

Legislative Assembly of Alberta

Title: Wednesday, November 16, 2005 **1:30 p.m.**

Date: 05/11/16

[The Speaker in the chair]

head: **Prayers**

The Speaker: Good afternoon.

Let us pray. Guide us all in our deliberations and debate that we may determine courses of action which will be to the enduring benefit of our province of Alberta. Amen.

Please be seated.

head: **Introduction of Guests**

The Speaker: The hon. Minister of Advanced Education.

Mr. Hancock: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to members of the Assembly some representatives from Alberta's postsecondary institutions that engage in international education initiatives. Joining them are staffers from Alberta Advanced Education's international education division. These people are here today in support of the ministry's initiatives to promote International Education Week. The celebrations this week demonstrate the significant contribution that international education makes in preparing Albertans for the global world. As all members will know, the third pillar in our 20-year strategic plan is: competing in a global marketplace. International education and global education is very important to that.

Here today representing the postsecondary institutions are Rae McDonald, director of international relations at the University of Alberta, and Pat Bidart, associate vice-president, academic services, Olds College. I might say that Pat recently joined us on our mission to Mexico. Staff from the ministry are Dan Rizzoli, director of the international education division; Ken Ohashi, director of international relations for apprenticeship and industry training; Christine Savage; Sandra Zarate; Karin Oxtoby; and Angela Balec. Mr. Speaker, they're seated in the members' gallery. I'd ask them to rise and receive the traditional warm welcome and thank you from members of the Legislature.

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

Ms Evans: Thank you, Mr. Speaker. What a privilege today to introduce 79 visitors from Lakeland Ridge school in Sherwood Park. This public school has the unique designation of being a partner with Holy Spirit school. It's our newest school, and it combines Children's Services and Human Resources and Employment with Alberta Works. So the whole school complex is a brand new example of working together.

Today the teachers that are accompanying the group are Lindy Mair, Sonya Bushell, and Jay Robertson with parent helpers Kerry Van Camp, Sue King, Connie Bishop, Kim Schultz, Melody Schaufle, Lorna Rae, and Wanda Marchand. They're seated in the members' gallery with a wonderful group of students. Please join me in a warm welcome for Lakeland Ridge public school.

The Speaker: The hon. Minister of Restructuring and Government Efficiency.

Mr. Ouellette: Thank you very much, Mr. Speaker. Today I'd like to introduce to you and through you to all members of the Assembly an individual who has recently filled a vacancy in the communica-

tions branch of Restructuring and Government Efficiency. I'd like to introduce Tracey Welsh, who has joined our team, from Fort McMurray, where she worked for the regional municipality of Wood Buffalo as their public information officer and most recently filled a similar position for Sturgeon county. Would you please rise, Tracey, and accept the warm welcome of the House.

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

Mrs. Forsyth: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to the Assembly a very impressive young man from Calgary visiting our Legislature today, Ravinder Minhas. Ravinder has been recognized as one of Alberta's Top 40 under 40, the youngest of the group at the age of 23. I might add that he's the president of Alberta-based Mountain Crest Brewing company, with the logo of Damn Good Beer!, and he's also been nominated for the Canadian Top 40 under 40. He's spending the day shadowing me to learn more about politics and government, so I've had him running since very early this morning. I would ask Ravinder to rise and receive the traditional warm welcome of the Assembly.

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

Mr. Cao: Well, thank you, Mr. Speaker. It's a great pleasure for me to introduce to you and through you to the Assembly Dianne Pachal. Dianne is a long-standing conservationist in Alberta and has been a resident of Calgary-Fort for 15 years. She was awarded a 125th anniversary commemorative medal by the government of Canada in 1992 in recognition of significant contribution to compatriot, to community, and to Canada. I would like to ask Dianne to stand and receive a warm welcome from the Assembly.

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

Mr. Tougas: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of this Assembly a fine group of students from Winterburn elementary and junior high school. These students are all enrolled in the Logos Christian education program. They are accompanied by their teacher, Mrs. Jacqueline Baker, and a parent, Mrs. Wendy Werstiuk. If they would rise and please accept the traditional warm welcome of this Assembly.

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

Mr. Marz: Thank you, Mr. Speaker. It's a pleasure for me to rise today and introduce 45 students from Dr. Elliott school, which is located in Linden, Alberta. Accompanying them today are teachers Ms Lenz and Mrs. Hughes along with parents Mr. Huff, Mrs. Ratzlaff, Mr. Heyblom, Mrs. Megli, Mrs. Penner, Mr. Leinweber, Mr. Vigna, Mrs. Klassen, Mrs. Christiansen, Mrs. Kung, Mr. Ratzlaff, and Mr. Reimer. I'd ask them to rise and receive the warm welcome of this Assembly.

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

Dr. Taft: Thank you, Mr. Speaker. It's a great pleasure for me to rise today to introduce to you and through you to all members of the Assembly our new director of outreach in the Alberta Liberal caucus. She comes with a great background in education and theatre and organization and promotion. I would ask her to rise. Her name is Jill Roszell, and she's in the public gallery. Please, everyone, give her a warm welcome.

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

Mr. R. Miller: Well, thank you very much, Mr. Speaker. It is indeed my honour and pleasure to introduce to you and through you to all members of the Assembly a resident of Edmonton-Rutherford who has become a true friend over the past several years and who I like to think is one of the best darned election sign erectors anywhere. Could I please ask Larry Rowan to stand and receive the warm welcome of this Assembly.

The Speaker: The hon. leader of the third party.

Mr. Mason: Thank you very much, Mr. Speaker. It gives me great pleasure to introduce to you and through you to this Assembly Pat Spady. Pat is a physical therapist who lives near Lamont, Alberta. She has organized a series of vigils here at the Alberta Legislature to help protect public medicare. She's here today to urge the government to halt any privatization plans for a public health care system. I'd ask that she rise and receive the traditional warm welcome of this Assembly.

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

Mr. Martin: Thank you, Mr. Speaker. I'm delighted today to introduce to you and through you to this Assembly Ms Shirley Barg. Shirley is a former chair of the Council of Alberta University Students as well as a former vice-president external of the Athabasca University Students' Union. She is currently working in continuing care with the Capital Care Group. Shirley is helping to establish an Alberta branch of the national organization Equal Voice, whose aim is to include more women in electoral politics. I'd now ask that Shirley rise and receive the traditional warm welcome from the Assembly.

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

Dr. Pannu: Thank you very much, Mr. Speaker. It gives me very special pleasure today to introduce to you and through you to the Assembly Mr. Neal Gray, who I hope will be one of the Alberta MPs in the next House of Commons. Neal is the NDP candidate in the upcoming federal election in the riding of Edmonton-Mill Woods-Beaumont. Neal currently works in computer support for the Alberta government. He is here today to observe the proceedings of the Legislature. I would now ask that Neal rise and receive the warm welcome of the Assembly.

1:40

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. Jeff Sloychuk. Jeff has recently taken a position with the Communications, Energy and Paperworkers Union. He is the former vice-president academic for the Students' Association of Red Deer College. Last year Jeff received Red Deer College's highest academic and citizenship award. He organized an association at Red Deer College called Community Coalition for Accessible Education and recently completed another campaign to support the striking workers at Brooks. I would now ask that Jeff rise and receive the warm welcome of this Assembly.

The Speaker: The hon. Minister of Public Security and Solicitor General.

Mr. Cenaiko: Thank you very much, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of the Assembly five Albertans who are dedicated to reducing the incidence of family violence in our province. They are here today in recognition of Family Violence Prevention Month and in support of the White Ribbon campaign. The campaign is aimed at men, and wearing a white ribbon is a personal pledge never to commit, condone, nor remain silent about family violence. With us today are Inspector Tonia Enger of the RCMP, Staff Sergeant Eric McDonald of the Calgary Police Service, Staff Sergeant Dave Zukiwsky of the Edmonton Police Service, and Jan Reimer and Patricia Poohachoff from the Alberta Council of Women's Shelters. I'd ask that they please rise and receive the traditional warm welcome of this Assembly.

The Speaker: The hon. Member for Cardston-Taber-Warner.

Mr. Hinman: Thank you, Mr. Speaker. It gives me great pleasure this afternoon to rise and introduce to you and through you to this Assembly a good friend and colleague, Eleanor Maroes, from the Alberta Alliance Party. She is currently serving as our interim leader, and she has been involved with the democratic process since 1989, trying to make our province and country better. I would like her to rise at this time as our honoured guest and receive the warm welcome of this Assembly.

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

Mr. Stevens: Thank you, Mr. Speaker. I would ask Val Campbell to rise and be recognized. Val is Alberta Justice's face to the public on the issue of family violence. Val is a prosecutor who over the past year has trained over 5,000 people in the crime and issues regarding family violence in this province and is doing a fabulous job on behalf of all Albertans. Please acknowledge her.

head:

Oral Question Period

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

Securities Commission

Dr. Taft: Thank you, Mr. Speaker. Despite indications in the Auditor General's report on the Alberta Securities Commission of mismanagement, breaches of policy, and a lack of documentation within the commission the Minister of Finance continues to downplay and deny the serious problems within that organization. Now even the Auditor General has said that he does not know how this report could be seen as a clean bill of health by anyone and that changes need to be made to protect the integrity of Alberta's capital markets. My questions are to the Minister of Finance. Given the major problems of the Alberta Securities Commission over the last year and the troubling report released this month by the Auditor General, why hasn't the minister taken the time to meet with the Auditor General to fully discuss what he sees as serious inadequacies of the Securities Commission?

Mrs. McClellan: Well, Mr. Speaker, the hon. member opposite should have sent me a note and asked me if I'd met with the Auditor General because indeed I have had a discussion over the report of the Auditor General. What is most important is the management response to the Auditor General's report and, indeed, this minister's response, which says very clearly that we take all of the Auditor General's recommendations very seriously. We intend to implement

all of the recommendations in that report. I believe, if I'm not mistaken, that the Auditor General will be meeting with the commission on progress sometime in the future.

Mr. Speaker, it's clear in this report that the Auditor General has made recommendations to strengthen documentation. It's clear in this report that the Auditor General had an opportunity to review every case file that he asked to see and that he did not find one file, one case, where he found sufficient information that would have him consider reopening any of the files. He did however make many recommendations that will improve the processes at the Alberta Securities Commission, and the chairman and members intend to implement them fully.

The Speaker: The hon. leader.

Dr. Taft: Thank you, Mr. Speaker. As recently as 10:30 this morning the Auditor General said that he had not met with the minister to discuss the report.

My second question to the same minister: given that the Auditor General has found that the Alberta Securities Commission's enforcement practices were handled poorly, has the minister been given any explanation as to why the executive director continues to remain at the Alberta Securities Commission?

Mrs. McClellan: First of all, Mr. Speaker, I don't know in what context and what timing the Auditor General said that he hadn't met with me. I have not met with him since the official release of the report, but I have met with him and discussed the report with him. The Auditor General was away for a period of time and is just back, and when the Auditor General would like to have a meeting with me, I would be most happy to have that discussion with him. However, I have not been in the practice nor will I be in the practice of phoning the Auditor General and asking for a meeting to discuss a report that he has provided to this Assembly and to Albertans.

On the issue of conflict of interest, Mr. Speaker, the commission has implemented processes to ensure as much as possible that this type of inadvertent conflict will not occur again and still protect the integrity and confidentiality of the investigations that the Securities Commission undertakes.

The Speaker: The hon. leader.

Dr. Taft: Thank you, Mr. Speaker. Given what the Auditor General today called a serious breach of the code of ethics by the director of enforcement at the Alberta Securities Commission, can the minister explain why that person is still in his job?

Mrs. McClellan: Mr. Speaker, I recall that in the spring there was a lot of criticism of some people that weren't in their jobs for breaches.

I can tell the hon. member that the Securities Commission has had a complete review of this situation, believes that it was totally inadvertent, that there was no intention, and, as I indicated, has put in place processes to ensure as much as possible that this could not happen in the future.

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

Health Care Insurance Privatization

Dr. Taft: Thank you, Mr. Speaker. The inevitable effect of allowing doctors to broadly practise in both the public and private systems is

a ratcheting up of health care costs as one system plays against the other to provide medical services. The plan by this government to increase the role of private insurance corporations is absolutely guaranteed to raise health care costs, yet documents that the Alberta Liberal caucus has obtained detail the government's plan to allow, indeed facilitate, exactly this. My questions are to the Minister of Health and Wellness. Given that government documents repeatedly speak about the need for better access to hip and knee replacements, why doesn't the minister spend the million and a half dollars she's giving to Aon Consulting on providing more hip and knee replacements instead?

1:50

Ms Evans: Mr. Speaker, let me be clear. I cited yesterday that on the web for all Albertans the documents exist for Alberta Health, defining the steps that were being considered. Let me address first of all the opting in/opting out. Alberta still, regrettably, has lower physicians per 1,000 than many other places. Opting in/opting out could provide what exists in several other provinces; that is, an opportunity for physicians in regulated and controlled situations to work in both systems, thereby enhancing both opportunities.

It was a discussion point without a fait accompli. We have scheduled, Mr. Speaker, a discussion with both the AMA and the CMA to talk about what the physician's best role is, reminding the member opposite that on August 15 the Canadian Medical Association said that they rejected a proposal that would eliminate the opportunity to look at a parallel private system. All we're talking about is giving doctors an opportunity to do more work in Alberta under certain controlled conditions.

The Speaker: The hon. leader.

Dr. Taft: Thank you, Mr. Speaker. Given that the minister's own documents, which she has made public after our pressure, admit that the very people on waiting lists, the very people who need hip and knee replacements won't qualify for private insurance, how does she think this scheme is going to help them?

Ms Evans: Mr. Speaker, let's not take an extremist view of a discussion document. We have three pilot projects to enhance the opportunity for people to get hip and knee replacements. Indeed, 1,200 more Albertans will receive those hip and knee replacements as a result of an injection of funds that we have made. Now, we could add more money for hip and knee replacements, but then they obviously have to have a bed to go in. Many of the places are at 100 per cent capacity.

Let's get back to the point that he first addressed, which is, "Why would we do this study?" Isn't it responsible? Wouldn't Martha and Henry out there want to know what it costs before we make any moves? We've asked for an actuarial review of costs and how we're currently paying for Alberta Health and how we might pay in future to enhance Albertans' opportunities for choice and options to gain the health care that they need.

The Speaker: The hon. leader.

Dr. Taft: Thank you, Mr. Speaker. On page 3 of the documents, which the minister has, it says, "Introduce notwithstanding provision to Alberta Health Care Insurance Act." Could she explain, please?

Ms Evans: It means, simply – and this is a summary on step 2, amending the opting-in rule – that we currently have a rule that prevents people from opting out, and it would enable them to opt in

under certain conditions. It says, "providing exceptions." It goes further to say, "Any range of exceptions could be made to relieve various system pressure points." In other words, you might not allow all physicians to opt in and opt out. You might allow those in certain disciplines.

Again, Mr. Speaker, it's a discussion document, which I think Albertans will have ample opportunity to review when we bring forward any legislative amendments or intent next spring. It's not part of this fall agenda, but I'd be pleased to discuss it with the hon. members at any time.

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

Health Care Privatization

Ms Blakeman: Thank you, Mr. Speaker. This government continues to lurch toward its goal of privatizing Alberta's valued public health care system, known these days as the third way. As with the first wave of privatization, known as Bill 11, the government is planning to mount a PR campaign to convince Albertans that they aren't entitled to their public health care system. My questions are to the Minister of Health and Wellness. How will spending tax dollars to shift Albertans' expectations from health entitlement for all to a lower expectation result in better health care?

Ms Evans: Mr. Speaker, let me cite a few facts. I think these are things that Albertans want to know. If you went in for a hip replacement today, just a standard would be \$12,000. If you had a stroke, it would be \$25,000 if you spent four days in bed. If you had a child that was born premature and spent 42 days in an ICU, it would be \$42,000. If you had a kidney transplant, it would be \$37,200. Quite simply put, it's up to this government to look at ways to make our health care system affordable and sustainable so that my grandchildren and yours can have help when they need it.

Ms Blakeman: Telling people how much it costs doesn't make it better.

My next question to the minister is: given that the government has assured Albertans that these unpopular reforms would be carried out only after full and open consultation with Albertans, where is the public consultation that was promised?

Ms Evans: Well, Mr. Speaker, right now we're not bringing any reforms before this Legislative Assembly. I've been out talking to every region, listening to community leaders in every part of this province and every health authority about third way initiatives. We're gathering information from Albertans. We're defining what could be a plan.

Mr. Speaker, what I think is remarkable is that people understand today that we can't have things the way we always did. In 1966 the average Canadian spent \$34 a year of public money on health. About three years ago that average was \$2,685. If you adjust 13 and a half times for inflation, it would mean today, if you took those same indices and applied them to other things and other commodities we buy, that the minimum wage for Albertans would be \$80 and a family car would cost \$270,000.

Ms Blakeman: Total red herrings.

My final question today to the Minister of Health and Wellness: given that the minister claimed that the plan for privatization released last week was simply working documents and does not represent government policy and that the Premier very clearly stated

that paying for private insurance is the policy, who is actually in charge?

Ms Evans: Well, Mr. Speaker, it's really clear to me that we have the best leader in Alberta, and he is in charge.

