

Legislative Assembly of Alberta

Title: **Tuesday, November 27, 2001**

1:30 p.m.

Date: 01/11/27

[The Speaker in the chair]

head: Prayers

THE SPEAKER: Good afternoon.

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

Please be seated.

head: Presenting Petitions

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

DR. TAFT: Thank you, Mr. Speaker. Today I'd like to table two petitions from my constituency of Edmonton-Riverview addressed to the Premier regarding the War Amps key tag identification program. The program has been denied access to motor vehicle operators lists in Alberta through AMV because of FOIP rules. This access has been provided since 1947, and the petition urges that such access continue to be granted.

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

MR. BONNER: Thank you very much, Mr. Speaker. Today I would like to table petitions from constituents of Edmonton-Glengarry addressed to the Premier regarding the War Amps key tag program. The program has been denied access to motor vehicle operators lists in Alberta through AMV because of FOIP rules. This access has been provided since 1947, and the petition urges that such access continue to be granted.

THE SPEAKER: The hon. Leader of the Official Opposition.

DR. NICOL: Thank you, Mr. Speaker. I would like to table three petitions from my constituency of Lethbridge-East addressed to the Premier regarding the War Amps key tag identification program. They would like to have this program reinstated so that they can continue to do the good work that they've been doing through the War Amps program.

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

DR. MASSEY: Thank you, Mr. Speaker. I, too, would like to table a petition from the constituency of Edmonton-Mill Woods addressed to the Premier with respect to the War Amps key tag identification program asking for access to the names that they have been denied under the FOIP rules.

Thank you.

head: Reading and Receiving Petitions

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

MS CARLSON: Thank you, Mr. Speaker. I would ask that the petition I presented yesterday on Chinchaga now be read and received.

THE CLERK:

We, the undersigned residents of Alberta, petition the Legislative

Assembly to urge the Government of Alberta to support the establishment of the Chinchaga Wilderness as a legislated protected area.

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

DR. PANNU: Thank you, Mr. Speaker. I rise to request that the petition that I tabled yesterday in the House on Chinchaga be now read and received.

Thank you.

THE CLERK:

We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government of Alberta to support the establishment of the Chinchaga Wilderness as a legislated protected area.

head: Notices of Motions

THE SPEAKER: The hon. Minister of Community Development.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise pursuant to Standing Order 34(2)(a) to give notice that tomorrow I will move that written questions appearing on the Order Paper do stand and retain their places.

I'm also giving notice that tomorrow I will move that motions for returns appearing on that day's Order Paper also do stand and retain their places.

Thank you.

head: Introduction of Bills

THE SPEAKER: The hon. Deputy Government House Leader.

Bill 31

Miscellaneous Statutes Amendment Act, 2001 (No. 2)

MR. ZWOZDESKY: Thank you, Mr. Speaker. It's my pleasure on behalf of the hon. Minister of Justice to request leave to introduce Bill 31, the Miscellaneous Statutes Amendment Act, 2001 (No. 2).

This bill makes minor changes to nine pieces of legislation provincially, including the Health Disciplines Act, the Crown Contract Dispute Resolution Act, the Electoral Boundaries Commission Act, and the Maintenance Enforcement Act.

Thank you.

[Motion carried; Bill 31 read a first time]

head: Tabling Returns and Reports

THE SPEAKER: The hon. Minister of Government Services.

MR. COUTTS: Thank you, Mr. Speaker. I have the honour of tabling five copies of the 2000-2001 annual report of the Freedom of Information and Protection of Privacy Act. This is the sixth report since the act was proclaimed in 1995, and it highlights a number of significant accomplishments from the past year, including the development and delivery of an on-line course on information access and privacy protection, the first of its kind in Canada.

THE SPEAKER: The hon. Minister of Municipal Affairs.

MR. BOUTILIER: Thank you very much, Mr. Speaker. It's my pleasure today to table the requisite number of copies of the

authorized accredited agency annual report summary statistics for April 1, 1999, to March 31, 2000.

MR. DOERKSEN: Mr. Speaker, I would take this opportunity to table a copy of the 2002 Alberta Heritage Foundation for Medical Research calendar, which outlines some of the outstanding work this organization does on behalf of Albertans and, in fact, of all Canadians. Along with the calendar are the 2001 financial highlights and the consolidated financial statements for the 2000-2001 year.

Thank you.

MS EVANS: Mr. Speaker, I have essentially three tablings today. The first tabling is the Child Welfare Act Review Discussion Guide. My hon. colleague from Calgary-Buffalo is distributing and discussing the act review.

The second tabling is the Children's Advocate report of 2000-2001 and the response Children's Services provides for the substantiated investigated summaries. Mr. Speaker, we are providing a comment on every single investigation without identifying the child and family service authority, without identifying the child, but it should anecdotally provide some assurance about the level of investigation into the cases that have been cited by the Children's Advocate in this report.

THE SPEAKER: The hon. Minister of Community Development.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I have two tablings, with your permission, this afternoon. My first is five copies of a letter to the federal secretary of state responsible for women's issues regarding the National Day of Remembrance and Action on Violence against Women on December 6, 2001. As you are also aware, I have provided a white ribbon, such as the one I'm wearing, to each of our colleagues in the Legislature today to mark this important event along with a memo requesting all of us to support actions and activities that help prevent violence against women. I know that our colleague from St. Albert will comment further on this later this afternoon. I also want to thank the hon. Member for Edmonton-Centre for her leadership role in getting these activities started in our areas.

My second tabling, Mr. Speaker, is in fact a letter from me to the hon. Member for Edmonton-Centre in supplement to my response to a question she raised in this House a few days ago regarding APLEN, the Alberta public library electronic network.

Thank you.

THE SPEAKER: The hon. Minister of Finance.

MRS. NELSON: Thank you very much, Mr. Speaker. I have two tablings today. First I'm pleased to file five copies of responses to questions raised May 14, 2001, in the Committee of Supply's review of Alberta Finance's 2001-2002 budget estimates.

Mr. Speaker, pursuant to section 10 of the Government Accountability Act I'm tabling five copies of the annual report of the government of Alberta, that highlights the successful implementation of the single-rate tax system. This report is for fiscal year 2000-2001 and includes consolidated financial statements that show a record payment on the province's accumulated debt.

Mr. Speaker, I'm also pleased to table annual reports on behalf of the following ministries and government agencies as required in section 14 of the Government Accountability Act: Agriculture, Food and Rural Development, Agriculture Financial Services Corporation, Children's Services, child and family services authorities' financial statements, Community Development, Economic Development,

Resource Development, Environment, Treasury, Gaming, Alberta Gaming and Liquor Commission, Government Services, Health and Wellness, health authority financial statements, Human Resources and Employment, Infrastructure, Innovation and Science, International and Intergovernmental Relations, Justice, Learning, Executive Council, and Municipal Affairs. These reports have been delivered to the Clerk's office as they are too numerous to bring into the Assembly.

Thank you.

1:40

THE SPEAKER: The hon. Minister of Human Resources and Employment.

MR. DUNFORD: Thank you, Mr. Speaker. I'm pleased to table with the Assembly today the Alberta Registered Professional Foresters Association annual report.

THE SPEAKER: The hon. Leader of the Official Opposition.

DR. NICOL: Thank you, Mr. Speaker. I would like to table the appropriate number of copies of petitions from individuals in southern Alberta to get education on track, asking the Legislative Assembly to support Bill 218, which will provide adequate funding for a properly functioning education system.

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

MS CARLSON: Thank you, Mr. Speaker. Today I have three tablings. The first is from Rod Olstad of Edmonton, who is concerned that there is not enough protection in the Alberta foothills ecosystem, and he is "disappointed that oil and gas leases have been recently allowed in 'protected' areas in Alberta."

My second tabling is from David Montgomery. He is very concerned about recycling practices in this province.

My third tabling is from Jim and Pat Dittrich, who are "very concerned about the proposed shutting down of trails in the Canmore area."

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

DR. MASSEY: Thank you, Mr. Speaker. With permission I would table the required number of copies of 101 requests from Albertans who urge the government to vote for Bill 218, the class size targets bill, to "end the need for parents to fundraise for . . . basics" and to "ensure that Alberta can attract and keep the best teachers for our children."

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

MR. MacDONALD: Thank you very much, Mr. Speaker. I would like to table the required number of copies of 19 requests from Albertans who want the government to vote in support of the Liberal opposition's class size target bill "so that classrooms will no longer be overcrowded," to "end the need for parents to fundraise for classroom basics," and to "ensure that Alberta can attract and keep the best teachers for our children."

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

MS BLAKEMAN: Thank you, Mr. Speaker. I have four tablings from constituents today. The first is a letter from Elizabeth Esaiw, who is very concerned about diabetic management in Alberta. She's

paying an average of \$100 per month for her diabetic supplies, and she's hoping that the government is going to show some positive change.

The second tabling, Mr. Speaker, is from June Mowers. She is very concerned about user fees for health care and considers that a scare tactic. She would rather see a sales tax than user fees.

The third tabling is from John Shepherd, who was involved with the Mennonite Centre Welcome Home Community. He's very concerned and asks the government "to uphold its commitments and reconsider funding for the Welcome Home Community."

The final tabling is the appropriate number of copies of a petition from the War Amps, who are asking that the motor vehicle list, which they have been denied access to, be made accessible to them again.

Thank you very much.

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

DR. TAFT: Thank you, Mr. Speaker. I'd like to table the required number of copies of 20 requests from Albertans who want the government to vote in support of the Liberal opposition's class size target bill "so that classrooms will no longer be overcrowded," to "end the need for parents to fundraise for classroom basics," and to ensure that Alberta can afford to keep teachers.

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

DR. PANNU: Thank you, Mr. Speaker. I'd like to table copies of a letter from Theresa Driediger, a chartered psychologist and marriage and family therapist who has worked closely with the Welcome Home Community and calls it a wonderfully effective model. She is expressing dismay at the decision of the Ma'Möwe Capital region child and family services authority for cutting its funding effective February 15, 2002.

Thank you, Mr. Speaker.

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

MR. MASON: Thank you, Mr. Speaker. Today I'm tabling five copies of an open letter from Canada's Association for the Fifty-Plus asking the federal and provincial governments to address "the current crisis in affordable housing."

THE SPEAKER: Hon. members, it is my pleasure today to table the appropriate copies of the first School at the Legislature report card 2000-2001. This is the Legislative Assembly educational program for grade 6 students co-sponsored by three community partners: Shaw Communications, Capital City Savings, and The Quality Group.

head: Introduction of Guests

THE SPEAKER: The hon. Deputy Speaker.

MR. TANNAS: Thank you. I am honoured today to introduce to you and through you an individual who has given long and loyal service to this Assembly. Mike Chwok served with the Legislative Assembly security staff from March 8, 1984, until the 15th of June 2001. At his retirement he was the longest serving security staff member. Prior to his service here he was for 29 years a member of the Edmonton Police Service. Mr. Speaker, Mr. Chwok is in your gallery. He is accompanied by his wife, Evelyn, and I'd ask Mr. and Mrs. Chwok to rise and receive the grateful thanks of this Assembly.

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

MR. BONNER: Thank you very much, Mr. Speaker. It gives me a great deal of pleasure today to introduce to you and through you to all members of the Assembly two outstanding grade 6 classes from Lago Lindo school. They are accompanied today by Principal John Eshenko, teachers Marilyn Gehring and Kevin Peters, and parent Mary Anne Luellman. They are seated in the members' gallery, and with your permission I would ask that they now rise and receive the traditional warm welcome of the Assembly.

Thank you.

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

MR. HORNER: Thank you, Mr. Speaker. It is my privilege and honour today to introduce to you and through you to all members of the House a great group of intelligent and energetic young people from J.J. Nearing school in St. Albert. They have 80 visitors in both galleries. They are accompanied by teachers Mrs. Reid, Mr. Raypold, and Mrs. Sowinsky and parent helpers Mrs. Brenneis, Mr. Manastirski, Mrs. Fontaine, Mrs. LeBlanc, Mr. Bell, and Mrs. Vanderwalle. They are, as I said, in both galleries, and I would ask that they all rise and receive the traditional warm welcome of this House.

THE SPEAKER: The hon. Member for Olds-Didsbury-Three Hills.

MR. MARZ: Thank you, Mr. Speaker. I have 17 guests from Kneehill home educators visiting the Legislature today. Unfortunately, they won't be in the Assembly till 2 o'clock, but I would like to acknowledge their visit with the traditional welcome of the Assembly.

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

MR. HUTTON: Thank you, Mr. Speaker. It is indeed a pleasure today to introduce to you and through you to the members of the Assembly 25 very bright and enthusiastic students from a school appropriately named Brightview elementary school. Accompanying the class are teachers Graeme Walker and Heather Parkinson and parent helpers Ms Kathy Dupuis and Mr. Searle. Unfortunately, they're not in the Assembly right now, as the hon. Member for Spruce Grove-Sturgeon-St. Albert has half of his constituency in the galleries. They will be arriving a little later on, and I would ask that we show them the warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Vermilion-Lloydminster.

MR. SNELGROVE: Thank you, Mr. Speaker. I would like to introduce to you and through you to the members today a group of students from Tulliby Lake in Vermilion. They are accompanied by Miss Sandra Lawson and Mr. Allan Belsheim. I just want to dispel the myth of class size; all three of them are here today. I'd like them to receive the warm welcome of the Assembly.

1:50

head: Oral Question Period

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

Natural Gas Royalties

DR. NICOL: Thank you, Mr. Speaker. Over the past few years the

government has been moving natural gas royalties paid in the first quarter of the current year backwards to the previous year and adding it to the surplus. My questions are to the Minister of Finance. Can you explain why you've taken over \$2.8 billion paid this year in royalties and moved it back and added it to last year's surplus?

MRS. NELSON: Mr. Speaker, the \$2.8 billion that the hon. member is referring to was accrued into last year because it's the production from last year.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Again to the Minister of Finance: are you not trying to protect revenues for debt payment and not for education, children's services, or health, where they're needed?

MRS. NELSON: Mr. Speaker, oil and gas revenues usually come 60 to 90 days after the month in which they are produced, and it's normal accounting to accrue back into the actual year. This is the standard accounting principle that we have followed.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. But they don't do it with all the other revenues that they get as well that come late.

Given that the minister is willing to move these royalties back when last year's revenues are positive, what happens if the royalties are below the projection? Will you move a deficit back to last year as well?

MRS. NELSON: Well, Mr. Speaker, that's a silly question, but let's be very clear. Under standard accounting principles you usually report the actual year as close as possible, and you use a method called accruals to do that, to reflect what the actual picture for the year looks like. We did not deviate from that one bit. The second part of the question is just silliness.

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

DR. NICOL: Thank you. Everything else is done on a cash basis.

Provincial Fiscal Policies

DR. NICOL: Mr. Speaker, children in Alberta are going without essential services, parents are being forced to fund-raise for their children's education, and RHAs are cutting their budgets while running deficits. All this is happening while the government sits with over \$2 billion in the bank. My first question is to the Minister of Children's Services. Why has your department cut 21 programs for children in the MáMōwe region when the government has over \$2 billion in the bank?

MS EVANS: Mr. Speaker, I think that to a recent question I responded that 93 agencies are currently on contract to provide services within the MáMōwe Capital region. It's very clear to me that when you have that many agencies, there are naturally opportunities to find cost efficiencies. Many of the reductions and in fact many of the cuts have been done to become more efficient in our delivery of services, not to in fact squeeze children out of services but to become more efficient and cost-effective.

Mr. Speaker, after the first-quarter result we saw that Children's Services, if we had continued caseload growth, could well have a deficit. Much of the cost-containment strategy has been done in fact to make sure that we don't have a deficit, that we do refine our service delivery system, and that we do look after children in a very cost-conscious way but in an even better fashion.

There's something else that I want to reinforce for this House. We have an Alberta response model that is currently being taught to social workers, that is being transferred to the CEOs and co-chairs, which will mean that low-risk children will be taken care of at the community level, where they're most in need of services that support the family, not engage the child in Children's Services, through the full spectrum, Mr. Speaker, to still having high intake services for children most at risk.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. My next question is to the Minister of Health and Wellness. Why did your department announce more money for RHAs earlier in the year and then cut almost half that money when the government still has over \$2 billion in the bank?

MR. MAR: Well, Mr. Speaker, I can say with some amount of confidence that we've been working with the regional health authorities in dealing with this. We make decisions, and unlike the Leader of the Opposition we do not have the benefit of his 20/20 hindsight, but we do make the best decisions that we can with the information that we have. In working with regional health authorities, both the Minister of Finance and I have satisfied ourselves that they will deal with the lesser amount of money that is made available to them because we have a lesser revenue available to us as a government. We have worked with them in order to reduce the amount of impact on frontline services.

