

Legislative Assembly of Alberta

Title: **Monday, March 23, 1998** 1:30 p.m.
Date: 98/03/23
[The Speaker in the chair]

head: **Prayers**

THE SPEAKER: Welcome. Let us pray.

At the beginning of this week we ask You, Father, to renew and strengthen in us the awareness of our duty and privilege as members of this Legislature.

We ask You also in Your divine providence to bless and protect the Assembly and the province we are elected to serve.

Amen.

Please be seated.

head: **Introduction of Visitors**

THE SPEAKER: The hon. Member for St. Albert.

MRS. O'NEILL: Thank you, Mr. Speaker. It gives me pleasure this afternoon to introduce to you and through you to Members of the Legislative Assembly members of St. John Ambulance who are here today seated in your gallery. They are here in anticipation of the announcement of the first St. John Ambulance First Aid Week, which will be held June 21 to 27, 1998, in this province. The members of the provincial executive who are in your gallery are Lee Ahlstrom, Michael Cearn, David Hook, John Mah, and Paul Vandermolen. I would ask them to stand and receive the warm welcome of the Assembly.

head: **Presenting Petitions**

THE SPEAKER: The hon. Member for Leduc.

MR. KLAPSTEIN: Thank you, Mr. Speaker. On behalf of the Member for Edmonton-Whitemud I wish to present to the Legislative Assembly of Alberta an 88-name petition signed predominantly by Edmontonians. The petitioners are making basically two requests. They are asking "the government of Alberta to support quality, affordable child care options for all Alberta families, regardless of income," and, two, "to reverse its decision eliminating Operating Allowances to child care centres" and to come up with a "formula which will enhance quality child care and keep day care fees affordable for low income and middle income families."

THE SPEAKER: The hon. Member for Red Deer-South.

MR. DOERKSEN: Thank you, Mr. Speaker. I request leave to introduce a petition signed by 347 residents from the constituencies of Calgary-Shaw, Calgary-Varsity, and Vegreville-Viking regarding Bill 29, Medical Profession Amendment Act, 1997.

My second petition, Mr. Speaker, is 20 signatures to add to a petition I tabled earlier in the Assembly whereby they request "a bill to open adoption records in Alberta which would include a contact veto provision."

THE SPEAKER: The hon. Member for Wetaskiwin-Camrose

MR. JOHNSON: Thank you, Mr. Speaker. I would like to present a petition from 311 residents from the constituencies of Wetaskiwin-Camrose, Leduc, Wainwright, Lethbridge, Lac La

Biche-St. Paul, Vegreville-Viking, Lacombe-Stettler, Ponoka-Rimbey, and Olds-Didsbury-Three Hills. These petitions are regarding Bill 29, the Medical Professions Amendment Act, 1997.

head: **Reading and Receiving Petitions**

THE SPEAKER: The hon. Member for Edmonton-Strathcona.

DR. PANNU: Thank you, Mr. Speaker. I rise to request that the petition that I presented Thursday be read and received.

Thank you.

THE CLERK:

We, the undersigned, members of the medical profession and our patients, being residents of the Province of Alberta and of the age of majority, hereby Petition the Legislative Assembly to urge the Government of Alberta to refrain from bringing forth to the Legislature for debate and vote thereon a bill that was presented in the last session of the Legislature at its last sitting as Bill 29, ie. The Medical Professions Amendment Act of 1997.

THE SPEAKER: The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thank you, Mr. Speaker. I ask that the petition that I presented on Thursday, March 19, on the Medical Profession Amendment Act be now read and received.

THE CLERK:

We, the undersigned, members of the medical profession and our patients, being residents of the Province of Alberta and of the age of majority, hereby Petition the Legislative Assembly to urge the Government of Alberta to refrain from bringing forth to the Legislature for debate and vote thereon a bill that was presented in the last session of the Legislature at its last sitting as Bill 29, ie. The Medical Professions Amendment Act of 1997.

head: **Introduction of Bills**

THE SPEAKER: The hon. Member for Drayton Valley-Calmar on behalf of the hon. Member for Bonnyville-Cold Lake.

Bill 216 Citizens' Initiative Act

MR. THURBER: Thank you, Mr. Speaker. I beg leave today on behalf of my colleague the hon. Member for Bonnyville-Cold Lake to introduce Bill 216, being the Citizens' Initiative Act.

[Leave granted; Bill 216 read a first time]

THE SPEAKER: The hon. Member for Athabasca-Wabasca.

Bill 217 Alberta Economic Development Authority Amendment Act, 1998

MR. CARDINAL: Thank you very much, Mr. Speaker. I request leave to introduce Bill 217, being the Alberta Economic Development Authority Amendment Act, 1998.

[Leave granted; Bill 217 read a first time]

THE SPEAKER: The hon. Member for Edmonton-Ellerslie.

Bill 218 Environmental Bill of Rights

MS CARLSON: Thank you, Mr. Speaker. I request leave to

introduce Bill 218, being the Environmental Bill of Rights.

We believe that if the people of Alberta are going to have the responsibility to protect the environment, they should also have the authority to do so.

[Leave granted; Bill 218 read a first time]

THE SPEAKER: The hon. Member for Calgary-Currie.

Bill 219
Education Employment Relations Statutes
Amendment Act, 1998

MRS. BURGNER: Thank you, Mr. Speaker. I request leave to introduce a bill being the Education Employment Relations Statutes Amendment Act, 1998.

[Leave granted; Bill 219 read a first time]

Bill 220
Occupiers' Liability Amendment Act, 1998

MR. RENNER: Mr. Speaker, I beg leave to introduce Bill 220, being the Occupiers' Liability Amendment Act, 1998.

The purpose of this legislation is to allow occupiers of land to indicate by sign that visitors may use their land for recreational purposes, and the occupier will not be held liable other than for willful or reckless conduct on their behalf.

[Leave granted; Bill 220 read a first time]

THE SPEAKER: The hon. Member for Wetaskiwin-Camrose.

Bill 221
Freedom of Information and Protection of
Privacy Amendment Act, 1998

MR. JOHNSON: Thank you, Mr. Speaker. I request leave to introduce a bill being the Freedom of Information and Protection of Privacy Amendment Act, 1998.

[Leave granted; Bill 221 read a first time]

THE SPEAKER: The hon. Member for Edmonton-Mill Creek.

Bill 222
Fiscal Stabilization Fund Calculation Act

MR. ZWOZDESKY: Thank you, Mr. Speaker. I request leave to introduce Bill 222, that being the Fiscal Stabilization Fund Calculation Act, which provides the government with a sensible avenue of protection against the volatile and cyclical nature of our diverse economy.

[Leave granted; Bill 222 read a first time]

THE SPEAKER: The hon. Member for Wainwright.

Bill 223
School (Grade One Entry Age) Amendment Act, 1998

MR. FISCHER: Thank you, Mr. Speaker. I request leave to introduce Bill 223, the School (Grade One Entry Age) Amendment Act, 1998.

[Leave granted; Bill 223 read a first time]

THE SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

1:40
Bill 224
Conflicts of Interest Amendment Act, 1998 (No. 2)

MRS. SOETAERT: Thank you very much, Mr. Speaker. I'd like to introduce Bill 224, which is the Conflicts of Interest Amendment Act, 1998 (No. 2).

This would be a strong piece of legislation that would adopt all of the recommendations of the Tupper report.

[Leave granted; Bill 224 read a first time]

THE SPEAKER: The hon. Member for Calgary-Lougheed.

Bill 225
Corrections Amendment Act, 1998

MS GRAHAM: Thank you, Mr. Speaker. I request leave today to introduce Bill 225, being Corrections Amendment Act, 1998.

[Leave granted; Bill 225 read a first time]

Bill 226
Electoral Boundaries Commission
Amendment Act, 1998

MR. TRYNCHY: Mr. Speaker, I beg leave to introduce Bill 226, the Electoral Boundaries Commission Amendment Act, 1998.

The purpose of the bill is to reduce the electoral divisions in Alberta from 83 to 70.

[Leave granted; Bill 226 read a first time]

THE SPEAKER: The hon. Member for Calgary-Fish Creek on behalf of the hon. Member for Grande Prairie-Wapiti.

Bill 227
School (Principal's Duties) Amendment Act, 1998

MRS. FORSYTH: Thank you, Mr. Speaker. On behalf of my colleague from Grande Prairie-Wapiti it's my pleasure to introduce Bill 227, the School (Principal's Duties) Amendment Act, 1998.

Bill 227 will ensure that a school principal contacts police when a serious incident has occurred on school property.

[Leave granted; Bill 227 read a first time]

THE SPEAKER: The hon. Member for Calgary-Montrose.

Bill 228
Workers' Compensation (Competitive Marketplace
Review Committee) Amendment Act, 1998

MR. PHAM: Thank you, Mr. Speaker. I request leave to introduce Bill 228, being the Workers' Compensation (Competitive Marketplace Review Committee) Amendment Act, 1998.

This bill, if passed, will create a competitive marketplace review committee which will find ways to make the WCB more accountable to Albertans.

[Leave granted; Bill 228 read a first time]

THE SPEAKER: The hon. Member for Edmonton-Centre.

Bill 229
Human Rights, Citizenship and Multiculturalism
Amendment Act, 1998

MS BLAKEMAN: Thank you, Mr. Speaker. Today I request leave to introduce a bill being Bill 229, the Human Rights, Citizenship and Multiculturalism Amendment Act, 1998.

The purpose of this bill would be to bring Alberta up to speed with the rest of Canada in including sexual orientation under human rights protection.

[Leave granted; Bill 229 read a first time]

THE SPEAKER: The hon. Member for Edmonton-Calder.

Bill 230
Dutch Elm Disease Act

MR. WHITE: Thank you, Mr. Speaker. I request leave to introduce Bill 230, being the Dutch Elm Disease Act.

It's a bill that sets out the legislative authority to enable this government to work with the municipalities in order to have early intervention into this disease fatal to elms in the province.

[Leave granted; Bill 230 read a first time]

head: **Tabling Returns and Reports**

THE SPEAKER: The hon. Member for Calgary-Cross.

MRS. FRITZ: Thank you, Mr. Speaker. I'm pleased to table four copies of the Rights Path - Alberta. This booklet was written in plain language by aboriginal lawyers and was prepared by the Aboriginal Human Rights Committee with financial assistance from the human rights, citizenship, and multiculturalism education fund.

MRS. McCLELLAN: Mr. Speaker, with your permission I have four tablings. First is to file copies of letters I've sent to two Albertans who won Juno awards last night. First is to Malcolm Forsyth. Dr. Forsyth is composer in residence in the music department of the University of Alberta. He won the Juno for best classical composition for his work *Electra Rising*. The other letter is to Calgary's rising country star Paul Brandt, who earned Junos as both the male vocalist of the year and the country male vocalist of the year.

I'm also tabling letters congratulating Alberta Olympic speed skaters Jeremy Wotherspoon and Catriona LeMay Doan, who both won in the 1,000 metre and 500 metre categories at the World Cup speed skating overall championships this weekend and to the Calgary Oval X-Treme women's hockey team, who won the Canadian national title this weekend in Calgary.

My final tabling, Mr. Speaker, is an information bulletin about Team Alberta North's best ever finish at the Arctic Winter Games, which ended in Yellowknife this weekend.

MS OLSEN: Mr. Speaker, I'd like to table five copies of a letter in relation to Bill 17 and problems that have been identified in that bill.

THE SPEAKER: The hon. Member for Edmonton-Glengarry.

MR. BONNER: Thank you, Mr. Speaker. I beg leave to table five copies of Turning Point, a policy developed by the Minor Hockey Association of Calgary to focus hockey on fun and positive development.

THE SPEAKER: The hon. Minister of Public Works, Supply and Services.

MR. WOLOSHYN: Thank you, Mr. Speaker. It's my pleasure to table five copies of the 1997 annual report of the Alberta Association of Architects in accordance with chapter A-44.1, section 6(4) of the Architects Act. Additional copies are available in my office.

head: **Introduction of Guests**

THE SPEAKER: The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you, Mr. Speaker. It is a pleasure to introduce to you and through you to this Assembly 49 bright, energetic grade 10 students from Austin O'Brien high school located in the Edmonton-Gold Bar constituency. They are accompanied this afternoon by their teacher, Mrs. Colleen Stepney, and they are in the members' gallery. If they would rise and receive the traditional warm welcome of this Assembly.

THE SPEAKER: The hon. Member for Edmonton-Highlands.

MS BARRETT: Thank you, Mr. Speaker. I met earlier today with 19 students from the combined grades 5 and 6 class and 24 students from the grade 6 class at St. Leo's school. They're in the public gallery accompanied by teachers Joan Cunningham and Brian Letawsky. Before I ask them to stand and receive the recognition of the Assembly, I might make note that the newer generations must be getting taller, because 90 percent of these grade 5 and 6ers are taller than me. Please join me in welcoming them.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to members of the Assembly Jennifer Posyluzny. Jennifer is a student at Edmonton's Centre High, and she is currently working, as part of her work experience program, in the Liberal caucus. With your permission, Mr. Speaker, I'd ask her to rise and receive the cordial welcome of the Assembly.

THE SPEAKER: The hon. Member for Clover Bar-Fort Saskatchewan.

MR. LOUGHEED: Thank you, Mr. Speaker. I'd like to introduce to you and through you to the members of this Assembly an active member of Strathcona county, Mr. Jeff Sundquist. He's involved in the manufacture of high-tech entertainment equipment. I'd ask him to rise and receive the welcome of this Assembly.

THE SPEAKER: The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thank you, Mr. Speaker. It is with great pride that I introduce to you and through you to Members of the Legislative Assembly 15 visitors from Grandin elementary school.

They are the grade 6 class. They're accompanied today by their instructor, Mrs. Angela Ouellette. I would ask them to please rise and accept the warm and traditional welcome of the Assembly.

head: **Ministerial Statements**

1:50 **Arctic Winter Games**

MRS. McCLELLAN: Mr. Speaker, today I rise to tell this Assembly about the talented and dedicated athletes who represented our province at the Arctic Winter Games in Yellowknife from March 15 to 21.

The Arctic Winter Games is an international competition involving teams from Alaska, Yukon, Northwest Territories, Greenland, the Russian provinces of Tyumen and Magadan, and northern Alberta. The purpose of the games is to foster athletic competition, cultural exchange, and social interaction among young people who live in the Arctic regions.

The 224 members of Team Alberta North participated in many events, including hockey, curling, ski and snowshoe biathlons, speed skating, and dog mushing. They also competed in traditional Inuit games like arm pull, one-foot high kick, knuckle hop, and head pull.

Mr. Speaker, the competition was world class in every respect. These are tremendous athletes. I can only tell you that our Alberta athletes did us proud, not only with the skill that they demonstrated on the field of play but also with the class and leadership they displayed off the field.

Mr. Speaker, I'm proud to tell you and members of this Assembly that Team Alberta North won 101 medals: 33 gold, 33 silver, and 35 bronze. Our team was especially strong in figure skating, Arctic sports, volleyball, and hockey. We placed third out of seven in the final standings, which is our best finish ever. Considering that our athletes all came from above the 55th parallel, which includes many small and remote communities as well as the larger cities of Fort McMurray and Grande Prairie, and competed against teams which comprise an entire state, province, or country, I think we have much to be proud of.

However, there's much more to the Arctic games than the medal count. The games give our athletes the chance to develop new skills, to experience life in a part of Canada they may not have visited before, and to meet people from other parts of Canada and abroad. The games offer tremendous opportunities for personal growth and new experiences. For example, one member of Team Alberta North is from a small, isolated northern community. Before the Arctic Games this young lad had never left his community. He had never flown on a plane, ridden in an elevator, seen the tall buildings of a city, or met young people from other countries. For this young Albertan and indeed for all members of Team Alberta North, the Arctic Winter Games were the experience of a lifetime. This demonstrates the value of Alberta's participation in these games.

