

Legislative Assembly of Alberta

Title: **Tuesday, March 22, 2005**

1:30 p.m.

Date: 05/03/22

[The Speaker in the chair]

head: **Prayers**

The Speaker: Good afternoon.

Let us pray. As Canadians and as Albertans we give thanks for the precious gifts of freedom and peace which we enjoy. As Members of this Legislative Assembly we rededicate ourselves to the valued traditions of parliamentary democracy as a means of serving our province and our country. Amen.

Please be seated.

Vignettes from Alberta's History

The Speaker: Hon. members, our comment or historical vignette of the day. On this day in 1909 a general election was held in Alberta. Of 41 MLAs elected, 36 were Liberal, two were Conservative, one was a Socialist, one was an Independent, and one was an Independent Liberal. Fifty thousand and four votes were cast provincially.

head: **Introduction of Visitors**

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

Mr. Prins: Thank you, Mr. Speaker. It is my pleasure to introduce to you and through you to all members today three visitors from the North Red Deer River Water Services Commission. They are seated in the Speaker's gallery. First of all, a lady that needs no introduction here, I think, is Mrs. Judy Gordon, chairman of the water commission, mayor of the town of Lacombe, and former MLA, of course, for the Lacombe-Stettler constituency. Next to her is Mr. Larry Henkelman, mayor of the town of Ponoka and also a member of the water commission, and Mr. John VanDoesburg, the chief administrator of the water commission. Please rise and receive the traditional warm welcome of the Assembly.

head: **Introduction of Guests**

Mrs. McClellan: Mr. Speaker, it's my pleasure to introduce to you and through you to all members of the Assembly guests from Alberta Finance who are here as part of a public service orientation tour. They are seated in the members' gallery, and I would ask them to stand as I call their names and remain standing, please. Corinne Carlson, Shibu Chandu, Carla Dowsell, Jason Lammers, and Iryna Kryvoruchko. I'm missing one. Anyway, I'll ask them all to stand and receive the warm welcome of the Assembly.

The Speaker: The hon. Deputy Speaker.

Mr. Marz: Thank you, Mr. Speaker. I have the pleasure today of introducing to you and through you to other members of the Assembly Señor Horacio Luna and his wife, Laura Herrera, from Mexico. Señor Luna is the director of communications at the Legislature in the state of Mexico. Joining him in the members' gallery today are his brother-in-law and sister-in-law, Fernando Cienfuegos and Ana Herrera. I'd ask them to rise and receive the warm welcome of this Assembly.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. It's a pleasure to introduce to you and through you to all hon. Members of this Legislative Assembly two classrooms from St. Gabriel school in the constituency of Edmonton-Gold Bar. There are in total 39 visitors from the school, and they are led today by Mrs. Svetlana Sech and Mrs. Friedt, who are the teachers, and they also are assisted this afternoon by parent helpers Miss Lamontagne and Ms Carroll. They are in the public gallery, and I would now ask them to please rise and receive the traditional warm welcome of this Assembly.

Thank you.

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

Mr. Taylor: Thank you, Mr. Speaker. It's my pleasure today to rise and introduce to you and through you to all members of this House four representatives from the Council of Alberta University Students, a couple of whom were here and introduced yesterday. They're back in the House again today, demonstrating, I think, with a couple of others their ongoing commitment to and interest in an issue that both sides of this House have identified as a top priority for us, postsecondary education. If you would please stand as I call your names: Mike Bosch, vice-president external of the University of Calgary Students' Union; Bryan West, president of the University of Calgary Students' Union; Jason Rumer, vice-president academic of the University of Lethbridge Students' Union; and Duncan Wojtaszek, executive director of the Council of Alberta University Students. Please, if you would all give them the warm welcome of the House.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'd like to introduce to you and through you to all members of the Assembly an adult ESL class, LINC 4, from Metro Continuing Education. I believe that they're sitting in the public gallery. These students are very high-level ESL, and they have been studying the research on cabinet ministers' responsibilities, so I'm sure they'll be looking forward to question period with great anticipation. They are accompanied today by their instructor, Mr. Fred Sherbourne, and I would ask if they are in the public gallery to please rise and accept the warm welcome of this Assembly.

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

Mr. Mason: Thank you very much, Mr. Speaker. I'm pleased to introduce to you and through you to members of the Assembly Mr. Jim Graves. Mr. Graves is a professional engineer with 26 years of experience in rural gas and water pipeline design and construction. He is director of Graves Engineering Corporation and was the New Democrat candidate in the last election in Lacombe-Ponoka. He's a community-minded individual serving on various boards, including the L'Arche board, which is an international federation of communities creating homes and day programs with people who have developmental disabilities. I'm very pleased to ask him today to stand and receive the warm welcome of this Assembly.

The Speaker: The hon. Member for Edmonton-Beverly-Clareview.

Mr. Martin: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to the Assembly Mr. Larry Hansen. Mr. Hansen is a fifth generation cattle rancher from the Bluffton area

near Rimbey. At one point, Mr. Hansen and his brother Jim ran 5,000 head of cattle, employed over 20 workers, owned 16 quarters of land and rented out 50 more, and owned \$1.5 million in farm equipment. At present they stand at zero on all the above accounts. I would also like to introduce Dave King, who is also a farmer from the Rimbey area. I would ask Mr. King and Mr. Hansen to stand and be acknowledged by the Legislative Assembly of Alberta.

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

Mr. Eggen: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to the Assembly Mr. Joe Anglin. Mr. Anglin is a resident of Rimbey, and he has travelled here today to watch the Legislature in action. He is an investment manager and a registered arbitrator, and I am very pleased to have him as a guest here today. I would ask him now to please rise and receive the warm welcome of the Assembly.

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

Mr. R. Miller: Thank you, Mr. Speaker. It is indeed an honour and a privilege for me to introduce to you and through you to all members of the Assembly this afternoon a lady who is not only the vice-president for the Edmonton local of the Alberta Teachers' Association but also an educator at Strathcona high school, and in fact she taught my son. As well, I'd just like to throw in there that Strathcona high school is my high school, so we had an awful lot in common when we shared lunch together today. I would ask Ms Sherry Robbins to please rise and receive the warm traditional welcome of this Assembly.

1:40

The Speaker: The hon. Deputy Premier.

Mrs. McClellan: Mr. Speaker, thank you. Again I would like to introduce the guest I missed. There's a lesson in this for us. When you're in doubt, go with visitors' services. They're never wrong on names. Would Linda Bart please stand and receive the very warm welcome of this House. Sorry, Linda.

The Speaker: The hon. Minister of Advanced Education.

Mr. Hancock: Thank you, Mr. Speaker. It's my pleasure on behalf of my colleague from Edmonton-Mill Creek to rise to introduce to you and through you to members of the Assembly 25 visitors from the Aurora Learning Foundation accompanied by teachers and group leaders Mrs. Monica Dhamrait, Mrs. Elizabeth Befus, Mrs. Heather Burrowes, and Mrs. Margaret Haughton. I'd ask them to rise and receive the traditional warm welcome of the Assembly.

head:

Oral Question Period

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

Enron Activities in Alberta

Dr. Taft: Thank you, Mr. Speaker. This government continues to be weak and ineffective in reaction to the Enron scandal in Alberta. Court evidence from Washington state, where they take these things seriously, reveals a conversation between Enron and TransAlta power traders from January 2001 about setting up a, quote, marriage of convenience, end quote, to take advantage of the Alberta market. The conversation actually details how such manipulation between

two companies could work. My question is to the Minister of Energy. What did the government do to prevent such marriages of convenience, in other words collusion, between Enron and TransAlta?

Mr. Melchin: Mr. Speaker, I'd like to first state that we do take these issues very seriously, and the market surveillance administrator is working very aggressively and actively on behalf of Albertans to see that they are protected. So, first off, the system is working and designed to do exactly that. Investigations did happen back in 1999 of some of these instances specifically mentioned. As to the other transcripts that have come forward, it was the market surveillance administrator that specifically requested those transcripts, has looked into them, and has also forwarded them to the federal Competition Bureau.

The Speaker: The hon. leader.

Dr. Taft: Thank you, Mr. Speaker. Well, given that in September 2003 the Alberta Electric System Operator raised concerns that a plan like that detailed in the Enron/TransAlta conversation had actually been implemented, why did this government ignore evidence that companies were colluding to set power prices in Alberta? Why didn't they do something?

Mr. Melchin: Mr. Speaker, I think it's very important to note that fortunately in this country we do work under the presumption of innocence until we have evidence with the appropriate bodies to judge the merits of that information, and that's exactly what is happening today.

Thank you.

Dr. Taft: There are thousands of pages of evidence, and he will not act.

Has this government or any of its agencies ever investigated the role of TransAlta in potential manipulation of Alberta's electricity market, and if so will it make that information public?

Mr. Melchin: Mr. Speaker, the market surveillance administrator acts on behalf of Albertans, watches all of the transactions every day. It certainly manages those issues. They have also done their preliminary review of these transcripts. From their information that's why they have sent it forward to the Competition Bureau. That's with respect of Enron. But with respect to TransAlta they have also investigated and looked at transcripts that refer to all of these things.

One thing in particular that should be said: it is important that people with the right expertise knowing how to judge these transcripts and in what context they are made do their appropriate assessment of that information, and that's what they have been doing.

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

Temporary Foreign Workers

Mr. Backs: Thank you, Mr. Speaker. Yesterday a secret communications strategy from Suncor was leaked. This document states that this oil sands firm knows Albertan and Canadian tradespeople are available and will be in the future. Its stated reason for temporary foreign workers is to stock an employer-dominated convenience union to get workers for a particular contractor. To the Minister of

Human Resources and Employment: given this latest proof that temporary foreign workers for the Alberta oil sands are indeed replacement workers, why is this government allowing this to continue?

Mr. Cardinal: The process is not to replace Alberta workers here in Alberta. To start with, you know, we shouldn't look at the whole process of the Alberta economy in a negative way. We have one of the best diversified economies in North America, in the oil and gas industry, agriculture, forestry, tourism, science and technology. Now we're moving into value adding. Last year alone, 2004, Mr. Speaker, 40,000 jobs were created by Albertans. That's 31,700 new jobs, and it does create some challenges.

The Speaker: The hon. member can now proceed.

Mr. Backs: Second question to the same minister, Mr. Speaker: given that the leaked communication plan from Suncor states that foreign workers, quote, are expected to cost more than Canadian workers in the long run, end quote, exactly how much more will passing over qualified Albertans for foreign workers cost this province?

Mr. Cardinal: Mr. Speaker, I think the member basically answered his own question, but I may want to add some more. If there is a leaked document, I wouldn't mind if the member would pass a copy on to me because I haven't seen any leaked document.

Again, I'd just like to stress the fact that our policy here in Alberta is to hire local Albertans first, then Albertans, then aboriginal people, then persons with development disabilities, then Canadians. When that is exhausted by the employers out there, they go through this process, which is very, very complicated and costly. So this definitely – it's not a priority for industries here in Alberta to go find workers elsewhere.

Mr. Backs: Mr. Speaker, another question to the same minister. That process was not done in this case. Given that the temporary foreign worker agreement with the feds says that the Alberta building trades must be consulted before permits are issued, I ask the minister simply: why were the proper procedures ignored, and why was this permit issued without them?

Mr. Cardinal: Mr. Speaker, of course, it's a federal issue, but the agreement the member is talking about I believe is under Advanced Education, so the Minister of Advanced Education may want to answer.

The Speaker: Third Official Opposition main question. The hon. Member for Calgary-Currie.

Postsecondary Education Costs

Mr. Taylor: Mr. Speaker, this government is legendary for its poorly conceived privatization schemes, from electricity to the ever-mysterious health care reforms. The ideological urge doesn't stop there, though, because there has also been a conscious decision over and against the expressed interests of Albertans to privatize part of the province's debt right onto the backs of students and their parents. My question is to the Minister of Advanced Education. Will he commit to providing real tuition relief to students by ensuring that institutions don't impose two years' worth of fee increases after the token one-year tuition rebate is over?

Mr. Hancock: Mr. Speaker, what we've committed to and what we've committed to all students and to all Albertans is that we'll do an affordability review, which means that we will look closely at all the costs of attending postsecondary education affordable to the students, looking at all of the costs to students attending postsecondary education, determine what balance of those costs ought to be appropriately shared by the student and their family as opposed to society, and then how we make sure that every student can afford the cost of education. That's the affordability review we're engaged in. When we're completed that review, we will have a new tuition policy proposed and, broader than that, a way forward for every student in Alberta to make sure that they can afford a postsecondary education.

The Speaker: The hon. member.

Mr. Taylor: Thank you, Mr. Speaker. To the same minister: now that this government is free of its debt, will the minister commit to lowering the current debt thresholds for the Alberta student loan relief program?

Mr. Hancock: Mr. Speaker, the hon. member would know, I believe, that very few students in Alberta actually carry a debt load from Alberta; they carry a student debt load from their federal student loans. In Alberta most student loans are totally remitted to those students, so the money that this province puts in is very much taken up in remission to students. Most of the debt that students carry is a federal student loan debt. The other thing that the hon. member would know is that Alberta students have the lowest debt load in the country.

1:50

Mr. Taylor: I'll take that as a no.

To the same minister: why hasn't this government increased student loan living allowances from its current sub-AISH level of \$730 a month, when the cheapest residence at the U of A costs \$622 a month? Could the minister get by on 27 bucks a week?

Mr. Hancock: When I was a student, I probably did exactly that because I was going to school as many students do, living in a student environment and working in a student environment. But times have changed, so we must every year take a look at the living allowances, the cost-of-living allowances, the costs of going to school and adjust appropriately for that. We committed to doing that review and making sure that going to university, going to college, taking a postsecondary education at any level is affordable to students.

The Speaker: The hon. leader of the ND opposition, followed by the hon. Member for Lac La Biche-St. Paul.

Temporary Foreign Workers

(continued)

Mr. Mason: Thank you very much. Mr. Speaker, earlier today the NDP opposition released information showing an average of 6.1 per cent unemployment in Alberta's construction trades. According to StatsCan labour force data, since January 2004 monthly unemployment in the construction area has never dropped below 4 per cent and has been as high as 9.4 per cent. My question is to the Minister of Human Resources and Employment. Given the thousands of qualified Alberta tradespeople ready and available to work on oil

sands projects, why is the government facilitating the entry of 680 temporary foreign workers to take away jobs that should be going to Albertans first, including aboriginal people and immigrants?

Mr. Cardinal: Mr. Speaker, again I'd like just to clarify that the policy that we have here in Alberta, of course, is to hire Albertans first, then aboriginal people, local people, persons with developmental disabilities, Canadians. In relation specifically to that question, if there are thousands of tradespeople out there and there are thousands of jobs, surely between the organizations out there they can match the people.

We try very hard in our own department, Mr. Speaker, and there are other departments that are also involved in that. Under Human Resources and Employment we spent \$280 million to start with in assisting in training people. We have 26 offices, some colocated with the federal government, that provide all forms of employment services, including matching people with employers, providing the supports that are required, resumé writing, posting jobs. I mean, we do almost everything in those offices.

Mr. Mason: Given the smoke, Mr. Speaker, all I can do is repeat the question. Given the fact that in Alberta's construction trades there is 6 per cent unemployment, why is the government bringing in 680 temporary foreign workers?

Mr. Cardinal: Mr. Speaker, there must be something wrong with our system. If there are thousands of jobs available for Albertans and there are thousands of tradespeople that are looking for the jobs, why are they not connected? Like I say, we spent close to \$300 million to do some of the work at the provincial level, but surely there are private employers and the unions and other people that are looking for work that should be able to find the jobs that are out there.

Mr. Mason: Mr. Speaker, the minister is just explaining why he's not doing his own job.

In facilitating the entry of these temporary foreign workers, why is the government putting the interests of big oil and the preferred labour organization CLAC ahead of the best interests of hard-working Alberta trades union people facing continued unemployment?

Mr. Cardinal: Of course, Mr. Speaker, we wouldn't do that here in Alberta. Again, when you talk about the strong economy here in Alberta, all of us should be proud that we have a diversified, strong economy and jobs for everyone.

Now, if for some reason we cannot match the jobs that are available and the tradespeople that are looking for work, then we'd better look at our process to see if there is a gap because the actual approval of the foreign workers is complicated and costly. Employers would not prefer to use that process because it is very, very costly and complicated, and the federal government approves that.

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

Airport Rental Costs

Mr. Danyluk: Thank you very much, Mr. Speaker. As part of the transfer of airports the federal government leases 26 national airport system facilities to nonprofit airport authorities, which consists of two major airports in Alberta. The federal Liberal government requires the authority to pay a substantial rent which is also going to be increased dramatically, and this is despite no longer being

responsible for the running, maintaining, or funding of these facilities. My question is to the Minister of Infrastructure and Transportation. What is the minister doing to address the concerns of airports regarding these significant rent payments?

The Speaker: The hon. minister.

Dr. Oberg: Well, thank you very much, Mr. Speaker. That is an incredibly important question. When the federal government passed on the airports to the airport authorities, the amount of infrastructure that was passed on was roughly \$1.6 billion. Since that time the airport authorities have paid over \$2 billion in rent, and the federal government is indeed increasing the rent to make these not-for-profit airport authorities pay even more money. Ultimately this system goes right through to the air traveller, and these costs are absorbed by the air traveller. We have spent a lot of time in sending letters to the federal Minister of Transport, and I will continue to lobby on behalf of the airports.

The Speaker: The hon. member.

Mr. Danyluk: Thank you very much, Mr. Speaker. My first supplemental is to the same minister. Has his department worked with other jurisdictions to confront the federal Liberal government on the airport rent issue?

The Speaker: The hon. minister.

