

Legislative Assembly of Alberta

Title: **Thursday, May 13, 1999** 1:30 p.m.

Date: 99/05/13
[The Speaker in the chair]

head: Prayers

THE SPEAKER: Good afternoon. Let us pray.

Guide us in our deliberations as Members of the Legislative Assembly and strengthen us in our awareness of our duties and responsibilities as members.

Grant us wisdom, knowledge, and understanding to preserve the blessings of this country for the benefit of all and to make good laws and wise decisions.

Amen.

Please be seated.

head: Introduction of Visitors

THE SPEAKER: The hon. Minister of Intergovernmental and Aboriginal Affairs.

MR. HANCOCK: Thank you, Mr. Speaker. I am pleased to introduce to you and through you to Members of the Legislative Assembly today the British consul general from Vancouver, Mr. Ian Kydd. I'd like to welcome Mr. Kydd on his second visit to Alberta. His first official visit was last May, but unfortunately we were not sitting at the time. I'm glad that he's now had an opportunity to return to our province and that I have an opportunity to introduce him to you and to the members of the House.

I had the privilege of visiting the United Kingdom last summer when I was over in Europe on a trade policy mission leading up to the World Trade Organization talks starting next year. Currently the United Kingdom is Alberta's sixth largest trading partner with 1998 exports valued at over \$233 million. As you are aware, the United Kingdom and Alberta have always had strong cultural ties. We're looking forward to continuing to build and strengthen our relationship with the United Kingdom, and we wish the consul general an enjoyable and productive stay in our province.

I'd ask the consul general to please rise and receive the traditional warm welcome of our Assembly.

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

MR. LANGEVIN: Thank you, Mr. Speaker. It is my pleasure today to introduce to you and through you to all members of the Assembly two guests who are seated in your gallery: Mr. Scott Sutton, the provincial Ombudsman, and his lovely wife, Betty Jane. Mr. Sutton is here today to witness the tabling of the 1998 annual report and 1997-98 financial report of the office of the Ombudsman. I would like to ask our visitors to please stand and receive a warm welcome from the Assembly.

head: Presenting Petitions

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

MRS. MacBETH: Thank you, Mr. Speaker. I'm pleased today to table signatures of 2,664 Calgary residents who have signed the petition "to urge the Government to increase support for children in public and separate schools."

Mr. Speaker, I was very pleased to stand on Monday to table the petition with 11,042 names to date. This brings the total to 14,606 Albertans who have signed the petition.

head: Introduction of Bills

MR. HAVELOCK: Mr. Speaker, I beg leave to give oral notice of the following motion.

Be it resolved that further consideration of any or all of the resolutions, clauses, sections, or titles of Bill 35, Government Fees and Charges Review Act, shall when called . . . [interjection]

Excuse me, Mr. Speaker.

THE SPEAKER: Actually, hon. Minister of Justice and Attorney General, I had recognized you under Introduction of Bills.

MR. HAVELOCK: Am I the same shade as my tie, Mr. Speaker?

Bill 39

Miscellaneous Statutes Amendment Act, 1999

MR. HAVELOCK: I request leave to introduce a bill being Miscellaneous Statutes Amendment Act, 1999.

[Leave granted; Bill 39 read a first time]

head: Tabling Returns and Reports

MS EVANS: Mr. Speaker, today in response to the hon. Member for Edmonton-Manning's questions on Tuesday, May 11, concerning costs incurred to date by the MLA committee reviewing farm assessment, I am pleased to provide five copies showing that since June '97 the committee has spent \$63,224, including printing 10,000 copies of the discussion paper consultation report advertisement to 1,000 Albertans who attended and others. No consultant fees.

THE SPEAKER: The hon. Minister of Education.

MR. MAR: Thank you, Mr. Speaker. I am tabling six copies of a letter I've sent to Mr. John Flynn, the executive secretary of the Canadian Catholic School Trustees' Association, to congratulate the association on today's celebration of World Catholic Education Day. I join and invite other members of the Assembly to join the association in celebrating their contribution to Catholic education and recognizing the positive effect of Catholic education on our youth and in our communities.

MRS. MacBETH: Mr. Speaker, you can't get much more Albertan than the Western Stock Growers' Association, and I'm pleased to table a news release entitled Klein Goes NDP Says Western Stock Growers' Association and noting their surprise with the Conservative government trying to ram through Bill 31.

Thanks, Mr. Speaker.

MRS. McCLELLAN: Mr. Speaker, today I'm pleased to file with the Assembly copies of an information bulletin on International Museums Day, which is May 18. International Museums Day falls during Museums Week in Alberta, the week which most seasonal museums, historic sites, and interpretive centres open for the season.

THE SPEAKER: The hon. Minister of Justice and Attorney General.

MR. HAVELOCK: Thank you, Mr. Speaker. I'm not begging leave to give oral notice. Rather, I'm going to table this afternoon five copies of the Alberta Justice positive workplace program booklet.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I've got a tabling of a

letter from Mayor Bill Smith to the Member for Medicine Hat with regards to the adverse effect Bill 22 will have if it's passed in its current form on the Edmonton fire services.

Thank you.

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

MS CARLSON: Thank you, Mr. Speaker. I have two tablings today. The first is the 20 most important amendments that we have for Bill 15, the Natural Heritage Act, so that over the course of the summer the minister can review them and hopefully incorporate them.

The next is copies of three letters from Albertans who are also concerned about Bill 15 and are happy that the government is now taking more time to review it.

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

MR. BONNER: Thank you very much, Mr. Speaker. I beg leave to table five copies of a government of Alberta news release which clearly indicates that the co-chairs from Edmonton and Fort McMurray on the Alberta Economic Development Authority have been removed.

Thank you.

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

MR. SAPERS: Thanks, Mr. Speaker. Today I have two tablings. The first is another package of amendments on Bill 35 that continue to include school divisions in those entities that should be protected from raising fees or user charges under Bill 35. I can't recall the total number of proposed amendments now, but I think it's somewhere around 70.

Before the government imposes closure and kills democratic debate on Bill 35, Mr. Speaker, there is one amendment that I'd like to provide the Assembly with copies of today that I hope the government will treat as a friendly amendment, because it clears up a typo in the bill and makes the bill operable once it does become law. We're anxious of course to have full debate on these amendments and see the taxpayers of the province protected.

1:40

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

MR. WHITE: Thank you, Mr. Speaker. I have two tablings today. The first is a cost-benefit analysis of Manitoba's integrated Dutch elm disease management program that shows how a proactive management system can in fact reduce the cost and spread of the dreaded disease.

The second is not such a happy occurrence; it's the other end of the scale: from Great Falls, Montana, a report of the \$1.7 million spent managing the disease after it had been established.

Thank you, sir.

THE SPEAKER: Hon. members, pursuant to section 27(1) of the Ombudsman Act I'm pleased to table with the Assembly the 32nd annual report of the office of the Ombudsman for the calendar year 1998 and the financial statements of the office of the Ombudsman as at March 31, 1998.

head: Introduction of Guests

THE SPEAKER: The hon. Member for Wainwright.

MR. FISCHER: Thank you, Mr. Speaker. It is my pleasure to

introduce to you and through you to members of the Assembly 23 grade 6 students from Gus Wetter school in Castor. They are accompanied by their teacher, Wendy Dunkle, and eight parents. The group came up yesterday to visit and learn about the bright lights in Edmonton, and I'm very pleased that they included a visit to the Legislature as one of their stops. I ask them to stand and receive the warm welcome of this Assembly.

MRS. McCLELLAN: Mr. Speaker, I have two introductions today. First, I'm very pleased and honoured to have 44 visitors from St. Anthony's school in Drumheller. We welcome them to the Legislature on World Catholic Education Day. The teachers that are with the group are Ms Lisa Ferguson, Mr. Robert Hannigan, and Tim Gregorash. The parent helpers are Tish Berlando, Darcy Emann, Sandra Schneider, Gord Carter, Heather Lapham, and Judy Ebough. I would ask all of our guests to stand and receive the very warm welcome of this Assembly.

Mr. Speaker, my second introduction. I'd like to introduce some very special individuals. Seated in the members' gallery are Mr. Michael Kuzz, Mrs. Pauline Kuzz, Darrell Kuzz, Gail Badke, along with someone who is no stranger to most of you in the Assembly, my assistant, Maureen Osadchuk. The other individuals are members of Maureen's family. I'd like them to rise and receive the very warm welcome of the Assembly.

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

MR. JOHNSON: Thank you, Mr. Speaker. It's a pleasure to introduce to you and through you to the Assembly today 60 students from the Sifton and Charlie Killam schools in Camrose. They're accompanied by Candace Cummins, Joey Uglem, Terra Palmer, Judy Klassen, Shelly Girard, Angie Giberson, Brenda Watmough, Donna Barnes, Mark Schneider, Mrs. Schwizer, Mrs. Smith, Mrs. Gibbard, Mrs. Prichard, Mrs. Duggan, and teacher Bonnie Bratrud. This is a very special day for them because they have chosen to be here in the Legislature for their graduation day of the DARE program, and I know that we are all very familiar with the DARE program and what a wonderful program that is. I would like to especially welcome constables Blumehagan and Hamilton, who are also part of this program. It's a very special day for them, and I'd ask them to rise in the public gallery and not only receive the welcome but the congratulations of the Assembly.

head: Ministerial Statements

THE SPEAKER: The hon. Minister of Justice and Attorney General.

National Police Week

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I rise today to give recognition and credit to Alberta's police officers, who with their colleagues are being honoured across the country during National Police Week, which runs through May 15. National Police Week coincides with our own province's Crime Prevention Week, so this is an ideal time to reach out to our police officers to let them know how much we appreciate all they do to protect us and our communities.

All Alberta police services are responsible for protecting life and property, preventing and detecting crime, keeping the peace, and enforcing the laws of our land. We are indebted to Alberta's police members for the risks they take every day to keep our people and our province safe.

Mr. Speaker, our police services have much to be proud of. Public confidence in policing in Alberta is very high and still on the rise according to an Environics West survey in January. The survey

showed that in 1998 84 percent of Albertans were satisfied with the level of policing in this province, up 6 percent from the previous year.

As Minister of Justice for Alberta I encourage the members of this House and all Albertans to reflect on the quality of life we enjoy thanks to our police members and the challenges they face every day in the line of duty. We owe them our gratitude and our respect for the safety and freedom their efforts provide.

Thank you, Mr. Speaker.

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

MS OLSEN: Thank you, Mr. Speaker. The Official Opposition joins with the Minister of Justice in recognizing National Police Week. This is a time to recognize police officers across the country for all they do to make our communities safe and peaceful. Albertans are blessed with excellent police forces in Edmonton and Calgary and the RCMP, who do an excellent job policing our rural areas and smaller communities, including those that Constable Blumehagan patrols in Camrose.

Having been a police officer I know how much it means to my colleagues when citizens take the time to recognize a job well done. Being a police officer is a tough job, but it's a very rewarding one. Just knowing that the public at large appreciates the time and effort that police officers put into their communities is very gratifying. Therefore, during National Police Week I encourage Albertans to think about how important police officers are to their lives and to our society, take the time to thank a police officer for all they do, and think about how different things would be if we didn't have dedicated police officers to patrol our communities. That willingness to go the extra effort to serve and protect shown by many police officers every day should not be forgotten.

Many have risked their lives in the line of duty including one of my past colleagues, Ezio Faraone, who in fact has a park across 109th Street by the High Level bridge named after him. I encourage all members to take a couple of minutes to stop by the park and pay tribute to him and all other police officers who have lost their lives in the line of duty.

I'd also like to acknowledge the sacrifices of time, effort, and volunteerism to communities. As provincial grants for municipal policing have been cut, many police officers have stepped in to fill the void by volunteering their time to ensure safe communities.

In closing, I encourage the government to mark this National Police Week by recognizing how important police officers are to our community by making a strong commitment to provide training and resources that will make our police forces even better. As our economy grows and our population grows, so too should our police forces so they can meet the future challenges and continue to ensure that our streets are safe and peaceful.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Minister of Municipal Affairs.

Hang Up on Fraud Program

MS EVANS: Thank you, Mr. Speaker. Today I rise to inform you and my colleagues in this Assembly about Hang Up on Fraud, a two-day phone blitz, in Calgary yesterday and in Edmonton today. This event is aimed at raising awareness about telephone fraud as part of Crime Prevention Week. It involves over 80 volunteers calling Albertans to inform them about telephone fraud and to provide them with information on how to protect themselves from serious crime.

Telephone fraud affects thousands of Canadians and Albertans

each year. The average victim would best be described as someone over the age of 60 who has lost over \$15,000. Mr. Speaker, a most interesting fact is that the average victim has been victimized before, and they are evermore vulnerable once they have given in. In Alberta alone we know that a total of \$750,000 was lost. That is the registered losses in 1998 to telemarketing fraud. Across Canada victims have lost over \$7 million, and if you speak with police officers, many will tell you the figure could be as high as \$80 million, because many people do not want to disclose their losses.

This is the second year that this important public relations and awareness campaign has been held. Last year's successful campaign saw more than 1,100 Albertans contacted and armed with information on how to deal with scam artists, and more than 30 unreported cases of fraud were identified. As a result of Hang Up on Fraud and other enforcement and public awareness efforts, we now have seen a 56 percent decrease in the number of Albertans who have been victimized by telemarketing fraud since 1995.

1:50

Mr. Speaker, Hang Up on Fraud would not have been possible without the efforts of the Alberta Community Crime Prevention Association, the Calgary Police Service, the Edmonton Police Service, the RCMP, the Canadian Banker's Association, Telus, Better Business Bureau of Southern Alberta, Mayfield Inn & Suites, and Radisson Calgary airport hotel, and without the wonderful volunteers the Wise Owls.

It's also time I think to commend as well the employees of both government departments involved, Alberta Community Development and Municipal Affairs, for tireless efforts working with our partners to ensure that Albertans have a valuable crime-fighting tool, and that is information.

Consumers need to know they have the power to stop scam artists in their tracks. The telephone is the best weapon to combat these crooks. Mr. Speaker, we're telling consumers that all they have to do is hang up. It's that simple.

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

MR. MacDONALD: Thank you, Mr. Speaker. I rise today on behalf of the Official Opposition and the citizens we work for to congratulate and thank the Hang Up on Fraud volunteers in Edmonton and Calgary for helping other Albertans learn about protecting themselves against telephone fraud.

As with most problems we face as a province, be it in education, social services, health care, or law enforcement, prevention is the best medicine. Educating people before the fact so that they do not become victims of fraud saves citizens money, saves our legal system money, and takes the incentive away from those who would try to perpetrate these frauds.

Among the most disgusting cases of fraud are those committed against our senior citizens. Trusting, sometimes vulnerable, raised in an age when you could take a person at their word, Alberta senior citizens have been preyed upon by unscrupulous contractors, telephone fraud artists, and phony charities. Efforts like Hang Up on Fraud that help protect and educate these seniors are essential.

Another group and program that comes to mind is the Edmonton Self Starters Organization and their participation in the Wise Owls program, that helps seniors' groups and organizations learn about fraud. It is my understanding in fact that some of them will be participating in the Hang Up on Fraud efforts today in Edmonton. So to the Edmonton Self Starters Organization, our thanks, our gratitude to them for their efforts in fraud-proofing their fellow citizens.

In closing, I might add that the media play an essential role in exposing frauds and helping to inform citizens. Just recently I picked up the May edition of the *Edmonton Senior* newspaper. The people there did an excellent cover story on the Y2K scam currently being targeted at seniors.

We will all have to become more vigilant as telecommunications and computer technologies become more prevalent and as our population ages. As demonstrated by the Hang Up on Fraud campaign, the Edmonton Self Starters Organization, the Wise Owl program, and the *Edmonton Senior* magazine, education and knowledge about fraud are the best protection against fraud.

To all of them we say thank you.

head: Oral Question Period

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

Education Funding

MRS. MacBETH: Thanks very much, Mr. Speaker. We continue on this side of the House to hear from parents and teachers and trustees from across the province. These Albertans are contacting us because they know we listen, and they know we do something to voice their concerns. Their letters, e-mails, faxes, phone calls, and their signatures, now totaling over 14,000 on a petition, show that they are struggling to cope with government downloading and shortsightedness when it comes to public education. My questions today on their behalf are to the Minister of Education. Given that the principal of Victoria school in Edmonton, an innovative program from 1 to 12 focused on the arts and the international baccalaureate program, is very concerned that his school will be losing 10 teachers and that class sizes will swell to over 35 students, he asks what this minister is going to do to stop this from happening.