Earlier this week the Premier himself tabled a press release from the Calgary health region indicating that they were able to take \$30 million off their expenditures without any change in their frontline services. One of the areas that we've reduced in our transfers to regional health authorities was for energy rebates – and we know, of course, what happened to the price of energy: it's gone down – and that did not affect frontline services either, Mr. Speaker. So we have worked mightily with the regional health authorities to reduce our costs of delivery of frontline services.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Less revenue and they moved \$2.8 billion back to last year and still have \$2 billion in the bank.

My third question is to the Minister of Learning. Why do parents have to subsidize the education system when the government has \$2 billion in the bank?

DR. OBERG: They don't, Mr. Speaker.

THE SPEAKER: Third Official Opposition main question. The hon. Member for Edmonton-Mill Woods.

School Fund-raising

DR. MASSEY: Thank you, Mr. Speaker. According to an Alberta Learning Best Practices study, computer costs for one area high school are \$340 per student per year. Studies of other schools show costs ranging from \$176 to \$678 per student per year for computers.

My questions are to the Minister of Learning. Does the minister consider parents who are fund-raising for computers to be fund-raising for a basic school item?

DR. OBERG: Mr. Speaker, included in much of the curriculum is a need for computers. There is no doubt about that. There's a minimum number of computers needed for certain of our curriculum, and those are provided by the school board. If the parents want to go out and fund-raise for more computers, if they want to increase the number of computers to, for example, one to one in their schools, anything like that, they are very capable of doing that, and they can quite easily make that decision on their own. I do consider that a certain number of computers is essential for schools in this day and age. I believe it is an essential component. The question comes down to the number of computers in schools.

DR. MASSEY: Based on that study, how does the minister then propose to stop the hundreds of parent groups across the province who are fund-raising for computers for that basic program?

DR. OBERG: Mr. Speaker, I'll basically say the same answer as I did before. There is a minimum number of computers that school boards put in their classrooms. Many school boards have elected to put in many, many more computers than what is necessary. I think that's a good decision. I think that's a decision that the school boards have to make. If the parents want to fund-raise for more computers, again I say that they have that ability to do it, and I think it's good for their students.

THE SPEAKER: Hon. member?

The hon. leader of the third party.

Children's Services

DR. PANNU: Thank you, Mr. Speaker. We have a Minister of Children's Services who is quite frankly failing in her duty to protect vulnerable children in this province. If the minister can't find children who will be hurt by brutal cuts to frontline services, it is simply because she is choosing not to look. There are many such real-life examples, including a six-year-old autistic child I'll call Jeffrey. Jeffrey has severe emotional and behavioural disorders and requires intensive intervention and treatment. My question to the Minister of Children's Services: can the minister please explain how removing Jeffrey from the Salvation Army Children's Village in Calgary with its round-the-clock care and professional staff and moving him into an already overburdened foster care system can be accomplished without hurting Jeffrey?

MS EVANS: Mr. Speaker, I am loath to comment on individual cases in this House because of the confidential nature and the manner in which we deal with children. I have accepted every single member's challenge to follow up on the hot spots of the individual children. From the Leader of the Opposition to the Member for Livingstone-Macleod, people in this House have been bringing me questions individually. It is my responsibility individually. But to cite the name of a child and a location in this House is totally inappropriate.

DR. PANNU: Mr. Speaker, let me assure the House that the name I used is not the real name.

Let me ask the minister a second question. How can the minister keep defending the absurd proposition that she will take care of individual children when she knows well that a one-kid-at-a-time

approach is simply not practical in the face of the thousands of children who are being pawned?

2:00

MS EVANS: Mr. Speaker, let's be perfectly clear. We had \$647 million when we started this year, and we have barely half a million dollars at this particular point in time. For every individual case that is brought, I think it is our responsibility to deal with them, as Mother Teresa said, one at a time, and we are looking into these one at a time.

In terms of those overall agency reductions or eliminations, Mr. Speaker, I am very confident that the local authorities are examining these with their CEO. They're looking at what cases are possibly affected furthest from the child. On individual cases that relate to handicapped children's services, services for special needs, I think it is my responsibility as Minister of Children's Services to follow up on every single case, and I'll be pleased to follow up on the hon. member's case. It will be investigated and explored.

Mr. Speaker, we have not made the reductions that are being cited by the other side of the floor. We have reduced information technology, made administrative efficiencies, worked on our contract agency supports, and done numerous things. These individual horror stories that are coming forward could most productively be dealt with if they were passed directly to me so that as quickly as possible we could look after those through our department.

THE SPEAKER: The hon. member.

DR. PANNU: Thank you, Mr. Speaker. My second supplementary to the minister: given that the cuts we already know about don't come anywhere close to making up the ministry's \$40 million-plus budget shortfall, will the minister confirm that even more cuts are coming, and will she announce them to this House before the end of the fall session?

MS EVANS: Mr. Speaker, I am doing my level best day by day to do the very best thing with the resources we have available for children, and across Canada there is no place where the resources are so prolific for children. I could respond on behalf of myself and our government. The Minister of Learning, the Minister of Justice, the Solicitor General, the Minister of Health and Wellness: every single minister across this table has funds that are available for children and families in need, and we are providing those. At such time as our Premier and our ministers of Finance and Revenue deliver another budget, then I will be pleased to provide my comments, my projections, my expenditures and revenues, as this Legislature requires.

THE SPEAKER: The hon. Member for Vermilion-Lloydminster, followed by the hon. Member for Edmonton-Centre.

Internet Sales Regulations

MR. SNELGROVE: Thank you, Mr. Speaker. If we could deal with reality for a minute, please. In light of the recent bankruptcy of Canada 3000, the Minister of Government Services has explained that there are a number of protections in place for consumers, one of which is the Internet sales regulation. Can the minister explain the significance of this regulation and why it was necessary?

THE SPEAKER: The hon. minister.

MR. COUTTS: Thank you very much, Mr. Speaker. Alberta happens to be one of Canada's most connected provinces, and the number of Albertans that make access to the Internet will probably

continue to rise as our economy continues to strengthen, so it makes sense that this government would put in place and take a lead in protection for consumers who want to shop on-line. The Internet sales regulation was thus put in place on October 15 of this year so that shopping on the Internet would become the same as shopping, say, at your local store or mall. On-line shopping of course comes with its challenges, and those same challenges don't exist in the traditional marketplace. As an example, you can check prices, you can compare products, and you can deal with your merchant right up front. So it was important that Internet sales regulations be put in place to protect shoppers, to assist on-line shoppers by providing standards that will help reduce customer complaints and misunderstandings.

THE SPEAKER: The hon. member.

MR. SNELGROVE: Thank you, Mr. Speaker. My supplement to the same minister: does that not mean that now it's safer to shop on-line than in stores?

MR. COUTTS: Mr. Speaker, that is a very good question, and I want to make it clear to the hon. member and to all consumers that Alberta consumer protection legislation, which is the Fair Trading Act, applies to all purchases whether they're purchased in a store or whether they're purchased on-line. There's no arguing that shopping locally does have its advantages and shopping on-line has its disadvantages. That's why we put the provisions in place, and both instances are covered by the Fair Trading Act. The goal of the Internet sales regulation is to level the playing field between on-line and retail shopping for both sellers and buyers. One of the specifics about on-line shopping is that the regulations that were put in place are to give customers the opportunity to have a cancellation provision, and by using a credit card, that cancellation provision comes into place.

MR. SNELGROVE: My second supplemental to the same minister, Mr. Speaker: can the minister explain what tools the government has to enforce the Fair Trading Act or the Internet sales regulation?

MR. COUTTS: Certainly, Mr. Speaker. As I mentioned, the Fair Trading Act is Alberta's consumer protection legislation. It defines unfair practices and provides remedies if the act has been breached. For example, a breach of the Fair Trading Act might be in describing a used item and selling it as a new item. Penalties for that type of breach of the act include a \$100,000 fine or up to two years in jail, as well as that a business can also be ordered to pay restitution. It should be added that all sellers, both traditional and on-line, have the right to establish a whole range of policies. So you'll see different policies for different on-line purchases, but for that reason I would advise customers to ask the proper questions when buying either on-line or in stores. We have a tip line that's available to help consumers through Government Services' toll-free number.

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

Provincial Fiscal Policies (continued)

MS BLAKEMAN: Thank you, Mr. Speaker. Last week the Minister of Sustainable Resource Development said that the government is developing a policy for what it calls rationalizing the commercial fishing industry. In this rationalization the government is consider-

ing buyouts for people voluntarily leaving the industry. My first question is to the Minister of Finance. Why is this government considering underwriting business losses while cutting essential children's programs?

MRS. NELSON: Well, Mr. Speaker, we're not. We put forward a fiscal plan that has a balance that meets the demands and needs and priorities of Albertans. The hon. member is trying to play a little game here. Policy decisions are made through our caucus, through the standing policy committee, and recommendations are brought forward. They all must fit within the overall fiscal plan of the government. They're debated in this House in the Committee of Supply during the estimates of each department. In fact, we're in the process right now of debating supplementary estimates. So all of the moves financially and fiscally that the government decides on are in fact debated right here in this very Legislature, and I would encourage the hon. member opposite to engage in that debate. If she has questions of a particular ministry, she should raise them at that time.

MR. CARDINAL: Just for clarification, Mr. Speaker, the plan was put out as a five-year plan which will rationalize the commercial and sports fishing industry, because it is a very, very important subject to all Albertans. It's not approved yet, but once approved, the plan is designed where dollars can kick in at any time in the five years in order to proceed with the program. So when the budget is not there, like this year, we will not expect to implement that program this year, but I just want to approve the process.

THE SPEAKER: The hon. member.

MS BLAKEMAN: Thank you, Mr. Speaker. Well, given that I am hearing the same thing, I'll repeat the question to the Minister of Finance. Why is the government making the choice to put industry before children?

MRS. NELSON: I think the Minister of Children's Services has in detail talked about how children are being protected in this province, far more so than any other jurisdiction in this country. She also challenged the opposition to notify her directly if they found that there was a child that hadn't been dealt with properly. She identified in her fiscal plan that she had made the corrections, the corrective action of October 18, by streamlining her administration. Not one frontline delivery program had been adversely affected by the 1 percent that her department contributed to the fiscal plan of this province. They in fact had accomplished their mission through administrative things like IT changes, et cetera.

Now, the member opposite can't understand that, so, Mr. Speaker, I would ask, with your indulgence, that the Minister of Children's Services and the minister for aboriginal affairs supplement this answer so it's crystal clear to Albertans how children in this province are being protected.

2:10

THE SPEAKER: Well, sorry, hon. members. We're moving on. I've got a whole list of members.

The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thank you very much, Mr. Speaker. As a matter of fact, my next question is to the Minister of Children's Services. Given what has just been laid out by the Minister of Finance, am I to take it, then, that there have been no cuts to frontline services? Well, does that mean that your department has been funding programs that were not essential programs for children, necessary for the protection of children in Alberta?

MS EVANS: Mr. Speaker, presently we're in what I would call a transition zone, where we've had early intervention funding that has been provided by the province, about \$30 million, and we are awaiting still more of the early intervention funds coming under the early childhood development funding of the federal government. Some of those funds that support aboriginal children in need are still not in receipt of any of the provincial authorities. So during this period of time we have been trying to be creative in our responses to early childhood delivery programs, starting first with the home visitation, in co-operation with the Minister of Health and Wellness, and working our way through these programs. Where those cuts have been furthest from the child in need of protection, we have had a belt tightening, to be sure, and we have had reductions in those services. But make no mistake; we have not at any time taken funds away from direct-line services to children who are in need, who are either handicapped or who are being served in a foster or a group home. I've reiterated that a number of ways, and I'll be pleased to go into more detail and bring that to this Legislative Assembly.

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

TCE Contamination

MR. CAO: Thank you, Mr. Speaker. Just recently in the media in Calgary there was a potentially dangerous leak of a chemical called TCE, namely trichloroethylene, a known cancer agent. It was detected in some of the homes near the Canadian Pacific railway workshop in my constituency. My question today is to the Minister of Environment. Can the minister explain the cause of this pollution and how it happened?

THE SPEAKER: The hon. minister.

DR. TAYLOR: Yes, Mr. Speaker. The CPR rail yards at Ogden were established in 1913, and as that happened, you then have commercial, industrial, and some residences that have grown up around this area. From about the '50s to the '80s TCE was used as a degreasing agent, and nobody was aware, quite frankly, of the chemical toxicity around that chemical during this period. It was used all over North America. You know, it wasn't just used in Calgary; it was used in all of North America as a degreasing agent. Over time the caretaking in handling it wasn't there, so obviously some was spilt on the ground. Then over the long period of time, with the concentrations of this spill, some of it has got into the groundwater, and that groundwater has carried the contamination off the CPR Ogden site.

THE SPEAKER: The hon. member.

MR. CAO: Thank you. My supplemental question is to the same minister. What measures are being taken to ensure the safety of my constituents?

DR. TAYLOR: Well, the contamination was first discovered in 1999, late 1999, and the CPR immediately informed Alberta Environment, as they must. They also immediately informed the residents in early 2000 that there was this contamination, and Alberta Environment is overseeing a cleanup process. We're working with the Calgary regional health authority in this cleanup process, and we will continue to work with them. It's my understanding that the CPR has been very proactive in this process and is at present installing ventilation devices in the homes where this was detected to take this out of the homes.

THE SPEAKER: The hon. member.

MR. CAO: Thank you. My last supplementary is also to the same minister. Who is liable for this pollution and the damages and cleanup?

DR. TAYLOR: The CPR has assumed all legal and financial liability for this cleanup, and they are proceeding with it at their cost.

THE SPEAKER: The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Edmonton-Calder.

Assured Income for the Severely Handicapped

MR. MacDONALD: Thank you, Mr. Speaker. My questions are to the Minister of Human Resources and Employment this afternoon. Does the government endorse \$650 a month as enough for an Albertan to live on?

Thank you.

MR. DUNFORD: Mr. Speaker, one of the measurements in terms of this government that appears in the Measuring Up document is that this government will provide assistance to Albertans who truly need our assistance. One of the principles that this government works on is the fact that it is, first of all, better to be working than to be on assistance, but we do recognize that there are people within our communities that will be unable to enter the workforce. So it is then incumbent on this government and upon the taxpayers of this province to provide for basic needs, and that is always going to be perhaps a contentious issue in terms of how much assistance a government does provide. In our case, within this province the assistance will be temporary in nature and will be basic in its components.

THE SPEAKER: The hon. member.

MR. MacDONALD: Thank you. Again to the same minister: will the government announce its new, two-tier AISH system with its two sets of rules and its two sets of rates? When will this announcement be made?

Thank you.

MR. DUNFORD: I'm not familiar with what the member is talking about. It seems to me that it is an attempt somehow to perhaps incite a certain group that we have within our community.

If I might talk about our AISH program, it's recognized as one of the better programs across the country. It's received national attention. It provides income for people that are severely handicapped. I think that amongst the population generally it's seen as an excellent program, and we want to make sure that everyone is aware of how good we think it is.

THE SPEAKER: The hon. member.

MR. MacDONALD: Thank you. Again to the same minister, Mr. Speaker: can the minister assure us that he will oppose an AISH system with two rates and rules for recipients, one set for new applicants and another for existing recipients who would be grandfathered under the old system?

Thank you.

AN HON. MEMBER: Quit giving him your questions.

MR. DUNFORD: Did I write your question for you? I don't think so.

The assumption is being made, I think, in anticipation perhaps of the low-income review that has been placed on my desk. I've indicated here that we've received the report, and again thank you to the committee for a very thorough and comprehensive report.

As we speak, department officials are taking a look at the information that's been provided. Of course, we'll be making that public at some sector, Mr. Speaker, and then we'll be reviewing how we provide assistance to low-income Albertans, and that will be well publicized. It would have to come to this House for any particular changes, because most of the programs that we provide are covered by the Social Development Act, and of course that's an act of this Legislature.

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

School Fund-raising

(continued)

MR. RATHGEBER: Thank you, Mr. Speaker. Yesterday and today in this House opposition members have raised concerns about fund-raising in Alberta schools. The Minister of Learning has been quite clear that fund-raising for basic educational requirements is not permitted under the guidelines drawn up by the Alberta School Boards Association. However, today I am hearing reports that parents at Bisset elementary school here in Edmonton have raised more than \$60,000 for their school. I also understand that the principal at Bisset school has indicated that the money is required for basic educational needs. Could the Minister of Learning tell this House whether or not this is the case?

2:20

THE SPEAKER: The hon. minister.