Dr. Oberg: Thank you very much, Mr. Speaker. Yes, we have. The council of ministers of transportation, Canada, have lobbied the federal government. This is not just an Alberta issue. This is an issue right across Canada. To put it in perspective, the Edmonton airport will go from \$4.3 million a year in rent to \$20 million a year this year. The Calgary Airport Authority will go from \$25 million a year to \$50 million a year. You and I as airport travellers are going to be the ones that bear the cost of this increase in rent.

The Speaker: The hon. member.

Mr. Danyluk: Well, thank you very much, Mr. Speaker. That brings forward my second supplemental. My question again to the Minister of Infrastructure and Transportation: in addition to the freezing and reducing of rent levels, what else is the minister going to try to do to ensure affordable air travel for Albertans?

Dr. Oberg: Mr. Speaker, I think we have to get to the fundamentals of this. The fundamentals are quite simply that the not-for-profit airport authorities were turned over with a value of \$1.6 billion, as I already stated. They have now paid over \$2 billion back to the federal government. I believe that their share of taxation is now done, complete, kaput. Turn over the airports to the airport authorities without rent so that they can run them so that they can pass on the savings to the travelling public. That's the only way that this is going to get better.

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

Automobile Insurance Rates

Mr. R. Miller: Thank you, Mr. Speaker. Alberta auto insurance rates are still high, and they're still frozen. To the Minister of Finance: where are the auto insurance rollbacks?

Mrs. McClellan: Mr. Speaker, as I indicated in the House previously, we have had a discussion with the insurers. There are some 72 companies that insure in this province. I expect to hear in the next day or two as to the final decision on insurance rates in the province, so perhaps tomorrow. If not tomorrow, certainly the next day.

The Speaker: The hon. member.

Mr. R. Miller: Thank you, Mr. Speaker. Given that the last rollbacks averaged less than \$5, how much are they going to be this time?

Mrs. McClellan: Well, Mr. Speaker, we have an Automobile Insurance Rate Board, and that rate board is certainly charged with ensuring that insurance rates for the compulsory insurance that we have to carry on our automobiles in this province are reasonable.

I find it interesting that a reduction of \$5 is somewhat scoffed at whereas if it were an increase of that, it would be of gigantic proportions. However, Mr. Speaker, a reduction did occur, and all of the people that I talked to that received a reduction, either by a \$5 cheque or by a reduction in their renewal or off their policy, were actually quite appreciative of the fact that the insurance reforms in this province worked.

2:00

The Speaker: The hon. member.

Mr. R. Miller: Thank you, Mr. Speaker. Why doesn't this government just do the right thing and protect consumers by significantly reducing premiums immediately?

Mrs. McClellan: Well, as I indicated to the hon. member, I expect that in the next day or two at the latest you will know what the insurance industry in this province is going to do. We do have a rate board, and it is a compulsory review, actually, by October 1. However, as I indicated earlier, because of the profits that were shown in the industry, I wrote immediately to the rate board and asked them for a recommendation. They responded. We reviewed it. I discussed this with the insurance industry, and we will have a response this week.

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

Financial Assistance for Youths

Mrs. Jablonski: Thank you, Mr. Speaker. Some of my constituents have expressed concern about a group of young Albertans who appear to be falling through the cracks. These are young people aged 16 to 19 years who require financial assistance so that they can complete their high school education. I'm told that these teenagers are required to leave school in order to be eligible for funding so that they can go to school. My question is for the Minister of Human Resources and Employment. Can you clarify if 16 to 19 year olds are required to drop out of school for one year so that they can receive financial assistance to attend school?

The Speaker: The hon. minister.

Mr. Cardinal: Thank you very much, Mr. Speaker. I just want to mention that financial assistance is available to eligible youth while they are attending the regular school system. It was discovered under our regulations that some 16 to 19 year olds who had previ-

ously been supported to attend school were no longer eligible, but very quickly we addressed that issue. Now youth are considered for support if they are attending the regular school system and if there is a family breakdown that results in the youth having to live independently or they are a single parent or they are living independently with a partner over 18.

The Speaker: The hon. member.

Mrs. Jablonski: Thank you. To the same minister. As you mentioned, your department helps youth live independently. Is the government using taxpayers' dollars to help kids move out of their family homes?

Mr. Cardinal: No, Mr. Speaker. That is not so. The government has never funded youth, in fact, to move out of their family homes. Families, as you know, have the primary responsibility for the caring of their children. We are committed to supporting families by providing a number of services, actually, that assist Albertans here, some through Children's Services of course.

Mrs. Jablonski: Then to the same minister: is this funding available to youth who wish to take skills training?

Mr. Cardinal: Yes, Mr. Speaker, students are eligible for skills training. Persons have to be 18 or older of course.

The Speaker: The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Calgary-Fort.

Hydropower Purchase Arrangements

Mr. MacDonald: Thank you, Mr. Speaker. Here in Alberta the EUB concluded on April 16, 2002, that TransAlta's hydro offer pricing strategy caused undue increases in the Power Pool price in certain hours of 2000 to the ultimate detriment of customers. The board ordered TransAlta to make a compensation payment of \$3.7 million within two weeks. My first question is to the Minister of Energy. Why were hydrogenerating units such as Bighorn and Brazeau, which are owned by TransAlta, excluded from the original power purchase arrangement auctions?

Mr. Melchin: Mr. Speaker, I don't have all the specifics that are related to that. I'll be happy to look into that and advise him accordingly.

Mr. MacDonald: Again, Mr. Speaker, to the same minister: why are actual water rental and associated charges paid by TransAlta regarding the matter also determined by TransAlta?

Mr. Melchin: Once again we're going back to specific incidents that happened a couple years ago. I'd be happy to look into it and advise him.

The Speaker: The hon. member.

Mr. MacDonald: Thank you, Mr. Speaker. Again to the same minister: why are so many terms of the hydropower purchase arrangements confidential and, therefore, withheld from the public, who are the owners of the water, the resource that's used to generate the electricity?

The Speaker: The hon. minister.

Mr. Melchin: Thank you, Mr. Speaker. Many documents are held confidentially in respect of protecting businesses and their confidential interests.

With respect to that specific one, we previously answered the question. These are very specific, isolated incidents that we'd be happy to follow up and advise on.

The Speaker: The hon. Member for Calgary-Fort, followed by the hon. Member for Calgary-Varsity.

Workplace Safety

Mr. Cao: Well, thank you, Mr. Speaker. My constituency of Calgary-Fort has many small businesses and shops that employ many of my constituents. Safety at work is their concern. Recently two Calgary gas stations were robbed at knifepoint, and an employee who was working alone was stabbed. Given that the working alone regulation was passed some years ago in response to the tragic murder of Tara Ann MacDonald, a young woman working at a fast-food restaurant, and in light of this recent incident, my question is to the Minister of Human Resources and Employment. Is the minister considering any changes to the regulation?

The Speaker: The hon. minister.

Mr. Cardinal: Thank you very much, Mr. Speaker. That is a very good question. Incidents like these are terrible incidents to have happen, but they are the result of a crime, and there's no evidence to show that if you had more than one person working, they'd be different. However, I am prepared to review the regulations, and if I feel that changes need to be made, of course I will be taking them through the process. Just for interest, no province prohibits working alone here in Canada.

Mr. Cao: My next question is to the same minister. What steps has the minister taken to ensure that employers are aware of the regulation that protects hard-working constituents?

Mr. Cardinal: Mr. Speaker, we do try very hard. Of course, through some of our offices we've distributed over 140,000 copies of a best practices guide called Working Alone Safely.

Mr. Cao: My last question is to the same minister. What is being done to make sure that employers are meeting their obligations for the safety of the employees?

The Speaker: The minister.

Mr. Cardinal: Yes, Mr. Speaker. Again that's a very good question. It's not self-regulated. We do have occupational health and safety officers that can go out and inspect any work site without advanced announcement.

The Speaker: The hon. Member for Calgary-Varsity, followed by the hon. Member for Edmonton-Calder.

Construction Projects in University Heights

Mr. Chase: Thank you, Mr. Speaker. University Heights residents received very little consultation when the Children's hospital, the bone and joint institute, and the research centre were shoehorned into their community. With the planned widening of 16th Avenue both their patience and their community's development have reached the saturation point. My question is to the hon. Minister of Infrastructure and Transportation. Will the minister briefly outline the

process his department employs to hear, evaluate, and incorporate affected stakeholders' concerns?

The Speaker: The hon. Minister of Infrastructure and Transportation.

Dr. Oberg: Thank you very much, Mr. Speaker. Any time there is a project, whether it be in the city of Calgary or whether it be elsewhere in the province, there is a strict procedure that is followed in order to ensure that the projects have as little community impact as possible. This one was followed with respect to the project that the hon. member is talking about, and indeed there were some residents of the community that were not entirely happy. However, it is an extremely, extremely important project, and we're doing everything that we can to ensure that the issues with the community are minimal.

2:10

The Speaker: The hon. member.

Mr. Chase: Thank you. To the same minister: if after this initial consultation citizens still have objections, what recourse do they have from this government?

Dr. Oberg: Well, first of all, Mr. Speaker, what we attempt to do is to hear the concerns of all the affected people, and we tend to act on them. I'll give an example. In one particular project with the Children's hospital there are approximately 400 trees that have to be uprooted and moved. One hundred and sixty-three of those trees are being moved, and we're actually in the process of planting more trees than the 400 that were originally there. That particular roadway is extremely important because it provides a direct access between the Foothills medical centre and the new Alberta Children's hospital over 16th Avenue, so the access for doctors, the access for medical personnel is extremely important. What we've attempted to do is deal with the issues that face the communities and attempt to come to a satisfactory conclusion.

The Speaker: The hon. member.

Mr. Chase: Thank you, Mr. Speaker. My last question to the same minister: will University Heights residents receive compensation from this government for their devalued property and lost community reserve land?

Dr. Oberg: Mr. Speaker, I would be very, very surprised if University Heights people see their property values go down. There's a lot of development that is going on in there, and obviously the development in Calgary is at an extremely high rate right now. Again, it is a necessary part of development in Calgary and in every community where roads are put in. With roads there are people that are going to be inconvenienced. There are people that are not necessarily going to like what is happening. However, my department and certainly the city in this case, as well, go to whatever extent needed to ensure that those complaints are kept to a minimum, and we will continue to do that.

The Speaker: The hon. Member for Edmonton-Calder, followed by the hon. Member for Calgary-Bow.

Climate Change

Mr. Eggen: Thanks, Mr. Speaker. Trying to figure out where this government stands these days is somewhat like herding cats. Not a week goes by that we don't see MLAs going off in one direction

policywise and the Premier in another. The latest instance is on the climate change file. Last week I met with the Canadian Association of Petroleum Producers and with Suncor, who said to me that above all they want certainty, and that's precisely not what they're getting from either Ottawa nor the Alberta government. My question is to the Minister of Environment. When is this government going to set firm targets for large industrial emitters to stabilize and reduce their greenhouse gas emissions?

The Speaker: The hon. minister.

Mr. Boutilier: Thank you, Mr. Speaker. First and foremost, let me correct the hon. member. In terms of what Alberta is doing, it is exactly that. We're the only province in Canada that has legislation in place approved by the Members of this Legislative Assembly. That does provide certainty in achieving the objectives that the hon. member is talking about.

Mr. Eggen: Given that this government's Kyoto plan is based on the discredited concept of reducing emission intensity, why won't the minister admit that this so-called climate change plan he describes will in fact cause a 40 per cent increase in emissions here in this province?

Mr. Boutilier: Mr. Speaker, the province of Alberta is the only province in Canada that has an agency referred to as Climate Change Central. Tomorrow myself and the Minister of Energy will be in Ottawa meeting with my counterpart, the Minister of the Environment, Stéphane Dion, as well as Minister Efford in terms of trying to mitigate the uncertainty that he is making reference to in protecting the environment that we all cherish in this province.

Mr. Eggen: If this government really wants to fight climate change, why won't it implement the NDP plan to help Alberta families retrofit their homes through interest-free loans that are repaid from energy savings on utility bills?

Mr. Boutilier: Mr. Speaker, the province of Alberta is again the only province in Canada that has Municipal Energy First through the Ministry of Municipal Affairs on exactly the point of energy efficiency. In fact, if you want to get your furnace retrofitted to be more energy efficient, the province of Alberta through Climate Change Central offers a rebate up to \$300 per furnace.

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

Payday Loans

Ms DeLong: Thank you, Mr. Speaker. The payday loans industry has seen rapid growth in the last few years. From my constituents and from my involvement in the AISH review I have been hearing about serious problems with some of these companies regarding their interest rates and collection practices. My question is for the Minister of Government Services. What is Alberta doing to protect Alberta consumers?

Mr. Lund: Mr. Speaker, currently in Alberta we don't have any specific regulations that apply just to the payday loan industry. However, they are subject to the Fair Trading Act, and of course under that act they must reveal what their costs of credit are, how much they're charging for it, and also their service charges. As you know, there are amendments before the House in Bill 6 dealing with

the Fair Trading Act. Under that act it will be against the law for a payday loan company to actually seize a paycheque in order to secure a loan.

We are currently working with the federal/provincial governments to come up with an across-the-country standard and probably some legislation because, quite frankly, this industry is important, and we know, having met with many of them, that they would like to see regulations that would govern the industry across Canada.

The Speaker: The hon. member.

Ms DeLong: Thank you, Mr. Speaker. To the same minister. I understand that consumer advocates are requesting that this government limit the interest rates these payday loan companies can charge. Are you planning to do that?

Mr. Lund: Mr. Speaker, unfortunately, the interest rate that anyone can charge is a federal regulation, so we cannot unilaterally control those prices. However, we are working, as I said earlier, across the country to try to establish something with the federal government that will deal with all of these issues.

The Speaker: The hon. member.

Ms DeLong: Thank you. When can we expect to hear back from that committee?

Mr. Lund: Well, we're hoping that by midsummer we will have reached some kind of understanding and agreement. We will be meeting face to face in June.

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

CT Scans

Ms Blakeman: Mr. Speaker, almost three years ago when two private clinics began offering preventative CT scans, the Alberta Liberal opposition raised serious concerns regarding the effectiveness and safety of those scans. Since that time, the issue of safety has continued to be raised about these CT scans, including a recent article in the peer-reviewed journal *Radiology*, which found that full-body CT scans can lead to increased cancer mortality risks. My questions are to the Minister of Health and Wellness. What restrictions has the Department of Health and Wellness placed on these private clinics offering private CT scans?

Ms Evans: Mr. Speaker, I am not familiar with the article that has been cited by the hon. member opposite. I should assure you, however, that when there is work done with private clinics – for example, the work that was done on the bone and joint allocation last year with the Calgary health authority – there is a very detailed and thorough review of the capacity of any clinic to engage in any kind of performed duties. I'm very satisfied that proper protocols are in place when such an agreement is made. In fact, I just reviewed patient safety and progress with those types of agreements yesterday, and I'd be pleased to address any concerns that are reported by the hon. member opposite.

The Speaker: The hon. member.

Ms Blakeman: Well, thank you. To the same minister and specific to these preventative CT scans: what evaluations has your depart-

ment done of these private clinics in Calgary offering customers private CT scans?

Ms Evans: Mr. Speaker, since the formation of regional health authorities much of the work relative to patient safety has been delegated to the health authorities. They have engaged in proper processes for assessing the types of care that is offered. I am sure that if I am given a day to look specifically into the CT scans, anything that has been done there, I will find out that there is significant work, mitigating measures, and that patient safety is protected.

2:20

The Speaker: The hon. member.

Ms Blakeman: Thank you. Final question. Again to the same minister: can the minister explain, if a doctor's referral is needed and if additional symptoms are present, why these scans are not being paid for by the public system? If they're medically necessary, why aren't they being paid for?

Ms Evans: Mr. Speaker, I'll be happy to answer that question tomorrow.

Veterans' Licence Plates

Mr. Lougheed: Mr. Speaker, the Alberta government recently introduced a special licence plate to honour our veterans. However, my neighbour tells me that he's unable to have one of these special veterans' plates for his farm pickup, which is his only vehicle. Could the Minister of Government Services confirm that he's considering a change in this policy?

Mr. Lund: Mr. Speaker, when we were working with the Alberta-Northwest Territories Command of the Legion on this whole program, there was an oversight when the decision was made that commercial vehicles would not be allowed to have one of these plates. The oversight was that farm vehicles – pickups have been mentioned – are registered under our registry as commercial vehicles. So when we came about to start registering these vehicles, we discovered that the system would not accommodate them. So we have made the changes. Probably in another month or so the folks that do qualify through the Legion will also be able to get these stickers.

Mr. Lougheed: Mr. Speaker, to the same minister: does this mean that other commercial vehicles will also be eligible for these plates?

Mr. Lund: No, Mr. Speaker. It will be only those that are registered as farm vehicles.

Mr. Lougheed: Mr. Speaker, since several people have already been told that they will not be able to have these plates for their farm vehicles, does the minister have a way of communicating this information to them so they can reapply?

Mr. Lund: Mr. Speaker, we have already sent out notices to the Legions across the province, so they will be able to contact folks that have been approved but unable to get the licence plates. We're sending it out also to all of the registries so that they will also know. Also, we'll let the individuals that have applied but were rejected know as well.

The Speaker: The hon. Member for Lethbridge-East, followed by the hon. Member for Whitecourt-Ste. Anne.

Homeless Shelters

Ms Pastoor: Thank you, Mr. Speaker. The system of grant funding for homeless shelters in Alberta is not working. It leaves homeless shelters begging at the end of the fiscal year when their grants run out. To the minister of seniors: will the minister be reviewing the current application process to establish a more sustainable funding formula so that homeless shelters are not on the brink of closing before they receive this funding?

The Speaker: The hon. Minister of Seniors and Community Supports.

Mrs. Fritz: Thank you, Mr. Speaker. I'd like to begin by thanking the municipalities and community partners, the agencies that do provide emergency shelter services for homeless Albertans. As the hon. member knows, the situation for the homeless is very complex, but so are the solutions, and it isn't just necessarily solutions regarding housing. It's other issues such as mental breakdown, substance abuse, and whatnot.