I call on all members of this Assembly to join me in congratulating Team Alberta North on a job well done.

THE SPEAKER: The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thank you, Mr. Speaker. On behalf of the Liberal caucus I would like to join the minister in congratulations to the athletes from Team Alberta North. I'd also like to acknowledge the hours and hours and hours of volunteer time put in by coaches, parents, family, and friends to support these athletes. One hundred and one medals: what an accomplishment.

You know, people often look at our map and think, "North of the 55th: what could be up there?" Well, I disagree. To me the northern parts of this country are where our pioneering spirit still shows, where individuals are tough, where they work hard and develop both extraordinary individual and team skills. I'm especially proud that our athletes did well in Arctic sports. One-foot high kick, knuckle hop, head pull, and other traditional Inuit games are incredible tests of strength, skill, and courage. Bravo. These plus dog mushing and snowshoeing are distinctly Canadian components, and I am glad they are included in the games.

I heartily congratulate the athletes, their families and coaches. Way to go. You've done us all very proud.

Recognitions

THE SPEAKER: The chair has been notified that seven individual members wish to provide statements under Recognitions today. We'll proceed in the following order: first of all the hon. Member for Calgary-Cross, then Edmonton-Glengarry, then Redwater, then Edmonton-Mill Creek, then St. Albert, then Edmonton-Gold Bar, then Medicine Hat.

Women's Centre of Calgary

MRS. FRITZ: Mr. Speaker, the Women's Centre of Calgary is open to all women. It serves women in poverty, those new to the city or country, and those facing major life changes such as family breakdown or abuse, unemployment, or the need for safe, affordable housing, food, and clothing. This centre is a warm, supportive place for women to meet other women, share resources, and build community. All services are free and provided by two part-time staff and more than 70 volunteers.

The centre has received tremendous community support and is funded by the United Way, Petro-Canada, Nova Corporation, the Calgary Foundation, and private donors. The centre recently moved to a new location. It warmed its new home at 644B - 1st Avenue N.E. with an International Women's Day celebration in partnership with the Calgary Immigrant Women's Association and the Calgary Chinese Community Service Association.

We congratulate them and wish them well in their new home.

Edmonton/Calgary Provincial Hockey Tournament

MR. BONNER: Mr. Speaker, this past weekend I had the opportunity to see a number of exciting and entertaining hockey games at the Edmonton/Calgary provincial hockey tournament. Today I rise to tell this Assembly and all Albertans about this talented group of young athletes who represented their cities in the finest fashion. These provincials featured games at the recreational federation level and were a tremendous success.

I would like to thank tournament director, Brian Damer, and his group of volunteers for the tremendous job they did in planning and hosting this tournament. Also I'd like to take this opportunity to thank the coaches and managers of the teams involved as well as the thousands of volunteers who so generously give of their time and efforts each hockey season to provide a quality hockey program for the youth of Alberta.

All the teams that participated, Mr. Speaker, were champions of their cities. Unfortunately there can only be one provincial champion. This year's champions were peewee, Calgary Fish Creek; bantam, Edmonton Southwest Oil Kings; midjet, Edmonton Northwest Key Tags. The young hockey players who competed demonstrated great skill, team spirit, and leadership during the entire event.

Thank you.

Sev Sabourin

MR. BRODA: Mr. Speaker, I rise today to express the sadness of many members of this Assembly over the recent passing of an Edmonton radio institution, Mr. Sev Sabourin. Mr. Sabourin passed away last week in Edmonton at the age of 59. For 24 years Mr. Sabourin was a familiar and friendly voice on the airwaves on radio station CKUA, reaching Albertans in all parts of our province with his long-running radio programs.

Mr. Sabourin earned a reputation as a man who deeply loved music of all sorts. He had a vast knowledge of music and the arts in general, and he shared the knowledge with many, many loyal and appreciative listeners. At the time of his passing Mr. Sabourin was also serving as program director of CKUA as well as hosting two radio shows per week.

It is indeed the mark of a special individual when that individual earns the admiration and friendship of thousands of people whom he has never met. That was the case of Mr. Sabourin, who through the sheer warmth of his personality brought entertainment, pleasure, and comfort to Albertans through the radio.

On behalf of our government, I extend my sympathies to the family and friends of the late Sev Sabourin. Though his voice has fallen silent, his immeasurable contributions live on.

THE SPEAKER: The hon. Member for Edmonton-Mill Creek.

Edmonton Oilers

MR. ZWOZDESKY: Thank you. Mr. Speaker, the Edmonton Oilers are a vital part of our community, contributing very significantly to the athletic, economic, and cultural vibrancy of Edmonton and area. Thanks to the generosity and leadership of some outstanding Albertans and Alberta companies, the Oilers will remain in Edmonton, where they belong.

Therefore, as an avid Oiler fan and Oiler supporter myself I'm very pleased to recognize the Oilers home team, the new owners who call themselves the Edmonton Investors Group Ltd., who helped save our hockey club. That list of leaders includes Cal Nichols, spokesman, and in alphabetical order, Ed Bean, Gordon Buchanan, the *Edmonton Journal*, Ernie Elko, Gary Gregg, Ron Hodgson, Jim Hole, Larry Makelki, the Lloydminster Consortium of Five, Melcor/Springwood, Art Mihalcheon, Al Owen, Cathy Roozen, Bruce Saville, Barry Weaver, Jim Woods, Dick Paine, and many other silent and/or recent investors. I also want to recognize the many other businesses – the restaurants, tire shops, donut shops, beverage companies, and so on – and the *Edmonton Sun*, who gave their support to the Stay, Oilers, Stay campaign, as well as the numerous citizens of Edmonton and beyond for their overwhelming response and pledges of support. We were, we are, and we will always be a city of champions.

Thank you.

THE SPEAKER: The hon. Member for St. Albert.

2:00

St. John Ambulance

MRS. O'NEILL: Thank you, Mr. Speaker. St. John Ambulance volunteers are people we all know: friends, workmates, and neighbours. As well as their volunteer work they go to school or university, hold down full-time jobs, and have family and other commitments.

Last year St. John volunteers trained over 100,000 Albertans in first aid, CPR, and other health-related programs. The brigade has volunteered for over 94,000 hours at public events all around the province. In partnership with the program called Care When

It Counts St. John Ambulance volunteers will be conducting, as they do daily across this country and around the world, a first-class aid class here in the Legislature Building for all those who willingly signed up for the 6:30 a.m. session.

These people are doing their part towards achieving the goal of 100 percent of Albertans who are able to be trained in first aid and CPR in 100 years by the year 2005 for Alberta's centenary.

I'd like to congratulate the St. John Ambulance workers.

THE SPEAKER: The hon. Member for Edmonton-Gold Bar.

Hardisty Fitness Centre

MR. MacDONALD: Thank you, Mr. Speaker. I rise to congratulate all those who worked so hard to achieve the upgrade of the fitness centre at Hardisty Leisure Centre in the Edmonton-Gold Bar constituency. This centre was built in 1982, serving the area well as an aquatic facility for many years, providing swimming programs for children and adults and recreational activities for the entire community.

The recent project to expand the fitness centre and purchase new equipment was completed in January of this year at a cost of \$105,000. This was a unique co-operative project combining community support and several key partners. This project was initiated by Mr. Ken Lucki and his family. Their decision to anchor this project was made to commemorate their father, Nick, a regular patron of the leisure centre who passed away in 1996. It also gave the family an opportunity to celebrate their lifelong residency in the Hardisty area. Capilano and Gold Bar community leagues, the city of Edmonton, area schools, sports groups, Hardisty patrons, and an RPW grant completed the project.

This facility will be an asset to the community for many years, promoting fitness and wellness for all members of the community.

Thank you.

Provincial Debate Championship

MR. RENNER: Mr. Speaker, this past Saturday at Crescent Heights high school in Medicine Hat I had the pleasure and honour to bring greetings on behalf of all members of the Legislature to the organizers and participants at the provincial junior and senior high school debate championships. Approximately 300 people from throughout Alberta participated. The furthest was the team from Hythe, who traveled 1,100 kilometres south to Medicine Hat for the weekend.

While in attendance I was able to join the audience for the senior high school semifinal debate. The skill and composure exhibited by these young people was outstanding. In fact, Mr. Speaker, I commented at one point that the level of debate in this Chamber could stand a lesson or two from the example set by these talented young Albertans.

Crescent Heights high school, under the leadership of teacher, Mr. John Baty, has established a tradition of leading the pack at provincial and national debate competitions. This year was no exception, as Mr. Luc Barton, a student at Crescent Heights high school was named best debater.

I ask that all members join me in congratulating the organizers, volunteers, and participants on their contribution to this outstanding competition.

head:

Oral Question Period Administration of Justice

MR. MITCHELL: On the weekend the Justice minister said with respect to Bill 26:

I focussed on my clients' interests, on the government's interests, on taxpayers' interests and I focussed on winning.

The lesson I learned is that I should really focus on doing what is right and fair.

Do tell, Mr. Speaker. Why would the Premier have appointed a Minister of Justice who would not from the very beginning fundamentally, implicitly understand that the very essence of his role is to be right and fair?

MR. KLEIN: Mr. Speaker, at the end of the day the hon. minister and all members of the government caucus were right and fair. The important thing is that ultimately and at the end of the day the right thing was done.

MR. MITCHELL: It was far too long a day, Mr. Speaker.

Why does the Premier continue to defend a Justice minister about whom the justice community is saying something captured so well by Professor DeCoste of the University of Alberta law school:

The minister's failure to adequately instruct his colleagues regarding the abundant legal significance of Bill 26 . . . shows him to be incompetent to serve the cause of justice for the citizens of this province.

MR. KLEIN: Mr. Speaker, as we found out as a caucus and as a Legislative Assembly, the law is not perfect. The law is not perfect, and lawyers oftentimes have different opinions on different matters. I would remind the hon. member that the advice brought to caucus, to cabinet, to agenda and priorities was based on two outside opinions, all involving lawyers, including the advice of our inside counsel. Lawyers, like everyone else, are entitled to their opinions, and their opinions often differ.

Relative to the statements made regarding the hon. Minister of Justice, I'll have him speak for himself.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I did make those comments over the weekend, and they're entirely accurate. There were some other comments made by those individuals with respect to confidence in the system generally and how perhaps some things I've been saying all along had impacted on that. For some years we've been tracking confidence in the system. As Justice minister I feel it is my responsibility to defend the system, but it is also my responsibility to improve the system where necessary and to ensure also that the system reflects the needs and desires of all Albertans.

Now, if I've created some problems, I'm guilty as charged, because quite frankly the general public has . . . [some applause] Thank you. The general public has indicated through the surveys we've taken that they are losing some confidence in the system. I'd like to point out some numbers to you. This is from a national survey where those expressing they were very or somewhat confident in certain elements of the system were as follows: the courts, 52 percent; prison system, 42 percent; parole system, 25 percent; Young Offenders Act, 26 percent. When you look at the numbers in Alberta, Mr. Speaker, it's even less.

So the difficulty we're faced with, quite frankly, is that those within the system and with a vested interest seemingly are not listening to those outside the system who are telling them consistently that there are some problems. As Minister of Justice, I'm trying to address those problems. That's one of the reasons we called the Justice Summit, to allow those not only within the system but outside the system to have a reasonable say in how we can address those problems.

MR. MITCHELL: Given that the Justice minister set up the Justice Summit to examine the loss of confidence in the system, will he now extend its mandate to examine the loss of confidence in the Justice minister?

MR. KLEIN: Mr. Speaker, I would remind the hon. member that this Minister of Justice got the highest plurality of any candidate in the last election. That's the amount of confidence the people have in this minister.

MR. HAVELOCK: Well, Mr. Premier, thank you for that. The short answer to your question is no. Mr. Speaker, what occurred during the past couple of weeks is that certainly after the tabling of Bill 26 I heard from Albertans that they felt it was inappropriate, but I also heard from many Albertans throughout the province that they would like me to remain in my position. I heard from my colleagues. I heard from friends. What I did . . .

MR. KLEIN: Your constituents.

MR. HAVELOCK: My constituents. In fact, you're right, Mr. Premier. The almost 12,000 people that voted for me did not call me and ask me to leave office. Therefore, I'm not going to.

Health Care Funding

MR. SAPERS: Mr. Speaker, health care workers are forced into illegal job action, and the government says: "Crisis? What crisis?" Hundreds of surgeries are canceled throughout the province, and doctors are threatening to withdraw services, and the government says: "Crisis? What crisis?" The government manipulates the budget to create a multibillion dollar surplus but then leaves regional health authorities underfunded, broke, and holding the bag. How is it possible, Mr. Premier, that you could create a \$2.3 billion budget surplus while at the same time underfunding regional health authorities, creating a health care deficit of at least \$138 million?

2:10

MR. KLEIN: Mr. Speaker, I'll have the hon. minister supplement, but I would remind the hon. member again that we are reviewing the situation. The Department of Health is now reviewing the situation to identify the pressure points, to make sure that if additional resources are required, those dollars go to the right places and for the right reasons.

I'll have the hon. minister supplement.

MR. JONSON: Yes, Mr. Speaker. As I've indicated previously in the Assembly, I've been in consultation with the chief executive officers and the chairs of regional health authorities across the province. We have been reviewing their overall funding situation. I have received a report from the regional health authorities which indicates that in their opinion the funding level for regional health authorities across the province should be about 6.3 percent over 1997-98 funding levels. That would equate to about 60-plus millions of dollars that they would want in addition to what they've received through the 3.2 percent increase that we've provided.

I would like to indicate further, Mr. Speaker, that in addition to the 3.2 percent overall funding for regional health authorities that we provided, we've also provided a capital allotment of 40 millions of dollars, which adds another 1 percent plus to their funding. There's also the Y2K money recently approved by this

Assembly, another \$130 million. Certainly, as the Premier has indicated, we are reviewing the cost needs of regional health authorities, and we'll act accordingly in a fair manner.

MR. SAPERS: Mr. Premier, the regional health authorities have identified the need. Will you turn to your Treasurer, and will you just get him to write the cheque? They need the funding now.

MR. KLEIN: Mr. Speaker, that is the Liberal way: just write the cheque. You know, Mr. Speaker, it is not unreasonable . . . [interjections]

MR. SAPERS: Will the Minister of Health please confirm that once he's convinced his colleague the Treasurer to write the cheque and the regional health authorities receive the \$138 million that they need to balance their operating budget this year, they will be still be millions of dollars short of the service level projections they require next year?

MR. JONSON: Mr. Speaker, as I understand the presentation from the regional health authorities, they are asking for 138 millions of dollars over the 1997-98 budget. As I've repeatedly said in this Assembly – and I've tallied up the numbers that we have committed to regional health authorities – just on the operational side we have already provided over half of that amount of money in our current budget projections. I appreciate the member's desire in this Assembly to court favour and to provide more than they're asking for, but we prefer to look at what the regional health authorities are actually projecting and requesting, look at it in terms of what we see to be the needs of the regional health authorities of the province, and we'll see.

We have provided for, as I said, over 50 millions of dollars already in operational money. We've provided 40 millions of dollars in a onetime capital grant. We've provided money for Y2K. Mr. Speaker, I think the government is acting in the interests of health care in this province.

THE SPEAKER: Third Official Opposition main question, the hon. Member for Edmonton-Gold Bar.

Public-sector Salaries

MR. MacDONALD: Thank you, Mr. Speaker. In 1994 on the pretense that it was needed to balance the budget, this government cut 5 percent from the salaries of all public-sector employees, including teachers, nurses, and civil servants. The Premier said at the time, and I quote: we are doing this simply because we have no choice; we have to balance the budget. End of quote. Now, with the budget balanced and a huge surplus, only selected groups of employees have seen their wages returned to the 1994 levels. My first question is to the Premier. Why are some employees getting their 5 percent back, but others have to threaten strike action before the government will act? How is this productive labour relations?

