the minimum wage, so there's going to be obviously some impact if this were increased.

Once again, I think we have to understand that we're talking about economic policy here and we are not talking about government money. If there's an increase in the minimum wage, we're talking about employers that will have to pay a higher price for labour versus the fact that we do have a situation where this government as an employer has 19,000 or 22,000, whatever the number is, employed. Of course, they are paid much higher than the minimum wage. Yes, businesses would be impacted and unemployment would be impacted, so I'm taking a very cautious and a very conservative view on this matter.

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

**Mr. Amery:** Thank you, Mr. Speaker. Given that 1.1 per cent of our workforce, representing over 12,300 people, earn minimum wage, what is the government doing to help these working poor people make ends meet?

**Mr. Dunford:** Well, that's the thing that's missing in most of the criticism about Alberta and its minimum wage rate. People simply refuse to acknowledge the other kinds of benefits that are accruing to people who would be considered low-income Albertans. Certainly, anybody working at a minimum wage would be in that category.

Let's talk about it. Let's start with the tax, first of all. With the exemption that this government provides for each and every working Albertan, whether they're married or not, these folks can earn up to \$15,200 before paying any tax. It's so hypocritical in some of the provinces where they talk about this high minimum wage area and then, of course, they claw it back through income tax. Well, this doesn't happen in Alberta.

If, in fact, there are children involved with a worker that is working at minimum wage, we have, first of all, medical cards. We have children's health benefits. We have top-up of income. If we take all of these benefits and these supports that are put in place and if we find what kind of salary you would actually need in order to combine this, well, you know, in Alberta you're looking at somewhere north of \$7 an hour.

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

#### Ambulance Services

**Ms Blakeman:** Thank you, Mr. Speaker. Transferring ambulance services from municipalities to regional health authorities is going to have a major impact on a number of communities, particularly those like Lethbridge where fire and ambulance services have been integrated for over 90 years. Emergency workers, municipalities, and the public at large have been kept in the dark about how the transfer of ambulance services will impact the integrated services in these communities. My questions are to the Minister of Health and Wellness. What plan does the province have for dealing with communities that have integrated fire and ambulance services?

**Mr. Mar:** Well, Mr. Speaker, what we've said all along is that right now, as best as we can estimate, approximately \$55 million a year is spent by municipalities to support ambulance services throughout the

province. We've recognized, through the report led by the hon. Member for Calgary-Buffalo, that ambulance services in their substance really are an extension of health services. So as a result of that, we feel that it is a provincial responsibility to cover that \$55 million, and we'll do that.

The budget is set aside, \$55 million, for the next fiscal year to cover that cost, and the money will flow from regional health authorities to providers of ambulance services. In the current year, Mr. Speaker, we have \$13 million set aside to prepare the transition plan. We've said all along that if the services are already good, there is no compelling reason why we'd want to change it. So it will depend upon the regional health authorities working with the municipalities. Where there are integrated services now, if they're working well and they're co-ordinated well, perhaps they'll continue in exactly the same manner. I don't see any reason why you'd change it if it's already a good service.

2:30

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

**Ms Blakeman:** Thank you. To the same minister: given that some regional health authorities are already running deficits, how can the minister guarantee that ambulance services will be given the priority they deserve and receive the funding necessary to meet the emergency standards of Albertans?

**Mr. Boutilier:** Mr. Speaker, I want to say this as a follow-up to the minister of health. What I'm hearing from both rural and urban municipal associations is simply this: we welcome the provincial government's recognition of the service, we provide an excellent service to Albertans, and through municipalities the additional \$13 million this year, the additional \$55 million next year, which is totally new money, is going to give Alberta municipalities even greater breathing room.

**Mr. Mar:** Mr. Speaker, I apologize. I think the hon. member was asking specifically about regional health authorities. As it relates to regional health authorities, the money has been estimated as best as is possible in terms of how much it will cost to run these ambulance services, and that amount is being transferred to regional health authorities, who will then be able to flow that money through to whoever happens to be providing the service, whether it's an integrated service in a municipality or whether it's a private operator.

However the service is now, we want to improve it. We want to establish a standard for delivery of ambulance services in this province, so, Mr. Speaker, this money will be dedicated for ambulances. It will not be used for other purposes.

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

**Ms Blakeman:** Thank you. Again to the Minister of Health and Wellness: how will the government ensure that emergency workers who work with integrated fire and ambulance services will continue to be fully utilized once the control is transferred to the RHAs?

**Mr. Mar:** Mr. Speaker, I wish to correct the Minister of Municipal Affairs. It's not \$30 million for the current year; it's \$13 million for the current year. The purpose of it is for exactly that: to ensure that there is a smooth transition so that, again, good services that are already in place will not change.

**The Speaker:** Hon. members, before we get to the next item, we had only 10 hon. members able to participate today, so my apologies to the seven who are on the list. We'll try and do better tomorrow.

Before we go to Recognitions, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

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

**The Speaker:** The hon. member for Airdrie-Rocky View.

**Ms Haley:** Thank you so much, Mr. Speaker. I appreciate the opportunity to do this because my students are in now, and I just wanted to make sure that I had their names on the record properly. This is my group from George McDougall high school in Airdrie, which, of course, as I mentioned earlier, is my favourite school in my whole riding. The teacher is Mr. Tyler Leavitt, and the parent helpers are Geoff Martyn, Al Black, Patti Rice, and Nicole Opel. There are 35 visitors in the group. I would ask that they rise and receive the warm welcome of this Assembly.

head: **Recognitions**

**The Speaker:** In 30 seconds, hon. members, I'll call on the first of seven.

The hon. Member for Edmonton-Calder.

#### ALS Awareness Day

**Mr. Rathgeber:** Thank you very much, Mr. Speaker. It is indeed a pleasure for me to rise and recognize ALS Awareness Day at the Alberta Legislature. ALS is often called Lou Gehrig's disease, and it means amyotrophic lateral sclerosis. It is also known as motor neuron disease.

ALS is a rapidly progressive neuromuscular disease. It attacks the motor neurons, resulting in muscle weakness and wasting. Eventually the ALS patient is left completely paralyzed with loss of speech, swallowing, and breathing. However, the mind remains completely alert and lucid. Sadly, a lively unimpaired mind is trapped in an immobilized body. The average life expectancy of an ALS patient at diagnosis is less than three years.

Mr. Speaker, ALS is not rare. Between 6 and 7 people out of every 100,000 in our population will be diagnosed with ALS. Almost 3,000 Canadians currently live with ALS. More than 90 per cent of the people with ALS have no family history of the disease. It is almost always fatal. A person living with ALS relies on access to \$40,000 worth of equipment, and nursing care can cost many times that amount. There is no known cause; there is no known cure or life-prolonging treatment yet.

Mr. Speaker, all members have been provided with a cornflower. The cornflower is the symbol of ALS because despite its fragile appearance, it shows remarkable strength. This is symbolic of the strength of the ALS patient.

I would ask all hon. members to rise with me and salute ALS Awareness Day at the Legislature.

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

#### Alberta Motion Picture Industries Association

**Mr. Maskell:** Thank you, Mr. Speaker. I rise today to recognize the Alberta Motion Picture Industries Association for their ongoing support for Alberta's film, television, and new media industry.

On Saturday AMPIA hosted its 30th annual Alberta film and television awards, or Rosies, which celebrate excellence and outstanding achievement. This year's awards drew a record 510 submissions.

It's thanks to organizations like AMPIA that Alberta has become a hub for this creative arts industry. The financial support provided by the Ministry of Community Development through its Alberta film development program is an integral part of this success story. The arts certainly help make Alberta an exciting and vibrant place to live.

On behalf of the ministers of Community Development and Economic Development, the hon. Member for Airdrie-Rocky View, myself, and all members of this Assembly, congratulations AMPIA and thank you.

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

#### Alice Lewis

**Mr. Lord:** Thank you, Mr. Speaker. In Alberta we are blessed with a great number of outstanding community volunteers in every community. I frankly don't know where we would be without them. That's why it's such a pleasure for me to be able to do a recognition statement for some of these unsung heroes, specifically today one from my own constituency of Calgary-Currie.

Alice Lewis was born in the very first Red Cross hospital built in the United Nations, which made her a special person right from the beginning. That was at Taddockwood, Saskatchewan, but for 33 years now she has made her home in Calgary, where she raised four wonderful kids and where she first joined the board of the Richmond community association in 1972.

Her goal then was to build a new community hall, but it wasn't happening fast. So 15 years ago she took over the fundraising committee, which now has 72 people on the slate, and they raised in excess of half a million dollars over that time. The new hall just recently opened, and everyone knows that without Alice and her 72 other volunteers it just wouldn't have happened.

Congratulations, everyone, especially Alice, and keep up the great work.

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

#### Excel Resource Society

**Ms Blakeman:** Thank you, Mr. Speaker. I'd like to recognize the outstanding work being done in our community by Excel Resource Society, an organization that celebrates their 40th anniversary this year.

Excel started in 1964 as a community project created by the Alberta Hospital. The organizers recognized that if the hospital's clients were to reintegrate into the community, they would need help in developing personal and employment skills. Excel's programs have always focused first on the needs of the clients, whether it's learning to plan and cook their first meal or preparing for their first job. Excel continues to develop plans for their clients of the future. Excel has successfully operated a private vocational school, the Excel Academy, to train community support workers.

From their humble beginnings with 15 clients in the basement of the Robertson-Wesley United Church Excel today supports some 150 clients in residential programs, about a hundred in the employment placement program, and 120 in the day program at Gerry Raymond Centre. I salute their efforts.

Thank you.

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

#### British Commonwealth Air Training Memorial

**Mr. Cao:** Thank you, Mr. Speaker. On Sunday, April 25, 2004, I

had the honour of attending a special ceremony at Memorial Park in Calgary, where a monument was unveiled. It is in memory of the young men and women of Australia and New Zealand who came to Alberta, received aviation training, and died on duty during the Second World War.

These young individuals, like many Canadians of their time, stood up and fought against tyranny. They made the ultimate sacrifice to uphold democracy and freedom. Their sacrifices have provided us with a strong foundation for the just, civilized society that we all value and enjoy in the world today. To them I am always in deep gratitude.

The ceremony was on the ANZAC Day of Australia and New Zealand. Mr. Speaker, I had the opportunity in my younger days to live down under in the land of kiwis and kangaroos. To Australians and New Zealanders the ANZAC commemoration is equivalent to our Canadian Vimy Ridge event. The Gallipoli battle was a landmark of the nationhood of Australia and New Zealand. I ask the Assembly to applaud the organizing committee of the ceremony.

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

#### 2:40 Red Deer Rebels and Medicine Hat Tigers Hockey Teams

**Mrs. Jablonski:** Thank you, Mr. Speaker. It gives me great pleasure to rise today to recognize the outstanding play of the Red Deer Rebels and the Medicine Hat Tigers in the WHL eastern conference final. As you can probably tell by this beautiful sweater that I'm wearing, Medicine Hat won.

The Red Deer Rebels had a very successful season and were able to surprise fans and opponents alike during the playoffs when they beat the Calgary Hitmen and the first-place Moose Jaw Warriors. Due to the outstanding work of players like Cam Ward, an incredible goaltender, Derek Meech and Dion Phaneuf, both members of Team Canada who won silver in world junior hockey this year, and our three retiring 20 year olds, Justin Taylor, Shay Stephenson, and Ladislav Kouba, and the very effective coaching of Brent Sutter, Dallas Gaume, and Cam Ondrik, the Rebels gave their fans an exciting season.

Congratulations and best wishes to the Medicine Hat Tigers, who will compete in their first WHL final in 16 years. The torch is passed to Medicine Hat, who will have a good chance of bringing back the Memorial Cup trophy to the WHL. After all, if you're good enough to beat Red Deer, you're good enough to win the cup.