We do, though, provide funding, Mr. Speaker, that is fairly substantial for homeless emergency shelters. For example, we provide \$14 million in operational funding to 22 shelters, which provides about 2,100 spaces. Also, over the past five years we've provided \$15 million to provide 2,500 new spaces in Alberta for the homeless. The member has mentioned the operational grant. That, as I indicated, is fairly substantial at \$14 million.

The Speaker: The hon. member.

Ms Pastoor: Thank you. To the same minister: given that homelessness and the use of food banks is on the rise in this province, will the minister commit to long-term funding increases to match the increases in Alberta's homeless?

Mrs. Fritz: Well, that's a very interesting question, actually, Mr. Speaker, and I think fairly significant too because I have met with a number of people that operate the homeless shelters. Part of that has been discussions regarding the food bank, and I can tell you, hon. member, that I will be looking at that following the budget.

The Speaker: The hon. member.

Ms Pastoor: Thank you. My hon. colleague must have been reading my mind because my next question is to the Minister of Finance. Given that shelters are four days away from the end of the fiscal year and their budgets hinge on these grants, when will this ministry develop a budget so that the homeless will be protected?

Mrs. McClellan: Mr. Speaker, I think the hon. member is aware that each department is responsible for developing their budget, and each department minister takes that very, very, very seriously. All of the departments' business plans are put together with great care and with great time, looking at all of those areas, and I know that the Minister of Seniors and Community Supports is dealing very diligently with this. At the appropriate time that department's budget will come forward, and you will have the opportunity to debate those numbers and the accommodation that's in it.

The Speaker: The hon. Member for Whitecourt-Ste. Anne, followed by the hon. Member for Edmonton-Ellerslie.

Agricultural Income Stabilization Program

Mr. VanderBurg: Thank you, Mr. Speaker. Earlier this month the hon. Member for Little Bow stood up and asked about the long waits our cash-strapped producers are enduring before they receive their CAIS payments. Well, it's near the end of the month, and so are my producers in Whitecourt-Ste. Anne. With input costs like fuel, fertilizer, and seed going up every year, rural producers are having some tough decisions to make. My questions are all for the Minister of Agriculture, Food and Rural Development. How can our ag producers make business decisions about their operations if they don't have the cash on hand?

The Speaker: The hon. minister.

Mr. Horner: Well, thank you, Mr. Speaker. As I mentioned in the House earlier, all programs have growing pains, and the Canadian income stabilization program is no exception, or CAIS as we call it. The CAIS program has had an overwhelming interest from producers in the province. In fact, for the 2003 claim year alone more than 25,000 Alberta producers submitted their applications, and over half of those were done in the last two months after extending the deadline.

Getting the CAIS payments and advances out to producers is a priority. It's taking longer than we had hoped. AFSC has spent a great deal of effort trying to get those payments out by putting on extra shifts, by introducing a call line, by extending the hours of operation. Additionally, to help producers face acute cash flow problems, we did introduce advance payments for the 2003-2004 year, which are not available in all provinces. So as soon as an application is received, we are committed to getting those advances out. It's important to understand that the producers have to have completed applications, or it does delay those things, but so far \$190 million in payments for the 2003 year has been paid out.

Mr. VanderBurg: Well, thank you for that partial answer. But if the program is not working to get the cash in the hands of my producers who qualify for it, Mr. Speaker, obviously some changes need to be made to this program. What program changes need to occur?

The Speaker: The hon. minister.

Mr. Horner: Well, thank you, Mr. Speaker. A good question and I was trying to say that we believe that we're going to have all of the 2003s done very, very soon, prior to the end of this month. We believe that a further \$260 million in advances and final payments has already been approved for the 2004 year.

As far as the CAIS program is concerned – and producers will be interested to know this – the CAIS program is a whole farm income program. It's designed to stabilize income over the period of the five-year term, the Olympic average. We know that Alberta producers are suffering right now. We have kind of a perfect storm going here in the sense of low grain prices, BSE, high input costs, high fertilizer costs, high fuel costs. CAIS is a national program. We want to maintain that.

Mr. VanderBurg: This is a very serious issue, and my producers are asking me on the weekends when I get home: is CAIS the most

appropriate vehicle to deal with high input costs, or are ad hoc programs the way?

The Speaker: Hon. minister, we're getting into opinion here now. Let's get policy.

Mr. Horner: Well, Mr. Speaker, the policy of Alberta Agriculture is that we're going to continue with the CAIS program because we believe it is the program for the future of agriculture, but we are making it a priority to talk to the federal/provincial ministers this July. We're going to ensure that that's the priority to talk about: how we can make the CAIS program more responsive, how we can make the reference margins more realistic to what the farm operation is. We are also talking about some options and working with my federal counterpart to look at some of those options to help the seeding for this year and for this new crop year.

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

2:30

Library Funding

Mr. Agnihotri: Thank you, Mr. Speaker. Last night the government voted against Liberal Motion 502, which asked the government to eliminate fees for library cards in tribute to the late the Honourable Dr. Lois E. Hole. The Liberal opposition is extremely disappointed by this result as free access to libraries was one of Lois Hole's core beliefs. My question is to the Minister of Community Development. Last Monday in this Assembly the hon. Minister of Education stated that the per capita funding for public libraries should be increased. Will this government listen to the hon. minister and commit to increasing the per capita funding formula for public libraries?

Mr. Mar: Mr. Speaker, the hon. member will have to wait for the budget.

Mr. Agnihotri: To the same minister: given that this government can find \$133 million in the budget for horse racing in four years, why can't they find \$4 million to support learning in Alberta? What's more important?

The Speaker: We're into opinion here now again.

Mr. Mar: The issues are unrelated, Mr. Speaker.

Mr. Agnihotri: Again to the same minister: given that the Ministry of Education encourages literacy, why is this government opposed to providing Albertans with a tool to encourage lifelong learning?

Mr. Mar: That is patently untrue, Mr. Speaker. I can tell you categorically that Albertans love their libraries. They are among the highest per capita users of libraries anywhere in this country. Some 30 million materials are circulated each year. This province has some 300 libraries, many of them, over half of them, serve communities of fewer than 1,200 people. They run over 36,000 different community-based programs.

Mr. Speaker, I wish to point out this incorrect notion that the hon. member has left this House, and that is that people cannot access libraries without a library card. That is patently untrue. Anybody can enter a public library at any time.

Now, Mr. Speaker, there are library fees, not for the use of the library but for library cards, which will allow you to take materials

out. Now, in other provinces they may not charge library card fees, but they do charge for the borrowing of materials. They might be audiovisual materials. They might be interlibrary loans. They might be used for databases or other materials of the like.

So, Mr. Speaker, the reality is that the overwhelming number of Albertans recognize the value of their libraries, this government recognizes the value of its libraries, and it's demonstrating itself in the utilization rates of libraries in this province.

Speaker's Ruling Items Previously Decided

The Speaker: Hon. members, the chair allowed the hon. Minister of Community Development to go beyond the 45-second guideline simply because Standing Order 23(f) may have been called into question with respect to this last series of questions. I'd ask the member to study and read Standing Order 23(f).

head: **Members' Statements**

The Speaker: In 30 seconds, hon. members, we shall proceed.
The hon. Member for Wetaskiwin-Camrose.

Rural Tourism Conference

Mr. Johnson: Thank you, Mr. Speaker. It's my pleasure to talk about the 2005 Rural Tourism Conference called What's the Big Idea?, that just took place in Camrose from March 7 to 9 at the Camrose Regional Exhibition.

The conference has been known for its positive impact on the rural tourism industry in Alberta. This year 225 delegates along with 20 speakers and guests attended the conference, where they had the opportunity to exchange ideas and discuss experiences with stakeholders in rural tourism from across Alberta. Delegates and guests were also treated to a Showcasing Alberta evening by celebrating Alberta's 100th birthday on a train ride on Alberta Prairie Railway Excursions in central Alberta.

In its fifth year the concept of a rural tourism conference was brought forward by the Camrose Regional Exhibition. This is one way that the CRE demonstrates its commitment to agriculture and rural development, two integral components to the future of a strong rural Alberta, that is being championed through the rural development strategy advanced by the Member for Battle River-Wainwright. By enabling communities and tourism operators to offer strong and more relevant tourism experiences, the conference allows communities to develop new revenue streams and employment to their communities. Through its support the government of Alberta can proudly say that it is taking steps to meet the goals of the rural development strategy.

The conference was a great success due to the partnership between the CRE, Travel Alberta, Alberta Agriculture, Food and Rural Development, and Alberta Economic Development and the support from sponsors like the Calgary Stampede, Northlands Park, the city of Camrose, and Western Economic Diversification Canada among many others. The conference went ahead without a hitch thanks to the great crew from MIH Consulting in Camrose, who managed the conference.

The response from conference participants was very positive and shows the potential and excitement that exists in rural Alberta to develop a strong and vibrant future. Due to the continuous positive response the organizers are preparing for a bigger and better conference in 2006.

Thank you.

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

Great Kids Awards

Mr. Cao: Thank you, Mr. Speaker. I would like to speak about an event I attended to honour a young constituent of my Calgary-Fort constituency.

The annual Albertan Great Kids awards was initiated by our Premier and Dr. Colleen Klein together with the Minister of Children's Services over five years ago. This excellent idea encourages and recognizes young Albertans for their outstanding contribution to society.

At the sixth annual Great Kids awards on March 13, 19 outstanding Alberta children were honoured for making a difference at home and in their communities. In honour of Alberta's centennial this year's awards make a total of 100 Great Kids honoured across Alberta since its inception. Each contributed in their own way to the betterment of our society, perhaps not even knowing about their impact. These children have integrity, personal optimism, and drive that adults have to admire. They generally have overcome challenges with a compassion that inspires us all.

The 19 award recipients this year were selected from among 181 nominations, and these outstanding children are: Brendan Bellingham, 6 years old; Kathleen Griffin, 7; Joseph Kemper-Vela, 8; Morgan Mombourquette, 8; Dakota Beaver, 10; Serina Nooitgedagt, 11; Summer Satre, 11; David Smith, 11; Christianna Wood Roddick, 10; Gabriel Diggs, 14; Alyse Geiger, 13; Cassandra Just, 14; Angela Enokson, 14; Jared Potts, 14; Fiona English, 16; Deryck Scott Reade, 17; Jennifer Ross, 17; Alaina Smith, 16; and Justin Yaassoub, 17.

Each recipient received prizes from IBM, TransCanada, Fantasyland Hotel, and West Edmonton Mall. I want to congratulate them.

Thank you.

2:40

The Speaker: The hon. Member for Grande Prairie-Smoky.

Walter Paszkowski Agricultural Legacy Endowment

Mr. Knight: Thank you, Mr. Speaker. On Saturday last an enthusiastic crowd of over 300 supporters gathered in a hotel ballroom in Grande Prairie to honour a former member of this Assembly. The occasion was the announcement of NAIT's Walter Paszkowski agricultural legacy endowment co-ordinating agricultural research and training in the Peace region of Alberta, British Columbia, and beyond.

The fund has been established to nurture the continued growth of agricultural leadership in the Peace region. Commitment from the Alberta government, the corporate sector, agricultural producer groups, and the Northern Alberta Institute of Technology will enable this endowment to become self-sustaining. Revenues from investment of the fund will be utilized to provide a wide range of services in the agricultural community throughout the region.

Agriculture innovator, Alberta government cabinet minister, community leader, scholar, active volunteer: all of these words, Mr. Speaker, describe Walter Paszkowski, whose commitment to the people and prosperity of our region is second to none. In 1953 Walter was part of the inaugural graduating class of the Fairview School of Agriculture. Graduating with honours, his academic success started him on the path to an impressive record of international, national, and provincial achievement.

His work as a grower, researcher, and developer of canola varieties has proven vital. Walter founded the Grow with Canola

committee, recognized as the most successful program of its kind in the world.

Walter's political life encompassed stints as a school trustee, hospital board director, town councillor, and mayor before he was elected MLA for Grande Prairie-Smoky, a position he held for 12 years. His provincial political tenure included posts as Minister of Agriculture, Food and Rural Development, Minister of Municipal Affairs, minister of transportation and utilities, and numerous other positions where Walter's expertise was invaluable.

The naming of this endowment to honour a true Albertan whose heart is in the agricultural sector is truly outstanding. Congratulations, Walter Paszkowski.

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

Community Schools

Mr. MacDonald: Thank you, Mr. Speaker. This government's school utilization policy wreaks havoc on both rural and urban school boards. Here in Edmonton the public school board has been forced by the provincial government to close schools in central areas of the city with low enrolments. This is bad public policy, resulting in less public infrastructure for residents of central neighbourhoods.

What is missing from this government's flawed utilization policy is a community school concept. Previous Progressive Conservative governments supported this concept. To date this government does not.

Public schools can be used for far more than just classroom instruction. Public schools play host to daycares, playschools, counselling services, sports events, community outreach, and many other services. If the utilization formula took into account the numerous ways that a school serves the community, many communities would not be facing the closure of their schools.

To remove hundreds of classroom spaces from four neighbourhood communities in central Edmonton is wrong. These communities are showing changing demographics. As population densities increase, the need for these school spaces will increase. These schools are the lifeblood of their respective communities. Their closure would result in a utilization rate of 109 per cent in the junior high schools that the public board wants our displaced children to attend. What happened to the government's promise in response to the Learning Commission to reduce crowded classrooms?

The Official Opposition has long advocated for a community schools policy to help schools form partnerships with community groups offering child care, after school care, social services, and public health care. These schools should be designated as community schools by the school boards and be exempt from closure.

Public school parents were pleased to learn on March 8 that the provincial government is considering a more effective utilization formula. We need to stop this closure process until the government introduces a new utilization formula. All our remaining public schools are a legacy paid for by taxpayers. All communities deserve and need their public schools.

Thank you, Mr. Speaker.

head:

Presenting Reports by Standing and Special Committees

Dr. Brown: Mr. Speaker, in accordance with Standing Order 94 the Standing Committee on Private Bills has reviewed the petitions that were presented yesterday, Monday, March 21, 2005, and can advise the House that the petitions comply with Standing Orders 85 to 89.

Mr. Speaker, this is my report.

The Speaker: Hon. member, will you be moving that the report be concurred in?

Dr. Brown: Yes.

The Speaker: On the motion put forward by the hon. member, would all hon. members of the Assembly agreeing to the motion please say aye.

Hon. Members: Aye.

The Speaker: Opposed, please say no. The motion is carried.

Hon. members, this is a bit unusual to do this under this segment of the Routine, but I'm going to table five copies of the report of the Select Special Health Information Act Review Committee. This committee was established during the last Legislature. This is unusual to do it at this point as the committee no longer existed with the dissolution of the Legislature and the calling of the election, and the chair is tabling this report at this time to ensure that the records of the Legislative Assembly are comprehensive and complete.

head:

Presenting Petitions

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

Mr. Elsalhy: Thank you, Mr. Speaker. I am happy to be presenting a petition to the Legislative Assembly to urge the government of Alberta to prohibit the importation of temporary foreign workers to work on the oil sands when other groups have unemployment, as in aboriginals, unemployed youth, unemployed landed immigrants, and displaced farmers.

Thank you.

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

Mr. Taylor: Thank you, Mr. Speaker. I'm pleased to present a petition bearing a hundred names of people primarily in Edmonton, Spruce Grove, and Sherwood Park again urging the government of Alberta to "prohibit the importation of temporary foreign workers to work on the construction and/or maintenance of oil sands facilities and/or pipelines" until unemployed Albertans, Canadians, aboriginals, youth under 25, landed immigrants, and displaced farmers have been given said jobs.

The Speaker: The hon. Member for Edmonton-Beverly-Clareview.

Mr. Martin: Thank you, Mr. Speaker. I'd like to table a petition with 548 signatures. The petition calls for increased funding for improvements to highway 63.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. I would like to present a petition to the Legislative Assembly signed by 105 Albertans. This petition reads:

We the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government of Alberta to prohibit the importation of temporary foreign workers to work on the construction and/or maintenance of oil sands facilities and/or pipelines until the following groups have been accessed and/or trained: Unemployed Albertans and Canadians; Aboriginals; unemployed youth under 25; under-employed landed immigrants; and displaced farmers.

Thank you.

head: **Introduction of Bills**

The Speaker: The hon. Member for Dunvegan-Central Peace.

**Bill 32
Animal Keepers Act**

Mr. Goudreau: Thank you, Mr. Speaker. I rise today to request leave to introduce Bill 32, the Animal Keepers Act, for first reading.

This bill will update and replace the current Livery Stable Keepers Act. It provides animal keepers with a mechanism to better recover costs associated with stabling, boarding, feeding, and caring for an animal.

[Motion carried; Bill 32 read a first time]

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I move that Bill 32 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

The Speaker: The hon. Minister of Agriculture, Food and Rural Development.

**Bill 33
Stray Animals Amendment Act, 2005**

Mr. Horner: Thank you, Mr. Speaker. I rise today to request leave to introduce Bill 33, the Stray Animals Amendment Act, 2005, for first reading. This being a money bill, His Honour the Honourable the Lieutenant Governor, having been informed of the contents of this bill, recommends the same to the Assembly.

The Act provides a mechanism to recover costs associated with capturing, confining, impounding, identifying, maintaining, transporting, and selling livestock and trespass, Mr. Speaker. The proposed changes will clarify the use of the act and make minor changes to promote public safety.

[Motion carried; Bill 33 read a first time]

head: **Tabling Returns and Reports**

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

Mr. Stevens: Thank you, Mr. Speaker. I have the requisite copies of a letter from myself to the Leader of the Official Opposition regarding issues regarding Chief Justice Fraser in a letter from the leader to yourself dated March 3, 2005, and tabled in the Legislative Assembly of Alberta on March 3, 2005.

2:50

The Speaker: The hon. Member for Edmonton-Beverly-Clareview.