MR. KLEIN: Mr. Speaker, it all comes down to negotiation, and it all comes down to the collective bargaining process, save for those people who are union exempt. Those people of course have to negotiate directly with management. There is a process in place. Some unions have negotiated successfully for 5 percent and even more over a period of time. Some unions are in the process of negotiating. Strike action is always an alternative where, in fact, that action is legal. Strike action, where it is

illegal, is not an option, but there are processes in place through the Department of Labour that will serve to settle these disputes. There is the process of arbitration. There is the process of mediation. All of these tools are available to make sure that at the end of the day everyone comes out a winner.

MR. MacDONALD: My second question is also to the Premier. Since your government unilaterally imposed this cut in 1994, why are you doing nothing now to ensure that public employees such as those at the school boards and health authorities have the funds necessary to restore this 5 percent cut?

MR. KLEIN: Mr. Speaker, it is not altogether true that this was unilateral. With respect to at least the government MLAs it was unilateral. We collectively and singly took that decision as a caucus.

MR. MITCHELL: That's not unilateral.

MR. KLEIN: Yes, it was unilateral. I'm talking about the caucus as a body, as a family; we imposed that on ourselves. We were acting singularly as a body. That was unilateral. Yes, it was unilateral with respect to deputy ministers and assistant deputy ministers. Mr. Speaker, we appealed to the rest of the public service, including those in the MASH sector – municipalities, academic, schools, and hospitals – to rollback 5 percent. We had compliance throughout the public service, and thank you for that. Different locals of different unions achieved the 5 percent in different ways.

Mr. Speaker, the simple fact is that, yes, there are a number of unions that have negotiated and are now negotiating for the return of that 5 percent, and that is fair, and that's what the collective bargaining process is all about.

I'll have the hon. Minister of Labour supplement, if he wishes.

MR. SMITH: It's pretty hard to add to that, Mr. Speaker.

MR. MacDONALD: Thank you, Mr. Speaker. My third question is also to the Premier. Why should these employees now have to fight through negotiations to have this 5 percent restored given that you promised this was only a deficit elimination measure? The deficit is gone, but their pay is still cut.

MR. KLEIN: Mr. Speaker, it's a matter of collective bargaining. If we took away the right of collective bargaining, these people would be the first to scream. There are other issues. There are issues other than the 5 percent. In some cases the issue was not 5 percent at all; it was 7 percent. There are issues of benefits and pensions and in some cases up to 9 percent.

Mr. Speaker, relative to the intricacies of negotiation and labour/management relations, I'll have the hon. minister give the hon. member a little bit of a clinic.

MR. SMITH: Thank you, Mr. Speaker. I think it's very obvious that in 1994 these reductions were negotiated through the collective agreement system, the collective bargaining mechanism. In fact, proof that they were negotiated is – remember municipalities? That group of employees did not take the 5 percent. So we know that returns are being accomplished in the same manner that the reductions were taken.

Now, I think what we do know is that there are more people working in Alberta than ever before and that collective bargaining

is working. There were seven essential agreements settled last year without any need for either an illegal strike or threats of an illegal strike. We know the collective bargaining system works. We know that through mediation and the services in the Department of Labour with mediation, negotiation, and facilitation, collective bargaining works in the province of Alberta.

2:20

Opted-out Physicians

MS BARRETT: Mr. Speaker, when a driver falls asleep at the wheel, the usual predictable outcome is a car crash. It seems to me that the Health minister is kind of nodding off, and the potential victim is our public health care system. The doctors are on the brink of job action, including direct billing of patients and work slowdowns. In the meantime an opted-out physician is allowed to use a public hospital free of charge, sending a clear message to the other doctors: "Hey. Opt out. You can have the best of all worlds here." How does the Minister of Health reconcile what he said in the Assembly last Thursday in response to my question on this matter with comments that he made last December when he said: opted-out doctors will not be able to use public hospitals?

MR. JONSON: Mr. Speaker, as I indicated, I believe it was Thursday last, as the hon. member and others in the Assembly have urged, we are supposed to and have always said that we will adhere to the principles of the Canada Health Act and its interpretation and application. As I indicated in answer to the previous question, the interpretation is that because hospital services are publicly funded, are part of the public health care system in this province for medically required services, we should not be denying patients – let's focus on the patient here – the benefit of the funding provided to support the hospitals when they're in the care of a hospital. Therefore, to follow the application at least of the Canada Health Act, we provide support for the patient who is in hospital under a doctor's care.

MS BARRETT: Well, Mr. Speaker, given that charging an opted-out physician a facility fee for using a public hospital does not – and we checked – contravene the Canada Health Act or reduce access for patients, why won't the minister commit to implementing a policy that says: if you're an opted-out doctor, you have to reimburse the public for use of the public system?

MR. JONSON: Well, Mr. Speaker, I think the important thing here is to look at the specifics of a given case, because usually it is patients who are in hospitals using hospitals. Now, there may be some ancillary services that a hospital provides to a physician. That is something that probably should be, I must admit, examined further. But the point here is that we do not want the patient charged by the doctor in turn for the use of the hospital, and that is why this protection is there.

MS BARRETT: Eeuh. Aren't you glad it's not *The Gong Show*? I shouldn't have said that.

Mr. Speaker, how can the minister justify allowing an opted-out physician to use a public hospital for free when it makes it more attractive for doctors to use opting-out as a bargaining tactic in their current dispute with the government? Aren't you just promoting more and more opting-out while they get to use public hospitals?

MR. JONSON: But, Mr. Speaker, the hospital, unless the doctor

has some illness, is used by the patient. Therefore, the patient needs to be provided with the support of the public health care system when they want to or have no choice but to avail themselves of it. That, I think, is the reason for the interpretation and the application of the policy.

THE SPEAKER: The hon. Member for Livingstone-Macleod, followed by the hon. Member for Edmonton-Calder.

The hon. Member for Edmonton-Calder.

Electric Utilities Deregulation

MR. WHITE: Mr. Speaker, Albertans are wondering what impact electricity deregulation in this province will have on their monthly utility bills. The change in this government policy is unclear to Albertans because they cannot understand how this government cannot give them concrete answers to these questions. To the Premier: how much more are residential customers going to pay on their monthly utility bills as a result of this government's policy change? Five, 10 percent?

MR. KLEIN: Well, Mr. Speaker, I'll have the hon. Minister of Energy supplement, but as far as I understand the bill and certainly all the documentation associated with the bill, the residential customer over the long period of deregulation should be the beneficiary of this legislation. If we get the kind of competition we think we're going to get, then the consumer will indeed be the person who benefits.

DR. WEST: Mr. Speaker, that's absolutely correct. The power pool and using power purchase agreements that take the existing regulated 8,000 megawatts and take them out 20 years under purchase agreements will allow the residential customers of today to have a stable rate option for a long period of time into the future. As I say, they will benefit from the low-cost power production of the day.

Now, there are a few things that the hon. member would leave suspect by his questions, and that's to say that we would never again in this country see 22 percent interest like we did in the late '70s, that we would never have over 10 percent inflation, that you would never have job actions that would request 20 percent wage increases. I trust that they never come back, but you're not going to ask this government or anybody else to absolutely guarantee that the federal government, their counterparts in Ottawa, won't come back to that policy.

MR. WHITE: Mr. Premier, in that you or your minister will not guarantee that there's going to be savings for the customers, how can you justify your statement of last Thursday: "to make sure that the ultimate beneficiaries . . . will be the consumers"?

MR. KLEIN: Mr. Speaker, that is what the exercise of this legislation is all about. That's what four years of consultation have been all about: to make sure that we create as stable a climate as possible for the consumer. Under today's regulated system there is absolutely no guarantee that the consumers won't be hit with rate increases. It has happened in the past, and likely it will happen in the future. All the power companies need to do is to apply to the Alberta Energy and Utilities Board for a rate increase, and if it's granted, the consumer is stuck with it. So there is no guarantee now. At least with competition the consumer will have choice, and the choice will always be the lowest price choice.

MR. WHITE: Mr. Premier, if you cannot guarantee any kind of pricing and you cannot explain this policy change to Albertans, why would you not then delay enacting this policy until perhaps a fall session so as to explain it to all Albertans so they understand it, sir?

MR. KLEIN: Well, there's an idea. Mr. Speaker, this is very complex legislation, but the bottom line is that we want, through competition, good solid competition, which is in keeping with the entrepreneurial spirit of Alberta, to make sure that consumers have choice so that they can get the lowest cost energy.

THE SPEAKER: The hon. Member for Calgary-Fort, followed by the hon. Member for Edmonton-Norwood.

2:30 **Trucking Regulations**

MR. CAO: Thank you, Mr. Speaker. Our Alberta economy is growing well. There is a very high concentration of transportation businesses and a high volume of trucking traffic in the constituency of Calgary-Fort, reflecting the interest of my constituency and of Alberta in general. My questions are to the Minister of Transportation and Utilities. Mr. Minister, I understand that the requirement for an operating authority of commercial truckers in Alberta is being removed effective April 1, 1998. Given that trucking plays a vital role in Alberta's economy, will this deregulation limit the capabilities of the trucking industry to respond to the demands of the marketplace and be supportive of Alberta shippers' needs?

MR. PASZKOWSKI: Thank you, Mr. Speaker. To the contrary, this will actually open up opportunities in a very significant way. What we're doing is moving from economic regulation to safety regulation. This process has really been in place for all intents and purposes in Alberta for the last eight years. Ultimately what we're removing, not only throughout Alberta but hopefully throughout Canada, by the year 2000 through the Motor Vehicle Transport Act is the whole need for running rights. The intention, of course, of these changes is to remove the fact that you would need running rights that are very selective.

MR. CAO: Thank you, Mr. Speaker. My first supplemental question is to the same minister. What assurance can the minister give us that deregulation will not have an adverse effect on highway safety?

MR. PASZKOWSKI: This in fact, Mr. Speaker, is the whole intention of this regulatory change. What we have had in the past is limited interprovincial regulation. What we're developing now is safety regulations that will be consistent all across Canada. With the carrier business the carriers of course operate under different safety regulations from province to province. Some of the provinces still are operating through the process of economic regulation. The intention now is to remove the economic regulations, remove the whole need for running rights in specific areas, and to see that safety regulations are indeed consistent throughout all of Canada.

MR. CAO: Thank you, Mr. Speaker. My second supplemental question is to the same minister. Can the minister share with us what effect the new regime will have on Alberta-based carriers traveling outside Alberta and non-Albertan carriers traveling inside our province?

MR. PASZKOWSKI: This has been an issue that has been debated at some length and certainly one that we have taken a very strong position on on behalf of the Alberta carriers. The deregulation was originally to have been implemented in 1998. Unfortunately two provinces had asked for an extension with two particular areas, the aggregate business and the logging business. That was granted to the year 2000, when those two industries won't be regulated. It is our intention as the Alberta government to see that there is no further extension granted after the year 2000.

THE SPEAKER: The hon. Member for Edmonton-Norwood, followed by the hon. Member for Redwater.

Head Start Program

MS OLSEN: Thank you, Mr. Speaker. My colleague, the hon. member for Edmonton-Glenora, asked the Minister of Family and Social Services about the Early Head Start program at Mayfield school about two weeks ago. He clearly stated, and I will say it again: "I will commit that if it is a good program, if it is one that is helping children . . . it won't lose [any] money." Since then the program has been told to plan for a cut. It seems that the minister is telling this Assembly one thing and the Head Start program operator another. To the minister of social services: will the minister set the record straight? Will the Mayfield Early Head Start program budget be cut or not?

DR. OBERG: Thank you very much, Mr. Speaker. As I said in the past in the Legislature, quite frankly if these programs work, they will not be cut. We had a meeting this morning with the minister responsible for children's services, and I would request the minister responsible to answer the question.

MS CALAHASEN: Thank you very much. I appreciate my colleague providing the opposition member with the facts that early intervention projects have been identified across the province. What we've done is assess every single project, and we're in the process of assessing all regions' projects, because we have \$17 million, which I would like to thank my hon. colleague the Minister of Family and Social Services for giving to us during this gap where the three-year program has ended. We're going into another level where \$17 million has been given to us, Mr. Speaker. We have to go through every single program, look at those programs, and identify which ones need to be gone through and those that have to go through another assessment.

Mr. Speaker, I'll make a comment today. We are going through that assessment with the community. The community is involved in assessing and reviewing all early intervention projects, and each single early intervention program will be assessed based on community input and the people that have been involved with early intervention. During those times we will be looking at ways to be able to look at which projects will be continuing and which ones will not be continuing.

I'd like to say to the people out there that it's very important that they have been working very, very hard in terms of delivering these services and have worked very strongly in terms of what money has been available. I would like to thank them in terms of looking at what needs to be done in assessing.

Yes, Mr. Speaker, I will say at this stage . . .

THE SPEAKER: Please proceed.

MS OLSEN: Thank you, Mr. Speaker. Okay. So we know you can't answer that one.

Maybe this one. To the minister of social services: can you tell us exactly when Mayfield will know whether they will or will not get funding so they can proceed for their future?

DR. OBERG: Thank you, Mr. Speaker. Certainly, I'd be more than happy to answer that. We are presently looking at all the different programs. The programs have been extended until June 30. They will all be funded until June 30. As the hon. minister has stated, there have been some programs that do not fit our criteria for early intervention. Those programs will not be continued. The ones that do fit our program, the ones that do work, will be continued.

MS OLSEN: Thank you, Mr. Speaker. The ABC Head Start program is an inner-city early intervention program. It has also been told to plan for a 15 percent reduction. Are you going to make us come back program by program, or will you commit to maintaining funding for all early intervention programs until a thorough – and I repeat “thorough” – review and assessment on effectiveness is completed?

DR. OBERG: Mr. Speaker, I thought what I had just said is that we are continuing all programs until June 30. We are assessing each and every program. There are some very good programs out there. There are some great programs, as a matter of fact, and we will continue funding all programs until we have done the thorough assessment. I'd invite the hon. minister to supplement as well.

MS CALAHASEN: Well, Mr. Speaker, first of all, I think it's really important to look at what we're talking about when we're talking about early intervention projects. We have 300-and-some programs out there. What we're trying to do is make sure that these programs are going to meet the criteria as identified by the various community groups that have been involved in terms of determining which projects go ahead. We have criteria established, and those are based on outcomes. There are very specific outcomes that we have to make sure are being met, and each community group has been involved in determining what criteria are to be used in terms of saying which ones should go on. The community has been involved. There is a process. The outcomes will be measured, and we'll be determining what projects will go ahead based on that.

Mr. Speaker, it's been a lot of work by various people. It's a tough job when we're talking about looking at the different programs. Those people have worked very hard, and I appreciate the communities' involvement.

THE SPEAKER: The hon. Member for Redwater, followed by the hon. Member for Spruce Grove-Sturgeon-St. Albert.

Seniors' Lodges

MR. BRODA: Thank you, Mr. Speaker. Some of my constituents have brought information to my attention that indicates that Lakeland regional health authority has advised lodges in the region that their RHA will no longer be administering medication to residents of seniors' lodges. Could the Minister of Health advise what action government will take to ensure that seniors receive the medication they need should the Lakeland health authority take such action?

2:40

MR. JONSON: Mr. Speaker, first of all, I think it should be emphasized that when we're talking about medically required pharmaceuticals, the mechanism is in place to make sure that proper prescriptions are issued and are administered with respect to patients. I believe, though, with respect to the seniors' lodges, which I think is the focus of the member's question, we've had for about seven or eight years a protocol or an agreement in place whereby lodges have provided for the storage and for, I guess you would call it, the schedule of reminders or distribution of pharmaceuticals to residents of the lodge. We realize that there have been some issues raised with respect to that particular program. Through our long-term care review committee and the support committee from Alberta Health's staff, we are looking at a number of the issues that have been brought to our attention. However, I see no reason that at this particular point in time there should be any discontinuance of such a program.

MR. BRODA: Thank you.