**The Speaker:** I am not sure if the hon. member has an exhibit, but it has not gone unnoticed by other hon. members, the envy that they would have. I suspect that if I were to ask the question, it would be unanimous that the hon. Member for Red Deer-North provide to each and every other member of the Assembly a similar exhibit to the one that she's wearing. It would probably be passed very, very quickly. The hon. member might want to consider this. There are 83 members. Minus herself, that's 82 jerseys.

The hon. Member for Edmonton-Highlands.

#### International Day of Mourning

**Mr. Mason:** Thank you very much, Mr. Speaker. I rise today to recognize the International Day of Mourning. In Canada April 28 became officially recognized as the International Day of Mourning with the passage of Bill C-223, the Workers' Mourning Day Act, which was introduced by New Democrat Member of Parliament Rod Murphy and which received royal assent on February 1, 1991.

In Canada more than 900 workers die each year, which works out

to more than two workers every single day. In Alberta there have already been more than a dozen workplace deaths this year, which is twice the amount recorded at this time last year.

Mr. Speaker, I'd like to take this opportunity to recognize and thank the labour movement in Alberta, including the Worker's Health Centre for their contributions to workplace safety. Joint health and safety committees are a key element in the fight for a safer workplace. Unionized sites, as a result, tend to be the safer ones.

So on the International Day of Mourning I encourage all members to renew our commitment to mourn for the dead and fight for the living.

Thank you.

head: **Presenting Petitions**

**The Speaker:** The hon. Member for Edmonton-Castle Downs.

**Mr. Lukaszuk:** Thank you, Mr. Speaker. As per protocol I rise today to present a petition signed by 292 Albertans from across the province, including firefighters, police officers, and emergency health workers, petitioning this Assembly to support the passage of Bill 204.

Thank you.

head: **Tabling Returns and Reports**

**The Speaker:** The hon. Minister of Community Development.

**Mr. Zwozdesky:** Thank you, Mr. Speaker. I rise today to table copies of a letter that I've sent to Connie Edwards, president of the Alberta Motion Picture Industries Association, congratulating AMPIA and all the nominees and award winners on the resounding success of the Alberta film and television awards, which I was privileged to attend this weekend.

Thank you.

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

**Mr. Hancock:** Thank you, Mr. Speaker. It gives me great pleasure this afternoon to table for the benefit of the Assembly a folder entitled Meet, Think, Learn and Explore. It's a folder put together by the University of Alberta Faculty of Extension. Today at noon I had the honour and privilege of participating with the Faculty of Extension on the unveiling of A-Link, Alberta's law-related information network, as a resource for Albertans to find information about law programs and legal resources. The folder includes a postcard with respect to A-Link and how people can attend it, a bookmark with respect to A-Link and how they can find it, and a pamphlet, Alberta's Justice System and You, a compendium of useful information for Albertans about how to have and get access to legal information, legal programs, and information about how the legal system affects them. I'd like to table five copies for the Assembly.

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

**Mr. Mason:** Thank you, Mr. Speaker. First of all, on behalf of my colleague the hon. Member for Edmonton-Strathcona I'd like to table a letter from Mr. Gordon Steele addressed to him and me. The letter, dated March 26 of this year, provides an excellent analysis of why health care premiums should be eliminated.

I would like to table a copy of the Canadian Boxed Beef Report dated April 19, 2004. This report indicates that beef packers' margins are nearly four times higher than at this time last year.

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

**Mr. MacDonald:** Thank you very much, Mr. Speaker. I would like to table for the benefit of all Albertans the Alberta government aircraft passenger manifest from April 1, 2002, through to June 30, 2002. This is a comprehensive list, and I'm disappointed that further lists like this are denied the Official Opposition.

Thank you.

**Mr. Lund:** Point of order.

**The Speaker:** The hon. Minister of Infrastructure on a point of order.

**Point of Order**  
**Factual Accuracy**

**Mr. Lund:** Well, Mr. Speaker, that is absolutely wrong. We made it very clear in question period that these are available to them. Yes, there is a cost of doing it, but there's a cost to the taxpayer through Infrastructure for providing those. To say that they're not available is absolutely false, and he should apologize for having said it.

**The Speaker:** The hon. Member for Edmonton-Centre on the point of order.

**Ms Blakeman:** Yes, I'm trying to answer the point of order. There was no citation so . . .

**Mrs. McClellan:** Twenty-three (h), (i), (j).

**Ms Blakeman:** Well, that's not the citation that was given.

The information that the staff the opposition sent over was given I repeated very succinctly in my preamble, and that was that the opposition could look but could not take notes. They could not take an electronic version on computers – they were not allowed to bring computers in – and they were not allowed to copy. Those were the instructions that were given. When we asked how we were expected to get the information aside from looking at it, we were told by an assistant to the minister that we would have to access it through freedom of information.

The minister seems to be indicating that somehow the hon. Member for Edmonton-Gold Bar has misled the House. That is not our understanding of it. We are repeating the information that was given to us and to our staff by the minister's assistant, and that is that we can look at it but we cannot copy it, that we cannot make an electronic record of it, that to get an actual physical copy that we could walk away with or examine at some other time for detail, we would have to access it through freedom of information. Therefore, the member's statement that he's disappointed that we can no longer access information as he has tabled is correct. We cannot access that information in hard copy form any longer.

Thank you.

**The Speaker:** The hon. Deputy Government House Leader on this point.

**Mr. Zwozdesky:** Thank you, Mr. Speaker. It's quite obvious that there's a little bit of misrepresentation emanating from the opposition benches on this issue. Both the Premier and the hon. Minister of Infrastructure clearly indicated that there is a process in place, and I find this to be a violation of the normal rules of this House, particularly under 23(h), (i), and (j). [interjection] Will you stop for a second and shut up and listen, please. Okay. Excuse me. I said

earlier 23(h), (i), and (j) four minutes ago. Okay. Just pay attention once in a while.

Now, Mr. Speaker, notwithstanding the rude interruptions that just occurred from the hon. Member for Edmonton-Centre, let me make it very clear that that information has been and will continue to be available under the policies, rules, and guidelines that exist and under the conditions and circumstances that were just enunciated very clearly in this House by the Minister of Infrastructure.

So let's ask all hon. members on the opposition benches to please stop misleading in this way. It's dangerous, it's harmful, it's hurtful, and it sure as heck is not helpful to them or their purposes.

2:50

**Mr. Mason:** Mr. Speaker, I would say in my consideration that the point of order raised by the Minister of Infrastructure is not a point of order, the response from the Official Opposition was not a point of order, and what the Deputy Government House Leader has cited doesn't even apply. So I would submit that there's no point of order.

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

**Mr. MacDonald:** Yes. Thank you very much, Mr. Speaker. Again, in regard to this tabling that has caused such concern on the opposite benches, in the past these passenger manifests were available to Liberal Party research staff. They could go to the Infrastructure department; they could make photocopies. There were no limitations, there were no restrictions put on their activities there. This has changed. Members of the general public, where we got this information from, were free to look at the lists and to photocopy them, and that no longer applies. The big question here should be: why? Why can't we just go in and have a look at this? It is our job, it is our duty to hold this government accountable. There's no point of order here in my view.

Thank you.

**The Speaker:** Well, there obviously is a difference of opinion. That is very, very clear. It's very difficult for the chair to stand up here and get the nuance about somebody having told somebody else third-hand or second-hand and this being part of the whole scenario with respect to this.

As best as I understand, there's great umbrage being taken with respect to certain words that were used in here which only belies the most important point: when it comes to Tablings, tablings should just be tabled without comment, which wouldn't give rise to this sort of thing.

Now, having been a former minister of such a department that would release this information, I'm not sure what the current policy is with respect to this now, existing today, but it seems to me that if certain individuals have a copy of the document, it must be made available. That seems to be part of what is true in all of this, that the information is available.

Number two, it need not be tabled if it already is available. Nevertheless, that seems to be the situation that does transpire in here from time to time.

So then we come right down to a difference of opinion as to how someone certainly accesses information. Now, if I understand this correctly, it is available on a computer?

**Ms Blakeman:** No.

**The Speaker:** It's not available on a computer, but it's available in hard form?

**Ms Blakeman:** No.

**Mr. Lund:** Exactly.

**The Speaker:** I can't deal with this. We've got two different opinions here. One says, yes, it's available on hard copy; the other one says no. The point of the matter is that I'm sure that by tomorrow you'll sort this out. We won't deal with this as a point of order. We'll recognize that we'll probably have another question, probably have another answer tomorrow, and maybe by the end of the week it'll all become very, very clear to everyone just what is available, and we'll get it first-hand from individuals in this House, not second-hand from anyone else. Okay? Thank you.

Any more tablings?

head: **Orders of the Day**

head: **Written Questions**

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

**Mr. Zwozdesky:** Thank you, Mr. Speaker. Proper notice having been given on Thursday, April 22, it's my pleasure to move that written questions appearing on today's Order Paper do stand and retain their places with the exception of written questions 48, 66, 68, 69, 71, 75, 76, 77, 78, and 79.

[Motion carried]

#### **Government Hotel Expenses**

Q48. Ms Blakeman moved that the following question be accepted. Who stayed at the Sheraton Suites hotel in Calgary on February 5, 2002, that was charged to the government through the Premier's deputy chief of staff, James Davis?

**Ms Blakeman:** Mr. Speaker, this is one of those instances where we get a little bit of information but not enough to clear up any misunderstandings, and I'd like to offer the opportunity to the government to provide all of the details so that there are no misunderstandings. Thus, we'd like to get some additional detail as outlined in the written question.

Thank you very much, Mr. Speaker.

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

**Mr. Zwozdesky:** Thank you, Mr. Speaker. I'm pleased to indicate on behalf of government that we're prepared to accept this question. I don't know if the date referred to is exactly right; nonetheless, we'll do our best to provide the information being sought.

**The Speaker:** The hon. Member for Edmonton-Centre to close the debate.

**Ms Blakeman:** Thank you very much.

[Written Question 48 carried]

#### **Natural Gas and Bitumen Development**

Q66. Mr. MacDonald moved that the following question be accepted.

When was the government made aware of the dispute between companies surrounding natural gas and bitumen development in the Athabasca-Wabasca-McMurray region?

**Mr. MacDonald:** Mr. Speaker, I would really appreciate some detailed background information in regard to this matter. When you

consider the whole issue of natural gas over bitumen and some of the implications of further development in the Fort McMurray region, the number of leases that are going to be affected by this dispute, the number of companies that are affected by this dispute, it would be very important to learn when the government was made aware of this dispute.

Certainly, this hon. member is aware of discussions in the past between government officials and the industry in regard to gas over bitumen, but when we're looking at possibly enhanced compensation programs for those companies that are going to be adversely affected by this, this is a very important question, and I hope that the Department of Energy through the government provides us with that information.

Thank you.

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

**Mr. Zwozdesky:** Thank you, Mr. Speaker. With respect to Written Question 66 I'm pleased to indicate on behalf of the hon. Minister of Energy that we are prepared to accept Written Question 66.

**The Speaker:** The hon. Member for Edmonton-Gold Bar to close the debate.

**Mr. MacDonald:** Yes, Mr. Speaker. I must say at this time that I would like to publicly express my gratitude for that information, and I look forward to receiving it and reading it.

Thank you.

[Written Question 66 carried]

#### Utilities Consumer Advocate

Q68. Mr. MacDonald moved that the following question be accepted.

What is the procedure followed by the Utilities Consumer Advocate in order to track and resolve utilities consumers' complaints and/or problems?

**Mr. MacDonald:** Mr. Speaker, again, anything that we can do to shed light on the office of the Utilities Consumer Advocate would be in the best interests of consumers. Certainly, in light of the transfer of the retail assets of ATCO to Direct Energy and the finalization of that sale – the final date, I believe, is the 4th of May of this year – it's important that we know what procedure is followed.