MR. MAR: Well, Mr. Speaker, Victoria school is an excellent school indeed. They have to look at some of the programs that they offer at that school. They have a Latin program, as an example, that has very few students in it. They might have to consider whether programs like that are sustainable, whether they're viable. That's a decision that the school will have to make in collaboration with the school board.

Mr. Speaker, there are so many other examples that we could provide. You know, what would this Leader of the Opposition, who would again choose to erode public confidence in the public education system, say to principal Jimmy Clark, who runs an outstanding high school and is very proud of the achievements of his students and his staff in Rocky Mountain House? What would she say to principal Brant Parker at Banded Peak school in Bragg Creek, a school which is a leading edge technology school in the world? What would she say to the people who are involved in the Outreach schools at 5th and 5th in Lethbridge? What would she say to the people who operate Centre High here in Edmonton that reach kids that otherwise might not complete a high school education? What would she say to teacher Geoff Hunter who works at Youngstown high school, a place where they had nine graduates last year, seven of whom were Rutherford scholars, all nine of whom went on to postsecondary education?

MRS. MacBETH: Mr. Speaker, given that the school council in Sherwood Park is very concerned about the lack of adequate provincial support for schools in the Elk Island school district, what is this government going to do now so that the Elk Island schools will not be forced to eliminate teaching positions and increase classroom sizes next fall?

MR. MAR: Mr. Speaker, what we've done is we have invested money in education at an unprecedented rate. There is \$4,000 a year, approximately, that will be going into the instructional grant for schools for each and every student commencing this fall. For an average classroom size of 26 students that means \$100,000.

Where does that money go, Mr. Speaker? Well, it goes, between \$39,000 and \$60,000, depending on the level of experience, for a teacher, leaving the remaining \$100,000 for library resources, for textbooks, for curriculum changes, for all other classroom supports. That doesn't include the money that we also provide for things like administration, for transportation, for overhead and maintenance. We spend a great deal of money on schools, and they make good use of it.

But I'd ask the hon. Leader of the Opposition: what would she say to the good school that runs at Lendrum here in the city of Edmonton or Westbrook elementary or perhaps Ascension of Our Lord school in my own riding or the great programs that they have at John Diefenbaker high school in the city of Calgary, a place where the dropout rate has reduced over the last five years, participation rates in diploma exams have increased, achievement has improved, where they have now a Mandarin language program that they didn't have before. These are all things that we should be very proud of because we do have a good education system. We ought not be eroding public confidence in it as the Leader of the Opposition would do.

MRS. MacBETH: Parents at Calgary's Dr. Oakley school forced to raise \$25,000 in casinos for books for their literacy program are asking the minister to answer this question: is literacy a basic goal of Alberta education? If so, why are Dr. Oakley parents having to fund-raise for their own literacy program?

MR. MAR: Mr. Speaker, for every example that the Leader of the Opposition wishes to put out, I can put out another example where a school council makes a conscious decision not to fund-raise at all.

Mr. Speaker, in response to the question: is literacy an important part of our education system? Absolutely. That's the reason why we provide outstanding resources to these schools on a per capita basis, but on top of that we also provide \$20 million for an early literacy program, part of the 12-point plan instituted last year, that is one of the best received programs that we have throughout the entire province of Alberta. Our focus is on the important things.

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

2:00 Electric Utilities Deregulation

MRS. MacBETH: Thanks, Mr. Speaker. Yesterday the Minister of Energy accused the Industrial Power Consumers Association of Alberta of being vested groups and doom-and-gloom sayers for pointing out serious deficiencies in the government's approach to electricity deregulation, the old shoot-the-messenger response we've come to expect from this government. When key players in the Alberta economy are warning us that the Minister of Energy's central planning approach will lead to higher prices, the government must not ignore their voice. My questions are to the Minister of Energy. Given that the government has never prepared a study to show the impact of deregulation on consumers, how can the minister claim that electricity prices will be lower for Albertans when an independent study says prices will go higher?

DR. WEST: I want to refute that I said any negative message about the motives of the independent power consumers. I just pointed out

that depending on who produces a study for what reasons, you can negativize deregulation any way you want.

I'm just going to answer the question with one statement here that comes from Robert Crandall and Jerry Ellig in the *Journal of Commerce* in 1997. It starts out saying:

Myth: We can't deregulate until we know the market will be perfect.

That's the myth.

Economists overwhelmingly agree that deregulation has brought lower prices and other consumer benefits in spite of imperfections.

The reason: free markets unleash waves of entrepreneurial discovery that the textbook models do not predict.

In defense of that we could go back and review some of the benefits of restructuring over various areas. If you look at gas, the prices realized in a deregulated network, industries in gas, they were 10 to 38 percent lower rates; long distance telecom, 5 to 16 percent; airlines, 13 percent; trucking, 3 to 17 percent; railroads, 4 percent. These are cost benefits of the deregulated areas.

The other thing that we achieve as citizens when we deregulate electricity is a reduction of regulatory costs. The last TransAlta hearings that were put for the '95 rate cost \$12 million. Did anybody in this room know that? And that was put onto your power bill. When we get deregulation, they'll no longer be having a two-year hearing to set the rate to send money back to the people. We had to send \$78 million back to the consumers, and it cost them \$12 million to do the hearings, and they paid for it. But do you stand up and say that? Or are you not aware of that?

MRS. MacBETH: Mr. Speaker, what proceeds are required in the balancing pool for the auction to be a success and for Alberta consumers to receive lower prices and a full return on their investment? Does the minister have any idea? Is it 3 billion; is it 4 billion; is it 5 billion? What's the number?

DR. WEST: Mr. Speaker, the independent assessment team is just finishing its report, and we're bringing forth the results of that very shortly, and they will answer all of those questions. We hired an independent assessment team to avoid governments making those types of arbitrary assessments.

MRS. MacBETH: Mr. Speaker, given that the minister has no idea whether the auction will work, he doesn't know the amount of proceeds that will flow to the balancing pool, and hasn't produced a shred of paper to show the impact on consumers, how does he know that higher prices won't result from his central planning approach?

DR. WEST: Mr. Speaker, can I repeat my first answer, or will I let the record show what has been said? "Economists overwhelmingly agree that deregulation has brought lower prices and other consumer benefits in spite of imperfections."

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

Pine Shake Roofing

MR. MacDONALD: Thank you, Mr. Speaker. Very soon a group representing over 30,000 Albertans will begin court action against their government for the part they played in the approval of untreated pine shakes, a blunder that has cost each homeowner thousands and thousands of dollars. The time has come for the government to come clean over the pine shake fiasco or Alberta taxpayers will be on the hook for millions of dollars in court costs in court-ordered settlements. My first question is to the Minister of

Labour. Is the minister aware that residents in British Columbia are also actively pursuing a million-dollar class action suit against the Alberta government over your pine shake blunder?

MR. SMITH: No, Mr. Speaker, I am not.

MR. MacDONALD: Thank you, Mr. Speaker. My next question is to the Minister of Justice. Has the minister done any work to determine how much his government's pine shake fiasco will cost Alberta taxpayers if these lawsuits are successful?

MR. HAVELOCK: Well, that's purely a hypothetical question, Mr. Speaker. I couldn't answer that.

MR. MacDONALD: Mr. Speaker, my last question is to the Provincial Treasurer. Has the Treasurer made arrangements in the budget for a contingent liability to deal with pending legal action in Alberta and British Columbia over pine shakes, and if so, how much?

MR. DAY: Mr. Speaker, our budget, which is being looked at right across the country, has an exciting portion to it. When we start the budget process, we estimate how many dollars will come in in revenues, and this year it's projected to be \$16.8 billion. Then we take a prudent approach. We say, "What if we run into a situation where commodity prices drop, for instance, and other things impact us that we weren't anticipating?" To protect from that, 3 and a half percent of what we think will come in overall will be set aside at the start of the budget year, which we have done this year. I think it's \$617 million.

To protect that from being spent indiscriminately, because pressure is always on us to spend in a variety of areas, we have the Fiscal Responsibility Act. Now, that particular act, if there is any of that increase left or that cushion that is there, sets aside 75 percent strictly to debt, and that's why we will continue to maintain a very aggressive plan to pay down our debt. Of the remaining 25 percent there is \$154 million which is a contingency, which, if it has to be, can be used for a variety of things.

Last year, as you know, Mr. Speaker, there were forest fires that went far beyond what anybody could have estimated. There were extra costs of about \$198 million there. There were pressures on the health care system related to Y2K pressures, which required at one point \$170 million to be set aside.

So is there a contingency fund set aside? Yes, there is. Will it be used to protect against unanticipated changes in commodity prices and other things that are difficult to see coming? Yes, that's very true, Mr. Speaker. I could talk more about this, but I can see that you're getting somewhat nervous there, so I'll sit down.

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

Natural Gas Deregulation

DR. PANNU: Thank you, Mr. Speaker. The Minister of Energy's slavish devotion to free market ideology has put him and his government at odds with Alberta's 69 natural gas co-ops. The Federation of Alberta Gas Co-ops has asked this government for evidence that allowing direct marketers like Apollo Gas into rural areas will be beneficial to the customers that they so ably serve. To the Minister of Energy of course: Mr. Minister, what documented evidence do you have that rural Albertans will receive improved service or reduced prices if the rural gas market is opened to direct marketers like Apollo Gas?

DR. WEST: Well, Mr. Speaker, gas deregulation started back in, I think, 1985, and it never was fully completed because the people of Alberta don't have customer choice. When they do have customer choice, they will have the benefits of a fully operating, free market system. That has worked in the past. I have cited examples here quite often about that.

I've met with the rural gas federation several times in the last month and assured them that the interests that they have in their investments in the pipe business that they run, the delivery business and service business, will continue and that nothing in this deregulation except customer choice will deter from their investments or the ability for them to pass on any efficiencies in their service to the customers. Now Gas Alberta will have to compete on an open market in serving gas to not only the gas federation but to other areas in the province.

2:10

DR. PANNU: How can the minister justify his phony-baloney rhetoric about competition driving down prices when the competition in urban Alberta is charging prices for natural gas which are 50 percent higher than the price charged by Atco Gas?

DR. WEST: Mr. Speaker, the entry into that question using the word phony-baloney in this Assembly – I won't honour it with an answer.

DR. PANNU: Thank you, Mr. Speaker. Let me try again. Why should rural Albertans believe the minister's assurances when increasing the number of middlemen peddling natural gas to a small number of customers spread over a large geographic area will do nothing other than fragment the market and drive up prices? Where is the logic, Mr. Minister?

DR. WEST: Mr. Speaker, I know that the question comes from a base of his own philosophy, and I don't, as I say, argue with him to have that right, but a New Democrat philosophy on a free market system is way different than mine. I believe so strongly in it and have demonstrated it as we've moved forward in privatizations and in deregulations in other areas that I can assure the people of rural Alberta that the marketplace will serve them well in the future.

THE SPEAKER: The hon. Member for Calgary-Montrose, followed by the hon. Member for Edmonton-Glenora.

School Materials Grants

MR. PHAM: Thank you, Mr. Speaker. My constituents have great concern about there not being enough money for textbook and instructional materials. After reviewing this issue, I found out that for the last four years the Calgary public school board has not utilized all the funding that the government provides for textbooks and instructional materials. My question is to the Minister of Education. Why cannot the board take full advantage of this grant?

MR. MAR: Mr. Speaker, the first thing that I want to say is that we support dollars for instructional materials to be purchased by school boards in two ways. First of all, we do provide them with the instructional grant that I referenced earlier today, and again that instructional grant is going up to nearly \$4,000 commencing September 1 of 1999.

The second way that we support the purchase of curriculum materials, resources, and textbooks is through the provision of a credit at the Learning Resource Distributing Centre. Mr. Speaker, we purchase those materials centrally, and through our volume purchasing we are able to pass on savings to school boards whether

they purchase just one textbook or whether they purchase a hundred. That credit, which is available to each student throughout the province, is going up again this fall to \$9.60. Throughout the province, if the entire credit were used up, it would be approximately \$5 million of moneys that would be used for the purchase of textbooks and curriculum materials.

In the case of the Calgary public school board their allocation would be roughly \$900,000. They don't use all of that, Mr. Speaker, because in order to use the credit, you must purchase materials. So that's the reason why the entire credit has not been used up by the Calgary school board. If they use some of that \$4,000 that we give to them, then they would be able to use the credit at the Learning Resource Distributing Centre for textbooks.

MR. PHAM: Thank you, Mr. Speaker. My supplemental question is also to the same minister. How much money is left over from this grant, and what happens to it?

MR. MAR: Well, Mr. Speaker, most school boards use up the majority of their grants. To the best of my recollection about 86 percent of the credit is used up. Moneys that are not used up that are allocated for the credits are lapsed at the end of the year pursuant to the Financial Administration Act, so they cannot be carried over into future years. In the case of the Calgary school board their utilization of the textbook credit has ranged from 50 percent, but it's gone up to a high now of 69 percent.

MR. PHAM: My last question is also to the same minister. Given that this money is allocated for the students of Calgary and they should benefit from it, can the minister consider putting the unused dollars into a special scholarship fund for Calgary students?

MR. MAR: Well, Mr. Speaker, we developed the policy for credits to allow school boards to purchase textbook materials. If a school board, however, believes that they have a higher and better use to be applied in another area, they can do that rather than using up their credits for textbooks or other learning curricula.

Mr. Speaker, there's no plan in place to make an exception for the Calgary board. The rules are clear to all 60 school boards throughout the province, and most of them do take advantage to the fullest extent of those credits at the Learning Resources Distributing Centre.

User Fees

MR. SAPERS: Mr. Speaker, over the past seven years this government has taken \$290 million out of the pockets of Alberta taxpayers through its new and improved user-fee tax regime. Now, the Provincial Treasurer has fought shoulder to shoulder with the province of Ontario in the Supreme Court of Canada to preserve this \$290 million tax grab, but even to this government it's become obvious that Alberta's user-fee tax regime is an oppressive burden on taxpayers. In spite of the fact that we've had barely three and a half hours of debate on the government's Bill 35, which would purport to freeze just some of these user fees, they now want to bring in closure on debate to protect taxpayers from over \$1.3 billion worth of user fees which are to be collected in this Treasurer's budget. The Premier has seen the light, we think, and he indicated that this government was prepared to include user fees on DAOs. My questions are to the Treasurer. Before the door is slammed on democratic debate on Bill 35, will the Provincial Treasurer now agree with the Premier and change government policy to include fees imposed by delegated administration organizations, school boards, universities, colleges, and regional health authorities as part of this province's review?

MR. DAY: Yes, Mr. Speaker.

MR. SAPERS: Thank you, Mr. Treasurer.

Will the Treasurer table now the formal terms of reference for the committee's review of user fees so that Albertans can be assured that the review will be comprehensive, not the same old same old typical exercise in public relations but a real review?

MR. DAY: It's totally comprehensive, Mr. Speaker.

MR. SAPERS: That wasn't a yes or a no, so we'll ask one more.

Now that he's had over 10 days to study them, will the Treasurer fully adopt the 13 recommendations submitted by the Official Opposition in response to the Premier's request as the principles to guide this government's user-fee and tax collection review?

MR. DAY: Mr. Speaker, let's be clear what's happening here. We're the only province in the country – the only province in the country – that is coming forward and doing an extensive and comprehensive review of all fees and charges, taxes, however you want to refer to them. Some of those are actually named in legislation. Those are ones which we believe could have a direct reference to the Supreme Court decision. So we've tried to assume which ones those would be. Those will be getting a full review.

We've also said that we want to review any other fees, charges that are done in this province for their appropriateness. Our philosophy as a government is that there should be a process of user pay. If I want to buy a hunting licence, I should assume the cost of that and not all taxpayers who don't want to buy a hunting licence. They should not necessarily be included in the cost of what I might want to do, whether it's a hunting licence; it might be a fishing licence. It could be any of hundreds of types of things which I might want to pursue. I should actually bear the cost for that. It should be user pay.