Mr. Speaker, to the same minister: given that it appears that some regional health authorities administer these medications to lodge residents and some, such as Lakeland, have indicated they will not, how can we ensure consistency across the province in the access of these health services for lodge residents?

MR. JONSON: I think, Mr. Speaker, as I indicated in answer to the previous question, we have had over the last number of years a protocol or an overall policy in place. I must indicate that, yes, it had to be agreed to by lodge foundations or the operators of lodges and the health authorities, but this did provide an outline for the timely and safe distribution of drugs to residents within these facilities. I've also indicated that we do recognize that there have been some questions and issues that have arisen with respect to this program but not to the extent that it should lead to a cessation of such a program. What I would say to regional health authorities and also to lodge foundations and operators is to please provide input to the long-term care committee with respect to this overall policy so that we can improve it.

MR. BRODA: Thank you.

Mr. Speaker, could the minister advise whether or not this issue is a matter of some regional health authorities having inadequate funding to deliver the service, and if so, what steps will be taken to ensure that adequate funding is made available.

MR. JONSON: As I understand it, Mr. Speaker, the particular site in question resides within the Lakeland regional health authority, and that regional health authority I think has been adequately funded. It has been a very great beneficiary of the grandfathering or of the freezing of previous budget allocations, and then there's been the allocation in addition each year since the regional health authority has been established. I think they are very adequately funded, at least certainly to the degree that they should be able to operate this program, which is very meaningful to lodges and seniors and not all that costly.

THE SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert, followed by the hon. Member for St. Albert, and then followed by the hon. Member for Innisfail-Sylvan Lake.

Farm Income Disaster Program

MRS. SOETAERT: Thank you, Mr. Speaker. The Minister of Agriculture, Food and Rural Development recently told this

Assembly that British Columbia has copied the Alberta farm income disaster program and that various states are considering it. But it's of no help to farmers in parts of the Saddle Hills, Cleardale, and Athabasca areas who have suffered from two disastrously wet years. My questions are to the Minister of Agriculture, Food and Rural Development. Has the minister also told the other provinces and states of the serious shortcomings of this program, that it does not help farmers who have suffered disaster in two or more years out of three?

MR. STELMACH: Mr. Speaker, the program that was built here in the province of Alberta, the farm income disaster program, was incorporated by the province of B.C., and we are administering that program on a cost recovery basis for the province of British Columbia. However, the British Columbia Legislature and the minister of agriculture made the assessments of the program and felt that it would apply quite favourably to the situation that they have in British Columbia.

MRS. SOETAERT: My second question is to the same minister. Could the minister tell us how many farmers in the Cleardale, Saddle Hills, and Athabasca-Boyle areas have had their loans turned down by the Agriculture Financial Services Corporation? This is their lender of last resort. How many cannot get help?

MR. STELMACH: In the latest statistics coming from the Peace River area for Cleardale, Saddle Hills, we've had 138 direct consultations right in the homes of the farmers. There have been loans processed. About 50 percent of the applications have been accepted to date. However, one matter of interest is that to date we've put about \$12 million into that area through the farm income disaster program. We've also instructed AFSC - there are three areas that we're looking at: farm viability, business management, and also security. If the farmer has at least two of the three, then we're quite willing to sign up on a disaster loan, which of course defers the interest and also the payment for a period of two years and will be reamortized at the conclusion.

MRS. SOETAERT: My final supplemental to the same minister. How are farmers without any cash to pay for the costs of clearing, sowing, and cultivating the land this spring if they don't get any money under the farm income disaster program and don't qualify for a loan? Wouldn't you consider that a disaster?

MR. STELMACH: Mr. Speaker, I've personally traveled to the areas of Cleardale and Saddle Hills with the hon. Member for Dunvegan. We also spent some time in Athabasca with the MLA representing Athabasca-Wabasca, and we've had some long discussions with the farmers that are affected. They indicated to the group that we have a very comprehensive farm support policy in place, which includes crop insurance and a farm income disaster program. Tied to that is, of course, the national income stabilization program. With the three, I would expect that most of the farmers there are going to seek some help.

To those that had made some business decisions prior to the two years of the disaster, prior to the two years of extensive wet conditions, those business decisions were not made as a result of the wet conditions. They were made to restructure the farm, maybe go from cattle to ostrich, from ostrich to buffalo, or whatever. That is a farm business decision. It's got nothing to do with the department of agriculture or this Assembly. Those are individual business decisions that were made.

We would have to apply the same policy fairly, Mr. Speaker, whether someone is running a pharmacy, a service station, or a farm. It's business, and the people are responsible for making the best business decisions to build equity in that particular operation.

THE SPEAKER: The hon. Member for St. Albert, followed by the hon. Member for Innisfail-Sylvan Lake.

Health Employees Collective Bargaining

MRS. O'NEILL: Thank you, Mr. Speaker. Edmonton city hospital support workers are back on the job after an agreement was reached on Friday, but they say that they won't ratify their agreement until 900 licensed practical nurses get a deal with the CHA. So my question is to the Minister of Labour. Would the minister please tell us exactly what is the labour agreement connection between the support workers' agreement and the LPNs?

MR. SMITH: Mr. Speaker, as a matter of fact, if I can make one step further back, the two groups, Capital health authority and Caritas, are the employers. More importantly, the Alberta government through taxpayer dollars funds the two employers. We are not specifically the employer in this case. We fund the employers, who in turn pay the operating costs, the costs of labour, the costs of capital.

It's very clear, Mr. Speaker, if one follows the budget projections over the last three years, that much more money than simply the 5 percent reduction negotiated in 1994 has been returned not only to the areas of health but also to the areas of social services, also to the area of education. So in fact what you're seeing is people winning back wage reductions that occurred through negotiations, and they're winning them back through the collective bargaining process.

2:50

Mr. Speaker, the Canadian Union of Public Employees represents 2,450 health support staff at the Royal Alexandra hospital, the Sturgeon community health centre, the Misericordia community health centre, the Grey Nuns health centre, and the Edmonton General. The Alberta Union of Provincial Employees represents about 1,850 health support staff at the University of Alberta hospital and at the Glenrose rehabilitation hospital. Separate negotiations are currently under way between the Capital regional health authority and Caritas and over 1,200 licensed practical nurses and nursing assistants. The large majority of these 1,200 workers are represented by the Canadian Health Care Guild. The minority are represented by the Alberta Union of Provincial Employees. The only connection between the two sets of negotiations is that the employer is the same and the Alberta Union of Provincial Employees represents a minority of workers in both the support staff group and the licensed practical nurses and nursing assistants group.

Mr. Speaker, it's important to note that mediated meetings between the employer and the unions and the licensed practical nurses and nursing assistants are scheduled for March 23, March 26, and March 27.

MRS. O'NEILL: How long do the parties from both sides have to ratify the agreement?

MR. SMITH: Mr. Speaker, it is my understanding that the parties to a memorandum of understanding generally agree to proceed to

membership ratification as soon as possible, and it's always prudent – because you've got the ink dry on the document, you want to proceed to ratification. I am not aware at this time of any time commitment made. It is therefore possible for the Alberta Union of Provincial Employees to delay a ratification vote. My information is that the employer intends to vote on the memorandum of understanding sometime this week. As I said, there are two separate employers in this function.

I also understand, Mr. Speaker, that members of the Canadian Union of Public Employees – as I said, there are two union groups in here, the Alberta Union of Provincial Employees and the Canadian Union of Public Employees – representing five of the seven staff sites, will vote on a memorandum early next week. I believe they plan to conduct their vote regardless of the status of negotiations with the licensed practical nurses.

head: **Orders of the Day**

head: **Government Bills and Orders**

head: **Second Reading**

Bill 25

Justice Statutes Amendment Act, 1998

[Adjourned debate March 16: Mr. Sapers]

THE SPEAKER: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thanks, Mr. Speaker. I've had a chance to continue my review of Bill 25 since it was last up for debate in the House. I've had an opportunity, as well, to consult with some members of the justice community in this province regarding Bill 25. The concerns that I had alluded to in my earlier comments have firmed up and have now become great big flashing stoplights when it comes to the contents of this bill.

There are several areas, in fact, of concern. I'm very puzzled as to why Bill 25 has come into the House in the form that it has. When the bill was introduced, we were told by the Minister of Justice that this bill was really very much a crossing of t's and dotting of i's kind of bill, that it simply was a bill to ensure that Alberta complied with the Supreme Court of Canada decision regarding the compensation of the judiciary. I know how anxious the jurisdiction of Alberta always is to fully and immediately comply with Supreme of Court of Canada decisions, and I'm sure that the speed with which Alberta complies with the Supreme Court of Canada will be reflected in the near future, as well, with pending decisions.

Bill 25 goes much, much further than the Supreme Court of Canada and the challenge that was put to it regarding the independence of the bench. Bill 25 in fact may not even fully satisfy the Supreme Court of Canada. So not only is it somewhat misleading to look at Bill 25 as a housekeeping bill so that Alberta would comply with the rest of the country in the direction of our highest court, but in fact it may not even accomplish that. Instead, Bill 25 takes us into brand-new territory, uncharted territory, at least in the annals of jurisprudence in this province.

One of the things that Bill 25 does which concerns me is that it would appear that it sets up a whole new layer, or level, of court. Some may read this bill and harken back to the days of the magistrate's court in this province of Alberta and disagree and say: no, it doesn't create a new layer of court; it just yanks us back a couple of decades into the days of the magistrate's court. Nonetheless, Mr. Speaker, what Bill 25 does in its amendments to the Justice of the Peace Act is create in the position of a sitting

justice of the peace a politically appointed, not necessarily judicially trained individual who will be able to render decisions on acts of the Parliament of Canada. That would include, of course, the Criminal Code.

So what we have is a term-limited officer of the court, in this case called a sitting justice of the peace, who, for the first time that I can recall, will have the ability to sit as a judge – anybody on the street would recognize him as a judge – and make determinations on summary conviction offences under the Criminal Code of Canada. This is a huge departure from common practice and clearly not something that can be written off as in the realm of merely housekeeping or tinkering. This is a very substantial change in how we do things.

I know that the Minister of Justice and other members of the government have thought out loud, have mused, have speculated about how they may control the power of judges. It seems that they're beginning to flex their cabinet muscle by attempting to do that in part with this bill. What we will have is a term-limited justice of the peace, somebody who can be appointed for only one term of 10 years, who will be answerable to this new judicial council that's being set up and, through that council, to the minister. This new kind of justice of the peace will be able to deal with summary conviction matters. It seems to me that the Minister of Justice is getting his wish if his wish is to have really in essence political appointees working in the court for a limited amount of time with their powers significantly curtailed.

So some may argue that this move will enhance the status or the role of JPs. Others may argue that it erodes in a very substantial way the power of the Provincial Court. I think that no matter which side of that argument one takes, one would have to acknowledge that this is a very significant change and not one that should be bound up in a bill that is supposed to simply address the Supreme Court of Canada.

Mr. Speaker, I would hope that the Minister of Justice is following these debates and that what he will do is either explain why Bill 25 has come forward in this kind of form or immediately move to withdraw this bill. It wouldn't be unprecedented to have a bill withdrawn if it was seen to be flawed. So I would hope that Bill 25 is withdrawn, and perhaps substituted by – we could call it, I guess, bill 33 or bill 34, which would be perhaps a bill that we could call the Supreme Court of Canada compliance act. It would be laid out in very straightforward, simple terms how the province of Alberta was going to comply with the decisions of the Supreme Court of this country.

Now, such a bill, I can assure the House, would receive relatively ready passage through this Chamber if it was a narrowly written bill that dealt only with those matters that it must. Of course, the Premier hinted quite loudly today that the Legislature may be in for a fall sitting, and as long as that sitting of the Legislature was to convene at a time such that we would be able to pass either an amended or replacement bill by September 18, 1998, we would be fine.

3:00

So the government has a couple of options. The first option would be to pull this bill. The second would be to see it heavily, heavily amended so that all the offensive and controversial portions were eliminated, or finally, to bring in a brand-new bill anytime prior to the 18th of September, giving us time in this Assembly to analyze that bill for compliance and then, as I say, give it relatively quick passage.

So, Mr. Speaker, I hope that we will hear from the government on these matters. I'm not being an alarmist when I look at the

areas in this bill that are left to regulation. I'm not being an alarmist when I look at this bill and see the sweeping changes to the role of certain officers of the court. I'm not being an alarmist when I say that this bill does far more than what it was originally billed as trying to accomplish. What is alarming is that such a bill would come forward without suitable explanation to this Assembly.

THE SPEAKER: The hon. Member for Edmonton-Mill Creek.

MR. ZWOZDESKY: Thank you, Mr. Speaker. It's a pleasure to join in on the second reading debate on Bill 25, the Justice Statutes Amendment Act. I have had an opportunity to review the bill and have some specific items which I hope we will be able to address, if time permits, during Committee of the Whole. So I'll save those detailed points for that particular time period. In the meantime, I just want to say briefly that there are some parts of this bill that I find extremely interesting and somewhat innovative. However, there are a few others that cause me some concern.

I have tremendous respect for the judiciary of this province and of this country, and I'm sure others in this Assembly do as well. After all, it is the basis of our democratic system, and vice versa, the democratic system is the basis of the legal system and the justice system in this province. So whenever we set about to amend something such as the various bills that are referred to here and in fact are being changed, I think we have to proceed very, very carefully and very cautiously. I'm not persuaded that we have yet seen enough evidence that all the proper and due attention required has in fact been delivered with respect to the surveys and reports and studies and so on that the government, I hope, normally undertakes when it seeks to amend some of its existing legislation or to bring in new legislation.

However, in this particular instance, when we're dealing with everything from conflicts of interest to remuneration to changing the appointment process, the approval process, the tenure of judges, and so on, I think it's incumbent upon all members of this House and in particular on the government to make sure that virtually every stone that ought to be overturned and looked under for information has been overturned and information from underneath it sought with respect to the changes that are being proposed in this bill.

Mr. Speaker, one of the areas of concern to me in this bill is that there are very significant changes in various parts, but one of them is with respect to the Justice of the Peace Act. I note, having read through that particular aspect of the bill which surfaces in a few places, that there are some sweeping ideas here which the hon. Minister of Justice and Attorney General has in mind that perhaps require some additional visitation. If not, then at least some clarification.

We know that there are some new aspects that deal with those people who are wanting to become justices of the peace, and we also know that there are new ideas and new regulations surrounding how justice of the peace functions are performed. In fact, if memory serves, I believe that we are now adding some additional powers and requests onto the plates of justices of the peace through the Premier's opening bill, that being the prevention of child prostitution in this province. That's a good idea, Mr. Speaker, but I think we're looking at justices of the peace here as having acquired a lot of additional authority, particularly with respect to children at risk, and I note that there are some changes being made in this current bill that would amend that act.

I would like to know whether or not the Minister of Justice has

in fact sat down and met with the justices of the peace that we have now and whether or not he's taken into account what their points of view are that are in need of surfacing with respect to the setting of terms, for example. Terms, I believe, are advocated at 10 years, non-renewable. I'm given to understand that this has come forward as a recommendation, but I'm not persuaded one way or the other yet as to whether or not that's an appropriate time frame, and I'm not certain how detailed the various responsibilities of JPs are put forward in this background that has been done.

Now, speaking of the nominating committee, which is a process, as I understand it, that has to be gone through prior to anyone officially becoming a JP, I was interested to know how the appointment process for the people sitting on the committee works. I don't see that spelled out here. It's possible I missed it, but I don't think so. So I was curious to know who it is that we're going to put into this very powerful position of sitting on a committee with the tremendous responsibilities they would have.

Justices of the peace, it seems to me, are taking on more and more of a workload and stepping up in the importance of the functions that they perform. You know, I'm talking beyond your weekend wedding; I'm talking about some very serious items that are just as serious as that union if not more serious. I'm always vigilant to make sure that the people we put in charge of those who make those selections are chosen in a manner of merit, quality, suitability, experience, and so on. I want to believe that they are, Mr. Speaker, because they probably are. I just don't see the evidence of how that process works in the bill, and perhaps there is some explanation that can be given later on. Maybe at the same time the minister could explain to us specifically where we can look for it if he does in fact have it.