There have been many complaints to date to the department. I would have to say that there have to be close to 900 at the moment. Is there a different procedure for a complaint in regard to a gas billing issue than there is for a complaint about electricity billing issues?

Now, hopefully, the transfer of assets is not going to mean an increase in the workload of the Utilities Consumer Advocate, but we will have to wait and we will have to see. I would really be interested and I would be grateful if we could get a detailed written explanation as to: what is the procedure followed by the Utilities Consumer Advocate to track and to resolve utilities consumer complaints and problems?

Thank you.

3:00

**The Speaker:** The hon. Minister of Government Services.

**Mr. Coutts:** Thank you, Mr. Speaker. My only comment will be to respond and indicate that the government is willing to accept Written Question 68.

**The Speaker:** The hon. Member for Edmonton-Gold Bar to close the debate.

**Mr. MacDonald:** Yes. Mr. Speaker, I will be brief. I will again look forward to receiving that information and reading it and, hopefully, sharing it with anyone that is interested. I would express my gratitude to the Department of Government Services for providing it.

[Written Question 68 carried]

#### Royalty Reduction Programs

Q69. Mr. MacDonald moved that the following question be accepted.

What measures has the Ministry of Energy taken to implement the Auditor General's recommendation contained in his 2002-2003 annual report to assess whether royalty reduction programs are achieving their intended objectives?

**Mr. MacDonald:** Now, again, this is very, very important. We know that there have been concerns expressed in many quarters regarding our royalty reduction programs. Certainly, there are many people from across the province who have expressed concern to this hon. member that perhaps we're not getting as much as we should in royalties in this province.

We look at the last time we had a good look at royalty programs. It was back, I believe, as the Conservatives say, in a different administration, the former government of Premier Getty, when Mr. Orman, I believe, was Minister of Energy. There was an extensive discussion paper, and there was significant change to how the royalties were to be calculated in this province. A lot has happened in the global energy market since, the most significant, of course, being the dramatic increase in the price globally for crude oil and here in North America for natural gas.

The price is what our whole royalty structure is based on. Specifically with natural gas, we have three different tiers and many other little agreements in regard to conventional oil, and then we have the stages of royalty – I don't want to use the word "take" because the citizens own the resource – share and how that is calculated. There are many, many issues surrounding royalty calculations and royalty reduction programs. Are these royalty reduction programs achieving their intended objectives?

The Auditor General had some questions. With many of these royalty reduction programs citizens and members of this Assembly have no idea what exactly is being reduced. What are the amounts being reduced? The only amount we see in the budget is the net amount of royalty. What's been taken off that? We have no idea. These royalty reductions are net. No one seems to know how much and to whom?

I think this is very important, specifically in light of what the Auditor General has said. Hopefully, we can receive this information as well. Thank you.

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

**Mr. Zwozdesky:** On Written Question 69 I need to indicate on behalf of the hon. Minister of Energy that this question is being recommended for rejection.

**The Speaker:** The hon. Member for Edmonton-Gold Bar to conclude the debate.

**Mr. MacDonald:** Thank you, Mr. Speaker. Again, I am disap-

pointed to hear the news that Written Question 69 has been rejected. For all the same reasons that I expressed in my opening remarks in regard to Written Question 69, I think this is very, very important. If we are going to have an open and transparent and accountable government, we should be able to receive this information. We need to know if it's \$1,000, if it's \$10,000, if it's \$100,000, or if it's \$2 million that one can receive in royalty reduction programs. If there's a cap on how much one can receive, tell us what the cap is.

I can't for the life of me understand why we can't have this information, when you consider that we rely in this province so much on the collection of resource royalty for our prosperity and our government spending. We need to know the structure of our royalty calculations and our royalty reduction programs if we are to plan to set aside a lot of money now that we have the debt under control thanks to the Alberta Liberals. Now that we have the debt under control and almost completely eliminated . . .

**Mr. Magnus:** Thanks to the Alberta Liberals?

**Mr. MacDonald:** You bet. It was our policy in '93, hon. member, and imitation is a fine form of flattery.

When we have the need to set aside billions of dollars, because at some point in the future a government is not going to have the luxury of this large amount of resource royalty, we should consider putting substantial amounts of the current money that's generated from resource royalty away for future generations, not for our own election purposes but for future generations. That's why I'm very, very disappointed that this written question has been rejected.

Thank you.

[Written Question 69 lost]

#### Natural Gas Rebate Program

Q71. Mr. MacDonald moved that the following question be accepted.

How much money in total was distributed to utility customers in February 2004 through the government's natural gas rebate program?

**Mr. MacDonald:** It would be good information for consumers and certainly members of the Official Opposition to have. These natural gas rebate programs can't be centred or focused around one specific party's re-election campaign. That has been the case, in the view of some Albertans, with past natural gas rebate programs. Surely, someone on that side of the House knows down to the penny – I would be surprised if they didn't – how much money in total was distributed to utility customers in February 2004, because we have to plan for the future.

Now, there are two different types of gas rebate programs. There's one for the residential customers, and there's also one for people in the rural parts of the province, which may have different needs. They may demand large amounts of natural gas at different times of the year, whether it's for grain drying or whatever purpose, Mr. Speaker.

Specifically for February, let's see how much money was spent. February being one of the coldest months of the year, residential users are certainly going to be looking at a natural gas rebate next February, which probably will be just before the provincial election. I'm not to say – the hon. Minister of Infrastructure would certainly know a lot better than I – when the next provincial election is going to be, but we have to be prepared. This information would not only help the consumers but help the Official Opposition and certainly would help the budgeting process so that we'll know how much

precisely is being spent in one of the coldest months of the winter.

Thank you.

3:10

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

**Mr. Lund:** Thank you Mr. Speaker. If the member had been listening and looking, he would have known that this is a three-year program, so if he can tie that in with some kind of an election, hop to it.

Mr. Speaker, in keeping with this government's openness and accountability, we will be only too happy to provide this information to the member at no cost because it doesn't cost the taxpayers a lot of money to compile and copy and produce it. So we will accept this one.

[Written Question 71 carried]

#### Casino Construction

Q75. Dr. Massey moved on behalf of Ms Blakeman that the following question be accepted.

Which groups, companies, and stakeholders recommended to the government that final approval authority for casino construction is best left with a centralized bureaucracy rather than with local communities?

**Mrs. McClellan:** Mr. Speaker, on behalf of the hon. minister I would be pleased to respond to this written question. The government's role with regard to horse racing and Horse Racing Alberta is to ensure accountability in relation to the funds that are received by Horse Racing Alberta through the racing industry renewal initiative. It's up to Horse Racing Alberta to determine how best to spend those monies that they have earned through the racing industry renewal initiative.

The objectives, of course, are the revitalization of the horse racing industry in the province and the continued employment . . .

**The Speaker:** Hon. Deputy Premier, if I understand, we're dealing with Written Question 75.

**Mrs. McClellan:** Yes, and I'm getting to it.

**The Speaker:** Okay. It just says, "Casino construction." I don't know where horse racing comes into this. Sorry, but we're on Written Question 75.

**Mrs. McClellan:** Sorry about that.

Anyway, racing entertainment centres are a part of this, Mr. Speaker. I should have been more explicit, because I realize that the nomenclature isn't known to everyone, but that's a review. Local communities do make those decisions.

At any rate, Mr. Speaker, the government is rejecting Written Question 75 with regret.

**The Speaker:** The hon. Member for Edmonton-Mill Woods to close the debate.

**Dr. Massey:** Yes. Thank you. Well, I too regret, as the minister does, that the government won't make the information available.

Thank you, Mr. Speaker.

[Written Question 75 lost]

### Premier's Deputy Chief of Staff Dinner

Q76. Ms Carlson moved on behalf of Ms Blakeman that the following question be accepted.

Who attended the dinner with the Premier's deputy chief of staff, James Davis, on January 12, 2002, at Il Pasticcio Trattoria restaurant in Edmonton that cost \$395.53?

**Ms Carlson:** I would urge the government to accept this in the spirit of openness and accountability.

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

**Mr. Zwozdesky:** Thank you, Mr. Speaker. With respect to Written Question 76 on the Order Paper I need to respond that the government of Alberta needs to reject this question, and I want to indicate briefly a few reasons why. To begin with, I think all members here would know, because it has been said in this House on numerous occasions, that there are circumstances and occasions when the names of individuals attending various functions with elected members and/or with senior staff members are not something that become open and able to be given out publicly, and there are reasons for that.

In this particular instance we have the deputy chief of staff at the time who likely met with a number of individuals for a business-related dinner. In respecting the confidence of what may or may not have been discussed at that dinner, I think it's important to draw present individuals' attention to the Freedom of Information and Protection of Privacy Act. It's a very excellent read, and I would encourage all members to in fact read it, learn it, and become better acquainted with it. In particular, division 3, which talks about third-party intervention, is an interesting read, obviously. So, too, is another section which I will refer to as section 17(4), specifically (e.1) and g(i) and (ii), wherein it reads:

A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if . . .

- (e.1) the personal information consists of an individual's bank account information or credit card information . . .
- (g) the personal information consists of the third party's name when
  - (i) it appears with other personal information about the third party, or
  - (ii) the disclosure of the name itself would reveal personal information about the third party,

and it goes on.

There are occasions, Mr. Speaker, when meetings – dinner meetings, business meetings, whatever have you – are necessary to perform on behalf of the government, and that applies right across the board. I should also indicate that these meetings – business or dinner meetings or luncheons or breakfasts or whatever they might be – don't just occur Monday through Friday. They frequently occur on Saturdays and Sundays. In other words, the business of the government of Alberta goes on literally seven days a week, virtually 365 days a year, and that's important to keep in mind.

The final point I just want to mention, going back to my references to the Freedom of Information and Protection of Privacy Act, is that I know there was an all-party committee that addressed this matter prior to this particular act being ushered in and through the Legislative Assembly. As I recall, there were members from all parties in the House who sat on that who helped design the report, and my information and my recollection going back a year or so ago – I think it was 2003 – is that, in fact, the FOIP Act was largely predicated on that all-party committee's report. So on that basis – I'm sorry, hon. members – this question will have to be rejected as worded.

Thank you.

**The Speaker:** The hon. Member for Edmonton-Ellerslie to close the debate.

**Ms Carlson:** Well, Mr. Speaker, with all due respect to the minister we didn't ask for minutes of the meeting or topics under discussion. We simply asked for who was in attendance. In the absence of a lobbyist registration act in this province, which is very unfortunate, this government does not like to disclose who is lobbying them and who isn't, and this is the only venue in which we can find out this information or could at least attempt to find out this information on behalf of Albertans.

The minister spent a great deal of time talking about the all-party FOIP review committee, which I happened to sit on and in which case I voted against very many of the recommendations that the government ended up passing because of their large majority. Some of those included pieces that he was speaking to specifically here. I would suggest that anyone who is prepared to meet with and lobby the government should not be opposed to having their name disclosed as such a person. We're not asking for the specifics of exactly what it is that they're talking about in those meetings, simply that if taxpayer dollars are being paid out for meals, then the taxpayer has a right to know who in fact was in attendance.

[Written Question 76 lost]

### 3:20 Private Vocational Schools

Q77. Dr. Pannu moved that the following question be accepted. For the fiscal years 2001-02, 2002-03, and for the period beginning April 1, 2003, and ended March 15, 2004, what was the total amount of funding that each private vocational school received from any program administered by the Ministry of Learning either paid to a private vocational school directly or paid to individual students for the purpose of attending a private vocational school?

**Dr. Pannu:** Brief comments, Mr. Speaker. As a way of rationale and background there are under 40 private institutions licensed by Alberta Learning to offer vocational training to adult Albertans. While, for the most part, these schools receive no direct government assistance, indirectly they receive both student loan programs administered by the Minister of Learning as well as large amounts of indirect funding through various programs administered by the Minister of Human Resources and Employment.