DR. OBERG: Thank you very much, Mr. Speaker. Yesterday I gave the House the undertaking that if anything was brought to my attention about fund-raising for basic educational needs, I would take a look into it. In keeping with what was said yesterday, I made a phone call to the superintendent of Edmonton public. The superintendent of Edmonton public gave me some very interesting information. I will read it to you, if I may. This is the surplus or deficit for the past three years for Bisset school, which is the school the hon. member has just asked me about. In 1998-1999 they had a surplus of \$96,788. In 1999-2000 they had a surplus of \$129,737. In the year 2000-2001 they had a surplus of \$70,556.

Mr. Speaker, I guess I do have some serious concerns when there are people making these allegations in public. I also understand that the principal of the school has stated that he needs it in case there are some major structural damages to his school. I think that's potentially true. I will say, though, that his school is 11 years old. I will also say that through my department there is roughly \$310 million for operation and maintenance. Through the Department of Infrastructure there's another \$50 million for building quality restoration projects.

Mr. Speaker, I think that these numbers raise some significant questions.

THE SPEAKER: The hon. member.

MR. RATHGEBER: Thank you, Mr. Speaker. My first supplementary is to the same minister. Could the minister advise this Assembly what measures are in place to ensure accountability for school budgeting?

DR. OBERG: Well, Mr. Speaker, basically what is in place is that every school, every school board has to include the funds raised by their schools in their statements. As a matter of fact, I just tabled the statements of all the school jurisdictions in Alberta last week. So they do have to account for those statements.

Mr. Speaker, the Edmonton public school system has an excellent system of allowing the principals a great deal of leeway in how they spend the money. They are, however, accountable, and they do report what those dollars are and how they've been spent.

THE SPEAKER: The hon. member.

MR. RATHGEBER: Thank you, Mr. Speaker. My final question is for the same minister, the Minister of Learning. Perhaps the minister could offer some advice to parents who want to engage in fund-raising. If parents are raising funds for school-related activities, how can those parents find out how those funds will be used?

DR. OBERG: Mr. Speaker, that's an excellent question, and I do hear an awful lot about it. As a matter of fact, today we had lots of phone calls in the office saying that they were raising it for field trips or they were raising it for this or raising it for that. I think the very simple answer to this question to all parents out there who are fund-raising: make sure you know what you're raising the money for. The principal has an obligation to tell you what that money will be used for. I would really encourage it.

I would also add to what I said yesterday that the policy statement from the ASBA, the Alberta School Boards Association, the policy direction from me is that parents should not be fund-raising for the core activities of school. That's what parents need to remember. Go out and ask the teachers what the fund-raising is for.

THE SPEAKER: The hon. Member for Edmonton-Ellerslie, followed by the hon. Member for Edmonton-Highlands.

Commercial Fisheries

MS CARLSON: Thank you, Mr. Speaker. My questions are to the Minister of Sustainable Resource Development. Will the minister explain to Albertans how government policy and lack of leadership have contributed to the fishing industry being destroyed in this province?

MR. CARDINAL: Mr. Speaker, I don't believe we have. We always have a balance between industrial development and environmental management, and that will continue.

Mr. Speaker, the oil and gas industry, agriculture, forestry, and tourism are the leaders as far as job creation and revenue generation in Alberta, and we will always have to keep that balance. That industry has to be strong while we keep good environmental management of our resources.

MS CARLSON: Mr. Speaker, given that the government has been trying to fix the fishing problems for over a decade, when can Albertans expect to see a revitalized fishing industry in this province?

MR. CARDINAL: Mr. Speaker, very soon, and it will not take any dollars from Children's Services.

MS CARLSON: Finally some good news, Mr. Speaker.

What studies or reports does the department have indicating how many people are affected by the request for financial compensation for commercial fishing that this government is going to supply?

MR. CARDINAL: Mr. Speaker, the process of rationalization of the sports and commercial fishing industry is very critical in Alberta, because what we have out there – and it is important for Albertans to understand. We have over 800 commercial fishermen. There is not room for 800 in Alberta. The plan that was developed was done jointly by the Alberta Fish and Game Association and the commercial fishermen of Alberta to try and determine how we may rationalize their industry so it continues to be economically viable and manageable at the same time.

All we are planning here is a program over five years that will cost a certain amount of dollars and can be implemented any time from here to the five- or 10-year term. The compensation package is very limited. Once succeeded, the compensation package will see a reduction of the commercial fisheries down to about 200 licences, which is going to be manageable.

THE SPEAKER: The hon. Member for Edmonton-Highlands, followed by the hon. Member for Calgary-Currie.

Aboriginal Children's Services

MR. MASON: Thank you very much, Mr. Speaker. Last night the House approved \$355 million in supplementary estimates for drought relief for farmers, fighting forest fires, loans for students, and wage increases for MLAs. [some applause] Well, you might clap. What wasn't there was any money to take care of the increase in child welfare caseloads. Instead, money has been taken out of existing preventative programs for poor and at-risk children and in particular for aboriginal children. To the Finance minister: why did other departments receive approval for additional funds for unexpected costs and the Children's Services department was told to find their required funds at the expense of desperately needed children's programs?

MRS. NELSON: Well, Mr. Speaker, in filing these supplementary estimates in the House, it was an opportunity for all hon. members to go through the requests that had been made by ministries, to debate them, and to put them forward. Now, let's look at these as they came forward. There can be no secret in this province surely, even with the members of the third party, that Alberta has experienced the worst drought conditions in its history this last year. So to deal with the pressure points and the emergencies that occurred, this government felt it was absolutely appropriate to go and take the fiscal room that we had in the \$819 million cushion and allocate it to emergency situations. The same applied as our forests were burning at a record rate this year. The options were to go into our cushion and deal with them.

Speaker's Ruling Anticipation

THE SPEAKER: Hon. member, please specifically get to a question because this is anticipation. On the schedule for today is actually Committee of the Whole on Bill 30, the Appropriation (Supplementary Supply) Act, 2001 (No. 2). The hon. member will have ample opportunity. A specific, focused question. We're not going to debate the estimates here in question period.

MRS. NELSON: So I won't go through them, Mr. Speaker, because that would be anticipation.

THE SPEAKER: Please don't.

Aboriginal Children's Services (continued)

MRS. NELSON: But in response to his first question, our government dealt with the pressure points and emergencies that were there before us. Insofar as the other departments of this government, we have a fiscal framework that we filed in this House the end of April and debated through Committee of Supply and dealt with the fiscal framework for the rest of year.

THE SPEAKER: Thank you.

The hon. member. Specifically.

MR. MASON: Given that the government clearly places a lower priority on aboriginal children than on other programs, what is the Finance minister prepared to do to reverse this discrimination?

2:30

MRS. NELSON: First of all, Mr. Speaker – and I know I'm not allowed to say this – that's a lie. You can't say that about this government.

MR. MASON: Point of order.

MRS. NELSON: Our priorities are clearly the priorities of Albertans. You just have to look around this House. We have 74 members and Albertans believe in us, and you have two. So I believe that Albertans have confidence in this government to set the priorities and do what's right to deal with the issues that face Albertans, and I object to somebody making a comment like that: that we don't have the interest of children at heart. Let's be quite frank. We have all children's best interests at heart because we deal with it every day not only as legislators but as parents.

Now, the framework has been put in place that deals with the priorities that we believe the people of Alberta want us to deal with. They were set, we laid them out clearly, and we're following through on them. Where there have been pressure points, we have been able to deal with those all the way through these first six months of operation. What was filed in this House was a recognition of some of those large pressure points, which we were able to deal with with the financial cushion we had.

THE SPEAKER: Hon. Member for Edmonton-Highlands, you rose on a point of order?

MR. MASON: Yes.

THE SPEAKER: We'll deal with it at the conclusion of the question period. Obviously, it was in reference to the hon. Minister of Finance's statement, "That's a lie." We will deal with this at the conclusion. The hon. Minister of Finance will define her arguments as well.

Last question, and I repeat again what I said. The purpose of the question period is not to review the estimates. We were here last Thursday afternoon for nearly three hours on these estimates. It's coming up again tonight. So focus on your question, please.

MR. MASON: Thank you, Mr. Speaker. I'll try.

To the Minister of Finance: why does this government consider things like drought relief, forest fires, all very important things, and the many other important things that she's touched on to be an emergency and not aboriginal children in need to be . . .

THE SPEAKER: Thank you very much, hon. member. I've given notice that this is in committee later today. We can deal with it then.

The hon. Member for Calgary-Currie, followed by the hon. Member for Edmonton-Glengarry.

Wood Preservatives

MR. LORD: Thank you, Mr. Speaker. There are concerns being expressed about the use of wood preservatives, chemicals, specifically pentachlorophenol and chromated copper arsenate, in our community, especially in playgrounds. It appears that the level of soil or other contact leaching may be higher than previously thought, and therefore the level of toxicity and carcinogenicity may also be higher than previously thought. This represents a health concern, a concern to our overall environment, and a concern to our lumber industry. My first question is to the Minister of Environment. Could the minister indicate whether or not his department is investigating this concern?

THE SPEAKER: The hon. minister.

DR. TAYLOR: Thank you, Mr. Speaker. Yes. Any lumber that is treated with any preservative falls under the jurisdiction of the federal government, and it's my understanding that right now the federal Department of Health is doing a review of treated lumber. Alberta Environment is in discussions with the federal government on this aspect of treated lumber. What we're encouraging the federal government to do is, one, properly test any product they put on the market before it goes to the marketplace, not just a general test but tests for specific purposes. So if that lumber is going to be used for playground purposes, then the tests should be around playgrounds. If it's going to be used for pilings in a dock, then that test should be around water and the transfer between the lumber and the water.

Secondly, we're encouraging the federal government to inform consumers about what is in the lumber, what is in the treatment process, and asking the federal government to provide precautions to consumers on how they handle that lumber: is there a statement of warning with that?

Finally, we're asking the federal government to very clearly delineate how that treated lumber should be disposed of, because that is a real concern to us here in Alberta.

THE SPEAKER: The hon. member.

MR. LORD: Thank you, Mr. Speaker. My first supplementary question is to the Minister of Health and Wellness. Could the minister inform us as to whether or not his department is aware of these potential health concerns surrounding the use of wood preservatives?

MR. MAR: Mr. Speaker, I can advise that the answer is in the affirmative. We have been working with the lead department in this particular matter, which is the Ministry of Environment, and I can confirm, as stated by the Minister of Environment, that Health Canada has taken responsibility for determining which types of wood preservatives are safe for use in Canada, and that includes chromated copper arsenate. I have been advised through the lead department that Health Canada is currently evaluating CCA and its potential for harmful health effects. I am further advised by the lead department that the federal government's re-evaluation remains under way and that the results of this re-evaluation of CCA will help us determine whether there is a need to take further action on this issue to ensure that the health of Albertans is protected.

THE SPEAKER: The hon. member.

MR. LORD: Thank you, Mr. Speaker. My final question is to the Minister of Sustainable Resource Development. Could the minister explain if there's anything being done to find alternative ways of preserving wood so that we can reduce this potential threat to the Alberta lumber industry?

THE SPEAKER: The hon. minister.

MR. CARDINAL: Thank you very much, Mr. Speaker. Very briefly, my department of course does not regulate the products used by the industry. The federal government has the responsibility and has been working with the industry to introduce consumer labeling on treated wood products. In addition to that, our forest industry in Alberta generally is very well advanced as far as the discharge of toxins; for example, when pulp is produced. We are known to be leaders in this industry across North America. I think we are in good hands, and I know that the forest industry itself will continue moving forward to ensure that our environment is protected as part of their development plans. Part of the forest care program of course deals with these particular issues. I believe that our department is doing well in this area.

THE SPEAKER: The hon. Member for Edmonton-Glengarry, followed by the hon. Member for Olds-Didsbury-Three Hills.

Building Code

MR. BONNER: Thank you very much, Mr. Speaker. The safety and security of our homes and workplaces is something that we're all concerned about. To the Minister of Municipal Affairs: when will the minister publish the results of the public consultation on objective-based building codes?

THE SPEAKER: The hon. minister.

MR. BOUTILIER: Thank you, Mr. Speaker. The hon. member raises a good point. Certainly that is in progress, and I can assure the hon. member and all Albertans that we are committed to the safety and security of all Albertans relative to safety codes and certainly will update this House as it becomes available.

THE SPEAKER: The hon. member.

MR. BONNER: Thank you, Mr. Speaker. To the same minister: what is the difference between the objective-based building code and the system currently used?

MR. BOUTILIER: Mr. Speaker, to the hon. member, I want to assure this House first and foremost that as we look at the priorities relative to the safety and security of all homes, we're going to be looking at it. I recently spoke with the chair of the safety boards commission; I have frequent meetings with those people. I'm going to continue to do so and, as I committed earlier, will report back to this House.

THE SPEAKER: The hon. member.

MR. BONNER: Thank you, Mr. Speaker. To the same minister: in light of the workplace accidents and fatalities that we have had in this province, does the minister agree with the proposal that the

Alberta building code should no longer include part 8, safety measures at construction and demolition sites?

MR. BOUTILIER: Mr. Speaker, again the hon. member raises an important point, but let me assure this House once again that no matter what the issue is, we want to protect all Albertans. We're reviewing it, and I'm going to report back to this House. It's incumbent upon not only this ministry but this government to do exactly that, and I'm committed to doing that.

THE SPEAKER: The hon. Member for Olds-Didsbury-Three Hills.

Dogrib Creek Forest Fire

MR. MARZ: Thank you, Mr. Speaker. Due to dry conditions and lack of rainfall this past season we've had an extremely busy forest fire season, a season that has seen over 160,000 hectares of forested land in Alberta burned by wildfire. There have been many contradictory reports in the community regarding the fire west of Sundre known as Dogrib Creek. My questions are to the Minister of Sustainable Resource Development. Has the investigation into the Dogrib Creek fire in October been completed?

MR. CARDINAL: Mr. Speaker, of course it's been a busy year because of the dry season, like the hon. member mentioned. It is a standard procedure for our department to investigate any human-caused fires. In this particular case we believe that there was not only one human-caused fire but possibly a second one. We will be, of course, in the process of finalizing those investigations and will make them public.

2:40

THE SPEAKER: The hon. member.

MR. MARZ: Thank you, Mr. Speaker. Can the same minister tell me what the response time was from the date the fire was first reported?

MR. CARDINAL: Mr. Speaker, the fire was reported on September 29 at about 10 p.m., and we had our resources in place early the next morning. At the peak of fire activity, in fact, we had 19 fire-fighting crews in there and three helicopters battling the blaze. The blaze was initially brought under control by October 4, but again the winds picked up, and 12 days later we had more crews in there. Finally the fire was under control.

THE SPEAKER: The hon. member.

MR. MARZ: Thank you, Mr. Speaker. My last question is again to the same minister. Were the response time and the equipment allocated adequate to respond to this fire?

MR. CARDINAL: I believe they were, Mr. Speaker, but we do continue to review our fire-fighting policies. Right now, in fact, I'm working very closely with the 16 or 18 municipalities adjacent to the protected area to ensure that we respond as quickly as possible to any fire that starts. One of the policy changes I've made recently is to have the water bombers at the fire site at daybreak instead of waiting until 10 o'clock. It's one new process that we've put in place.

THE SPEAKER: Before we go to the next item on the Routine, I'm going to call on the hon. Minister of Finance.

Point of Order Member's Apology

MRS. NELSON: Mr. Speaker, in answering a question from the Member for Edmonton-Highlands, I indicated that I was going to say something I knew I shouldn't say, and I did say, "That's a lie." I know that's not allowed in this Assembly, so I do apologize to the hon. member. I was, unfortunately, not able to come up with a different phraseology that would be acceptable. So I would like to withdraw the phrase and apologize to the House for using unparliamentary language in this House.

THE SPEAKER: Now, hon. Member for Edmonton-Highlands, I was going to recognize you later on the point of order. Will you accept that apology?

MR. MASON: No longer necessary, Mr. Speaker. I accept the apology with thanks.

THE SPEAKER: Thank you.

head: Members' Statements

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

Violence against Women

MRS. O'NEILL: Thank you, Mr. Speaker. Today I would note for all members of this Assembly that on December 6 Canadians will mark the 10th National Day of Remembrance and Action on Violence against Women. December 6 is the sorrowful anniversary of the Montreal massacre, in which 14 young women were murdered at Montreal's l'ecole Polytechnique in 1989. In addition to remembering these innocent women, December 6 is also a day to reflect on violence against all women. It is a time to think about women of every age who live each day under the threat of violence or those who have died as a result of it. It is a time to reflect on the tangible actions each one of us can take to prevent and eliminate violence against women.

Ten years ago a group of men formed an organization called Men Working to End Men's Violence against Women to build awareness among men about the persistent problem of violence against women in our communities. It encourages men to speak out against violence and to work in partnership with women to prevent it. As a result, for the past 10 years Canada has recognized the week of November 25 through December 6 as white ribbon days. Sunday, November 25, marked International Day for the Elimination of Violence against Women. Wearing a white ribbon symbolizes our opposition to violence against women.