Mr. Martin: Thank you, Mr. Speaker. I would like to table the appropriate number of copies of a document prepared by Statistics Canada. The document shows high levels of unemployment in the construction trades.

Thank you.

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

Mr. Eggen: Thank you, Mr. Speaker. I would like to table the appropriate number of copies of a document entitled A Clean and Sustainable Tomorrow. The document details the NDP opposition's proposals for meeting the targets set out in the Kyoto protocol.

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

Ms Blakeman: Thank you, Mr. Speaker. I've two tablings today. The first is from Jane Ballantine, the president of the Alberta Medical Association, in support of Bill 201, Smoke-free Places Act.

The second tabling is a package of correspondence from constituent Brad Molnar, who makes an excellent case against section 8. Mr. Molnar is with local union 424 and wonders why the government can put big oil companies' profits above the workers' rights, which took 75 years of hard work to achieve.

Thank you, Mr. Speaker.

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

Mr. Taylor: Thank you, Mr. Speaker. It's my pleasure today to table the appropriate number of copies of the report A Plan for Alberta's Universities, prepared by the Council of Alberta University Students. In it, among other things, they make the point that it is vital to guarantee access to Alberta's postsecondary education system by addressing deficiencies in the student loans program.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. I have one tabling this afternoon, and that's a fact sheet on Strathearn school, a community school that offers excellent educational opportunities to its students with neighbourhood access.

Thank you.

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

Mr. Backs: Thank you, Mr. Speaker. I've got a tabling of five copies of five letters, handwritten letters nonetheless, from concerned Albertans looking to have temporary foreign workers abolished for work in the tar sands in Alberta.

head: **Tablings to the Clerk**

The Clerk: I wish to advise the House that the following documents were deposited with the office of the Clerk. On behalf of the hon. Ms Evans, Minister of Health and Wellness, pursuant to the Health Facilities Review Committee Act, the Alberta Health Facilities Review Committee annual report 2003-2004.

On behalf of the hon. Ms Evans, Minister of Health and Wellness, pursuant to the Health Professions Act, the College of Physical Therapists of Alberta 2003-2004 annual report, the Alberta Dental Association and College annual report 2004, the College of Licensed Practical Nurses of Alberta 2003 annual report, the Alberta Dental Hygienists' Association 2003 annual report, the College of Alberta Denturists' annual report 2003, the College of Dietitians of Alberta annual report 2003-2004, the Alberta College of Social Workers' annual report 2003.

On behalf of the hon. Mr. Cardinal, Minister of Human Resources and Employment, a document dated February 3, 2005, entitled Process to Apply for Temporary Foreign Workers.

head: **Orders of the Day**

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

**Bill 7
Health Statutes Amendment Act, 2005**

[Adjourned debate March 15: Mr. Mitzel]

The Speaker: The hon. Member for Cypress-Medicine Hat.

Mr. Mitzel: Thank you, Mr. Speaker. I concluded my remarks when I adjourned debate last Tuesday, but I look forward to hearing any comments or questions which the hon. members may have, and I'll attempt to address these at the conclusion of this debate.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'm pleased to have the opportunity to rise today and speak in second reading to Bill 7, the Health Statutes Amendment Act. I'll just note briefly, as we start, a historical change.

This is an omnibus bill in that it's changing a number of statutes: the Health Care Insurance Act, Government Organization Act, Health Care Protection Act, Health Professions Act, Fatality Inquiries Act, and I think the Alberta Heritage Foundation for Medical Research Act and some others. We used to, through previous Standing Orders, be allowed a longer period of time to speak to omnibus bills because there was obviously more than one being altered, and it recognized the complexity of having more than one bill being discussed at one time. Those Standing Orders are no longer available to us, so just a little historical note there when I see a bill like this.

Essentially, Mr. Speaker, this a fairly straightforward act giving us some minor administrative changes. I almost think parts of it could in fact have been done under miscellaneous statutes; nonetheless, I'm always glad to see an act that gets to come out and breathe in the clear light of day in this Assembly and be open for all members to comment upon it.

There are a number of sections in the bill where we're looking at clarifying certain definitions and also recognizing name changes that have happened, colleges and some amending health statutes. So most of what we see in here is actually around names changes from things like "The Alberta Dental Association and College" to a lower case "the Alberta Dental Association and College." In a number of other cases it's around "College of Physicians and Surgeons of the Province of Alberta" to "College of Physicians and Surgeons of Alberta." So it's a minor change; nonetheless, because it's in legislation, it comes before the Assembly to be altered.

There are a few other areas that are a bit more substantive. The act is dealing with or repealing provisions that are related to what a nurse practitioner may do under the Public Health Act. My understanding is that this is being changed because regulations are coming forward under the Health Professions Act that will govern more specifically and more generally, I suppose, nurse practitioners. I think there is a larger issue around that in that one of the things the Alberta Liberal opposition has been looking at is that in order to assist the health care profession and the system we support to move forward, part of what we need to do is identify what only doctors can do and make sure that's in fact what they're doing.

If there are other aspects of the job that can be covered, obviously, legally, safely, and all of those other considerations that are important to public health, if they can be done by other specialists or trained health care professionals, then we should be making accommodation for that to be happening and leaving the docs to do what only the docs can do. I think that working around the nurse practitioners and clearly defining and even expanding the role that they have is part of what we're looking at.

The act is also looking at amendments to protect the term "specialist." I'll come back to that a little later, Mr. Speaker.

Finally, there are also clarifications around the definition and restrictions around prescribing, administering, and compounding a drug or vaccine.

In the Liberal opposition it's my recommendation as the Health and Wellness critic that we would be supporting this bill. There is very little that I would argue, nothing controversial in here, but there are a few questions that I would like to put on the record, and the sponsoring member has already offered to answer them, and I appreciate that.

I am a little curious about why the name change and the case adjustments from a capital T "The" to a small t "the" and why the choice was made to put it in an omnibus bill along with everything else as compared to bringing it forward as miscellaneous statutes. That may simply be a matter of timing, that all of these were sort of gathered together, but I'd be interested in knowing why the choice.

There is also a section that is striking out of the Government Organization Act the prescribe, dispense, and compound section, and this section was under a list of restricted activities of delivering a health service. I'm wondering if by removing the prescribe, dispense, and compound section from here, we seem to be removing it as a restricted activity. I'm just looking for clarification around the choice there. I believe what it is is that it's being moved into a larger section that, in fact, gives a much more detailed definition of what's involved in prescribing, but I'll look to the sponsoring member for the answer to that and why. What was the impetus or the reasoning behind it?

3:00

Now back to the observation about protecting the term "specialist." Can the minister or the sponsoring member tell us whether any other consultations beyond the Alberta College of Pharmacists have been done on this particular change around the term "specialist" as a protected title? I'm wondering if there was any consultation or chats or offers to speak with the colleges or regulatory bodies or any of the other health professional organizations. Can the member tell me which professions would be affected by including this term "specialist" as a protected item?

I'm wondering where this came from, so my final question is whether the member or the minister is aware of whether the term "specialist" was being used inappropriately somewhere by some health professionals and that was what prompted the need to legislate this term as a protected title. If, in fact, they felt it was being used inappropriately, could we have the examples before us, please?

Now, the section of the bill that repeals several sections dealing with nurse practitioners under the Public Health Act. Evidently this is around new regulations that are forthcoming under the Health Professions Act. Can the member tell us when the nurse practitioner regulation and registered nurses profession regulation will be forthcoming? I'm a little worried about the gap time here. We're removing this now, yet I don't see on the Order Paper nor have I had any information from the minister's office that we are expecting imminently to have before us changes in those regulations.

I'm concerned that there's a gap where basically we're looking at removing with the passage of this bill the sections dealing with nurse practitioners under the Public Health Act, but where they're supposed to appear newly scrubbed and freshly minted under the new regulations, I don't see any sign of them. I'm worried that we put them into thin air, and we don't rescue them back again and give them the home that they're looking for. So if I can get some explanation, please, from the sponsoring member about when we can expect the nurse practitioner regulation and the registered nurses profession regulation.

I'm also very interested in what those regulations would be. What is the content of them? It would actually be very nice if the member could table those in the House so that they become a more accessible

public document than regulations usually are. If we could find out who the minister consulted with, please, as the department moved forward with these changes.

I spent some time, Mr. Speaker, visiting with a number of the health care professions around Health and Wellness when I was offered the critic portfolio from our leader. One of the issues that came up consistently was workforce planning, and that's interesting because that, in fact, was something that we had identified in our document produced by the Alberta Liberal opposition on our health care policy entitled *Creating a Healthy Future*. That, of course, is always available through our website at www.liberalopposition.com. But we had raised this as a significant issue, and as I say, it has been raised with me by I think everyone that I met with, and there were some 20 different organizations, colleges, associations, member service organizations, et cetera, in the health professional field.

The whole idea of succession. We've got that baby boomer generation moving through and moving toward retirement age, living longer, much healthier, less likely to be in need of acute care medical services, but they are getting older and retiring at exactly the same time as the health professionals are getting older and retiring. They're all a part of the same generation, so there is a critical need, and I would argue an increasingly critical need, for very careful workforce planning and succession planning.

I think there's an argument that we're not giving nurses and pharmacists and technicians and therapists and technologists the opportunity to put all of their knowledge and abilities to work, and we could reduce the burden on our doctors. This is back to my earlier argument, Mr. Speaker. We could reduce the burden on our doctors in our system by giving these people more direct access to other professionals.

The Alberta government has not been adequately tracking health care workforce participants, so we don't really know how many doctors, nurses, and other workers are being used in the system. I would argue that it's very difficult, then, to plan for them. We have this common concern over the shortage of physicians, but I would argue that we're also looking at a shortage of every other health care professional, and we don't have the data to be able to organize that or to be able to plan adequately for it.

So we're talking somewhat about opening up new spaces for students, and this ties very much into the number of questions that were raised today in question period, Mr. Speaker, around whether we are making the best use of Albertans and Canadians first in training for the workers in the oil sands sector and whether we're giving every possible opportunity to those people before we bring in replacement workers from other countries. I think that's something of what we are anticipating here.

I wanted to make sure that I put it on the record that those very health professions are very aware of the need for succession planning and want to actively participate in this. This whole area, looking at the nurse practitioners, is one access point or entry point into discussing that. So can the minister give us an update of where we are at with workplace planning? Does she have any better data than we did a couple of years ago, when that healthy future report was written? Can she give us anything definitive on how the ministry is planning to better utilize nurse practitioners in the province, and is there any plan to address the fact that the average age of nurses is continuing to climb and we will likely be facing a severe shortage?

Now, as I said, we're not expecting the baby boomers to all hit 65 and be in need of front-line primary care. They're not. We're going to live longer and be much healthier. But we know that there's also a certain age when dying is very expensive because you die from things that are very expensive to treat, like cancer treatment, for example. I would prefer to see us working as much as possible on

a wellness model, but I'd like to hear what work the minister has done around that.

That's my first glance at it and reaction to what's being proposed in Bill 7, the Health Statutes Amendment Act, 2005. As I say, it's mostly clarification of definitions, a few sort of miscellaneous housekeeping changes, case changes, and some questions about reserving the term of "specialist" and about the health practitioners.

3:10

So I've put some questions on the record for the sponsoring member to contemplate and to get back the information. Maybe if I could either get that in writing, or perhaps the member could answer back when we get into Committee of the Whole with this, I'm happy to support it in second reading.

Thank you for the opportunity to speak to it.

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

Dr. Pannu: Thank you, Mr. Speaker. I would like to make some brief comments on Bill 7, the Health Statutes Amendment Act, 2005, in its second reading. The bill really deals with changing parts of the names of health professional organizations, as I see it. These changes in the titles of the names of these professional organizations or colleges are mentioned in existing pieces of legislation and statutes. So several of those current statutes will be amended as a result of the changes being proposed here.

I just want to tell the House that we haven't received any concerns from the groups of practitioners in the health care field who either individually or severally or as members of organizations might be affected by these changes, so I take it that most of the changes, as I see them, are uncontroversial. There are no objections that have reached the office of the NDP caucus. So there is not much here for substantive debate.

Certainly, I was intrigued by the substitution, I guess, of the word "compound" to administer drugs. When I was a young child, we used to take a prescription to a dispensary, and a compounder would make some sort of mixtures that would be then used by patients. We've moved a long way from that now. So I think it's about time to make the change as well in our legislation and statutes.

Similarly, I noticed that the college of podiatrists – these are, I suppose, physicians who deal with the problems of the feet in particular – name is also being changed here from the Council of Management of the Alberta Podiatry Association to the Board of Directors of the Alberta Podiatry Association. So many of these changes are merely changes in name, as it were.

The same is the case, I think, with the Alberta College of Optometrists. The only change there is the "T" in the word "The" is changed to "t" in the lower case. That's, I think, an interesting change. Why we needed to take the trouble of doing this may have something to do with drama rather than with substance, but here it is, and I'm not about to say that it shouldn't have been done.

So the changes are minor. The groups to be potentially affected would be health care practitioners and workers, and there's no indication that there is any major concern from any of the groups that are likely to be affected or that potentially will be affected by changes in this bill. So we are in support of the minor technical unsubstantive changes, which seem to be the only ones that this bill contains.

With that said, Mr. Speaker, I'll take my seat and let other members speak to the bill if they wish. Thank you.

The Speaker: The hon. Member for Cypress-Medicine Hat to close the debate.

Mr. Mitzel: Thank you, Mr. Speaker. There were so many questions, and I would be prepared to answer those questions when we go into committee.

[Motion carried; Bill 7 read a second time]

**Bill 8
Personal Information Protection
Amendment Act, 2005**

The Speaker: The hon. Member for Highwood.

Mr. Groeneveld: Thank you, Mr. Speaker. I'm pleased to move second reading of Bill 8, the Personal Information Protection Amendment Act, 2005.

The Personal Information Protection Act is Alberta's private-sector privacy legislation. The act came into force on January 1, 2004. The Personal Information Protection Act establishes clear, concise, and common-sense rules for private-sector organizations when collecting, using, and disclosing personal information. The Information and Privacy Commissioner and Alberta Justice have requested three minor amendments to this act to clarify certain issues that have arisen since it came into force.

Number one is exemption for political bodies. Mr. Speaker, amendments are being made to clarify that the act does not apply to the collection, use, or disclosure of personal information by or for a candidate for public office or an office or position in a registered political party or constituency association. This amendment is proposed to clarify the wording in the act.

Number two, co-ordination with commissioners in other jurisdictions. The commissioner's office has requested an amendment that will allow the commissioner to talk to and co-ordinate with other Canadian commissioners when resolving multijurisdictional complaints. Under this proposed amendment the commissioner will be allowed to collect and use and disclose information for the purpose of co-ordinating activities among commissioners and will be able to accept a delegation from another commissioner to investigate a matter if it has a closer connection with Alberta.

Number three, consent for deceased individuals. This amendment will clarify who can consent to the collection, use, and disclosure of a deceased's personal information for the purpose of funeral arrangements and disposal of remains. This amendment is needed because PIPA protects an individual's personal information for 20 years after their death, and there has been some recent confusion in the funeral industry as to who can consent on behalf of the deceased. The Alberta Funeral Services Regulatory Board supports this amendment, by the way.

In addition, stakeholders have requested that the review of PIPA by the select committee of the Legislative Assembly be delayed by one year as there has not been sufficient time since the act came into force to conduct a meaningful review.

Lastly, Alberta Health and Wellness has also requested that the Health Information Act be made paramount over PIPA.

Thank you, Mr. Speaker.

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

Mr. Elsalhy: Thank you, Mr. Speaker. I want to take this time to briefly comment on Bill 8, the Personal Information Protection Amendment Act, 2005.

Privacy and the protection of personal information are subjects which are increasingly on people's minds these days. How many times have we heard of incidents where personal information got into the wrong hands? We've heard and still hear of identity theft as

a growing problem, we hear of credit card fraud, back in the fall we were made aware of the credit reports on top government bureaucrats which ended up being made available to potential crooks, et cetera, et cetera. Many cases.

3:20

This is the age of information and technology, but this is also the age when we should worry about protecting personal information and ensuring privacy. This is what the old act was drafted to do – and it's not really that old because it only came into effect in November – but I believe that this is really what this amendment was created to strengthen. I agree with the amendments proposed in this little housekeeping act, and I only want to raise some issues and would appreciate any clarification from the hon. member.

First, there is the issue with political candidates and campaigns. This amendment provides some clarity in that PIPA, the Personal Information Protection Act, does not apply to the collection, use, or disclosure of personal information by or for a candidate running for public office or for a position on a board of a registered constituency association or a political party. Clarification was needed here to alleviate concerns. A candidate – and I was one, and 82 other members of this esteemed Assembly were back in November – needs certain basic information on the electors or the potential voters so we can market ourselves: we can tell them about ourselves, our platforms, our ideas, our concerns, where we stand on things. I think this amendment is timely because it explains and clarifies the legality of that.

Next, this amendment also facilitates the co-ordination of activities between the Alberta Privacy Commissioner and his or her counterparts in other jurisdictions. I was pleased to find out that this change was actually brought forward by the Privacy Commissioner himself, and this is a positive sign that the government is listening. The Privacy Commissioner is crucial, and he's doing an important role in ensuring that the privacy and the personal information of all citizens, not only government bureaucrats, is protected.

This would also prove beneficial when the matter discussed or the subject that's being studied should more properly be referred to a different jurisdiction. Maybe that jurisdiction is of closer proximity, or maybe it has a stronger mandate over the issue. So maybe we can refer situations from Alberta to the outside, or reversely if Alberta has a stronger connection or a stronger mandate over the issue, maybe the discussion has to be brought here. I think it's useful and beneficial to allow our Privacy Commissioner to exercise his or her discretion in delegating or accepting issues of concern.