The New Democrat opposition frequently receives complaints about the quality of instruction offered at these government-licensed private vocational schools. We also receive frequent complaints about how these schools treat students attending them. The information being sought through Written Question 77 is intended to ensure that Albertans are aware of exactly how much direct and indirect funding is received by each of the more than 140 licensed vocational schools. I urge the acceptance of Written Question 77.

Thank you, Mr. Speaker.

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

**Dr. Oberg:** Thank you very much, Mr. Speaker. We are willing to accept this written question with the following amendments, and I will say that it has been shared with the mover of the motion prior to 11 o'clock today. I would like to make the following amendments by striking out "and for the period between April 1, 2003, and ended March 15, 2004" and substituting "2003-04" and by adding "on a full-time basis" after "attending a private vocational school."

Quite simply, Mr. Speaker, the reason for substituting '03-04 is

that that is our fiscal year. It doesn't make much sense to do everything in the fiscal year except two weeks. It would put my department through a considerable amount of work, and realistically I don't believe it would give them any extra information. So what we would suggest is that it was for '03-04, which would be the fiscal year '03-04, as well. We are also adding "on a full-time basis" following "attending a private vocational school," as those are the students that we fund.

So the amended written question would now read:

For the fiscal years 2001-02, 2002-03, 2003-04 what was the total amount of funding that each private vocational school received from any program administered by the Ministry of Learning either paid to a private vocational school directly or paid to individual students for the purpose of attending a private vocational school on a full-time basis?

I would therefore move the amended written question.

### Speaker's Ruling Amendment to Written Question

**The Speaker:** Just for clarification. The hon. minister added one additional word to the document that was circulated to hon. members. Hon. members, if you take a look at the amendment to Written Question 77 that has been circulated, what was added by the minister in terms of the oral overview just given was the word "individual" that would have to be added after the word "to" at the end of the third line. That's the way it reads on the Order Paper, so I believe there's probably just a typing difficulty. It's important, however, because sometimes if one says, "It will not be released," and you forget the word "not," it changes the intent entirely.

In this case we have an amendment, and there's debate on the amendment now.

### Debate Continued

**Dr. Pannu:** Thank you, Mr. Speaker. I want to thank the minister for sharing the proposed amendment with me in advance. I certainly appreciate the part of the amendment that will make available information for the entire 2003-2004 fiscal year.

I just want to seek some clarification on the second part of the amendment. Is it the case that the Ministry of Learning funds at these institutions only full-time students? If that is the case, that only full-time students are funded, then clearly the amendment is in order and I have no objection to it. However, if part-time students are also funded, then I'd be disappointed because the information provided would be incomplete, and Albertans would certainly appreciate having complete information.

**The Speaker:** Okay. We have a debate on the amendment. If I recognize the hon. Minister of Learning on the amendment, that will close this section on the amendment. Nobody else?

The hon. minister.

**Dr. Oberg:** Thank you very much, Mr. Speaker. Certainly, what the hon. member has asked me – there are part-time students that are enrolled in our private vocational schools. Unfortunately, it is very difficult for us to find that. Full-time students are much easier for us to do in that we can identify them purely on a full-time basis. By doing it on a part-time basis, the part-time students could be at other institutions as well, so the information would not be accurate. Therefore, I have added in "full-time" students to clarify what information we have available and will make available to the hon. member.

[Motion on amendment carried]

**The Speaker:** The hon. Member for Edmonton-Strathcona to close the debate.

**Dr. Pannu:** Thank you, Mr. Speaker. As I said, I appreciate very much the minister's readiness to share full information, full in the sense of including part of fiscal 2003-2004 which wasn't part of the original written question request, but I am disappointed with respect to the minister suggesting that the department has difficulty maintaining or collecting or putting together information with respect to the funding of students who take their program on a part-time basis, although they are funded by the minister. So I express my disappointment with respect to the incompleteness of the information that I'll be receiving. Nevertheless, having half a loaf I guess is better than having none. With those remarks I will sit down.

[Written Question 77 as amended carried]

### Private Vocational Schools

Q78. Dr. Pannu moved that the following question be accepted. For the fiscal years 2001-02, 2002-03, and for the period beginning April 1, 2003, and ended March 15, 2004, what was the job placement rate six months after program completion for students attending each private vocational school licensed to operate in Alberta?

**Dr. Pannu:** Mr. Speaker, brief comments on the reason for the written question. It is important that Albertans know whether value for money is being achieved for the investment of public dollars to support learners attending provincially licensed private vocational schools. One of the best indicators of the effectiveness of these schools, which operate as profit-making commercial businesses, is their job placement rates after students attending those schools complete their programs. This written question is specifically to question job placement rates for each of the private vocational schools from both the Ministry of Learning and the Ministry of Human Resources and Employment.

3:30

I'm aware that both of these ministries use slightly different methodologies for tracking job placement rates from these schools, and I emphasize that this written question seeks information on job placement rates from both ministries. I understand that job placement rate information collected by the Ministry of Learning is based on information reported by the private vocational schools themselves whereas the information collected by Human Resources and Employment is based on interviews with students six months after program completion. Again, that is why it's important that responses be received from both ministries.

Thank you, Mr. Speaker.

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

**Dr. Oberg:** Thank you very much, Mr. Speaker. We will accept this question with the following amendments. Again, I will state that it was circulated to my opposition colleague prior to 11 o'clock this morning as per Standing Orders.

Mr. Speaker, I'll seek your advice on this. I do want to alter the typed amendment that is before us – and I would seek your advice on how to do this – by striking out the "2002-03, and for the period beginning April 1, 2003, and ended March 14, 2004" and substituting "02-03, and '03-04."

Mr. Speaker, I would ask your indulgence on specifically how to do that. I feel that that's more in line with what the hon. member has

asked me. The same arguments hold for what I said on the last question about March 14 and keeping it as the fiscal '03-04 year and, actually, what the hon. member just stated about the six months after.

And striking out "what was the job placement rate six months after program completion for students attending each private vocational school licensed to operate in Alberta" and substituting "what were the job placement rates attributable to each institution currently offering programs licensed under the Private Vocational Schools Act." As the hon. member has stated, we do not collect that information in the type of format that the hon. member has asked for.

**The Speaker:** Hon. minister, before we get that explanation, just please read, then, to this Assembly exactly what the amended written question would now read. All hon. members have a text. If I understand the minister correctly, then what the minister is saying – let me just try this. The minister says: that for the fiscal years 2001-2002, 2002-2003, and 2003-2004, what were the job . . . and going on. So what the minister is basically saying is the document in text that we'd be dealing with now that would become the official one would have added "2003-2004."

Okay. That's the clarification that's important. All hon. members have that.

**Dr. Oberg:** That's absolutely correct, Mr. Speaker, and if I can, I will read the complete amended written question as follows:

For the fiscal years 2001-02, 2002-03, and '03-04 what were the job placement rates attributable to each institution currently offering programs licensed under the Private Vocational Schools Act?

I would move the amended Written Question 78.

Thank you.

**The Speaker:** Is it clear to the hon. member what has just transpired?

**Dr. Pannu:** Yes.

**The Speaker:** Okay.

**Dr. Pannu:** I think it is, Mr. Speaker. I stand to be corrected if my understanding is somewhat incomplete.

As I understand now, the minister in fact has included the full fiscal 2003-2004 information. Right? I thank the minister for doing just that, and I look forward to receiving the information from his ministry.

I had also of course requested in my comments to receive information for the same period to the same question from the Minister of Human Resources and Employment as to whether the job placement data based on student interviews six months after program completion collected by the ministry would be provided in response to Written Question 78, and I'm still awaiting some sort of response from the hon. minister in this regard.

Thank you, Mr. Speaker.

[Motion on amendment carried]

**The Speaker:** The hon. Member for Edmonton-Strathcona to close the debate.

**Dr. Pannu:** Thank you, Mr. Speaker. I certainly want to thank the Minister of Learning for his co-operation in getting to the House the requested information. I would certainly urge the Minister of Human Resources and Employment to respond in a similar way to

the request that I made, because information from his office is just as important as the information that I now have been promised I would be receiving from the Minister of Learning.

Thank you.

[Written Question 78 as amended carried]

**The Speaker:** Now, just a clarification for everybody, hon. members. Please note that what we just did in here did not have the initials of Parliamentary Counsel. Our rules suggest that this is a requirement, but I will exercise and use my authority under Standing Order 2 to override that, but this will not come back as a precedent in the future. Okay?

Thank you.

### Private Vocational Schools

Q79. Dr. Pannu moved that the following question be accepted. For the fiscal years 2001-02, 2002-03, and for the period beginning April 1, 2003, and ended March 15, 2004, what was the total amount of funding that each private vocational school received from any program administered by the Ministry of Human Resources and Employment either paid to a school directly or paid to individual students for the purpose of attending a private vocational school?

**Dr. Pannu:** Mr. Speaker, the reason for this question, the background to it, is that the Ministry of Human Resources and Employment provides hundreds of millions of dollars per year to support adult vocational training and upgrading. Much of this funding supports students attending private vocational schools. In fact, funding criteria for many of the ministry's programs – for example, in most cases the ministry only supports training programs of one year or less in duration – seem designed to direct adult learners to private vocational schools rather than public institutions like NAIT, SAIT, or NorQuest College. As a basic measure of accountability Albertans have the right to know what amounts of funding went from the public purse to these schools.

I urge the acceptance of Written Question 79.

**Mr. Dunford:** We'll accept.

**Dr. Pannu:** I want to thank the minister for his readiness to provide the information to the House. I look forward to receiving it at the appropriate time.

Thank you, Mr. Speaker.

[Written Question 79 carried]

### head: Motions for Returns

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

**Mr. Zwozdesky:** Thank you very much, Mr. Speaker. Proper notice having been served on Thursday, April 22, it is my pleasure to move that motions for returns appearing on today's Order Paper do stand and retain their places with the exception of motions for returns 24 through 31, 34 through 42, 44 through 49, 52, 53, 55 through 62, 64, 66, 69 through 73, 75, 78 through 83, 88 through 105, 108 through 123, 128, 134 through 143, 146 through 160, 162, 164 through 168, 174 through 180, 183 through 189, 197, 200 through 205.

[Motion carried]

**3:40 Business Credit Card Statements for  
Government Services Department**

M24. Mr. MacDonald moved that an order of the Assembly do issue for a return showing all monthly business credit card statements for the fiscal year 2002-2003 issued to the deputy minister, all assistant deputy ministers, executive directors, directors, branch heads, managers, and unit leaders for the Department of Government Services.

[Mr. Tannas in the chair]

**Mr. MacDonald:** Certainly, in the interest of being open, transparent, and accountable to the taxpayers, I can't see why we would not accept this motion for a return. In light of some of the questions surrounding government expenditures, I think that this is reasonable. Thank you, Mr. Speaker.

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

**Mr. Zwodzesky:** Thank you, Mr. Speaker. I want to indicate to the hon. member and to all members of the House that we're recommending that Motion for a Return 24 be accepted with amendments, and I would like to inform the House that the amendments were shared with our opposition colleague prior to 11 a.m. today as per normal procedure. I hope the amendment has been circulated and all members have a copy of it. I understand that is the case.

I would like to just outline and move what the amendment would be should it succeed. We are simply making similar amendments to what we've discussed in this House before by way of grouping and categorizing, which will enormously speed things up and at the same time will also allow the provision of whatever information is able to be provided under the policies and procedures established and also with respect to upholding the Freedom of Information and Protection of Privacy Act, as I enunciated earlier this afternoon.

In the spirit of that particular gesture, Mr. Speaker, the newly amended Motion 24 would read as follows:

That an order of the Assembly do issue for a return showing a statement of all credit card expenses for the fiscal year 2002-2003 incurred by all deputy ministers, all assistant deputy ministers, executive directors, directors, branch heads, managers, and unit leaders in aggregate for each government department categorized by accommodation, travel, hosting, and miscellaneous expenses.