Now, Mr. Speaker, I want to make it very clear what is happening here. We sat here until 1 o'clock this morning as we heard the Liberals delaying the process of review. I have already said clearly, the Premier has said clearly – and I have put it in writing – that any suggestions you have, give them to us, and we will be more than willing to review areas that we might have overseen. We're not perfect. We might have left out a fee or two. Let us see those. Let us see what you're suggesting in terms of the mandate, the terms of reference for the committee, which will review everything. We're saying: let us see those.

2:20

But until 1 o'clock this morning we could not get the Liberals to agree to allow us to start the work which will pass on to Albertans millions of dollars of savings. I anticipate – I don't know what the committee's going to come up with – that there will be millions of dollars of savings passed on to Albertans. The Liberals don't want to see that happen. They sat here and stood here until 1 o'clock this morning slowing down the process. We want to get moving for Albertans, Mr. Speaker. They don't want us to do this, because it's a good-news story. We're the only province wanting to do this. Make it very clear: the Liberals do not want the benefits of lower fees and charges passed on to Albertans. They don't want that benefit passed on.

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

Kerby Rotary House

MRS. BURGNER: Thank you, Mr. Speaker. The International Year of Older Persons provides us with an opportunity to focus on the issues facing our aging population. Unfortunately one of those issues is elder abuse. On June 1 of this year the Protection against Family Violence Act will be proclaimed, which provides warrants of entry to protect vulnerable members of society. Yesterday the Kerby Centre officially opened the very first shelter in North America specifically designed to meet the needs of abused seniors. My questions today are to the Minister of Community Development responsible for seniors. Could the minister please advise this Assembly of the programs and services provided for our seniors through the Kerby Rotary House for abused seniors?

MRS. McCLELLAN: Well, Mr. Speaker, first, let me say that the Kerby Centre has a long history in Calgary of providing exemplary services to seniors in the Calgary area, because they do serve somewhat outside of the area. Since its inception in 1973 they've developed countless groundbreaking activities and programs. Kerby Rotary House for seniors is another one of those forward-thinking, one of a kind, first of its kind in North America, as far as I know. The centre will provide services to seniors who are suffering abuse of any kind for a stay of up to three months.

I had the honour of visiting the centre about a month ago. It's fine work and has a number of contributors to it including some program dollars from CFEP and others, but the corporate support and the fund-raising that Kerby has received in this I think states very clearly to all that this is a good project; it is a needed project. Kerby again should be congratulated on their initiative.

MRS. BURGNER: My second question to the same minister: why is the residential component limited to only two or three months for seniors?

MRS. McCLELLAN: Mr. Speaker, in my conversations with the folks at the Kerby Centre and the discussions over it – this is a temporary measure. It's a haven. It's a place where persons can receive crisis counseling. They can receive other resource services that are available at Kerby Centre as well. It is intended to be a transition, and it is intended to help seniors return to a situation that they want to live in that is not abusive or to make long-term arrangements for their living if that's necessary.

MRS. BURGNER: My final question: will the government review this initiative to determine whether there should be an expansion of this program to other seniors' centres in our province?

MRS. McCLELLAN: Well, Mr. Speaker, certainly we're going to watch this project with interest, but what I find interesting about this project is that what we're seeing – it's almost a phenomena across the province – is that the communities are stepping forward, identifying the needs, and moving forward with the initiatives. We're here to support fiscally if we can, in guidance if we can. What we have found over and over again is that if the need is identified in the community, if the community takes up the project and we're there in a supportive role, the project is more likely to be designed to meet the community needs, and it really will work.

I hope other communities will look at what Kerby has done there. I know that Kerby is there to talk to other communities, and hopefully there will come a time when there is no need for shelters of any kind in this province.

THE SPEAKER: The hon. Member for Edmonton-Rutherford, followed by the hon. Member for Edmonton-Mill Creek.

Gambling

MR. WICKMAN: Thank you, Mr. Speaker. The latest addition to the gambling explosion in Alberta is the craps tables, one of the fastest ways for money to exchange hands. Is this what Albertans really want? My question to the minister: what consultation with Albertans took place prior to the decision to allow the craps tables?

MRS. NELSON: Mr. Speaker, about two months ago the federal government amended the Criminal Code of Canada to allow dice games to be played in Canada. This was in response to requests and pressures, actually, from the Ontario government. Alberta didn't participate in that push. However, in saying that, as a result of the change in the rules, Alberta has made some allowance for the game of craps to come into the province.

What is important in this game is that it is very highly labour intensive. This is another one like Caribbean stud, like blackjack, like the roulette tables that we have in our casinos today, just another one of, I believe, about 25 different games that we currently have in casinos in the province of Alberta.

One thing that's different about this game, though, is that it requires a tremendous amount of physical space in the casino, plus it's very labour intensive, so I'm not too sure that many of our casinos will in fact move forward to have craps go into their casinos because of the labour-intensive costs and the space requirements that are there and the absolute control that has to be placed over top and monitoring of the game.

So it's a little premature to indicate how many actual craps tables will be in our casinos, if any, but there is a provision under the Criminal Code for it to be allowed, and it can in fact come in play.

MR. WICKMAN: Mr. Speaker, my second question to the minister. I didn't hear too much about consultation, but I'll try this: given that the traditional split for casino table action is 50-50, why do the casino operators get 75 percent with the craps tables, yet the sponsoring charitable organizations only get 25 percent?

MRS. NELSON: That's a good point. Again, if in fact these tables do come into our casinos, they are very expensive and very labour intensive. So the split on the craps tables will be 75-25: 75 percent for the cost of running the table, 25 percent for the charity. That's a decision that has been put in place through our commission, and it seems to be the appropriate split, Mr. Speaker.

MR. WICKMAN: Mr. Speaker, my final question to the same minister: when can Albertans expect to see a comprehensive plan to deal with the escalating gambling that is becoming a crisis here in Alberta?

MRS. NELSON: Well, you know, Mr. Speaker, the hon. member opposite has been very helpful in the debate during this session on Bill 36 to move forward, to restructure some of the policy development. I appreciated his comments, and I'm sure that as we come forward with policy after we have Royal Assent on that bill, he will also be supportive of the process that we would go through toward policy development. So he's going to have to be patient until that bill does in fact receive Royal Assent so that policy can come forward from the government.

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

2:30

Seniors Moving to Alberta

MR. ZWOZDESKY: Thank you, Mr. Speaker. The large number of people moving to Alberta from other provinces is truly outstanding due in large part to our very strong and stable economy here. In fact many of these new Albertans are seniors, which is particularly noteworthy during this International Year of Older Persons, and in response to my recent *Mill Creek Report*, wherein I highlighted seniors, I received many comments about this trend. So I have some questions to the hon. Minister of Community Development responsible for seniors. Can the minister please explain this very positive trend and tell us how Alberta rates in comparison to other provinces?

MRS. McCLELLAN: Well, Mr. Speaker, this is a timely question. It is the International Year of Older Persons. It is a fact that Alberta is one of the fastest-growing provinces. It is a fact that the province of Alberta has the highest in-migration of any other province in Canada. I think that ours was something like 46,000 people in the last statistical year, and the next closest one was Ontario at 5,000, so it is significant.

Mr. Speaker, that phenomena is also in the seniors population, and it's interesting that we've had about 2,338 seniors – that's net. More moved into the province than moved out. That doesn't count the people who become seniors within the province. That was the last statistical year, 1998. Two other provinces only in Canada had an in-migration, and I find that interesting. Ontario had a net figure of 746, and New Brunswick had a net figure of 38, and I remind you that ours was 2,338.

So, Mr. Speaker, it is significant. It is interesting. It is something that I think we have to look at; we have to acknowledge. Certainly the work of my colleagues from Calgary-West and from Leduc on the impact of an aging population is even more important with those figures.

MR. ZWOZDESKY: I wonder if the minister could also explain some of the specific factors, perhaps some unique Alberta factors that are contributing to this high influx of seniors to our province. In other words, what do we need to keep continuing to do?

MRS. McCLELLAN: Mr. Speaker, in talking to seniors, there is a number of factors mentioned. I have asked them about this. You know, I spend a fair amount of time in this House. I listen to some debate across the floor. I listen to some comments on the seniors' programs, how bad the seniors' programs are in Alberta. So I look at this, and I say: why are almost 2,400 more seniors moving to this province? I want to know the answers.

Well, the fact is that Alberta is a great place to live. I think that's first and foremost what we hear.

Secondly, a lot of seniors move because they want to be with their families, so if families are moving here for business or job reasons the extended family tends to want to come as well. They like the relatively low housing prices compared to many other places in the country. They like the low taxes. They especially like no sales tax. One of the things I think we forget is that seniors are high contributors to the economy, so these things are important to them.

The other thing I do hear – and I must mention it in fairness – is that the quality of the programs that are in place for seniors are the best in Canada bar none.

MR. ZWOZDESKY: My final supplemental is to the same minister. Given that a strong and growing population also creates pressures on infrastructure, on funding, and on government programs and services, can the minister explain some of the challenges this

presents and what is being done specifically to address these challenges as they relate to our senior population here?

MRS. McCLELLAN: Well, Mr. Speaker, let me make it very clear to this member and all members in this House that the in-migration of seniors to this province is a very positive event. It is a very positive event. Seniors make a very substantial contribution to our economy, as I said, economically but also socially, educationally, and culturally, and that is a fact. National figures demonstrate that. Seniors are only 12 percent of our population, but they make up for 13 percent of consumer spending. So seniors come here. I can tell you that the door is open in Alberta to seniors and to everyone else who wants to make this their home and contribute to the strength of this beautiful province. We welcome the seniors.

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

Fatality Investigations

MS OLSEN: Thank you, Mr. Speaker. Investigators from the medical examiner's office respond to suspicious deaths that include such things as suicide, homicide, and those deaths with no visible cause. In large urban centres this job is carried out by specially trained investigators from the medical examiner's office, and police officers rely on their expertise to help conduct a sound investigation and collect evidence for any possible court proceedings. My questions are to the Minister of Justice. Can the minister advise the Assembly what training and expertise are required of investigators from the medical examiner's office?

MR. HAVELOCK: Mr. Speaker, that's a good question. I don't have the detail here, but I'd be happy to provide that to the hon. member in writing.

MS OLSEN: Thank you. My second question is to the same minister. Given that police members are ex officio investigators for the medical examiner's office in rural areas, what specific training would they receive in relation to these duties?

MR. HAVELOCK: Again, Mr. Speaker, it's a good question, but I don't have the detail with me right now. I will provide a written response to the hon. member.

MS OLSEN: My final question to the same minister: will the minister commit to ensuring that all investigators in the medical examiner's office, including the police, have the same level of training?

MR. HAVELOCK: Mr. Speaker, I think I can give that commitment at this point in time, but again let me take a look at what the specific training requirements are for both groups. I will take a look at it, and if there are any deficiencies or if we feel that the officers require additional training in order to do their job, then certainly we'll take a look at that.

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

Maintenance Enforcement and Child Custody

MS GRAHAM: Thank you, Mr. Speaker. Earlier this week the federal Justice minister responded to the federal joint committee report on child custody and access called *For the Sake of the*

Children, and among the many recommendations in this report were those calling for a child-focused approach to divorce and custody matters as well as shared parenting and parenting plans. These recommendations were at the very heart of the MLA review of maintenance enforcement and child custody in its report released in June of last year. My questions are to the Minister of Justice. What steps has the minister's office taken to make Ottawa aware of the recommendations from Alberta's MLA review report?

MR. HAVELOCK: Mr. Speaker, when the federal joint committee held hearings in Calgary in 1998, an Alberta Justice official appeared as a witness before that committee to make sure it was aware of Alberta's MLA review. Subsequent to receiving a copy of the MLA review, I did forward it to the federal joint committee. I believe it was on June 19, 1998, that I sent that report through to them.

It is clear, Mr. Speaker, based on what the federal government has come forward with, that many of the recommendations of the Alberta MLA review are echoed in the federal joint committee's report. Now, I can't say whether the Alberta MLA review influenced the federal joint committee directly or whether it's just a case of the two committees arriving at the same conclusions, but it's quite evident that Edmonton and Ottawa, at least in this instance, seem to be starting from the same place and actually heading in the right direction.

I feel that the MLA review report was very positive. It's been well received by the members of the Legislature. In fact we're just in the process of passing some legislation, two bills I believe, which reflect the recommendations from the committee.

MS GRAHAM: Thank you, Mr. Speaker. My second question is to the same minister, and that is: what position, if any, did Alberta Justice take in supporting the key recommendations of the federal report, which, as the minister mentioned, are consistent with our own government's recommendations?

MR. HAVELOCK: I personally wasn't directly involved in the compilation of the federal report, Mr. Speaker, but Alberta's MLA review did come out last June, long before the federal joint review committee report. As I indicated in my previous answer, it would appear that the federal position is very supportive of a number of the recommendations put forward by our committee. There is a committee in place among the federal, provincial, and territorial governments which allows us to consult with each other on family law issues, and a senior official from Alberta Justice sits on that committee, so we do have a strong voice around the table.

We are committed to thoroughly assessing the recommendations that have come forward from the federal government, as we did with the MLA review itself. We will continue to work with the federal government regarding the recommendations. We are very supportive. We did support them strongly with respect to the recommendations. It's certainly going in the right direction.

MS GRAHAM: Mr. Speaker, my final question is to the same minister. With the knowledge that the goal of the Alberta government is to consolidate family law legislation and introduce that in the spring of 2001, will the unwillingness of the federal government to introduce the concept of shared parenting in the Divorce Act influence Alberta's position in its own new family law legislation?

2:40

MR. HAVELOCK: Well, Mr. Speaker, that's a good question. There has been a little bit of media on that issue the past few days. I believe the federal minister wishes to pursue some significant

consultation prior to introducing the concept of shared parenting. I don't believe she has expressed that she is not in favour of it, but I think it's important for the federal government to undertake an extensive consultation. Certainly I'd like to see it go a little more quickly than they are proposing. I believe they're looking at a three-year time frame. On the other hand, we ourselves made a commitment to consolidate our own family law legislation, because that was one of the recommendations from the MLA review, and I believe that will be completed by 2001. So it does take some time.

It would appear that the federal government is instituting a process very similar to the one which this Legislature undertook. Now, I can't say at this point how the federal position, Mr. Speaker, will influence Alberta's position because at this point in time we're still studying it and there's still ongoing consultation. However, I am happy to say that at this point in time there seems to be a great deal of consistency between Alberta's position and the federal government's position, so hopefully the two positions won't be that far apart at the end of the day.

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

Grizzly Bears

MS CARLSON: Thank you, Mr. Speaker. A 1997 summer study using DNA techniques recorded that the highest possible number of grizzly bears in southwest Alberta was less than 74 bears. Since then 14 grizzlies were killed or removed from the area. This total population is significantly below the 1990 estimate of 81 bears in the area that this minister claims. Given this, how can the Minister of Environmental Protection claim that the grizzly population in the area is increasing and healthy, as he did in a press release?

MR. LUND: Well, Mr. Speaker, the hon. member is comparing apples and oranges. There are different areas, and we're talking about different areas. The fact is that when you see that there are 14 that are causing a problem and have to be moved, that shows that the population is increasing.

Mr. Speaker, it's very unfortunate that the hon. member doesn't go and talk to the people in the area. The fact is that when you go and talk to the ranchers, to the people that are out in the backcountry, they all tell you that there's an increased population of grizzlies in the area. Those are the people that have been there for years. As a matter of fact, a couple of elderly gentlemen that ranch in the area were talking to me back about three weeks ago. They have been there since back in the '20s. These are older gentlemen, and they've been there for a long time. They're telling me that they have never seen the population as high as it is today.

MS CARLSON: Having to remove 14 bears shows that the problem is this government's policies, putting increased pressure on those bears.

Mr. Speaker, can this minister tell us that the reason for this unrealistic interpretation of the data is because the government wants to completely avoid recognizing the need to protect grizzly habitat in the Castle area? He just refused to acknowledge it and won't do anything down there.

MR. LUND: Well, Mr. Speaker, the fact is that there hasn't been more pressure. These bears are still in the same areas they have been in for years. As a matter of fact, I made a point of asking those ranchers if in fact they are pasturing cattle in a new area. No, they're not. They've been pasturing in that same area for years. So if the hon. member would go and talk to even people anywhere along the foothills and into the mountains, where the people have been there for

years, have been working in the area for years, you'll find that in fact they'll all tell you that there's an increased population.