Mr. Klein: I would like to supplement, Mr. Speaker, since my name was mentioned in vain. A clarification. The hon. member made an accusation that the health care system would not look after the sick and injured, something to that effect. I don't know her exact words; I'd have to read the Blues. I want to say to this Legislative Assembly that anyone at any time who is sick or injured will get treatment under the public health system as we know it today.

The Speaker: The hon. leader of the third party, followed by the hon. Member for Foothills-Rocky View.

Mr. Mason: Thank you very much, Mr. Speaker. It's a little counterproductive because the government's answers are making us sick.

Mr. Speaker, on his travelling road show next week in eastern Canada the Premier has promised to tell the truth about his government's plans to privatize our health care system. Now, I'm sure that Stephen Harper is thrilled to hear that, given the result of the last election. It will be quite a contrast to the Premier's performance in the last provincial election, where he denied plans to privatize our health care system and promised to consult with Albertans before any changes were made. To the Premier: when he goes on his grand tour of eastern Canada, will he tell eastern Canadians that his government has hired one of the largest private insurance companies in North America to recommend ways to privatize Alberta health insurance?

Mr. Klein: If I'm asked, I will say that Aon has been retained by the government to do an evaluation of the insurance component of what might or might not be legislation. If I'm asked,

The Speaker: The hon. leader.

Mr. Mason: Thank you. When the Premier goes on his travelling road show in eastern Canada, will he tell eastern Canadians that his government has developed a communication strategy designed to convince Albertans to lower their expectations for public health care in this province?

2:00

Mr. Klein: Mr. Speaker, I have not heard that. It has never been discussed. It is a figment of the hon. leader's imagination. So if I'm asked the question, I will say that this is a figment of Mr. Mason's imagination.

The Speaker: Hon. member, we can't use names in the House.

Mr. Mason: Thank you very much, Mr. Speaker. Well, for the Premier's information that report was tabled by my colleagues just yesterday in the House, I believe, so it's available to him.

Will the Premier, when he goes on his junket in eastern Canada, tell eastern Canadians that his government is hell-bent on destroying our single-payer public health care system, something that most Canadians, including Albertans, depend on and cherish?

Mr. Klein: Mr. Speaker, I will tell people in eastern Canada and I'll tell the Prime Minister following that tour when we meet on

aboriginal issues in Kelowna at a first ministers' meeting that we're spending nearly \$10 billion annually on health care, that the system as we know it today is not sustainable, and every Premier and every health minister in the country, including the ND health ministers, agree with that. They agree that throwing more money at the system is not the answer. Perhaps it's part of the answer; I don't know. But I can't see a healthier, as I said before, ND and a healthier Liberal for the \$10 billion or nearly \$10 billion that we're spending on health care. What I will tell them is that we're looking at options to make sure that health care is sustainable for future generations.

But I will tell them and I'll tell this hon. member right now that if he is as sick as he says he is, he will get treatment. We will call an ambulance for him, and he will get treatment in the hospital under the public system. Mr. Speaker, I suspect that he is feigning sickness – he is feigning sickness – and that is precisely what puts pressure on the health care system.

Resource Revenues

Dr. Morton: Mr. Speaker, with all the talk about spending the unbudgeted surplus and the release of the second-quarter fiscal update, some Albertans and many Canadians seem to think that there is no end to Alberta's resource wealth. This view is not only false but dangerous. Resource revenues are volatile. It wasn't long ago that oil prices were only \$12 a barrel, and Alberta's reserves of both conventional oil and gas are already in decline. My questions are to the Minister of Finance. How are we ensuring that Albertans understand the volatility of these resource revenues?

Mrs. McClellan: Well, Mr. Speaker, first of all, we update Albertans annually on our budget. Secondly, we provide quarterly reports, which we did today of the second quarter, informing Albertans of the current prices, as current as you can be in a second-quarter update. Of course, the second quarter certainly did demonstrate the volatility of oil and gas. I don't think that any energy analyst predicted what would happen with oil and gas prices in the world this summer.

The second thing we have done, Mr. Speaker, to try and explain this to Albertans was to send them a brochure that outlined how we manage surplus dollars. The feedback that I have had has been very positive. People want to have that information, want to understand it, and in fact have asked some very good questions from that. The brochure points out very clearly that oil and gas revenues or natural resource revenues are the most volatile and difficult to predict. We try to ensure that Albertans understand that and understand that our budget is based on what we believe are predictable revenues.

The Speaker: The hon. member.

Dr. Morton: Thank you. Next week economists at the University of Calgary will release a report predicting that by 2010, in only five years, Alberta's energy resource revenues will be only about half of what they are today. My question is again to the same minister. Is the government using these revenues responsibly to build the foundation for future sustained prosperity, or is it giving in to short-term spending projects?

Mrs. McClellan: Well, Mr. Speaker, I think the response that I've heard from Albertans is that they do believe the expenditures that have been made are an investment in the future, whether they're the \$1.4 billion in health care facilities, which will enable us to better look after people in our public health system, or they're education facilities at the primary, secondary, and postsecondary levels,

understanding that the success of this province in the future is a well-educated, well-trained workforce. People have responded very well to that.

In the area of roads and transportation, Albertans understand that we are an export province, that we are a landlocked province, and we require good transportation, good economic routes to move our goods and services. Mr. Speaker, in this very capital region we have some 170 companies that process just food and beverage products that are shipped to 100 countries in the world, and that brings home to us how important a good transportation system is. So I think we are investing in the future and the future prosperity of this province.

The Speaker: The hon. member.

Dr. Morton: Thank you. Mr. Speaker, since 1961 Alberta has sent \$243 billion to the rest of Canada in equalization and transfer payments, over \$2,500 for every man, woman, and child in Alberta. My final supplemental to the minister is: how is the government explaining to our friends in central Canada that Alberta's economic success benefits all Canadians?

Mrs. McClellan: Well, Mr. Speaker, it is important that we understand each province's contribution to Canada. I most recently had an opportunity to meet with finance ministers and some other ministers when we were dealing with securities regulation, and we talked about the economy. More recently than that, in a meeting with the federal Finance minister we talked about this very thing: Alberta's contribution to Canada. One might have listened to the federal Finance minister yesterday when he talked about what they were able to do with surplus dollars that they had garnered and mentioned oil and gas revenues as a prime driver in that. Most recently the Canadian Energy Research Institute put out a report that everyone should read, and it indicates that the federal government is the largest recipient of the tax revenue that will be generated by the oil and gas industry. Ottawa will see \$51 billion, or about 41 per cent, of the anticipated \$123 billion.

I think, Mr. Speaker, that everyone recognizes that a strong Alberta is good for Canada, that a strong British Columbia is good for Canada. For every province in this country, if they have strength and contribute to Canada, that is a good thing, and we want to be a part of that.

The Speaker: The hon. Member for Calgary-Mountain View, followed by the hon. Member for Stony Plain.

Hazardous Material Spill at Wabamun Lake

Dr. Swann: Thank you, Mr. Speaker. On August 3 a CN train derailment near Wabamun Lake caused a massive environmental disaster. This will affect the local ecosystem and the people of Lake Wabamun for decades. Perhaps the most shocking part of this tragic incident was that it was entirely preventable if the government had ensured that it had the capability entrusted to it for on-the-ground intervention. To the Minister of Environment: can the minister explain why this government was so inexcusably unprepared for a hazardous release like Wabamun?

The Speaker: The hon. minister.

Mr. Boutilier: Yes. Thank you, Mr. Speaker. Indeed, on that day, as the hon. member has mentioned, for Lake Wabamun and its residents it truly was an ecological disaster. But let me share with this House and the hon. member that the Alberta law that we have

under Alberta protection as well as under the Water Act is one of the strongest laws in this entire Confederation of Canada. We hold responsible industries and those who, in fact, contaminate a rich resource that we have, such as water and land. I also want to say that the enforcement orders that the government and the Ministry of Environment, in fact, issued in the first two days of this event were something that was unprecedented as well.

2:10

We are working very closely with the residents. It is without question an investigation that is continuing into all of the circumstances, and it's my hope within the weeks to come to report on the investigation to this Assembly. As well, there is an environmental commission that is looking at how we can do better. I will never apologize for saying that Albertans have an attitude, that we represent, that we can always do better.

I want to thank all those who were involved directly on that day, the day after, and the day after that as the cleanup continues, and we are making progress in that cleanup to restore it for not only this generation but future generations as well.

The Speaker: The hon. member.

Dr. Swann: Thank you, Mr. Speaker. To the same minister: what is your role in such disasters?

Mr. Boutilier: Mr. Speaker, on that day as Minister of Environment, in fact, my wife and I were scheduled for a week to be at our own cottage on a lake. I've now come to realize that if there ever is going to be an ecological disaster, I know when it's going to be. It's going to be on the day that I schedule to be away for a week.

On that day we left to attend Wabamun and spent the next many weeks there with, of course, the hon. Member for Stony Plain working closely with officials. This Assembly may not be aware that in the first 24 hours we hired a leading expert worldwide, right here from the University of Alberta, Dr. David Schindler, to advise me directly. As well, we hired Dr. Ron Goodman, who in fact was the expert who was dealing with the cleanup of the *Exxon Valdez*, another ecological disaster, who also was advising me directly as Minister of Environment.

Mr. Speaker, I can assure all members of this House and all Albertans that we are doing our very best in terms of this cleanup and restoring this lake again to the proper order it deserves for its residents.

The Speaker: The hon. member.

Dr. Swann: Thank you, Mr. Speaker. That wasn't the question, but it was four days before there was any action on the ground.

Since the government has admitted that it failed the people of Alberta, to the Deputy Premier: what funds have been dedicated this year to ensure on-the-ground response to such emergencies in the future?

Mrs. McClellan: Mr. Speaker, the Minister of Environment has a budget that he can deal with these things within. We have emergency measures funding so that we can deal with this, and because of the foresight of this government we have disaster funding available for this. When it is required and the Minister of Environment comes forward requiring dollars for this, this government is prepared and in sound fiscal position to respond.

I'd ask him to supplement.

The Speaker: The hon. minister to supplement.

Mr. Boutilier: Yes, Mr. Speaker. To the hon. member – and a very good question again – essentially, as you know, the Alberta Environmental Protection Commission, which is headed by the chancellor, Dr. Eric Newell, and the very worldwide members of that panel are bringing, in fact, recommendations back to me as minister by the end of this very month. In fact, they provided an interim report to Albertans at the end of September. It is on the website, and I can assure you that we will be taking quick and concise action based on whatever those recommendations are, that the Minister of Finance has referenced too. This government will act in terms of what those recommendations are in restoring that lake to its proper order.

The Speaker: The hon. Member for Stony Plain, followed by the hon. Member for Edmonton-Rutherford.

Mr. Lindsay: Thank you, Mr. Speaker. My question is also regarding the CN spill and the 700,000 litres of bunker C crude oil that spilled into the lake and the 60,000 litres of utility pole penetrating lubricant. My first question is to the Minister of Environment. How long will it be before this cleanup is completed?

Mr. Boutilier: Mr. Speaker, I can assure you of this: it will not be quick enough for any of us in Alberta. I know I want to formally thank the hon. member and his wife, who during those days of the original cleanup, in fact, offered their home and, actually, facilities to many of the environmental protection people that were there and dealing with this ecological disaster.

The cleanup work on the enforcement orders that were issued was completed this fall, but well water testing will continue throughout the entire winter months. Of course, I want to also say to this Assembly today that officials from my ministry will be in fact meeting once again tonight with residents of Wabamun Lake in dealing with many of the important issues that have been brought up by members here today.

The Speaker: The hon. member.

Mr. Lindsay: Thank you, Mr. Speaker. My first supplemental is to the same minister. When is it anticipated that the bans on boating, water usage, and fishing and hunting will be lifted?

Mr. Boutilier: Mr. Speaker, the short answer is that this upcoming spring, after winter passes, based on the work we have done, we'll be in a better position to answer that. That's a very common question for those recreational users and fishermen and Albertans who enjoy this incredible environment that we have. At this point in time we need to ensure that we do a thorough review to ensure that the quality and the safety of the water is protected for Albertans now and well into the future.

Mr. Lindsay: My second supplemental, to the same minister: when does the minister expect the commission that is reviewing this incident to make their final report or recommendations to ensure that this type of catastrophe never happens again?

Mr. Boutilier: As I mentioned earlier to the hon. member, Mr. Speaker, the actual report is scheduled to come back by the end of November. The commissioners and chairman of the commission, Dr. Newell, indicated that they are on track and on schedule to be reporting back to me by the end of November. I intend to in fact be sharing with all members of this Assembly its recommendations.

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

Automobile Insurance

Mr. R. Miller: Thank you, Mr. Speaker. At the end of July the government trumpeted in one of their famous news releases that “good Alberta drivers will see another four per cent . . . reduction in mandatory auto insurance this November.” Many companies objected, not surprisingly, and now we learn that most will not have to honour the reduction. Some have even been allowed to increase their rates. My question is for the Minister of Finance. Will the minister please tell good Alberta drivers why they are not receiving a reduction and, in fact, why some are paying more for the auto insurance than they did before?

Mrs. McClellan: You know, Mr. Speaker, this is a bit frustrating because I am quite accustomed to having questions from the hon. member, and they’re usually pretty well researched and documented, but where the hon. member would’ve got the impression that most Alberta drivers would not see a reduction . . . [interjection] Obviously, a misreading of the website because 90-some per cent will see a reduction.

Mr. Speaker, what actually happens is this. All companies are subjected to a reduction. [interjection] Patience. All companies have the opportunity to make a case for an exemption to the Automobile Insurance Rate Board. They make the case, and they have to provide actuarial information that would show that it would not be reasonable for them to provide a reduction. Now, there are a number of reasons why that might occur. One might be that they had previously put in a reduction that was more than was asked for later on. I can assure the hon. member that the majority of Alberta drivers are not in that position. There are 11 companies, I believe, that have applied for an exemption, and some have applied the reduction to a portion of their insurance, but every company in this province is subjected to the reduction unless they can show with actuarial information that they should be exempted.

The Speaker: The hon. member.

Mr. R. Miller: Thank you, Mr. Speaker. To the same minister: given that insurance companies use their own actuarial information when applying for an exemption, how can Albertans be assured that the data provided to the Automobile Insurance Rate Board is accurate and complete?

Mrs. McClellan: Well, Mr. Speaker, we don’t have to be worried about that because the Automobile Insurance Rate Board will check their actuarial information, I can assure you.

Eighty-four per cent of the market is applying the reduction. That’s what I take exception to in the first question. Eighty-four per cent. When you stand and say that most Alberta drivers will not see a reduction, I have trouble with the credibility of the question. So I will explain to you that exemptions to five insurers, comprising about 11 per cent of the market, were granted on the condition that they reduce their rate for optional coverage, not fully but for optional. The policyholders of them will see a reduction.

Mr. Speaker, 95 per cent – 95, one more time – of the market will see a decrease in their rates. I cannot have this Legislature believe that the majority of Alberta drivers will not see a reduction when the facts are 95 per cent.

2:20

Mr. R. Miller: Well, Mr. Speaker, I’d like to know how many members of this Assembly have received a rebate.

To the same minister: when can we expect the Public Affairs

Bureau to issue a further press release explaining to those good drivers why the flawed insurance reforms have not worked for them and not provided any relief to those good Alberta drivers?

Mrs. McClellan: Well, Mr. Speaker, what I would recommend to people that do believe that they have been treated unfairly or that did not receive a reduction when they should have is that they would contact me or the Automobile Insurance Rate Board because clearly this member does not have his information correct, cannot read the website correctly. This information is open and available on the Automobile Insurance Rate Board website. It clearly shows that 95 per cent of drivers will see a reduction, not that the majority won’t.

So, Mr. Speaker, to the drivers out there who feel that they should have had a reduction, had good driving records – I don’t want to know how many people in this Assembly got a reduction because I don’t want to know that much about their driving. I want to ensure that people understand that they can write to me and/or to the insurance rate board and ask the question. I’d be happy to respond.

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

Crystal Methamphetamine

Mrs. Jablonski: Thank you, Mr. Speaker. Recently I spoke to the superintendent of police in Red Deer and asked him what would be the one issue of most concern for the police in Red Deer. He answered with two words: crystal meth. He then went on to say that what really concerned him is the fact that he didn’t know of one 10-year-old child that couldn’t get their hands on \$10, the cost of a packet of crystal meth. A child that uses crystal meth will have their undeveloped brain altered forever. Brain damage is permanent for anyone who uses crystal meth. My question is for the Minister of Health and Wellness. Will the minister outline what we are doing in Alberta to address crystal meth?

Ms Evans: Mr. Speaker, first of all, I think it’s well known in this Assembly that the Member for Red Deer-North has already done a great deal herself to bring this issue forward to this Assembly. I would also say that most of the ministers on the front bench particularly involved with the soft side of the agenda and the Solicitor General involved with the policing are involved in a collaborative cross-ministry effort, working to make sure we bring forward all of the issues within the context of our own area of authority so we can follow through. With the chair of AADAC, the hon. Member for Calgary-Lougheed, we’ve been working to fill gaps in programs, namely detoxification and residential treatment for youth, building on our existing foundation. Opening this month the last few beds in Calgary, just on Thursday, we’ll have 24 new youth detoxification and residential treatment beds. Now, while they were not specifically built originally for crystal meth, they will become part of our support network for crystal meth. Our new youth residential treatment programs have initiated a special treatment protocol for meth users.