Thank you.

Mrs. Urvashi Sabharwal

MR. SHARIFF: Mr. Speaker, over the past few weeks I've attended several events celebrating Diwali, the festival of lights and the beginning of the Hindu new year. As I reflect upon years of attending such events, I have been moved by one individual who has touched the lives of thousands of children in Alberta. Since immigrating to Canada in 1970, Mrs. Urvashi Sabharwal has trained over 2,000 children in the art of kathak, a unique form of Indian dancing using storytelling techniques.

Mrs. Sabharwal initially settled in Edmonton and ran her classes at lunch hour at the University of Alberta. Her students in the '70s performed under the banner Hoppy Happy Tipy Tappy Dancers. She now resides in Calgary and runs a school under the name

Urvashi Kala Kendra, meaning Urvashi School of Fine Arts.

Mrs. Sabharwal is a postgraduate in genetic science. However, her love for dancing led her to perfect her dancing skills in India, and she devotes her career to that field. Mrs. Sabharwal has performed on several renowned stages in India and Canada. In Alberta her school has performed at various events, including Heritage Days, the Commonwealth Games, United Nation days, Diwali festivals, to name a few.

Mr. Speaker, both of my daughters have been fortunate to have the privilege of learning kathak dancing from Mrs. Sabharwal. One of her students once told me that the lessons learned from Mrs. Sabharwal have helped her develop self-esteem, discipline, and greater understanding of diversity in culture.

On behalf of those children whose lives have been enriched and on behalf of their families I extend sincere appreciation and gratitude to Mrs. Urvashi Sabharwal. I also wish her and Albertans of Indian origin happy Diwali.

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

Children's Services

DR. PANNU: Thank you, Mr. Speaker. We are currently debating a supplementary supply bill that adds \$443 million to government spending for this year. This extra spending includes more help for farmers to help them deal with the drought, more money for fighting forest fires, more money to hire more Crown prosecutors, and more money for health care and education. It also includes more money to pay for the enriched transition allowance for MLAs that was voted in by the government and the Liberal opposition last August. Yet when it comes to finding extra money to pay for frontline services that will benefit Alberta's most vulnerable children, all of a sudden the well is dry.

There was an unbudgeted increase of 9 percent in the child welfare caseload in the past year. Instead of having this Assembly provide funds to make up the \$40 million shortfall that this unanticipated increase in child welfare caseloads created, the government chose instead to rob Peter to pay Paul. The government chose to rob the preventive early intervention programs to make up for the shortfall in child welfare budgets.

The sheer shortsightedness of the government's approach is incredible. The Conservative government seems blissfully unaware that these very preventive programs are a key to keeping children out of government care down the road. The lesson of an ounce of prevention being worth a pound of cure is lost on this government, Mr. Speaker.

The government's fiscal priorities are totally wrong. Last week the Premier indicated that going ahead with the planned \$275 million in corporate tax cuts was a higher priority for this government than making sure their frontline children's services are adequately funded. I'm deeply disappointed in the Premier's stance. I think that respected Alberta businesspeople like Robert Stollery would also likely disagree with the government's priorities.

In conclusion, I once again urge this government to get its priorities straight. Don't proceed with the reckless and irresponsible cuts to frontline services for vulnerable children and families. Don't rob Peter to pay Paul. Find the money so that Alberta's children are not harmed.

Thank you, Mr. Speaker.

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

Calgary Public Library

MR. CAO: Thank you, Mr. Speaker. I would like to speak about the

outstanding achievements of the Calgary public library. The library started out with a donation from Andrew Carnegie, an American industrialist, in 1908. It grew with the city, and by 1963 it had 100,000 books at the main branch near Calgary's city hall today.

Starting in the 1990s under the direction of director Gerry Meek, the Calgary public library has become a network of libraries across the city. Like other Albertans Calgarians exhibit a great thirst for information and knowledge. The Calgary public library is the busiest library in Canada, circulating over 10 million items. The rate at which Calgarians ask the library for information is the second highest in the country, 3.71 per capita. In the year 2000 B & M Gates Foundation provided 69 public access workstations, and close to a thousand volunteers donate their time to the library services.

The Calgary library has received many awards; for example, awards from the Canadian National Institute for the Blind, the best practice award from Industry Canada, and the Stan Health achievement literacy award from the Canadian Library Association. Mr. Speaker, recently myself and the hon. members from Calgary-Buffalo and Calgary-Currie attended the celebration of another achievement, the multilanguage initiative approved by the Calgary library board and headed by Annemarie Mayer with the participation and work of many library staff and volunteers.

2:50

Calgary is fast becoming a cosmopolitan centre, drawing residents from all over the world. Several thousand new Canadians from all walks of life come to Calgary every year. Multilanguage and ESL resources are needed. Now available are books, magazines, and newspapers from all over the world in 30 languages, information on Canadian citizenship, and many other interesting aspects.

I would like to ask the House to join me in acknowledging and congratulating the Calgary public library for a job well done.

THE SPEAKER: Hon. members, might we revert briefly to Introduction of Guests.

[Unanimous consent granted]

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

MR. MASON: I apologize, Mr. Speaker. My guests have departed.

head: Statement by the Speaker

Private Members' Public Bills

THE SPEAKER: Hon. members, before we get to Orders of the Day, the chair would like to make a statement with respect to the order of private members' public bills, and particularly I would like to clarify what the order of business will be for considering private members' public bills this afternoon.

As members might recall, last Thursday, November 22, 2001, the chair tabled letters from the sponsors of bills 207, 208, and 209, all asking for early consideration of their respective bills. To be clear, Bill 207 has been reported out of Committee of the Whole and must come up for third reading consideration by tomorrow, Bill 208 is still being considered by Committee of the Whole, and Bill 209 is awaiting consideration by Committee of the Whole.

Although not part of the Standing Orders, Speaker Schumacher ruled on the process for members to have their private members' public bills considered earlier than the deadlines imposed under Standing Order 8(5). This process was laid out in the February 11, 1997, ruling by Speaker Schumacher and has been followed by this Speaker. Essentially, members who want their bills to be considered

early must write the Speaker to that effect no later than the day before they want the bill to be considered. The practice followed is that the bill which is the subject of the request will be considered after debate is concluded on the bill then before the Assembly or the committee assuming that no other bills have reached their due dates under Standing Order 8(5).

Given that Bill 208 is currently before the committee and that Bill 209 is past its due date for consideration by the committee and that Bill 207 must be considered at third reading tomorrow under Standing Order 8(5)(d), the order of business today will be consideration of Bill 208 in committee, then Bill 209 in committee, and, if the Assembly gets through that, Bill 207 at third reading.

The chair also notes that the request for early consideration of bills 208 and 209 at third reading came before these bills actually reached that stage. Taken to the extreme, this practice could jeopardize the legitimacy of the draw by considering one member's bill early by virtue of one request, thereby prejudicing other members. Interestingly enough, the only other time the chair recalls a request for early consideration for a bill not at that stage was by the Member for Calgary-Cross by a letter tabled in the House on April 28, 1998, for her Bill 212.

The order of business tomorrow on these bills will depend on the progress today, but the chair will endeavour to give effect to the request of members for early consideration of their bills while preserving the integrity of the system.

head: Orders of the Day

head: Public Bills and Orders Other than
Government Bills and Orders

head: Committee of the Whole

[Mr. Shariff in the chair]

THE DEPUTY CHAIRMAN: We'll call the committee to order.

Bill 208 Alberta Official Song Act

THE DEPUTY CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Minister of Community Development.

MR. ZWOZDESKY: Thank you, Mr. Chairman. I rise to indicate some support for this important bill and to congratulate the Member for Calgary-Fort for doing his due diligence in bringing it forward. In doing so, I have to pledge my personal bias when it comes to music and anything related to it. Since I've been involved in this music industry all my life, I find it very easy to support a bill that encourages the creation of more music in our province.

I also recognize that this is an important initiative with respect to our provincial centennial that will culminate in 2005, and all of the activities that are leading up to it indicate that it will be an incredible celebration indeed. I do believe that Albertans will appreciate having something to sing about.

In saying that, I also want to comment briefly on the impact that this bill will have and is already having in our communities. Mr. Chairman, it's a known fact that when we introduce an opportunity such as this for Albertans to become creative and talk about their favourite province, that generates a lot of activity throughout the entire industry. We get poets going. We get lyricists going. We get the musicians going, our recording studios and the recording companies. All of these entities begin to take a very active interest, and that's indicative of the tremendous driving force of creativity we

have in this province, particularly so in the music industry.

Mr. Chairman, during five years in the late '80s and '90s I also had the privilege of chairing the Alberta Recording Industries Association, or ARIA as it's called, and I can tell you from my personal familiarity with several song contests in this province that we have an enormous amount of talent out there just anxiously waiting to take part in something official such as this bill, when it gets through, I hope will lead to. We are grateful to the contribution made by our creative community in this province, specifically the music writers and the lyricists and so on, and I say that having just recently experienced again the Prairie Music Alliance convention workshop weekend at the end of September, when we had literally hundreds of individuals come from all three provinces to our capital city of Edmonton and talk about the very important aspects of music, singing, and recording. That is what this bill is all about.

I would say that I do have a few concerns with respect to some of the time lines that are indicated in the bill, but I think they will be workable; at least I hope they will be.

So with that report of support from me personally and from me as the minister to whom this area will come, I will take my seat and say thank you once again and look for support from all members and from all Albertans interested in helping to promote our province through the medium of song. Thank you.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thanks very much, Mr. Chairman. It has been an interesting process watching this. I think it's most notable because of the number of private members who have participated in the debate. I think that next to the debate about the dress tartan this is – perhaps the number of people that debated on this in fact surpassed that. I'm glad that it was such a good opportunity to give members of the side opposite a chance to get up and speak on the record. It's good practice for them, and I hope they will take that practice and now use it on some of the other bills that are available to be debated in the House.

3:00

A couple of questions that I had put to the sponsor of the bill that I've not yet heard an answer to. I'm still looking for those answers. In section 4, where the membership of the committee is being set out, the member has been very careful to give backup plans. It's very clear in here that if there are no members of the opposition who wish to participate on this committee or who are able to participate, then their places would be filled by government members. My question is: what if the reverse? The reverse has not been dealt with in here. So there's a bias in your assumptions that the opposition would not be willing to participate and therefore the plan is already in place that government would take that place, but not the reverse, that if government members are unable to participate, the mechanism is in there that opposition would take their place. It's a small thing, but it is one that I'm looking for an answer for.

My second issue that I raised in second reading of this bill was around participation of artists in this process. The point that I was making in second reading was that as much as we all love music, seemingly – everybody in here seems to love music – we are not all experts in it. My concern was that if we are going to put money into this project or put a lot of time and effort into it, we'd be looking for the best possible song. So I'm wondering why it is not specified in the bill that several of the other people that are going to be on the committee should be artists with an expertise in music, just to make sure that we don't end up choosing a song that is unsingable or lyrics

that don't really go with a composed piece of music or whatever. There are a number of things that can go wrong for us here, and I wonder why we don't have the specific mention of artists in the membership of the committee.

The other question that I had put forward was the recognition that royalties would have to be paid. There needs to be some sort of payment to the artist or artists who come up with the song, whether that's a lyricist and a composer or one person doing both. There needs to be payment in recognition of that, certainly if they are professionals and they do this as their living. But I think that if we're going to recognize that, then it should also be offered to an amateur if they are the writer of the successful song. I don't know if the member has researched the intellectual property laws that exist in Canada, but if we are going to take someone's creative work and use it for our purposes, there has to be a payment made. There is no discussion of where that would be coming from, who would be responsible for it, or in fact that the member recognizes that that needs to happen and needs to be incorporated there.

Something that the minister had raised – and I thank him for that – was in referring to this being a legacy project. I'm aware that the funding around legacy projects has been altered in that some of the funding has already gone out and cannot be clawed back. Recent announcements in the 2001-2002 budget were announced for legacy projects, and it has now been announced that they were clawed back or that they're not proceeding or the money would not be given out. So where is the stability in the funding for this project? Is it inside next year's budget? Can we get confirmation that it's there, or does the completion of this project also rest on the given price of a barrel of oil or something or another of gas? I don't know how you measure gas.

I think that's important, because if this is as important as the government members would lead me to believe, then we need to make sure that it's doable. The doability has to do with whether the funding is in fact in place there. If this is going to be called a legacy project, is the funding there? Is it predictable? Is it long-term? Is it enough to get the project done, in other words? We've been mute on that. I haven't heard anybody get up and recognize that and put it on the record. So I'd like to hear that question answered.

So those were the questions I'd raised the first time. I've listened, and I haven't had them answered, so I raise them again. I'm happy to offer my services as the opposition member on the committee, but I'm sure that there are others that will vie for that position. I think it's important that the committee be chosen not only for – how do I put this? – the show of who's on the committee but also for the ability of the people that are on the committee. You've got a minister in front of you there who's already spoken on the bill and professes to have a great deal of experience. Perhaps he's a good choice as one of your government members. But certainly if we're going to do this, can we please do it right? Can we please have the experts on the committee that are going to advise and give us the good choices?

When I spoke in second reading, I pointed out the number of skilled and talented people that we have in Alberta who have an amazing talent for being able to choose music that people will enjoy, people like Holger Petersen from Stony Plain records, Maureen Chambers from South Country Fair, and Terry Wickham from the Edmonton and the Calgary folk festivals. There are three names of people who have a great deal of experience in this field, who know how to look at a song and listen to it and go: yeah, that's singable; yes, it's playable by high school bands. There's a lot to be considered here. You can choose a beautiful sounding tune that a high school band can't play. If we really want this to be a song that is shared by all Albertans, it should be able to be played on a tin

whistle and right up to the Calgary Philharmonic and be enjoyable all the way through.

So those are the questions. I'm urging that if this idea is as important as it seems to be to the government, please do it right. Please show me that you have the funding there for it to be sustainable and that it won't be withdrawn halfway through. Please reassure me that there is an understanding that there is an obligation to pay the musicians that do this work. Maybe I should go off and do an amendment and bring it back so that section 4 clearly states that membership on the committee will include artists. Maybe it's enough if we have the member speaking to it on the record in the House, and we can combine that with what we see in the legislation, but I think it's important that it is clearly there if we're going to make it work. Otherwise, we can just have some pretty faces on the committee and we don't get anything from it, as nice as pretty faces are. I think if the member really wants to do it right, then do it right and get that expertise in there.

One last thing. Given that we are increasingly a group in Alberta who reflect a diversity of backgrounds, a diversity of ethnicity, a diversity of home countries that people came from either in this generation or past generations, I think it would be very interesting if we had music that incorporated and reflected that. Having said that, don't take my words on it. That could be very odd. That's why you need the artists on the committee.

So I'm glad that the members have had such a good time with this bill and have found it so entertaining and were able to get up and practise their speeches on it. That's delightful. I look forward to this bill passing with all of the meat and potatoes in it. [interjection] Well, it's a free vote, my friend. We're Liberals. So I am supporting this idea.

Thank you very much.

[The clauses of Bill 208 agreed to]

[Title and preamble agreed to]

THE DEPUTY CHAIRMAN: Shall the bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed? Carried.

3:10

Bill 209 Highway Traffic (Bicycle Safety Helmet) Amendment Act, 2001

THE DEPUTY CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to this bill?

The hon. Member for Calgary-Cross.

MRS. FRITZ: Thank you, Mr. Chairman. I'm pleased to rise today and present Bill 209, the Highway Traffic (Bicycle Safety Helmet) Amendment Act, 2001, to the committee. As my colleagues in the Assembly know, Committee of the Whole is an important third step in a long process of passing legislation into law.

First reading of Bill 209 took place on May 9, just six months ago, Mr. Chairman. During the early stages of drafting this bill, I carefully considered whether bicycle helmet legislation should be for all age groups. Initially I consulted with many of my colleagues, whose sound advice I value. I received an extraordinary response from them. Many indicated that for a variety of reasons they would support bicycle helmet legislation if it covered children and youth

under the age of 18, and I believe that, that they would support it if it covered children and youth under the age of 18. They believed it was this age group that had the highest recreational use of bicycles, took far more risks when riding a bike, and had more potential years of life lost from a head injury than adults. From the input of my colleagues I determined that Bill 209 would be structured in the best interest of those under the age of 18.

With this in mind, Mr. Chairman, I then met with a legal representative from Parliamentary Counsel, Ms Shannon Dean, whose hand is at the heart of the creation of this bill. It was her patience and her ability to draft changes to the bill through several revisions that resulted in what I believe is a sound piece of legislation.

In essence, this bill offers protection from bicycle-related head injury to our young people through the use of a helmet. It is based on good, solid, up-to-date information, that was presented to the Legislature during second reading. During the summer I had the opportunity to discuss the proposed legislation on many occasions with countless people. They were medical professionals, educators, staff at Co-op, young people at the Boys and Girls Club. So many people took time to tell me that they support this bill as it is written, and rarely did anyone oppose it.