As far as activity scaring grizzlies, it's an interesting thing. Just last summer, about a year ago now or a little bit later, I was out to the mine at Obed and came over the hill with a helicopter, and there, not a quarter of a mile from where the equipment was working, where there's blasting going on in the coal mine, guess what? There was a sow and two cubs busy tearing apart a log. They looked up and had a look and kept on with their business.

MS CARLSON: Is the minister confirming for us, then, that he completely refuses to acknowledge scientific DNA studies so that he can take word-of-mouth samples, because that's what he wants to hear?

MR. LUND: Mr. Speaker, I indicated in my first answer that they are taking a different area. The area of the DNA samples wasn't as large as the area that we were talking about before. In fact, the biologists tell me that there were more bears in the area where they took the DNA test than they thought there was before. As some of my hon. members have indicated, those are the bear facts.

THE SPEAKER: Hon. members, three members today have indicated their desire to participate in Members' Statements. I'll call on the first member in 30 seconds from now.

Perhaps though, hon. members, in the interim might we revert to Introduction of Guests?

HON. MEMBERS: Agreed.

head: Introduction of Guests

(reversion)

THE SPEAKER: We'll proceed with the hon. Member for Edmonton-Manning.

MR. GIBBONS: Thank you, Mr. Speaker. I'd like to introduce to you and through you to the Legislative Assembly 14 visitors from the northeast teen centre in northeast Edmonton. The teen centre is a nonprofit organization which offers support services to youth, including counseling, referrals, hot meals, emergency clothing, and personal care. They provide a safe, supervised, supportive atmosphere in which at-risk youth can spend their free time.

Representing the teen centre today are Kim Tetley and Tanith Hodgkinson, co-directors of the drop-in centre; Loreen Kabanuk, vice-chairman of the board of directors; Constable James Elkow of the Edmonton city police, Belvedere neighbourhood foot patrol, who has worked closely with the centre over the past year; and some of the youth that frequent its facilities. Mr. Speaker, they are in the public gallery, and with your permission I'd like to ask them to stand and receive the traditional warm welcome of the Assembly.

MS EVANS: Mr. Speaker, it is my privilege to introduce today to you and through you to this Assembly 23 students from Archbishop Jordan high. Accompanying them are their teachers Yolande Joly and Audrey Gordey. I spent time with these students last week. They're incredibly politically astute. I ask this Assembly to welcome them as they rise in the members' gallery.

head: Members' Statements

Cowboy Poetry Celebration

MR. COUTTS: Mr. Speaker,

I would like to get your attention

To tell you about a find

One that you'll truly love
And return to every time.

It's about a Gathering
To entertain the mild and the meek
One where they pull out all the stops
Down along Pincher Creek.

One hundred and eighteen years ago
Some ranchers there did settle
Raising horses, cattle and some hay
And never would they meddle.

They carried on and prospered
There were good times and some were hard
Through drought, blizzard and the floods
They were always on their guard.

Twelve years ago last winter
A tribute was expressed
To the pioneers, the cowboys
The poems of the West.

June 17th they'll be arrivin'
Some from near, some from far
Some a yodelin' and a singin'
Some playin' on guitar.

Many toe you'll find a tappin'
Then a tear in the eye
The artists they'll be sketchin'
That far 'n reachin' sky.

Cowboy poetry and western music
Crafts and western art
Four days of celebration
Our heritage of the heart.

Whether you're dancin' or singin'
Or standin' by a fire
Many stories will be told
No one callin' you a liar.

Be it listenin' or a-lookin'
Feel free to come or to go
When the spirit moves you nearer
Heck, no one needs to know.

They're a welcoming bunch, don't be afraid
Bring your partner, heck, bring your boss
But drive on down to Cowtown
I guarantee it won't be a loss.

This is a poem from local organizers and poets Caren Hochstein and Patti Lively. It's their invitation for you all to attend Canada's largest cowboy poetry gathering of 1999 in Pincher Creek this June 17 to 20.

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

MS LEIBOVICI: I'm sorry, Mr. Speaker. I actually didn't bring it with me this afternoon.

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

2:50

RCMP March West

MR. LOUGHEED: Thank you, Mr. Speaker. The RCMP March West re-enactment marks not only the 125th anniversary of the Royal Canadian Mounted Police in this country; it also pays tribute to the service the RCMP has provided to the provinces, to the

communities and the people it has served. Sir John A. Macdonald proposed the idea, and in 1873 the North-West Mounted Police was organized. On July 8, 1874, two contingents set forth to march west from Fort Dufferin, Manitoba, to Fort Macleod, Fort Saskatchewan, and Fort Edmonton.

Canadians take great pride in our RCMP, yet few of us are aware of their historic journey from Manitoba to Alberta. The March West re-enactment, which will cross all three prairie provinces and pass through hundreds of western communities, covering about 1,500 kilometres, is a remarkable task to undertake to mark this anniversary and bring to life the story of their existence.

As the MLA for Clover Bar-Fort Saskatchewan I am pleased and honoured that this July the county of Strathcona and the city of Fort Saskatchewan will welcome the March West riders and celebrate their arrival with festivities marking this historic event. On Wednesday, July 21, the riders will arrive at the gymkhana grounds just east of Josephburg. That evening and the following day they will be hosted by the residents of Strathcona county. On Friday, July 23, the March West troop arrives in Fort Saskatchewan, which is the end of the trail for the northern portion re-enactment just as Fort Macleod is the end of the trail for the southern portion.

The city of Fort Saskatchewan will celebrate March West with a parade, street dance, pancake breakfast, RCMP Musical Ride, regimental ball, and aboriginal and Metis dancers. All Albertans and all out-of-province visitors are welcome and encouraged to attend these celebrations during the dates of July 23 to July 25.

Thank you.

head: Projected Government Business

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

MR. SAPERS: Thanks, Mr. Speaker. Pursuant to Standing Orders I would ask that the Government House Leader please advise as to the projected business for next week in the Assembly.

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. Depending on progress this afternoon, on Monday, May 17, under Government Bills and Orders for second reading, Bill 39; for third reading bills 30, 24, 34, 12, 26, 32, 37, and 7; and thereafter as per the Order Paper. Monday evening, under Committee of the Whole, bills 31, 22, 23, 25, 35, and 39; third readings as per the Order Paper.

On Tuesday, May 18, at 4:30 under Government Bills and Orders, third reading of bills 39, 35, and 37 and as per the Order Paper. Tuesday at 8 p.m., under Committee of the Whole, as per the Order Paper; third readings of bills 35, 37, 32, 25, and 7; and as per the Order Paper.

On Wednesday, May 19, at 8 p.m. under Government Bills and Orders, under Committee of the Whole, as per the Order Paper, based on progress; third readings of bills 35, 37, 32, 25, and 7; and as per the Order Paper, based on progress on Monday and Tuesday.

On Thursday, May 20, in the afternoon under Government Bills and Orders, Committee of the Whole, if necessary, as per the Order Paper; and under third readings bills 35, 37, 32, 25, and 7; and as per the Order Paper.

THE SPEAKER: The hon. Member for Edmonton-Glenora on a point of order.

Point of Order Imputing Motives

MR. SAPERS: Thanks very much, Mr. Speaker. I rise pursuant to Standing Order 23(i), which speaks of a member being called to

order should they impute "false or unavowed motives to another member." Earlier today in question period, in response to a question that I put to the hon. Treasurer, he went on and on and on to make comments that remarked that this member as part of the Official Opposition was trying to prolong, prohibit, or somehow get in the way of meaningful debate on Bill 35.

Mr. Speaker, I will point out a couple of facts in this regard. Including last night, at which point there were only two members of the opposition who spoke on Bill 35, neither of them, by the way, using all the time permitted under Standing Orders to do so, the total debate time through first reading, second reading, and to date on committee stage on the bill is less than three hours and 20 minutes by my calculation. If the table officers have a more accurate record, they may want to present that.

This three hours and 20 minutes of debate deals with hundreds and hundreds and hundreds of user fees which, taken together, will contribute \$1.3 billion to the provincial coffers and affect every Albertan no matter where they live in this province. So this could hardly be seen as a lot of debate. We heard today half of a motion of closure. It would seem to me this government is getting very sensitive about this bill because they're clearly anticipating closure to foreclose on any more debate on this bill.

I will also add, Mr. Speaker, that it was the Treasurer himself who rose last night or earlier this morning in the Assembly and adjourned debate. I voted against that adjournment motion. I was quite prepared to sit here and debate that, but it was the Treasurer who adjourned debate on Bill 35, stopping any progress on the bill last evening. So it was absolutely inappropriate and, I would say, somewhat misleading to suggest that it was the opposition who was trying to stop debate when it was the Treasurer himself who shut it down.

Mr. Speaker, one final point. One of the several amendments which I have provided to the government in terms of answering their request for help is an amendment which would shorten the review period. The government thinks it's going to take them a year to do this review. They've had plenty of time and plenty of notice. One of the Official Opposition amendments is to shorten the review period from 12 months to six months, thereby bringing faster tax relief to Albertans instead of prolonging it, which is the government's plan. They want to keep this cash cow producing for just as long as they can. The opposition, on the other hand, is anxious to see that cash cow being put out to pasture.

Thank you.

THE SPEAKER: The hon. Provincial Treasurer on this point of order.

MR. DAY: Mr. Speaker, I won't take up the time of the members of this Assembly with such a silly debate. It's a habit of the Member for Edmonton-Glenora that when he gets spanked in question period, it's humiliating to him, and he tries to recoup that later through a point of order which has no basis in fact. He tries to continue the debate, which is more properly reserved for this Assembly.

As far as adjourning the debate, I stand guilty. Yes, I think at 1 a.m. we'd already been quite irresponsible going to that particular time, but we were trying to see if there was some serious intent in terms of the Liberal members themselves. You know, when you see a bill that only has three sections, whose intent is to review all the fees and charges in the province, and the opposition come out with something close to I think a hundred amendments – a hundred amendments. Last night, since the member likes to get these things on the record, as the amendments were debated and then voted on, they did the silly little thing of standing up and having all the bells

ring. Then we have to wait eight to 10 minutes, and then people gather. Then we read the names out, and then we sit down. We were all willing as members to just sign our names and say, "If you want all the names of those who are voting against your amendment, here they are," to speed things up. But they weren't willing to do that.

Mr. Speaker, what I said in question period I reiterate right now. The net effect of what they are doing – and we are not to presume motive, so I haven't done that – is to delay a reduction of fees and charges to Albertans. Motives aside, debate aside, the net effect of standing up and saying that they're going to be tabling a hundred amendments – a hundred – is to delay the possibility that we can get savings to Albertans. I said that plainly and simply, and I'll state it again.

I'm sorry, Mr. Speaker, that these non points of order continue to be raised and take away from proper debate time in the Assembly today.

THE SPEAKER: The hon. Member for Lethbridge-East on this point of order.

DR. NICOL: Yes, Mr. Speaker. Just to clarify, too, on the evening's debate and the amendments that are being talked about, none of them have yet been introduced. Each one of them adds to the list of fees and charges that this government has put in place. If they are reviewed and found to be excessive, it would give even further reductions in revenue claimed on Albertans as user fees. So in essence we're trying to help Albertans with those amendments, showing how little the government did when they completed their list. They weren't up front with all of the people of Alberta.

3:00

THE SPEAKER: The hon. Member for Edmonton-Calder on this point of order.

MR. WHITE: Yes, sir. I feel that this side was slighted by the hon. member in answering the question and remembering the context. The question was – and I'll paraphrase here – in effect: would the hon. Provincial Treasurer care to review those suggestions delivered to him by this side on improving the bill? His answer went many places, but one place it did go was to ascribe motives to this side that our intent was to delay the application of this bill.

Well, in fact if you look at all of the recommendations, they all point to hurrying along this process. In fact, it is the contention of this side that this bill is not even necessary. The government does not need a bill and a commission to review a great number of fees and charges, totaling \$1.3 billion annually. We don't need any of that. All it does is require a simple order in council to change it.

So the assertion is so damaging to the reputation of this side – or could be if the ruling is such – that it really is offensive. It need not take this time of this House to deal with it.

Thank you, sir.

THE SPEAKER: Hon. members, may I draw your attention to *Beauchesne* 494.

It has been formally ruled by Speakers that statements by Members respecting themselves and particularly within their own knowledge must be accepted. It is not unparliamentary temperately to criticize statements made by Members as being contrary to the facts; but no imputation of intentional falsehood is permissible. On rare occasions this may result in the House having to accept two contradictory accounts of the same incident.

I heard one hon. member say a little earlier that we have arrived at three and a half hours of debate on the particular bill in question,

Bill 35. It seems to me we've just added an additional 20 minutes to the debate time. Let's move on.

head: Orders of the Day

head: Government Motions

Continuation of Enactments

20. Mr. Stelmach moved on behalf of Mr. Hancock:
 Be it resolved that the Legislative Assembly approve the continuation of the following enactments:
- (a) section 33 of the Agricultural Societies Act,
 - (b) section 2 of the Feeder Associations Guarantee Act,
 - (c) sections 3 and 30 of the Rural Electrification Loan Act,
 - (d) section 2 of the Rural Electrification Long Term Financing Act, and
 - (e) sections 32 and 33 of the Rural Utilities Act.

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

MR. STELMACH: Well, thank you, Mr. Speaker. This motion will extend the loan and loan guarantee provisions under both the Feeder Associations Guarantee Act and the Agricultural Societies Act. The Feeder Associations Guarantee Act provides the framework and structure under which 62 individual feed associations operate. The Agricultural Societies Act provides for a guarantee of loans taken out by agricultural societies, subject to the agricultural societies' guaranteed borrowing regulation, and this is only up to 50 percent of the capital requirements. So I ask this Assembly's support in approving and supporting Motion 20.

Thank you, Mr. Speaker.

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

MR. WHITE: Yes. Thank you, Mr. Speaker. I rise to speak to Motion 20 and to assure the member opposite that this side of the House in fact will agree and hopes that this motion can be moved along rather rapidly.

Particularly speaking to the Agricultural Societies Act, we should certainly not like to hold anything up or in any way inconvenience the societies. Those of you in the House that come from rural Alberta would know the extent to which rural agricultural societies add to the quality of life. Those of us that come from the city would be hard put to find another agency that does as much in an urban society as would be likely to happen in rural Alberta.

I would also like to point out that the Feeder Associations Guarantee Act must be ongoing in that they must have their loans continued, particularly in these times when times have been tough in the feeder organizations for quite some time.

Turning to two other acts, where in fact the sunset clauses are laid aside and the acts are continued, the Rural Electrification Loan Act and the Rural Electrification Long Term Financing Act. These associations in rural Alberta are in dire need of some cash injections, should they be able to be survivors in this deregulation process that's in progress at the moment and which is, in this member's view, close to disaster. They certainly do need a loan portfolio continued that is actually held now by the Toronto-Dominion Bank and in fact is some \$22 million. But the administration of the program must remain sound and must be maintained, guaranteed by the government.

Likewise, the Rural Utilities Act must be maintained for the co-operatives in the province that have their capital outlays that have to be guaranteed. They do have a much better rate and therefore save

the end users a great deal, which are the rural consumers. That's on the upside of the motion, sir.

Two days ago I received a call from a gentleman named Terry Holmes of the Department of Energy, the rural utilities branch, a very pleasant young man who explained to me all the ins and outs of two parts of the bill. I questioned him extensively, and we understood each other. It was a pleasant conversation. The difficulty I have, sir, is these are sunset clauses in five pieces of legislation. Now, I was here five years ago when legislation was passed, and sunset clauses were a buzzword of the day. It was to guarantee – this is the government speaking – that all legislation was fully and completely reviewed in five years so that we don't have too much regulation and we don't have too much government.

Well, a 15-minute conversation between a bureaucrat, however pleasant, and a member of the opposition does not in this member's mind constitute a full and complete review of a piece of legislation, let alone of five pieces of legislation. A sunset clause in fact should have and deserves that kind of review. Quite frankly, there is no need for further castigation, but just so that the House knows, if this kind of thing is to occur, if this side of the House is notified more than two days in advance, particularly when the House is purportedly coming to a close in the near future, it would be so much easier to have some discussions.