Finally, Mr. Speaker, I’d say that we’re pleased to have a committee of outside assistance with Colleen Klein and Dr. Bob Westbury, who will help address the gaps and link us with the business community and corporate community, who share the concerns of the police in Red Deer and the hon. Member for Red Deer-North.

The Speaker: The hon. member.

Mrs. Jablonski: Thank you, Mr. Speaker. Because Bill 202, the Protection of Children Abusing Drugs Act, will help with concerns about kids addicted to crystal meth, could the minister give us a brief update on what we're doing to implement Bill 202?

Ms Evans: Mr. Speaker, we know that by July 2006 this bill is to be ready for implementation. We're working on costing the initiatives of adding yet more treatment beds and now also adding a program that extends from the five-day detoxification, working with counselors, day treatment programs, family programs for support for parents, support groups, and mobile teen services. Mr. Speaker, there is virtually an army of people working in this government, including those from AADAC, that are ready and willing to make sure that we follow up on that legislative framework.

The Speaker: The hon. member.

Mrs. Jablonski: Thank you, Mr. Speaker. To the same minister: do we have any plans to expand youth treatment facilities in central, southern, and northern Alberta?

Ms Evans: Mr. Speaker, I sincerely hope so, although final determination of other sites for residential treatment beds has not been made. You know about the ones that have been opened in Calgary and Edmonton. We know that there's a significant concern in central Alberta. I think what we have to define is a standard for how far people should live from their nearest treatment bed so that we have some standard of availability to take care of the needs. We won't be able to address them all in the first year, but I do know that there are strong representations from the Lethbridge-Medicine Hat area, from the Drayton Valley area, and from Red Deer itself for active treatment beds.

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

Natural Gas Prices

Mr. MacDonald: Thank you, Mr. Speaker. Yesterday in this House the Premier announced that next week he will be touring the rest of Canada. This tour confirms that a political lame duck can still fly. One of the Premier's stops is Ontario, where consumers pay less for natural gas produced in Alberta than we do here. My first question is to the Minister of Energy. Why are Alberta consumers paying on average 30 per cent more than Torontonians for natural gas that is produced here in Alberta and is used in both places for residential heating?

Mr. Melchin: Actually, Ontario on average does not pay less than Alberta for natural gas. It is true that some of the jurisdictions in many places, Ontario and other places in the world, will take different positions as to when they hedge or not. Usually when you hedge, that involves a premium, an insurance of sorts, so they will spread that over a longer time. While they might pay less during the winter months, they're going to pay more on average. So Alberta continues to pay less than even that marketplace.

The Speaker: The hon. member.

Mr. MacDonald: Thank you, Mr. Speaker. Again to the same minister: why are Alberta consumers paying on average 60 per cent more than the people of Saskatchewan for natural gas for residential use?

Mr. Melchin: Actually, once again, you know, you don't give all the information, all the facts. You might select an individual month with an individual bill. It's true that in any one month they may pay less, but on average Albertans continue to pay the least.

The other thing that we have done for Albertans is that there's no other jurisdiction that actually also provides a natural gas rebate. That program likely this year will return upwards of \$600 million directly to the consumers as a shield against the high prices of natural gas.

Mr. MacDonald: Even with the rebate, Mr. Speaker, we pay more.

Given that former Progressive Conservative Premier Peter Lougheed, who was never a political lame duck Premier, had a real plan to allow Alberta consumers to have the lowest home heating costs on the continent – the lowest home heating costs on the continent – how come we can't in this province now have a lower domestic price for natural gas that's used for residential heating, like the former Progressive Conservative government used to have?

Mr. Melchin: Mr. Speaker, Albertans have benefited tremendously by even the deregulation of natural gas. If they would take a look, just look what's happened to this industry as a result of the exploration. I might remind them that natural gas brought in royalties to this province of \$6 billion to \$7 billion last year, substantially more this year. It has allowed the capacity to likewise provide the consumers the natural gas rebate program. There's no other jurisdiction across Canada that has \$600 million that comes to them, where they do actually pay the least cost anywhere in Canada.

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

Aon Consulting Inc.

Dr. Pannu: Thank you, Mr. Speaker. Aon Consulting Inc., a company with a clear vested interest in seeing expansion of private health insurance, has been hired by this government to study the wholesale privatization of public health insurance in this province. The medical services being considered for private insurance or out-of-pocket payments include primary care, nonemergency surgery and diagnostic procedures, nonemergency hospitalization, and specialist medical services. My questions are to the Minister of Health and Wellness. How can the minister expect to get a credible, objective, and untainted report from its \$1.5 million health care funding study when the contractor hired has a clear vested interest in expanding private insurance into health services now covered by public insurance in this province?

2:30

Ms Evans: Mr. Speaker, I don't believe that it's fair for the hon. member opposite to impugn motives to Aon Consulting, who have been hired to do nothing involved in providing insurance products for Albertans, in actual fact to do costing on the health system. They will gain no advantage from any decision that this government ultimately makes relative to the analysis they do. They will be providing a piece of financial information on how we would be able to pay for health services if we move under any different model; for example, anything to deal with pharmacare, continuous care, or supplementary health services.

Mr. Speaker, I think it's very clear that they were hired through a competitive process. They illustrated their capacity to do actuarial work. Finance officials and Health officials and officials from Government Services looked over all of the criteria of this company,

and they found them to be very competent in the areas in which they have been secured to do the job.

The Speaker: The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. I'm surprised that the minister is unable to see the vested interest this company has in private health insurance.

My second question to her: why did the government not include in its request for proposals a public-sector comparator that would have compared the total cost, regardless of payer, of providing these health services under a private insurance scheme with the cost of providing these health services through single-payer public insurance. Why did she not include that?

Ms Evans: Mr. Speaker, I will have to check the Blues, but I think the hon. member persists in impugning motives or, in fact, deliberately distorting the picture of what Aon has been hired to do through the process of the RFP. They have been hired to do an actuarial model.

There is no Aon insurance company involved with Aon Consulting. There is no Aon insurance company north of the 49th parallel. This is Aon Consulting. This company has 47,000 employees in 120 countries, 800 in Canada. The ones that have been hired from Aon Consulting here have been members of the Reed Stenhouse corporation that were incorporated, and they're eminently qualified to do the job of financial analysis, Mr. Speaker.

The Speaker: The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. My second supplementary to the same minister: why does the minister refuse to admit that the government's real agenda has nothing to do with making health services less costly for Martha and Henry and everything to do with shifting more of the costs of paying for health care onto average Alberta families by forcing them to buy more expensive private health insurance?

Ms Evans: Mr. Speaker, the trend of these questions seems to lead Martha and Henry to believe that we are going to destroy the public health system. Would a government that put a \$1.4 billion investment in the public health system for capital facilities across this province contemplate weakening a public health system because they are looking for alternatives to make sure that we have a sustainable health system for the future? We can be terrorized by the opposition, but we will finally be judged on whether or not we have the foresight to do the right thing in health care.

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

Crime Rate Reduction

Mr. Lukaszuk: Thank you, Mr. Speaker. Edmonton this year has witnessed an unusual number of homicides, and the year is not over yet. Several of these tragic incidents appear to be organized crime related. Evidently our police are dealing with much more sophisticated and much more violent criminals. To the Solicitor General: since one of the allegations is that the capital city does not have the sufficient number of police officers to address the issues of escalating crime in our city, what is the minister doing to assist our police department in dealing with this issue?

The Speaker: The hon. minister.

Mr. Cenaiko: Thank you very much, Mr. Speaker. The homicide rate is indeed, of course, an issue for all of us, for every Albertan, not just in the city of Edmonton but in Calgary and in other areas of the province as well. The province showed a commitment this past spring by adding an additional \$24 million to policing, with the largest increase of police officers that we've seen in almost 20 years. Some of those officers were added as a provincial component to the Edmonton Police Service that are working on organized crime, that are working on integrated child exploitation as well as looking at the investigations in and around the city of Edmonton regarding Project Kare.

Yes, there are a number of initiatives the province is working on and working with. We're meeting with the chiefs of police on a regular basis to look at new strategies in policing and new opportunities for the future.

The Speaker: The hon. member.

Mr. Lukaszuk: Thank you, Mr. Speaker. My only supplemental, to the same minister: what is the minister doing to get law enforcement agencies across the province on the same page when it comes to reducing crime in this province and in this city?

The Speaker: The hon. minister.

Mr. Cenaiko: Thank you, Mr. Speaker. This shows a good example. When IROC was started three years ago or two and a half years ago, that was the first integrated model of policing that we had in this province. We've built on that. Now IROC has approximately 61 officers and analysts working in that office.

The organized crime strategy that was started this past year, Mr. Speaker, has shown a definite asset in a number of arrests in both Edmonton and Calgary as well as in rural Alberta. We've seen some renewed spirit and renewed evidence regarding our dismantling of and our fight against organized crime.

We're also continuing to look this year at other areas, Mr. Speaker, continuing to look at new strategies of how we could be policing. We have, in fact, nine officers from Medicine Hat, Lethbridge, Edmonton, and Calgary. They began meeting yesterday for the next few days regarding building an intelligence model that will be providing that ability to have a centralized, analytical location for all officers in Alberta. That's coming. That's going to be starting soon. They're developing that program this week, and then the plans will come out over the next little while.

The last point I want to mention, Mr. Speaker, is that as we move forward, as the minister of health mentioned earlier, the task force on crystal meth is going to be huge for this province. We're going to be looking at stakeholders from a number of different areas right across the province to look at how we can combat that issue, obviously, under the tremendous leadership of Dr. Colleen Klein and Dr. Bob Westbury.

The Speaker: Hon. members, today six members will participate in statements, and before I call on the first of such, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

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

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

Mr. Chase: Thank you very much, Mr. Speaker. To you and through you to this House I would like to introduce the following guests who have travelled from across the province and the nation to support the Castle-Crown wilderness park initiative. I would ask the guests to please stand after their names have been called so that we can recognize them with the traditional greeting of this House: James Tweedie, conservation director, Castle-Crown Wilderness Coalition; Judith Huntley, executive director; Joe Obad, conservation director, Canadian Parks and Wilderness Society, Calgary-Banff chapter; Jill Sturdy, national outreach co-ordinator for CPAWS; Harvey Locke, national senior conservation adviser for CPAWS; Meredith James of the Sierra Club of Canada; Selena Smith, a post-graduate student at the University of Alberta; Rebecca Reeves, parks watch co-ordinator for CPAWS, Edmonton chapter; George Newton of CPAWS and Federation of Alberta Naturalists. Please, can we give them a round of applause?

Thank you, Mr. Speaker.

Vignettes from Alberta's History

The Speaker: Hon. members, by way of an historical vignette today on this day in 1966 the voice of the New Democratic Party was heard for the first time in the Legislative Assembly of Alberta when the New Democratic member for Pincher Creek-Crowsnest, Garth Turcott, spoke during the debate on the Speech from the Throne. Mr. Turcott was elected in a by-election as the result of the death of a Social Credit member, William Kovach. Mr. Turcott was defeated in the next provincial general election on May 23, 1967, by Social Credit member Charles Drain, and there was not to be another New Democratic member elected until the general election of August 30, 1971, when Grant Notley was elected to represent the constituents of Spirit River-Fairview.

head: 2:40 **Members' Statements**

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

Edson Trail

Mr. Knight: Thank you, Mr. Speaker. One hundred years ago the frontier of agricultural settlement in Alberta extended as far north as Athabasca Landing. By 1910 the Grand Trunk Pacific Railway opened up more country west of Edmonton, and all the best farmland in central Alberta was soon pre-empted.

Accounts from explorers suggested that there were a series of prairies in northwestern Alberta. These had names such as La Grande Prairie, Spirit River Prairie, and Pouce Coupe Prairie. Early accounts suggested that the land was very fertile. Unfortunately, these northern prairies were separated from the south by a nearly impenetrable expanse of muskeg and boreal forest. This area was called the last best west, and pressure to find a route from the south to La Grande Prairie was formidable.

Responding to these pressures in 1911, the provincial government sent a survey team to cut a trail from Edson to Grande Prairie. The trail was noted for its mud and poor conditions, and at times it was impassable. However, for five years it brought thousands of homesteaders to the northern prairies. It was the last land rush to the last best west. The trail fell into disuse in 1916, when the Edmonton, Dunvegan, and British Columbia Railway reached Grande Prairie. Since the days of the Red River settlement this is the only example of settlers preceding the railway into an agricultural area.

The Edson to Grande Prairie trail opened up northwestern Alberta to settlement. The original pioneers built a regional economy to include forestry and energy. Hard work and commitment have now

provided a significant regional prosperity. The Edson Trail Historical Society has commemorated the achievement of our pioneers by creating a historical documentary film about this famous trail. This valuable resource, Mr. Speaker, has been aired on public television, receiving very positive reviews.

Thank you.

The Speaker: The hon. Member for Lac La Biche-St. Paul.

Métis Week

Mr. Danyluk: Thank you very much, Mr. Speaker. It is my pleasure on behalf of the government of the Alberta, and having two settlements in my constituency, to recognize November 13 to 19 as Métis Week in Alberta. Métis people are known as vibrant, resilient, and adaptable. They are a proud nation whose history and traditions date back to the early 1700s. Métis Week not only celebrates a unique culture; it is a chance to reflect on how the Métis have helped shape our great province. Métis culture is vibrant and alive in our province, and you can experience the living history and culture of Métis by visiting Métis Crossing near Smoky Lake in northern Alberta.

Alberta is the only province in Canada to provide a land base of 1.5 million acres for Métis and the only province to provide a governance structure to eight Métis settlements. A framework agreement is also in place with the Métis Nation of Alberta that provides an opportunity for Métis people out of settlements to develop and influence policy and programs that impact their lives. Just last year Alberta signed interim harvesting agreements with the Métis Nation of Alberta and the Métis Settlements General Council to ensure that all rules of the land will be followed.

This morning there was a Louis Riel commemoration ceremony at the Legislature. This ceremony has occurred for at least 20 years and helps to kick off Métis Week. It was our opportunity to enjoy Métis history, culture, and traditions and to recognize a nation that has and continues to make a difference to our province. Many activities will be held across the province, and I encourage you to join in as many as you can.

The Métis are unique aboriginal people, and the government of Alberta is pleased to acknowledge Métis Week.

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

Vietnamese Cao Daist Society

Mr. Pham: Thank you, Mr. Speaker. I rise today to pay tribute and honour to those of us in society who without fanfare or personal benefit reach out to the less fortunate in our world and brighten up their lives. While most of us never know hunger, disease, or unsanitary conditions, there are many people on this Earth who do not share our bounty. In a province such as ours with staggering budgetary surpluses and boundless opportunities we are blessed with the ability to directly affect the lives of the less fortunate, especially the abandoned and destitute.

I am very proud and honoured to inform this honourable place that two groups in my working-class riding have recently played a significant role in the betterment of the lives of the poorest and defenceless among us. The Vietnamese Cao Daist society of Calgary teamed up with the Applewood Park Community Association to deliver many humanitarian projects in Vietnam.

As a proud Albertan of Vietnamese descent I am humbled by their combined generosity to raise money from their hard-working members and reach out thousands of miles away through the drilling of many wells to bring potable, clean water to many poor villages in

southern Vietnam. They supplied many other basics of human life to these villages. Their contributions provided food and shelter to homeless seniors and children, job training for the infirm and handicapped so that they can lead productive lives. Finally, they provided critical medicines to many charitable doctors who teamed up with these organizations to alleviate suffering and help heal the sick.

I'm very proud to say that they are from my riding of Calgary-Montrose. I'm also honoured to be able to publicly acknowledge their very generous actions.

Thank you, Mr. Speaker.

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

Castle Wilderness

Mr. Chase: Thank you very much, Mr. Speaker. On June 1, 2005, an Alberta legend passed on, and I rise today to urge the government to designate the Castle wilderness as a wildland provincial park in the legacy of Andy Russell. This wilderness area just north of Waterton Lakes national park is a sublime landscape of virtually unparalleled natural diversity, home to nearly half of Alberta's plant species and a full complement of large carnivores.

Protecting the area's three underrepresented ecoregions – the montane, the foothills fescue grasslands, and the foothills aspen parkland – will help make this the corner piece completing the province's conservation puzzle. It will contribute to the Yellowstone to Yukon initiative, an international compendium of over 800 conservation groups committed to creating a 3,200 kilometre long protected area network from Yellowstone national park to the Peel River in the Yukon Territory. The opportunities for outdoor recreation and sustainable tourism make this area a Kananaskis south, an economic and social asset to the region.

I can think of no better centennial tribute than to designate the Castle wilderness as Andy Russell I'tai Sah Kòp wildland park. I'tai Sah Kòp references the name used for the area by the Piikani First Nation, who first called this wilderness area home.