Now, there is another aspect here that flagged my interest, and that was with respect to changes to the appointment process of judges and the appointment process surrounding justices of the peace, as I said earlier. That point is with respect to the upcoming and, I hope, very in-depth review that we are going to see in this province of the entire justice system as advocated by the Minister of Justice himself. As I understand it, Mr. Speaker, that task force that has been gathered to conduct this summit within the next few months will have a lot of these same items on their agenda. That sort of raises another interesting point.

3:10

I'm not sure why this Justice Statutes Amendment Act, 1998, is coming forward into this House at this time, when we've known for quite some time that there's going to be a Justice Summit, or a so-called judicial review summit, sometime in the very near future. Would it not have made more sense for the government to wait until they've had the benefit of that summit before they start advocating changes to everything that affects the judiciary, the legal system, the lawyers in this province? It seems to me that that would have been an extremely important and vital time of review and that the government could have benefited a great deal from that gathering of these legal beagles.

We're changing the Conflicts of Interest Act here. We're changing the Court of Appeal Act. We're changing the Financial Administration Act, the Freedom of Information and Protection of Privacy Act, the Government Organization Act. I mean, it just goes on and on. When you're changing things like that and the Provincial Court Judges Act, the Judicature Act, it just absolutely baffles me that we wouldn't wait until such time as the task force has completed its report and review from the forthcoming summit, if in fact there's going to be one. I hope the minister will clarify

that. I don't feel it's a responsible move on any government's part to pre-empt the work of a committee that we are going to be presumably involved in and paying for and that has a lot to offer because of the tremendously talented individuals who will be attending it.

We see this kind of pre-emptive work on occasion, such as we've seen with the taxation task force, for example. They haven't even completed their review, yet we have the hon. Provincial Treasurer presenting us with a 1.5 percent reduction in the general taxation base. While I personally think that's premature and should be postponed for several months, nonetheless I think the more critical thing is that it was done without the extremely important input and gatherings and findings of a committee that this Legislature is going to wind up having to reimburse. We see a similar thing here.

Then we have another issue with respect to those task forces that go around the province, solicit input and advice, and then before they can be formally and publicly reported on, they're already somehow acted upon and enacted. What comes to mind is the example of the private education task force, whose work was largely usurped and not listened to. I'm sorry; perhaps it was listened to, but the public found out about it in a different way than perhaps they should have. In that respect, Mr. Speaker, I can see where this bill is riddled with many different questions.

The other questions and points that I have are very specific to the bill, and since second reading allows us to speak only to the general principles of the bill, I'm going to have to wait to get into that. I do want to press some questions forward with respect to the absolute independence of the court system and also with respect to this issue of appointed judges versus elected judges and also some specifics with respect to the judicial councils as described in the act. As I say, Mr. Speaker, those points are very, very specific, and they belong in committee stage.

So with that, I'm going to take my leave and allow other members to speak to the principles of this very important Bill 25. Thank you.

MR. MITCHELL: Mr. Speaker, I am going to make the point in several ways that I am uneasy about this bill. One of the things that makes me uneasy about this bill is the sponsor, the nature of the system's requirement that we be able to depend upon the credibility and the competence of the Justice minister. It is extremely important to our justice system as a foundation of democracy, in fact, that the Justice minister has credibility, has clearly defined his or her competence to the public of Alberta, because in this case he is responsible for such profoundly important, often technical legislation that addresses of course the very fundamentals of justice, the very fundamentals which are in turn the fundamentals of democracy in our society. It saddens me to say that this particular Justice minister has conducted himself in such a way, has demonstrated an inability or a lack of desire or an incompetence in his clear role within the justice system, which is to promote the justice system and its integrity and to promote and defend the rights of the people of his jurisdiction; in this case, of course, the rights of Albertans.

The Justice minister said something that was quite striking this weekend. I use this as an example of why I am uneasy. This is with respect to Bill 26. He said: I focused on my clients' interests, on the government's interests, on taxpayers' interests, and I focused on winning; the lesson I learned is that I should really focus on doing what is right and fair.

For example, that minister, who after 45 years of life and

almost a year as Minister of Justice had to after all that time come to the conclusion, the realization, that he was to act rightly and fairly, is responsible for establishing under this legislation the code of ethics and conflicts of interest for masters in the judicial system. That, Mr. Speaker, is reason enough for us to begin to doubt the credibility of this piece of legislation.

The role, of course, is clearly laid out in any number of places. It's noted, it's traditional in a justice system that the minister is responsible for the protection, for the promotion of people's rights. In fact, it was said very well here last week by Professor DeCoste, a professor of law at the Faculty of Law, where he writes: in free and democratic societies, ministers of justice are burdened with serving and protecting the priority of individual rights over collective utilities; they discharge that responsibility by ensuring that state action proceeds from and does not offend the very constitutional framework on the grounds of which alone the state is seized of moral authority and legitimacy. Mr. Speaker, that is a fundamentally important role for the Minister of Justice, and there is ample evidence, which I will get into, that he did not understand and did not fulfill that role when he was called upon to do so.

The second role, of course, is just the general support for and promotion of the integrity of the justice system. I think it is an obvious case, a prima facie case, that the Minister of Justice has failed miserably at both of these particular responsibilities. Mr. Speaker, it's because of this failure, it's because of the clear indication over the last 10 or 12 months of his incompetence in this position that I do not have confidence in his recommendation that the Legislative Assembly should accept this bill.

First of all, with respect to promoting the justice system, the minister is noted for his disparaging remarks about judges. This is, of all the things that a Justice minister could do, second in severity and neglect and irresponsibility only to what he did about rights last week. He said in October of '97: I don't have a lot of faith they – "they" being judges – will come up with the right decisions. If a Justice minister who is competent and responsible believes that, then the Justice minister should take steps that are proper, responsible, professional steps to change, strengthen, and assist in the strengthening of a judicial system that he's concerned about. But he should not politicize it, and he should never attack those judges because, one, they cannot defend themselves, and two, the very essence, the very fundamental essence of a justice system in a democracy is eroded when somebody with that forum is able to attack in the way that he did. He failed at that very moment in what is one of most obvious things that a Justice minister is supposed to do, and that is to uphold, not attack, the confidence and the integrity of the justice system and certainly of judges.

3:20

Underlining the incompetence that the minister demonstrated with that statement is the unprecedented response of Provincial Court Chief Judge Edward Wachowich when he wrote in an unprecedented way: your comments, if correctly reported – and they were, I would say – show utter disrespect for the Provincial Court judges and tend to bring the provincial judiciary into disrepute; I wonder if they amount to scandalizing the court. He preceded that by saying: I am shocked and dismayed that a Minister of Justice would publicly express a lack of faith in the judges of his province.

This very Justice minister and his colleagues will say: "Why don't those young people respect police? Why don't they respect the judicial system? Why don't they respect the laws?" You

know, the message that was sent so clearly by this minister is that the most important person in the justice system in this province demonstrated he doesn't respect them, Mr. Speaker.

He then apologized, apparently, on October 29 under some duress. He wrote: I do apologize for having created this by my unfortunate, clumsy comments. Quite an apology, but it didn't amount to very much, Mr. Speaker, because a scant two weeks later he was again undermining the courts with statements like: the courts cannot evade both moral and personal responsibility for their decisions, suggesting that in fact they do and suggesting that he would look into ways of selecting judges with limited terms and so on, which of course again cast aspersions and slights against the judicial system that he wants everybody to respect, certainly those young people which his backbenchers say are often offending the law.

It gets worse than this, Mr. Speaker. Not happy with his minister simply criticizing the judiciary, the Premier recently went on to criticize the entire legal profession. While it's one of those things that some people want to joke about and put lawyers down, I think, coming from a Premier, certainly in the times he found himself in over the last two weeks, he should be very, very careful to defend people in the justice system and to uphold their integrity. Instead, what he said on March 12, 1998, was this:

Mr. Speaker, if we were to fire every lawyer who gives bad advice, there would be no lawyers. Maybe that might not be a bad thing.

What was interesting wasn't just that the Premier might say that. You can imagine, under the pressure of the House, he's on his feet and has to say something. What is amazing to me is that the Justice minister sat beside him and said nothing about it. It is incumbent upon the Justice minister to correct statements of that nature if he is to fulfill his responsibility as the Justice minister, promoting and defending the integrity of the justice system.

Not only did he fail to do that in this case, Mr. Speaker, but he clearly failed to do that again last October, when the Treasurer stood and spoke in a prepared speech, thought out, no less, by a right-wing think tank – if that isn't an oxymoron – where he said: people like myself say, "Fix the problem; put Olson in the general population," and the moral prisoners will deal with it in a way which we don't have the nerve to do.

Now, a self-respecting Justice minister who understood his responsibility, understood that he has to maintain his credibility and that of his government's commitment to justice, would have said something in some context at some level to that Treasurer like this. He would have said: you have no right to say something from your powerful perch, your forum, your moral authority in this government to the people of this province about something that amounts to exactly and precisely vigilante justice.

Mr. Speaker, it didn't stop there. Two weeks ago in a public meeting, to a standing policy committee the Member for Calgary-McCall used some lurid, aggressive, and should I say unacceptable comments to describe a possible alternative for penalties and punishment within our justice system which amounts to amputation. He drew . . . [interjections] I think it was photographers, and he was just talking about the male ones and not, of course, what he would do about the females. The fact is that he likened it to cutting off hands, which is a penalty used in certain parts of the world. It is not something that is accepted, nor is it something that's proper to be discussed within our justice system. If he wants to discuss it, I guess he can. The Justice minister, if he were competent and considered his job, then . . . [interjections] Is the Treasurer advocating that that's okay too? I'd like to get him on the record. I'd like to get him on the record as saying that amputation's okay.

What that says, Mr. Speaker, is that the Justice minister had an obligation to sit down and talk to that member and perhaps say publicly, disavow that that kind of rhetoric, that kind of suggestion is in any way, shape, or form acceptable to his government. Evidence last week was that he failed miserably, categorically and absolutely, to perform the second part of his job, which is of course to protect people's rights.

In fact, it's been said extremely well by Professor DeCoste, a professor of law at the University of Alberta, who outlines and describes vividly just how badly this minister has failed. He says: Justice minister Jon Havelock has now proven himself, finally and conclusively, to be unfit to serve as custodian of the citizenry's interests in justice, and therefore he ought to resign his portfolio immediately.

[Mrs. Gordon in the chair]

He goes on to say: Premier Klein's testimony that the Department of Justice's proposal for an institutional confinement and sexual sterilization compensation act attracted caucus support only because the matter was presented to caucus in pure, legal technical terms, and that this characterization of the matter constituted his minister's best legal advice discloses Mr. Havelock's abject failure to execute the burdens and responsibilities which define his office, and the minister's failure to adequately instruct his colleagues regarding the abundant legal significance of Bill 26 – an instruction, incidentally, of which most first-year law students would be perfectly capable – shows him to be incompetent to serve the cause of . . .

MRS. BLACK: A point of order.

THE ACTING SPEAKER: The hon. Deputy Government House Leader.

Point of Order Relevance

MRS. BLACK: Madam Speaker, *Beauchesne* 459. I understood we were debating second reading of this bill, and I would ask that you rule that the hon. Leader of the Opposition reflect on the principles of the bill as opposed to going off and redebating question period and the questions he raised before that have already been answered in this House, both by the minister and by the Premier, or possibly move on to the principles of this bill.

MR. MITCHELL: I'd like to reply to that, Madam Speaker. The fact is that one of the most important principles of a piece of legislation is whether or not the minister proposing it and recommending it to the Legislature can be trusted, is competent, and . . .

MRS. BLACK: Another point of order, Madam Speaker.

THE ACTING SPEAKER: The hon. member has risen on another point of order on what you're saying.

AN HON. MEMBER: You can't have a point of order on a point of order.

THE ACTING SPEAKER: The hon. member is correct. You can't have a point of order on a point of order. Would you please, hon. Leader of the Opposition, make your point as quickly as possible, because I think it's time we moved on.

3:30

MR. MITCHELL: Yes. It is critical that we know we can trust the minister, and I'm not raising trust. It is critical that we know the minister is competent. It's critical that we know the minister is capable to do his job. I am uneasy about this bill because this minister has clearly demonstrated, more clearly than I can imagine any minister going out of his way to demonstrate, that he is incompetent and incapable of doing that job. I am making that case in speaking to this bill, and I have every single right to do that, Madam Speaker.

THE ACTING SPEAKER: I'm going to say something, Assembly. *Beauchesne* 459 does talk about relevance. I believe we have before us a bill, and what I've heard since I took the chair, which was just a few minutes ago, is discussion regarding basically the person responsible for this bill, which has nothing to do with the bill itself.

I would hope that everyone would indulge me, but I don't think it is necessary, when we're dealing with a piece of legislation, to go this route. I would ask that we stick to the principles within the bill. I will not see this bill used as political grandstanding.

MR. MITCHELL: Madam Speaker, one of the parts of this bill is that the minister is making changes about how judges will be appointed and about how judges will be evaluated. I would say that he is clearly on the record as saying that he has no confidence in judges: I don't have a lot of faith the judges will come up with the right decisions. That makes it very relevant to this bill about what his attitudes are, what his competence is, so I think it's entirely related.

Debate Continued

MR. MITCHELL: I will finish my comments, Madam Speaker, very briefly by saying that it truly comes home to roost when a bill of this nature is discussing matters that affect the rights of every Albertan; for example, their rights to an independent judiciary; their rights to a judiciary that can be questioned – and that's very much under this act – by a proper body or not a proper body; their rights to judges who are appointed in an objective way. All of those are people's rights, and when I see, as I saw two weeks ago, a Minister of Justice categorically deny people's rights until caught up, then I think that's very, very relevant to this piece of legislation.

My point is that if we're going to be able to trust, if we're going to be able to support this piece of legislation on this side of the House, we would have to have some confidence that the minister is in fact competent. He says himself, Madam Speaker, that confidence in the system is . . .

THE ACTING SPEAKER: Hon. member, I just talked about relevance. Would you please talk about the principles of the bill contained in the piece of legislation that you are looking at.

Thank you.

MR. MITCHELL: The principle of the bill is that we have to have a way of appointing judges and evaluating judges that is objective. I don't believe the minister is competent to make that judgment. Secondly, there are all kinds of matters discussed in this piece of legislation that are also matters that should be before this Justice Summit the minister has established. He is scooping his own summit, which makes us wonder what exactly that summit is for, Madam Speaker, if it isn't just to build his leadership race.

The fact is that this bill, addressing as it does the competence of the minister, hinges upon something else that should go before that Justice Summit: not just the appointment of judges, not just the review of judges and other matters but also the question of confidence in this Justice minister. This bill, Madam Speaker, rests one way or another on whatever credibility this minister has. He has no credibility in this position. He should resign, and somebody else should pick up a bill . . .

MRS. BLACK: Madam Speaker, on February 23 . . . [interjections] Have you finished jabbering?

MR. MITCHELL: No, I'm not.

Speaker's Ruling Relevance

THE ACTING SPEAKER: Hon. Leader of the Opposition, you're trying my patience. Now, I have talked once about relevance. This piece of legislation has several sections and several clauses. I'm sure there's a principle involved here, and I'm sure you and the rest of your caucus can find it.

Go ahead, hon. Deputy Government House Leader.

Point of Order Allegations against a Member

MRS. BLACK: Madam Speaker, I was going to ask for your indulgence again to focus the hon. member on the relevance of the bill and the principles of the bill. He tends to go off again on a tirade and dwelling more on personalities. I would bring him to Standing Order 23(h), (i), and (j) and to really reflect on his comments, because I think they are trying to divert from the principles of this bill, and that's what we're here to discuss, not his political agenda and not his personal opinion on someone. So I would ask him to focus, and I would ask you to order him to either focus on the principles or to take his seat.