This member would have thought that it would have been on the agenda for at least an SPC – and I think the member opposite is on that particular committee – at least up for some discussion to understand that there is some need for some continuance of these sunset clauses and to set another date certain when they can be reviewed again. But just to pass it off, roll it off, to not even pay any heed whatever to all of those words that were thrown about the House at the time about sunset clauses does not bode well for other things that are said by this government in this House.

Mr. Speaker, I wish this motion to pass with as much haste as reasonably possible, but there are some few questions from this side.

Thank you, sir.

THE SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. A very brief question in connection with this motion. It's been my understanding that the loans that were under the rural electrification program have been transferred to the private financial institutions. At a later time I would appreciate an answer from the minister, if it would be possible, as to why we still need these provisions under the loans when those, I guess, obligations of the government have supposedly been transferred to the private financial institutions. If we could get that clarified, then we'd know why this is coming forward even though that's been done.

Thank you, very much.

3:10

THE SPEAKER: The hon. Minister of Agriculture, Food and Rural Development to close the debate.

MR. STELMACH: Mr. Speaker, I'll definitely on behalf of the Minister of Energy get the answer to the question. I think I know the answer, but I'd better get the answer from the minister.

With respect to the issues raised by the Member for Edmonton-Calder, there were extensive reviews done on both programs under the department of agriculture, by both the feeder associations and the ag societies, and it was determined overwhelmingly that they contribute significantly to the wealth of Alberta in terms of wealth and job creation, with a very minimal loss, if any, under both of

those guarantees. It just adds further stability to a multibillion dollar industry in the province of Alberta.

Thank you, Mr. Speaker.

[Motion carried]

head: Government Bills and Orders
head: Second Reading

**Bill 25
Insurance Act**

[Adjourned debate May 4: Mr. Yankowsky]

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

MR. WHITE: Thank you, sir. Having not spoken to this thus far, I thought that at second reading the framework of this bill should be spoken to in that all of us are affected by this act in the application.

First of all, I'd like to say that it's a great undertaking by I believe the MLA for Calgary-Lougheed to sponsor this bill and to go through the legalese in it. In fact, it's about high time, looking at the provisions and the changes and the last time that a full and complete review was undertaken. This bill, as I understand it, purports to and I believe does modernize the financial institutions governing the insurance operations in Alberta and in fact sets a new standard of market conduct, as it were, for rules for the distribution of insurance in this province.

My colleagues before me – and I've read a great deal of *Hansard* on this matter – have covered most of the areas of concern from this side save one, and that one interests this member in particular. During university years I in fact held a licence to sell insurance – general insurance, that was – and as intelligent as I thought I was, in hindsight I certainly didn't know enough about the business to commit the companies to the risk and to explain the ramifications of that risk to my clients.

This particular provision – I can't quite cite the location for the changes; somewhere in section 500 and something or other – does not require the licensing provisions to have this be either the sole or even the primary occupation of a practitioner. In fact, what they're saying is that part-time selling of insurance is the order of the day. I'm not so sure that in this day and age when insurance coverage is becoming much more complex, when the risks are becoming considerably greater and whole new fields of insurance and coverage are opening up daily with international trade and the like – this member has some concerns about members of the public with painfully little training in what I think is called first stage or level one insurance acting as broker between the insurer and the insured.

In most cases there will not be any difficulty, but in the one-thousandth or two-thousandth or three-thousandth case that could come up where the explanation of the coverage is in error or the explanation of the risk to the company is in error, mistakes can be made and will be made. With a part-time practitioner, in this member's view, it will increase the potential for that error manifold. That one instance could be so gravely damaging not so much to the insurer but to the insured. That's the person who has put out some money thinking they have a risk covered and finds in the fine print of the policy that it either wasn't explained to them or was explained to them in error. It can be absolutely disastrous. I would think that provision should be examined and examined in some depth in this Legislature.

[Mrs. Gordon in the chair]

The other area in the act that I feel should be brought to light is in section 498(b), where there's no provision for mandatory continuing education. This member has been a member of a professional association for nigh on – let's see – 30 years now, and the association has in the last 10 years been examining mandatory continuing education and in fact has instituted it in the last five. That industry is becoming more and more complex. Of course, that's the practice of professional engineering. That industry is becoming much more complicated. This industry has just boomed in complication and levels of different service. In fact, the industry has become much more competitive, and with the complexities and the competitiveness involved, it's this member's view that continuing education is an absolute necessity. I would think that the Alberta Insurance Council should in fact be focusing on managing that continuing education so as to keep their brokers and/or agents in the forefront of the knowledge envelope, as it were.

There certainly are other provisions – financial errors, guarantees, and omissions and those kinds of provisions – in the act that I'd like to review, but they are in-depth, and we may in fact have a little more explanation between now and the time that we do go into Committee of the Whole on a number of these matters. I should think that would be the time to discuss the individual portions of the act.

With that, Madam Speaker, I'd like to call for the question on second reading of the bill, if there are no other speakers of course.

THE ACTING SPEAKER: The hon. Member for Calgary-Lougheed to close debate.

MS GRAHAM: Thank you, Madam Speaker. I would just like to take this opportunity to say three brief things. The first is that I neglected to state on the record in my initial remarks on second reading that Bill 25 is not intended to be a response to the recent Alberta Court of Queen's Bench decision entitled *re Gruending*, a decision of Madam Justice Veit in February of this year which struck down section 265(2) of the existing Insurance Act in that it is in violation of the Charter of Rights because it does not apply to common-law spouses. It is the intention of the government to introduce legislation amending that section to respond to this case before the 12-month period allowed by this decision expires in February of 2000.

I'd also like to say just for the information of the Member for Edmonton-Calder and perhaps for other members who are unaware of this that it is the intention of the government to introduce as a House amendment in Committee of the Whole an amendment mandating continuing education for insurance intermediaries.

Lastly, Madam Speaker, it would be my intention to respond in Committee of the Whole to the other matters raised by members of the Assembly in the debate at second reading. I think that perhaps those issues are more appropriately dealt with there.

With that, I would like to move closure of the debate here at second reading.

[Motion carried; Bill 25 read a second time]

head: Government Bills and Orders
head: Third Reading

**3:20 Bill 30
Employment Pension Plans Amendment Act, 1999**

MRS. TARCHUK: Madam Speaker, Bill 30 responds to changes in the pension and financial sectors and to changes in both the workforce and our global marketplace. Albertans involved in the pension

industry look forward to these amendments. I am pleased to move third reading of Bill 30.

MR. MacDONALD: Madam Speaker, I have a few brief comments also on Bill 30 here in third reading. We must as responsible legislators update Alberta's regulated private pension plan legislation. Bill 30 as it stands I believe goes a long way in updating this legislation.

We are going to further safeguard pension earnings while also increasing the flexibility of plan sponsors and members to meet and deal with retirement needs. In any discussions that are to take place, the primary consideration must be what is in the best interests of all employers and all employees. We must also remember, Madam Speaker, that the majority of Albertans want a secure, well-funded pension plan so that they can plan with confidence and have a healthy and long and fulfilling retirement. I would remind all hon. members of this Assembly that the Employment Pension Plans Act governs over 1,200 private-sector registered pension plans in Alberta with almost 300,000 members.

There are a few questions I have, but this is essentially a good piece of legislation, and hopefully my questions will be answered in the future with legislation as provided by the government. But Bill 30, I believe, simply doesn't make the changes that are necessary to answer the questions that the local authorities pension plan had regarding the establishment of a plan for joint governance models and independence. The problem sections of the Employment Pension Plans Act for the LAPP as I read through this are sections 38 and 40 because they do not recognize that the local authorities pension plan is jointly funded, and I'm sure this will be worked out in the future.

In closing, I would also remind all members that the local authorities pension plan involves the rights of over 25,000 retired people and over 72,000 active employees with a fund of over \$7.6 billion. This is a sound piece of legislation, which is a good start.

Thank you very much.

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

DR. PANNU: Thank you, Madam Speaker. I want to speak briefly to Bill 30 in its third reading. As my colleague the previous speaker has indicated, the bill certainly is a step forward. It seeks improvements to the existing legislation, and in that sense I'm pleased that that's the case. The one concern that I continue to have with the bill as amended now and before us in third reading is that it does not address the pressing issue of the discriminatory nature of Alberta pension plan legislation with respect to same-sex couples.

This bill was an excellent opportunity for the House and the government to amend the existing legislation, to bring it into line with the clear and evident trend across the country to full and equal rights and obligations for same-sex couples. By not seizing this opportunity, the government is obviously willing to live with the discriminative nature of the bill in its present form. It's tantamount to erecting or keeping a legislative barrier or fence around equal rights for all couples regardless of gender status.

The amendments that were made to the bill, especially to section 20(1), certainly make the bill a little more inclusive, but it's the definition of "spouse" in the bill that to me still is the key to how the bill will be interpreted in the courts. The definition of "spouse" in the act is a critical gatekeeping definition that determines entitlement to benefits under the act. That is why it's a carefully defined term, and this is why the Legislature is at pains to amend the definition to include a single, new class of eligible persons.

Now, a term such as "spouse" that's defined clearly in the act is a term that's important because it allows the courts to interpret the act as a whole. Instead of looking to the ordinary understanding of the term, a court will look to the defined meaning of the word used in the legislation as evidence of the comprehensive intent of the lawmakers. The fact that the definition section insists that a "spouse" must be of the opposite sex is clear internal evidence in the bill that there is . . .

MR. RENNER: Point of order.

THE ACTING SPEAKER: The hon. Member for Medicine Hat.

Point of Order Clarification

MR. RENNER: Thank you, Madam Speaker. I'm listening to the comments of the Member for Edmonton-Strathcona. We're debating third reading of the bill. The issue that the member is referring to was corrected in Committee of the Whole. The amendment was passed, and I'm wondering if the member is aware the amendment was passed because it seems that he's redebating an issue that no longer exists.

THE ACTING SPEAKER: Thank you for that clarification, hon. member.

DR. PANNU: Madam Speaker, I heard what the hon. member from the opposite side said. I have in fact acknowledged that amendment has been made to section 20(1). What I'm talking about is the definition of "spouse" that occurs before that section, you know, in the preamble of the bill. That's what I'm talking about, and I hope that point is clear. I certainly acknowledge the amendment that has been made, and I in fact have further indicated that that amendment does improve the bill to a degree.

So if I may continue, Madam Speaker, with your permission.

THE ACTING SPEAKER: Go ahead, Edmonton-Strathcona.

Debate Continued

DR. PANNU: Madam Speaker, I was saying that the fact that the definition section insists that a spouse must be of the opposite sex is clear internal evidence that there's a lack of legislative intent to extend benefits under the act to opposite-sex partners who would otherwise fall within the definition. The act of legislating that spouses under the act must be of opposite sex implies that the Legislature has implied, considered, and rejected a definition of an eligible spouse that would encompass same-sex spouses.

3:30

All I want to add is that since that is the limitation of the act, I am unhappy with the fact that the definition, which is a gatekeeping kind of definition of the spouse, is retained in the act, and therefore the act will be subject to challenges in the courts. The courts may and most likely will rule against the bill on the grounds of the fact that it violates the Charter of Rights. The decisions by the courts, two of which I referred to in my comments on the second reading of the bill, clearly indicate that the courts are inclined to view any discrimination based on gender for benefits associated with same-sex couples as something that they will reject, that they will see as a violation. Therefore, the bill remains, in my view, flawed and inadequate.

Thank you, Madam Speaker.

[Motion carried; Bill 30 read a third time]

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

MR. RENNER: Thank you, Madam Speaker. I would like to seek unanimous consent of the Assembly to waive Standing Order 73(1) to allow for second reading of Bill 39, introduced earlier today.

THE ACTING SPEAKER: Having heard the request from the hon. Deputy Government House Leader, all those in favour of granting unanimous consent to waive Standing Order 73(1), please say aye.

HON. MEMBERS: Aye.

THE ACTING SPEAKER: Opposed, please say no. It's carried.

head: Government Bills and Orders
head: Second Reading
(continued)

Bill 39
Miscellaneous Statutes Amendment Act, 1999

DR. TAYLOR: On behalf of the Minister of Justice I am pleased to move second reading of Bill 39.

THE ACTING SPEAKER: Thank you.
The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Madam Speaker. We are happy to support this bill in second reading, and I would like to compliment Peter Pagano for all of his work on this bill. He certainly did an excellent job in selecting input, and we appreciate his co-operation on that and on his behalf the co-operation of the government. The miscellaneous statutes bill is always a model in parliamentary co-operation for us, and we hope that continues. Perhaps we could use that model and apply it to other bills in the future.

In principle I just have one point that we would like to make on one of the statutes that's being amended, and that's to do with the Wildlife Act. One of the funds that's being repealed in here is the fish and wildlife trust fund. Moneys in the past have gone to this fund as a result of donations or bequests or other kinds of payments and fees, and that money has been used in a very appropriate fashion in the past. How this money gets distributed is up to the discretion of the minister, and we hope that he will be seeing those funds go to the Alberta Conservation Association, who has taken over the function of the fish and wildlife trust fund.

So with those few comments, Madam Speaker, I will take my seat, and we will be supporting this bill at second reading.

[Motion carried; Bill 39 read a second time]

head: Government Bills and Orders
head: Committee of the Whole

[Mrs. Gordon in the chair]

THE DEPUTY CHAIRMAN: I'd call the Committee of the Whole to order. Please feel free to take off your suit jackets and have a cup of coffee.

Bill 39
Miscellaneous Statutes Amendment Act, 1999

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

MS CARLSON: Thank you, Madam Chairman. Because of the excellent level of co-operation we received between departments and critics, we will be supporting this bill in committee.

[The clauses of Bill 39 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.
The Deputy Government House Leader.

MR. RENNER: Thank you. I would move that the committee do now rise and report.

[Motion carried]

THE DEPUTY CHAIRMAN: Be it noted that's the fastest I've sat in Committee of the Whole. Would you all please now get rid of your coffee.

[Mrs. Gordon in the chair]

MR. SHARIFF: Madam Speaker, the Committee of the Whole has had under consideration a certain bill. The committee reports the following: Bill 39.

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

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed? So ordered.
The hon. Deputy Government House Leader.

MR. RENNER: Thank you, Madam Speaker. I would now like to seek unanimous consent to waive Standing Order 73(1) to allow for third reading of Bill 39.

THE ACTING SPEAKER: Having heard the request from the hon. Deputy Government House Leader, all those in favour of granting unanimous consent to waive Standing Order 73(1), please say aye.

HON. MEMBERS: Aye.

THE ACTING SPEAKER: Opposed, please say no. Carried.

head: Government Bills and Orders
Third Reading
(continued)

Bill 39
Miscellaneous Statutes Amendment Act, 1999

THE ACTING SPEAKER: The hon. minister of science, research, and information technology.

DR. TAYLOR: Thank you. On behalf of the hon. Minister of Justice I'm pleased to move third reading of Bill 39.

[Motion carried; Bill 39 read a third time]

Bill 20
School Amendment Act, 1999

THE ACTING SPEAKER: I need someone to move third reading.

MR. HAVELOCK: Yes. On behalf of the Minister of Education I'd like to move third reading of Bill 20, Madam Speaker.

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

DR. MASSEY: Thank you, Madam Speaker. I'd like to make just a couple of comments about Bill 20 and thank the government and the minister for making the changes in the bill with respect to the Board of Reference. I think it showed a flexibility and a willingness to respond to concerns. That was most admirable and certainly was appreciated by those people who would have been most affected by that change, the teachers of this province. So I thank the government for that change.

I'm not quite as happy with the second proposal, the second amendment that we had proposed with respect to the content taught in schools and the values that content must support. I thought we had brought forward a good amendment that would have strengthened the bill and would have not only strengthened this bill but strengthened other pieces of legislation from which the amendment had been drawn. I thought there was concurrence on both sides of the House that it was a good amendment, and I regret that as matters played out, the support for that amendment was not forthcoming.

With those few comments, Madam Speaker, I'm pleased to support Bill 20 and pleased that it has reached this stage. Thank you very much.

3:40

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

DR. PANNU: Thank you, Madam Speaker. I, too, will be very brief on Bill 20. I'm pleased that at the end of the day the minister decided to drop any references to the Board of Reference, and I think that's certainly improved the bill. The bill insofar as it now doesn't contain any reference to this certainly expresses the will of a large number of people in this province, including over 30,000 teachers.