Furthermore, I agree with the hon. member that clarification was needed in that the Health Information Act, HIA, has precedence over PIPA. Again, that was timely, and I'm referring back to my years of health care practise. There was a lot of confusion in that area. The Health Information Act controls which information is shared in the medical or health fields and which information is transferable between health care professionals, the patient, the patient's family, and the legal system. We as health care professionals or workers, including pharmacists, physicians, nurses, et cetera, are entrusted as custodians of information, but many of us had doubts and concerns with regard to the PIPA because we weren't sure where the overlap is and which one has precedence over the other.

Offering health care workers the clarity and offering them the assurance that the HIA has precedence is timely and very important. That would free them up from their worries, provides them with direction, and allows them to just focus on the job at hand. Many of us health care professionals had the concern that maybe we were doing something that is not entirely correct, or maybe we were not consistent. So, again, I commend the hon. member on this change.

Lastly, with respect to funeral arrangements or the disposition of remains, again I appreciate the clarification. I am sure many people in the funeral industry and families, even, had that concern. Twenty years seemed like a very long period. You know, it was just vague.

I have to emphasize, however, that all information shared or provided must only be for the purpose of the funeral preparation, disposition of remains, or even publishing the obituaries, and nothing more. The person, he or she, may have died, may be deceased, but the relatives and the estate are still entitled to some degree of privacy, so we have to assure them that what's being made available is only for the purpose of the funeral arrangement, for printing or publishing the obituary, and that's it. When a person dies, there remain pieces of information about him or her which should be guarded and not shared.

In conclusion, I think this amendment act is useful and it's timely, and I appreciate the fact that it was presented shortly after the November implementation date. That's a good sign.

Thank you.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'm delighted to be able to speak briefly during second reading of Bill 8, the Personal Information Protection Amendment Act, 2005. My colleague from Edmonton-McClung has already sort of walked through what's in the bill.

I have no problem at all and am very supportive of the amendments around the disclosure of information around deceased persons so that for folks that need to use that information for arranging a funeral and related matters – you know, put people's names in the newspaper and that sort of thing – and administration of the estate, that's fine. That's perfectly reasonable.

I sat on the Health Information Act Review Committee, the one that you, Mr. Speaker, tabled a report for this very afternoon. The issue of the powers of the commissioner came up in that context as well, if I'm remembering that correctly. So I think this was an omission that happened across the board wherever we were looking at the powers of the commissioner, personal information, and protection of privacy.

My issue when you're talking about the protection of personal information is always around the safeguards that we have in place partly around computer security access. As we all know, when you've got information on a computer and you can attach it and send it to other people by pressing one button on your keyboard and off it goes, you have no control or power over the people that get it, and they can send it on from there. That is a huge issue as we try and deal with that around levels of security access. Yes, that's one way of doing it, but it's not completely successful.

The second area where this really goes off the rails for us and is an area that we have yet to address although I'm sure there are people attempting to do so, is around – how do I put this? – human decisions to interfere in that process and to pervert the process to their own ends. That is always a concern, and that's where the illegal activity takes place. There's nothing that's being proposed here that is specifically dealing with that.

We basically have the three sections, which are that PIPA doesn't apply to use in the political realm or in the elections, the section that's around allowing the Privacy Commissioner to consult and enter into discussions and information sharing with other privacy commissioners but also their ability to delegate certain of their powers, and finally the funeral arrangements and the issues around the deceased persons.

I'm aware that we're in second reading, Mr. Speaker, so I'm not going to get into the nitty-gritty of the word by word dissection of

this. Whenever I look at any amendment that is allowing more information to go out without scrutiny, my antenna is always going to go up, and I'm always going to be looking at that with a bit more scrutiny. That is what's being contemplated here with having the commissioner collect, use, and disclose personal information without the individual's consent for the purpose of exercising or performing any power, duty, or function in this particular section. I think we always have to be vigilant on this, Mr. Speaker. We will not have the co-operation of the public in giving us their information if we cannot vigorously police and protect their information.

3:30

There are always new entities pulling at us, trying to get access to more information, whether it's for marketing purposes or research purposes. It just seems to be never-ending. Everybody can think of a great way to use that information, and it's so tantalizing to have it all in one place, particularly when it's kept electronically. Then it's really tantalizing because to be able to get it and transfer it is, as I said, the press of a button. So we have to scrutinize things really carefully to make sure that we are not allowing anything to slip under the radar in coming out with this.

As I say, I haven't discovered anything nefarious in here. I'm just always cautious about it. That's why I've read it and I'm up talking about it. The one question I did have about this is: why is it changing the review of the act? That was originally slated to be, I think, July 1, 2005, and that's being changed to a year later, 2006. I'm wondering why that's happening. Why the extra extension? I think it was originally supposed to be 18 months after the act came into effect and then once every three years. So why do we have the one-year extension here?

I didn't hear an explanation for that, but my attention may have wandered. I admit it; occasionally, not often but occasionally it wanders. If it did while the sponsoring member was explaining that, my apologies. I will endeavour to go back and read *Hansard* and see if I missed something. But I'm very curious about that because I think it's important that we stick to this. I mean, we have to honour the work of those that went before us and, frankly, those of us that are still sitting in this House.

If we said that we felt that the review should be every three years, we contemplated that carefully, or at least I hope we did. If I was sitting here, I did. So why now would we not honour that and follow through on that action that was laid out for us? The postponement of one year: I'm wondering if it's because this is the end of March and the minister feels that we just can't get it together to have this meeting over the summer or because it's the birthday summer and all kinds of celebrations are happening and people don't want to get together and do the review. Why? What's the reasoning? I remain ever hopeful that the government has a good reason for this, and I know that they're going to get up and share that good reason with me.

[Mr. Shariff in the chair]

So that's the primary question that I would like answered. I would like to hear some additional discussion about reassurance that the changes would not result in any additional information being made available and that all possible security precautions are being kept in place, particularly around electronic records, to make sure that these are not either deliberately or inadvertently sent on to others because, boy, electronically, once they leave the first person's hands, we cannot track that stuff.

We have to be really careful about it because in many cases we really haven't quite caught on to how dangerous this can be, Mr. Speaker. I'm reminded of what I learned in having my insurance

company send me a fairly innocuous renewal statement, on the back of which was sort of: check off these boxes if you don't want us to have this information or you don't want us to give out this information about you. I glanced at it, and I was ready to send it back as it was. Then I started to think: "Just a second here. Why does my insurance company need to know and have access to all of my financial records and bank accounts? I've got a good record of paying, you know, my fee every month. It comes as a direct withdrawal out of one account, so they already know what's happening there. They don't need to know anything more about my financial records. Why would they? So, okay, no, they're not going to get that information."

Then they wanted to know about mortgages and land owned and all of that kind of thing, and I thought: "This is car insurance. Why do they need to know about mortgages and the land that I own? They don't need to know that for car insurance. No, they don't get that information either." I kept going down the list, and in the end I only left them with a very little bit of information.

You know, when I first got into this, it never occurred to me. I would have happily given them all that information, and I think too many of us do that, not understanding that it just gets passed on and passed on and gets out into that system, and you don't have control over it any more. So we're inadvertently giving too much permission for agencies and commercial ventures even for research purposes to use our personal information, and we have to become much more careful with whom we give permission to use personal information about us.

So those are always my cautions around that. I appreciate the opportunity to get up and put those concerns on the record. I know that the sponsoring member is going to take every single word I said with absolute seriousness and get back to me on the question that I've raised.

Thank you so much.

The Acting Speaker: Hon. members, Standing Order 29 kicks in if anyone has questions for the hon. Member for Edmonton-Centre.

Anybody else who wishes to participate in the debate? The hon. Member for Edmonton-Caldar.

Mr. Eggen: Thank you, Mr. Speaker. I rise this afternoon to give some qualified support to Bill 8. I think that the hon. Member for Highwood has managed to clarify and synchronize a number of issues that were inconsistent between, say, the health privacy act as well as the Election Finances and Contributions Disclosure Act. So, hopefully, harmonizing these various elements concerning people's personal information will assist all Albertans in having the security to know that their personal information is being looked after in a reasonable way.

I think the important part of this bill as well is to harmonize our provincial privacy laws in keeping with the federal laws, laws across the rest of the country, and again that's a beneficial thing for personal information here in Alberta.

As well, I think that providing some clarity in regard to the use of information for election purposes is reassuring to all of the members here in the Legislature as well as other levels of government, people running for municipal and federal governments. We like to hold that information as a very important element of our campaigns always, plus we hold a great deal of trust, I think, and understanding that we use that information in a very specific way but not extended to sort of giving that information to anyone else.

The whole issue of privacy, particularly in this electronic age, I believe is something that we need to be continually revisiting. As a number of members have pointed out already, this information is quite literally gold for marketing purposes and for, I guess, analysis

purposes. You know, being able to know where people are and what they're doing, what their buying habits are as well as any personal information about their bank accounts and whatnot is of course extremely valuable to both legitimate and less-than-legitimate business interests. So we can only hope to protect that over time. It's very much a moving target though. I would suggest, Mr. Speaker, that we have to always be on the lookout for ways by which both marketers and less-than-scrupulous people might try to use this information.

3:40

Now, one particular area that I think that we need to watch for is when we're harmonizing the relationship between the Personal Information Protection Act and the Health Information Act. I think that we have to be very careful because, of course, health information is a whole other ball of wax, if I may say so, in regard to personal information. There is just a tremendous amount of potential for abuse there in regard to analyzing people's health in terms of job qualification or perhaps qualifying for insurance purposes or any number of things. You know, this information is something we need to guard even more, if that's possible.

Another concern that I would like to raise at this point is the threats from extraterritorial claims against personal information, and I think we need to address that here at some point, not with this legislation. You know, there is the American PATRIOT Act, say, for example, which is requiring a whole range of bits of personal information. The Americans are pushing very hard at this juncture to get hold of information from their own citizens that they perhaps were not able to before but also information on Canadian citizens and Mexican citizens, it seems. So, you know, I think that we have to be very careful about protecting those interests in an extraterritorial sort of way and visit that at some point in time.

My last comment and concern in regard to private information is with the issue of contracting out the administration and protection of personal information. We've seen at the federal level the government using private firms and, in fact, in one case an American firm to administer personal information. You know, I think at the end of the day the sovereignty of this body here and of our own country federally in no small way depends on how well we protect the personal information and, by extension, the citizens that reside in this province and in our country. So I think this is another issue we must look at.

Thank you.

The Acting Speaker: Standing Order 29. Any questions?

Anybody else wishing to participate in the debate?

The hon. Member for Highwood to close debate.

Mr. Groeneveld: Thank you, Mr. Speaker. I certainly appreciate the comments that were made by the hon. opposition members over here. Certainly, the intent of the act, of course, was not changed, and they quite agreed with that. I could see that.

The one question that the hon. Member for Edmonton-Centre brought up was about why we were extending it. I think we did question that early on, and I think it was that in consultation with the commissioner he hadn't had enough material or issues come up that he really had any issues at the time, so he wasn't too concerned that we would do it at this time. In fact, he was the one that probably recommended that we extend it the extra year.

So with that, thank you, Mr. Speaker. I hope we can move this bill on.

[Motion carried; Bill 8 read a second time]

Bill 9

Post-secondary Learning Amendment Act, 2005

[Adjourned debate March 15: Mr. Hancock]

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

Mr. Taylor: Thank you, Mr. Speaker. It's a pleasure to rise in the House today to continue second reading debate on Bill 9, the Post-secondary Learning Amendment Act, 2005. As the minister himself stated when he opened debate on this bill, it is a bill to clarify and do some housekeeping of certain sections, certain areas in the Post-secondary Learning Act, which in itself I believe was a rather major piece of legislation in the last session of this Legislature. It passed with, I think, some speed, some rapidity, and now there are some things that need to be gone back over and cleaned up a little bit, and much of it is housekeeping.

Ms Blakeman: Haste makes waste?

Mr. Taylor: Haste does make waste sometimes, yes. And haste sometimes makes for the need to go back and make some changes that perhaps you didn't contemplate making in the first place, changes that are basically of a housekeeping nature. Also, I think, Mr. Speaker, it gives you at a time like that the opportunity to go back sort of within the context of doing some cleanup, some housekeeping, and make some other changes that maybe you didn't contemplate at the beginning that allow you to do some things you weren't allowed to do in the first place.

This is, I guess, where I have a problem with this bill, Mr. Speaker. I will put it to you this way. There are a couple of changes being proposed under the Post-secondary Learning Amendment Act that I've been looking at for some time now and trying to figure out. Are these innocent, innocuous housekeeping changes, or is there something more nefarious going on here?

Now, there are many things about this bill that I don't think I have a problem with and I don't think anybody else has a problem with. I will comment briefly on the changes that are being proposed here around tuition fees, to modify tuition fee policy to provide an additional academic year before which the newly calculated annual limit applies. This is being done, as I understand, Mr. Speaker, largely at the behest of the Auditor General, who had indicated that further clarity is needed to ensure that institutions understand how to calculate annual tuition increases.

It is a bit ironic, I think, that we are going back into the Post-secondary Learning Act and making changes to tuition fee policy that will soon in and of itself be replaced, we are told, by the affordability review that the minister has agreed to undertake during this one-year, some people call it, freeze on tuition fees. Some people refer to it more as a rebate since, after all, the institutions, the colleges and universities and technical institutes, in this province are being allowed to raise tuition fees this year. It's just that instead of the students of Alberta paying that increase in tuition, it is the government of Alberta paying it for this one year and one year only. The purpose of that is to buy some time for an affordability review to produce a tuition policy for the 21st century, as the Premier described it in his state of the province speech a few weeks ago.

This will be, I think, the fourth time in 14 years that this government has reviewed tuition policy, and here we go going in and cleaning up a tuition fee policy that – well, you know, I wasn't in this House when Bill 43, as it was called before it was passed, was being debated. Certainly, from outside the House it looked as though this tuition policy was supposed to be the policy to end all policies, and here we are mere months, really, after it was proclaimed going back in and modifying it slightly, amending it slightly

to address the concerns of the Auditor General when a few months hence we're going to replace the whole thing anyway. It seems like a bit of a waste of time and effort, but the Auditor General says that further clarity is needed, so this bill seeks to provide further clarity for however many weeks or months it's needed to do.

It's interesting, though, that because the calculation of the annual actual allowable increase per student is done about 18 months after the institution has approved their fees, the calculation isn't timely enough for prompt action. It's, I think, a little bit a case of putting the cart before the horse.

In any event, Mr. Speaker, the Auditor General has indicated that this work needs to be done. This bill seeks to do this work, and I don't have a problem with that. I don't have a problem, as well, with the changes that this bill proposes to make around deleting the entire section about nonprofit private colleges. Circumstances have changed, and I think we can all be fairly agreeable to that. The minister has made the very good point that the Private Colleges Accreditation Board has completed its work. The Campus Alberta Quality Council assumes the role of reviewing degree proposals there. I don't have any problem with that.

3:50

There are two sections that I have a problem with. Section one, Mr. Speaker – at least section one in terms of the two that I have a problem with – really refers back to the last bill that we were debating in a funny sort of way because it has to do with the collection of personal information. The amendments or the changes proposed in the Post-secondary Learning Amendment Act, 2005, will allow the minister and the ministry to collect personal information on individuals who are not students to support system assessments and reporting. The minister has the authority now to require a board under the existing Post-secondary Learning Act to collect information and submit to the minister any information and reports that the minister considers necessary, and that can include personal information about an identifiable student.

I guess, Mr. Speaker, it would be pretty hard to run our advanced education system if the minister and the Ministry of Advanced Education were denied access to personal information about students in the system. But the change that is proposed goes beyond the students in the system to those who used to be students in the system, alumni, and to those who, interestingly enough, did not make it into the system. The minister has said – and I'm quoting here from *Hansard* – that “we need to be able to access information for those who apply but do not enrol in an institution as well as alumni information for various surveys.”

Well, okay. What kind of surveys? I think the basic question is: why? Why do we need to collect information, to access information including personal information about identifiable people for those who have applied but who did not enrol? The minister has not been specific, and I would invite clarification from the minister on this point. He has not yet been specific to the best of my knowledge, nor do I think Bill 9 is specific on this as to whether that includes applicants who were accepted by institutions and simply chose to go to a different institution, maybe out of province, maybe within the province, or whether it also extends to applicants who applied for admission to college or university or a technical institute in this province and were denied application.

The minister says that he needs the ability, the authority to be able to conduct these surveys relating to postsecondary education I guess to make sure that policy directions are supporting the needs of Albertans, but I don't exactly know how he finds that out by needing to collect personal information on people who are not in the system. So I have a concern about that. It's probably not the deal breaker though.

The deal breaker for me is again a rather innocuous-looking section which seeks to lift the ceiling on the number of board members appointed by the Lieutenant Governor in Council for colleges and technical institutes only, just for colleges and technical institutes and not for universities. No plans to change the appointment model for universities, which in and of itself I think, Mr. Speaker, introduces unneeded complexity. But more fundamentally, additional government appointees water down the representation on those college and technical institute boards by institutional stakeholders such as students and faculty and, therefore, tends to undermine institutional autonomy.

Now, I did some checking around on this. We made some calls around the various colleges and technical institutes in the province of Alberta, Mr. Speaker, and we couldn't find any evidence, any indication that any of these colleges or technical institutes had asked for this change to the boards. I'll grant you that most of the feedback I got was that the colleges and technical institutes weren't overly troubled by this proposed change, but they were perplexed and intrigued by it and kind of wondering why it would be proposed since they certainly hadn't asked for it.

Now, we had an earlier indication that at least one of the reasons for doing this was that membership on these boards needed to be clarified to ensure that any member can have a maximum term of six consecutive years on the board and that there is sufficient flexibility in the number of members to address any unique or emerging needs within the community or the institution. Currently it's possible, for instance, for a chair of the board to be restricted from being able to complete a full six-year term if they were appointed partway through a term as a public member. It was indicated to us, you know, that this was unintentional when the act was drafted.