MR. MITCHELL: Madam Speaker, I will focus directly on the principle of how the minister is going to assess judges and appoint judges. I guess I want to know – I'm going to ask the minister this, and perhaps he can answer it very clearly. Is this motivated by virtue of his clearly stated disrespect for judges, or is this motivated by his desire to improve a system? [interjections] I'm speaking to the principle of the bill. I'm asking a legitimate question. It's tough in here sometimes. Sometimes it's hard.

MRS. BLACK: A point of order, Madam Speaker.

MR. MITCHELL: She hasn't been recognized; I have.

Sometimes it gets tough in here, and if you can't take it, if they can't take it, too bad. That's a legitimate question.

THE ACTING SPEAKER: I would remind the hon. Leader of the Opposition that this is not question period. If you wish to ask questions like this and want an answer, then that is the vehicle which you have at your disposal. I am saying that I want to see relevance here. I will stand up each and every time I don't hear relevance. Let us move on.

Debate Continued

MR. MITCHELL: Could the minister tell us – or I would like to know. I'm not going to ask a question. I would just like to know, Madam Speaker, what exactly is motivating the minister to do

this. There could be two possibilities: one, that he's very unhappy with the judiciary for whatever reason; two, that he's unhappy with the judiciary because he, his government, are the people who appointed the provincial judges. Now, has he found some set of flaws in that process?

MRS. BLACK: A point of order.

THE ACTING SPEAKER: Yes. The hon. Deputy Government House Leader.

**Point of Order
Allegations against Members**

MRS. BLACK: I'd refer the hon. members to Standing Order 23(h), making allegations against another member. I think really, Madam Speaker, that this hon. member over here is casting aspersions on the minister as a personal attack. I would ask you to rule that he is out of order and that he must stick to the principles of the bill instead of trying to bring this to a personal level.

Debate Continued

MR. MITCHELL: I'm not casting aspersions. I'm asking some questions. I've now rephrased it. I just want to know: where does this bill come from? What's the reasoning for changing the process of appointing the judiciary? The government's been doing it for 27 years. Are they unhappy with their choices? I guess they must be. In fact, the Justice minister himself has appointed one person who worked with him at Amoco. Is he unhappy with that appointment? I don't know; I'm just asking him. If he's going to change the process, it seems to me that knowing why he wants to change the process is a pretty fundamentally relevant thing to be discussing in this Legislature. Just because that House leader doesn't like it doesn't mean that you have to respond at a moment's notice to tell me I can't talk about it. I'm going to talk about it.

It's also true, Madam Speaker, that he's talking about changing the powers of JPs, justices of the peace, very significantly. I'd like to know what . . .

THE ACTING SPEAKER: Hon. member, each and every time you start to talk about this bill, why do you start with "he"? We are discussing a piece of legislation. Please discuss the legislation.

MR. MITCHELL: The minister is mentioned in the bill. He's a "he". I mean, who's side are you on?

THE ACTING SPEAKER: The hon. Member for Edmonton-Norwood.

3:40

MS OLSEN: Well, I sense a bit of frustration in here, and I need to proceed with some discussion on this bill. I'll pick up on the justices of the peace. That is in the bill, I might add. I would like to know, as we go through the bill, why there's a need to change the role of the justice of the peace. Is the minister making these changes under the auspice of ensuring judicial independence? No court decisions have come out over the justices of the peace and what their role is and should there be a change. So I would like to know why that's happening and what the change is predicated on. The fact that there are term limits and the Justice

minister has consistently talked about term limits for judges and everybody else: here's now an opportunity for him to do it. Well, if he can't go to Provincial Court judges, he'll do it with JPs. So what is that predicated on?

I guess I have a lot of concerns, and there is no question that in order for the bill to have principles, maybe the government needs to have some principles. Is this bill undermining the Justice Summit? Is it undermining the commission? Absolutely the compensations commission has to have something in place by September 18, because the Supreme Court of Canada, which chamber, I realize, the other side doesn't necessarily respect, has set a date of September 18, 1998, to have a piece of legislation in place . . .

THE ACTING SPEAKER: The hon. Deputy Government House Leader.

**Point of Order
Relevance**

MRS. BLACK: Again, Madam Speaker, I'll go to *Beauchesne* 459 and Standing Order 23. I'd ask that the hon. member focus her attentions on the principles of the bill and not get into an emotional tirade of talking about principles. The only one that didn't have any principles was her leader.

THE ACTING SPEAKER: The hon. Member for Edmonton-Norwood.

MS OLSEN: I have nothing to say on that point of order. Thank you. I'd like to continue with my debate.

THE ACTING SPEAKER: I would ask both sides if we can keep our emotions down here, and I would remind everyone about *Beauchesne* 459, relevance. Let us talk about the piece of legislation. Focus on that.

Debate Continued

MS OLSEN: Who's read this piece of legislation? Have you guys read this, for crying out loud? Jesus. I would like to focus on, in the bill, compensation commissions, page 8, part 6.2, so we know it's there. I would like to focus on that issue.

MRS. BLACK: A point of order, Madam Speaker.

THE ACTING SPEAKER: The hon. Deputy Government House Leader.

**Point of Order
Second Reading Debate**

MRS. BLACK: Madam Speaker, I think if the hon. member would read the rules of the House, second reading is to talk about the principles, not the particular clauses and articles within the bill. That's usually left for committee.

MS OLSEN: Well, I give up. Thank you.

Debate Continued

MS OLSEN: Speaking to the principle of the bill – right here, compensation commissions; okay? – I would like to know why the recommendations are not binding. I would also like to know, given that this legislation is not just a piece of housekeeping

legislation, that it's not just here to solve the problem that needs to be solved by September 18, 1998, the Supreme Court of Canada decision – I really recommend that the minister indeed pull this bill, as was absolutely recommended by my colleague from Edmonton-Glenora, and that we continue on that particular piece and then look and wait, wait until the summit is done, until all the other commissions have been finished, and all the other little summits that this government is relying on. Let's not undermine those particular different little government by-summit concerns here, and let's get on with it.

Now, in doing that, I would like to introduce a hoist amendment, knowing that the Justice minister can deal with the compensation issue by introducing a stand-alone amendment, leaving the rest of this bill to be debated after – after – all of the recommendations come back from all of the summits in relation to the justice system.

MRS. SOETAERT: If we had a fall session, we could debate that then.

MS OLSEN: Well, I'm going to assume that we might have a fall session, but that might be a huge assumption, and we know what "assume" means.

AN HON. MEMBER: We could call it the fall summit.

MS OLSEN: We could have a fall summit, which would really be a fall session, and we could discuss other sections of this bill and do it in a timely manner.

I'd like to welcome back my hon. colleague.

SOME HON. MEMBERS: Order. Order.

MS OLSEN: Oh, point of order? Sorry. I retract that statement.

MR. SHARIFF: A point of order.

I don't know if I heard this correctly. If the hon. member has withdrawn the statement, then I don't have a point of order. I believe the member has withdrawn the statement made, and that's acceptable to me.

Thanks.

THE ACTING SPEAKER: All right. It is recognized. Go ahead, Edmonton-Norwood.

MS OLSEN: Okay. I would like to introduce this hoist amendment. I'd like to move that the motion for second reading be amended by deleting all the words after "that" and substituting the following:

Bill 25, Justice Statutes Amendment Act, 1998, be not now read a second time but that it be read a second time this day six months hence.

THE ACTING SPEAKER: On the amendment, the hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you very much, Madam Speaker. I think it's very important that we hoist this bill today. It's been obvious – and it's been presented by many people on this side of the House – that there are several very serious problems with this bill. Now, we've seen in this House before where members on the opposite side haven't even looked at the legislation. Suddenly it's on the table, and they go, "Oh, oh; I missed that caucus

meeting." So here's a chance for them to have a look at it.

We're actually being quite generous to the other side, I would think, by hoisting this. Have a look. Have a look and see that maybe we should look at this for a little while longer. Maybe we should review what's happening with the Justice Summit. Maybe we should review the position of the Justice minister and have somebody competent in that chair who can table this legislation and be respected by people out there. Right now that's not happening. This is quite a problem with this piece of legislation, so I think it's incumbent upon every one of us to have a second look – maybe for some it's a first look – at this piece of legislation.

Now, I would say that the hon. Member for Edmonton-Norwood has said what is necessary to put it through by September 18. A small little statute: put it through; we'll support it. We may even help draft it so that it gets done properly, and we'll put that through promptly. However, the rest of this piece of legislation has some serious problems, and it should be looked at. We're not saying pull it; we're saying bring it back six months hence. That would also give the people of Alberta maybe a little comfort level that there might be a fall session.

So I think this is a very good move. The Legislative Assembly should accept this hoist amendment and pull this bill promptly.

THE ACTING SPEAKER: Just before you start to speak, hon. member, does everyone have a copy of the amendment? Have they been handed out? [interjections]

Go ahead, hon. Leader of the Opposition.

MR. MITCHELL: Madam Speaker, I rise to speak in favour of the hoist amendment. Of course, my support is premised upon the obvious and easy conclusion that that portion of the bill which responds to the Supreme Court ruling can easily be singled out and strengthened, as it should be, in response to that ruling so that it has power to direct and not just recommend, and that that could be done very quickly and readily in the Legislative Assembly and meet the dictates of the court.

3:50

The rest of the bill I think needs to be hoisted for two reasons. One, the Justice minister has put a huge emphasis on his Justice Summit, which was structured out of the discussion in part about his feelings towards judges and the process of appointment. He had some concrete examples of how to deal with judges: one, to elect them and, two, to appoint them for only limited terms. What would be the point of passing this legislation which is going to preclude the relevance of anything that the Justice Summit comes up with? The second thing that a hoist would allow to occur, Madam Speaker, would be for a new Justice minister to start, find his or her way in the portfolio, and then make recommendations, having established their credibility and competence, that this Legislature could actually have some confidence in.

I think the hoist is therefore perfect. It would reflect the fact that thinking has been done on some of these issues. It's not yet complete until the Justice Summit is over, and it would of course reflect the very wise observation that it would be nice to see this House undertake, the government members, that the Justice minister is not competent, and he's proven it over and over again over the last number of weeks and year.

THE ACTING SPEAKER: The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thank you. I've listened with great interest to this debate, and I am really concerned. I have not been able to have explained satisfactorily why this piece of legislation was introduced when in fact there is a Justice Summit that has indeed been introduced. I know that in this province there is a great deal of trepidation and some suspicion from many people in the public about government task forces and review committees and summits and blue-ribbon panels that are instituted, and people are losing faith that this is indeed meant to be honest consultation with them. To my eye this is underlining that suspicion on behalf of Albertans. If they've been offered a chance now to participate in this Justice Summit, what is this saying to people? They've been offered a chance to talk to this Justice Summit, and at the same time, they're told: the bill is happening; forget it.

I speak in favour of this hoist. I think it's important for all of us in the Legislative Assembly to work to restore that faith of Albertans in what we are doing. I understand the importance of passing the specific requirement from the Supreme Court, and I understand that can indeed be done and in that case obviously should be done with all dispatch. But given the number of things that are controversial in this bill and given how deeply, viscerally, this affects the people in Alberta, I would be most reluctant to see it passed without further consultation from the public. The judicial system for us is our day in court. It is our last opportunity to appeal any restriction that's been placed on people. I'm feeling very strongly that this bill needs to be hoisted until there is indeed time to bring together all of the different points of view that are being expressed and for us to do a better job on behalf of the people in Alberta. As I said, I do support this amendment to hoist this bill at this time.

Thank you.

THE ACTING SPEAKER: The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you, Madam Speaker. I, too, would like to say a few words about the hoist amendment to Bill 25. There was also another task force created, I believe on the 1st of December, to look at the appointment process for provincial court judges. The Member for Calgary-Lougheed is going to chair this committee. This committee is made up of the mayor of a town, a chief executive officer of a large corporation, a principal of a school, the president of the Law Society of Alberta. These are very distinguished people, and they are on this review team. From what I understand from the terms of reference, this review process is not to be completed until May of this year. They're putting the cart before the horse here. I would caution all members of the House that there is no fire on this issue, and I think we should hear from all these groups.

I think it's important that we go over the terms of reference of this committee. Now, this committee is going to document, review, and evaluate all aspects of the current appointment processes for provincial court judges. They are going to identify alternative mechanisms that could be used for the appointment of provincial court judges, including the possibility of nonrenewable term appointments. They are also going to consider whether the Chief Judge and the assistant chief judges should be appointed for a term rather than until age 70. Considering, Madam Speaker, all the legal arguments and constitutional implications regarding judicial independence as it relates to the appointment of provincial court judges, this bill, Bill 25, should be hoisted. It should be hoisted this afternoon and let these people get on with their work.

Thank you.

THE ACTING SPEAKER: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Yes. Thank you, Madam Speaker. I want to speak in support of the hoist amendment, and I want to bring to your attention something that I believe is of critical importance to the debate on the hoist amendment. I would ask members of the House to also pay particular attention.

I have just learned that in the jurisdiction of Calgary there is a Charter challenge pending right now, being decided by the Court of Queen's Bench, regarding the term appointment of judges and justices of the peace. The section in Bill 25 that deals with this matter is therefore sub judice. *Erskine May* is very clear in this regard if you read page 326.

The House has resolved that no matter awaiting or under adjudication by a court of law should be brought before it by a motion or otherwise . . . This rule may be waived at the discretion of the Chair.

Madam Speaker, there is significant chapter and verse on the laws of sub judice. If you go on to read page 326 in *Erskine May*, you'll see that the House has ruled that it may legislate on any matter, but the precedents for those rulings date from the mid-'60s and deal primarily with notices of motion and leave to introduce bills, certainly not with a bill that's already at second reading.

What we would be doing at this point, Madam Speaker, if we were to proceed with this bill is affront hundreds of years of parliamentary practice that has to do with the separation of the powers between the courts and the executive. In fact, at the very heart of this matter is the independence of the judiciary, and what started this whole process rolling was the Supreme Court of Canada being forced to rule to ensure that jurisdictions, including the province of Alberta, had sufficient separation between the bench and the government. If you were to rule any other way than to apply the sub judice rules of parliament, you would be adding to the confusion and further blurring the line between the courts in the province of Alberta and the government in the province of Alberta.

Bill 25 may or may not become a worthwhile bill that deserves support. There are sections of Bill 25, however, that offend current practice. It behooves the government to graciously withdraw Bill 25 or vote in support of this hoist amendment or risk further alienating the role of the courts in this province. It is not lost on anybody in this Chamber the significance of the independence of the judiciary, and it is not lost on anybody in this Chamber the significance of how that would be eroded if Bill 25 was to go ahead in its current form.

4:00

When speaking to the bill as a whole, I remarked that the government would have plenty of time to introduce another piece of legislation that would deal with the Supreme Court of Canada ruling and only with the Supreme Court of Canada ruling and not muddy the waters or cloud the issue with any of the other contents of Bill 25. That would be the right thing to do, and it would also allow the matter before the Court of Queen's Bench in Calgary to be resolved and then allow this Legislature in an uncompromising way the ability to review whatever legislation might necessarily have to flow out of such a court ruling.

I would ask, Madam Speaker, that you use your authority to rule . . . [interjections]

THE ACTING SPEAKER: Hon. Leader of the Opposition, one

of your own members has the floor. Would you please give him the respect due him.

Go ahead, hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you, Madam Speaker. I do enjoy the respect of my leader.

This issue is not a partisan issue. This issue is not an issue that we have had a chance to consult our constituents about. This is a matter of parliamentary practice in the time-honoured separation, as I've said, between the Assembly, the government, and the courts. So I would ask that you in your powers as Speaker follow the advice provided by *Erskine May* and other authorities and rule, first of all, whether this matter is sub judice, and if it is, the only thing to do is to have this bill vacate the Order Paper. If it is not, then please be prepared to explain your ruling in a way that is understandable not just to the men and women of this Chamber and not just to the men and women on the bench in the province of Alberta but also to all of the taxpayers and citizens that depend on the independence of the courts and the separation between the courts and the government.