Andy Russell was an outstanding Albertan who embodies the spirit of Alberta's heritage. Just some of Andy's accomplishments include being an Order of Canada recipient, the author of 13 books and dozens of magazine articles, and receiving three honorary doctorate of law degrees. Andy travelled extensively on horseback throughout the Rocky Mountains and the foothills, becoming a wilderness advocate as he watched these special places begin to disappear through shortsighted industrial development. Our Premier spoke fondly of Andy's contributions to Alberta at the memorial service for Andy this summer.

Alberta would benefit from remembering people like Andy Russell, respecting the original First Nations inhabitants, and protecting more places like the Castle wilderness. I urge all members of the House to support the creation of the Andy Russell I'tai Sah Kòp wildland provincial park as a legacy for future Albertans to enjoy.

Thank you.

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

International Day for Tolerance

Mr. Agnihotri: Thank you, Mr. Speaker. Today, November 16, is International Day for Tolerance, a day to embrace our differences and to celebrate our diversity. It's a time for promoting understanding between people and for renewing our commitment to be proactive in combating intolerance, bigotry, and hatred. Together

we live in a wonderful province filled with cultural, religious, and racial diversity.

Today we should celebrate our diversity by denouncing racism, discrimination, hatred, and ignorance. By promoting tolerance, our society can successfully reach a new milestone on the path towards social peace and harmony. Together we are capable of creating a society in which our children and grandchildren will be free from the injustices that are rooted in ignorance and fear.

I urge each and every Albertan to take on this challenge, beginning at home. Teach your children to embrace diversity, to denounce ignorance, and to seek understanding. Even at work we can explore ways to promote tolerance: be courageous and vocally object to racial jokes, comments, and insults. In doing so, we will tear down the walls of intolerance brick by brick. It is my firm belief that tolerance is the virtue that makes peace possible.

May this international day inspire each of us to open the channels of communication with the understanding that the future of our society, the future of all of humanity is at stake.

Thank you very much.

The Speaker: The hon. Member for Wetaskiwin-Camrose.

2:50

International Education Week

Mr. Johnson: Thank you, Mr. Speaker. International education makes a significant contribution in preparing Albertans for participating in the global economy. This week, November 14 to 18, is recognized as International Education Week by the province of Alberta and over 85 countries around the globe.

The Alberta government set a course for the province through the 20-year strategic plan, that focused on unleashing innovation, leading in learning, competing in the global marketplace, and making Alberta the best place to live, work, and visit. International education directly supports all four of these pillars, which are the keys to the province's bright future.

Increasingly, jurisdictions like Alberta and others around the world are recognizing the importance of international education and are developing and implementing a comprehensive series of plans, policies, and programs. Recently Alberta Advanced Education revisited the province's strategy for international education in the postsecondary sector, and as a result a new plan has been developed in consultation with the province's postsecondary institutions. The ministry has identified a broad range of potential programs to achieve the outlined objectives and will implement these based on the availability of resources.

Mr. Speaker, the province's action plan demonstrates the province's awareness and commitment to ensuring that Alberta will be internationally recognized as a leading provider of education and learning experiences. It ensures that Albertans will be well prepared for their role in the global marketplace and as global citizens. More than ever before it is valuable to provide Albertans with international learning experiences, linking them to the world. Alberta companies are increasingly investing abroad, expanding their business activities, increasing the employment of Albertans, and generating more benefits for our province now and in the future.

Thank you, Mr. Speaker.

head:

Presenting Petitions

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

Mr. Elsalhy: Thank you, Mr. Speaker. I am submitting a petition which was initiated by a constituent from Edmonton-McClung and signed by a group of concerned Alberta parents from all over the

province asking the Legislative Assembly to urge the government to eliminate school fees charged for textbooks, locker rentals, field trips, physical fitness programs, and music classes.

Thank you.

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

Mr. Bonko: Thank you, Mr. Speaker. I have a petition that says:

The undersigned residents of Alberta, petition the Legislative Assembly to urge the Government of Alberta to introduce legislation declaring a moratorium on . . . future expansion of Confined Feeding Operations, with a view to phasing out existing operations within the next three years.

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

Mr. Backs: Thank you, Mr. Speaker. I have a petition from a hundred Albertans from the Alberta communities of Conklin, Fort McMurray, Edmonton, Alberta Beach, and Stony Plain, and it 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; Aborigines; unemployed youth under 25; under-employed landed immigrants; and displaced farmers.

head:

Introduction of Bills

The Speaker: The hon. Solicitor General.

Bill 49 Police Amendment Act, 2005 (No. 2)

Mr. Cenaiko: Thank you very much, Mr. Speaker. I request leave to introduce a bill being the Police Amendment Act, 2005 (No. 2).

Mr. Speaker, I'm pleased to provide first reading of Bill 49. The main purpose of the proposed legislation is to streamline and enhance the Law Enforcement Review Board's effectiveness in how complaints are handled by police and how the police disciplinary process works. The proposed amendments also clarify the role and powers of the board to assess costs and pay expenses.

Thank you.

[Motion carried; Bill 49 read a first time]

head:

Tabling Returns and Reports

Mrs. McClellan: Mr. Speaker, I have two tablings. I'm pleased to table today five copies of a document showing the cost breakdown of the government brochure on the surplus.

Secondly, Mr. Speaker, on behalf of the hon. Minister of International and Intergovernmental Relations I am pleased to table the required number of copies of the response to Written Question 6 on the Order Paper.

Thank you.

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

Mr. Stevens: Thank you, Mr. Speaker. On behalf of the Government House Leader it's my pleasure to file the requisite number of copies of a memorandum to the Official Opposition House Leader and to the third party opposition House leader dealing with the subject of the supplementary supply schedule for the fall of 2005. That, of course, is filed with the Assembly this afternoon in the

event that motions 22 and 23 receive favourable reply from the members.

Thank you.

The Speaker: The hon. Member for Wetaskiwin-Camrose.

Mr. Johnson: Thank you, Mr. Speaker. I'm pleased to rise on behalf of the Minister of Advanced Education to table the appropriate number of copies of an updated provincial action plan for international education initiatives. This action plan demonstrates the province's awareness and commitment to ensuring that Alberta will be internationally recognized as a leading provider of education and learning experiences and ensuring that Albertans will be well prepared for their role in the global marketplace and as global citizens.

In addition, I am tabling copies of a new brochure to assist international students in choosing Alberta as an educational destination of choice.

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

Ms Blakeman: Thank you, Mr. Speaker. I have four tablings today, all concerned with health care in Alberta. The first is from Tena Wiebe, who writes with her concern about "building more hospitals and increasing bed capacity." She has not heard of a commitment to staff and maintain these new facilities and is concerned that after having the buildings built, the government will say that we don't have money to operate them and will sell them to private companies.

The second tabling is from Donald Sexauer, who writes of an experience he had with a relative in ER and wondering if the slashing that occurred to health care in the early '90s "is now showing its ugly head" and is concerned as well about building more hospitals but without operational expenses.

The final two are related to each other: a very thorough letter from Verna Pollack, writing to the Minister of Health and Wellness regarding the plea to expedite funding for Herceptin. She qualifies for the program but is waiting in line to get funding for it. This is an important program for women with breast cancer, Mr. Speaker.

The final tabling is a letter of support from Robert Pollack, who is the son of Verna Pollack, again with his concern that "it is alarming that a significant medicine such as Herceptin has been apparently placed on the other side of the two tiered Health Care fence."

Thank you very much, Mr. Speaker.

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

Mr. Elsalhy: Thank you, Mr. Speaker. Today I am tabling the Federal Accountability Act, dubbed Stephen Harper's commitment to Canadians to clean up government. It contains wonderful ideas like ending the influence of money on politics, strengthening the Lobbyists Registration Act, making government appointments an all-party exercise, and whistle-blower protection. I urge all government members to study what their federal Tory cousins are trying to do so that one day they, too, can portray themselves as being pro transparency and standing for openness and accountability.

Thank you, sir.

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

Mr. Agnihotri: Thank you, Mr. Speaker. I have received numerous calls and letters in the past concerned about long waiting times for services at the Grey Nuns hospital in Edmonton. Another letter from

my constituent for tabling. She's also concerned about long waiting times for emergency services in the Grey Nuns hospital. She had to wait four and a half hours when she was in severe pain in the stomach. She's urging the government to give health care a top priority.

3:00

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

Dr. Swann: Thank you, Mr. Speaker. On behalf of the Canadian Parks and Wilderness Society I want to table five copies of a proposed EnCana development in the Suffield national wildlife area that could set a precedent in disrupting a federally protected area.

Thank you.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. I have one tabling today. It is a document that I acquired on Saturday, November 5, when I was visiting the Artspace Housing Co-operative Ltd. at 9330 – 101A Avenue here in Edmonton. This brochure is an introduction to co-operative housing. It explains how it works and who can qualify for membership in the co-op support system.

Thank you.

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

Dr. B. Miller: Thank you, Mr. Speaker. I have five letters and the appropriate number of copies from five persons in my constituency. They're all members of a group called Falun Gong. They are protesting that there is not prosecution for hate literature that was disseminated against their group.

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

Dr. Pannu: Thank you, Mr. Speaker. I have two tablings today. The first one is a brochure titled *The Third Way or the Third Hoax?* It's a comment on the Premier's proposal for reform on medicare in Alberta, published and distributed by SALT, the Seniors' Action and Liaison Team, a self-financed group of Edmonton seniors concerned about social justice issues in Alberta and Canada.

The second one, Mr. Speaker, is appropriate copies of a letter sent to all MLAs from Mrs. Irene Payne. Mrs. Payne is urging the minister of health to cancel their contract with Aon Consulting.

Thank you, Mr. Speaker.

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. Mrs. McClellan, Minister of Finance, and pursuant to the Government Accountability Act the government of Alberta 2004-05 annual report; Budget 2005 2005-06 quarterly budget report, Q1 fiscal update; and Budget 2005 2005-06 quarterly budget report, Q1 activity report.

Pursuant to the Members of the Legislative Assembly Pension Plan Act Members of the Legislative Assembly pension plan annual report for the year ended March 31, 2005.

Pursuant to the Insurance Act the Alberta Automobile Insurance Rate Board annual report for the year ending December 31, 2004.

Pursuant to the Securities Act the Alberta Securities Commission 2005 annual report and the ATB, Alberta Treasury Branches Financial, annual report 2005.

Pursuant to the Legislative Assembly Act and the Government

Accountability Act and by the related ministers the Aboriginal Affairs and Northern Development annual report 2004-2005; Alberta Advanced Education annual report 2004-2005; Alberta Agriculture, Food and Rural Development annual report 2004-2005; Alberta Children's Services annual report 2004-2005; annual report of Alberta Community Development for the fiscal year ended March 31, 2005; Alberta Economic Development 2004-05 annual report; Alberta Education annual report 2004-05; Alberta Ministry of Energy 2004-05 annual report; Ministry of Environment 2004-05 annual report; Executive Council annual report 2004-05; Alberta Finance annual report 2005; Alberta Gaming 2004-05 annual report; annual report of Alberta Government Services 2004-05; Alberta Ministry of Health and Wellness annual report 2004-05, sections 1 and 2; Human Resources and Employment ministry annual report 2004-05; Alberta Infrastructure and Transportation annual report 2004-05, Alberta Innovation and Science annual report 2004-05; Alberta International and Intergovernmental Relations annual report 2004-05; Alberta Justice annual report 2004-05; Alberta Municipal Affairs 2004-05 annual report; Restructuring and Government Efficiency annual report 2004-05; Alberta Seniors and Community Supports annual report 2004-05; Alberta Solicitor General annual report 2004-05; Ministry of Sustainable Resource Development annual report 2004-05.

On behalf of the hon. Mr. Horner, Minister of Agriculture, Food and Rural Development, and pursuant to the Agriculture Financial Services Act the Agriculture Financial Services Corporation annual report 2004-2005.

On behalf of Mr. Liepert, chair of the Alberta Heritage Savings Trust Fund Committee, Alberta heritage savings trust fund 2005 annual report and the Alberta heritage savings trust fund 2005-2006 first quarter update.

On behalf of the hon. Mr. Klein, Premier, and pursuant to the Premier's Council on Alberta's Promise Act the Alberta's Promise partners report 2004.

And on behalf of the hon. Mr. Stevens, Minister of Justice and Attorney General, and pursuant to the Legal Profession Act the Alberta Law Foundation 32nd annual report 2005 and the Alberta Law Foundation audited financial statements and other financial information for the year ended March 31, 2005.

Privilege

Contempt of the Assembly

The Speaker: Hon. members, yesterday in the Assembly we dealt with a point of privilege and contempt raised by the hon. Member for Edmonton-Centre. I offered an opportunity for hon. members to deal with that matter. We did then conclude that submission by hon. members at that point.

Then I recognized the hon. Member for Edmonton-Highlands-Norwood, who proceeded on a question of privilege of the Legislative Assembly, and at the same time I offered an opportunity for hon. members to participate should they wish. In the latter point there was made mention in the oral presentation of the Minister of Environment. The Minister of Environment was attending a funeral yesterday afternoon, so today I will offer him an opportunity to make comments with respect to this purpoorted point.

Mr. Boutillier: Thank you, Mr. Speaker, and thank you to members of the House. Yesterday, as you rightly mentioned, I was attending a funeral, a First Nations funeral, in my constituency and was not here. However, I have since learned that in this Assembly yesterday members from the NDP have linked my name again to accusations about leaking the Auditor General's report and the Ethics Commissioner's reports.

First, on the matter of the Auditor General's report, Mr. Speaker, I did not have a copy of this report, contrary to what was being alleged. I therefore did not, could not, and would not release it. I read about it and its contents in the *Edmonton Journal* on Thursday, October 13, and as a member of this Assembly I received the Auditor General's finding when it was sent to all MLAs on October 17.

When it was released, this report cleared my name and my family name of any inappropriate action or behaviour in response to the accusations that were made by the New Democratic Party. It proved that they were both false and clearly irresponsible. I was pleased but not surprised by the Auditor General's report findings. I have no knowledge of or any connection to its release. Let me be very perfectly clear here today. Contrary to the NDP allegations, Mr. Speaker, I fully support the respect and the need for high standards when it comes to the handling of these types of reports, and I have always respected these standards in this House.

Secondly, Mr. Speaker, after June, when allegations were made against me and my family, I requested the Ethics Commissioner to investigate the allegations that were made by the NDP. I made this request as a member of this Assembly in order to answer in an open, fair, and independent manner any final questions that could arise as a result of the entirely false accusations made against me and my family by the NDP.

Mr. Speaker, in light of the fact that I had requested this independent review by the Ethics Commissioner, I was given an advance copy of this report and made reference to it on a radio program the day before. I had no reason to believe it was inappropriate to reference it as I had requested the report myself to clear my reputation and my family name, and it had been delivered to me in response to that request.

3:10

I'm afraid that this is just one more example of the NDP refusing to accept and acknowledge that their initial attacks on me and my family back in June were irresponsible, unfounded, and untrue. They don't like the fact that these two independent reports cleared my family name and me on the false charges that they made, so they now are attacking me on another front. Mr. Speaker, I have the utmost respect for this House and its members and its family members, who the members represent here. I will respect today the ruling that is made relative to this very, very important situation.

I want it to be very clear, though, Mr. Speaker, in conclusion, that I would not act in any way that would undermine the rules of this Legislative Assembly. I still await the members of the NDP to do the honourable thing: to apologize to my family.

The Speaker: I take it that the hon. Member for Edmonton-Beverly-Clareview wants to participate on this purported point of privilege?

Mr. Martin: Well, Mr. Speaker, I wish he'd stay on the privilege motion instead of what he was talking about. If he wants a debate about this, let's deal with the privilege. That's not what he's talking about.

The Speaker: Any additional members want to make a presentation with respect to this purported point? Then I will take this information that's been stated in the House. I understand as well that the Auditor General appeared before the Public Accounts Committee this morning, and I haven't had a chance to review the Blues with respect to that. We will review what has been stated in the House with respect to these two matters and report back to the House. I'm not so sure that we'll be able to do it tomorrow, but Monday at the latest.

head: **Orders of the Day**

head: **Transmittal of Estimates**

Mrs. McClellan: Mr. Speaker, I have received a certain message from His Honour the Honourable the Lieutenant Governor, which I now transmit to you.

The Sergeant-at-Arms: Order!

The Speaker: Hon. members, the Lieutenant Governor transmits supplementary estimates of certain sums required for the service of the province for the fiscal year ending March 31, 2006, and recommends the same to the Legislative Assembly.

Please be seated.

Mrs. McClellan: Mr. Speaker, prior to moving a number of motions relevant to the supply estimates, I wish to advise that I provided the government's 2005-06 quarterly budget report for the second quarter to all MLAs this morning. At the same time I also made this report public as required by section 9 of the Government Accountability Act.

Mr. Speaker, I now wish to table the 2005-06 supplementary estimates. These supplementary estimates will provide additional spending authority to 13 departments of government. When passed, these estimates will authorize increases of \$1,531,247,000 in voted expense and equipment/inventory purchases, \$234,150,000 in voted capital investment, and \$5 million in lottery fund payments.

Mr. Speaker, I will now table the quarterly budget report for the second quarter pursuant to section 9 of the Government Accountability Act. This amended fiscal plan is also required by section 8 of the Government Accountability Act when a second set of estimates is tabled.

I'm also tabling the second-quarter activity report describing the major achievements of our government during that period.