I am disappointed that the minister decided not to change his position with respect to the next section in the bill, which deals with reference to the study of certain topics to the extent that they might deal with issues of social change in which either violent means or disobedience of laws might have been involved historically. I think that's a regressive step, and it's regrettable that the minister did not himself bring in a House amendment to drop that section and even more regrettable that he did not accept and the House did not accept amendments to that part of the section which would have preserved the freedom of teachers and of students to learn and talk about historical avenues of social change, including those that might have included peaceful disobedience of laws, civil disobedience, or even violent actions in large-scale social change. So it's an unnecessary and unjustified restriction on the freedom to think, freedom to explore, and freedom to learn about other societies and their history.

With those remarks I thank you for the opportunity.

[Motion carried; Bill 20 read a third time]

Bill 24
Traffic Safety Act

THE ACTING SPEAKER: The hon. Minister of Justice and Attorney General.

MR. HAVELOCK: Yes. Thank you, Madam Speaker. On behalf of the hon. minister I'd like to move third reading of Bill 24.

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

MS OLSEN: Thank you, Madam Chairman.

SOME HON. MEMBERS: Speaker.

MS OLSEN: Madam Speaker, yes. Sorry about that. I'm glad you're all awake over there.

I'd like to thank the minister of transportation for the work done. This particular piece of legislation was a long time coming, and we've seen some very interesting things happen.

A couple of disappointments out of this legislation. At this point it doesn't seem that there's a commitment to mandatory helmet laws nor to putting any restrictions on who can ride in the back of a pickup truck. Those are to me very serious issues that need to be dealt with in terms of vehicle safety and safety of passengers.

Also, I raised my concerns regarding the issue around driver's licence suspensions and having police officers suspend the licence of a driver. I think there's a better way to do that. I'm still convinced that you can have a suspension prior to an individual going to court; however, I think that suspension should be done by the courts and not done by the police officer on the street. I think that in order for that suspension to occur, there are a number of tests that should be met and should be met in a court of law or at least reviewed by a judge. So I'm still opposed to that section.

I also want to make a comment that I think the issue of sort of a precourt sanction is a slippery slope, and we really have to be careful as we move through the changing of laws. I think we have to be cautious that we're not jumping the gun for the sake of trends or something that's in vogue across other provinces. We need to be seen to be a leader.

I'm glad to see that there's an increase in the fines associated with some of this legislation. I might add that I used to write up a \$5 ticket for not producing a driver's licence, and there was more cost to the administration of that \$5 fine than there was to the actual impact on the driver not having his licence in his pocket. So it's really good to see some of that legislation modernized. I think we all need to keep in mind the issues regarding a preconviction disposition.

With that, I move to support that particular bill. Thank you.

[Motion carried; Bill 24 read a third time]

Bill 26
Family Law Statutes Amendment Act, 1999

THE ACTING SPEAKER: The hon. Minister of Justice and Attorney General.

MR. HAVELOCK: Yes. Thank you, Madam Speaker. On behalf of the hon. member I'd like to move third reading of Bill 26.

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

MS OLSEN: Thank you. Madam Speaker, this report done by the hon. Member for Calgary-Lougheed has come out with some interesting and some good recommendations. Again I have some cautions, and I want to address some of things that I would like to see expedited.

I think one of the big components of family law is to see the unified family court move along in a more expeditious manner. I

know that the hon. member put forward a motion in that regard, and it was passed unanimously by this Legislature, so I'm hoping that the Minister of Justice can move that forward as quickly as possible. I know there are going to be some barriers and some concerns that he'll have with that, but I think it would be very brave of him, in fact, to take up the challenge and move forward. We all know that the Justice minister can be very brave, so we'd like to see that happen.

The other thing that I think is important is the issue of using mediation and alternative dispute resolutions. I know that there is a lot of concern in different communities about how mediation through family law will move forward and the issues around domestic abuse and child abuse. We just have to keep in mind that mediation is not something that people should be forced into, but it certainly should be something that people are in fact going into with an open mind. When there's a power struggle, it's likely to break down, so we have to keep that in mind as well, and also the ability for those people entering into mediation through the different changes in the family law statutes to recognize that if some parties were expected to pay for that, then that would become a hardship to them, but the whole process should not be shut down.

Now, the Minister of Justice does have in the civil claims division some professionally trained mediators, and I'd like to see that opened up certainly to the family law environment. There's where people could benefit greatly from the whole notion of mediation and alternative dispute resolutions.

Also the notion of keeping custody and access separate from the financial obligations. I think that's very clear. What's in the best interests of the child has to be paramount. You know, parents have to learn to drop their baggage and deal in the best interests of the child and not use as a weapon the financial responsibilities and obligations of one parent to another. I think that's important.

I brought up my concerns again about the use of moving forward into an environment where the police are used as the main custody and access enforcement officers. I have a huge problem with that. As I've said before, unless the Minister of Justice is going to increase the dough that he's giving to police agencies, it's going to be a tough run.

3:50

I understand the issues that police officers get into when it comes to custody and access. It's not a very pleasant situation to have to deal with, because invariably you certainly are the person who witnesses the damage done to the children in relation to this. I would like to have seen the bill not just identify police officers as the enforcement officers but also those who have responsibilities through social services: child welfare, social workers, and those folks. I understand that somewhere in the bill here it says: anybody appointed by the minister. Well, I would have been more comfortable to see that in the legislation, much the same way we changed Bill 1 to identify responsibilities through the legislation itself, not left up to regulations or other means. I really would like to see how this works.

I'm not convinced that police officers need to be further drawn into domestic situations. I think some of the calls they participate in already create enough problems, but those are criminal acts that are being perpetrated where the police are involved in domestic violence situations. Here you're looking at certainly something arising out of civil litigation, and I think there's a line to draw. There's definitely a line to draw here. So I think that's something the minister should think about as he moves toward changes.

I also have a concern about the whole notion of jail terms for those folks who create a problem in terms of their access and custody one way or another. I think that's something that can be held out to be a threat, another power and control issue. So Mrs. A and Mr. B or

whoever are not getting along, and the kids are smack in the middle of it. A says: well, if you don't get to see your dad, I'm going to go to jail. And dad says: well, your mother doesn't let me see you; I'm going to go to jail. Or somebody's going to go to jail, and I think that creates a bit of a different problem.

So now we have these kids, again, who are in the middle of it, and we're looking at jail sanctions out of this. I think there are better ways, and I think the hon. Member for Calgary-Lougheed, who has a tremendous amount of experience in family law, will be able to provide the Minister of Justice with some interesting ways to deal with that. I am concerned about the jail sanction and how that can be played out. I don't necessarily see that having that used as a threat is in the best interests of a child, and I'm a little afraid that those kinds of things will happen.

Overall, I think there are some good changes happening. I know the Member for Calgary-Lougheed has done a tremendous amount of work and has consulted with the legal community. As we move this through, over the next couple of years we'll see how it goes, and if we have to bring it back for changes, I think that's the right thing to do. We always need to watch our legislation and ensure that things are operating effectively and that the implementation of different processes are working to the best of their ability.

With that, Madam Speaker, I'd support movement of third reading. Thank you.

THE ACTING SPEAKER: The hon. Member for Red Deer-South to close debate.

MR. DOERKSEN: Madam Speaker, thank you for the opportunity just to make a few comments this afternoon. I want to thank the Minister of Justice, first of all, for asking me to become part of the maintenance enforcement and access review committee. The recommendations on the access side from that particular committee are seen partially fulfilled in Bill 26. I want to thank the minister also for letting me be the sponsor of this particular bill, because the message for me that's most important in this bill is that kids need both a mother and a father. That's something that's very important to me and I think should be very important to all of us.

Finally, Madam Speaker, we have a situation now where there is a pattern of access denial. There are some remedies available to the access parent through the courts.

With that, I would ask for the question on Bill 26.

[Motion carried; Bill 26 read a third time]

Bill 16

Maintenance Enforcement Amendment Act, 1999

THE ACTING SPEAKER: The hon. Minister of Justice and Attorney General.

MR. HAVELOCK: Thank you. On behalf of the hon. member I'd like to move third reading of Bill 16.

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

MS BLAKEMAN: Thank you very much, Madam Speaker. I'm pleased to have the opportunity to make a few more comments on Bill 16, the Maintenance Enforcement Amendment Act, 1999, in third reading. There have been, I'm sure, many of the members of the Assembly as well as myself who have received letters and e-mails and phone calls on the effect that this bill will have. I have certainly tabled a number of those so that they were on the public record and part of the record of the Assembly. There are a few observations I'd like to make regarding those concerns that were raised by people.

I saw two streams of concern that were raised. I should clarify

here that there was also a great deal of support that came from the public for this bill. Of the two streams of concern that I saw, one of them concerned me a great deal because it was a misunderstanding of the process that's involved in the bill. I'd like to take this opportunity to perhaps clarify a bit of that. That is, people are under the misunderstanding that a third party's personal property, a car or a house or a bank account, could somehow be taken away. I lend my car to someone who had maintenance arrears and ask them to go to the store and pick up a prescription for me, and while they're out there, the police chase them down and pull them over and take away my car.

No, that is not at all an accurate reflection of what is intended by this bill. Of course there is due process and a due court process that is involved in these actions. We live in a democratic society here. We are bound and guided by a Charter of Rights and Freedoms and by a Constitution, and those kinds of activities do not take place in this country. I was sorry to see that a great deal of alarm was created amongst some people who believed that this might be the case, and it absolutely will not be. First of all, the maintenance enforcement program would not even begin to look at taking that sort of action unless there were both considerable arrears that had accumulated and also a fairly long period of time, which demonstrated a chronic inability or unwillingness to pay.

The second stream of concern seemed to be from people who had had a change in their life events, perhaps a short downturn or perhaps longer term, and a frustration was being expressed with the maintenance enforcement program: why couldn't the staff understand this? They'd had a wage rollback, perhaps, or they'd lost their job or been temporarily laid off or any number of circumstances that were raised, and why couldn't the maintenance enforcement staff understand this and give them a break?

Well, the truth of the matter is that this is a court order, and if someone wishes to have that changed, they need to go back to court and have the court order changed. All that the maintenance enforcement department staff are empowered to do is enforce that court order, and they do not have discretion as to what they enforce and what they don't. If there's a court order in place that says person A should be paying \$200 a month, that's what they are instructed to try and collect, and they're only going to initiate action if in fact someone has not been paying. So I think there's still a misunderstanding out there about what powers the maintenance enforcement program gives its staff and what it doesn't. I hope there is better public education for those people who are involved in the maintenance enforcement program, whether that be on the debtor side or the creditor side, for an understanding of what the limitations are with the program's staff.

4:00

Now, I think the underlying issues and the current situations this bill is trying to correct are ones that we need to keep reminding ourselves of. Maintenance enforcement is support for children. We really don't have alimony, or support for a spouse, anymore. The few times you would see it is where it is obvious that a spouse is not able to be in the workforce, perhaps because there are very young children to care for. Maintenance is court ordered for the support of children.

I'll just remind people that as of December of '98, 26,076 files were in arrears in this province. That is an extraordinarily high number of files to be in arrears, and that's despite all best attempts to this point. It's one of the reasons why we need this legislation: to be able to have some tools at the disposal of the maintenance enforcement program to be able to collect those arrears from debtors. The amount of money that those 26,000 and some odd files represent is over \$8 million that was owing as of December of '98, over \$8 million owing to the children of Alberta for their support. I find that

a shocking number, to know that there is \$8 million worth of money that is not going to Alberta children. So I see the need for this bill, and I support what this bill is trying to do.

I think there are still areas that we need to continue to work on in the area of maintenance enforcement. There is still a perception – and I acknowledge that to some people that perception is very real. It is affecting every day of their life and perhaps every hour in every day. There can be a perception that the program is unfair. We need to keep working on that and refining the program so that it is as fair as possible to both the debtors and the creditors. But I will point out that there were a number of clauses in this bill that were to the advantage of the debtors, which is correcting some problems that we had seen before. For example, debtors could now register themselves with maintenance enforcement. That would certainly take care of one case that was brought before me, and that situation with that person would not arise once this legislation is passed.

That situation was simply that a debtor had a court order that they were to pay X amount of money, and in fact they had been paying it every month. But with direct deposits and withdrawals, with the duplicate cheques that are available now, you don't always get your canceled cheques returned from the bank. As a matter of fact, I think you have to pay extra to have them returned from the bank now. There was a charge levied against the debtor that in fact they hadn't paid a cent, that they were in arrears for this whole time. That person really had to struggle to prove that in fact they had been paying every single month for an extended period of time. They were right up to date. They had made every single payment, but it was a very difficult time for that person to prove that.

With the changes that are made and put forward in Bill 16, that person could have registered with the maintenance enforcement program, and therefore those payments would have indeed been tracked as they flowed through the program. They would not have been put in the situation where they're having to defend that in fact they've made the payments, because it would have been tracked through the program.

There are a few other issues that we need to continue to be vigilant on. One is that the program still has a bias towards collecting the subrogated arrears and is really under no obligation to attempt to collect any arrears that are owed straight to a creditor. Let me explain that a bit more. The subrogated arrears are arrears that are owed to the government for any period of time that the creditor was collecting supports for independence. So if we have a custodial parent who ends up on social assistance, on welfare, as a result of being unable to get the maintenance payments, for the period that they are on welfare the government regards the monthly payments as subrogated to the government; in other words, to pay the government back for having had to pay out money to someone, to the custodial parent and children.

The government is fierce in attempting to collect back the money it views as owed to itself but far less aggressive in collecting money that is owed to a member of the general public, to a creditor in other words. I maintain that it is in all of our interests in Alberta to make sure that that money is collected and does get to the children. I think it hurts all of us when that money is not collected, and I would strongly urge the Minister of Justice to continue to look for ways that the program can do that.

The final two issues. One is around legal aid and the real difficulty that both creditors and debtors have in finding assistance to get to court. I had mentioned earlier the misunderstanding that many people have that they can change their court order just by notifying the maintenance enforcement staff, and in fact that is not possible. Maintenance enforcement staff cannot change a court order; you have to go back to court. That can be very problematic for people, for both creditors and debtors, when they try and find a lawyer that will go to court for them in order to settle whatever the

dispute is on either side of this. I agree that this is very problematic, and I think we need to continue to look for ways to support legal aid or to support those people who are in need of accessible, less expensive assistance in court proceedings.

I know many people feel – and I have certainly had it said to me as an aside – that legal aid is not at all eager to pursue family court cases. Certainly the maintenance enforcement cases would fall under that. I've actually had it put to me that lawyers would run screaming in the opposite direction rather than get involved in a family law case and maintenance enforcement case. But what that does is put people at a real disadvantage if they're trying to do the right thing and get back to court and vary a maintenance order or get a new maintenance order for either the creditor or the debtor.

Lastly, a plea yet again for the Minister of Justice to look at a unified family court system, which I think could make the entire system much more accessible. People are very confused right now because we have different jurisdictions, the federal government and the provincial government, with different powers over different aspects. For instance, the Divorce Act is federal, maintenance enforcement is provincial, and now we've got child custody and access in the middle there. That's very confusing for people when they're trying to educate themselves on the best place to go and trying to complete the package.

4:10

We are turning and have now turned to an understanding that the point of this is for the children. It should not be about an adversarial relationship between the parents, with the children used as bargaining chips or bargaining pawns. This is about securing an adequate amount of money to make sure that those children have a reasonable childhood. That's what this maintenance is about. It is not about punishing one side or the other, and I think it's important that we keep that in front of us.

The government did bring forward several amendments which passed. I know that one group that contacted me were very concerned about section 35.3, and it should be reassuring to them that in fact that section was removed, so that is one way it was addressed.

I will express my disappointment yet again that the amendment put forward by the Liberal opposition to refer any proposed regulations to the Law and Regulations Committee was defeated. I'm disappointed in that. Once again we have a number of very important decisions being made through regulations, without the Assembly or committee of this Assembly having the opportunity to scrutinize those regulations. Again, I believe that's also partly a public education function. It is very difficult for a member of the public to find those regulations. So if they're trying to educate themselves about a bill under which they have responsibilities by law, it's very difficult for them to find the nitty-gritty, the how-to of the bill they're subjected to.