There are several sections within Bill 209 which I would like to bring to the attention of the committee and explain the reasons for their specific intent. Section 2 of this act will make it mandatory for all children and youth under the age of 18 to wear their helmet while riding a bike. I've chosen to encompass young people who are 17 and younger for a few key reasons. First, they are our future, and even brain injuries of the smallest proportions can have a lifetime effect on the child, which may have been prevented if he or she was properly wearing a helmet. The second reason I've chosen to make it for children and youth is because being a parent, I know how difficult it can be to have them follow rules. The protection of our children and youth is intrinsic to the belief that government will act to protect children who are unable to protect themselves. My third reason is to raise awareness about how serious brain injuries really are.

Mr. Chairman, it is my belief that those who do not support this bill do not realize how staggering the statistics are and their devastating effects. Whether they be physical, emotional, or economic, the effects are truly devastating.

Mr. Chairman, I've researched this issue extensively. A number of important groups have gathered in support of the creation of this sort of legislation. KIDSAFE Connection at the Stollery children's hospital, the brain injury association of Alberta, the Alberta Centre for Injury Control & Research, all of the health authorities in Alberta, the RCMP, St. John Ambulance, and the Edmonton and Calgary police services have all vocalized their strong support for mandatory bicycle helmets. I happen to trust their judgment because they work in the field.

The treatment of injuries is an immense cost to our health system and to society. With health costs escalating at an unprecedented rate, it makes good sense to support cost-effective strategies. Bike helmet legislation, coupled with community-based education, has clearly been shown to be one of the most effective means to reduce head and facial injuries.

Section (5) of the proposed act, which ensures that bike helmets conform to regulations, is written in that way because we know that in a one-year period in Alberta 6,430 emergency room visits were attributed to bicycle-related injuries. According to the available diagnostic groupings 373 resulted in intracranial injury, 18 resulted in skull fractures, and 51 in facial fractures. A further 3,415 resulted in open wounds, contusions, and superficial injuries, many of which involved the head and/or face, and sadly, Mr. Chairman, five

resulted in death. That's in a one-year period. You can see the importance of having a helmet which fits securely and meets certain specifications, which, as section (5) in the bill indicates, will be outlined in the regulations.

A number of scientific studies have shown that the use of approved bike helmets reduces brain injury by 85 percent and mid/upper facial smashes by 65 percent. In applying these results to Alberta figures, we could therefore project the prevention of 332 head injuries and 33 mid/upper facial smashes with the use of approved – and I stress the word “approved” – bicycle helmets in a one-year period. The efficacy of bike helmets is known to be high, and aside from the enormous costs related to treating head injury, prevention makes rational sense since it saves the cost of suffering.

Section 2 of this act is based on injury trends, best practice evidence and scientific support, consultation with injury prevention and trauma specialists, and public support as was indicated by our government's own discussion papers and a public provincial survey completed by KIDSAFE Connection.

Bicycle helmet legislation is an essential and positive role that we can take to reduce the significant public health problem of injury. Mr. Chairman, I happen to believe that all sections of Bill 209 are required despite advances in neurosurgical intervention, technology, intensive care treatment, and transportation of the injured. The reality is that improvements in the outcome of severe brain injuries have not advanced significantly over the past decade. The most promising to reduce the consequences of head injury is through primary prevention, which is preventing the injury in the first place. All sections of Bill 209 address secondary prevention, which is mitigating the results of the injury through bike helmets.

In Alberta our children and teens have the poorest bike helmet wearing rates when compared to other age groups, while recording a high number of bike-related injuries. They often cite peer non-use, non-use because nobody else wears them, as a rationale. Legislation supporting teens to wear helmets helps build social norms of use over time. A good example of this is the increased awareness of the perils of drinking and driving. More teens are choosing the designated driver option, and it has required the support of legislation, education, and public awareness over time to advance this social norm.

3:20

Mr. Chairman, section 149.1(1) through to subsection (5) recognizes that the rate of injuries for bicycles versus other recreational activities is higher for youth by 28 percent compared to adults at 18 percent. This is most likely due to the increased frequency of bike use by youth as compared to adults. Eighty-two percent of young people, compared to 75 percent of adults, admitted to a trauma centre for bike-related injury were reported not to have been wearing a helmet at the time of their injury.

Children and youth should be protected, as they have the most to lose in terms of potential years of life lost as a result of injuries, and caring for youth with debilitating injuries involves more direct and indirect costs over time than for adults.

Injuries to structures of the brain cannot be corrected through present medical technology, and the consequences are often disastrous. Study after study has shown that helmets of any type which meet CSA international standards, which is outlined in the bill, can prevent head injury from falls and crashes when worn properly.

I firmly believe that this bill will protect the lives of our children and youth from bicycle-related head and brain injury. I would ask that other members of the Legislature speak to Bill 209 in committee, and hopefully I can answer any questions that there are.

Thank you, Mr. Chairman.

THE DEPUTY CHAIRMAN: The hon. Member for Olds-Didsbury-Three Hills.

MR. MARZ: Thank you, Mr. Chairman. It's a pleasure to speak on Bill 209, Highway Traffic (Bicycle Safety Helmet) Amendment Act, 2001. This bill raises a few concerns for me, Mr. Chairman. As I drive around my constituency, in particular in the city, I note a lot of habits of bicycle riders. It seems that they with immunity ride from the sidewalk to the street, whichever light is convenient, and even if the lights aren't convenient, many cyclers travel right through. They will follow you on the right-hand side of your car in the blind spot, where they can't see your signal light, and turn in.

The point I'm trying to make, Mr. Chairman, is that there seems to be a lack of enforcement on how cyclists operate right now, and I don't see anything in this bill that is going to create more enforcement. Indeed, it would make another rule for cyclers that would probably be hard to enforce if not impossible. Another thing: I don't see anything regarding penalties in here for noncompliance with this bill.

I'm concerned that this bill could even cause a false sense of security amongst riders.

Many of the proponents of this type of legislation cite the Australian study that was done some years ago. They state that there was a 51 percent reduction in the number of accidents the year following the institution of this legislation, but opponents of this type of legislation also cite the same study and claim that the ridership went down the same percentage. So if that's true, Mr. Chairman, then did the bill actually accomplish what it set out to do? If it reduced the number of riders, naturally the percentage of accidents would automatically be reduced as well. Perhaps we're not looking at this from all of the angles.

Another thing that concerns me is: where does the government stop taking personal responsibility away from individuals and start encouraging individuals to take responsibility for themselves and their own families? There's currently nothing that states that parents cannot go out and purchase a helmet and require their children to wear it. Surely the government does not have to tell parents how to raise their children. Perhaps we are dealing with the effects of a situation instead of the cause. Perhaps we should be getting back to the cause of things; that is, taking some personal responsibility for our actions.

I know the cost to the health care system can be increased through accidents. But in talking to some doctors in the past few years that have attended standing policy committee meetings – and I know we've had some on both sides of the question – and getting back to the false sense of security, I've had some doctors tell me that that indeed could happen, that children under 18 could think they're invincible just because they have a helmet on. I've been told by those same doctors that brain injuries are caused by the sudden impact of the brain hitting the inside of the skull, which could still happen even though you have a helmet on. So you may even take more risks with the helmet, which could cause greater cost to the health care system.

I just have those few comments and concerns I'd like to make about this, Mr. Chairman. I know the hon. Member for Calgary-Cross has done much more research than I on it, but these concerns that I've raised have not been addressed in the bill. I just don't think this is a bill that can properly be enforced or can cause any real changes to take place, and indeed it could even cause more problems.

With that, I'll take my seat and hope that other members would rise and also share some of their views on this particular piece of legislation. Thank you, Mr. Chairman.

MRS. JABLONSKI: Mr. Chairman, I'd like to say a few words in support of this bill. I think that protecting children is one of our most important principles in Alberta. Many parents are responsible and caring and will encourage their children to wear helmets. Some will have to force their children to wear helmets, and some will be very pleased to say: because it's the law. Some parents may not even realize how important helmets are, so I think it's important for us to reinforce the safety issue that goes along with wearing helmets.

I would like to quote from a letter that was written to the editor of the *Smoky Lake Signal*. It was written by Denise Matjushyk, who is the Lakeland injury control project team co-ordinator, and she sums up everything that I believe about this bill.

Dear readers,

The opportunity is here! Bill 209, a Bicycle Helmet Bill, passed second reading this spring and is now before the fall sitting of the Legislature . . . If passed, this bill makes helmets mandatory for cyclists under 18 years. Several more steps, including a third reading and a vote of support by MLAs, are required . . .

THE DEPUTY CHAIRMAN: I hesitate to interrupt the hon. member, but the committee has to rise and report before 3:30, so the chair will recognize the hon. Government House Leader.

MR. ZWOZDESKY: Mr. Chairman, I would in fact move that we now rise and report progress on the two bills before us.

[Motion carried]

[Mr. Shariff in the chair]

MR. LOUGHEED: Mr. Speaker, the Committee of the Whole has had under consideration and reports Bill 208. The committee reports progress on Bill 209.

THE ACTING SPEAKER: Does the Assembly concur in this report?

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed? So ordered.

THE CLERK ASSISTANT: Motions Other than Government Motions. Motion 509.

THE ACTING SPEAKER: Before I recognize any speakers, may we briefly revert to Introduction of Guests?

[Unanimous consent granted]

head: Introduction of Guests

(reversion)

THE ACTING SPEAKER: The hon. Member for Lac La Biche-St. Paul.

MR. DANYLUK: Thank you very much, Mr. Speaker. I'm pleased to introduce to you and through you to members of the Assembly two gentlemen visiting us today from northeastern Alberta, Mr. Darwin Ullery and Mr. Dennis Bergheim. Darwin Ullery is an agricultural fieldman in the county of Minburn, which is within the constituency of Vegreville-Viking, and is well known for being a cowboy extraordinaire. His skills in team roping won him over a dozen championships in the saddles at the amateur level in association finals, and since turning pro last year, he is currently ranked 13th in the Canadian rodeo association. Dennis Bergheim is the St.

Paul agricultural fieldman. He's also the past president of the Association of Alberta Agricultural Fieldmen and serves on the provincial committee for Alberta Environmentally Sustainable Agriculture. Darwin Ullery and Dennis Bergheim are seated in the members' gallery today, and I would ask them if they would now rise and receive the traditional warm welcome of this Assembly. Gentlemen.

3:30

head: Motions Other than Government Motions

Private Health Care Contracts

509. Dr. Taft moved:

Be it resolved that the Legislative Assembly urge the government to require regional health authorities to collect and publicly release information on private health care providers whom they contract with, including details regarding services provided, public funding received, and charges to individuals.

[Debate adjourned November 20: Dr. Taft speaking]

THE ACTING SPEAKER: Are there any speakers on the motion? The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Speaker. I'm happy to support my colleague on Motion 509, the public release of information on private health care providers contracting with RHAs. I'm hoping that we're going to see members from the front bench of the government or private government members speak on this issue, because it should be one that they are at least somewhat interested in, and whether they support it or they don't support it, it would be good for them to put their comments on the record. In fact, what this motion does is encourage greater transparency by making public more information on private health care providers, which was one of our big concerns with the former Bill 11, and government members had a few things to say about that. We would like to hear what they have to say about this specific concern, because definitely part of the real issue with the private providers is transparency.

We have seen some of the regulations come forward on the former Bill 11, the Health Care Protection Act, that do make accommodation for the release of some information, Mr. Speaker, but it isn't going to be comprehensive enough, we don't think, to meet the kinds of needs that we're looking for.

The text of the motion itself reads:

Be it resolved that the Legislative Assembly urge the government to require regional health authorities to collect and publicly release information on private health care providers whom they contract with, including details regarding services provided, public funding received, and charges to individuals.

The public has a right to have this information, Mr. Speaker, on a service that is supposed to be universally accessible to people in this country. We believe that those regulations should have been included more extensively in Bill 11, and since they aren't, we're bringing forward this motion urging the government to do so. Particularly we'll be interested to see what the minister of health has to say. Certainly there's been some support in stakeholder groups for this kind of recommendation, and in fact there has been some support from the Auditor General of Alberta with regard to some of the comments he made around the control in keeping with new requirements for surgical service contracting.

We are particularly interested in the one he made where he talks about the performance standards and assessment criteria that should be very explicit, Mr. Speaker. Why does he say that? Because in his opinion it hasn't been the case, or he is concerned that it may not be the case. So what he recommended the government do, which I

hope they will be undertaking, is that they need "to establish the extent of required outcome expectations and performance measures for services in both private and public facilities." We've heard the government say often that private facilities come under different kinds of rules than public ones do, and it's a problem when they're providing health care. Even the Auditor General recommends that.

He talks about provincial performance standards not being "defined for inclusion in surgical facility contracts." Of course, the question to be asked, then, is: why weren't they? What has the government got to hide in this regard? Why is it that they're not forthcoming? How many other kinds of deficits in this regard are we going to be looking at in the future? So that is a problem.

He talks about the "absence of standards (e.g. for mortality rates, surgery complication rates, wait times, volume of service)" making "it difficult for the Minister to evaluate performance of insured services on a consistent and comparable basis." Not just the minister; what about Albertans? You'll want to know if a private service has difficulties in any of these areas or is underperforming in terms of what other services they're providing or when you compare them to public services. So it's a real problem.

I want to know if a private provider has a high mortality rate compared to other private providers or compared to the public service or compared to other facilities in Canada. That's a very big deal to me and to my family, and I'm sure it is to everyone in this province. So it's a minimum kind of a requirement that's being asked for, and this motion certainly starts to identify that.

The Auditor General goes on.

Ambiguity could be reduced by improving contract assessment criteria with the use of quantitative and quality requirements relating to such matters as performance expectations, standards of care, conflict of interest, best practise and support for expected public benefits including access and quality of care provided.

A simple statement, Mr. Speaker. It's certainly an area where we want less ambiguity rather than more ambiguity. It's certainly not the case in this particular area and something that needs to be talked about.

Why aren't there quantitative and quality requirements related to any of those expectations? This is an ongoing criticism that the Auditor General has with the way the government performs and particularly how it addresses benchmarking and performance indicators. Of course, they're carrying this style of delivery into this new bill, which addresses the private health care providers. Very serious stuff, very important to be addressed, and isn't being as far as we can see. Hence, the reason for the motion to be brought forward.

The Auditor General has quite a bit to say about the proposed changes, Mr. Speaker. All of them have at least some minimum kinds of implications for private health care suppliers and more than enough concerns for us to be worried about the way these services will be delivered in the future. We haven't heard the minister of health or the Premier or, in fact, anyone else talk about this. When we send services to the private sector, we have to remember that in a universally provided system the first and foremost responsibility of the government is to ensure that the public benefits from a universality perspective, from the perspective of being able to have minimum standards met, from the perspective of having the maximum standards met. This is what we should be able to expect from our health care system, and we're not seeing that being met even in terms of the very least of the concerns here, which is the private health care providers and the details regarding the services provided. So that's why it's very important for us to see that these changes be met.

I know that the health care minister will say that there are lots of regulations in this new bill, but there aren't a lot. There are a few.

They do require that private health care providers must provide information on ownership of the surgical facility to the minister, and the minister is then required by regulation to publish the information. However, how it is published and where it is published is up to the minister. So that's an issue. Plus the minister is allowed to omit certain details if releasing the information could be considered a threat to the safety of a person, so you have to define "threat to the safety of a person" there. I think the filters we would use to make those determining criteria are quite different than what we have seen this government use in the past. So that's certainly an issue for us.

3:40

Under this act the R.A. is required to

- (a) make the agreement available to the public for inspection . . . and
- (b) publish the following information . . .
 - (i) the name and address of the owner and operator of the . . . facility;
 - (ii) the insured surgical services to be provided under the agreement;
 - (iii) the term of the agreement;
 - (iv) the amount or the estimated amount to be paid by the [R.A. for] facility services
 - (v) a description of the performance expectations and . . . performance measures . . . under the agreement.

Not bad in as far as it goes, but it certainly doesn't go far enough.

For one thing, the form and manner of the information to be provided is up to the minister. We see examples all the time of this government providing one-line information. Whether it's requesting billions of dollars in supplementary estimates or it's information in situations like this, the very, very minimum kind of level of requirement is met and not anything close to average or to industry standards or to what we think would be reasonable in this kind of a circumstance. Not at all what we think is adequate information in this case given the kinds of precedents that this government operates on, not the least of which is the most recent request for supplementary supply estimates.