Likewise, I am tabling the second-quarter update for the Alberta heritage savings trust fund.

head: **Government Motions**

22. **Mrs. McClellan moved:**

Be it resolved that the message from His Honour the Honourable the Lieutenant Governor, the 2005-06 supplementary estimates for the general revenue fund and lottery fund, and all matters connected therewith be referred to Committee of Supply.

Mr. Mason: This is a debatable motion, is it, Mr. Speaker?

The Speaker: Yes, it is.

Mr. Mason: And the time allotment is 10 minutes per member?

The Speaker: Twenty.

Mr. Mason: Twenty? Well, I don't think I'll need all of that, Mr. Speaker, but I will address this question because I think that there has been a very important question that has been raised by the government's actions and certain comments that have been made by the Premier with respect to the role of this Legislative Assembly in overseeing government expenditures.

The role of parliaments and Legislatures in controlling the public purse and holding governments accountable for their expenditures goes back hundreds of years in the British parliamentary tradition, and it forms part of the democratic nature of our society for which

our veterans fought in the Second World War. It's not the entire democratic system, but it's an important part of the democratic system. For the Premier to be unaware of the Legislature's primary role in overseeing government expenditures, whether they come from taxes or whether they come from royalties or whether they come from gambling or cigarettes or wherever they may come from, is appalling to me. That the Premier would make statements to the effect that the surpluses are not within the purview of the Legislature, or not within the purview of the opposition, I think he said, by extension means not within the purview of the Legislature and by further extension means not within the purview of public discussion at all.

This government's imperial approach to spending and budgeting is getting more and more troublesome, Mr. Speaker, so much so that I said today, and I'll say again, that when it comes to spending taxpayers' money in this province, democracy is on life support, and it's all the opposition can do to keep the Premier from pulling the plug altogether.

I think the tremendous financial resources that are now flowing to the province require very, very strong and systematic debate. I heard the Deputy Premier and Provincial Treasurer say today that of course everything is going to be debated in the Legislature. It was clear that she was doing damage control, ably so, I think, on the Premier's comments, but the fact of the matter is that it is just damage control. Why would the government, after a brief caucus meeting and a cabinet retreat, promise each Albertan a \$400 rebate without any reference to this Legislature if they really believed in legislative authority?

3:20

They may say: well, it's all got to be approved before the cheques are cut. Mr. Speaker, they have already spent a great deal of money preparing glossy brochures that advise Albertans that they're entitled to this money. They have done a great deal to communicate a decision that has not yet officially been taken by the Legislature, and that shows, in my view, contempt for the role of this Legislature and an arrogance in their spending that I find unacceptable altogether.

Now, democracy is one thing. Another thing, Mr. Speaker, is vision. There's no vision here. If we look back over the history of governments in this province, we see that previous governments, even Progressive Conservative governments, have had more vision and more sense about what needs to happen in the province economically and financially than this government has. Under the Lougheed government the attitude was that the resource revenues that we have are a windfall on a nonrenewable, declining natural resource and that the value that came from them, the money that flowed from them was just as much the right of a future generation as this generation. That is lost on this government.

It seems to me, fundamentally, that the government has to have a vision for this province's prosperity once the conventional oil and gas revenues are gone and once even the tar sands resources or the nonconventional natural gas is gone. I know that many people opposite don't even think that we'll ever get to the point where we'll be out of nonconventional resources, but I can assure them that that day will come.

[Mr. Shariff in the chair]

It's very important, in our view, that the extra windfall bonus that the government is now receiving from oil and gas revenues because of high prices be invested to ensure that Alberta remains an energy leader into the future once the oil and gas is gone. We've put forward a proposal to create an entity that would essentially be a

new energy company and would invest in conservation and in alternative forms of energy and maintain Alberta's position as the energy leader in Canada even when the petroleum and the carbon-based energy resources are more or less depleted. This money could be used to invest not just in Alberta but right across Canada in order to create energy security going into the future for the post hydrocarbon energy economy, and that way we would retain control and ownership of the resources and the wealth that comes from them. We would insulate ourselves from any attempts by other places in Canada to take our wealth, and we would also invest it for the future of Albertans and for the future of Canadians as well.

The government doesn't have a vision, Mr. Speaker, and what is going to happen is that when the oil and gas is gone, all that is going to be left for people in this province are cutlines, empty holes, dried up farms, and ghost towns because the government is not preparing this province for the time when the oil and gas is, in fact, gone. I think it's clear that we need a bigger vision, a broader vision of the economic prosperity. The money that the government is spending now doesn't just belong to this generation; it belongs to the next generation and the generation after. It needs to be invested in a way so as to preserve the quality of life and the economy that we enjoy in Alberta today.

The other point that I want to make is that the government has no long-term financial plan. Again, the Provincial Treasurer goes to great lengths to deny that and to argue that they do have a long-term plan, but it's interesting that this long-term plan changes dramatically from month to month. It wasn't long ago that the Provincial Treasurer was saying that she didn't support rebates to Albertans, but, after a caucus retreat, all of a sudden that was the government's policy. The government had said that tax reduction was low on Albertans' priorities, and that wasn't very long ago. Now they're saying that tax reduction is on the agenda. So it's clear, Mr. Speaker, that this government is in fact changing its so-called long-term economic plan, or long-term financial plan, almost from week to week. That says to me, in fact, that there is no plan.

The Treasurer also spoke this morning a little bit about smart spending. That is a code word, but what does it really mean? My hon. colleague says: jumbo shrimp. Some spending could be smart, but I know that one of the mistakes of the Lougheed era was investment in capital, in bricks and mortar, without ensuring the long-term financial capacity to operate all of the facilities that were built. I've travelled the province, and I've seen hospitals that were built in the Lougheed era, the dark brick that was characteristic of that time, and these hospitals in little towns in Alberta are boarded up – they actually have plywood on the windows in places like Empress, Alberta – because they've been closed because they were ill-advised capital projects or the government was unable to sustain the operating costs that were necessary to keep them going.

Politicians really like to invest in new buildings and things that are under construction, but if it was to be smart spending, Mr. Speaker, then the government would have to put in place a plan that would show that the operating budgets to sustain those things into the long-term future were in place and would also have to show that, in fact, they have training programs and educational programs in order to make sure that there is an adequate supply of professionals and other workers to operate them going forward instead of having shortages of nurses, when 10 or 15 years ago we were sending nurses to the United States because we were laying them off in droves. It's that kind of yo-yo economic planning that makes it very difficult to ensure sustainability. Without an adequate operational plan for new capital expenditures, it's not smart spending – it's dumb spending – and we haven't seen that yet from the Provincial Treasurer.

So in respect of those three points, Mr. Speaker – the govern-

ment's contempt of democracy and contempt of the Legislature when it comes to expenditures and the Legislature's oversight of government expenditures, the lack of a long-term economic vision for this province that ensures that future generations have the same standard of living that we enjoy today, and the lack of a long-term financial plan that doesn't change from week to week and from caucus to caucus – I cannot support the motion that's been made by the government, and I would ask all hon. members to join me in voting against it.

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

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. I rise to participate in the debate this afternoon on Government Motion 22 as presented by the hon. Minister of Finance. Certainly, when we look at the 13 departments that are eventually going to get more money, this is a substantial increase from the budget that it seems like we passed just last week. Incredibly, an entire summer and most of the fall have gone by since we finalized the provincial budget, but this habitual amount that we are now going to debate – and I am grateful for the opportunity to debate this motion and also have a good discussion on further government expenditures.

3:30

There are conflicting messages with the government. The hon. Member for Edmonton-Highlands-Norwood certainly has every right to question some of the spending habits of this government. Without a doubt. We hear all the time the comment: where is the money going? We heard in question period today, Mr. Speaker, that public health care expenditures are unsustainable, that they're going up and up and up, and they're going to be as high as \$10 billion. Well, maybe we should look at how we're managing this money.

An Hon. Member: We're trying to.

Mr. MacDonald: Well, people say that we're trying to, but we don't have an opportunity in this Legislative Assembly, Mr. Speaker, to see where the money that we previously spent has gone. It is amazing to think that in the last two fiscal years the Public Accounts Committee has not had an opportunity to scrutinize the spending of many different government departments that have spent billions and billions of dollars.

So there is the entire issue of the government and its accountability. Money is quite easy to acquire in Alberta at this time because of high North American prices for natural gas and high prices for crude oil on the international markets. These prices are determined by matters that are totally outside the control of this government, and that is something that we must recognize. I would encourage this government to further increase our savings. There have been some very modest efforts being made here.

In fact, Mr. Speaker, how fast is this budget process for this government? Well, in this piece of information that was put out we're looking at a photograph here, and it's the steady hands on the reins. We should have confidence in the stewardship; that's the image that's trying to be portrayed here. That indicates to me that we're going nowhere because if we were really riding that horse and directing that horse, the hands wouldn't be resting on the saddle horn and the reins wouldn't be as loose as they are. This brochure is a lot like the government's budgeting practices; it's about public relations. This may look fine from the public relations perspective, but one only has to go inside this brochure, or this propaganda.

We hear all the time about the smart spending, saving, and giving back. Well, I would certainly encourage you to save a good portion

of this extra funding that we have, whether it's in the heritage savings trust fund or any of your endowments. Some of those funds actually were ideas that originated on this side of the House and were gradually adopted by this government.

I think I have to encourage the government even more to spend their money. Don't spend it all at once. To say that this plan is smart – the hon. Member for Edmonton-Highlands-Norwood was talking about smart spending – well, it certainly is not smart spending to in one decade blow up a good, sound public hospital and then 10 years later think that everyone should just be so grateful because you're going to construct some new hospitals where, granted, they are needed.

An Hon. Member: Two in Sherwood Park.

Mr. MacDonald: Well, there is a hospital going to be built in Sherwood Park, and there's going to be one built in Fort Saskatchewan, but I would remind all hon. members of this Assembly that there's going to be significant population growth in both those centres. At some point in the future, if I was working out in Fort Saskatchewan or near Fort Saskatchewan and I was injured at work, I would be grateful that there's a hospital handy.

An Hon. Member: And a choice.

Mr. MacDonald: Well, I don't want a choice. I just want a good, sound public hospital, and I want to know that there are going to be trained professionals there in the event that I do get injured or someone else gets injured.

So I'm not necessarily opposed to the construction of these hospitals in needed places, but I find it quite ironic that they can describe themselves as smart spenders when in one decade you want to blow up a perfectly good public hospital and then: ho, hey, we're heroes because we are now going to construct hospitals.

Now, another item in this document that caught my eye was the government's pledge. I'm going to call it a pledge, and I'm going to keep them to it. Hopefully, they're going to increase it even further. I'm pleased to see that they've done this, but the government is putting \$226 million from the surplus into the fund – and this is the heritage savings trust fund – to ensure that the fund grows at least as fast as the rate of inflation. Well, I'm pleased to see that this has caught the attention of the Minister of Finance because to date it has not been done.

If we had been inflation-proofing the heritage savings trust fund, today's value would be in excess of \$19 billion – \$19 billion – not \$12 billion. I see in the quarterly budget report that there has been an increase in the amount that's being set aside to inflation-proof the heritage savings trust fund. My information indicates that to date this year in Canada the consumer price index is in the range of 3.3 to 3.5 per cent, but that amount that is indicated here, Mr. Speaker, I don't think even brings that up to cover the consumer price index for this respective year.

I would like to see the government recognize that we are in a unique and unusual position in this jurisdiction in North America in that we can build a society and we can build a province that's the envy not only of the entire North American continent but of the world. When we have this sort of budgeting process that, to say the least, does not in this member's view provide very good stewardship of the tax dollars, it does not increase my confidence in this government's ability to manage.

Now, I know that we went through many different budget debates in this Assembly in the spring, but I had no idea, Mr. Speaker – the debt had supposedly been paid off. There were estimates that the

infrastructure debt was 3 and a half billion dollars. That was to improve our roads and our bridges, fix up our existing hospitals, fix up the existing schools, not arbitrarily forcing public school boards to close good, sound schools before they could get money to build new ones. We had no idea that the infrastructure debt was over \$7 billion until – and I don't know; I could be in all kinds of trouble here with some sort of point of privilege against me – the leaked document that came from the Minister of Infrastructure and Transportation, that became public knowledge here in I think it was June, in regard to the possibility of having to borrow money to pay for this infrastructure debt. None of this information came up during public debate over the budget this spring.

Mr. Mason: It's called smart borrowing.

Mr. MacDonald: This idea of smart borrowing: I believe the interest rate was going to be 4 and three-quarters per cent. There was talk that maybe we'd even have to change the Heritage Savings Trust Fund Act to allow this leadership hopeful to borrow money to build roads and bridges and fix the province up really nice, but that plan apparently is no longer needed. The fact remains that the total infrastructure debt that we are going to have to deal with in this province has doubled.

3:40

The hon. Minister of Infrastructure and Transportation confirmed that in that report. I was just glad it was made public. I don't have the opportunity to attend a lot of those standing policy committee meetings except behind that braided rope, and the only thing I can say about that braided rope in room 512 is that at least it's red, you know. I'm not allowed to participate in the proceedings of that committee. But it is a good thing, and I am grateful, no matter how we get that information, to receive it.

When you receive that information and you look at what was proposed by the hon. minister, we really need to improve our budgeting process. The fact that we were going to have this complete 180-degree reversal of public policy by this government and borrow money was certainly, to say the least, astonishing.

Now, Mr. Speaker, there are significant increases in the amounts of money that have been collected in this fiscal update. We're certainly spending significant amounts additionally, but one thing that I would like to note for all hon. members of this Assembly is something that I find quite interesting. Perhaps the minister could clarify this for all members of the Assembly. In the second-quarter fiscal update the nonrenewable resource revenue that we're looking at here – the budget for the second quarter had indicated that for synthetic crude oil and bitumen royalty there would be roughly about \$400 million collected. But so far the forecast is for in excess of \$1 billion. The main reason for the change from the budget, as indicated, is higher oil prices, which is significant. Hopefully, in the debate we're going to get a clarification on whether this is revenue from synthetic crude oil or from bitumen.

We all know the problem that a lot of bitumen producers are having and this notion that everyone is getting close to \$60 American a barrel for their product, when I'm sure the hon. minister knows that not to be true. Can we get a breakdown on that? How much of that is from synthetic crude, and how much is from bitumen? Have there been any major developments in the north that have now gone from paying 1 per cent royalty to 25 per cent royalty for their synthetic crude oil production? If there have been any major producers, who are they? I think the public would be very interested to know that, and if the hon. minister or some other member of Executive Council could provide that information during the course of debate, I would be very grateful.

Now, we're taking in a lot of money here. There's no doubt about that. Some of the expenses here – and the hon. member earlier was talking about the Second World War and . . . [Mr. MacDonald's speaking time expired] Oh, dear, my time is up.

Thank you.

The Acting Speaker: Anybody else wish to participate in the debate?

The hon. Member for Cardston-Taber-Warner.

Mr. Hinman: Thank you. I'd also like to speak to the motion. As mentioned by the two previous speakers: very concerned that so quickly we're having this motion come before the House because of the income.

I guess I'd like to refer to a few things. We continue to hear from the government that we have one of the lowest tax regimes, so that's good enough. They always talk about value added, and they've given lots of incentives in the Fort McMurray area, but they failed to carry those on. One of the big concerns of the people of Alberta that I've spoken to this last summer is that it doesn't seem like there's a possibility of getting the money to where they need it. It's who you know. The programs are very difficult for people to make application, and it's frustrating to them.

A few of the comments I'd like to address with the motion are that earlier this summer when I was up in Grande Prairie, they talked about the fair share program in British Columbia and how those revenues are being distributed to the municipal governments there in order to do their own infrastructure work and not be micromanaged on every aspect, whether it's potholes, tertiary water treatment, or what have you. They're very concerned with the conditional funding that is going out and the struggle that the different areas are having in addressing that.

I would very much hope that as we get to debate these supplies, we can change the stability of the programs that become long term. I've had the opportunity of being in Olongapo, Philippines, when an anti-aircraft ship comes in with 6,000 sailors that hit the beach and think that they've only got three days to spend their money. It seems that that's very much the attitude here, that we've only got six months. Let's get it spent quickly before someone else tries to get it. It doesn't matter about value for our dollar; it's the speed at which we can spend it because it's going to be gone anyway. I'd very much like to see those things going into a savings program and then a five-year plan, or possibly longer, on infrastructure spending being presented.

One particular area in my riding has had a bid of \$1.1 million for some infrastructure work that they want to do and are not able to get the funding. Now that's jumped up to \$2.1 million because of the huge demand and the short span that these builders are looking at. Many of them seem like they're putting in bids realizing that this is a one-shot program. We've got six months, one year, and we've got to pay for everything in that time. So I'm very concerned that they don't really have a five-year program saying that this much money is going to go out. Construction workers and other ones can look at it realizing that we don't have to get it all in six months, that this is coming over a longer time.

I also very much like the fact that Albertans for years have said: yes, we want the deficit paid off. We've done that, but the second thing they've always said was that we deserve a tax break when we got that. This is the ideal time, when the economy is booming, to give tax breaks. They say that they want to be more efficient and downsize. They had a great opportunity here to eliminate the health care premiums for every working Albertan and to have moved the bureaucracy involved in trying to do that collection and the paper-

work there over for their thousand extra people that they needed.