Mr. Speaker, that should sum up the gist of our acceptance as outlined and for the purposes indicated earlier.

Thank you.

**The Deputy Speaker:** The hon. Member for Edmonton-Gold Bar on the proposed amendment.

**Mr. MacDonald:** Yes. Thank you, Mr. Speaker. This is in regard to the amendment, and for the record I would like to express my gratitude to the hon. minister for providing this information this morning, at 9:47 a.m. to be precise. I appreciate it. Thank you.

**The Deputy Speaker:** The hon. Member for Edmonton-Highlands on the amendment.

**Mr. Mason:** Thank you very much, Mr. Speaker. I wonder if the minister would take a question in connection with this amendment.

**The Deputy Speaker:** If he takes a question, that ends the debate.

**Mr. Mason:** Oh. All right.

**The Deputy Speaker:** You can offer the question, and when the minister speaks, then you might get an answer.

**Mr. Mason:** Yes. Maybe he would be so gracious as to respond to this question when he concludes.

The concern that I have with respect to this amendment is that if there were a few expenses which were out of order – that is, one or two by someone in a very senior position that was far too extravagant – would the effect of this be to blend it all in so that you couldn't tell what individual expenses were there? Of course, by spreading it over all of the administration, including branch heads, managers, unit leaders, and so on, you greatly increase the number of people who are aggregated in this number. It could look very reasonable because you would spread these expenses over a lot of people, so if you averaged the expenses per person, they would be very small.

I am reminded, Mr. Speaker, of the story of the man who drowned crossing a lake that was only on average one foot deep. I think this is the problem with the aggregation. I guess my question is: if there were particular expenses that were very expensive which accrued to just one or two individuals, would this amendment allow those expenses to be reported, or would they just be averaged in with the entire department?

**The Deputy Speaker:** There being no further debate, then, to close debate on the amendment.

**Mr. Zwodzesky:** Thank you. I'm pleased to rise to close debate on the amendment and, in doing so, perhaps to comment briefly on the hon. Member for Edmonton-Highlands' question. He's asking whether this particular amendment would somehow obfuscate or otherwise, perhaps, not present accurately or in some way cover up extravagant expenses. The short answer, Mr. Speaker, and the honest answer is no. In no way would this occur.

I think it needs to be mentioned for everyone's pleasure, Mr. Speaker, that all of these expense accounts are carefully and thoroughly reviewed not only by the internal processes but are also subject to the very thorough scrutinous eye of the Auditor General. They would certainly have been identified if any of those kinds of extravagant expenditures might have occurred. This amendment is in no way an attempt to do anything that might be of concern to the hon. member, but I do thank him for having raised it.

That having been said, I would seek the support of all members for the amendment to this Motion for a Return 24 as presented.

[Motion on amendment carried]

**The Deputy Speaker:** The hon. Member for Edmonton-Gold Bar to conclude debate.

**Mr. MacDonald:** Thank you, Mr. Speaker. I have reservations about this, but I will have to wait and see. Hopefully, I will be proven wrong.

A thank you is I guess in order, and we'll wait and see what information we do get. Thank you.

[Motion for a Return 24 as amended carried]

**3:50 Business Credit Card Statements for  
Human Resources and Employment Department**

M25. Dr. Massey moved on behalf of Mr. MacDonald that an order of the Assembly do issue for a return showing all

monthly business credit card statements for the fiscal year 2002-2003 issued to the deputy minister, all assistant deputy ministers, executive directors, directors, branch heads, managers, and unit leaders for the Department of Human Resources and Employment.

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

**Mr. Dunford:** Thank you, Mr. Speaker. Reject.

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

**Mr. Zwozdesky:** Thank you. Just briefly following up on the hon. Minister for Human Resources and Employment. I will support his recommendation, obviously, to reject Motion for a Return 25 based on the discussion we just had on Motion for a Return 24, where this particular issue was dealt with.

Thank you.

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

**Ms Carlson:** Thank you, Mr. Speaker. I respectfully ask that he give us more of an explanation than that.

**Mr. Zwozdesky:** Are we into debate at this point?

**The Deputy Speaker:** No, we're not. We're actually closing the debate. It can't come back.

Anyway, the hon. Member for Edmonton-Mill Woods on behalf of the hon. Member for Edmonton-Gold Bar has moved Motion for a Return 25. All those in support of this motion, please say aye.

**Some Hon. Members:** Aye.

**The Deputy Speaker:** Those opposed, please say no.

**Some Hon. Members:** No.

**The Deputy Speaker:** The motion is defeated.

**Ms Carlson:** He didn't close debate.

**The Deputy Speaker:** He didn't close debate.

Okay. We'll disregard that vote, and wax eloquent, hon. Member for Edmonton-Mill Woods. That's what I thought I was signalling to you before, but anyway, let us close debate.

**Dr. Massey:** Thank you, Mr. Speaker. I was a little confused when both the minister rejected it and the Deputy Government House Leader also stood up and did the same thing, so there was a little confusion.

I think it's unfortunate, to say the least, Mr. Speaker. The kind of information that we're seeking is information that should be readily available to taxpayers in this province. No matter how it's construed, it is an attempt to keep that information from the public, so I think it's unfortunate that this is not being accepted.

[Motion for a Return 25 lost]

#### **Business Credit Card Statements for Community Development Minister's Office**

M26. Ms Carlson moved on behalf of Ms Blakeman that an order

of the Assembly do issue for a return showing all monthly business credit card statements for the fiscal year 2002-2003 issued to the Minister of Community Development and the minister's executive assistant.

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

**Mr. Zwozdesky:** Thank you, Mr. Speaker. I just wanted to clarify briefly before I talk to Motion for a Return 26, which we intend to accept with amendments, that the reason for rejecting 25 was only because it's already covered in 24. That's why I rose at the end of the hon. Minister of Human Resource and Employment's comments. We may see a similar pattern develop here shortly if the amendments before us on 26 are accepted. I think there was just a little bit of chatter going on at the time, and some members may have been misdirected in their listening temporarily.

With respect to Motion for a Return 26, Mr. Speaker, I'm recommending acceptance with amendments. I'm pleased to inform the hon. member and the other colleagues that our opposition were informed of this particular amendment prior to 11 this morning as per procedures. I understand that the amendment has been circulated to all members present.

I just want to outline briefly that anyone looking at the Order Paper would notice that there are a number of rather identically worded motions for returns similar to 26 where the only difference might be the name of the particular ministry in respect to the information being sought. If we're successful in approving the amendment – and I hope we will be – to 26, that will certainly speed things up a great deal in this House by being able to refer to 26 and say: well, this has already been opened up now, and all Executive Council members and their assistants will provide the information that's being requested.

In the final analysis, Mr. Speaker, I'm recommending that we accept Motion for a Return 26 with the following amendment so that the amended motion would read as follows:

That an order of the Assembly do issue for a return showing a statement of all credit card expenses for the fiscal year 2002-2003 incurred by members of Executive Council and their executive assistants broken down by department and categorized by accommodation, travel, hosting, and miscellaneous expenses.

Thank you, Mr. Speaker.

**The Deputy Speaker:** On the amendment. The hon. Member for Edmonton-Ellerslie.

**Ms Carlson:** Thank you, Mr. Speaker. My colleague who put this motion on the Order Paper has some concerns. Those concerns are particularly about the monthly breakdown being lost now. Specifically, what else may have shown up on a government card that will not in this particular breakdown that we're going to get? If those questions could be answered, then we'll be in support of this amendment.

[Motion on amendment carried]

**Ms Carlson:** Mr. Speaker, I'm unclear as to why my questions can't be answered on this particular amendment and the motion.

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

**Mr. Zwozdesky:** Thank you, Mr. Speaker. Thank you, hon. Member for Edmonton-Ellerslie. I don't know if the hon. Member for Edmonton-Ellerslie has had a chance to have as in-depth a briefing perhaps as she might have liked from her House leader, but we did have about an hour and 40-minute discussion on how this

particular business would be approached. I think it was generally speaking agreed to, albeit with reluctance, I have to add, on the part of the Opposition House Leader, that we would try and provide whatever information we could under the groupings that we have available. Then if there was additional information that might be needed, that might be pursued on a one-off basis or it might be pursued through FOIP or whatever. But we have the information that can be readied in the fashion as outlined here and as organized here, so that's the reason for the grouping.

The second part of the issue is with respect to grouping together all members of Executive Council who will report individually on this. For purposes of speeding up the process in the House, rather than dealing with each ministry one by one by one by one for the identical question, we would simply amend the first one in the series, and it would in the spirit of co-operation apply equally to all the others that are on the Order Paper. So there is no change with respect to this particular point, from that point of view at least. I hope that clarifies something for now.

[Motion for a Return 26 as amended carried]

**4:00 Business Credit Card Statements for  
Justice and Attorney General Minister's Office**

M27. Ms Carlson moved on behalf of Ms Blakeman that an order of the Assembly do issue for a return showing all monthly business credit card statements for the fiscal year 2002-2003 issued to the Minister of Justice and Attorney General and the minister's executive assistant.

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

**Mr. Zwozdesky:** Thank you, Mr. Speaker. Precisely now we have the amended Motion for a Return 26, which will include all members of Executive Council for the question being put or as near to it as you can read. In this case, the Minister of Justice and Attorney General and that particular minister's executive assistant would be covered under the amended Motion for a Return 26, so on that basis I would recommend that Motion for a Return 27 be now rejected.

[Motion for a Return 27 lost]

**Business Credit Card Statements for  
Seniors Minister's Office**

M28. Ms Carlson moved on behalf of Ms Blakeman that an order of the Assembly do issue for a return showing all monthly business credit card statements for the fiscal year 2002-2003 issued to the Minister of Seniors and the minister's executive assistant.

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

**Mr. Zwozdesky:** Thank you, Mr. Speaker, and thank you to the Member for Edmonton-Ellerslie. Motion for a Return 28 again comes under the same spirit of co-operation that we saw with the amended Motion for a Return 26 a few minutes ago. In the case of Motion for a Return 28 it's the same information being requested, but in this instance it's from the Ministry of Seniors and from the minister's executive assistant in that department. That having been said, with the amended Motion for a Return 26 all members of Executive Council and all their executive assistants are now covered, so there is a recommendation that I would like to put forward on that basis: reject Motion for a Return 28 before us now.

[Motion for a Return 28 lost]

**Business Credit Card Statements for  
Solicitor General Minister's Office**

M29. Ms Carlson moved on behalf of Ms Blakeman that an order of the Assembly do issue for a return showing all monthly business credit card statements for the fiscal year 2002-2003 issued to the Solicitor General and the Solicitor General's executive assistant.

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

**Mr. Zwozdesky:** Thank you, Mr. Speaker, and thank you again to the Member for Edmonton-Ellerslie on behalf of the other hon. member for raising Motion for a Return 29. The same basic explanation applies here, the only difference being that under Motion for a Return 29 the department from whom the information is being sought is the Solicitor General and the Solicitor General's executive assistant. As I indicated earlier, Motion for a Return 26 will serve the purpose because all members of Executive Council and their executive assistants will be reporting the information under the amended motion. On that basis, I would recommend that we are able to reject Motion for a Return 29, which is before us now.

[Motion for a Return 29 lost]

**Business Credit Card Statements for  
Seniors Department Staff**

M30. Ms Carlson moved on behalf of Ms Blakeman that an order of the Assembly do issue for a return showing all monthly business credit card statements for the fiscal year 2002-2003 issued to the deputy minister, all assistant deputy ministers, executive directors, directors, branch heads, managers, and unit leaders for the Department of Seniors.

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

**Mr. Zwozdesky:** Thank you, Mr. Speaker, and thanks, hon. member, for the question. Motion for a Return 30. I would like to apply the same explanation here as I did to Motion for a Return 26. However, in this particular case the reference needs to go back to Motion for a Return 24, where, in fact, we already have approved a motion as amended, and that would include "all deputy ministers, all assistant deputy ministers, executive directors, directors, branch heads, managers, and unit leaders."