Well, okay. That's fine except that the section of the Post-secondary Learning Act that is being amended is section 44, and this is where the bill seeks to institute a lower limit, if you will, and lift the upper limit on the number of board members for colleges and technical institutes that can be appointed by the minister. The section that deals with the length of time that you can serve on a board, a maximum term of service on a board, is actually section 56, I believe, and there is no amendment proposed to section 56.

I'm not really sure, if section 56 deals with the concerns that had been indicated to us, why section 44 is the one that's being amended unless, of course, increasing the total number of board members appointed by the Lieutenant Governor in Council and the concurrent reduction, therefore, in the proportion of board seats held by institutional stakeholder groups such as students, faculty, support staff results in the influence of the government or the ministry over the board of that college or technical institute growing correspondingly. LGC appointees are already a majority under the current legislation, so I guess this change does not by itself represent a new balance of power between public and institutional members, but it – what? – institutionalizes, I guess, solidifies that balance of power.

Mr. Speaker, it concerns me because I happen to think that in a democracy the citizenship is best served by an independent, autonomous postsecondary education system where independent critical thinking is not only fostered; it is encouraged. It is coerced when necessary at 8 o'clock on a Monday morning when half the class shows up for that lecture and they're practically falling asleep in the back rows in between bites on their double chocolate Tim Hortons doughnut. You know, critical thinking is vital in a democracy. Critical thinking is what moves us ahead for better or for worse, and I tend to think mostly for better.

Institutional autonomy is important; institutional autonomy is vital. And this government seems to have a reputation, a track record, for wanting to get right in there and get its hands dirty right

up to the elbows, you know, and change the oil and do the lube job on every college and university itself. It's micromanaging them, and I have to ask why. I have to ask why. Is it a trust issue? Is it a philosophical issue? I don't know, but it causes me problems, Mr. Speaker. It causes me a great deal of consternation, makes me wonder what it is that this government really wants with this bill.

So I'm going to defer to others older and wiser than me who have said that, you know, in this business of being a legislator, when in doubt vote no. Mr. Speaker, I am going to oppose Bill 9, the Post-secondary Learning Amendment Act.

Thank you.

4:00

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

Ms Blakeman: Thank you very much, Mr. Speaker, for the opportunity to make some comments and raise some issues in second reading of Bill 9, the Post-secondary Learning Amendment Act, 2005. There are a couple of issues that I am really concerned about here, and essentially they come up in two places. One is the gathering of personal identifying information, and the second is around the repealing of the, let me get the titles right, Private Colleges Accreditation Board and what appears to be a sort of transfer of those responsibilities or an assumption of them by the Campus Alberta Quality Council.

My issue there is that it's not assuming what the Private Colleges Accreditation Board actually used to do, particularly around issues of transparency and accountability. When we go back and look at the Post-secondary Learning Act, the Campus Alberta Quality Council is a very small section that was, I think, new in here. On the pages I'm looking at, it's like less than half a page setting out the powers and duties of it. Essentially, it is to provide advice and recommendations: appointment of members, terms of office, rules to govern itself. It is charged to inquire into matters relating to proposals to offer a program of study, then to look at the identified and demonstrated need for a program, the capacity of the institution to deliver the program, the impact of the program on the postsecondary institution's ability to fulfill its stated mandate and integration of programs. That's pretty much it. So it is meant to be more of a sort of global policy checker on behalf of the minister.

The Private Colleges Accreditation Board is much more lengthy in how it sets out everything it's required to do, and we are looking at repealing this. In particular, what I'm noticing is that there is a whole section under the Private Colleges Accreditation Board describing its powers. Again, Mr. Speaker, I mean, to be fair, it also goes through setting up, you know, that there'll be a chairperson and who will be on the committee, how they're appointed – members from the academic staff, members from the nonacademic staff, members from the public – terms of office and remuneration.

Then, Mr. Speaker, budget, records, and reports. Specifically, the accreditation board was to "prepare a budget and submit it to the Minister" and "keep full and accurate records" and submit and transmit "annual and other reports and returns as required." That does not appear correspondingly under the Campus Alberta Quality Council. In repealing what we're looking at for the accreditation board, we are losing some reporting and record keeping functions that are not being transferred to the Campus Alberta Quality Council, so I have concerns about the disparities that are appearing between what was in place before and what will be in place now.

As my colleague from Calgary-Currie laid out, we wouldn't like to believe that any of this was any deliberate sleight of hand, but I've been here long enough that I know to question things now, and I've been proved right more times than I would have ever liked, Mr.

Speaker. I would prefer in these cases that I am proved definitively wrong, and unfortunately that does not happen as often as I would like.

Just for anybody following along in *Hansard* or on the live audio, under the Post-secondary Learning Act those two sections that I was looking at for the Campus Alberta Quality Council are sections 108 and 109 and for the Private Colleges Accreditation Board are 110 to 115.

I think there's an issue there that needs to be explored. I have real issues about accountability and transparency and record keeping, especially when we're playing around with two really important things: taxpayer dollars and the education of our citizens and how we fund that and how we promote it and protect it. So I'm not impressed by what I'm seeing there.

The second issue that I am really unhappy about – and how interesting that I was just discussing this very thing, which is around collection of personally identifying information.

Oh, there's one other thing that I'm going to want to come back to, Mr. Minister, and that's around the repealing of the listings of those colleges receiving funding from the government. I'm wondering if that isn't starting to just open the door just the tiniest little crack to funding for-profit institutions. I would be most unhappy to see that. I'll come back to that one.

I'm sorry, Mr. Speaker. I'm searching for the actual information on the collecting of information from people other than students. I think specifically it was talking about two categories; one was the alumni, and the second was people who apply but do not in fact for whatever reason carry through and enrol in the institution.

[Dr. Brown in the chair]

One of the things I learned on the Health Information Act review – and I've discussed this before – is that we collect too much information, and we don't strip it. Yes, that's an onerous task, and it can be expensive, and all the usual qualifiers and excuses that I hear, but the fact of the matter is that we have a responsibility as stewards of that information. More globally, back to the trust issue, if we can't get the public to believe that we are foremost and most vigorous in protecting that information, they'll stop giving it to us, and then we've got research on nothing. So we really have to be careful about this.

I am questioning why you need personally identifying information on the alumni and on those enrolled. You should not need tombstone information on these people, tombstone information being the date of birth, date of death, first, middle, last names, and sometimes there's a version of that called business card information. You should not need that. What you need to know is, perhaps, gender. You should not be able to identify who you're talking about or who those statistics are about. You should not be able to. You get up and explain to me why you would need to know that John Brown, male, 18 years of age, lives on 112th Street and 100th Avenue. Why do you need to know that amount of information on someone when you're looking at enrolment factors? You do not need to have that personally identifying information, and if you do, you get up and tell us all why you need it, because I don't think that's necessary here.

I'm not shaking my finger at you in particular, Mr. Speaker. It's just for emphasis.

Mr. Boutilier: Mr. Speaker, point of order.

The Acting Speaker: What's your point of order?

Mr. Boutilier: I'll withdraw my point of order.

Ms Blakeman: Why am I not surprised? Thank you very much, Mr. Speaker.

To continue then. The information about collecting the personally identifying information of people in these circumstances I think is fraught with problems for all of us and particularly for the colleges. It's just so tantalizing, so inviting to see all that good information collected in one place and to be able to say: "Oh, look at what we could do with that. We could offer these people grants, and we could give their information to banks so that they could get more money and go more into debt as a student. It's just so good. Let's have the access to the information and share it with everybody." We cannot do that. We can only use the information for the purpose for which it was collected.

Now, why did you collect that information from those students enrolling? So they could enrol in the program. If they didn't enrol in the program, you should not be able to use that information for anything further.

For the alumni why do you have that information? If they're donors to a particular program or they are supporting through a financial contribution, great. Then you need that particular kind of information for them. But what else are you using it for? If you're using it for any reason other than why you originally collected it from them, you have to go back to them and say: we'd like your permission to use it for a different reason.

4:10

That is not contemplated in what's in front of us in this act in any way, shape, or form, and I would challenge the government that if that's what they really need it for, then fess up, step up to the plate, and explain that. Let me see it in the act that you've got it in place to go back to those people and get their permission to use their personally identifying information in a different way than the reason that you collected it for or that the government collected it for. Otherwise, it's a no go; you don't get to do that. I'm most unhappy when I see something like this in here.

Now, I was going to go back to the private colleges and the funding of them. What my issue there is that there's an interesting little sort of change in language, and what we've got is a repeal of a section that listed four private but nonprofit colleges, which are traditionally religious-based colleges, or at least that's how they started out. No, I think they all still are. They receive funding from the government, and the funding is determined by the regulations. So what we see here, evidently, is the ministry seeking additional – and I'm putting little quotes around it – "flexibility" as more institutions have been granted authority to offer degree programs, and they would be receiving funding as per the regulations, one assumes, for offering degree programs.

Historically, the ministry has given assurances that for-profit institutions will not receive funding. Well, if we end up with more for-profit agencies that are allowed to grant degrees – and when I look at the list here, interestingly, two of them that turn up, in fact, are for-profit institutions that I think are now approved to grant specific degrees. So most of them, as I say, are religious-based organizations, but we've got the DeVry Institute of Technology in Calgary and the University of Phoenix, which are both showing up. They're both clearly profit corporations, which is fine. There's nothing wrong with that.

What's wrong with it is that when you end up with that hybrid, that mix where a business that is supposed to be competing freely and openly in a free-market enterprise system, yada-yada-yada. We've all heard that rhetoric. But, no, what they really want to do is take their garden hose and hook up to that fountain of public funding.

I say that if you're going to be free-market private enterprise, great. More power to you. Go do it. But don't pretend and try and cloak yourself as being a public institution. That's what I'm picking out here, that we're ending up with a very interesting kind of cross sleight of hand on the definitions. Previously, we had only private colleges that were not for profit. They were receiving funding for their programs. Now we're shifting over to defining this as degree granting, and I'm just trying to make sure up front so everybody knows – and let's get it on the record, Mr. Speaker – that we will not have these for-profit educational companies able to get operational funding for granting degrees. I would like to get confirmation on that.

I appreciate the opportunity to raise those points. I'll see what the rest of the speakers have to say, but I'm very reluctant at this point to support this bill in second reading in principle. Thank you for the opportunity to speak, Mr. Speaker.

The Acting Speaker: Are there hon. members wishing to speak under Standing Order 29(2)(a)?

There being none, the hon. Member for Edmonton-Caldor.

Mr. Eggen: Thank you, Mr. Speaker. I'm pleased to rise to make some comments on Bill 9 here in its second reading stage this afternoon. I have some serious reservations about Bill 9, you know, and they specifically are around these issues of the composition of boards and specifically with the technical institutes and colleges.

[Mr. Shariff in the chair]

Now, while under previous legislation the government still had the ability to appoint the majority of board members in technical institutions and in colleges, this change in Bill 9 would allow almost a doubling or more of the government's appointments on any given board in a given institution or college. So, you know, for a number of reasons I think that this is unnecessary and potentially destructive to the democratic composition of these boards. Also, I think it sends a rather negative message towards both these types of institutions, that their ability to be independent and to develop their own strategy and course of action, so to speak, is going to be much more seriously curtailed by the provincial government.

While of course this body is responsible for the funding of these institutions, I think that at this juncture, where we're trying to diversify the economy of this province and we are developing, you know, sort of a booming and vibrant population here in the province, the diversity and the proliferation of different types of colleges providing different types of information in perspective would really enhance our province, Mr. Speaker. This move, quite a heavy-handed move, I would say, to increase the amount of government-appointed board members of institutions to a minimum of 12 as opposed to previously a maximum of 12 at best would be coldly received by these institutions that would be affected.

Now, we've been phoning and speaking to a number of different colleges and institutions around the province, and you know most expressed a sense of surprise at this particular point in this legislation. Certainly it wasn't asked for, and at the same time the people who did manage to get a heads up on it were quite concerned. Remember that the composition of these boards includes teaching staff and support staff and students, the student body as well, and each of those stakeholders has a strong bearing on the maintenance and the future of a school. So, you know, if we're somehow watering or diluting that or changing the way that these different groups can interact with each other in a democratic way, then I think it would be at the peril of the functioning of these boards.

I think that the consultation wasn't there, and perhaps an amendment to this aspect of Bill 9 would be appropriate. We will hopefully pursue that here in this Chamber.

Just briefly, the other thing that I would like to comment on in regard to Bill 9 is this concept of retaining and using information that is used for registration in postsecondary boards. You know, although it's difficult to know what it's pointing at, my suspicion points specifically at the necessity, I think, of these postsecondary institutions to have to fund raise on an extended basis. I know that already the University of Alberta has put a tremendous amount of focus on fundraising in its last seven to 10 years. While that's an honourable thing, I suppose, it undermines the independence once again of a postsecondary institution, and it takes so much energy for a postsecondary institution to have to focus on fundraising to such a great degree.

Remember as well that when you're talking about fundraising – and that's a competitive environment – smaller institutions are less able to engage in that in an effective way. So, you know, the trail leads back, Mr. Speaker, to this whole idea that's in Bill 1, to move more towards an endowment system, towards more of an American-style system of funding our postsecondary institutions, and, you know, really leaning heavily on the alumni of postsecondary institutions to fund their colleges.

4:20

This is a road that, I guess, leads to some institutions not getting the funding that they need, and quite frankly it leads to a widening in the gap between the wealthy and the poor because you have certain institutions that will be very well represented and very well endowed and supported by their alumni and other places that will be less able to do so. That gap that is created between the wealthy and the less so as a result of that I think is less than acceptable for a democratic and a very, you know, egalitarian province that we've managed to maintain over these past hundred years.

Privacy of information. We were just talking about this a few short minutes ago, and once again it creeps into the whole debate. I think it's something that we have to remember as Members of this Legislative Assembly, just how important it is for us to protect the privacy and the integrity of one's personal information because, you know, at the end of the day that is the sovereignty that we have as individuals and together the collective sovereignty that we have as a community and as a political entity. So I would like to place my word of warning on that issue as well.

Bill 9. At the end of the day I think it's great that we have a process here by which we can perhaps make some amendments. While I do see some advantage to it, we would have difficulty supporting it as it is presently worded.

Thank you.

The Acting Speaker: Standing Order 29 kicks in.

Any other speaker?

The hon. Minister of Advanced Education to close debate.

Mr. Hancock: Thank you, Mr. Speaker. I will be happy to review the comments that have been made by members speaking to this bill and respond to the concerns raised when the bill gets to Committee of the Whole, if in fact the Legislature agrees to the bill in principle. So I would ask that we now do that.

[Motion carried; Bill 9 read a second time]

The Clerk: For second reading, Bill 3, City of Lloydminster Act. Adjourned debate: Mr. Snelgrove.

The Acting Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. As a matter of procedure we had agreed – and I'm sorry I didn't inform the chair – to call Bill 10 first in order to have Bill 3 done at a later time this afternoon.

The Acting Speaker: Okay. If that's an understanding.

The Clerk: Bill 10, Residential Tenancies Amendment Act, 2005, for second reading. Mr. Strang.

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

Mr. Elsalhy: Thank you, Mr. Speaker. I want to take this time to . . .

The Acting Speaker: Hon. members, it's my understanding that this bill has not been moved for second reading, so is the hon. Government House Leader going to move on behalf of the Member for West Yellowhead?

Mr. Hancock: Perhaps we could call Bill 24. Mr. Speaker, I don't want to allude to the presence or absence of any member, but we had agreed that Bill 3 would be called at an appropriate time. So perhaps we could move to Bill 24.

The Acting Speaker: Okay. We'll go to Bill 24.

Bill 24 Fatality Inquiries Amendment Act, 2005

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

Mr. Stevens: Thanks very much, Mr. Speaker. It's my pleasure to rise this afternoon to move second reading of Bill 24, the Fatality Inquiries Amendment Act, 2005.

The proposed amendments are the culmination of a project that began almost three years ago. The hon. Member for Calgary-McCall, the province's Chief Medical Examiner, and counsel from Alberta Justice formed the committee charged with reviewing the fatality inquiry process. The current fatality inquiry process was developed in the mid-70s. The objective of the project was to determine whether there might be a more effective and efficient method to meet the needs of Albertans in this new century.

Their work included an initial review of the existing fatality inquiry process in Alberta; consultation with other government departments, policing agencies, health professionals, legal professionals, and other parties with an interest in the fatality inquiry process; and the preparation of a final report to the minister. I might add, Mr. Speaker, that among those interested in this and who were consulted were the office of the Information and Privacy Commissioner, numerous police forces, hospitals, the Fatality Review Board, the Alberta Civil Trial Lawyers Association, the Alberta Criminal Trial Lawyers Association, the College of Physicians and Surgeons, the Alberta Medical Association, the Canadian Medical Protective Association, Corrections Canada, the Alberta Mental Health Board, and the national Transportation Safety Board, together with appropriate ministries in government. The committee reviewed specific issues to ensure that responsibilities and roles are clearly defined in legislation and resources are used efficiently so inquiries are conducted in a timely, meaningful, and cost-efficient manner.

A public fatality inquiry examines the circumstances around a fatality to increase awareness of factors that put lives at risk. With this knowledge authorities are able to take measures to prevent

similar deaths in the future, so the process must be as effective as it can be. Consultation took place over the summer of 2003, and the committee's final report was completed last year. Some of the proposed amendments are procedural in nature, but many of them will have a significant impact on the fatality inquiry process.

The procedural amendments include giving the Minister of Justice a formal authorization to release the judge's report to the public and eliminating the jury provisions in the act. Currently there is no provision for the release of the report, and a jury has never been called in Alberta.