It would be very beneficial, I feel, to the province on a long-term plan if they were to have a formula where they would say that a certain percentage of the surplus every year would go back to taxpayers in the form of property assessment rebates. Those taxes are paid for, the rolls are there, we know the numbers, and it would be a very simple formula. It wouldn't take a lot of bureaucracy to set it up and spend \$10 million in order to redistribute the money. Plus that would actually be a tax refund, and there would be no question federally on whether or not it was a rebate.

An Hon. Member: What about the renters?

Mr. Hinman: They'll have the opportunity. It goes into the market.

Anyway, tax deductions are what we need in the province. We need to raise the basic tax exemption to at least \$20,000 or \$24,000. We have the ability here in the province, and that would help them.

Mrs. McClellan: The federal government is \$8,000.

Mr. Hinman: So we want to follow their example? How appalling. They're hypocrites to say that they're worrying about low-income people and taxing them at \$8,000. We have the ability here, and it would be of great benefit to those low-income people, more so than raising the minimum wage.

An Hon. Member: A leadership speech.

Mr. Hinman: Leadership. That's already over. It's in the mail.

An Hon. Member: Do you have your caucus' support?

Mr. Hinman: Yes.

The Acting Speaker: Hon. members, the hon. Member for Cardston-Taber-Warner has the floor.

Mr. Hinman: Thank you. The point is that we need to take those good programs that we have and the incentives that we've brought in – industry to develop the bitumen and the capital investment that's coming here. We could do it in many other areas. We could be doing it in health care. We could be doing it in research in our universities. It would just be very pleasing to the people of Alberta to see investment incentives come into this province, anywhere from a small family business to the huge tar sands in Fort McMurray.

Anyway, I look forward to the debate on this surplus, and I hope that we'll have prudence and not think that we have to have it all spent in the next six months. It's very worrisome that we're going to be like a lottery winner, and in a year we'll be back wondering how we make ends meet.

3:50

The Acting Speaker: Hon. members, Standing Order 29(2)(a) kicks in. Any questions for the hon. Member for Cardston-Taber-Warner? The hon. Member for Edmonton-Castle Downs.

Mr. Lukaszuk: Thank you. The hon. member just indicated that he would refund the dollars to Albertans by way of a property tax refund. How would he address those who don't own property and rent? Does the member not think that all Albertans deserve the benefit of the revenue that the province is realizing? What about those who can't afford to buy a property and have to rent?

Mr. Hinman: Excellent question. I appreciate the opportunity to get up and answer the question. The thing that we need to look at first in order for things to go forward, to make an economy boom is the tax level. It's critical. It's the barnacles on the ship or the ball and chain. There are many programs that we could have for incentives to help out Albertans in property ownership, but if, in fact, they knew that incentive was there, that would be the benefit. It's an open market for renting, and if people are getting their rebate back as property owners, it only makes sense that they can then compete and that it would adjust the rental accordingly.

The important thing is that it's the people who have paid the tax that should get the refund first, and that would help to boost the economy. To just give out money randomly doesn't make sense when you've taxed so heavily in so many areas. In order to help people buy a house, what we could do with the surplus is set up a deposit in the Alberta Treasury Branch or the credit unions and put it in for a 10- or 15- or, ideally, 20-year deposit. Then those institutions could turn around, using good loan policies, and loan that out, and we could have 20-year mortgages on property instead of one- and two-year open-ended mortgages, which is going to be a disaster for our economy when interest rates rise and people are caught without locked-in mortgages. It was standard practice back in the '60s and '70s to have 20-year mortgages that were locked in.

The Acting Speaker: Hon. member, this session is supposed to be brief questions, brief answers. We only have five minutes for this portion.

The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thank you very much, Mr. Speaker. I enjoyed the hon. member's speech and so on. I'd like to ask him, as a representative of another conservative party in this Legislature, whether or not he believes that the current spending habits of this government represent true-blue, small "c" conservatism?

Mr. Hinman: A brief answer. No, this isn't conservative spending. This is drunken sailors, only they're not spending their own money; they're spending someone else's.

The Acting Speaker: Any other questions? Does anybody else wish to participate in the debate?

The hon. Minister of Finance to close debate.

Mrs. McClellan: Well, Mr. Speaker, really the debate was to be around the motion for consideration of the supplementary estimates, so I'm not going to get into a lot of the discussions. I did make very good notes, and there'll be great opportunity through the debate of the supplementary estimates and again under Bill 43 to answer some of them.

I want to wish the Member for Cardston-Taber-Warner the best of luck this weekend. I think it would be great.

Member for Edmonton-Highlands-Norwood, I am curious as to whether ring roads in this city are important, whether hospital beds for the public health system are important, whether the investments at the University of Alberta are important for the future, whether those are investments or whether they are drunken sailor spending or whoever's comment that was. I will be interested in supplying him, through the Minister of Energy, with the true information on the life expectancy of the oil sands, where there are centuries of supply in fact.

I had a question about whether or not I supported rebates. It wasn't my first choice, but certainly when we were able to do the things that were important, such as investments in roads, hospitals,

schools, and academic institutions plus keep the lowest overall tax burden for Albertans in Canada, I certainly support giving Albertans back their own money and believe that they're well able to decide how to spend it.

I want to remind hon. members that are trying to say that we are not interested in tax reduction – I don't know where that came from. If we taxed at the next closest jurisdiction to us, we would collect \$7 billion more in tax revenue. That's how much we have reduced taxes in this province and have reduced them in every budget, not only reduced them but in a way that is sustainable into the future. That's what's important there.

Smart spending is listening to your partners, our partners in the cities of Calgary and Edmonton, the Capital health authority, the Calgary health authority, all of our rural health authorities. Our municipal partners have told us that ring roads were important, that overpasses were important, that roads to export product are important, that schools are important, our classrooms. If we're going to implement fully the Learning Commission's report, which we've been begged to do, you actually have to have classrooms to put those students in if you're moving them out of their present one.

You know, it's an interesting subject. I just had a meeting with the mayor of Edmonton. I just spent a period of time at AUMA, as some of you did. I've been in discussions at AAMD and C and will be back there again, as you will, and what I have to ask you is: do you hear anything that they say? They are considering these as priorities. This is their list. This is the Capital health authority's list that said: we need these beds. It's the Calgary health authority's list that said: we need these beds.

On the other subject of operational every minister that brings forward a capital project has to show that they can operate that project into the future. Just an additional bit of information for the hon. member because I would agree with him. I do not want to have buildings that you can't operate. That has been done.

Sixty thousand new spaces in our postsecondary institutions. We do indeed hope that we have the workforce that's required, and we know we have to work on that.

I will give the hon. Member for Edmonton-Gold Bar the formula that we use for inflation-proofing the heritage fund. There is a formula. That's why you'll see a change in it from the first quarter to the second quarter. As the indexes change, so does the amount that's in there.

Mr. Speaker, I would suggest that we vote on the motion. I look forward to the debate, and I look forward to providing information that members have asked for during the ensuing debate.

[Government Motion 22 carried]

23. Mrs. McClellan moved:

Be it resolved that pursuant to Standing Order 58(9) the number of days that the Committee of Supply will be called to consider the 2005-06 supplementary estimates for the general revenue fund and lottery fund shall be three days.

[Government Motion 23 carried]

head: 4:00 **Government Bills and Orders**
Second Reading

Bill 45
Maternal Tort Liability Act

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

Mr. Oberle: Well, thank you, Mr. Speaker. I'm very pleased to rise

today to open debate in second reading on Bill 45, the Maternal Tort Liability Act.

As many members will know, this bill addresses an issue that's rather near and dear to my heart in that I have a family in my constituency that finds itself in the very situation envisioned and covered by this act. Although this act is not retroactive and will not address that particular family's situation, nonetheless I believe it's a prudent and proper move for the government to address this area, a loophole, as it were, in the common law.

Under the current common law, Mr. Speaker, a child born alive with injuries arising from a motor vehicle accident which occurred prior to the birth has a right of action. That child can sue the negligent third party driver. When and if the child is born alive with injuries, the cause of action can be commenced, and the claim for damages can be made. There is an exception to this common law rule in the cases of injuries to children caused by the negligent acts of the mother prior to birth. Currently a child does not have a cause of action against its mother for injuries caused by the mother's negligence while the child is still a fetus. That restriction was set out in 1999 by the Supreme Court of Canada in the case of *Dobson versus Dobson*. A child can also sue anyone, including both parents, who negligently causes injuries to that child after birth, whether it's in the car accident or by any other manner.

By way of Bill 45 this government wishes to provide an exception to this common law rule. The proposed legislation is designed to provide a measure of compensation for a child who sustains prenatal injuries as the result of the negligent driving of his or her mother. The proposed provision relates only to motor vehicle accidents and does not change tort law in any way other than to provide for a narrow statutory exception to the common law concept of maternal tort immunity. The change to the common law would provide protection for mothers by prohibiting claims against them beyond the limits of their insurance policies. As these situations arise infrequently, the impact on the insurance industry of this exception would be minimal, Mr. Speaker. The financial compensation will benefit the injured child, the mother, and the rest of the family.

Alberta is the first Canadian province to propose this change, Mr. Speaker. However, other jurisdictions have put this legislation in place. For instance, the United Kingdom provides that a child cannot under any circumstances bring an action against its mother for injuries sustained prenatally unless the injuries result from a motor vehicle accident where there is insurance.

I referred to the Supreme Court ruling on the *Dobson* case, *Dobson versus Dobson*, which ruled that a child does not have a right of action in the event of a car accident. They overturned an appeal on that basis, but they invited the Legislatures of the country to invade this space, if you will, to rule in this regard. In relation to the United Kingdom law the Supreme Court said, and I quote from paragraph 65:

Thus, it must be emphasized that the general rule for mothers in the United Kingdom is one of immunity for prenatal negligence with the limited exception of injuries caused by negligent driving. The Act provides that a mother cannot be held liable for any amount of damages which exceeds the limit fixed by statute. This will benefit both the mother and the rest of the family.

The Supreme Court was reluctant on its own to carve out this exception from the common law by judicial ruling because of the fear of precedent and the potential for the precedent to be widened into other areas of women's rights or any other areas beyond the strict limitation of car accidents, in which they determined that in the case of driving a car, the standard of care for a mother is very clear. If she does not exercise that standard of care while driving, she's guilty of negligence.

The Supreme Court suggested that any such exception to the common law rule of maternal tort immunity would best be performed by the Legislatures so that it is clear and limited. I quote again from the Dobson case, paragraph 36.

Although the law of torts has traditionally been the province of the courts, to impose tort liability on mothers for prenatal negligence would have consequences which are impossible for the courts to assess adequately. This development would involve extensive intrusions and frequently unpredictable effects on the rights of bodily integrity, privacy and autonomous decision-making of pregnant women. The resolution of such fundamental policy issues is a matter best left to the legislature. In the United Kingdom, it was Parliament that provided a carefully tailored and minimally intrusive legislative scheme of motor vehicle insurance coverage. It was designed to provide a measure of compensation for a child who sustains prenatal injuries as a result of the negligent driving of his or her mother. Yet, it provides protection for mothers by prohibiting claims against them beyond the limits of their insurance policies.

The court was clear that any such legislation would have to be restricted to the instance of car accidents, and the amount payable would be limited to the amount of the mother's insurance. That's what the government has done in this legislation, Mr. Speaker.

The Dobson case was clear that the law would have to be restricted to those instances, and I quote again, the second half of paragraph 65, referring again to the United Kingdom legislation.

The legislation renders it impossible to argue by analogy that the duty of care should be extended to other tortious situations. A judicial finding of liability in this appeal would not necessarily place pregnant women in Canada in the same legal position,

which is why the Supreme Court did not venture into the area and invited the Legislatures to do so.

If such an action were allowed, as in the Supreme Court's action,

even in the narrow context of negligent driving, it would have to recognize a duty and articulate a standard of care for the conduct of pregnant women. As a matter of tort law, this carries the risk that the duty would be applied in other contexts where it would impose unreasonable obligations upon pregnant women.

Mr. Speaker, that is why the Supreme Court refused to venture into this area and invited the Legislatures to do so.

That is exactly what this legislation does, Mr. Speaker. It restricts the exception to the case of car accidents, and it restricts the award to the amount of insurance that the mother carries.

I'd like to point out also, Mr. Speaker, that this legislation doesn't assign any blame, determine any negligence or any liability. It only creates a cause of action, which would subsequently be determined by the courts. That cause of action is already available to children that were injured prenatally against other third parties and against other family members. The only exception is with the mother. The Supreme Court has invited, in fact encouraged the Legislatures to venture into this area provided that it's restricted to car accidents and to the level of the mother's insurance, and that's what this legislation does.

Thank you for the time, and I look forward to the debate on the issue.

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

Dr. B. Miller: Thank you, Mr. Speaker. I rise to respond on second reading to the hon. Member for Peace River, who presented this Bill 45, the Maternal Tort Liability Act. This bill is very brief and concise and carefully worded. Of course, we can deal with the careful wording later in committee, but the issue itself is very complex, extremely complex. There are many different questions to raise. Just looking externally at the Supreme Court case of Dobson

versus Dobson, which the hon. member referred to, it's a very complex case with different opinions. Not everyone on the Supreme Court agreed. There was a majority and then there was a minority position. Some were more inclined to focus on the pregnant mother and her right to autonomy and freedom and some on the issue of the liability which applies to anyone getting behind the wheel of a car. So we'll have to look at the different arguments in that case as it applies to the bill that's being presented.

4:10

Of course, all the members of the Supreme Court agreed that provincial Legislatures could pass legislation to cover the one particular situation which is not now covered. As the hon. member mentioned, if a pregnant woman is in a car accident and somebody else is driving, if there's a third party involved, then the child that is born later can bring a suit against that third party. That's acceptable. So the insurance company has to pay the compensation but not if the pregnant mother is herself driving and she is negligent. So there is a loophole there that's not covered. The Supreme Court stated that "a carefully tailored solution could benefit both the injured child and his or her family, without unduly restricting the privacy and autonomy rights of women." In effect, the Supreme Court threw it back to Legislatures to develop a carefully tailored solution, in other words a carefully worded bill, which will deal with this situation, this unique example.

But this is a very difficult issue, I find, because what the Supreme Court was unwilling to do was to go in the direction of allowing tort law and a legal duty of care to be imposed upon a pregnant woman in respect to her fetus and in respect to her subsequently born child. I agree with that reluctance, that the courts should not go in that direction. Now, this is quite a challenging issue for me: to get into issues of tort law. Tort has to be spelt t-o-r-t. If you add an e, then you're talking about a piece of cake. So I have gone back to school. I thought that maybe so many years of studying theology was enough, but suddenly I've gone back to school to take law classes and learn something about tort law.

My understanding of tort law is that it deals with persons and their legal rights and legal duties. So tort means a civil wrong, a conduct that the law says is wrong as between persons who are in relationship to each other. Negligence is a tort, so when a person owes a duty to another person, if there's negligence, then that person should be subject to the implications of tort law.

There's a classic statement from an English House of Lords decision of 1932 which says:

The rule that you are to love your neighbour becomes in law: You must not injure your neighbour, and the lawyers' question: Who is my neighbour? receives a restricted reply.

Now, that's interesting. I know what that's a reference to: the parable of the good Samaritan; right? Where the lawyer asked, "Who is my neighbour?" it receives a restricted reply in terms of tort law:

You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour.

So what we're talking about here is the extent of liability, and there are different viewpoints on that.

Now, just a reference to the parable of the good Samaritan. It's a very important parable, and as all good interpreters know, the way you interpret that depends on looking at what point of view. Do you look at it from the point of view of the priest who passed by or the Levite who passed by or the Samaritan or the victim who is lying in the ditch, the victim of crime? So I think it's very important to look at this bill from the points of view of those involved.

I begin with the point of view of the child because I think this is a crucial issue and why in principle I am inclined to support this bill.

I think the point of view of the child is of utmost importance here. I mean, it's a tremendous tragedy when a child is born with physical and mental disabilities because of injuries suffered before he or she was born. It's like someone being sentenced before they're born, so it's a tremendous tragedy. I think also of so many children who suffer from fetal alcohol spectrum disorder as a result, you know, of negligence of the pregnant mother. That's a kind of sentencing before you're born too, and it's a very serious issue.

It's quite unfair, I think, to have a situation where it's possible for a child who was injured while a fetus be able through a representative to sue a third party because of an accident but who is not able to sue his mother if indeed she was negligent and was responsible for the accident. The child's needs are incredible, and I think that we need to dwell on that. I'm convinced that just going the insurance route is never going to satisfy the situation of need because the child needs incredible assistance, perhaps over a whole lifetime. So even the insurance money that might be coming to the child, surely in terms of the insurance rates and the kind of liability that's covered now, would never be enough to support a child with severe brain injuries, for example, severe physical and mental problems over a lifetime.

Nevertheless, the bill seems to fill a loophole. It enables the child to receive money from the insurance company where the mother is found liable although the bill restricts that that liability can't go any further than just the compensation from the insurance company. I want to come back to that point at the end of my remarks.