So what we have in Motion for a Return 30, Mr. Speaker, is simply the citing of one particular department, which in this case happens to be the Department of Seniors. However, Motion for a Return 24 as amended simply states that all deputy ministers and so on working with government will be reporting the information as presented in the amendment, and therefore Motion for a Return 30 can be rejected since the information will be provided under the aforementioned Motion for a Return 24 as amended. Thank you.

[Motion for a Return 30 lost]

**Breakdown of Government Purchases**

M31. Dr. Massey moved on behalf of Mr. MacDonald that an order of the Assembly do issue for a return showing a breakdown by ministry of the total number and total cost of items that were purchased during the 2002-2003 fiscal year in the following categories: televisions, flatware, wineglasses, beer glasses, golf balls, golf tees, alcoholic beverages, jams, jellies, preserves, games, and toys.

**Mrs. McClellan:** We're going to try this one more time. We'll try and be on the same page.

Mr. Speaker, I rise to reject Motion for a Return 31 on this basis: from time to time government does buy promotional items. I can assure hon. members that we're not awash in them, nor do we just hand these out without thought or consideration as to the potential return on the investment.

**4:10**

Promotional items, Mr. Speaker, normally are of nominal value. They could be friendship pins, pens, key chains, postcards. They're used, generally, to promote positive awareness of our province with investors, tourists, potential immigrants. They're used to alert Albertans to programs and services that are of benefit to them, directing them to relevant sources such as web sites.

Mr. Speaker, it is our consideration that to track every one of these items and ensure that we've given a thorough accounting of every item that may or may not have been produced for the large number of valuable programs directed by this government to the people of Alberta would necessitate an enormous effort on behalf of everyone involved in all those programs. It is the government's consideration that this time and effort is far better spent in delivering the actual programs and services in question to the people of this province.

[Motion for a Return 31 lost]

#### **Department of Energy Salary Bonuses**

M34. Dr. Massey moved on behalf of Mr. MacDonald that an order of the Assembly do issue for a return showing a breakdown of the amount of each bonus and aggregate amount of all bonuses awarded to senior officials within the Ministry and Department of Energy over the 2002-2003 fiscal year broken down by the position of and amount paid to each official.

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

**Mr. Zwozdesky:** Thank you, Mr. Speaker. I want to point out before I indicate the recommendation on this one that in fact this is another one of those types of motions which, in this particular case, is referring to one specific ministry. There could be a number of other ministries that might be asked to provide similar information under a separate written question.

Therefore, in order to speed up and move along the processes in the House, I'm going to suggest an amendment that would allow us to accept this particular motion for a return and at the same time would help us deal with future ones that may come up as written questions that simply deal with a department other than the Department of Energy, which in this case comes up under Motion for a Return 34. I should also indicate that the amendment I'm proposing, Mr. Speaker, was shared with my opposition colleague prior to 11 this morning in accordance with our procedure.

That having been said, it's my pleasure to move that Motion for a Return 34 be amended and that in the final analysis it read as follows:

That an order of the Assembly do issue for a return showing a breakdown of the aggregate amount of all bonuses awarded to employees within the government of Alberta listed by department over the 2002-2003 fiscal year broken down by the range of bonus dollar amounts and the number of employees who received a bonus within that range.

I move that on behalf of the hon. Minister of Energy.

Thank you.

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

**Dr. Massey:** Yes. Speaking to the amendment, Mr. Speaker, I'm at a bit of a disadvantage in that the Deputy Government House Leader indicated that he'd been in contact with the House leader for the opposition, but he didn't indicate whether or not the House leader had actually agreed to this amendment.

**Mr. Zwozdesky:** Agreed with reluctance.

**The Deputy Speaker:** Apparently, under Motions for Returns there isn't a closing off of debate to the amendment. It's a one-off kind of thing, so that's why it's awkward. The only thing, I guess, is that when we get into the debate on the motion itself, then the Deputy Government House Leader or other persons who are going to speak to that particular matter that you're raising could address it. It seems a backwards way to go, but that's what I'm doing.

[Motion on amendment carried]

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

**Dr. Massey:** Thank you. Mr. Speaker, the impact, of course, of that amendment – and I can understand why the Opposition House Leader was reluctant – is to mask the kind of information that we'll receive with respect to this particular motion for a return, and I think that that, again, is unfortunate.

Mr. Speaker, the government has been very clear in making public the salaries of many public officials across this province. I can think of the superintendents of schools, who now have that information published and made quite public, and that was done at the instigation of the government. So I can't quite understand why they're reluctant to provide the same level of information about their staff.

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

**Mr. Zwozdesky:** Yeah. This is now on the main motion as amended. I will close debate if I speak to it.

**The Deputy Speaker:** I'm sorry. Apparently, once the hon. member concludes debate, you've had your chance. So it truly is an awkward procedure. Anyway, we have now closed debate and have to rely on alternate methods of communication.

[Motion for a Return 34 as amended carried]

#### **Business Credit Card Statements for Finance Department Staff**

M35. Ms Carlson moved that an order of the Assembly do issue for a return showing all monthly business credit card statements for the fiscal year 2002-2003 issued to the deputy minister, all assistant deputy ministers, executive directors, directors, branch heads, managers, and unit leaders for the Department of Finance.

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

**Mr. Zwozdesky:** Thank you, Mr. Speaker. Motion for a Return 35 is an important motion, and it falls under the same explanation as Motion for a Return 24, which was accepted as amended earlier this afternoon. Under Motion for a Return 24 we are simply bringing all of the government deputy ministers, assistant deputy ministers, executive directors, and so on under one particular amended motion. Therefore, Motion for a Return 35 can be rejected because it refers specifically to only one ministry, in this case the Department of

Finance, but Motion for a Return 24, which otherwise would be identical, does already include all ministries with respect to their top staff members.

So it's on that basis that I'm going to recommend that Motion for a Return 35 be rejected, since the essence of it is already covered under Motion for a Return 24 as amended.

Thank you.

[Motion for a Return 35 lost]

#### 4:20 **Business Credit Card Statements for Sustainable Resource Development Minister's Office**

M36. Ms Carlson moved that an order of the Assembly do issue for a return showing all monthly business credit card statements for the fiscal year 2002-2003 issued to the Minister of Sustainable Resource Development and the minister's executive assistant.

**The Deputy Speaker:** The hon. Deputy Government House Leader on Motion for a Return 36.

**Mr. Zwozdesky:** Thank you, Mr. Speaker. I should just indicate to all members, who I know are interested, that we, myself and the Opposition House Leader, did meet for an hour and 40 minutes to try and ensure that we could speed this process along, because I have to put my arguments on the record each and every time, which the Opposition House Leader did understand and agree to, albeit with reluctance. Still, we will do that now, and I'll keep referring back to the relevant motion for a return as amended, which impacts the particular motion for a return that might be before us at the minute that we are speaking.

In this particular case, we have Motion for a Return 36, which refers specifically to one ministry, that being the Ministry of Sustainable Resource Development, and to the minister in particular of that department and to the minister's executive assistant in that department. As was previously indicated, Motion for a Return 26 as amended already expands the question and the information being sought to all members of Executive Council and all executive assistants reporting to them, broken down by department and categorized by accommodation, travel, and so on.

Therefore, it's on that basis, Mr. Speaker, that Motion for a Return 36 can be rejected, because it only identifies one department, whereas Motion for a Return 26 as amended covers all departments and all EAs and all ministers.

Thank you.

[Motion for a Return 36 lost]

#### **Business Credit Card Statements for Environment Minister's Office**

M37. Ms Carlson moved that an order of the Assembly do issue for a return showing all monthly business credit card statements for the fiscal year 2002-2003 issued to the Minister of Environment and the minister's executive assistant.

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

**Mr. Zwozdesky:** Thank you, Mr. Speaker. For the reasons just indicated by me regarding Motion for a Return 36, Motion for a Return 37 can also be rejected since in this case it's only the Ministry of Environment that is referenced, and in fact Motion for a Return 26 as amended and already approved earlier today will

already cover all departments including the Ministry of Environment.

Thank you.

[Motion for a Return 37 lost]

#### **Business Credit Card Statements for Economic Development Minister's Office**

M38. Ms Carlson moved that an order of the Assembly do issue for a return showing all monthly business credit card statements for the fiscal year 2002-2003 issued to the Minister of Economic Development and the minister's executive assistant.

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

**Mr. Zwozdesky:** Thank you, Mr. Speaker. Again, with reference to Motion for a Return 38 it refers specifically to only one ministry, in this case Economic Development, and as enunciated earlier, just a few minutes ago by me, Motion for a Return 26 as amended will already accommodate the gist of this particular motion for a return because Motion for a Return 26 as amended covers all government ministries including the ministers and the ministers' executive assistants. So Motion for a Return 38 can be rejected on that basis at this time.

[Motion for a Return 38 lost]

#### **Business Credit Card Statements for International and Intergovernmental Relations Department**

M39. Ms Carlson moved that an order of the Assembly do issue for a return showing all monthly business credit card statements for the fiscal year 2002-2003 issued to the deputy minister, all assistant deputy ministers, executive directors, directors, branch heads, managers, and unit leaders for the Department of International and Intergovernmental Relations.

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

**Mr. Zwozdesky:** Thank you, Mr. Speaker. On behalf of the hon. Minister of International and Intergovernmental Relations I just want to indicate what he's indicated to me, and that is that his particular department is already subject to Motion for a Return 24 as amended since that particular motion as amended will cover the Department of International and Intergovernmental Relations, and the information being sought will be provided there pursuant to the amended Motion for a Return 24. Therefore we can recommend the rejection of Motion for a Return 39 on that basis.

Thank you.

[Motion for a Return 39 lost]

**The Deputy Speaker:** Hon. members, I'm given to understand that we have an agreement that at approximately this time – is it after Motion for a Return 40 or before Motion for a Return 40? – we were going to have another motion. There's agreement.

The hon. Member for Edmonton-Castle Downs.

**Mr. Lukaszuk:** Yes, Mr. Speaker. Thank you for that opportunity. I would ask all members of this House for unanimous consent to revert to private members' bills at this point.

Thank you.

[Unanimous consent granted]

**head: 4:30 Public Bills and Orders Other than  
Government Bills and Orders  
Committee of the Whole**

[Mr. Tannas in the chair]

**The Chair:** I now call the Committee of the Whole to order.

**Bill 203  
Canada Pension Plan Credits Statutes  
Amendment Act, 2004**

**The Chair:** Are there any comments, questions, or amendments to be offered with respect to this bill?

The hon. Member for Calgary-West.

**Ms Kryczka:** Thank you, Mr. Chairman. It gives me great pleasure to rise in the Assembly this afternoon and continue debate and discussion on Bill 203, the Canada Pension Plan Credits Statutes Amendment Act, 2004. I would like to begin by thanking all members for their support and allowing this bill to proceed to Committee of the Whole. As expressed during the debate in second reading, Bill 203 would allow for ex-spouses or ex-partners to enter into agreements that ensure committing them to opt out of the Canada pension plan credit splitting program. Bill 203 amends both the Domestic Relations Act and the Family Law Act. The amendments to the acts are identical and serve to obtain the same objective.

Amendments to section 27.2 of the Domestic Relations Act and section 82.2 of the Family Law Act state:

A written agreement between spouses or common-law partners entered into on or after June 4, 1986 may provide that, notwithstanding the Canada Pension Plan (Canada), there be no division between the parties of unadjusted pensionable earnings pursuant to that Act.

Mr. Chairman, as I stated at second reading, provinces have the authority to opt out of the program under section 55.2 of section 3 of the Canada Pension Plan Act. The CPP Act expresses that divorcing or separating partners can only opt out of credit splitting if they have entered into an agreement on or after June 4, 1986, and that that agreement specifically mentions the Canada pension plan and it is the intentions of the parties that there be no division of unadjusted pensionable earnings under the act. This is the same stipulation outlined before us in Bill 203.