THE ACTING SPEAKER: First off, what we had before us was debate. I didn't hear you say that this was a point of order. Is that true? And I do for the record want to say that it is not up to the chair to decide whether something is sub judice. The Assembly can deal with matters dealing with sub judice, but it is not up to the chair to deal with this. I find it rather strange that if this were a point of order why you didn't make it a point of order but have instead made it part and parcel of your debate. This is what I've been told, and I certainly can tell you that the person telling me I respect greatly. With that, we will carry on if there are any other members dealing with the hoist amendment.

MR. SAPERS: Madam Speaker, I'm rising under section 13(2) of the Standing Orders, asking the Speaker to explain a decision, and I would offer this. Parliamentary tradition, going back hundreds of years, does not necessarily require that a member rise on a point of order.

THE ACTING SPEAKER: Hon. member, we didn't make a decision.

MR. SAPERS: You just did.

Okay. Point of order, Madam Speaker.

THE ACTING SPEAKER: I didn't make a decision at all. I did not make a decision. I told you how it is.

Point of Order Sub Judice Rule

MR. SAPERS: All right. I am now rising under *Erskine May*, page 326, Standing Orders 13(2), and the relevant sections of *Beauchesne* that my colleague will find and I'll quote in just a minute. The issue here is that it is not necessarily up to another member to call a rule once it's been offended. It has always been the prerogative of the Speaker of the House to comment and rise on an offence to parliamentary practice and procedure. It is the Speaker's prerogative, independent of any other member of this Chamber, to make note of an offence of parliamentary privilege and then set the House back on the tracks, Madam Speaker. So if you would like for me to rise and quote every section of *Beauchesne*, every section of *Erskine May*, and every other

parliamentary precedent that I can to convince you that this is a point of substantial disorder, I am certainly willing and prepared to do that. What I thought I would do instead is give you the opportunity to exercise your authority and to recognize the dangerous waters which this bill is drawing us into.

MR. MITCHELL: I'd like to speak to the point of order too. I should just point out as a point of fact, Madam Speaker, that in the past . . . [interjections]

THE ACTING SPEAKER: I will recognize you, hon. leader. Carry on.

MR. MITCHELL: I want to make the point, Madam Speaker, in response to your statement that it's not your job to rule on sub judice, that in fact Speakers have ruled on sub judice and have declared items sub judice in the past in this Legislative Assembly, including the current Speaker.

THE ACTING SPEAKER: Okay. Under *Beauchesne* 508(3):
The convention applies to motions, references in debates, questions and supplementary questions, but does not apply to bills.

That is the ruling of this Acting Speaker.

MR. SAPERS: Under Standing Order 13(2) . . .

THE ACTING SPEAKER: Is this another point of order, hon. member?

MR. SAPERS: Yes, it is, Madam Speaker. Under Standing Order 13(2) I would ask that you reconcile that decision, citing *Beauchesne* 508, with pages 326 in *Erskine May* and 377 through 379, which make it very clear that there is extensive precedent where sub judice has applied to any matter introduced to parliament or the Legislature for debate. Simply citing 508 does not go far enough, or 506 – I believe you quoted 506 – so I would ask that you reconcile those so that the House can have full confidence in the decision that you just rendered.

THE ACTING SPEAKER: Again for the hon. member the section was 508(3). It said:

The convention applies to motions, references in debates, questions and supplementary questions, but does not apply to bills.

This takes precedence over what you were talking about. That is my decision. Can we move on with the hoist amendment as proposed by the hon. Member for Edmonton-Norwood?

MR. SAPERS: Madam Speaker, I don't want to spend all time remaining this afternoon rising under 13(2) of our Standing Orders and then going back and forth. I want to support the Speaker. I want to support . . .

THE ACTING SPEAKER: Sit down, Member for Edmonton-Glenora, please. Sit down. [interjection] Sit down. Twice I've stood here and talked about section 508(3). That is the decision and the ruling of the Acting Speaker. Twice I've said it. Now, are you arguing with me?

MR. SAPERS: Yes.

THE ACTING SPEAKER: Well, I am very sorry. That is the

ruling. This takes precedence. [interjections] Order. I'm going to call the next speaker, or, hon. member, you can finish off your time in dealing with the hoist motion.

MR. SAPERS: All right. Madam Speaker, the use of *Beauchesne* and the use of *Erskine May* and the application of our Standing Orders in any matter before the House always takes an order of precedence. When we're dealing with a hoist amendment on a bill that cuts so close to the bone of what is fundamental to a democracy, I would expect that any table officer would be able to apply common sense to the ordering of the use of those authorities.

4:10

Debate Continued

MR. SAPERS: What we have before us is not a matter of party politics and not a matter that the opposition takes lightly; this is absolutely a matter of doing the right thing and not setting back the clock in terms of parliamentary development.

This hoist amendment is probably the most critical legislative instrument that the Official Opposition has introduced into this session of the Alberta Legislature because it speaks to the very underpinnings of our parliamentary democracy. So if this hoist amendment fails, the signal that this Legislature, guided by your ruling, will be sending to . . .

MRS. BLACK: Point of order.

THE ACTING SPEAKER: Go ahead, hon. Deputy Government House Leader.

Point of Order

Reflections on the Speaker

MRS. BLACK: Madam Speaker, I would refer the hon. member to *Beauchesne* 173 and say that the Speaker is the ultimate authority in this House and the Speaker has ruled. If you haven't got respect for that, there are remedies in this that I think should be looked at carefully.

THE ACTING SPEAKER: Thank you, hon. member.

MR. SAPERS: Can I speak to the point of order?

THE ACTING SPEAKER: No. Sit down, Edmonton-Glenora. I have ruled on this point of order. I don't want to hear any reference made to it again. I want you to talk on the hoist amendment as proposed by Edmonton-Norwood. Thank you.

MR. SAPERS: And I'm talking specifically to the hoist amendment, and your ruling is now part of the debate. What's the point of a ruling if it can't be referred to and relied on?

THE ACTING SPEAKER: Edmonton-Glenora, you have been in this House long enough to know better than that. Now, move ahead with the hoist amendment.

MR. WOLOSHYN: Throw him out.

MR. SAPERS: Well, the minister of public works wants you to throw me out, Madam Speaker. Another voice for democracy heard from.

Debate Continued

MR. SAPERS: Madam Speaker, I am trying to maintain as much

decorum in this debate as I know how, and I am trying to stick to the merits of the hoist amendment. This debate has taken on a tone and a flavour that go well beyond the original intentions of Bill 25. If it was my intent to challenge the chair, I would have. My intent is to assist the chair in the application of her duties.

THE ACTING SPEAKER: Is there anyone else on this side of the House that wishes to speak on the hoist amendment? The hon. Member for Calgary-Lougheed.

MR. SAPERS: On what . . .

THE ACTING SPEAKER: Sit down, hon. member.

MR. SAPERS: No.

THE ACTING SPEAKER: Sit down. [interjection] Sit down. I have asked you three times. We have dealt with the point of order. I have read you the sections out of *Beauchesne*. I have told you, with assistance here, what the decision is, yet you insist on carrying on. I am asking for another speaker.

MR. SAPERS: Point of order.

THE ACTING SPEAKER: Sit down. Sit down. [interjection] Because you obviously will not listen to my ruling.

MR. MITCHELL: Point of order. You can have a point of order. What is this?

THE ACTING SPEAKER: All right. Go ahead on this point of order, but when you talk about trying, you are trying my patience.

Point of Order

Explanation of Speaker's Ruling

MR. SAPERS: We'll discuss that.

Under Standing Order 13(2) it has always been my understanding – always been my understanding – that as the Speaker makes rulings and those rulings guide and focus debate and the order of proceedings in the Assembly, it is absolutely expected that members will govern themselves accordingly and will rely on and refer to those rulings as they are proceeding in debate.

So unless my understanding is wrong, Madam Speaker, I would like to know on what basis you have determined that you will deny me my right to speak on this hoist amendment for the full 20 minutes, because I am simply referring to your ruling.

THE ACTING SPEAKER: Hon. member, from where I am sitting, it appears to me that time and time again you were questioning the ruling, not talking in conjunction with it. I have made a decision.

Debate Continued

THE ACTING SPEAKER: I am calling the next speaker. Go ahead, Calgary-Lougheed.

MS GRAHAM: Thank you, Madam Speaker. I'd like to take this opportunity to just briefly speak against the hoist amendment proposed by the hon. Member for Edmonton-Norwood. I have listened to the arguments being made by the members opposite as to why Bill 25 should be hoisted and not proceeded with at this time, and I would just like to address that with the maybe somewhat limited knowledge that I have.

It is quite correct, as the Member for Edmonton-Glenora mentioned, that there is a constitutional challenge to the validity of the appointment of sitting justices of the peace, and the government is aware of this challenge. That challenge is based on section 11 of the Charter of Rights and Freedoms, which requires judges and other judicial officers to be both independent and impartial. The case law in this area has been evolving over time and perhaps more frequently of late, and the government is taking the responsible route of amending the legislation to ensure that our sitting justices of the peace will be viewed to be independent and impartial. That is why fixed terms and nonrenewable terms are being introduced.

The reason for this – and I think it's a reasonable and responsible position for the government to take – is that we do not want to see a situation where our administration of justice in the province is brought to a halt, at least our administration of justice in the traffic courts of this province. If our sitting justices of the peace are deemed to be not independent and not impartial, then their decisions are not valid, and we don't want that situation to arise. It would be very irresponsible of the government, with the knowledge that we have and the evolution of the case law that we're aware of, not to make these timely changes now. So that is, in my submission, the very compelling reason why this bill should proceed and why the hoist amendment should not proceed.

Those are my submissions, Madam Speaker.

MR. SAPERS: Point of order.

THE ACTING SPEAKER: Hon. member, on a point of order?

**Point of Order
Questioning a Member**

MR. SAPERS: Yes, a point of order. Under *Beauchesne* I'd like to know if the hon. member who was just speaking would entertain a question during debate.

THE ACTING SPEAKER: Calgary-Lougheed, will you entertain a question?

MS GRAHAM: I'm prepared to entertain a question. I'll do my best to answer it.

Debate Continued

THE ACTING SPEAKER: Go ahead, Edmonton-Glenora.

MR. SAPERS: Thank you, Madam Speaker. Thank you, Calgary-Lougheed. My question. What would bring the justice system into more serious disrepute: the interference and the offence of the sub judice rules, that have been developed over centuries, or the application of one side of the argument which suggests that the best way to make the court more independent is to politically appoint more justices of the peace, expand their duties, and have fewer provincial court judges sitting as independent members of the bench? I'm just wondering. Which one do you think brings the justice system into more disrepute?

MR. MITCHELL: Point of order. Madam Speaker, I'd like to ask a question as well; I have a question I'd like to ask.

THE ACTING SPEAKER: Let us deal with the first question first. The hon. member has said that she would answer a question.

Go ahead, Calgary-Lougheed.

4:20

MS GRAHAM: Thank you, Madam Speaker. I don't believe that was one question. I think it was two or three, and they were kind of convoluted.

In terms of the suggestion that what this Legislature might do to pass Bill 25 would interfere with the independence of the court system, I would suggest that this Legislature is supreme and can pass laws governing the appointment of sitting justices of the peace and that the sub judice rule is not properly applicable in this situation.

As to the suggestion that Bill 25 is promoting the appointment on a political basis of more sitting justices of the peace, there's nothing to suggest that that is the case at all in Bill 25. We have a full complement of sitting justices of the peace in the province to deal with the volume of traffic matters at this time. So I can't agree that that motivation is behind Bill 25. In fact, I totally disagree.

MR. MITCHELL: A point of order, *Beauchesne* 318.

THE ACTING SPEAKER: Hon. member, just one moment, please.

I hate to sound repetitious, but we have dealt with the point of order. I allowed some leeway here. What we have before us now is a hoist amendment. I want to hear the debate and the questions relevant to that amendment. That is what is before us now and what we are debating.

**Point of Order
Questioning a Member**

MR. MITCHELL: Madam Speaker, point of order. I would like to ask a question directly of this member who's speaking against the hoist. My question is this: she has outlined that . . .

THE ACTING SPEAKER: First off, hon. Member for Calgary-Lougheed, will you entertain another question?

MS GRAHAM: Madam Speaker, no, I won't entertain another question this afternoon.

Debate Continued

THE ACTING SPEAKER: Then go ahead, Calgary-Lougheed, on the hoist amendment.

MS GRAHAM: I had completed my submissions, Madam Speaker. Thank you very much.

THE ACTING SPEAKER: The hon. Member for Edmonton-Mill Creek.

MR. ZWOZDESKY: Thank you, Madam Speaker. I'll be brief, but I do want to address the subject of the hoist amendment, given what has just been learned here in the last little while. It goes without saying and I think virtually all members, at least I hope virtually all members, know that we in fact are the highest court in the land: this Legislature. It's important that we set a proper example when we're talking about the daily courts of the land, those upon which our system of freedoms and democracies was founded, the underpinnings, as they were.

We're talking in this bill, Madam Speaker, about the most critical aspects pertaining to our judiciary. We're talking about

the appointment process. We're talking about the terms of those appointments. We're talking about the people who sit on the committees who choose the people for those appointments. We're talking about amendments to the Court of Queen's Bench Act. What could be more supreme than the Court of Queen's Bench? We're talking about the judicial inquiries board. We're talking about compensation issues. We're talking about conflicts of interest. We're talking about the delegation of duties and powers and the responsibilities that lie within those sections. We're also talking about the resolutions and the investigations into possible complaints that exist about aspects of our judicial system.

When I think about the gravity of all of that and come down to the fact that we may be sub judge – and I respect your ruling that in your opinion the sub judge ruling does not apply to bills – I'm at least persuaded that as a result of some of the arguments, what would be so wrong with hoisting this for a short period of time in order that those particular points can be further refined?

[The Speaker in the chair]

Now, in speaking in favour of the hoist amendment as presented here by the hon. Member for Edmonton-Norwood, I'm asking myself the question before I get up to speak to this: has due diligence been done to the satisfaction of all members of this House and to the satisfaction of the stakeholders consulted? Has the due diligence been done? Some would say yes and some would say maybe. Others would probably flatly say no.

Others are going to ask the question as we address the hoist amendment: is there a constitutional challenge before the courts? I was just informed by the Member for Edmonton-Glenora – and it was ratified I think by the Member for Calgary-Lougheed – that, yes, in fact there is an issue of challenge before the courts, at least with respect to the term limits of justices of the peace, which is also referred to in this act, and perhaps other matters as well. I think as a result there are probably more reasons for delaying the passage of this bill than there are for pushing it through at this time. In fact, if I recall correctly, the hon. Member for Calgary-Lougheed did say that this bill's appropriateness for debate at this time was based upon a great deal of or much legal analysis or whatever the term was exactly that she used, and I respect that. I'm hoping that that's in fact the case.

So the question becomes one of looking at this hoist amendment and seeing how it can facilitate that process of analysis further and in fact posing the question as to whether or not this analysis was performed by the same lawyers who have advised the government on recent bills such as Bill 26, which would raise a whole other series of questions. Now, we don't know, and I'm not casting any aspersions. I'm simply saying that until this matter is resolved, what would be so harmful with it being delayed until everyone's curiosity has been satisfied?

My final point on the hoist amendment, Mr. Speaker, would simply be that given the testiness here of the last half hour, do you think it's possible that we might just recess for a few minutes to ponder this issue of sub judge further and seek a ruling on that as well? In any event, I think it would certainly benefit the House if we had a cooling-off period such as would be facilitated by allowing the hoist to proceed. That is not to hold things up unnecessarily; it's only to allow a little more time for a little more thought into this entire process.

Thank you.