I feel very strongly that regulations should be coming before the Law and Regulations Committee. I express my disappointment that that amendment failed, but I'm a hopeful person. I remain ever vigilant and ever hopeful that in the future we will be able to convince the government of the good legislative purposes of such an amendment.

Those for the most part are the few points that I wanted to raise regarding the expected effects of Bill 16. I do support this bill, but I also caution that there is more work to be done. I compliment the Member for Calgary-Lougheed and her committee, who worked so diligently on the MLA review on maintenance, child custody and access. I think there was good work, solid work done from that. Certainly the feedback I've had was that people felt that there was access, that there was an opportunity for them to present their point of view. There was public consultation there. I commend the Member for Calgary-Lougheed for steering that process through. I

think there are a number of examples the government has done where people do not feel they were able to consult, so it's nice to be able to give a compliment occasionally. I'm particularly happy that the compliment can be given in this context, on an issue that I feel so strongly about.

Once again, I think this is a bill that will move things forward for both the creditors and the debtors. I urge everyone to remain vigilant and look for ways in which we can continue to improve this process.

With those words, I thank Madam Speaker very much, and I shall take my seat.

[Motion carried; Bill 16 read a third time]

Bill 12

Domestic Relations Amendment Act, 1999

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

MS GRAHAM: Thank you, Madam Speaker. As the sponsor of Bill 12 I'd like to now move third reading.

[Motion carried; Bill 12 read a third time]

Bill 28

Alberta Corporate Tax Amendment Act, 1999

THE ACTING SPEAKER: The hon. Minister of Justice and Attorney General.

MR. HAVELOCK: Thank you, Madam Speaker. On behalf of the Provincial Treasurer I'd like to move third reading of Bill 28.

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

MR. SAPERS: Thank you very much, Madam Speaker. The Alberta Corporate Tax Amendment Act received some debate last night. Actually, it may have even been earlier this morning; I can't remember. It's all beginning to blend in. At that time there were a couple of amendments that unfortunately were defeated. Those amendments would have put onto the front porch what right now is being kept in the back room of the government house; that is, some plans for the Alberta Treasury Branches and perhaps even some plans for the credit unions. I don't know, because the government won't tell us. We do know that what Bill 28 does is not only change the tax collection regime for financial institutions, but it gives the government the ability to use its order in council making power to make specific changes to Treasury Branches and credit unions without bringing those changes forward for debate in this Assembly. That's unfortunate.

The rest of Bill 28 I can certainly support. As a matter of fact, at lunch today I was sitting with some representatives of the Royal Bank and the Canadian Imperial Bank of Commerce, and we had a fascinating discussion. At least part of our conversation, believe it or not, between the salad and the main course was on the broadening of the base of the capital tax on financial institutions and how banks may respond in terms of the general antiavoidance rules. I can tell you that it was sparkling dinner conversation.

There was some agreement that the change in rules does make the playing field a little more level and a little more fair. But they, too, had some questions about what this government has in mind for its very own Treasury Branches. They pointed out to me that the Treasury Branch is, of course, unique in all the country. They also scratched their heads and wanted to know why the government wouldn't want these changes to the tax status debated in public.

They said themselves that they understand secrecy, because of course banks sometimes act with some secrecy as well. They always do so in terms of having as their paramount concern the protection of the confidentiality of those people they do business with.

But they were concerned because the government first and foremost really has a public obligation to serve the public interest first. They pointed out to me the difference between what they saw as a standard of behaviour when it comes to openness and accountability for our government versus what they saw as a standard of behaviour for what we might expect from even a very, very good corporate citizen. After all, the corporate citizen really must be accountable to its shareholders first and foremost, whereas a government must be accountable to all of the people first and foremost. So there is a difference.

With that being said, the other regret I have is that Bill 28 is purported to be revenue neutral. I would hate to see this government put forward under the guise of neutrality a tax bill that is actually going to be a tax grab. Now, it wouldn't be the first time that we've seen the government say one thing and then do something different. But I don't know whether this bill is revenue neutral, because frustratingly, Madam Speaker, we still haven't seen the numbers. I don't have *Hansard* in front of me, but I recall that last night during the committee stage of debate the Treasurer did indicate that he would get the numbers to us. I haven't seen them. I don't know if any of my colleagues have seen those numbers, but I haven't seen the numbers that would justify the claim of revenue neutrality.

So we are once again left in the position where we have to take this government at its word. You know, that's one of the old jokes; isn't it? When someone says, "I'm here from the government; I'm here to help," it's like "the cheque's in the mail." We're just being told that we have to take this government at its word and that in fact this isn't a big tax grab. We could be from Missouri here and just say "prove it."

MR. MAR: It's "Show me."

MR. SAPERS: The Minister of Education is being very helpful this afternoon, and I appreciate that. I know it's the Show Me state, but I was trying to paraphrase because it fit better into my patter, Mr. Minister. But that's okay.

We remain to be convinced. Of course, if this turns out to be anything other than it's been advertised, we'll be here to remind the government of that and to hold them accountable to their word. And of course as always we'll be doing that in a helpful way and on behalf of Albertans.

4:20

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

DR. PANNU: Thank you, Madam Speaker. I won't take too long. I know my colleagues are getting anxious here, but I want to make a few observations on Bill 28, Alberta Corporate Tax Amendment Act, 1999, in its third reading.

The bill purports to harmonize Alberta's corporate tax laws to the federal laws. That being the rationale, I guess there's good reason to bring the bill forward. My concern about the bill that I want to put on record, Madam Speaker, has primarily to do with the impact that this might have on credit unions in this province and the fact that ATB is also being brought into this.

Credit unions play a very significant role in this province in providing services, banking services and financial services, in all parts of this province where the chartered banks may or may not be willing or able or interested in providing services. The impact of this bill on the viability of credit unions certainly is a concern of

mine and of my caucus. I understand that the credit unions at present are paying 25 percent of their net income or profits as payback for the bailout of the credit unions that was agreed to I guess 12 years ago or so. This 25 percent of the net income to be paid towards bailout is going to increase to 50 percent, I understand, fairly soon. So if you add another tax on top of this obligation related to bailout that credit unions have, it raises the question of whether or not they in fact will be experiencing a level playing field.

The Treasurer, in debating the bill earlier, talked about entering into negotiations with credit unions on this matter. But we don't know what form those negotiations will take, whether they'll be public, whether this Legislature will have any input into the final form those negotiations might take in the form of either regulations or order in council. So there is a problem there in terms of both the lack of public information and the lack of involvement of this House in determining the manner and the form that the negotiations will take and the outcome of those negotiations. The credit unions perhaps should be allowed to pay back their bailout obligations before they are required to pay any capital taxes, but that's something that I guess now will have to be done, if this bill is passed, through regulation or through order in council, and I certainly have serious concerns about this process.

Other than that, Madam Speaker, I think the bill certainly does what it's required to do. The revenue neutrality aspect of it, as the Member for Edmonton-Glenora has indicated, is something that I think needs to be demonstrated. Its position is questionable, I think. How and when will we know whether or not it's revenue neutral? Not that I'm opposed to some increases in corporate tax. My caucus would not be opposed to that. But certainly I think there's a need for transparency and openness on how much this increase will be and the form in which it will be brought in. This bill is silent on that and instead promises revenue neutrality. I guess the proof of the pudding is in the eating. I would like the Treasurer to produce evidence to that effect once this bill comes into effect and begins to influence the revenue flow from these changes that will come about as a result of this bill.

Thank you, Madam Speaker.

[Motion carried; Bill 28 read a third time]

Bill 34 Partnership Amendment Act, 1999

THE ACTING SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Madam Speaker. I would move Bill 34, the Partnership Amendment Act, 1999, for third reading.

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

MS OLSEN: Thank you, Madam Speaker. We support this bill. It's certainly nice to see this type of movement on a bill. We seem to have agreed. This bill hasn't received quite an hour of debate, and we were able to see the reasonableness of it and move it forward.

So with that, I'll take my seat in support of this particular bill.

[Motion carried; Bill 34 read a third time]

head: Government Bills and Orders
head: Committee of the Whole
(continued)

[Mrs. Gordon in the chair]

THE DEPUTY CHAIRMAN: I'll call the Committee of the Whole

to order. I'm not going to tell you to get coffee this time, just on a long shot.

**Bill 35
Government Fees and Charges Review Act**

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

MS OLSEN: Oh, thank you. I do appreciate the opportunity to speak to this bill again. Last night we entered into some very lively discussion in relation to this bill. I think it certainly begs some response.

Last night we heard the Treasurer go on and on and on about how the Liberals were going to filibuster this bill. I just want to bring to your attention, Madam Chairman, that to this very point this bill has received about three hours and 27 minutes' worth of debate. Then we heard a huge faux pas by an embarrassed Justice minister earlier today when he was going to bring in closure on this bill, read the motion in.

4:30

I want to draw to the Assembly's attention that in British Columbia just recently closure was brought in on debate on the Nisga'a treaty. A hundred hours, 100 hours, of debate occurred on that bill before the government decided to bring in closure on that bill, and British Columbians were outraged, simply outraged that anybody would think about bringing in closure. Now, let's compare that to the three hours and 27 minutes' worth of debate that this bill has had in this Assembly. The gall of the Treasurer to stand up, think he's waxing eloquent, but when he's caught with his pants down, Madam Chairman, he gets a little bit evil, wicked, mean, and nasty.

**Chairman's Ruling
Relevance**

THE DEPUTY CHAIRMAN: A couple of things, hon. member. First, if we could talk on the bill, because we are in committee. Secondly, I would certainly ask all those who are standing, unless they want to be recognized, if they would please sit, particularly House leaders.

The hon. Member for Edmonton-Norwood.

Debate Continued

MS OLSEN: Okay. So we're done with closure, but I thought it was a very, very important point. Democracy must exist. This is where the debate is to occur. This is where we as opposition members in this province have the ability to bring the issues forward, and I think that in fairness to Albertans, this is where it should happen.

So I'll move on from there. We tabled the factum that the government put forward in their discussions on this particular bill, and I want to talk about some of the arguments in this particular factum. I want it to be very clear that although the Treasurer stands there and tells us that this is the only province to make a sweeping analysis of this bill, let's bear in mind that a sweeping analysis is what should happen, because there are over 1,300 user fees and premiums in this province. So I would be disappointed if he wasn't doing a sweeping analysis. But you know what? He doesn't get a gold star for that, because every step of the way this province fought, along with the Ontario government, at the Supreme Court level to prevent this very thing from happening. So I think the intentions are less than honourable, and I think it's not very good of the Treasurer to put forward this notion that he's out to save Albertans money, when he was forced to do this by the Supreme Court of Canada. Of course he's going to do a sweeping analysis. There are 1,300 fees that he has to make a decision on.

The other comment he made. He said that every province isn't following the Eurig decision or led everybody to . . .

THE DEPUTY CHAIRMAN: The hon. Government House Leader.

**Point of Order
Allegations against a Member**

MR. HANCOCK: Thank you, Madam Chairman. I don't wish to interrupt the good progress that's been made this afternoon, but I think I heard the hon. member make an allegation – I'm making a point under 23(h) – that the Provincial Treasurer was less than honourable. I would ask her just to clarify if I didn't hear it correctly, but if I heard it correctly, then she should be asked to withdraw the remark.

The Provincial Treasurer has made clear his view. The bill is being brought forward, and the process that we're undergoing and intending to undergo is far broader than what is actually required and what other jurisdictions are doing.

I don't wish to go into debate at this time because the hon. member has time left on the clock and I want to hear what she has to say. But if she was suggesting, as I think I heard, that the Provincial Treasurer's intentions were less than honourable, that would be an allegation which would be contrary to 23(h), and she should do the right thing and withdraw it.

MS OLSEN: Well, you know, Madam Chairman, if that's the interpretation the hon. House leader has discerned out of my comment, then I would withdraw that comment so that I can move on to debate. Thank you.

So we're going to get back to this bill.

AN HON. MEMBER: Hypothetically.

MS OLSEN: Hypothetically? No, we won't get into that discussion, colleague.

Debate Continued

MS OLSEN: I just want to draw the Assembly's attention to the intent of the government on behalf of Albertans. The factum is very, very clear in that, and that's why it is not the Treasurer's but this government's intent that is not honourable, Madam Chairman.

So we're going to move on. We're going to look at the statement of facts. I'm just going to read from this factum. The factum has been tabled in the Legislature, so it's available for people to see. Here are a couple of things that I think we should be aware of. The statement of facts are that the Alberta probate fees are provided for in section 1 of schedule 2 in the Surrogate Court rules. The fees are outlined, and this is for probate.

For issuing grants of probate or letters of administration or rescinding grants, excluding trusteeship but including 1 certified copy of the document, where the net value of the property in Alberta is anything between "\$10,000 or under" to "over \$1,000,000," the fee scale is from \$25 to \$6,000. The fee scale for probate is based on the cost of the estate. So I think we need to make that very clear.

The points at issue, Madam Chairman, I think the Member for Calgary-Buffalo outlined.

3. The Constitutional Questions are as follows:

1. Is the probate fee, which was imposed by Ontario Regulation 293/92, which was made under s. 5 of the Administration of Justice Act . . . invalid on the ground that it is an indirect tax that is outside the legislative authority of the province of Ontario under s. 92(2) of the Constitution Act, 1867?
2. Is the probate fee, which was imposed by Ontario regulation 293/92, which was made under s. 5 of the Administration of Justice Act, R.S.O. 1990 . . . invalid on the ground

that it was imposed by a body other than the Legislature of Ontario in contravention of s. 90 . . . of the Constitution Act, 1867?

4. On the first question, the Attorney General of Alberta, Intervenor, submits that the probate fee is not invalid as it is a charge in relation to a valid regulatory scheme and as such, is not an indirect tax. In the alternative, it is a fee for service and not an indirect tax. In the further alternative, if it is determined to be a tax, it is a direct tax within the legislative authority of the province of Ontario.

5. On the second question, [which I've alluded to] it is submitted that there has been no contravention of s. 90 of the Constitution Act, 1867.

So the argument, then, breaks out to: it's not a tax because it's imposed by a body who has the authority, or if it's ruled that it is a tax, then it's a legal tax. That's the problem that we're at now.

The issue started out of a probate decision of the Supreme Court of Canada, and it then falls to the government to say: okay; if this is a user fee and has been declared a tax, then how many of those other fees do we have that are not supported by this decision? So then the province has to go back and look at all the other fees and premiums that it charges to see if the cost of administration of those fees is exceeded. If there is in fact a surplus being obtained by the government, then the cost of the service and the fee don't fit. Then it becomes an issue for the floor of this Legislature.

So, yes, it may sound on the surface like the Treasurer is doing an outstanding job and doing Albertans this service, when in fact he doesn't really have a choice. What happens is that the government can do one of two things. They can bring in legislation that will make these fees and premiums taxes. They can do that. Or they can take every one of those 1,300 user fees and premiums and let somebody challenge them in the courts. So they can do that as well. Or they can do what they're doing now: review it, decide which are going to be user fees and which are going to be taxes, and then bring in the legislation.

4:40

I would think that it would not be in the best interests of Albertans to have the government decide that they are going to challenge every fee if it's brought before the courts. I would suggest that that then becomes a problem with the cost for a particular individual to bring that type of issue forward to the courts. Maybe the government is going to hope for that and be hopeful that that particular issue is dealt with in that manner, but I would suggest that that's not fair to Albertans.

If there is a reasonable connection shown, then that's fine, but if the fee does not correspond with the cost of the relevant service, then in fact it is a tax. In fact, \$290 million are collected from these fees and premiums, and they must correspond. That's sort of the crux of this particular issue. But as I say, I think the government needs to embark on this adventure.

However, I don't for one minute want Albertans to think that this government is doing them a particular service by looking out for their interests. Let's not forget that this government challenged this in the Supreme Court. Let's not forget that this was imposed on this government, and the review is the only reasonable thing to do, given that there are so many fees and premiums. Let's also not forget that fees and premiums are to be addressed, and it's the most reasonable thing to do, a sweeping analysis, because of the number of fees and premiums this province has.

So with that, Madam Chairman, I think I need to take my seat – to continue talking, actually, for a few moments. Maybe I should go back and just readdress the issue of closure. [interjection] And it's not going to happen. You know, Madam Chairman, closure didn't happen, and it isn't going to happen because my hero, the Justice minister, let the cat out of the bag.