It is also important to note that the provisions under the CPP Act also express that these agreements must not have been invalidated by a court order and, very importantly, that the spousal agreement must be permitted under provincial legislation. Again, as I stated in second reading, Bill 203 would provide the appropriate provincial law.

Since the Canada pension plan specifies the date of June 4, 1986, in its legislation to honour agreements entered into on or after that date, Bill 203 recognizes that same time frame and makes retroactive these agreements in its amendments to both the Domestic Relations Act and the Family Law Act. Therefore, with the passage of Bill 203 any agreements entered into on or after that date which do express the CPP and the intention of no division will be upheld and validated in this province.

Mr. Chairman, the amendment to the Domestic Relations Act would only be a temporary measure to serve the purposes of the bill, while the amendment to the Family Law Act would take effect once the appropriate section of the act is proclaimed into force. The Family Law Act will then repeal the Domestic Relations Act. The Family Law Act is replacing the Domestic Relations Act, and therefore by amending both pieces of legislation, the intent of Bill

203 and the ability to provide immediate authority to previous waivers is accounted for until the Family Law Act is proclaimed into force.

Mr. Chairman, the option of entering into spousal agreements is afforded to both married spouses and common-law partners. The Canada pension plan credit-splitting program is applicable to both types of relationships, and therefore Bill 203, to keep consistent with the intentions of the program, has extended the opt-out to both. Section 27.1 of the Domestic Relations Act and section 82.1 of the Family Law Act provide the provision that defines common-law partner and states that this term applies as defined in the Canada pension plan.

Mr. Chairman, there is an important point which I would like to stress regarding the splitting of CPP benefits. The credit-split decision is never changed or returned to an ex-spouse even if the applying ex-spouse's financial situation improves drastically or if he or she should die. There exists a finality to the splitting of CPP benefits. Credit splitting permanently alters the record of employment. Therefore, it is important that these decisions are made mutually and with the full knowledge and understanding of both parties.

Also, there is an appeal process available to dispute resolutions. However, the process has limitations. It is really important to recognize that the appeal will not overturn the decision to split the credit but, rather, may affect how these credits are split.

Mr. Chairman, there have been a couple of concerns regarding the implications of Bill 203. This legislation will not refuse the right of individuals applying for credit splitting unless they have already signed an agreement which waives the right to any future division of CPP pension earnings. In this case Bill 203 will uphold or legitimize any of these previous agreements which must have been signed on or after June 4, 1986, so that ex-spouses or ex-partners cannot make future claims. Without the provincial legislation which Bill 203 provides, these agreements are invalid.

Bill 203 would now allow individuals to enter into spousal agreements during their divorce or separation proceedings and have them binding on the federal minister responsible for the CPP. If an individual discovers after the fact that he or she did not receive any portion of CPP pension benefits from a previous relationship regardless of this bill, they are still entitled to those benefits as long as he or she did not sign an agreement that stated no division of CPP credits. Then the agreement would be upheld, and they could not apply for a split. The terms that the parties signed to would be adhered to.

Mr. Chairman, I believe strongly in this bill. It will allow couples on the breakdown of their relationship to make important and informed decisions regarding their financial future. This is indeed a choice which should be afforded to all Albertans. I strongly encourage all members of this House to again support Bill 203, the Canada Pension Plan Credits Statutes Amendment Act.

Mr. Chairman, I am also happy to circulate an amendment to Bill 203 that covers a couple of changes. Bill 203 states that an agreement is binding "whether or not there is valuable consideration for the agreement." It also purports to invalidate any agreement that was "induced by fraud, duress or undue influence" or if "one of the parties lacked the mental capacity to understand the nature of the agreement."

Before the bill was introduced, Alberta Justice officials recommended that the above provisions be removed as they are unnecessary restatements of the common law. Further, since there are no similar provisions regarding other types of agreements governed by the Domestic Relations Act and Family Law Act, inclusion of such provisions solely with respect to credit-splitting agreements may

jeopardize the argument that the common law applies to these other types of agreements.

As well, the bill currently has a provision for one section to come into effect upon proclamation. The amendment as proposed will make the whole bill subject to proclamation.

Therefore, I move an amendment to Bill 203 as currently being circulated as follows. Would you like me to read the amendment, Mr. Chairman?

**The Chair:** You're moving it; you read it.

**Ms Kryczka:** Okay. Bill 203, Canada Pension Plan Credits Statutes Amendment Act, 2004, is amended as follows. A. Section 1(2) is amended by striking out the proposed section 27.3. B. Section 2 is amended (a) in subsection (2) by striking out the proposed section 82.3 and (b) by striking out subsection (3). C. The following is added after section 2: "Coming into Force. 3. This Act comes into force on Proclamation."

Thank you, Mr. Chairman.

**The Chair:** This amendment will be called amendment A1. Does everyone have it already? They all have it. Okay.

Then if you wish to further explain it, or are you finished speaking on the amendment?

**Ms Kryczka:** I'm basically finished speaking on the amendment, sir.

**The Chair:** Okay. Further comment on the amendment? The hon. Member for Edmonton-Highlands.

**Mr. Mason:** Thank you very much, Mr. Chairman. I would like to ask the hon. member who proposed this amendment to correct me if my understanding is incorrect, but the sections that are to be deleted include protection for people who have been induced to make such an agreement if "one of the parties was induced by fraud, duress or undue influence to enter into the agreement" or if "one of the parties lacked the mental capacity to understand the nature of the agreement."

This is part of the section that is going to be deleted, so is the intention to take away these protections, or does the amendment in some way provide similar protections in a way that I'm not clear on? I would ask the hon. member if she'd be prepared to stand and respond to that question.

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

4:40

**Ms Kryczka:** Yes. I guess I would just briefly expand on what I've already stated, that agreements under these acts that I've referred to are already afforded this type of protection. Therefore, these sections may be viewed as redundant and unnecessary.

Since these precautions are already addressed and considered under both the Domestic Relations Act and the Family Law Act, they really do not need to be included in Bill 203. As well, if these clauses are included under Bill 203, they may raise questions regarding all other agreements under the Domestic Relations Act and the Family Law Act.

Thank you.

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

**Mr. Mason:** Thank you very much, Mr. Chairman. Well, I apologize to the hon. member. She obviously did cover that in her

statements, but she was clipping along at a pretty good rate, and I didn't catch it.

I guess the concern I have, if the hon. member is willing to respond, is if there is a legal opinion that has been received to that effect, and is that the basis upon which these amendments have been made?

**Ms Kryczka:** Well, as I said in my initial statement, I was advised that it was not necessary initially, but I guess I would have to stand here and say that I am stubborn, and I felt personally at the time that from my point of view it was necessary. However, I am not trained or educated as a lawyer, and I do not know the law as it applies in many areas. I've worked in personnel for lawyers, but that is totally different from knowing the law. So I totally respect the advice that I was given by the Justice department.

Thank you.

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

**Ms Carlson:** Thank you, Mr. Chairman. This is raising more questions for me than it's answering actually, so just let me be clear on what the bill was before and what I see it as being amended to now.

Prior to this amendment under the proposed section 27.3 and all the subsections, then, you wanted in this bill for it to be an absolutely binding agreement between two parties in terms of there being no splitting of the pension, but what I'm hearing you say now is that the legal department has told you that you can't have that happen, so you're taking that out of the bill. Would that be correct?

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

**Ms Graham:** Thank you, Mr. Chairman. I'm pleased to have the opportunity to make some remarks about the amendments put forward this afternoon by the sponsoring member relative to her bill. She has very ably described why these amendments are being brought forward in that they are duplicating sections that already exist in the Domestic Relations Act and the Family Law Act, which are two central pieces of our family law legislation in Alberta. So in the interests of having tidy legislation that is not repetitive and duplicative, I support her in these improvements to her bill.

I can certainly assure all members that the protections that we all want for the validity of these spousal agreements will be and is already provided for. I would urge all members to support the amendments that go to removing these sections from the Family Law Act and the Domestic Relations Act.

Thank you, Mr. Chairman.

**Ms Carlson:** Okay. If what I'm hearing is correct here then, once this bill is passed, in terms of the agreements for the pension, people will be referred to the Domestic Relations Act. So then, in fact, there still will be binding agreements between the parties for any written agreement given, whether or not there's been any valuable consideration given for giving up a pension right or whether or not these agreements have been signed under duress. Would that be accurate? To whomever would like to answer it.

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

**Ms Graham:** Yes. Mr. Chairman, I'll try to address that. The provisions in the Family Law Act and the Domestic Relations Act that contemplate these types of written agreements, as I say, already exist, and they are for purposes beyond just Canada pension plan

credits. They address support generally and other matters that need to be determined between divorcing spouses, separating spouses, be they common-law or married people. So these agreements are not solely for CPP credits. CPP credits are one type of item that can be addressed by these written agreements.

The same is provided for in the Matrimonial Property Act. You might be familiar with those kinds of written agreements where parties agree on the division of their matrimonial assets. They seek independent legal advice and attach certificates of independent legal advice. Matrimonial Property Act certificates are signed by the attending lawyers to give assurances that the parties have had independent legal advice, that they know what their rights are, and that they know what they're signing. So that's basically what is provided for.

I don't have them in front of me, unfortunately, but those are the kinds of assurances that you find in the Family Law Act and the Domestic Relations Act. We could probably bring those in so that you could see them and be assured of that.

**Ms DeLong:** Perhaps I could be of a little bit of assistance. I've got a little detail here. These sections include protection measures which would guard against "fraud, duress, or undue influence," and, as well, if one party "lacked the mental capacity to understand the nature of the agreement."

So, essentially, there are protections in both of these acts already. If we were to add the same protections in Bill 203, it would actually weaken those sections in the original documents. Because they're already in the original documents, if we have to reinforce it in this one particular place, then that also brings into question whether or not they were strong enough in the originals. We're actually in a stronger position if we don't have them in there.

**The Chair:** The hon. Member for Edmonton-Highlands on amendment A1.

**Mr. Mason:** Yes. Thank you, Mr. Chairman. I just want to be clear about the amendment. The principle of the bill, allowing people to essentially sign agreements to give up their rights to pension benefits from their partner, is another question. This amendment deals with whether or not it's necessary to have some specific protection when people do that to make sure that they don't do so under duress. So I just want to be clear.

I see that the hon. Member for Calgary-Lougheed is digging out probably what I wanted, which was to hear some specific language in the Domestic Relations Act and the other act that would give assurance that those protections in fact extended into the Canada pension plan credits statutes. That's really what I'm looking for. I'd like to hear some of the language there that could assure me that these bills do in fact provide this protection. If that's there, then I don't really have a problem with the amendment per se.

But the bill itself is certainly another matter, because the principle of allowing these things to be traded away in a prenuptial agreement or some other agreement is something that I have a lot more difficulty with. Perhaps the Member for Calgary-Lougheed has found the section and might help with that. She's still looking, Mr. Chairman.

I just want to indicate on this amendment that we have taken a look at the bill and have contacted people who are involved in these types of issues, and there's a lot of concern about it. Particularly if the amendment does even take away some more of that, I think it's a real concern. But I'll wait to hear from members opposite in terms of what the language is in the Domestic Relations Act and the Family Law Act.

4:50

**Ms Kryczka:** Well, I guess I would just be repeating myself. As I said, I would welcome the legal expertise of the Member for Calgary-Lougheed, but the common-sense approach that I took to the drafting of the bill was more on this section that we are deleting, which, I have been assured by the Minister of Justice, is already included in the acts. We were mainly looking at if one of the parties was being "induced by fraud, duress or undue influence to enter into the agreement," which is separate from what the bill looks at as a whole – this was only a small part of the bill – or, for instance, if "one of the parties lacked the mental capacity to understand the nature of the agreement." Again, I think that is really the approach of this.