You know, from the point of view of the child this is really necessary. I mean, we've had very tragic situations, one in Alberta but throughout the country. We're not talking about something that happens very often, but certainly from the point of view of the child there must be some way of providing compensation.

Now, from the point of view of the mother, though, there are lots of issues to raise, and we probably will raise them in our debate here. The majority in the Dobson Supreme Court case argued that although a born-alive child has a claim against a person who caused a prenatal injury, the mother is not liable for a breach of duty of care to her unborn child or her born-alive child. They were very reluctant to extend tort law and impose it on a pregnant woman given all sorts of things, given the biological uniqueness of a woman and her fetus. There are a number of fine statements in the Dobson versus Dobson case about that. Also, such an imposition would be an intrusion on a pregnant woman's autonomy, on her privacy, and on her freedom. It was especially Justice McLachlin of the Supreme Court that was most forceful in arguing that imposing liability on the mother would interfere with the Charter rights of women to liberty and equality.

Here in this bill what we should worry about is whether there is indeed a slippery slope here. By making this an exception to the imposition of tort law, are we opening up the possibility of other kinds of lawsuits? Are we opening up all kinds of matters? For example, the Supreme Court in section 27 says:

Although the imposition of tort liability on a third party . . . advances the interests of both mother and child, it does not significantly impair the right of third parties to control their own lives.

So in terms of third parties there's no issue there. There's no imposition on them.

In contrast to the third-party defendant, a pregnant woman's every waking and sleeping moment, in essence, her entire existence, is connected to the foetus she may potentially harm. If a mother were to be held liable for prenatal negligence, this could render the most mundane decision taken in the course of her daily life as a pregnant woman subject to the scrutiny of the courts.

4:20

We don't want to open up the whole thing where courts would

pursue pregnant women for negligence for all kinds of things. We might sympathize with going after the liability of a woman who drinks so much and has a child with fetal alcohol syndrome, but what about a woman who simply doesn't look after herself, who has a wrong diet? What about a woman who carelessly falls down the stairs and so on? I think that we are opening up a huge area that we don't want to pursue. That's why the Supreme Court said: no, we can't allow tort law to be applied to a pregnant woman and her fetus. So that's from the point of view of the mother, and we have to be, I think, very careful.

Now from the point of view of society. I think that's the third interest group, if you like, involved in looking at these situations, not just the child and not just the mother but society. As the Supreme Court states,

the pressing societal issue at the heart of this appeal is the lack of financial support currently available for the care of children with special needs.

I mean, that's so obvious in this case. There's not enough financial support.

The imposition of a legal duty of care on a pregnant woman towards her foetus or subsequently born child will not solve this problem.

So they ruled out that. Trying to deal with a social problem through the courts only adds to the pain and the trauma of a tragic situation.

It may well be that carefully considered legislation could create a fund to compensate children with prenatally inflicted injuries.

Now, that's an interesting comment. They didn't leap into the issue of auto insurance but threw it towards Legislatures to look at this as a social problem. It's a social problem which needs a social solution.

So I go back to my statement earlier that auto insurance coverage is not enough – it's not going to cover the injuries of a child like this for a lifetime – that we have a responsibility. We have a responsibility as a society. It's a social problem. We have the responsibility as a society to provide a solution. I like the idea that they're suggesting, that there be some sort of a fund to cover these kinds of situations. It's not the child's fault that he was injured before he was born. Surely, out of our interest in the common good we can set up some kind of social program that deals with this kind of situation.

This is my last remark. We'll have a chance in committee to go through line by line. It's not a long bill, so we can do that and perhaps make some changes. You could call this bill a legislative charade. Let me just point out why I think that. This legislative charade purports to do one thing – namely, impose liability on the mother – while actually doing something quite different; namely, imposing liability on the mother's insurer while protecting the mother against personal liability. Now, I'm not suggesting that this charade doesn't have a worthy purpose – it certainly has a worthy purpose – but surely legislation should say what it means and mean what it says. It shouldn't purport to do one thing by doing another. So it's a very difficult issue.

That's all I want to say in second reading. I hope that the debate will bring up some very interesting issues. Thank you, Mr. Speaker.

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

Mr. Eggen: Thank you, Mr. Speaker. I rise with some interest to speak in second reading on Bill 45 here this afternoon. As a member of the Private Bills Committee we, in fact, heard quite a lot of information concerning an individual case that I think precipitated the creation of Bill 45, that we're looking at, so I have had quite a lot of opportunity to reflect on a number of issues that both the Private Bills case and now Bill 45 bring forward to this Legislature.

Certainly, I won't preclude the possibility of our caucus supporting this bill, but we do have some serious concerns. I don't often

compliment other parties, the Liberals even, but I think the previous speaker did have an interesting metaphor in the sense that, you know, there is more than what meets the eye immediately with Bill 45. It brings up a range of issues that we must be very careful about indeed concerning individuals' rights and the responsibility of the state to look after people in need, particularly people who are disabled by car accidents or for whatever reason. We do have some serious concerns about this bill, and I think my previous colleague who was on the Private Bills Committee, the hon. Member for Edmonton-Strathcona, also had some reservations.

The first positive issue I would like to speak on is the fact that this does in fact fill an insurance gap that currently exists in Alberta, which has to be a good thing in a way. Certainly, the one case that, as I said, precipitated this public bill was very heartbreaking. Really, the circumstances of any car accident and particularly a car accident involving a fetus and a mother and then subsequent difficulties in caring for that child – it's certainly something that deserves our utmost attention.

However, I question the overall value of just using one's auto insurance to deal with this issue as it comes up. Certainly, you can have damages or injuries from a car accident that far exceed one's car insurance ability to deal with the problem. So I think that one of my first concerns is that Bill 45 does not preclude the responsibility of the province of Alberta to look after a disabled person under these circumstances as described in this bill. If we are going to move and download all of these problems associated with perhaps this very specific sort of accident but maybe disabled persons in general from the responsibilities of the state to the responsibilities of private insurance, well, as you can imagine, this is a very serious departure from what this Legislature is mandated to do, and we would oppose that most strenuously, as I suppose most Albertans would as well.

I think that adequate supports for families with children or dependants with disabilities, some sort of first alternative policy measure in this regard, would go a long ways to helping. I think that if we would increase the benefits for children born with disabilities as a result of car accidents – because this is so rare, it's not a question of fiscal pressure on the government. Indeed, the costing of this Bill 45 would back that up, that in fact this would not be a serious impediment onto the insurance industry, nor would it be a serious impediment for us to ensure alternative measures to look after the needs of a child injured and look after those needs through the state.

4:30

As legislators we need to balance the competing claims that are being brought forward here. Let's make no mistake about it: the women's right of access is very much a political issue. Because there are still people who would limit women's right to control their own bodies in terms of pregnancy, I think that we have to keep that very much in mind when we are making decisions on these or other issues. Women around the world, quite frankly, are still vulnerable to restrictions on their right to autonomy over their own bodies, particularly during pregnancy.

This legislation that we see before us here today certainly could create – but I would hope not – a new raft of lawsuits, perhaps spurious lawsuits, in regard to what might be perceived as an expansion of fetal rights here in this province. Because of that, we need to decide whether we are going to potentially compromise the constitutional rights of women when there are other public policy measures at our disposal to address the problem of children born with disabilities.

I would suggest another alternative. If Alberta had no-fault insurance, I think that this whole issue that Bill 45 deals with would

be much less of an issue because the person who caused the accident gets some benefits in a no-fault scenario.

There are also a number of important considerations that have been expressed to us by some members of the insurance industry which I would like to bring forward. I'm not usually a great defender of the insurance industry, but certainly it's worth while bringing forward.

When are drivers ever responsible for their actions behind the wheel? In the case that we saw before us in the Private Bills Committee, the mother was not wearing a seatbelt. What if the mother had deliberately – you know, we don't know, but the circumstances could be anything possible. I mean, what if someone was trying to be self-injurious towards themselves and then crashed and failed? How could you sue that person? How would that Bill 45 function in that regard?

People that we have also spoken to in the insurance industry have pointed out that there is something fundamentally unfair about the coverage being limited by the amount of the liability coverage. Right? If people have different levels of insurance, you know, is this the way by which we're going to determine the care of someone who needs care as a disabled person? I think that there's not just a number problem there but also a moral issue as well. I would suggest, based on that alone, that our Bill 45 would be subject to challenges in the near future when one of these rare cases does come forward.

Perhaps Bill 45 would be easier to accept if it contained some sort of a schedule of payment for injuries – for example, so much compensation for brain injury, so much compensation for damage to life and limb, as the insurance industry does – rather than basing it on the limits of the liability coverage of an individual. Therein you can see perhaps some inherent absurdity in the construction of Bill 45 because, really, are we going to be in this Legislature determining individual injuries to different parts of the body and such things as that? I mean, that perhaps brings forward a fundamental problem unto itself.

I would suggest that lawyers would have a field day on this question of whether fetal injury was in fact caused by motor vehicle accidents versus some other injurious activity of a pregnant woman, such as skiing or drinking or using drugs or something like that. You know, you have the development of a fetus over periods of days and weeks where serious changes take place. There is a whole range of things that could go wrong that would limit the development, cognitive or physical, of a fetus. You know, it just leaves us open to a range of challenge, I suppose.

Now, we've been contacting and consulting with different groups and lawyers to give us a broader perspective on this bill. Certainly, there's a lot of apprehension, I suppose, in certain quarters in regard to this bill just asking: why is it necessary to have such a very, very, very specific bill coming up in the Legislature when there are other means by which we could perhaps deal with these individual cases? Some of the arguments that I have heard brought forward include that, you know, this is perhaps limiting the rights of pregnant women and even perhaps looking at other injurious behaviour that pregnant women could be getting up to – right? – such as women who are pregnant and addicted to drugs at the same time, and perhaps limiting or imprisoning those people so that they don't further injure themselves or their fetus.

You know, another legal problem is that some people believe that this might be allowing the fetus to start to look like a person under the law. Again, this is something that we just have to be aware of, that people have that perception in the public, and Bill 45 could be subject to increased scrutiny in that regard. Let's perhaps go

through a very careful due process here to make sure that we are clear in our intentions.

Finally, just to sum up very briefly, I think that, you know, a lot of work seems to have gone into making this bill very, very specific, and I'm very happy to see how specific it really is. Certainly, as I say, I do not preclude the possibility of our caucus supporting this bill. However, there are some serious concerns that we would like to have out here in the course of the Legislature.

Thank you.

The Acting Speaker: Hon. members, Standing Order 29(2)(a) kicks in. Any questions?

There being none, the chair recognizes the hon. Member for Vermilion-Lloydminster.

Mr. Snelgrove: Thank you. Mr. Speaker, I normally enjoy very much the debate on the bills. I have to tell you that this is one that I think all of us can be somewhat troubled about for some different reasons, many expanded upon by the opposition.

I know, Mr. Speaker, without question that the Member for Peace River has brought this bill before us with the best of intentions, and I respect that. But I also think that when we're in front of the Law Courts Building or other buildings, they have the balance of justice with a blindfold on. I think it makes it much easier to deal with issues like this when you don't have to look at a little girl in a wheelchair or a little boy on a table hooked up to life support. It tears everyone's heart out not only that that child is sentenced to that life but that someone may be responsible. I'm also concerned that we're confusing a little bit of responsibility with liability, and I don't think you can have it one day and not the next.

The hon. member has said, presented that if the father or anyone else were driving, they could be sued, but we wouldn't limit how much they could be sued for. They might only have a hundred thousand dollars' worth of insurance. They could be sued for a million. They could be sued for 10 million. That would be up to the courts. In this case we're saying that you can only sue for what she's insured for to keep the context that the mother shouldn't be held in jeopardy. But, Mr. Speaker, I can't weigh that as fair. If someone puts liability on a case or says that that's what would be the result of this, then I think it has to be treated fairly, and in our current system I don't think we can, so I'm concerned that we are creating a separate class.

I'm also concerned that you're saying in there that if the woman had \$2 million worth of liability as opposed to a hundred thousand or whatever minimums are required, that would be the most of the award. I don't think that we would want to get into a system where we look at what you've got or what you're insured for as the limiting factor in the courts. In a situation in Vermilion that I'm aware of, a prosecutor suggested to the judge: "They're a pretty wealthy family. They should pay more of a fine." Everyone would think that's not fair. The insurance is a creature of our making where we collectively spread the cost around. I don't want insurance amounts to be the determining factor in a judgment. I think that throws the balance of fairness off.

4:40

Without getting into more of the bill, the issue around the parental responsibility for the child you're carrying is really difficult. That goes on many of the roads that the other hon. members talked about. I think that we need to deal with those issues in the broader context of your responsibility, your duty as a parent, so that we can address the fetal alcohol problems in this country as much as we have the second-hand smoke, the other issues that people can put themselves

in jeopardy for. Those children cost society as much if not more because their numbers are so much greater.

Obviously, Mr. Speaker, there are not a lot of these children. From this very specific incident that's described in this bill, there are not a lot, and thank God for that. I think that the greater awareness of the effect on the unborn child needs to be dealt with in the total context of who will be looking after that child after it's born. I just can't in my own mind justify that we can pick one incident because you have the opportunity to sue, be it the bad old insurance company that we don't like. I just don't think that's the defining factor in how we assess liability from a specific incident that is very rare.

Mr. Speaker, I don't know how you address this specific incident any better than the hon. Member for Peace River is trying to. I can't pick one unborn child over another one. The courts, I think, have very wisely strayed away from this and said: if you legislators want to go there, be it at your peril. I would like the Leg. or the federal government or someone to have a real discussion around fetal rights, parental responsibility, and when that's done, you include this thing in that.

At this point, Mr. Speaker, I have a lot of concerns about it, about the unfairness of limiting awards, of limiting judgments if there's insurance or not. I know the hon. member will address these and has. I just appreciate the opportunity to bring some of those concerns today.

The Acting Speaker: Standing Order 29(2)(a). Any questions or comments? Hon. member, are you rising to ask a question?

Mr. Flaherty: No. To speak to it, Mr. Speaker.

The Acting Speaker: Yes, hon. member. I do have you on my list, but I have the hon. Member for Edmonton-Decore before you.

Mr. Flaherty: Thank you.

The Acting Speaker: Anybody else wish to ask a question at this time?

Okay. The chair recognizes the hon. Member for Edmonton-Decore.

Mr. Bonko: Thank you, Mr. Speaker. I rise today to speak on Bill 45, the Maternal Tort Liability Act, which is designed to provide compensation for a child born with injuries arising from a motor vehicle accident occurring prior to birth as a result of negligent driving of his or her mother. As well, when and if the child is born with injuries, the cause of the action can be commenced and the claim for the damages can be made. Liability would be limited to the extent of the insurance coverage with narrow sphere of the motor vehicle accident.

This government is assuring all parties that this bill is carefully worded so as not to allow for the door to be opened to further lawsuits. But this Legislature must remember that this is where the bills are introduced. This is a Legislature, where laws are modified or amended, and these laws in some cases are revisited and further amended. So to say that this bill is carefully worded and is against the ability to have any sort of further lawsuits I think is a little bit premature.

If this bill's intent is to protect the unborn and allow for the unborn to sue later on for injuries sustained while in the womb, then why not expand the bill today and allow for children whose mothers are negligent during their pregnancy; for example, mothers that drink and mothers that do drugs?

We all know that fetal alcohol syndrome and drug-addicted

children when born, you know, cause all Albertans to pay a heavy price through health care and just overall with our ability to maintain and look after these children from birth to the end of their lives. It's unfortunate, but it does cost all Albertans through health care and education, through health care because of, again, the long-term needed care to help an individual exist in society, depending on the severity of course, and through education with the increasing cost of education, with the small classrooms needed to be able to take care of the individual, which would be in need from the early years right through to the dependent years. That's just a small component, but not all special needs fall into this category. There are two examples that cost Albertans as to the negligence of parents.

Now, the question that comes to the floor is: what is the government doing to protect these children and provide these children with a voice? Why not allow them to sue as well? This goes on each and every day with no charges being laid.

Does the consumers' advocate – who has the choice with utilities? They also have a voice but not on behalf of children, who are being punished as a result of this. I think there are, you know, legitimate concerns being raised through this. Is this government trying to download the duty of care to insurance companies for children born alive with defects? What about other children who are born with defects? What are they entitled to or not entitled to?

The government has a responsibility to ensure that all children born with birth defects are cared for, that there are no undue hardships placed on them and their families. The families should have access to services that enable them to provide for the care of their children no matter what the degree of disability. If the government had an adequate system in place to support children and families who have to deal with these disabilities and had the funds available for these children in care, then there would be no need to sue insurance companies. This government should be providing for these children who are born with any birth defects, not relying on tort law or insurance companies to pay the bills.

Thank you, Mr. Speaker.

The Acting Speaker: Standing Order 29(2)(a). Any questions or comments?

Hon. Member for St. Albert, you're recognized.

Mr. Flaherty: Thank you, Mr. Speaker. I would like to compliment the Member for Peace River on the work and explanation of this bill. It really helped me quite a bit. I'm kind of in the Member for Vermilion-Lloydminster's camp because I think one of the things here that we're looking for is fairness and equity for a parent and the mother of this child.