Also, Mr. Speaker, we saw the announcing of the approval of the contracts under the Health Care Protection Act. Back in September of 2000 the minister released a list of reasons for approving contracts and the associated costs and what kinds of services we were going to see provided by that. The minister stated, and I quote: Albertans will now know what agreements have been made, how much they cost, and what is being provided. That part is good, but the problem is that's all the information they're going to get, certainly not enough information to make informed choices on and certainly not enough to make healthy choices on, we would argue. So our position would look for more information, more detail.

We agree with the health minister when he said that Albertans are interested in public contracts with private facilities, but the provisions under the Health Care Protection Act and its regulations do not go far enough in providing Albertans with information on these contracts. We've seen those issues arise many times in this Legislature in question period and throughout a series of debates and quite extensively raised in the media, in editorial reports, and through media contact with people in the community who have concerns in this area, and definitely not enough information is being reported. We think that greater transparency in reporting will contribute to an open and transparent government, something that we've been asking for a long time, something which this government says it provides but which isn't really true.

If you look at the process the government goes through, they have a real problem with understanding what the role of the government is and what the role of the Legislature is, and there's a big differ-

ence. It's not open and transparent when information is supplied to government members who take it to caucus, who take it to standing policy committees that are not all-party committees, who take it to their executive committees for decisions to be made, and then roll back through the departments, and the decisions are made without any input from any of the opposition. They have a responsibility to share that information with the general public. That is why other jurisdictions have things like all-party committees, so that the Legislature can support and integrate into the process of decision-making.

It's not fun for the government often when the opposition gets involved in decision-making, because it takes a lot longer. No two ways about that. It's a little messier. Ministers and the Premier are challenged on issues. New ideas are brought forward. Amendments are brought forward. They can be hotly debated. Information can be requested to go out to stakeholder groups and then brought in, but that is democracy, Mr. Speaker, and that is the process which all of us here in this room signed on for when we decided to run. That this government runs differently from that is in part a reflection of how long they've been in power and the size of their majority, but it isn't in fact a part of the process of the Westminster parliamentary system, which is the system that our system is based on. That system has a lot more input and does contribute to way more openness and transparency, something that we don't see in this government.

If you're not going to have the openness and the transparency at the beginning of the process, Mr. Speaker, then you must put it in somewhere along the process. The most natural place for it to be inserted would be on the regulations side, and that's why we ask for more detail in that regard. That is not usually forthcoming from this government, probably defeated in this particular motion, but important to request, important to speak on behalf of, and important to demand from a democratic perspective. So that's why we're here and supporting this particular message. The public has a right to have more knowledge, in fact a complete body of knowledge on this particular issue – on many others but in particular on this issue – and they need that information to assess the government's involvement with private health care providers. It's a very important point to bring forward, that we need that information. It's not good enough for the government to say: "Don't worry. It's going to be fine. We'll take care of it all." We've seen them say that often. We've seen them say that to their own backbenchers, and there have been some issues on it.

With that, I think I've got colleagues who want to respond to this, so I'll leave my comments at that. I wish there was more time available for motions, Mr. Speaker, but there isn't, so I'll take my seat at this time.

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

MR. LORD: Thank you, Mr. Speaker. I am pleased to join in the debate today and bring some common sense to the discussion surrounding Motion 509. This is the motion that would urge the government to require regional health authorities to collect and publicly publish data regarding contracts with health service providers.

Now, I must say that although I am sure the Member for Edmonton-Riverview is very well intentioned in putting forward this motion, the facts are that the motion he is putting forward is actually unnecessary, it is moot, and it's because all that he is asking for that could or should prudently be done in this regard is already being done. All health contracts with providers are already being published and provide specifically detailed additional information on individual treatments being received. Opening up this level of detail

to the general public of what treatment individuals received is not only unnecessary, but indeed it could compromise the very privacy of Albertans who are seeking medical treatment.

Mr. Speaker, it is very important to scrutinize the contracts signed by RHAS in a public forum. No one here would dispute that. We are, after all, dealing with very important taxpayer dollars here. It must be ensured that these contracts are fulfilling an expressed need of the public and that the delivery of services is at least as cost-effective as would be provided by a hospital.

Now, I am sure that the Member for Edmonton-Riverview, as a high-profile critic on health care in this province, must already be aware that this is one of the requirements under the Health Care Protection Act, which continues to provide excellent guidance for the regional health authorities throughout the province. Any and all contracts signed by the regional health authorities are already being provided in full and are accessible during business hours at all R.A. offices. Not only is this the law, but I am pleased to report that the RHAS are absolutely following both the letter and the spirit of the law in a manner that makes sure they do not violate the privacy of individual Albertans.

Now, it's unfortunate, Mr. Speaker, that the motion did not stop just with the publication of contracts. Instead, the motion requests details, details that I worry could not be released without violating the privacy of Albertans and which would also possibly, if not probably, infringe upon the Freedom of Information and Protection of Privacy Act, another law which this government is also very concerned with and diligently aspires to meet and exceed all expectations on as well. I am concerned that this motion, if carried through by this government, would make available for any dubious purpose the records of any private clinical procedure performed on any individual Albertans. Some of these clinical procedures are of a highly personal nature, as one might expect, and surely the motion cannot actually be endorsing that these records be made public. But right there in plain English – in plain English – it states, "Including details regarding services provided, public funding received, and charges to individuals."

3:50

Private facilities constitute only a very small fraction of the health care system in Alberta, but they certainly have been targeted for an inordinate, disproportionate, indeed overzealous amount of controversy. So it is necessary and, indeed, incumbent upon us to ensure that they not only meet but vastly exceed the amount of scrutiny required of others such that the province is absolutely assured of quality and effective service, particularly when these clinics are hired to perform publicly insured services. Not only must the contract be efficient and cost-effective, but the Health Care Protection Act also requires that there be no negative impacts to the publicly administered system as a result of contracts proposed by the R.A. If any contracts determined to have the potential to negatively affect publicly administered hospitals are identified and if there is not a net benefit to the regional health authority, then the health authority is obligated by the act to terminate that contract.

The quality assurances that must be provided by contracted facilities are comprehensive and strict. The facility must meet a very high standard of quality care at least as well as a public facility and still demonstrate significant cost-effectiveness on top of that. All of these contracts are scrutinized heavily by the Department of Health and Wellness, which is one of many checks for effectiveness and accountability. The other checks are made by way of the R.A. board members themselves, comprised of responsible community leaders that commit their time to guide the formation of health policy of the region. Of course, many in the public are also watching very closely.

Through a variety of accountability mechanisms, contracts for the RHAS are fairly awarded based upon the very best possible outcome for the overall health of citizens in that region. If a contract in an R.A. is not adding to the benefit of a region or there are better alternatives through the public system or another private health care provider, the contract will be terminated for the better option.

[The Speaker in the chair]

These provisions are part of the regulations of the Health Care Protection Act, and they're monitored directly by the minister, whose job it is to ensure the efficient provision of health services throughout the province. This is done by requiring frequent updates to the health proposals and business plans of all 17 RHAS in the province. Ongoing performance measures for every contract are monitored, and if a contract is failing to live up to the required standard, by law it must be terminated. Additionally, there must be a reason why the private sector is more able to provide effective service. This statement is made by the minister and is available to the public from the R.A. office that co-ordinates the contract. Additionally, every last detail of the contract is made available under section 19 of the Health Care Protection Act. A comprehensive list of all contracts must be made available to the public during regular business hours at each and every R.A. office pursuant to the act.

This is a very perplexing circumstance I find myself in, Mr. Speaker, because although I support the intent of any motion intended to ensure accountability, this motion I think is quite adequately already being done. While I agree that releasing details of health service provision to the public is of vital importance, this provision is already thoroughly provided for by legislation, namely the Health Care Protection Act. In fact, the Health Care Protection Act goes much further than the extent of Motion 509 in the accountability of regional health authorities to the public.

Mr. Speaker, I recognize the Member for Edmonton-Riverview's concerns and the goal that would be accomplished by Motion 509. The motion would urge the government to require RHAS to be open and accountable in their provision of health services. Well, there is already a great deal of openness and accountability that encompasses the member's motion. Not only do the contractual arrangements between RHAS and private health care providers have to be published, but the very reason for the contractual arrangement must also be made public. In addition to this, performance measurements and the expectations of the health authority relative to the contract are also made public. All of these records are obtainable at any Alberta regional health authority office in the province, all in accordance with the Health Care Protection Act regulations.

Perhaps it is the motion's intent that these records are published through an alternate mechanism other than the current posting at every R.A. office. Maybe that's what was intended. Well, Mr. Speaker, I can tell you that the Calgary regional health authority and the Capital health authority are already publishing all of their private contracts on the Internet as well as making them available in the office. These contracts constitute the vast majority of all private contracts throughout the province, so they're a step ahead of the requirements already. I believe that this should more than satisfy the intent of Motion 509 as well.

Just so the members of the Assembly are able to verify for themselves what I have said, they can visit the Calgary regional health authority on the worldwide web and perform a search for contract. Every contract is there, supplied in full. Finding contracts on the Capital health authority web site is slightly more complicated. You have to look under reports and publications, under the topics area, but it is also there nonetheless, although it is not required by

law to be published on the Internet either. Although publishing contracts on the worldwide web is not obligatory under the Health Care Protection Act, these documents are intended for public release. They have been released, and the RHAS apparently felt they may as well go even one step further and also post it on the Internet. I could not agree more. These resources are valuable both for the purpose of accountability and to let the public know about the services their health region has to offer. The larger health authorities are able to do this because of their size. Some smaller health authorities post a listing of all private contracts at their main offices because they have to budget their communications a little more conservatively, or perhaps they see no need because their region is less connected to the Internet. In any event, these records are available by several methods.

So while I support the intention of Motion 509, I really must say that it's only highlighting the good work this government has already done. Each contract is available in full from all the regional health authorities, detailing the charges for contracted service and the number of procedures performed under contract on an annual basis. The contracts detail how records are to be used and maintained and to what degree these records can and cannot be used for financial reporting and accountability purposes. All reporting must comply with the Freedom of Information and Protection of Privacy Act, which is extremely strict in the protection of patient information.

Mr. Speaker, I'm glad that the Member for Edmonton-Riverview brought up this important issue. I'm a strong believer in accountability in the delivery of services to Albertans, and this debate allows me to discuss our safeguards and stringent requirements for financial and quality assurance from regional health authorities and the contracted facilities.

Mr. Speaker, the Health Care Protection Act expressly prohibits a regional health authority from engaging in contract for services that are better provided by the publicly administered health care system. Also, the contract must be made public, must be demonstrated as cost-effective, and even go further to demonstrate that there will be no harm to the publicly administered services in the contracting region or in any other region. These regulations are a clear demonstration that Alberta takes very seriously the efficient, reasoned, and highest possible quality provision of health services. I fully support this quality assurance because properly administered health care will eventually prolong the length and quality of life for all Albertans. The Health Care Protection Act has ensured that private health care will not interfere with the provision of public services and that there are sufficient safeguards for individuals seeking either elective or necessary procedures from private clinics.

Mr. Speaker, in closing, I would simply like to say that there is enough regulation upon RHAS and private contractors to sufficiently safeguard the public interest. To intrude into the sphere of private health care provision in this way would provide inefficiencies, annoyances, redundancy, and possible violation of personal and professional privacy.

Thank you, Mr. Speaker.

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

MR. MacDONALD: Thank you very much, Mr. Speaker. I was listening with great interest to the remarks from the hon. Member for Calgary-Currie. However, all said, one has to recognize that the Health Care Protection Act, Bill 11, allows for increased contracting out by regional health authorities to the private health care providers. There's no doubt about this. While the act and regulations may make some accommodation for information on the operations of the private provider to be made public, it does not go far enough.

4:00

Now, with the motion that's presented by the hon. Member for Edmonton-Riverview, it was mentioned certainly that charges to individuals be released but not necessarily the names of those individuals, the patients involved. I'm going to get into why that is so important further in my remarks.

The health care protection regulations do specify that the private health care operator provide a report to the regional health authority, that there's a monthly report regarding inpatient and outpatient information. The regulations also require that the private health care provider must provide information on ownership of that surgical facility to the minister. The minister is also required by regulation to publish this information. However – this is important, and I would remind all hon. members – how it is published and where is entirely up to the discretion of the minister. That's at the discretion of the minister. Plus, the minister is also allowed, some would advocate, some people who were on the steps of the Legislative Assembly during the Bill 11 debate . . . [interjections] Yes, hon. members can remember them.

The minister is allowed to omit certain details if releasing the information could be considered a threat to the safety of the person. Well, fair enough. Now, that's in the regulations, but under the act the regional health authorities are required to make the agreement available to the public for inspection and publish only the following information: name and address of the owner and operator of the facility, the insured surgical service or services to be provided under that agreement, the term of the agreement, the established amount to be paid by the health authority for facility services, and the description of the performance measures and expectations for the agreement.

Now, we were talking about performance measures earlier with the last hon. member. However, when we look at the Auditor General's report, with all due respect to the hon. Member for Edmonton-Ellerslie and her remarks, I believe it wasn't perfectly clear, obviously, to hon. members of this Assembly just what the Auditor General had to say. I'm going to quote. In this case, this is the Department of Health and Wellness, and this is in regards to performance standards and assessment criteria.

The Department needed to establish the extent of required outcome expectations and performance measures for services in both private and public facilities. Provincial performance standards were not defined for inclusion in surgical facilities contracts. Absence of standards (e.g. for mortality rates, surgery complication rates, wait times, volume of service) makes it difficult for the Minister to evaluate performance of insured services on a consistent and comparable basis.

It goes on to talk about – the quote is too long here, Mr. Speaker, but the Auditor General is perfectly clear.

In light of the remarks from the hon. Member for Calgary-Currie, we all should support this motion because it is going to improve a system that is in need of improvement. On the accountability and transparency of our health system in this province, whenever citizens have concerns, they are justified. There are examples here of health authorities going through half the fiscal year before there's a set budget, yet an improvement such as Motion 509, an improvement in how health care providers are going to have their contracts with the regional health authorities, is dismissed. With section 16 of the FOIP Act I would have to question the hon. member as to how this could not work to protect the privacy of individuals that were looking at receiving treatment in a private facility. Now, we only have to look at our past here to see just why greater transparency in reporting will contribute to open and transparent government, since it will provide the public with a more complete body of knowledge

to assess the government's involvement with private health care providers.

Now, I would refer to a letter. This is in the past, granted, but these are some of the problems that have been dealt with. This is a letter dated the 23rd of November two years ago from the regional clinical department head to the president and CEO of the Calgary regional health authority at the time, Mr. Jack Davis. There are a lot of expressions of concern here, but one thing that is stated in this letter is that "private facilities are accountable mostly to the Alberta College for certification." Now, this is two years ago, granted, but it's also noted here that "patients are unfairly taken advantage of through enhanced service charges." It's also noted in here that "if you contract out, you must either send cases out and do more inpatient procedures to alleviate the wait list of other services or contract out and close inpatient facilities." Should this not in itself be a red flag and say to all hon. members of this Assembly that Motion 509 is another check to balance the system?

It goes on to say here in this correspondence: "Will we see patients charged for an enhanced hip prosthesis without scientific data to back it up because of entrepreneurial marketing skills?" Is this sort of salesmanship going to be listed in the criteria that are given in a summary of approved contracts? Now, we're going to look at ophthalmology here. This is the rationale of the minister's approval of contracts under the Health Care Protection Act, and you can list them off here. I believe the words that were used to describe this motion were "unnecessary" and "moot." Mr. Speaker, here you have in excess of \$5 million in contracts from the Calgary regional health authority. Some of these contracts: the Gimbel Eye Centre, Holy Cross Surgical Services, the Mitchell Eye Centre, the Rocky Mountain Surgery Centre, and Surgical Centres Inc. These contracts, as I understand it, have been renewed.

Now we come to the Capital health authority. We've got to realize that the Calgary regional health authority and the Capital health authority are about the same size with the same size budgets, and the population is relatively the same. Here there was roughly a little better than \$1 million, Mr. Speaker, given out in approved contracts, so that's about 20 percent of what is done in the Calgary regional health authority. When you look at some of the concerns that are expressed, how are these concerns expressed? Well, they are expressed quite well, in my view, in correspondence dated October 1, 2000, and this again is to the hon. minister of health. It goes on here. This is quite a long piece of correspondence. Again, concerns expressed here are that

the Private Contract scheme is now forcing us to consider our entrepreneurial abilities in setting up a private facility and negotiating a contract for surgery. These are skills which are not imparted to us in Residency training or the Hippocratic Oath. I encourage you to consider carefully all implications of the Private Surgery Scenario.

Now, that is only one concern.

4:10

Another concern expressed is that

the current cost allotment of \$515 per cataract to private facilities allows significant profit taking by parties with vested private interest. Through the Regional Eye Care Center the average running cost per case is approximately \$150 per case for instrumentation and equipment plus \$200 per case for an Intraocular Lens Implant.