There are also more substantive amendments that will impact how inquiries operate in the future. One of the substantive amendments will give the Minister of Justice the discretion to order the Chief Medical Examiner's office to conduct a limited investigation into the death when the death of an Albertan occurs outside Alberta. The medical examiner's investigation would be limited to gathering records that had been generated through the other jurisdictions' own death investigation process. The records shall be then given to the Fatality Review Board, who will make a recommendation to the minister as to whether or not a public fatality inquiry is necessary to examine issues specific to Alberta. The subsequent fatality inquiry, if called, would focus only on issues specific to Alberta. Witnesses would not be called from other jurisdictions to testify to the identification of the decedent, cause of death, and so on, as normally occurs at a public fatality inquiry.

As you may recall, in the year 2000 a group of schoolchildren were on a field trip to California. Three people died on that particular trip. After the tragedy there were calls for a fatality inquiry, but under the act at that time the minister did not have the authority to call an inquiry into a death that occurred outside the province. Presently if a death occurs outside Alberta but the body is brought to Alberta, a medical examiner or an investigator authorized by a medical examiner may conduct an investigation to establish or confirm the cause of death or establish the identity of the deceased person. The act does not authorize any further investigation into a death that occurred outside the province.

The review committee also found that there were situations where a person died while they were in the custody, care, or guardianship of government, but the fact that they were in care was unrelated to their death. Sometimes people die while they are in the custody, care, or guardianship of government. Examples of such circumstances are deaths that occur while the deceased person was in the custody of a peace officer or as a result of the use of force by a peace officer while on duty. Also, there may be a death of a child under the guardianship of a director under the Child Welfare Act or in the director's custody.

4:30

Under the present wording of the act the Fatality Review Board is required in these circumstances to recommend that a fatality inquiry be held unless it is satisfied that the death was due entirely to natural causes, was not preventable, and that the public interest would not be served by a fatality inquiry. The amendments would allow the Fatality Review Board to decline to recommend what would previously have been a mandatory fatality inquiry in cases where there is no meaningful connection between the death and the fact of the deceased's custody, care, or guardianship by the government.

For example, Mr. Speaker, consider the situation of a 16 year old under government care driving a car and unfortunately dying in a motor vehicle accident. At present, because that 16 year old is under government care, there would be a mandatory fatality inquiry. But, obviously, in that particular situation the death while not natural is also not connected to government care, and under the proposed change a fatality inquiry would not be required.

One of the primary goals of a fatality inquiry is to inspire confidence that the public authorities are taking appropriate measures to protect human life. If a death occurs for reasons that are entirely unrelated to the issue of government care, the Fatality Review Board should not be required to recommend an inquiry. The minister retains the right to call an inquiry in the event that the board does not make such a recommendation.

Other amendments to the act address the collection and disclosure of information by inquiry counsel as well as the disclosure of such material to participants at the fatality inquiry and final disposition of records and exhibits. Having all relevant information helps focus a fatality inquiry on the important issues and allows inquiry counsel to review circumstances surrounding the death, to identify potential issues and witnesses, and generally to prepare for the fatality inquiry.

Under the existing legislation inquiry counsel's authority to compel production of documents in the possession or control of others is not clearly spelled out. The amendments give inquiry counsel the authority to collect any record or information that is considered to be or could be relevant to the fatality inquiry. Relative to this, the custodian of records will be able to object to disclosure of records or information to inquiry counsel by going before the inquiry judge. Situations may arise where a person feels that they should not release records to inquiry counsel, often because the records are subject to some form of legal or statutory privilege. To resolve such questions, an inquiry judge can hear arguments and make a decision regarding disclosure.

The proposed amendment also clarifies access to exhibits. Many different kinds of records may be entered as exhibits to a fatality inquiry. While all parties with status at a fatality inquiry have the ability to examine the exhibits, whether or not the public can examine the exhibits was not clear. Allowing unfettered access to all exhibits to an inquiry could result in an inappropriate disclosure of the sensitive personal information they contain. In order to provide the proper protection to this personal information, an application should be made to the presiding judge to clarify the public's ability to examine the records. The judge can weigh the sensitive nature of the documents against the benefit to the public by their release on a case-by-case basis.

Under the present act the counsel appointed by the minister is the one who will present the evidence to the inquiry, but in some circumstances in the past the fatality inquiry judge also appointed his or her own legal counsel to act concurrently with the minister's counsel. As the counsel appointed by the minister carries out his or her duties in an impartial manner, it was felt that involving additional counsel can only complicate and perhaps inappropriately expand the scope of the inquiry.

The proposed amendment will accomplish two things. First, it will clarify that the person who is appointed by the minister is counsel to the inquiry itself and does not represent the interests of the Minister of Justice or the government of Alberta. This should eliminate the perception that a judge may need to appoint his or her own counsel to act in tandem with counsel that is appointed by the minister. Also, in cases of real or perceived conflict of interest the amendment will allow the minister to appoint outside counsel to take on the role of counsel for the inquiry. The amendment will also clarify that it is the responsibility of inquiry counsel to determine who will be called as a witness, with the assistance of the inquiry judge. This provision will further clarify the powers and duties of inquiry counsel.

A pilot project has recently been implemented in Edmonton for the holding of preinquiry conferences before the fatality inquiry begins. This bill reflects the goals of that procedure by including an

amendment that allows an inquiry judge to hear from the parties and then determine the scope of the inquiry, address procedural questions, consider applications for status, and so on. Further conferences may be held before the inquiry or as the inquiry proceeds if the scope of the inquiry changes or expands as a result of newly unearthed evidence.

Under the present act there is no provision for preinquiry conferences. Matters such as the scope of the inquiry, issues, witnesses, production of documents, and so on, are dealt with in the course of the inquiry, often causing unexpected adjournments that interrupt the inquiry process. Preinquiry conferences will also serve to prevent such adjournments and delays. As noted, a number of preinquiry conferences have been conducted in Edmonton over the last number of months under a pilot project, and what we have seen clearly demonstrates the effectiveness of the approach.

As an example, a fatality inquiry was completed in early March into the death of a young boy who died after a collision with an unmarked police car on the Yellowhead Trail in Edmonton. The driver of the police car had been acquitted of charges of criminal negligence. The circumstances surrounding the accident were exhaustively examined during that trial.

A preinquiry conference was held, and the judge determined the main issues the inquiry should address. These were the nature of the activity the police were engaged in at the time of the crash, whether there was a policy in place that covered that activity, if there was, whether the policy was appropriate, and if not, whether there should be a policy.

Most importantly, for the purpose of illustration it was also decided that transcripts from the criminal trial would be entered at the fatality inquiry in place of oral testimony from approximately 50 witnesses. As a result, the inquiry was completed in only two and one-half days, and testimony that was previously given was used appropriately.

All persons who may appear in an inquiry should attend the conference, and applications for status in the inquiry should be made at the first preinquiry conference. Presently the act provides that an inquiry judge may grant status to any person who applies to the judge before or during the inquiry and is declared by the judge to be an interested person. There is a danger in granting interested person status inappropriately for it is a broad and undefined term.

The act allows interested persons to cross-examine witnesses and present arguments and submissions. For example, whether or not a person has sincere motivations, he or she may pursue issues that are not sufficiently relevant to the subject of the inquiry, resulting in undue delay, confusion, and inefficiency. Under the proposed amendments interested person status would be granted only to those parties who can demonstrate that they have a direct and substantial personal, legal, or business interest in the death, investigation, and inquiry.

One group intended to be affected generally by this proposal is the media. The role of the media is to report the news and not to make it. This rule change does not affect the media's role as reporter on the process.

So, Mr. Speaker, Bill 24 is an important piece of legislation that will ensure that fatality inquiries in this province are as efficient and as effective as possible. Albertans need to be confident in the outcome of the inquiry process and know that we are working to prevent further deaths wherever possible. I urge all members of the Assembly to give support to Bill 24.

At this time I would move that debate on Bill 24 be adjourned.

[Motion to adjourn debate carried]

Bill 3
City of Lloydminster Act

[Adjourned debate March 15: Mr. Snelgrove]

The Acting Speaker: The hon. Member for Vermilion-Lloydminster.

Mr. Snelgrove: Thank you, Mr. Speaker. I look forward to all the comments and questions from all hon. members.

The Acting Speaker: The hon. Leader of Her Majesty's Loyal Opposition.

Dr. Taft: Thank you, Mr. Speaker, and it's nice to see you in the chair. I'm delighted to rise to speak to this bill. It's addressing a very interesting and unusual problem in a city that actually is a very interesting city and one that has a special place in my heart. I remember as a child driving up and down highway 16 between Edmonton and Saskatoon to visit relatives in Saskatoon and always thinking, "Well, when we get to Lloydminster, we're halfway through the journey," and stopping for a milkshake or a hamburger or something like that before carrying on to our destination.

4:40

Of course, over the years so many changes have overtaken Lloydminster. It's gone from a small, isolated, frankly, prairie town almost entirely agriculturally based, and I think, in fact, if I'm correct in my history – and I'm going purely from memory here – it was originally settled by the Barr colonists. So it's a city with a long and very interesting history. It has grown from its agricultural roots into a significant industrial city because of the heavy oil deposits in that area.

I also used to visit Lloydminster quite often in my work looking at health facilities and reviewing health facilities, and I remember going through the long-term care centre and the seniors' centre there, the seniors' lodge, and even the hospital, which at the time I think was on the Saskatchewan side. So I'm delighted to speak on this act.

The strength of Lloydminster's economy is often overlooked by the rest of Alberta because we're so focused on Fort McMurray or Calgary or the corridor, but actually Lloydminster is a very prosperous and growing community. I think someday it will take a place on the global level.

We talked today about west Texas intermediate and Brent crude as benchmark prices for the oil industry. Well, there will be a time when the Lloyd blend – and I don't mean a drink mixed at the house of the MLA representing that constituency, although that might be a good plan too, and maybe I'll sample it sometime, but I mean the blend of oil sands and heavy oil that come out of Lloyd and serve as a benchmark price for heavy oil in Alberta generally. This is a great city.

I also notice that the name of the city shares something in common with the name of the MLA who represents it. Lloydminster and – I don't know if I'm allowed to say his name here, but he's well known. I don't want to get a point of order here.

Ms Blakeman: Given names.

Dr. Taft: I can't use given names, but when I talk about how Lloyd has a soft spot in my heart, I generally mean the city of Lloydminster. Just so everybody's clear on that, Mr. Speaker.

This bill serves what is a unique function for a unique city and provides, as I understand it, in close co-operation with the Saskatch-

ewan government effectively a legislative charter for the city of Lloydminster. Of course, this is necessary because the boundary between Alberta and Saskatchewan runs more or less up the middle of the city of Lloydminster. So the city is faced with the prospect of living in two provinces with two entirely different sets of legislation, and that, of course, can cause all kinds of problems. Imagine the complications in urban planning when half the city is governed under the legislation of Saskatchewan and the other half is governed under the legislation of Alberta or even simple things like bicycle helmets. There's a different bicycle helmet law in Alberta than in Saskatchewan. Suddenly, people crossing Main Street, Lloydminster – on one side of the street they have to wear their helmet and on the other side, maybe at a particular age, they don't have to. And it goes on and on and on. All those complications. So this legislation frankly continues a tradition of special treatment for the city of Lloydminster recognizing that it's divided between two provinces. Actually, I think it's kind of remarkable.

I see our New Democrat colleague is here, and of course many Conservative colleagues are here. This particular bill is kind of a bridge between the Conservative government of Alberta and the New Democrat government of Saskatchewan, and there aren't many things that could bring those two governments together, I don't suppose, but this bill is one of them.

This bill will resolve those issues. It will give a clear mandate to the citizens of Lloydminster and to the city administrators of Lloydminster and the city council there to keep their affairs in order.

In fact, I think work has been going on on this particular bill for some three or four years. A project team has been working to address the special issues faced by the people of Lloydminster. I believe I'm right in saying that a virtually identical or maybe exactly identical version has been passed already in the Legislature of Saskatchewan. With that, once the same legislation is passed here in this Assembly, then both provinces will have given a clear foundation to Lloydminster for all its activities.

I think we will be unequivocally supporting this legislation, Mr. Speaker. We don't want to complicate the lives of the people of Lloydminster. The people of Saskatchewan have already endorsed the identical bill, and it seems only sensible that this Legislature should do the same thing. We will then have matching legislation for the people of Lloydminster, and they can get on with the business of living and developing and growing in a prosperous and flourishing community. That's the intent of this bill. To my knowledge this bill will fulfill that intent, and so I will be recommending to our caucus that we support it.

Thank you, Mr. Speaker.

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

Mr. Eggen: Thank you, Mr. Speaker. I, too, am rising this afternoon to speak in favour of this bill. I think that Lloydminster's unique place on the very border of Saskatchewan and Alberta warrants some sort of special legislation, and as my previous colleague mentioned, the government of Saskatchewan had passed very similar legislation in 2004. So for the sake of convenience and for the good relations that we can enjoy for all citizens of Lloydminster, both on the Saskatchewan and the Alberta sides, I think that it's important to harmonize the laws between the two provinces.

It's interesting how Lloydminster is an example, I think, of what's happening in terms of growth across western Canada at this point. With the heavy oil deposits that we find on both the Alberta and Saskatchewan sides, Lloydminster is enjoying really unprecedented

growth over these past 15 or 20 years. I think it's important to allow that growth to carry on and to take place in an unfettered sort of way, I suppose, that the municipal laws somehow are able to encompass the best that both provinces' municipal laws and provincial laws are able to give.

You know, over the years we've seen the good people of Lloydminster taking advantage of Saskatchewan car insurance, say, for example, because of course they have a much better deal in Saskatchewan with public auto insurance. On the other side, I think there are some advantages with the provincial sales tax that Saskatchewan residents can and do enjoy as well.

4:50

I know that there was confusion around the smoking bylaw which was in place on the Saskatchewan side. Now, of course, the good people on the Alberta side will be able to enjoy the smoke-free health benefits and the peace-of-mind benefits that come with the smoking bylaw being extended across into the Alberta side. Of course, we would like to see that extend right the way across the province, but I think that will be another issue for another day.

So, yeah, I'm certainly speaking in favour of this bill. I think that border towns are always a unique place, and sometimes they will create unique solutions to problems. We can see it around the world. I think that Lloydminster has been a positive contribution to our province thus far, and it's creating some new, positive contributions here with a unique law that straddles the border between Saskatchewan and Alberta.

Thank you.

The Acting Speaker: Standing Order 29? Any other speakers?

The hon. Member for Vermilion-Lloydminster to close debate.

Mr. Snelgrove: Thank you, Mr. Speaker. Well, I want to thank the hon. Member for Edmonton-Riverview for his kind comments. I think more members should have taken the opportunity to wax eloquently about my favourite city, and it's much the same as all Alberta cities that are enjoying tremendous growth. They just don't have quite the opportunity for such a fond name.

It is truly unique. It is developing a culture all of its own, and it does have the problems of straddling two provinces. In many cases it has used that to great success to become a service point for much of northern Saskatchewan and, of course, into Alberta.

So I appreciate the comments, and I would like to call the question.

[Motion carried; Bill 3 read a second time]

Bill 28

Municipal Government Amendment Act, 2005

The Acting Speaker: The hon. Minister of Municipal Affairs.

Mr. Renner: Well, thank you very much, Mr. Speaker. It's a pleasure for me to rise today and move second reading of Bill 28.

The Municipal Government Act authorizes the operations of municipal authorities and therefore affects the vast majority of Albertans. To improve the act, the government is proposing that some amendments be presented for discussion and approval by the Assembly.

Mr. Speaker, Bill 28, the Municipal Government Amendment Act, 2005, will amend the act a number of ways, and I'll take a little bit of time to just explain to the members present what the amendments actually are intended to do. First of all, adding provisions that would

allow municipalities to set and collect a community aggregate sand and gravel payment levy, clarifying issues regarding the flow of linear assessment process and jurisdiction, clarifying the intent of the assessment of Crown-owned property held under lease, licence, or permit in provincial parks and recreation areas, adding enabling provisions for a municipality to pass a community revitalization levy bylaw subject to provincial approval, and finally, providing regulation-making authority for the Lieutenant Governor in Council to establish any area as a community revitalization levy area and to set out the specific conditions that will be required.

I'll just go through each of the various sections individually and go into it in just a little bit more detail. The community aggregate payment levy is a levy that is proposed to be implemented through amendments to the MGA and would give municipalities the option of passing bylaws to set and collect a levy from sand and gravel operators. It would ensure that municipalities realize a financial benefit from the extraction of a natural resource located in their communities. Municipalities and industry support this levy, and they agree that sand and gravel operations should provide more funding for mitigation or other initiatives to demonstrate more clearly that communities benefit from these operations.

The proposal gives the minister regulatory authority to set the maximum rate of the levy and establish administrative details, and the levy would be based on the amount of actual material that is shipped. The levy would not replace road-use agreements between individual sand and gravel companies and individual municipalities. I think that's important to note, Mr. Speaker, because there has been some confusion that perhaps this was intended to replace one when in fact it is not.

Finally, municipalities that have already established fees or other charges related to sand and gravel will be encouraged to move to the standardized process of aggregate payment levies established with this amendment.

Mr. Speaker, the proposal was developed with the collaboration and support of the following groups: the Aggregate Resource Development Task Force, the Alberta Association of Municipal Districts and Counties, the Alberta Roadbuilders and Heavy Construction Association, the Alberta Sand and Gravel Association, and Alberta Infrastructure and Transportation.

The next area I'd like to discuss is the proposed amendments to the linear assessment process. The amendments regarding a linear assessment will improve the clarity of existing process, lead to internal administrative efficiencies, and result in improved linear assessments. Accordingly, the proposed amendment includes the preparation of a linear assessment roll. This would be similar to a municipal property assessment except that it's prepared by the assessor designated by the minister. It will also align the provincial assessment process with the municipal property assessment process.

One of the things, Mr. Speaker, that is an issue from time to time is the lack of requirement for notification when a pipeline or a pipeline company is sold, to advise the minister of that change, and then municipalities will send tax notices out and be advised that the company was sold. So this process will create a roll similar to real property. One of the provisions is that just as it's necessary to advise the municipality when you sell your house, you'll also be required to advise when you sell your pipeline. Only in this case it's the province that would be receiving that advice.