The reluctance that I have in terms of fully supporting the bill is because it's turned over to the insurance companies. I have some real problem with that in terms of the legal aspects of it. Will the settlement that is awarded to the particular person, the lady, the mother, be sufficient to look after the child for the period of time in which they are living? That was brought out very clearly in this article from your area of the province, Peace River.

The other aspect I'd like to have commented on. If the Minister of Justice and Attorney General would comment on section 15 of the Charter, on how this would impinge on this particular bill, I'd be very interested in hearing your comments on that, sir, if I could.

So those are very short comments, and with this I would move adjournment of the bill discussion. Thank you, Mr. Speaker.

[Motion to adjourn debate carried]

Bill 46 Criminal Notoriety Act

Mrs. Jablonski: Mr. Speaker, it's my pleasure to rise today to speak about Bill 46, the Criminal Notoriety Act. Our government wants to make it absolutely clear that crime stories won't pay in Alberta. It is a long-standing legal principle that criminals should not be allowed to profit directly from their crimes. Someone who robs a bank does not get to keep that money. Bill 46 extends this principle to criminals who would profit indirectly by recounting their crimes, like the bank robber who writes a book about the details of his heist. It is our responsibility to protect victims, and it's unacceptable that criminals benefit from the pain and suffering they have caused others.

Currently Alberta does not have legislation that regulates the ability of persons convicted of serious crimes to profit from selling their story. Ontario and Manitoba have this legislation in place, and to make it most effective, we need such legislation in each jurisdiction in Canada to prevent criminals from moving between jurisdictions to make these deals.

4:50

Bill 46 applies only to those who have been convicted of a serious crime. A serious crime is defined as a Criminal Code offence with a maximum penalty of five years or more, such as murder, charges that involve violence against another person or that endangers others, serious drug charges, and charges under the Crimes Against Humanity and War Crimes Act. It also includes sexual assault and sexual offences against children and youth. Crime prevention organizations such as Crime Stoppers and the John Howard Society and victims' programs use crime re-enactments and other similar tools in their work. Bill 46 provides for an exception for law enforcement purposes so that these important programs can continue.

Bill 46 applies to criminals who tell the stories of their crimes through books, movies, television, or the Internet. All of the parties who have signed a contract for the purpose of recounting a crime have an obligation to report those contracts to the Crown. Convicted criminals who commit serious crimes are prohibited from receiving money for recounting these crimes. The other parties, such as the publisher, are prohibited from paying these criminals for the story of their crimes. Anyone who contravenes the act would be liable for up to a \$50,000 fine. The bill gives the Crown the ability to take civil action to recover money paid for recounting serious crime.

Bill 46 recognizes that there are some circumstances when there may be some value to society in recounting crimes. This value may justify some money being paid. Under Bill 46 the parties may apply to have a judge determine whether the criminal who is providing the information should receive compensation for the story.

Bill 46 will also apply to convicted criminals who sell criminal memorabilia and receive an inflated price because of the notoriety of the crime. If someone sells memorabilia on eBay, for example, and gets more than the market value for it, the government can apply to receive the portion of the cost that is above market value for the item. All money received under both parts of this legislation can be used to benefit victims of crime and their families.

We have taken care to ensure that this proposed legislation is carefully drafted to be as defensible as possible if it is ever challenged under Canada's Charter of Rights and Freedoms. For example, the act only applies to serious crimes. It will only apply to people who have been convicted. It will not apply to people who are charged but not convicted, and people who have been convicted of a serious crime will be able to apply to the court for payment in accordance with the contract.

Alberta strongly supports the right of freedom of expression. This bill is not intended to violate that right. Anyone has the right to tell their story. Bill 46 is intended to prevent convicted criminals from making a profit by recounting their crime. Bill 46 strikes an appropriate balance between freedom of expression and the protection of victims of crime and their families.

Thank you.

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

Dr. B. Miller: Thank you, Mr. Speaker. This is another very challenging bill, Bill 46, the Criminal Notoriety Act. I lament that so many heavy bills dealing with legal matters have come at us so soon after resuming the fall session. It takes time to get into the details and understand what's really at stake.

On the surface, of course, there will be lots of sympathy. A lot of people will want to support this because it's obvious that a criminal should not profit from writing a book about his life or her life. Criminals should not profit from their crimes. That's sort of a given in dealing with crime over the years.

Ontario and Manitoba have passed such legislation, so I think that there's probably some pressure to have all provinces get on board with this. After all, if there's one province that doesn't get on board, then I guess all the criminals would be welcome in that province to publish books about their life. I don't know what is happening with B.C. because B.C. does have the notorious example of Clifford Olson. I don't know whether B.C. is pursuing this kind of legislation.

I'm not sure about and I have nervousness about a bill that tries to cover with one law all examples. Everyone who commits a serious crime and receives a sentence is different. It's the same issue around the use of conditional sentencing. I think conditional sentencing can be a useful tool for judges to use for particular cases because not all cases are the same. I know it's restricted to serious offenders, offenders that have been sentenced to more than five years, and I know the worry is about people like Carla Homolka and Clifford Olson who will take advantage of publishing books, whatever, and profiting from their crime.

Of course, there are other examples. We could mention David Milgaard. I suppose that the bill wouldn't apply to him because he was found not guilty of the crime that he was originally charged with, so because he didn't commit a crime, then I suppose that he could write a book about his life.

I'm thinking about the example right here in Alberta of the book written by one of Canada's well-known novelists, Rudy Wiebe, in conjunction with Yvonne Johnson, who was incarcerated for a major violent crime, and they wrote a book together. The book is called *Stolen Life* and is a very fine book which recounts her life, and I think the community has profited from that kind of publication.

What about Susan Musgrave? She's a B.C. poet married to someone who has committed serious crimes, and she has published material about her husband.

I think that I'm nervous about passing legislation that just sort of flatly denies all possibilities of serious offenders publishing anything. I know there are exceptions mentioned in section 2(3), which says that "this Act does not apply to a contract for the recounting of a crime entered into for law enforcement purposes or in support of crime prevention programs or victims programs." Someone who has been incarcerated and has served time can provide valuable input for the government and for agencies like the John Howard Society. So there's an attempt to have exceptions here, but I don't know whether it goes far enough.

Would this mean that somebody who is wrongfully convicted and

wrote a book defending their innocence would be able to do that? Or a journalist writing as a co-author with a prisoner on prison conditions: would that be allowed? Or would writing about an unjust law and trying to reform the justice system be allowed? If the motivation is to write an autobiography in order to prevent people from falling into the same life of crime as the person writing the book, why would that not be important? And who decides? Is the Justice department going to have a kind of censor board here to rule on each individual case? Now, we're not probably talking about a lot of cases, but I do have a problem with how this would be carried out.

5:00

Of course, this is not something new because in the United States you have that notorious case in 1977 of David Berkowitz, and his retelling the story of his crimes led to the son of Sam law, which was passed by the New York State Legislature, prohibiting criminals from profiting from their crime. It provided that if the criminal offender entered into a contract to receive profits from the recounting of the crime, such as a book or movie or television show, then there was an offence against the law. It's true that almost all states have a similar son of Sam law.

There have been constitutional challenges, and the hon. member mentioned the issue of constitutional challenges and Charter challenges, and I think that's important for us to consider, to talk about whether or not this bill might be considered unconstitutional. Is it enough that an offender has been punished by incarceration? Isn't this bill suggesting that there should be added to that penalty another sanction, an additional sanction? Doesn't it go too far? I mean, if we're not happy with the Criminal Code and the kinds of sentences that are given by judges for serious crimes, we should change the Criminal Code. That's the role of the Parliament of Canada; that's not the role of a provincial legislature.

I'm wondering about the Charter issue because in the Charter of Rights and Freedom, 2(b), it's stated that there should be "freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication." In the explanation of this particular part of the Charter the Charter enshrines certain fundamental freedoms for everyone in Canada. For everyone in Canada. They are freedoms that custom and law over the years have made almost universal in our country. So these freedoms are protected by our Constitution.

I am concerned about the whole area of prisoners' rights. Human rights do apply to prisoners. While I think that in principle this bill is moving in the right direction, I still need to go on record as being concerned about the basic human rights that all Canadians are deemed to have.

Mr. Speaker, those are my comments now in second reading, and I look forward to further debate.

I would like to move adjournment of this debate.

[Motion to adjourn debate carried]

Bill 48

Justice of the Peace Amendment Act, 2005

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

Mr. Stevens: Thanks very much, Mr. Speaker. It's my pleasure to rise this afternoon to speak to Bill 48, the Justice of the Peace Amendment Act, 2005. The bill has two purposes. The first clarifies that there are no continuing legal requirements to automatically appoint a justice of the peace who has been qualified by the

Judicial Council subsequent to the 1999 reform of the justice of the peace system, and the second broadens the regulation-making powers so that the constitutional notice regulation can be issued under the Justice of the Peace Act.

To explain what the proposed amendments will do, it's necessary to provide the hon. members with some historical information about the justice of the peace system in Alberta. The office of the justice of the peace in Alberta was in existence when the province was created in 1905. By the 1950s the higher volumes of cases were creating pressures for a more specialized system of inferior courts, including the justice of the peace system. By the 1970s these pressures had become severe, and in 1975 the first of numerous reports was written on the justice of the peace system recommending changes. Over the years a few minor changes were made, and eventually in 1991 a number of significant legislative changes were made to reflect the recommendations of these reports.

In 1997, as a result of a Supreme Court decision on judicial independence, Alberta Justice re-examined its legislation regarding all of its judicial officers, including justices of the peace. There was a need to ensure that their judicial independence was adequately protected. In 1999 significant reforms to the justice of the peace system were introduced. At that time things like the process for appointments were changed, the complaint process was reformed, and the qualifications for justices of the peace were modified. Also, the categories of JPs were changed. Under the old system there were sitting and nonsitting JPs. Under the new system there are sitting, presiding, and nonpresiding JPs.

Under the old system there were sitting JPs called traffic commissioners. They were legally trained judicial officers who primarily sat trials on most provincial and municipal offences. The nonsitting JPs dealt primarily with intake procedures, including bail applications and search warrants. They also had administrative duties.

At that time there were 23 sitting JPs, four who were full-time in Edmonton and Calgary and 19 who were part-time, and there were 450 nonsitting JPs who were located throughout the province. A few of the nonsitting JPs were legally trained, but most were either employees of the Attorney General's department, called staff JPs, and the rest were fee JPs, who were paid on a fee-for-service basis. There were 15 legally trained nonsitting JPs, 245 staff JPs, including three full-time hearing officers, and 190 fee JPs.

Under the reformed system the category of nonsitting JPs was replaced with two new categories: presiding JPs and nonpresiding JPs. The presiding JPs had the authority to conduct judicial functions such as bail applications and search warrants. Nonpresiding JPs were limited to primarily administrative functions.

The transition from the old system to the new system involved the Judicial Council. The Judicial Council is made up of representatives of the three courts, the Law Society, and the minister. Under the legislation the Judicial Council was required to determine which of the incumbent nonsitting JPs qualified for appointment as either a presiding or a nonpresiding JP.

At that time the Judicial Council decided that for an incumbent nonsitting JP to be qualified as a presiding JP, the incumbent must be a lawyer with five years' experience at the bar. The Judicial Council identified the incumbent JPs found to be qualified and provided a list to the government. As a result of the decision on qualifications by the Judicial Council, the following appointments were made under the reformed system. All sitting JPs under the old system were appointed as sitting JPs in the new system. The 15 legally trained nonsitting JPs were appointed as presiding JPs under the new system. The rest of the nonsitting JPs, including the 242 staff JPs and the 190 fee JPs, were appointed as nonpresiding JPs. The three hearing officers were not appointed at this time.

Included in the 1999 amendments to the Justice of the Peace Act

was the requirement that JPs who had been in their positions prior to the reform, that is incumbent JPs, would be appointed in the reformed system as either sitting or presiding JPs if they were found to be qualified by the Judicial Council. These provisions were not intended to be long term. They were transitional provisions intended to ensure a smooth transition from the old system to the new. The transitional provisions were not intended to require the appointment of incumbent JPs under the new system if they were not found to be qualified at the time of the 1999 reforms. If an incumbent JP is deemed qualified by the Judicial Council after 1999, there is no obligation to automatically appoint that person as a sitting or presiding JP.

5:10

Let me assure you, Mr. Speaker, that since the 1999 reforms if a JP is found to be qualified by the Judicial Council, he or she may certainly apply for a new appointment at the sitting or presiding JP level. What we are clarifying is when the requirement to mandatorily appoint these JPs applies and when it does not. We are saying that now, six years after the stricter qualifications were brought in, those who now qualify can apply for an appointment along with other qualified candidates, but there is no legal obligation for them to be automatically appointed as sitting or presiding JPs.

The other section of the bill, the second purpose, clarifies the authority to allow the constitutional notice regulation to be issued under this Justice of the Peace Act. Currently the constitutional notice regulation has only been issued under the Provincial Court Act. The constitutional notice regulation provides that justices of the peace are not assigned to determine matters related to aboriginal, constitutional, or Charter rights. The validity of the regulation has been challenged on the basis that such a regulation, to be effective, must be issued under the Justice of the Peace Act. The amendment we are proposing clarifies the authority of the government to do this.

As members have heard, the purpose of this bill is to clarify two provisions: specifically, that the two provisions are transitional only and that the other provision authorizes the issuance of the constitutional notice regulation under the Justice of the Peace Act.

Thank you.

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

Dr. B. Miller: Thank you, Mr. Speaker. I rise in second reading to respond to this bill, Bill 48, Justice of the Peace Amendment Act, 2005. I appreciate the hon. minister providing historical background to try to understand what is being done in this bill. I look forward to reading it in *Hansard* to be able to grasp the details of this.

I don't have any real disagreement with this particular bill. Of course, if the changes that are suggested, that section 7(4) and (5) be amended in terms of the words "as of that date," if that makes it possible, then, for the emphasis to be directed to the qualifications of justices of the peace, that those who are qualified now can apply but that they're not automatically appointed – if the whole intention is to ensure that we have qualified justices of the peace, then I think that's very important.

In reviewing this and trying to prepare myself for understanding this bill, I looked at the Justice of the Peace Act, which was passed by this House in the year 2000. Where it outlines the powers and duties of justices of the peace, it mentions that they deal with such issues as

- (a) receiving an information or complaint or receiving an information or complaint from another justice of the peace and granting a summons or warrant on it;
- (b) issuing a subpoena . . . [and so on];
- (c) doing all other acts and matters necessary preliminary to a hearing.

It's very important for the speeding up of the process of justice in our province to have highly qualified justices of the peace, who indeed should have some sort of law degree, and not just because they had experience in other areas of life. I have no more comments to make about that part of this bill.

The second part, I think, is all right, too, in terms of strengthening the jurisdiction and the powers over these justices of the peace. The amendment is to amend section 15(1) of the act and add after "the Lieutenant Governor in Council may make regulations . . . prescribing duties that shall not be assigned to justices of the peace" the words "governing and restricting the jurisdiction and powers of justices of the peace." So it's strengthening the oversight of justices of the peace, and I think that is in the interest of the process of justice in this province.

So in conclusion, we are prepared to support Bill 48. Thank you, Mr. Speaker.

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

Mr. Martin: Yes. Thank you, Mr. Speaker. Just very briefly. I'm trying to go through all the numbers and the history – it's a little confusing – but make sure that I understand. I think it makes sense, but it seems to me that there are too many people being justices of the peace. That's part of the problem because I think the numbers are being cut down, and probably it's leading to a sort of patchwork of justice, if I might put it that way, because of people having different credentials. I take it that that's the purpose of the bill, and I want to make sure that I understand it when the minister replies to it.

Thank you.

The Acting Speaker: Hon. members, Standing Order 29(2)(a) kicks in. Any questions, comments?

If none, the Minister of Justice and Attorney General to close debate.

Mr. Stevens: Thank you, Mr. Speaker. To the hon. member: the one amendment basically establishes that the provision regarding qualification to become a new justice of the peace was transitional in nature. So those who were qualified in 1999 by virtue of having a law degree and five years' experience, as determined by the Judicial Council at that time, were appointed justices of the peace of a certain kind. The rest were justices of the peace of another kind. So everybody kept their jobs, if you will, but there were a limited number who had the positions with the greatest amount of responsibility. The idea at the time was to ensure that appropriately trained people would be doing those jobs, and that remains the case today.

The provision in the legislation was always intended to be transitional, but we are now in a position where the people who get qualified by the Judicial Council today might argue that they're entitled to a job by virtue of being qualified. What we wish to do is to make it abundantly clear that people who are qualified today may apply, like all qualified applicants, for positions as they become available, and they will be determined in accordance with merit and the person who is best able to fulfill those positions but that they are not automatically entitled to a job by virtue of having been a previous JP, an old JP, and now qualified six years later.

It was always intended to be transitional, in other words something that got us from January 29, 1999, to February 1, 1999, and we just wish to ensure that everybody understands that. The number of people who are JPs today will be the same number of people who are JPs next month, assuming that this legislation passes and becomes law, but the process, if you will, of qualification will be clearer.

[Motion carried; Bill 48 read a second time]

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

Mr. Stevens: Yes. Thank you, Mr. Speaker. I move that we call it 5:30 and adjourn until 8 o'clock this evening.

[Motion carried; the Assembly adjourned at 5:20 p.m.]