Now, I'm curious. Are these costs that we have the same in Calgary as they are in Edmonton?

MS BLAKEMAN: We don't know. We don't have the details.

MR. MacDONALD: We don't have the details, so how are we to know unless we pass Motion 509 as articulated by the hon. Member for Edmonton-Riverview?

Also in this correspondence is this concern, and it is stated in this way, Mr. Speaker.

It is both unfortunate and telling that the renewal of private contracts for cataract surgery in Capital Health Region 10 is announced only 1 day after Bill 11 is legislated . . . This ministry's mandate to legitimize for-profit private enterprise in the field of Ophthalmic Surgery is an insult to the Royal Alexandra Regional Eye Care Center which has only in recent years been developed as a Premiere Program to the tune of 3.1 million dollars of public funding.

Now, in light of that concern in the correspondence dated October 1, 2000, I don't know how this Assembly could not support this motion. We will have, I believe, a sounder health care system. There will be more accountability.

There are additional recommendations in the Auditor General's annual report that I think have to come to the attention and hopefully the interest of all members of this Assembly. Recommendation 18, contracting for services, states quite simply: "We recommend the Department of Health and Wellness assess reliance on contracted services and improve the control over contracting activity." This is exactly what the Member for Edmonton-Riverview wants to do through Motion 509.

This is another recommendation, unnumbered. I guess there were so many recommendations for the Ministry of Health and Wellness. I'm going to refer to this one as A, approving surgical service contracts. The Auditor General suggests or recommends that "the Department of Health and Wellness improve the process for approving surgical service contracts issued by health authorities." Health authorities would include, I'm sure, the Calgary regional health authority, which would encompass the entire constituency of Calgary-Currie.

Now, another unnumbered recommendation from the Auditor General, recommendation B.

We recommend the Department of Health and Wellness, in collaboration with health authorities, assess the benefits and risks of the approach to information systems management in the health system and clarify the accountability [the A word] of the chief information officer for health.

Now, there are more recommendations here: recommendation 19, reporting financial results. Financial results would be taxpayers' money; that's the source of the finances here.

We again recommend the Department of Health and Wellness improve the reporting of financial results in the Ministry and Department financial statements.

Recommendation 20, surgical service contracting – conflict of interest:

We recommend the Calgary Health Region and the Capital Health Authority enhance their conflict-of-interest processes:

- by extending private interest disclosure requirements to senior management who are in a position to influence contract decisions, and
- by using an independent third-party review, as part of a formalized appeal mechanism, when employees operate private practices or clinics that contract with their employers.

It goes on to say that "this recommendation should apply" not only to the Calgary and Capital health authorities but "to all regional health authorities."

Now, in light of that alone, that recommendation 20 from the Auditor General is proof enough that each and every member of this Assembly should support the motion by the Member for Edmonton-Riverview. We can have a better province.

MR. MASON: I'm sure they will.

MR. MacDONALD: The Member for Edmonton-Highlands is confident that this motion will pass the Assembly.

However, Mr. Speaker, an unnumbered recommendation again: Surgical service contracting – performance measures.

MS BLAKEMAN: That would be details.

MR. MacDONALD: That would be details.

THE SPEAKER: I hesitate to interrupt the hon. Member for Edmonton-Gold Bar, but under Standing Order 8(4) I must put the question with respect to the motion under consideration.

[The voice vote indicated that the motion lost]

[Several members rose calling for a division. The division bell was rung at 4:17 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Blakeman	MacDonald	Pannu
Carlson	Mason	

Against the motion:

Abbott	Haley	McClellan
Ady	Horner	McClelland
Boutilier	Jablonski	Nelson
Broda	Johnson	O'Neill
Calahasen	Klapstein	Shariff
Cenaiko	Knight	Snelgrove
Danyluk	Lord	Stelmach
DeLong	Lougheed	Strang
Doerksen	Lukaszuk	Tannas
Dunford	Lund	VanderBurg
Friedel	Mar	Vandermeer
Goudreau	Marz	Yankowsky
Graham	Maskell	Zwozdesky
Graydon		

Totals:	For – 5	Against – 40
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[Motion Other than Government Motion 509 lost]

4:30

head: Government Bills and Orders

head: Committee of the Whole

[Mr. Shariff in the chair]

THE DEPUTY CHAIRMAN: We'll call the committee to order.

Bill 28
Agricultural Operation Practices
Amendment Act, 2001

THE DEPUTY CHAIRMAN: We are considering amendment A5.

The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you, Mr. Chairman. This is the hon. Leader of the Official Opposition's amendment, as I recall.

AN HON. MEMBER: Which he tried to withdraw.

MR. MASON: Yes, and I wanted to just raise the issue because my interpretation was quite a bit different than that given by the hon. Minister of Agriculture, Food and Rural Development. It was clear to me that the approval officer in this case need not necessarily provide notification to interested parties, and I can't see how an interpretation could be made that it's one or the other. Even with the hon. Official Opposition leader's amendment, it is not a question of either they must do it one way or require the applicant to do it. That is why I didn't want to have the motion withdrawn, because I felt that the Leader of the Official Opposition was missing a point there and I wanted to bring it to his attention. So I don't know if anyone from the Official Opposition wants to address this question further.

THE DEPUTY CHAIRMAN: Seeing nobody wanting to speak, the question has been called.

[Motion on amendment A5 lost]

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Chairman. The Minister of Finance for some reason thinks that I don't want to talk about this bill, but there's still lots to be said about this. I'm very happy to speak to the bill, and I would encourage the Minister of Finance, who's a little chippy this afternoon, to get involved in the debate as well.

Mr. Chairman, this is one of those bills that we have some concerns about. In principle I like this bill a lot because it moves us forward on some of the issues that really needed to be addressed, particularly on environmental concerns. But when we look at the specific detail of the bill, we see that there are many, many concerns out there in the community with this kind of a bill, not the least of which is whether or not we should be setting up a program or an agenda in this province that will encourage continued or increased use of intensive livestock operations.

Recently I had a chat with some people who work on the municipal side of issues, and they were very concerned about this bill, Mr. Chairman. What they said was that their first issue with the bill was with the splitting of responsibility for who's going to be making the decisions here. They felt that the hybrid that we were looking at, in terms of municipalities having some form of input and control over what was happening and then the NRCB actually administering the registration and authorization and approval processes, wouldn't work. They felt that either the municipalities had to have the control and decision-making powers or the NRCB had to have the control and decision-making powers. They felt that what would happen – which is actually what the minister told us would not happen, so this is interesting to talk about – is that with the way the regulations would be interpreted, municipalities would have next to no control and the NRCB would have very far-reaching responsibilities.

If that's the case, if that's how this bill is going to be interpreted, then I do have some serious concerns, because as I read it, the NRCB only has the ability to make decisions based on environmental criteria. Based on that, there will be few spots in this province where you can't put an intensive livestock operation in, and with the NRCB not having any criteria or capacity to make decisions by incorporating a cumulative impact assessment on the areas in terms of a provincewide assessment, then we're setting ourselves up for some huge potential problems. Not the least of those are things like groundwater contamination, as we saw the world-renowned David Schindler respond to on or around November 20. So those are some serious concerns for me.

We still have increasing concern about the kinds of changes that municipalities can make to land zoning use in terms of being able to zone out these kinds of applications if they want to. The people I talked to, who have worked in the municipal area for a long time and have been closely studying this bill, had some very grave concerns about that. They said that they did not believe that kind of thing would ever be allowed to happen, that people wouldn't be able to zone out these kinds of operations if they wanted to.

I still haven't heard any comments or concerns about how the government is going to address any of the heavy metal issues. Even if we could take care of the air and the water issues, we can't get rid of the heavy metals. There's no place to put them, Mr. Chairman, so that's an issue that still needs to be addressed.

I did receive e-mails from Barry and Lana Love, one from each of them, on this issue, and I'm sure that the minister of agriculture has also received them. They have some concerns that I haven't heard specifically brought up, so I'll take a moment to just paraphrase what they talked about. They're grain farmers, and they own about 1,200 acres of land. They're very concerned about the ILOs potentially moving next door to them. They reference other provinces and other states where there has been intensive livestock production brought into the regions and that there are a number of dangers, not the least of which are lower property values because resale is tougher to do if you're a neighbour to an intensive livestock operator. I think that has been proven to be true in some cases.

They live in the Flagstaff county area, and they've seen all kinds of issues about sitings within the municipalities. Given that, they still feel that ILO sitings should remain in the hands of the county or the municipality involved. They think that even though communities are often torn apart, it is more important for those closest to the decision-making process to be the ones who have the freedom to speak out and the freedom to decide who their neighbours are going to be. So that's part of his comments here.

They think that the province should be able to "come up with definite scientifically calculated regulations to help Counties make unbiased decisions." This is in fact what we had asked for, provincewide regulations, when we first started talking about this issue. They feel that MLAs, that all of us here in this Legislature should investigate the damage and controversy caused by the possibility of ILOs in our own constituency.

4:40

They say that they've paid a high price for being so outspoken, that there have been a lot of things happen to them and their family, but they felt that it was worth while to continue to pursue these issues. Their point of view – this is Barry Love from Hardisty that I am specifically referencing – is that they should say no to the proposal to remove the local people from any decision-making regarding the siting of ILOs.

Now, Lana Love talks about the process itself. She says that people need to reconsider what she calls a "catastrophic decision," that they've been present at and sat through a couple of the committee meetings that went provincewide, read the reports resulting from the meetings, and were concerned about where the decisions came from. She states that "when 72 of the oral presenters wanted the land use issue left in the hands of the Municipalities and only 4 thought the Provincial Government should take it over," she was very concerned about the outcome. She feels that taxpayers' money and time was wasted because the decision had already been made. She goes on to say that the province should not be taking over all the responsibilities, and she feels that the minister of agriculture should have checked with other agriculture ministers for their opinions. That would have pointed out that there were problems caused by ILOs in all provinces.

There are concerns about the Natural Resources Conservation

Board, that they will be able to actually ease the fears about the safety of the environment. She feels that the government "is outwardly promoting ILOs in Alberta [and] cannot possibly pass on any unbiased information." So I think that's an interesting point.

Water quality is an issue for her. Water quantity is also an issue, this having been a dry year. We've had a few dry years. Water supplies are drying up. They reference Bellshill Lake, Mr. Chairman, which is a lake we have talked about in this Legislature, as being the perfect example of how this government has failed the people of this province. There is a fecal coliform count in the lake of 48, which is unbelievably high. In fact, the lake looks more like chocolate pudding than it does lake water. They're concerned that . . . [interjections] Well, it's quite disgusting. You have no idea. Even the ducks and geese don't go there. Nothing lives there. [interjection] Well, it's I think a reasonable comparison.

So the concerns about that lake have been there for a long time. It's called a lake, but really it's like a slough. The concern about that is that the contaminants of course are leeching into the ground-water and getting into the lake, so that's a real problem. We've been repeatedly told that this is a slough, not a lake, and that it should be okay, but I think that that is not a reasonable answer. We may come back to that issue again at another time.

She goes on to voice more concerns about this. This is a pretty good cross-reference, examples of the kinds of concerns that we've heard out there. You know, it's a tough bill for me because environmentally this bill will encompass – I agree with the minister when she says the best standards in Canada on the environmental side from a site-by-site location basis, but it doesn't address the overall problems, the cumulative impact. There's a lot of unease in the community about the lack of input and decision-making the municipalities will in reality have when this bill goes through in terms of siting issues.

I know that my colleague from Edmonton-Riverview is very much looking forward to having his turn to speak on this bill, because he's spent some serious time talking to farmers throughout the province in the last week or so on these issues. [interjection] That's right; he did. A lot of these farmers in the past have been government supporters, yet they don't really trust this piece of legislation to do exactly what the government says it's going to do.

So this is one that at the end of the day I'll have to support on some level, but, you know, it's really a hold your nose kind of bill, Mr. Chairman, literally a hold your nose kind of bill because of the little bit of good and a lot of concerns about the rest of it.

AN HON. MEMBER: They're fast-tracking it through.

MS CARLSON: They're fast-tracking it; that's true.

Part of the problem is that we've been talking about this issue for at least 10 years. I've personally been talking about it for five years for sure. I know that my colleagues in this Legislature have been talking about it for longer than that. Did we need something? Yes. Is this the full answer? This government never gets it right the first time around, Mr. Chairman. I'm sure we're going to be back here with amendments and changes and adjustments. I hope that those amendments, changes, and adjustments will improve the legislation down the road. Sometimes it works for this government, and sometimes it doesn't.

So I think with that I will conclude my remarks at the committee stage. [interjections] Of course, if you liked it so much, perhaps I have a few more things I could say and take up my full 20 minutes, because there are a lot of outstanding issues. The more I talk about it, the more concerned I get about this particular piece of legislation, Mr. Chairman. I haven't had my questions satisfactorily answered

on the impact on the soil of the existing ILOs, never mind any new ones. We've got lots of nitrogen losses that need to be taken care of. Contaminated groundwater is potentially an issue. Surface water, when we talk about some of these sloughs in the area, we know is a problem. In areas where you get flooding conditions, the runoff can be huge, human health, the parasites that can result from that. Interestingly enough, there seem to be increasing concerns about those kinds of infections particularly in southeast Alberta, which has, as we know, the highest concentration of intensive livestock operators now.

I think that in general when you take a look at this from a global perspective, with proper manure management and storage threats to land, water, and human health can be eliminated. That includes deep injection of manure to prevent runoff. We've seen that this doesn't eliminate the heavy metal issues, it doesn't eliminate the human error issues, and it doesn't eliminate the poor management practices of some operators.

Now, I know that the minister had talked about this bill giving them greater ability to address issues with operators who pursue poor management practices. We certainly look forward to seeing tougher enforcement and penalties and perhaps the closing down of those kinds of operators and are happy to hear that the minister is quite interested in pursuing that. That's all good news. So if this bill will help in that regard, that's another piece that would be good about this bill.

We've seen quite a few issues. When there are this many concerns in a bill, Mr. Chairman, it's tough to support it. There's no doubt that it's tough to support. So I guess we'll hear what the rest of the people have to say at committee and at third reading and see what kind of support this bill has in the Legislature.

Thank you.

4:50

MRS. McCLELLAN: Mr. Chairman, I just wanted to offer a couple of comments to the hon. member, who has expressed some interest and some support, albeit conditional, in some areas for parts of this bill. I think the recognition on all sides of the House is that this is a matter that we do have to deal with, that the concerns that could be here today or in the future of the effects on our soil, air, and water quality must be addressed and monitored. Certainly I have had the opportunity to pass on to the members the very much a work-in-progress draft regulations, which to a large extent deal with the issue around manure management, where a lot of those concerns are.

Certainly to this point we have concentrated more on nitrogen and its effect within the soil, but we are doing some work in the area of phosphorus. As I've indicated, we have 23 sites that we monitor constantly for water quality, but it is important that we continue to work in these areas and use the best science we have for manure management.

There's some excellent work happening at the University of Alberta in composting, in phosphorus. Certainly the agricultural industry itself has been very aggressive in finding new technologies and new ways to manage this, projects that use microbes to change the makeup of the effluent so that it can be all used by plants rather than some of it leeching into the soil. Many of those things are there today.

It's interesting that while it would almost seem onerous on the agricultural industry when you look at the extent and the, I think, very tough regulations that are around manure management, whether it's on minimum distance spacing, whether it's on level of effluent spread, many of those areas, we still have the total support of the feeder association, of the Alberta Cattle Commission, of the feather industry, of the dairy industry, and of the hog and pork industry in

this province. I think that speaks to the industry's commitment to continue to develop in a very responsible way.

As I've indicated in the House many times, it is in their best interests to protect the quality of their soil and water. They drink the water. They use and depend on the soil for their livelihood, and of course they are the ones who are in the air 100 percent of the time, not just driving by. So they want to ensure that this industry grows and develops in an environmentally responsible way. I think that this bill will lay out clear rules that all can understand, and when they make their investments, they will understand the rules that they must play under.

So with those few comments I will commit to the hon. member, as I have always, that if there are questions that are detailed that we can't maybe take the time for in the House, she will receive a written response.

Thank you.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you very much, Mr. Chairman. I would like to move an amendment, and I will provide that for you.

THE DEPUTY CHAIRMAN: Hon. Member for Edmonton-Highlands, can you just wait for a second for us to receive the amendment, please?

The amendment that's being proposed by the hon. Member for Edmonton-Highlands we shall refer to as amendment A6. Hon. Member for Edmonton-Highlands, you may proceed.

MR. MASON: Thank you, Mr. Chairman. Would you like me to read out the amendment?

THE DEPUTY CHAIRMAN: Please.