I would be repeating myself in terms of what I said to you earlier, that these precautions are already addressed and considered under both the Domestic Relations Act and the Family Law Act and that they do not need to be included in Bill 203. It was a case of repetition and, therefore, redundancy that was simply the reason for bringing in this amendment.

Thank you.

**The Chair:** Hon. Member for Calgary-Lougheed, not that you need more pressure, but how are you coming?

**Ms Graham:** Well, Mr. Chairman, maybe I'll take a moment to confer with the Member for Calgary-West. That might speed things up a little bit.

**The Chair:** Okay. We're just going to have a pause in the events unless there's someone else that wishes to speak on the amendment.

**Ms Carlson:** Mr. Chairman, I'm wondering if we couldn't defer the debate on this amendment and go back to debate on the bill in the best interests of time.

**The Chair:** That's a wonderful idea in the interests of time. Unfortunately, our rules don't cover that. I suppose we could try and get unanimous consent to do such.

I think that maybe time has worked in favour of resolving this Gordian knot. The hon. Member for Calgary-Lougheed.

**Ms Graham:** Yes, Mr. Chairman. I haven't really been, you know, on the inside track on this particular amendment, so I'd like to suggest that perhaps the sponsoring member undertake to provide the information sought by the opposition – I don't know that that's going to be possible at this moment – before this matter is dealt with at the final stage. That might be the most efficacious way of dealing with it today.

**The Chair:** If I understand your proposal, hon. member, there is an undertaking to be given, that would have to be accepted, that some time during third reading, presumably as soon as the member moves third reading, this matter would be dealt with ahead of time to the satisfaction of all of the members who raised the question. Is that agreeable, hon. Member for Edmonton-Ellerslie?

**Ms Carlson:** Well, it isn't really, Mr. Chairman. I have to say that if that's the way we're to proceed, then I definitely have to vote against the amendment, because I don't think you can vote for an amendment that you don't have full disclosure on.

**Mr. Mason:** I agree with her.

**The Chair:** Well, there are two contrary propositions being put forward here, hon. member.

**Mr. Mason:** I agree with the hon. Member for Edmonton-Ellerslie.

**The Chair:** Okay. Fine. Good. All right.

Any further discussion on the amendment? The hon. Member for Edmonton-Ellerslie.

**Ms Carlson:** Thank you, Mr. Chairman. It's impossible to further discuss or debate an amendment when we don't have the full information in detail on what the impact of it is going to be not only on this piece of legislation but on other directly affected pieces of legislation. You know, what I heard were some nice platitudes, but I want to see something substantive. For the amount of time that this bill has been before this Assembly, I'm very surprised that we don't have any backup on it.

**Mr. Mason:** If we proceed to a vote on the amendment, Mr. Chairman, I just want to indicate that if it is as the hon. members have said – and I believe that they are saying that in good faith – then as far as I can see, it makes the amendment neutral with respect to the intent of the bill before us. If they are mistaken, however, it could have the effect – and this is my fear – of removing even the protections that were envisaged for what would otherwise be, in my view, a fairly bad bill.

So that's the difficulty that I have and why, unless we get this information, I would vote against the amendment. At best it's neutral, but at worst my fear is that it could be very retrograde. Thank you.

**The Chair:** The rules are such that I think we're going to have to go with the vote on the amendment. You decide which way you're going to go.

[Motion on amendment A1 carried]

5:00

**The Chair:** Now to continue the debate. The hon. Member for Edmonton-Highlands on the bill itself, on the clauses of the bill.

**Mr. Mason:** Thank you very much, Mr. Chairman. On the bill. I just want to indicate that, in general, I don't agree with the thrust of the bill. Now, we've been assured that even with the amendment, protection exists for partners who have been induced by fraud, duress, or undue influence, and protection is afforded to people who lack the mental capacity to understand the nature of the agreement, and that's fine. That's fine. If those protections exist in other acts, that's very good and positive.

What other kinds of things, though, might intervene that aren't envisaged by this amendment? Well, Mr. Chairman, inequalities in power relationships are not accounted for. Inequalities in economic relationships are not recognized by this amending piece of legislation. What it does, quite simply, is allow an agreement to be reached that allows someone to give up the rights that they have to the pension of their spouse.

What about people who give it up without understanding what they're giving up? You know, they don't have to be put under duress. They don't have to be mentally incompetent. They may simply just not understand, or they may give it up because they believe in a romantic notion that their relationship will be, you know, forever and they don't accept that it might in fact come to an end. So what this does is that it basically makes the more vulnerable

partner in a relationship – and that is normally but not always the woman in a marriage – even more vulnerable because they can give all this up without understanding it, leaving them with potentially a very poor existence.

You know, in 1987 the government took a very progressive step in issuing an entitlement to a credit split in the course of a marriage. That was about the same time that the 50-50 property split came about. So women would be missing access to public pension before 1987. The problem, as I see it, is that the rights to this are often given away for nothing, and one spouse can be at a disadvantage by not being able to get that split. It's particularly difficult for older women, Mr. Chairman, so I don't think that we should support having the Canada Pension Plan split becoming a bargaining chip in a settlement.

As the law currently stands, Mr. Chairman, either ex-spouse can apply to have the CPP credits accumulated during the common-law or marriage relationship split upon the breakdown of that relationship. If such an application is made, then the split is automatic, and it's not open to negotiation. This legislation would eliminate the possibility in exchange for making a split of CPP credits part of the divorce settlement negotiation.

I think that the kind of thinking that assumes that everybody negotiates on the same basis of equality is maybe typical of some conservative thinking, but it's not how we view the world at all. We take into account the fact that people have different economic capacities and that people have different amounts of power within a relationship, and that is I guess the real difficulty. What happens, Mr. Chairman, if somebody offers to reduce their claim of child custody, for example, in exchange for an agreement not to split CPP credits? That would put ex-spouses and, likely, mothers in particular in the terrifying position of choosing between her children and her economic security. I think that other examples could be brought up as well. The government can't be satisfied with enforcing contracts especially when these contracts are negotiated in unfair circumstances and when these contracts could significantly reduce the quality of life of one of the parties.

In conclusion, Mr. Chairman, the legislation opens a door that did not need to be opened and, indeed, would have been better left shut. So I will be opposing Bill 203 as I think it is a step backwards in marriage relationships in this province.

Thank you.

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

**Ms Graham:** Thank you, Mr. Chairman. I would just like to say that I believe that Bill 203 addresses a gap that has existed in our family law legislation in Alberta for nearly 20 years, which was when the federal government legislated the mandatory sharing of unadjusted pensionable earnings, or credits, under the Canada Pension Plan Act. Under section 55.2(5) of that act they did allow provinces the option of passing legislation to allow separating and/or divorcing couples, be they married or common law, by way of a written agreement to make their own decisions on how to divide their assets including their CPP credits.

So I would just like to speak from the perspective of a family law practitioner, which was something I did in my previous life, acting for clients that would find themselves in divorcing or separating circumstances. Typically, you would have people coming in who would want to deal with all of their outstanding issues: custody, support, and the division of matrimonial property.

Under the Matrimonial Property Act people can make these kinds of agreements with independent legal advice and full knowledge of what their rights are. Lawyers would go to great lengths to assist

people in evaluating their assets and coming to an equitable division of these assets as best as possible anyway. The point was to give certainty to divorcing spouses and the knowledge that they wouldn't be subject to subsequent claims from their spouse down the line.

We were able to do this with a great deal of certainty on all assets except for Canada pension plan credits, because you were always in the position of having to say: even though you people have made your own agreement that you don't want to divide them, we as lawyers cannot draft an agreement that is ironclad, that will protect you. We would have to say: as long as you both live up to it, great, but if one of you doesn't, we cannot really do anything that's practical to make this enforceable.

You could put in a provision that would say that you could sue the other party if they went and applied for their CPP when they said they wouldn't, and they could apply for damages, but that wasn't practical because it was costly. It was another court action. So there was really nothing that you could do. So from a lawyer's perspective this was not a good situation because you couldn't really provide the certainty that your clients wanted. Oftentimes they might not have heard you or they would forget that that was your advice and then be very shocked in the future when this happened to them, that their CPP cheque was cut in half potentially.

5:10

I would just say that this bill does serve the interests of Albertans that are divorcing and separating because you will get consistent treatment of CPP credits along with other kinds of pensions and other marital assets. You'll have certainty. There'll be finality in the division of property. Most of all it does allow for people to make their own agreements. They know what's best for them. Assuming they've had proper legal advice, they can make the decision on what's best for them. Maybe the case would be that one party has a pension from work and would want to retain that pension, and the parties would want to leave all of the CPP to the other party rather than potentially dividing that in half.

So for that reason, I do think that this is a good thing for Albertans. I support the member in her bill and ask all of you to support her in it as well.

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

**Ms Carlson:** Thank you, Mr. Chairman. I don't support this bill. I spent too many years prior to being in politics and in politics having to try to assist people who are in circumstances where they spent decades or years being a stay-at-home parent end up in a divorce situation and do not feel that they are equal partners in negotiating the divorce. Often they are not, and in spite of what my colleague here in the Legislature has said about the importance of independent legal advice, often because of the situation, the conditions under which the marriage breakup occurs, they are under duress at that time, irrespective of what kind of excellent legal advice they may or may not be getting. I would like to remind my colleague that not all lawyers are created equal, and that often he who can afford to pay the big bucks gets much more aggressive representation than the other party.

Time after time I have seen during this circumstance what is essentially an unequal agreement taking place, and often just in the interests of getting through the process, one party will agree to things that if they were in a saner frame of mind or a more comfortable setting would never in a lifetime agree to. Particularly, I have seen situations where the only opportunity for any kind of redress in this

situation is to take a look at the CPP credits down the road.

This is something that I believe for the most part will solve itself as time passes. These days most women have a work record, but that is not the case for certainly my mother's generation and for many people in my generation. They are left in an unequal bargaining position, and I don't care how good their lawyer is. I don't care how that argument can be made. They are not in an equal bargaining position, and often they get left out of the loop.

I am reminded by several women that I chatted with this morning, visiting a seniors' lodge that was for low-income people – one of the women there was 95 years old. She gets a pension. She gets one pension per month, \$560, and that's what she lives on. Why? Because at the time that her husband died, it was before the pension transfers even were available, and having never worked outside of the home, that's the only thing that she's been eligible for. She's been living on that for 35 years, on just that one piece of pension. Now, that's a travesty in my mind. That's completely unfair.

Several of the other women who were there were in circumstances where they were the sole caregiver in the home and didn't work outside the home for their whole lives. If they had negotiated away this, what would they be living on? It's incomprehensible to imagine that anybody in this day and age, even in subsidized lodging . . .

**The Chair:** I hesitate to interrupt the hon. Member for Edmonton-Ellerslie, but under Standing Order 4(2) "if at 5:15 p.m. on Monday, the Assembly is in Committee of the Whole and the business of the committee is not concluded, the committee shall rise and report immediately." So, therefore, I'm directed.

The hon. Deputy Government House Leader.

**Mr. Zwozdesky:** Thank you very much, Mr. Chair. On the basis of what you've just indicated, I would move that the committee now rise and report progress on Bill 203.

[Motion carried]

[The Deputy Speaker in the chair]

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

**Ms Graham:** Yes, Mr. Speaker. The Committee of the Whole has had under consideration and reports progress on Bill 203. I would like to table copies of the amendments considered by the committee on this date for the official records of the Assembly.

**The Deputy Speaker:** Does the Assembly concur in this report?

**Hon. Members:** Agreed.

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

The hon. Deputy Government House Leader.

**Mr. Zwozdesky:** Thank you very much, Mr. Speaker. That being the case and given the hour, I would move that we now call it 5:30 and that we adjourn to resume at 8 p.m. to consider private members' motions.

[Motion carried; the Assembly adjourned at 5:18 p.m.]