The next area has to do with Crown leases. The amendment clarifying the assessment of Crown leases will ensure consistency in property taxation rules among municipalities for similar property regardless of location. The recommendation is supported by my colleague the hon. Minister of Community Development in his capacity as minister responsible for Kananaskis Country.

Mr. Speaker, as a result of unintended interpretations of section 298(1)(k) by the Municipal Government Board and the courts, some private operators using Crown properties for business purposes have recently been exempted from paying property taxes on them. A number of other recent assessment appeals to the Municipal Government Board and to the courts have resulted in decisions to exempt certain businesses on property under lease, licence, or permit to the Crown. The appealed assessment value for these properties is significant to the local assessment and tax base. This has had a significant impact on the local assessment and tax base for Cypress county, Kananaskis Country, and improvement district No. 9.

A 2004 Municipal Government Board decision regarding a ski resort in Banff national park will affect other property in ID No. 9 and could result in additional revenue losses for that ID of up to \$300,000, or approximately 30 per cent of their general municipal budget.

The proposed amendment will clarify the rules regarding when and where property is to be assessed if a person other than the Crown holds or uses property in a national park, provincial park, or recreation area. The amendment will continue to exempt any provincial park or recreation area, including any campground, day use area, or administration and maintenance facility held by the Crown in right of Alberta or operated under a facility operation contract or service contract.

However, Mr. Speaker, properties like downhill ski facilities, golf courses, food concessions, stores, and restaurants held under lease, licence, or permit will once again continue to be subject to property tax as was the original intent of the act. This will ensure fair and equitable property tax treatment regardless of the property's location and will result in a tax stability for municipalities and improvement districts impacted.

5:00

Mr. Speaker, my understanding is that when the Municipal Government Act underwent substantial amendments back in 1994, there was a move to plain language in the legislation. In this particular area there was no intent to have any change in policy. The intent was to bring forward exactly the same taxing policies that had been in place since 1968.

Since that time various taxpayers have appealed to the courts and then ultimately to the MGB, claiming that the change in wording in the act in effect bestowed a change in policy and an exemption from taxation. That simply was not the case then. It was not the intent then, and it is not the intent now. The intent is to continue to assess all properties that have historically been assessed within provincial parks with the exception of Crown-owned and -operated facilities and facilities that are operated under a specific Crown lease.

Finally, Mr. Speaker, I want to spend a little bit of time discussing the community revitalization levy. Municipalities have been asking the province for access to innovative financial tools to help infrastructure needs. The proposed policy change will allow any municipality to pass a bylaw and designate a specific district for redevelopment and to set the duration of tax increment financing generally up to about 20 years.

In a tax increment financing scheme, a community revitalization levy tool is that a municipality would take out debentures to cover the cost of infrastructure servicing and other costs of redevelopment. As development occurs, the value of the property increases. Taxes collected on the increased assessment are captured in a separate fund to repay the debenture. This innovative financing scheme would see current property tax values held for project purposes at the current level for, again, up to 20 years or until the original investment has been recouped.

Mr. Speaker, just for simplistic explanation, basically what you would do is take an area that is undesirable for development, that requires significant public investment by the municipality. They would go out, they would borrow money, make that investment. The assessment that is in place in that designated zone would be frozen. Any new development that comes into that area would have the taxes diverted into a special fund that would first go to repay the debentures rather than into the general revenue of the city. Once that original investment has been recouped, then the zone ceases to exist, and everything returns to normal.

Mr. Speaker, it's important to emphasize that the proposals have been developed in consultation with Alberta's local governments in collaboration with targeted stakeholders. The overall result is that municipal authorities will be better able to continue providing the high quality of service Albertans have come to expect. The bill is part of the government's responsiveness to the needs of Alberta municipalities and their residents by providing two new innovative tools for revenue generation and clarifying certain property assessments and tax provisions.

Mr. Speaker, I ask the consideration of the House to give approval to Bill 28. Thank you.

The Acting Speaker: The hon. Leader of Her Majesty's Loyal Opposition.

Dr. Taft: Thanks, Mr. Speaker. I appreciated the comments of the minister, and I appreciate his efforts at working to keep us well informed on this issue. It's a significant piece of legislation. It's a bit unusual in that it has four very unrelated kinds of aspects to it. Obviously, they're all tied into the Municipal Government Act, but they range from issues around managing sand and gravel right through to potentially very significant inner urban redevelopment projects and other issues as well. So it's a kind of disjointed piece of legislation in that way, but if it's the most efficient way to steer it through the Legislature, so be it.

I would like to begin by reflecting to the Assembly that I consistently hear concerns from municipal councillors that the Municipal Government Act is amended virtually every year, and while they ask for different amendments from time to time, there is a sense that their legislative base is always up for modification, and from one year to the next they're never quite sure what the rules are or what they're going to be.

We've argued recently that the Legislature should consider, actually, an amendment to the Alberta Act, which would amount in some ways to a constitutional amendment, establishing for municipalities a much more solid basis in the Alberta Act, what is in their control and what is not in their control, giving them the predictability and the security in the long term over their legal existence, because they do worry and fret about how secure their legal existence is.

I know that in this Legislature we've debated changes that have reduced the power of municipalities over things like intensive livestock operations when, in fact, some municipalities are very keen to have those controls and regret losing them. But that's a different issue for another time. All I'm really raising there, Mr. Speaker, is the concern that this act is amended so often that municipalities do worry about their legal security.

The intent of part of the bill is to help municipal governments manage and respond to sand and gravel operations, essentially, that may be within their boundaries. These operations, I know, can be very big, very noisy, environmentally quite disruptive. They can also be very economically important. The value of a large sand and gravel deposit to the owners can be easily into the many millions of dollars.

We can all easily imagine the wear and tear on roads that occurs as a result of a busy gravel pit or sand operation and the heavy truck traffic that that generates. We can also easily imagine the environmental disruption and the impact on surrounding property values that could result from this. So trying to help municipalities respond in an appropriate fashion through a levy like this seems, at first blush at least, to be quite a reasonable tool to give to municipalities and one more thing they can use to manage their complicated lives.

The aspect of the bill that deals with linear assessments is quite different, and it raises a few questions for me. Linear assessments presumably don't just apply to pipelines, as the minister suggested, but also to any rights-of-way; for example, for power transmission or that kind of utility corridor. Of course, these are very important for municipalities, for all of us. They're the corridors that run in some cases right through neighbourhoods, certainly right through cities, that allow us to get the electricity that we value and allow Alberta's very, very extensive pipeline network to function. People also see on their monthly power bills, I think, some of the effects of – I don't know if they call them taxes – city rights-of-way fees for power companies that get passed on to power consumers and are an important source of revenue to municipalities.

5:10

I can't help wondering what implications this bill might have to the bigger debates around major pipeline development in the province, pipelines coming from the north or pipelines extending to the west coast. I don't know if there's any bearing at all of this legislation on those projects or, for that matter, on the possibility of exporting electrical power to the United States, the need for very significant extensions of rights-of-way for transmission lines either directly into Montana or east into Saskatchewan, which is probably unlikely, or west into B.C. So I don't know if there are some implications of this bill on those possible projects, and I'd be interested to hear from the minister at some point if there are.

The Crown lease assessments I will need to study more carefully to really understand what the implications of those are and will be taking some time, I hope, over the next 10 days or so to look at those. Crown leaseholds are sometimes the subject of real debate and controversy in how they should be managed and how much revenue should be charged or what responsibility should be placed on the leaseholder, what privileges people should have, what access issues there might be. I'll be perfectly honest; we haven't had time to look into all of those issues. If this bill will affect those, I don't know.

I think that what we've heard the most about is the question of the revitalization levy that this bill proposes and will present as a tool to municipalities. I've heard about this for some weeks or months now in talks with city councillors certainly in Calgary and elsewhere, and I know there are divisions on whether these are good ideas or not.

I'm all in favour of giving municipalities more tools to manage their affairs and to be creative and in Calgary, for example, to redevelop the so-called East Village. I can see why some members of city council are so keen to get that project going, and I could easily imagine that one might work in Edmonton as well in certain areas of east downtown Edmonton.

A project like that can stimulate new development, it can take a decrepit or old or underdeveloped part of a city and bring it new life. It can generate in the long term new tax revenues. It could even help combat urban sprawl by allowing the intensification of an urban centre and more and more people living close to the city centre where they don't have to place demands on transportation, on roads, on LRT, or on schools or sewers or all of those other costs that come along with urban sprawl. There's even potentially an environmental benefit to reducing urban sprawl.

So those are all good things and I think need to be seriously considered and could provide real opportunities.

There are, of course, as with everything two sides to the debate. To us in here, all of us generally privileged, well-educated, coming from reasonably prosperous households, the rundown areas of central cities look like a blight, but to people who live there, people who are very different from most of us, people who are maybe homeless or struggling to get along in life, those are actually their neighbourhoods. That's where they live. In both Calgary and Edmonton there are thousands of these people, and unfortunately they are frequently the victims of these redevelopment projects. They end up being displaced. They get pushed out to other parts of the city, maybe into neighbourhoods where they weren't welcome before and aren't welcome now.

The very extensive services that develop in these blighted areas to help those people, services like homeless shelters, like detox centres, social justice agencies, health agencies, all of those services that develop in these rundown, inner urban areas also get displaced, and they lose track of the population they're intended to serve. So that's one of the downsides of this legislation that would need to be considered, and hopefully any business case brought to the cabinet by a municipality asking for one of these revitalization levies would need to address that and address that very seriously.

Another question that comes out of this is that basically what this does is allow a municipality to go into debt. I have to ask myself why we're encouraging or facilitating municipalities to go into debt. We're all supposed to be thrilled that this government is so-called out of debt although there are many ways to measure debt, and there are cases to be made that we're not out of debt at all as a provincial government. But that's been an objective of this government. Why is it that we're now making it easier for municipalities in Alberta to go further into debt? I think we need to consider that. What's good for the goose should be good for the gander.

Certainly, the provincial government right now has the resources to take a different approach to this problem. Rather than forcing municipalities into debt, it may want to consider establishing a revitalization fund to serve the same purpose and prevent cities from having to go into debt. After all, as is often said, there's only one taxpayer. The citizens of Calgary are also citizens of Alberta and of Canada. If we're trying to get those people out of debt, then it's really a bit of a slight of hand to say that, well, they're out of debt as provincial taxpayers, but they're deeper in debt as municipal taxpayers. So I think there are some serious questions there and long-term risks to the municipalities if we allow them or indeed encourage them to go deeper into debt.

It also makes me wonder if there isn't some opportunity here for creative funding or creative financing. Maybe there is a role for the provincial government to establish let's call it an urban redevelopment fund. If we want cities to go into debt, they'd borrow from this fund at a set rate. Rather than going to the open market, they'd borrow from the provincial government's fund and then repay at a long-term, predictable, low interest rate. The risks to the municipalities from that sort of opportunity might be really diminished. I think historically senior levels of government have actually been quite prepared to establish those kinds of funds to allow municipalities to borrow and redevelop housing and other services. So perhaps there's some opportunity here for creative thinking.

I will be asking the minister if he's given some thought – and I'm sure he has – to where the financing for these levies ultimately will be coming from. Will cities be going to the bond market or to international lending organizations, or would they have the opportunity to go to a municipal government finance corporation owned and operated by the people of Alberta to help their own cities get stronger? I don't know. I'd be interested in the response to that.

I also note that there are divisions on Calgary city council on this issue. That's healthy democracy, but we'll be trying to reflect those divisions and work them through in the debate on this piece of legislation as it works its way through this Assembly.

So an interesting piece of legislation, an interesting bill that has four rather disjointed components to it. I'm sure the intent of the bill is to help our municipalities be better, stronger, more vital communities and more vital governments. If that's the intent, we support it. But I'm also going to watch carefully as this goes through the Legislature and listen to the debate and listen to the stakeholders and see if there aren't ways that we can actually make this a better piece of legislation.

With those comments, Mr. Speaker, I'll turn the floor over to some other member of the Assembly and listen carefully. Thank you.

The Acting Speaker: The hon. Member for Calgary-Varsity.

5:20

Mr. Chase: Thank you, Mr. Speaker. I speak to this bill from two points of view. One is as the MLA for Calgary-Varsity – and this bill very much affects my city – and also as the opposition critic for infrastructure. This bill is an attempt by municipalities to generate revenue locally. Municipalities have lost this ability due to government centralization of services. For example, the Calgary board of education used to be able to collect 50 per cent of their operating budget through property taxes, which they then used to target specific urban issues like ESL and special needs.

When the government took over this form of taxation, the municipalities lost out. They fought the province hard and successfully not to have their revenue further eroded by a reduction in the portion of the pump tax that they receive. If the province properly shared the revenue which it extracts from municipalities in the form of taxes for education, health care, et cetera, this bill would not be necessary. The reality is that there is only one taxpayer, and whether the money is taken by the province or by the city, the money is gone.

I have no trouble taxing gravel trucks and operators. I'm glad that provincial parks are exempt because that would leave the province to be taxing itself.

I do have trouble with this somewhat desperate act on the part of municipalities to try and generate or replace revenue which should be forthcoming from the province's general revenue, especially given our series of billion dollar surpluses.

Thank you.

The Acting Speaker: Standing Order 29 kicks in. Any questions?

The hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you very much. I'm really glad to get a chance to make some comments on Bill 28, the Municipal Government Amendment Act, 2005. There's a lot of discussion in my household around the MGA, and although it's not my particular interest, I'm hearing a lot about it whether I want to or not. So I'm glad to be in the Assembly while it's being debated and to hear the different points of view that are being brought forward.

We actually have a number of people in the Assembly that have a lot of direct, hands-on experience in municipal government. I hope that we're going to get some of them up and speaking to this bill because I'd be delighted to hear what their point of view is on this. There's a lot of accumulative municipal experience here, so I'm looking forward to that, Mr. Speaker.

Where I want to start on this one is, really, we're looking here at the relationship between the province and the municipalities. Relationships often flounder on the rocky shores of money.

Dr. Taft: They founder too.

Ms Blakeman: Sorry. Exactly. I've been corrected already, and I'm not even three minutes into this.

I note that it's always interesting that we've had a lot of download from the provincial government onto the municipalities to take responsibility for delivery of services and of programs and/or the provincial government has withdrawn from a share of the funding formula and has drawn back in how much they're actually contributing. When we look at, for example, some of the programs around FCSS, which is meant to be an 80/20 split between the province and the municipalities, when the province sort of stayed their contribution to the formula, eventually it flipped right over. We ended up with the municipalities putting in 80 per cent and the province 20 per cent.

The Acting Speaker: Hon. members, the hon. Member for Edmonton-Centre has the floor. Any member wishing to converse, we have a beautiful facility just outside this Chamber. Please excuse yourself and continue your conversation there.

The hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you, Mr. Speaker. We have a relationship between the province and the municipalities around the distribution of responsibility for programs and for funding those programs, but we also have a disparity between the two on ability to fund those programs, essentially. Something interesting happens. The only tool that the municipalities really have is property taxes.

Both the provincial and the federal governments have income tax, and they get a bonus because when people earn more or when you have more people paying income tax, without doing anything, the province and the feds make more money. The more people earning money that gets taxed or people earning additional money and it's taxed as a percentage of their income, without doing anything, without ever appearing to raise any percentage or level of taxes, the province and the federal government benefit. They don't have to do anything.

The municipal governments, because it's based on a specific percentage of the property tax – and that does not rise just because you have more people working, for example – and even taking the market value assessment that we've moved to, it still doesn't automatically increase in the same sort of way, so the municipalities really get the raw deal. It simply does not increase for them. They have to be very visible and, frankly, accountable as well when they are trying to get more money. So they're kind of stuck whereas the other two levels of government get a bit of a free ride when they're looking for a source of income from income taxes.

The Alberta Liberal opposition has argued for some time that we need a new relationship between the province and the municipalities, and one that is, frankly, less paternal. It needs to recognize that our cities are our major economic drivers. You know, in some cases our cities are now larger than some other provinces in the country. We've got to take seriously their status in what we're doing, and I think that if we don't, we will end up with some of our cities – who knows? – maybe Edmonton, maybe Calgary, seriously investigating some of the other options that are being looked at in other parts of the world, like becoming a charter city where they essentially set themselves up on their own, and that takes them away from the control of the province.

I'm not saying that as a threat. I'm just making it as an observation that if you allow a situation to develop that is so inequitable, eventually people will find a way around it, and I'm always amazed at how ingenious people can be about that kind of thing.

So we need to relook at that relationship between the province and the municipalities. I mean, our Constitution sets out that there are really two levels of government in the country, the federal government and the provincial government. Therefore, the municipalities don't, sort of, figure unless they're thought of as entities of the provincial government. I think we've got to find a new relationship there and, frankly, put it into a recognizable form, and that may well have to do with amending the Alberta Act.

We have to be allowing the municipalities more tax tools, and I would argue some tax tools that are more akin to the income tax regime that the provincial and federal governments are able to enjoy. In particular, I think we need to recognize that municipalities along with a number of other groups in the province and in different sectors need to know that there is predictable funding, that there is stable funding, and that there is sustainable funding. Now, whether that's grant funding that's coming from the province to the munic-

palities or their own ability to collect money to provide the services that their citizens need, both of those need the predictability, stability, and sustainability that I'm talking about.

Now, one of the issues that I've addressed in the House before that links to this issue around flexibility of municipalities to work with the taxation tools that are available is around some wellness initiatives. You've heard me talk before about the ability of the municipalities to work with the education property tax and to be flexible about it, which has not happened. In particular, I'm talking about adult recreational groups here.

The Acting Speaker: Hon. members, the House stands adjourned until 8 p.m.

[The Assembly adjourned at 5:30 p.m.]