MR. MASON: All right. I move that Bill 28, the Agricultural Operation Practices Amendment Act, 2001, be amended as follows. Section 5 is amended in the proposed section 5(1) by striking out clause (b) and substituting the following.

(b) appoint 3 persons as an agricultural practice review committee in the following manner:

- (i) at least one appointee must have experience in the type of farming operation to which the application or referral relates, and
- (ii) at least one other appointee must be recommended by the Alberta Association of Municipal Districts and Counties.

Mr. Chairman, I'd just like to speak to this. I think it's fine that a body that is responsible for the resolution of disputes ought to include people who are experienced in the form of farming that is under consideration, but I also believe that it's important that we not restrict or limit the membership on these committees to those that are strictly involved in the industry. I believe that to do so may well create a certain type of bias. It won't be a bias in terms of the acceptable practices in the industry, but it will be a bias in favour of that particular type of industry as opposed to other considerations which it might be asked to consider. I believe that it is appropriate that people who have some other experience – that is to say, some experience in representing people in the rural community – or who have a strong community background in the particular municipal district or county ought to be included. So I think it is important that we amend this.

If you look at the sections of the act:

- 8(1) A practice review committee, when acting as a mediator, may assist the parties in reaching their own mutually acceptable settle-

ment by structuring negotiations, facilitating communication and identifying the issues and interests of the parties.

(2) . . . may inquire into and assist the parties in resolving the dispute and, if the matter is not resolved, may recommend to the Minister what should constitute a generally accepted agricultural practice in respect of that agricultural operation.

So it's clear, Mr. Chairman, that these practice review committees are not just strictly dealing with the best possible agricultural practice but are in fact dealing with the impact that practice or that operation has on surrounding communities.

It seems very apparent to me that there's a lack of balance on the committee as the legislation is currently proposed, and we believe that the Alberta Association of Municipal Districts and Counties is well suited to be able to advise the minister as to who may be acceptable from that point of view. I think it would be a very, very appropriate organization to assist the minister in selecting a well-rounded committee and one which could assist the committee in reaching a decision which is fair to all affected parties. I just want to indicate that I do believe it's very important to have someone who has some expertise with the particular agricultural practices in the industry that are used by that particular operation. I don't think that it's wrong at all in the act to present that as an alternative, but it is not sufficient.

I believe that the AAMD and C is seriously concerned about this issue, Mr. Chairman. In our conversations with the AAMD and C our impression is that they're in agreement with many aspects of this bill. They obviously want provincewide standards. They want to have some uniformity in the province around confined feeding operations or industrial livestock operations. I think they're quite supportive of that, and I think that they're hearing, as are members in this House, from their own constituents that something needs to be done. I think that that's a very, very real concern of anyone serving in any order of government whose constituency may be affected by these types of operations.

5:00

I do believe, as well, from our conversations that they have a concern with respect to the taking away of municipal authority under this act and rightly so, in our view, Mr. Chairman. We think that this is a very unfortunate step which is mixed in with a bill that otherwise has considerable merit. It is one of the reasons why we believe that the organization could very well be asked to participate in these decisions on an ongoing basis, and the practice committees are a perfect place for them to participate.

So, Mr. Chairman, just to conclude. We're not opposed. [interjection] I'm sure that the hon. member over there will get up on his feet and contribute to the discussion, because I know he's got a lot to say, even if he only communicates it this way. I do believe that the agricultural practice review committees are probably a good thing. It's a very good thing that people who have some expertise in the particular area are on them, but what is deficient is that there's no person there to bring a community point of view to the review committee. So if it is dominated or set up in a one-sided way, you may find that people who are very, very biased towards their particular branch of agriculture could end up on the committees and that there's not a balance there. I think that neighbours will not be getting a fair shake from these committees unless this amendment is approved, so I'd urge support by all members.

Thank you.

THE DEPUTY CHAIRMAN: The hon. Member for Leduc.

MR. KLAPSTEIN: Thank you, Mr. Chairman. Just to call to members' attention that the Agricultural Operation Practices Act is

Alberta's right-to-farm legislation. The essence of that act is that if a farmer is farming in an acceptable farming practices manner, he has the right to do that.

The section that the member is seeking to amend is the nuisance section of this bill and is really separate and apart from the NRCB operations. Essentially it says that when there is a nuisance complaint, it will go to the minister, likely, according to the proposed regulations, in the person of the Farmers' Advocate, who will try and deal with it. If he cannot resolve it, he has the authority to strike a three-member committee, two of which are intended to be people that have familiarity with that particular agricultural operation, to help pass judgment on whether or not it's being done in an acceptable manner. So in that light I'm speaking against the amendment.

[Motion on amendment A6 lost]

THE DEPUTY CHAIRMAN: The hon. Minister of Infrastructure.

MR. LUND: Thank you, Mr. Chairman. I want to just make a few comments on this bill. First of all, I want to say how pleased I am that we are bringing this bill forward. It's something that is really necessary as we build confidence in the public that confined livestock operations and livestock operations in general are quite safe and in fact are not harming the environment and therefore are not something that we need to be greatly concerned about.

I want to just touch on a couple of things, one of them being the whole issue about the fact that the government is taking over the process and that municipalities will have a major role but not the final say. Now, leading into this, I want to point out the fine work that the last committee that worked on this did. They were dealing primarily with the issue of approval and then, of course, the ongoing administration that's required afterwards. The committee did great work, but I think it's important at this point because of some of the criticism that I heard this afternoon about the whole role of the municipality – the committee, when you look at it, was chaired by the hon. Member for Leduc and made up as well by the Member for Lacombe-Stettler, the Member for Calgary-Glenmore, and then the former president of the AAMDC. So now you have three people on this committee that had long municipal experience, people who came from the municipality. Then, of course, to round out the committee there was a person who does operate a confined feeding operation, but this individual does a lot of research work, is a very, very entrepreneurial-type person and a person that is most interested in protecting the environment.

So the committee was well rounded out. It had the expertise from municipalities, knew the role of the municipality and how best we could satisfy the municipalities. They came back with this report, and in fact that's what you find in the act, a system where the municipalities will have input. They still have land use planning that they will be engaged in, and then the application can flow through that whole process.

Another issue that I constantly hear the opposition raising is the whole issue about the contamination of water. Yes, it's true that there is a lot of risk particularly for surface water, but there's not a lot of risk for groundwater. If anyone doubts that, I would like them to show me a lagoon that is in fact leaking and contaminating groundwater.

When I was Minister of Environment, this came up. When I was the minister of agriculture, it came up. Every time I asked my staff to show me where this contamination was. Right around my own farm we have about four or five confined operations with lagoons that have been there, some of them, in excess of 35 years. Now, nobody has shown me one yet where there's contamination. Just

think about it. With most of these operations the family that's operating the operation lives at the same location.

MR. MacDONALD: Point of order.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Gold Bar on a point of order.

MR. MacDONALD: Yes.

THE DEPUTY CHAIRMAN: Citation, please.

Point of Order Questioning a Member

MR. MacDONALD: Thank you, Mr. Chairman. *Beauchesne* 482. Would the hon. minister entertain a question regarding his remarks?

MR. LUND: Of course, Mr. Chairman.

Debate Continued

MR. MacDONALD: Earlier in the hon. minister's remarks there was reference made to the committee. Could you please explain if that committee traveled to southern Manitoba to examine the issue of extensive hog operations there, particularly around the municipality of Brandon, and if so, what were their findings?

Thank you.

5:10

MR. LUND: Mr. Chairman, I did not control where the committee went. I don't know if they went to Brandon. That question would be much better put to the individuals who were on the committee. If they did, they certainly did not report anything negative to me. They didn't report about any contamination. If the hon. member knows of any in Alberta, please let us know, and be sure that they're not just anecdotal. There are a number of people that like to spread that gossip, and it's just that. It's gossip.

So, Mr. Chairman, I think it's really important that these sitings and the whole operation be based on science, not emotion. Every time these members get up, they talk about all of these things that are very, very emotional. Yes, I will be the first to admit that there is a problem with offensive odour. I know that. We live close to one. I know that it's not pleasant at times, but the fact is that the groundwater is not being contaminated. When you see these families that have lived beside them for years using the water that's at that location, I can assure you that they are not drinking contaminated water.

I remember listening to particularly the third party talking about the regulations, that we need a lot of regulations. Now, I know they love regulations. They like big government. They like lots of spending, but they're very, very short on common sense. I'm concerned that if in fact we go way down the way with these regulations, the very thing that they claim they want, which is the family farm to operate – if you put in too many regulations, I can assure you that you will have no family farms getting into confined operations. It'll all be large corporations. Why? Because the costs of getting in, the capital cost, will far exceed what anybody can handle unless you're a very large operation. So that is a big concern that I have. I think we have to be very careful as we write the regulations that in fact we don't put ourselves in a position where it is just large operations.

Now, I'm sure that there are a few warts in the bill. One of them that I'm worried about is in section 16, where we talk about, "The owner or operator of a seasonal feeding and bedding site must

construct, maintain, operate, reclaim and abandon it in accordance with the regulations." Here's one site that I'm talking about, where if the regulations are not very carefully drafted, you will put many, many of our family farms out of existence because they cannot afford to go way overboard on these bedding sites and all of the things that go with them. Now, it is extremely important that the environment be protected, that the groundwater be protected, so I'll be the first one to be watching that, but I've also got to put on record that we must be careful about it.

Now, the member who had the amendment and the third party whip this afternoon was concerned about . . .

AN HON. MEMBER: Does he whip?

MR. LUND: Oh, yeah, they have a whip. If you notice, it's important that they have a whip so that they can make sure one of them is keeping them on their toes.

This afternoon on that amendment: please, hon. member, read section 19(2). In case you haven't, I'll just tell you what it says: "A notification under subsection (1) must be carried out in accordance with the regulations." So it's extremely important that people be notified. They have to be notified. Certainly section 19(2) covers that. So I think that one has to be dealt with.

Mr. Chairman, I could go on with some of the other sections in the bill, but once again I've got to repeat that I think it's critical that the regulations make sure that there is protection of the environment, but we've got to also be very careful that we do not put the ma-and-pa operations out of business, because that's what we could do by drawing these regulations to the point where they cannot afford to operate.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you, Mr. Chairman. I would like to move an amendment, and I will distribute it now.

AN HON. MEMBER: Another one?

MR. MASON: One of several.

THE DEPUTY CHAIRMAN: The committee has before it an amendment moved by the hon. Member for Edmonton-Highlands. We shall refer to this as amendment A7.

The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you, Mr. Chairman. I will move that Bill 28, Agricultural Operation Practices Amendment Act, 2001, be amended as follows. Section 5 is amended in the proposed section 20(1) by striking out clause (a) and substituting the following:

- (a) the requirements are not met or the site is not zoned as a permitted or discretionary use pursuant to the land use by-law of the municipality affected, the approval officer must deny the application, or

Now, just to help people find that, it's on page 11 of the bill. It's an amendment, of course, to 20(1)(a). It has the effect, Mr. Chairman, of restoring the authority of the municipality to zone for these types of operations. In other words, if there is not zoning in place for an operation of this type, then the approval officer must deny the application. That could be a permitted use, or it could be a discretionary use, but if neither of those two uses exist, then it would be denied by the approval officer until the proper zoning was in place.

This is how it's done for every type of land use virtually in this

province. There are only a very few types of land uses that are excluded from this authority of the municipality. In the first place, roads and pipelines are the main ones that are currently exempt from the authority of the municipality. What the bill would do unless this amendment is passed is take away that authority from the municipality to zone in a positive way for these types of uses.

We've said already in the Assembly that the biggest problem as far as we're concerned is that the ability of the municipalities to zone in a normal way for these types of organizations is taken away by this bill. We believe that it is expressly so that local municipal governments cannot stop these kinds of operations and that it forms a key part of the government strategy of extending this extremely unpopular use by very large-scale operations into rural areas against the wishes of the residents that live there. This amendment will protect those people. It will protect rural Albertans against having large-scale and potentially polluting but certainly smelly operations imposed upon them. It will give the local jurisdiction the capacity to deal with this as they deal with any other potentially incompatible land use.

Mr. Chairman, that's the essence of what local jurisdictions do when they do zoning. They try to do some planning so that incompatible land uses are not placed adjacent to one another. For example, you don't want to have a busy truck yard or a busy industrial use right next to an elementary school, so you provide for some separation and you make sure that different land uses are adjacent to one another and that they're compatible with one another and that there are transitions that occur in order to protect it. If you're going to tell me that we're going to have a massive operation like the one from the Taiwan Sugar Corporation that was so controversial placed next to a residential use, then I think you have a problem with it.

5:20

Now, they may argue on the other side – and I'm sure they will – that this bill gives the municipality the ability to negatively zone. That is to say that they will identify in advance places where these kinds of operations may not go, but that's a departure from the normal practice, which is that the municipality designates where they may go. Why is that? That particular approach has not been explained satisfactorily at least from our point of view. In our view, it is a way of restricting the ability of a rural municipality to prevent large-scale hog operations in particular from being placed in their county in places that may have an impact on the surrounding neighbours.

We believe that municipal government in this province is fully competent to make these decisions, that it is better made by those people who have to live next to the operation than by a board or a bureaucrat in Edmonton, and that we should respect municipal autonomy. That's something that we in this party firmly believe in, Mr. Chairman, and we think that the government ought to believe in it too.

Thank you.

MRS. McCLELLAN: Mr. Chairman, I will speak very briefly to this impassioned speech on municipal autonomy. I would ask all members to read the actual section. Just to make sure that it's in the record, I will read 20(1), which then you get to section (a).

In considering an application for an approval or an amendment of an approval, an approval officer must consider whether the applicant meets the requirements of this Part and the regulations and whether the application is consistent with the municipal development plan.

Yes, that is talking about zoning. You can use any excuse to alter a bill, but I understand what a municipal development plan is. It goes on to say, "And if, in the opinion of the approval officer . . ." part

(a), which this member would like struck, says, ". . . the requirements are not met or there is an inconsistency with the municipal development plan, the approval officer must deny the application or . . ." It goes on into a number of other sections which really safeguard this bill.

One of the things that is assumed by the hon. member's speech is that things are perfect today. I'm having trouble with this, because I hear from the hon. Member for Edmonton-Highlands about smelly large operations being sited by the municipalities, who have the authority for siting today. If this world were perfect in this area, we would not be dealing with this issue today. But we do understand, one, the importance of the protection of the air, soil, and water in this province for all citizens wherever they live and, two, the importance of the livestock industry to this province, which contributes over 4 and one-half billion dollars a year to the economy of this province, the importance of the investment that the people who go into these developments, who put hundreds of thousands, in fact over millions of dollars into it, that there are clear rules, consistent rules so that they and their partners or lenders can ensure that the rules are well understood.

Mr. Chairman, I have heard from many – and I believe the Minister of Infrastructure spoke to this just a moment ago – a concern that some of the regulations may be too strict. Today, if we go back to what we had, we do have an opportunity for some problems. That's why this bill is in the House. Today the decisions on siting a confined feeding operation will be made under clear rules by what is, I consider, a neutral board – it is not the Department of Agriculture, Food and Rural Development, nor is it in Environment; it is Sustainable Resource Development, which I believe makes all kinds of sense – by people who have the scientific knowledge and expertise to make decisions, not based on hysteria or emotion or hearsay or "I drove by an operation and it didn't smell very good." They will make those decisions based on sound science. The municipalities will have given, I would hope, their land zoning plans to the NRCB with restrictions on where confined feeding operations should not be built and the reasons for that, and the NRCB will consider that.

Mr. Chairman, I see no benefit or advantage or anything in this amendment that makes this bill better than it is today. In fact, I think it weakens the bill.

Thank you.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Highlands.

MR. MASON: Well, thank you, Mr. Chairman. I'd just like to close on this. I do not believe that everything is perfect with the present system and have not made that claim in any of my interventions in the debate. The question is: what is the most appropriate system? No system will be perfect. That's clear. What we have now is at least that the people who have to live with the decision can make the decision. They may not make it right every time, but they're the ones that we should be vesting this authority in and not, as this act would have it, with a board that can go back to their homes in the city in most cases and not have to live with the consequences of their decision. That's the key thing.

Now, the minister earlier indicated that the development plan was the same thing as zoning, but if you read through the bill, you'll find that the municipal district or county needs to make a plan which has to have specific areas where these operations are excluded and that they can't obviously do a very large-scale plan that eliminates them altogether, because the government can then come back on them. So it's not the same as zoning for something. There's a limited capacity

to actually have local control over these kinds of operations.

Mr. Chairman, at this point I would take your guidance. It's almost 5:30. I can conclude my remarks and adjourn the debate, or we can go to the next amendment, as you wish.

[Motion on amendment A7 lost]

THE DEPUTY CHAIRMAN: As per Standing Order 4(3) the committee is now recessed until 8 p.m., at which time we will convene in committee.

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