THE SPEAKER: Having heard the motion as proposed by the

hon. Member for Edmonton-Norwood, would those members in favour of the hoist amendment please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: The amendment is defeated.

[Several members rose calling for a division. The division bell was rung at 4:28 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Blakeman	Mitchell	Soetaert
Carlson	Olsen	White
Gibbons	Pannu	Zwozdesky
MacDonald	Sapers	

Against the motion:

Amery	Fritz	O'Neill
Black	Graham	Paszkowski
Boutilier	Herard	Pham
Broda	Hierath	Renner
Burgener	Hlady	Severtson
Calahasen	Johnson	Shariff
Cao	Jonson	Smith
Cardinal	Klapstein	Stelmach
Clegg	Kryczka	Strang
Coutts	Langevin	Tannas
Day	Lund	Tarchuk
Doerksen	Magnus	Thurber
Dunford	Marz	Trynchy
Evans	McClellan	Woloshyn
Fischer	McFarland	Yankowsky
Forsyth	Melchin	

Totals:	For – 11	Against – 47
---------	----------	--------------

[Motion on amendment lost]

4:40

THE SPEAKER: On the motion for second reading of Bill 25, Justice Statutes Amendment Act, 1998, as proposed by the hon. Minister of Justice and Attorney General, all those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

[Several members rose calling for a division. The division bell was rung at 4:41 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Amery	Fritz	Paszkowski
Black	Graham	Pham
Broda	Herard	Renner
Burgener	Hierath	Severtson
Calahasen	Hlady	Shariff
Cao	Johnson	Smith
Cardinal	Jonson	Stelmach
Clegg	Klapstein	Stevens
Coutts	Kryczka	Strang
Day	Langevin	Tannas
Doerksen	Magnus	Tarchuk
Ducharme	Marz	Thurber
Dunford	McClellan	Trynchy
Evans	McFarland	Woloshyn
Fischer	Melchin	Yankowsky
Forsyth	O'Neill	

Against the motion:

Blakeman	MacDonald	Sapers
Carlson	Mitchell	Soetaert
Dickson	Olsen	White
Gibbons	Pannu	Zwozdesky

Totals: For – 47 Against – 12

[Motion carried; Bill 25 read a second time]

Bill 27
Electric Utilities Amendment Act, 1998

[Debate adjourned March 17: Dr. Pannu speaking]

THE SPEAKER: The hon. Member for Edmonton-Strathcona.

DR. PANNU: Thank you, Mr. Speaker. In the four or so minutes remaining in my time I want to conclude my remarks that I began making last Tuesday on Bill 27.

Mr. Speaker, I was speaking towards the end of my remarks the other day about the crisis in Auckland which had resulted from the dual processes of deregulation and privatization, and I was drawing attention to the fact that this bill doesn't seem to address the kind of situation that has arisen in Auckland. On Friday, I guess, the Minister of Energy, when asked by reporters, revealed another new reason why this bill is necessary and he must proceed with it at this point. He said that it's necessary because in the absence of deregulation Alberta faces power shortages within a period of 12 to 18 months. That's quite the news to Albertans, that the minister and his department, both of which are responsible for making sure that that situation does not arise, for the first time ever shared this information with the public.

I was looking through the documents that the minister's department had shared with the mayors of the municipalities of this province, and in these briefing notes there's not once a mention made of this potential shortage that the minister introduced into the debate on Friday, I think, of last week. So I wonder if it's an argument of convenience that the minister is making, and if it's not an argument of convenience, then I wonder what the minister has been doing. Has he been discharging his responsibility appropriately, especially when it comes to the problem of the possible shortage of such an essential utility in a society like ours?

The minister is obviously willing to invoke any idea, any argument to rush through this House the legislation that he proposed in Bill 27. I think it's important that the consumers, particularly the domestic consumers and the small businesses, be assured that their power bills won't go up. There's absolutely no evidence that this bill or the background papers that have been distributed by the minister can give us the kind of assurance that that will not be the case.

The deregulation bill puts municipalities such as Edmonton, Calgary, Red Deer at a disadvantage in terms of their sources of revenue, because some of the revenues that they generate from supplying power to their customers will be subject to taxation, taxes that will go into the provincial treasury and into the general revenue fund. The municipalities have already been very, very severely hit by the deep cuts in transfers that this government has instituted, and now to add insult to injury, it's also trying to withdraw from these municipalities a few independent sources of revenue that these municipalities have in order to fix the potholes and to provide for social services for which they are responsible.

So it's a bill that doesn't really, to me, give any assurance and doesn't seem to merit support at this point. I certainly would like to see the debate in committee and certainly will be voting in light of that debate.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Beverly-Clareview.

MR. YANKOWSKY: Thank you, Mr. Speaker. I rise today to make a few comments regarding Bill 27, the Electric Utilities Amendment Act, 1998. I'd like us to look at the deregulation measures proposed in this legislation and talk about their effect on the province of Alberta. I'll try to keep my remarks as brief as possible; that is, clear, concise, and to the point.

Mr. Speaker, the regulatory changes proposed for Alberta's electrical industry are complex and far reaching, so I want to outline the main changes just very briefly. Starting on January 1, 2001, the owners of existing regulated generating units will recover their costs under long-term contracts set by independent experts. These long-term contracts, called power purchase arrangements, will run to a maximum term of December 31, 2020, and will effectively end any further regulation of the generating units by the Alberta Energy and Utilities Board or any other body. Under these contracts, customers will continue to receive the benefits of low-cost power from existing generation, and utilities will of course benefit if they can find ways to operate more efficiently.

5:00

These are fundamental changes, Mr. Speaker. They help to create an environment in which power companies will have real incentives to reduce their costs. In this kind of environment competitive market forces guide decisions about pricing and investment. I think that's certainly good news for all Albertans. These changes will provide incentives for efficiency, and they will put downward pressure on prices. These changes promote customer-oriented service, and they enhance the Alberta advantage.

Governments around the globe are seeking better ways to increase competitiveness, attract business, and reduce costs for all consumers. Alberta, in fact, is one of the leaders. This is a worldwide trend to deregulation and increased competition in the power generation and distribution industry.

At the same time, Mr. Speaker, you don't arbitrarily eliminate regulation in the areas where it makes sense. The one area where continued regulation makes sense in the power generation industry is the transmission and distribution system. Transmission and distribution is presently regulated and will continue, as I understand it, to be regulated under the new regime. The cost of building competing high-voltage wires and local distribution wires would be extremely high. Consumers would not benefit from this duplication of infrastructure. They would only face higher prices. So the existing distribution of utilities must continue to provide meter connections to customers and maintain the local distribution wires.

Another key to these changes must be fairness, Mr. Speaker. The change from regulation to competition needs to be equitable both to the customer and to the owners of the existing regulated generators.

Let's very briefly look at fairness to customers. Now, this gets us into the area of residual benefits. Say that the owner of a generating plant is able to earn a windfall profit solely by moving from a regulated environment to a market environment. Well, that benefit doesn't belong to the owner. The legislation clearly spells out that this excess profit belongs to the customers, and it must be returned to the customers. It's only fair.

After all, under the old system utilities recovered the costs of building generating plants through regulated rates. These rates were set and approved by the Alberta Energy and Utilities Board so that utilities could recover their investments from consumers. The rates even included a provision for depreciation and a risk premium. In effect, Mr. Speaker, consumers shielded the utility from most of the risks associated with its capital investments. Consumers paid the regulated rate, and the utility in turn paid off its debt.

As you can see, it is only reasonable that consumers should be entitled to any windfall profits arising from deregulation of these utilities, in the same way that consumers are responsible for any stranded costs when utilities are unable to recover their investments. Again, it's a matter of fairness.

Utilities built new generating plants on the understanding that they could recover their investments as long as the regulator deemed these investments to be prudent. Now, Mr. Speaker, we are changing the rules and moving from regulation to a competitive market. In this market environment some generating plants may not be able to recover all of their costs, and we need to recognize that replacing regulation with competition changes the way utility companies earn their income. It would be unfair to change the rules on cost recovery for investments that have already been made and approved under regulation.

At present these residual benefits and stranded costs are measured and shared by legislated financial arrangements, also known as legislated hedges. These hedges were set up back in 1995 under the Electric Utilities Act. Those legislated hedges, Mr. Speaker, were a reasonable measure in the transition to a deregulated environment, but they still require regulatory approval. We won't have real competition and all the benefits of an open market until they are replaced.

Under Bill 27 the legislated hedges will be replaced by long-term power purchase contracts that do not require regulatory approval. It's a significant step that is fair to all consumers and owners of generators. These long-term contracts will continue to share residual benefits and stranded costs among all customers. Owners will have a chance to earn greater profits if they become more competitive. A balancing pool managed by the Power Pool

Council will administer a collection of residual benefits and payment of any stranded investment costs. Balancing pool funds will provide a net residual benefit and will flow directly to the customers. This ensures that all customers across the province continue to share in the benefits of low-cost power from existing generation.

Mr. Speaker, I think it is the fair thing to do. I believe deregulation and customer choice are also the right things to do. Consider this new streamlined and deregulated environment in the context of the new competitive forces in the generation and retail markets. This mix should support a vibrant business climate that develops new technologies, new services, and new ways of doing business. It will help us keep our power prices internationally competitive. This low-cost power will attract investment and jobs to Alberta. It doesn't get any fairer than that.

THE SPEAKER: The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Speaker. I'm happy to speak to Bill 27, Electric Utilities Amendment Act, 1998. Certainly we see the object of this bill being the completion of deregulation of the electrical industry through the provision of things like customer choice and mitigation of market power and increased competition and customer sharing of the costs and benefits.

We support the principles behind deregulation, but there are some problems, as I see it, with Bill 27 right now in its current form. I'm hoping that as we progress through the various stages, we're going to see some changes. Certainly so far it doesn't meet the criteria of returning full residual value from existing generating units to customers. That's a problem for us, and I think that's a problem for all of the people in the province, because they have a vested interest in the residual value, and it should flow from the shareholders rather than the customers.

For us, Mr. Speaker, this is an issue of fairness. I think customers are entitled to receive the benefits since they originally assumed the risks involved in building these facilities through their utility bills over the years. I think it's very unfair for the government to force consumers to participate in it at the risk stage and then force them out at the stage where you can be participating in profits. So I am hoping the minister can address those issues when he's answering all of the questions that we see here.

5:10

I have a number of other concerns. One of them is about the stranded generation costs. I'm wondering under this proposal how new or more expensive plants whose costs are still being depreciated, like Genesee out here just west of Edmonton – how can they compete with older, long-paid-for plants? Because the distribution of old and new plants is lopsided, certainly some producers are going to be unable to compete on this level playing field, and this really strands their plants without customers.

That is a big issue for people throughout the province and something that they should be paying attention to, because what could happen in that kind of instance is that we see utility costs rising instead of decreasing, as we've heard the minister talk about. Like I touched on, the residual value benefits is an issue that for sure has to be explained to me before I could support this bill, in fact before I could support it at any reading.

Certainly older, cheaper plants have been used in this province to cross-subsidize more expensive ones, which has had the effect of equalizing power rates across the province. Under complete deregulation we're going to see these older plants in a position where they can make windfall profits unless there's some sort of

means to return the residual value or benefits to the customers who paid for them. So once again it isn't a level playing field; it's an unfair advantage for some of the plants. Well, some of them are going to be happy to have that. It certainly isn't fair to those that are existing.

It creates a problem for other alternative sources of energy, which also will be facing an unlevel playing field at that stage, and it makes it harder for them to enter the market and for them to become self-sustaining at any level. Which ties right into the theme of customer choice, because if it's going to be enormously more expensive to have a customer choice like wind energy, while people may want to make that choice, they'll be unable to afford to do so. So we have to deal with those issues in terms of how they incorporate into deregulation. So on that issue, what mechanisms are we going to see being put in place allowing customers the right to choose their own retailer or marketer of electricity and other related services that they wish to purchase?

Certainly we've heard lots of talk about how those options are going to come into place and ways that people will be able to access them, but we haven't seen anything in writing, Mr. Speaker. Certainly it's been my expectation with this government that if it isn't in writing, then it's all up for grabs and all up for negotiation and often will be negotiated right off the table. So we'd like to see them commit to something there.

Also what kind of timetable do we have for implementing customer choice for specifically industrial, institutional, and farm customers? I think it's going to be a little easier to co-ordinate that from a residential perspective in larger centres, but for other areas it could be a problem. What we're going to be seeing here is that retailer marketing services are going to be unbundled, which means they can be offered and priced separately by competing retailers or marketers. So what does that mean in terms of customer choice, and what does that mean in terms of customer price? It looks like there's going to be a lot more administrative work in this. There's certainly going to be a lot more paperwork. So how are we going to have that available for a cheaper price, which is what the minister is implying is going to happen with deregulation.

He's said on numerous occasions that we're going to see decreases in prices to consumers. Well, it isn't my experience that that is usually what happens. Generally by the time you add on extra administrative costs and different kinds of taxes, as they're going to face under deregulation, we start to see increased costs happening. So I wonder if the minister can answer how these businesses are going to be taxed now and how they'll be affected by the machinery and equipment tax. Certainly that's going to increase costs to these providers, and that will have an implication downstream to the customer when they're paying for the information and the service. If he could address those questions I'd appreciate it.

I'm also wanting to know what kind of measures are going to be taken to ensure a level playing field with increased competition in mitigating unfair competitive advantages that arise from access to historical information or public ownership. We've had public utilities. They have certain rights and privileges, certain access to information that won't necessarily be available to other people who are competing in the same market. So if those questions could be answered, I would certainly appreciate it.

A couple more points that I'd like to have the answers to. The minister has said repeatedly that we're running the risk of running out of power in 18 months to two years. Mr. Speaker, I firmly

believe that's fear mongering, and I would like the minister to explain in some sort of detailed kind of format what he's getting at by that. The electricity isn't going anywhere. Certainly these businesses are here to make a profit and to provide a service. They're not suddenly going to cut off power to every household and every business in Alberta because we haven't got a deal on deregulation, and I would think that the minister would not have been so shortsighted to have built into this process some sort of grandfathering phase where service would be provided if things don't go according to his timetable. So I would like him to explain what measures he's got in place and whether or not he really is threatening to hang us out to dry on this particular issue.

Once again, financial implications for each Alberta ratepayer are of concern. I don't think we're going to see decreased costs in the short run. Certainly in the long run we're going to see increased costs. So if we could get some sort of a projection on what those are going to be. Certainly industry knows what they are going to be. If the government would be prepared to share those with the taxpayers, then we can anticipate what kind of impact this deregulation will have on all of us over time, and I think that's important information to give us.

Certainly we've seen historically in this province that there's been good reason to have geographic monopolies where utilities are concerned. I'm not saying that it always has to stay that way, but I'd like to know what's changed in the marketplace that requires a shift now and a shift in a very short time period when in fact industry's been working on this process for a number of years, and there seems to be a lot of issues to be covered that haven't yet been addressed. Why do we have such a short window of time to deal with this issue now?

Who's going to pay for the additional marketing costs in a deregulated environment? Traditionally these are downloaded to the consumers. I'm sure that's what we're going to see here. I would like a firm answer from the minister in terms of confirming that for all of us. If he's got a different perspective on it, I'd like to hear that. I wouldn't mind hearing from the companies themselves who will ultimately be benefiting from this in that regard. I'm sure they've got some positions on that.

With that, Mr. Speaker, those are my comments to date. I'm looking forward to the answers. Given the time, I'd now like to call it 5:30.

THE SPEAKER: Having heard the motion by the hon. Member for Edmonton-Ellerslie, those members in favour, please say aye.

HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no. Motion carried.

MRS. BLACK: Mr. Speaker, I move that the House now stand adjourned until 8 o'clock this evening, when we'll reconvene in Committee of the Whole.

THE SPEAKER: On the motion by the hon. Deputy Government House Leader, all those in favour, please say aye.

HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no. Motion carried.

[The Assembly adjourned at 5:19 p.m.]