MR. HAVELOCK: Of course, you didn't know it was coming; did you?

MS OLSEN: We had no idea it was coming at all. Wouldn't have suspected it.

With that, Madam Chairman, I'm going to take my seat, and I'm sure my colleagues will have something to say.

[Two members rose]

THE DEPUTY CHAIRMAN: The hon. Member for . . . Who was up first?

MR. HAVELOCK: Well, you've got to go back and forth.

THE DEPUTY CHAIRMAN: Okay; on a Thursday afternoon at 4:45 we'll be fair.

The hon. Government House Leader.

MR. HANCOCK: Thank you, Madam Chairman. I just rise to clarify a few things in committee and then certainly will take my seat and allow the Member for Edmonton-Calder to continue in debate.

There's been some comment made about closure. I just want to make it perfectly clear that I am certainly interested and members of the Legislature are certainly interested in a full and frank discussion of every bill that comes before the House and a good clarification of the issues on those bills. However, the government is very interested in making sure that fees and charges are reviewed, that this act passes, and that fees and charges that are found to be inappropriate are adjusted as quickly as possible. So it is the intention of the government to make sure that this bill passes before the House rises this spring. We have not brought in closure as yet, but I'll be perfectly frank. If that's what it takes to pass the bill, then that's what we'll have to do. I don't want to do that, and I'm not trying to intimidate anybody. It's not our intention to close out the bill; it's our intention to have a full discussion.

However, let me just make this point, Madam Chairman, because it should be clear to all Albertans who don't avail themselves of the opportunity to come to the Clerk's office and get the amendments which the Member for Edmonton-Glenora has tabled. I think the Member for Edmonton-Glenora has gone to a lot of work on this bill. I appreciate the work and I'm sure the Treasurer appreciates the work.

The amendments are very well intentioned, but with 100 amendments or 70 amendments or whatever we're up to now, when we look at them and see that most of those amendments repeal section (2) and replace it with a new section (2), it is clear from that and from discussion we've read in the news that this may be an attempt to keep this bill alive for a long time rather than to debate the issues. If that happened, then it would be incumbent upon me as Government House Leader to try and bring some closure to the debate, but only if that happened. I have no intention of trying to close out debate on a bill where there's good and valid debate happening and where there are issues to be aired.

Now, there were two speakers last evening in the House on this bill, and there'll be some speakers this afternoon. There'll be speakers on Monday afternoon. Hopefully at some point the amendments will be introduced and we can deal with them, and we'll see whether we're dealing with some amendments which the member brings forward in true contemplation of passing them and considering them appropriately or whether we're dealing with a hundred amendments most of which try to repeal section (2) and replace it with another section (2).

I just wanted to clarify that, Madam Chairman, for the benefit of the members of the House.

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

MR. SAPERS: Thank you very much, Madam Chairman. Yeah, well, thank you, Government House Leader. I think you're doing a heck of a job. You know, that closure slip: we can forgive that. [interjections] Yeah, well, time to move on, hon. member. Time to move on.

The truth is this, and it's very simple. Earlier today in question period the Treasurer in response to a question that I raised on the review in Bill 35 – and we didn't anticipate Bill 35, so it wasn't an anticipatory question because it wasn't on the Order Paper. The question was clearly put; the answer was clearly given. I asked if the Treasurer was going to include all of the DAOs and all the school divisions and all the charges by universities and all the user fees imposed by all of these other agents and agencies of government, and the Treasurer gave a very clear, one-word answer. He said yes. That's a good thing. The people of Alberta should be happy to hear that. Now, in order to ensure that we can take the Treasurer at his word or the people of Alberta can know without equivocation that the government intends to honour the commitment of the Treasurer, we can now put that commitment into the legislation. So it's not just something that may happen by the way through the review, but it's something that will happen on purpose because it's the law.

4:50

To move this along, because I heard the Government House Leader say he was anxious to get the amendments on the table. By the way, I didn't hear his reference to closure as a threat. I heard it more as a rather defensive argument being put forward by a government that perhaps has put forward yet again a bill that was hastily drafted, that was done in reaction to the court, and as the government plays this game of catch-up, it overlooked many things. The government, you know, gets tired of being embarrassed about these kinds of issues. I understand that. Talking about closure is a way of avoiding the ongoing pain of embarrassment, of being reminded of their failing. I understand that. It's a natural sort of reaction on the part of government to do this sort of thing.

What I would like to do is move the first amendment to Bill 35, the first of perhaps many. If this amendment were to gain the favour of the Assembly, Madam Chairman, you'd be amazed how quickly things could go.

The first amendment to Bill 35 will deal with making sure that fees by a number of organizations . . .

THE DEPUTY CHAIRMAN: We'll allow the pages a couple of minutes to get those distributed. Okay, hon. member?

MR. SAPERS: Okay, yeah, and then I'll move it.

THE DEPUTY CHAIRMAN: Hon. member, we will deem this amendment A1.

MR. SAPERS: Outstanding. Thank you, Madam Chairman.

THE DEPUTY CHAIRMAN: Oh, you're welcome.

MR. SAPERS: I would like to move, then, amendment A1 to Bill 35, the Government Fees and Charges Review Act. I move that Bill 35 be amended in section 1 by striking out subsection (2) and substituting the following:

- (2) This section applies to fees or other charges, other than interest charges,
 - (a) that are authorized to be established by a regulation or an order or a directive of a Minister or other person or body, including Delegated Administrative Organizations,

public colleges, technical institutes, universities, Regional Health Authorities, and premiums levied under the Health Insurance Premiums Act, or

- (b) that are imposed in respect of an enactment or a provision of an enactment referred to in Schedule 1.

Madam Chairman, the intent behind this amendment should be clear. First of all, it will clear up a grammatical error in the drafting of the bill, but more about that later. The second thing that this does is take all of the organizations that we have raised concerns about – the nearly 50 percent of the fee revenue that's raised by this province in the form of health care premiums would now be subject to the freeze provisions in the act. The hundreds of millions of dollars in fees that are collected through delegated administrative organizations primarily through the Department of Environmental Protection will be frozen by this act. All of the fees charged by technical institutes, public colleges, and universities will be frozen by this act.

This amendment will make Bill 35 a useful piece of legislation to the people of Alberta instead of a rather half-baked attempt to deal with the tax grab that fees have become for the government of Alberta. The hundreds and hundreds of new fees by all of these organizations are really part of the Klein legacy, and as such, if the government wants to be seen to be doing what they say they're doing, they should all be included in Bill 35.

So I will say this right up front to members of the government, who may be quavering. They may be right on the edge. They don't know whether this is a good idea or a bad idea. They're listening intently to the debate. They want to do the right thing for their constituents. What I will say to them is: read this carefully. Read carefully as well the five dozen amendments that have been tabled but not introduced. Compare this amendment to those five dozen amendments, and what I suggest you will find is this: if this amendment receives the favour of the House and in fact changes Bill 35, then perhaps those five dozen or so other amendments won't have to be introduced, because this would cover to a large extent the same territory.

So I would ask that all members review this carefully and I would ask that they consider what it is they will be saying to their constituents when their constituents ask them, if this should fail: "Why weren't you interested in freezing all of the user fees? Why did you only pick some? Why weren't you interested in freezing all of those fees that are imposed by the DAOs, by the Tire Recycling Management Board, or beverage container recycling? Why weren't you interested in freezing fees that would be imposed by RHAs? Why weren't you interested in freezing the health care insurance premiums? Is it because you want all those things to go up? Is it because you want this merry-go-round of tax grab to continue? Is it because you enjoy flaunting the law that was defined by the Supreme Court of Canada that fees such as these must be related to cost of service?"

If members are willing to have that discussion with their constituents, then I guess they don't have to pay attention to this. But if they don't want to have that kind of discussion, Madam Chairman, I would suggest that they pay careful attention and that they quickly accept this amendment A1 as the primary amendment, the most profound amendment that we can offer to help save Bill 35.

I'd be interested to hear an initial reaction from the government, Madam Chairman, so I will sit back for a while and listen to the debate and add further comments as necessary.

MR. HANCOCK: Well, again, I won't prolong the debate on it, but I would like to respond briefly to the invitation to pass this amendment in lieu of 47 or 50 or so other amendments. Again, one has to appreciate the perspective of this being brought forward by the hon. Member for Edmonton-Glenora in terms of trying to do what government has indicated it will do, which is to review the scope of all fees and charges within the government purview. This committee

will have a broader mandate than that which is encompassed specifically in the bill. The invitation from the Premier and from the Provincial Treasurer was that we would look at anything that was brought forward and consider whether it was appropriate.

Now, the Minister of Environmental Protection said just a moment ago with respect to the Tire Recycling Management Board, for example, that those fees cannot go up. With respect to other organizations, with respect to the hospital authorities, with respect to some of those, what the hon. member may not appreciate is that when you delegate authority, whether it's to a regional hospital authority or whether it's to a college or a technical institute or to a delegated administrative organization, it's a bit more complex than the fees and charges that are dealt with directly by government.

While it would be our intention, as I understand it from the Provincial Treasurer's remarks, to review those, to include those specifically in the act and to require them, without prior consultation with any of those organizations, without dealing with the intricacies of them, without any question with respect to which ones they are and which ones they aren't, it wouldn't in my view be an appropriate amendment, although I think the spirit of the amendment is clearly going in the right direction. What's been clearly stated in the House on numerous occasions is that with fees and charges in Alberta, as with taxes, the only way they're going is down.

The whole purpose of this review is a broad-scope review of fees and charges by government to determine whether or not they charge more than the cost of the services which are being provided and, if they do, then to scale them back to the costs and services that are being provided. So while the spirit and intent of the amendment is laudable, it's not appropriate, in my submission, to put this specific direction into the act. But that doesn't preclude the review committee from looking at the broader scope.

MR. WHITE: If the spirit is right, as the hon. member opposite says, and the practicality is simply that the government didn't know they were about to do this in time to inform the DAOs or inform the other institutions covered under this amendment, then I say: where is the error here? Is the error with the spirit, or is the error simply that the government was late off the mark in deciding what had to be done to comply with the decision of the Supreme Court? Tell me. The spirit is right.

[Mr. Shariff in the chair]

There's no question that fees that are charged by a government that come underneath that act must be reviewed. The intent of this act is to hold the decisions off for a year until the government decides which are legitimately charged as fees and which ones have to be called taxes, which this government would be loath to do.

5:00

Now, it's not a great difficulty for me to understand that a DAO, delegated authority organization, is an arm of government. Virtually any other organization that has a delegated authority in fact delegates all the authority. It just so happens that the government can get out from underneath some of the responsibilities by delegating authority. This side has a great deal of difficulty with a number of those authorities from the boilers to the brands to all the DAOs that are out there that in fact charge the public fees. Sometimes I'm sure they're commensurate with the cost of service provided, and if that be the case, then there will be no long-term effect. Others that have some specific legislation that restricts their income – I think the tire board happens to be one – could be included in any event because it

may be considered redundant, but at least it'll then be flagged for review when the committee does form themselves and get on with doing their business.

The intent of this amendment is really quite simple. I mean, it's encompassing, yes, and if the members opposite can point out some specific areas that need to be excluded – quite frankly, I have difficulty seeing which ones those would be – if in fact they can say that these organizations should be exempt from this amendment, then say so.

Tell me: why would we not freeze university fees for a year? They have already been struck for next session in any event, and all institutions have told those that intend to go for the next instructional year, which starts in September, all of those institutions, the technical institutions likewise, the public colleges likewise, the regional health authorities – I don't know when they structure their fees. Surely for one year they can say: yes, we can understand how they should be pegged, and they should in fact be reviewed.

Having been on a former board, chairman of a board actually, I know that those fees and charges are not reviewed annually, for sure, and they certainly to my knowledge have never been reviewed on the basis of cost recovery. It was sort of a rough guess and has gone from that to almost an income generation in some cases, and the cases I'm thinking of are parking and the like.

The Health Insurance Premiums Act, in fact, should be included just to give people the security that they will not go up for another year, regardless of any review. The cost recovery of that is clear. The health insurance premiums cover a small fraction of the cost of the program and in fact are certainly not commensurate with the health risk of a middle-aged person. A very small portion of their premium that is paid now would actually be taken up in service if an actuary were to go right at it. Likewise, an older person on the other end of the scale would in fact not be able to afford the insurance. As it is today, anyone over 80 years old is expected to cost the health care system between \$5,000 and \$70,000 a year for the remainder of their life. Well, in order to charge a premium for that, I don't think this Legislature would be keen to be charging even a real percentage of the actual cost an actuary might work out.

So an inclusion of the health care premiums would be fair and reasonable. Quite frankly, this member has difficulty understanding why the other side wouldn't like to pass this with all haste and get on with things and get out of here without having to go through the individual case by case of the DAOs, the RHAs, the school boards, public colleges, the universities and all the postsecondary institutions, one by one or in interest groups. This member has a great deal of difficulty understanding that.

To suggest closure or to move half a closure motion on this bill seems to be just a little hasty, with slightly over four hours of debate by this member's calculation, when you're talking about in the order of \$1.3 billion. One point three billion dollars is a great deal of money, and to this calculation that's, I suppose, about \$350 million or something like that an hour for the expression of interest in this bill.

Now, quite frankly, I have a great deal of difficulty with that, and I would hope that members opposite would be supporting the amendment by my hon. colleague for Edmonton-Glenora and will support this amendment wholeheartedly and move on with the swift passage of this bill.

Thank you, Mr. Chairman.

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Strathcona.

DR. PANNU: Thank you, Mr. Chairman. I rise to speak to the

amendment before the House, an amendment which proposes to amend section 1 by striking out subsection (2) and substituting it with the proposed amendment here.

I was listening very carefully to the House leader and his response to this amendment, and he seems to agree with the spirit of the amendment. So do I, and I hope all members of the House do. His concern of course was that he wouldn't want to see us proceed with this amendment and pass it because due consultations have not been taken with organizations that will be affected and brought under the provisions of this bill so that the fees and charges that they administer would be reviewed.

[Mrs. Gordon in the chair]

I find that the argument about consultation seems to be rather weak to me. Delegated administrative organizations, public colleges, technical institutes, universities, regional health authorities: they'll all be party to a review. They'll be asked to come and make presentations to the review, so what consultation do we need? Do we want to give them veto power whether or not the charges and fees that they levy can be reviewed by us, by the Legislature? I think it would be unreasonable to argue that these organizations should have a veto over our ability to bring under review their charges and their levies. So I find the argument rather weak. If it is indeed the case, as the House leader has so clearly stated, that this amendment seems to be acceptable to him in terms of his major thrust, then I suggest to him that the argument of consulting these organizations is rather weak, because they will have ample opportunity to present their positions, to make their point of view clear on this matter.

The last part of the amendment, which also requires that the premium levies under the Health Insurance Premiums Act be reviewed, should not be problematic at all. That's entirely up to this government. So the argument of consultation, the need to consult before proceeding with this amendment, would seem to be rather weak to me.

I was in Calgary at Mount Royal College meeting with ACTISEC students. These are leaders of student groups in a variety of colleges . . .

5:10

THE DEPUTY CHAIRMAN: Excuse me a moment, hon. member. Can you hear me? Because I can't hear you. I would ask if we could just keep the noise level down so I can hear the hon. member. Go ahead, Edmonton-Strathcona.

DR. PANNU: Thank you, Madam Chairman. I hope colleagues would permit me to speak so that everyone can hear.

So I'm arguing that the amendment is worthy of this House's support, that the argument that we need prior consultation from these organizations mentioned in the amendment is necessary before we accept or find this amendment acceptable is really vicarious to the issue. It's not convincing; it's not persuasive. I would strongly urge members of this House, including the House leader, to reconsider his position on this amendment and urge the members on his side of the House to join with us to vote on this amendment and accept this amendment as part of the act.

Thank you, Madam Chairman.

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

MR. SAPERS: Thanks very much. I'll be very brief because I'm anxious to have a vote on this first amendment, because I'm ever optimistic. The Government House Leader in his remarks was somewhat charitable, although I'm disappointed with his conclusion.

I will say this. Alberta is right at the top of the heap when it comes to jurisdictions that impose and collect user fees and charges, and it leads many other jurisdictions, both in terms of actual dollar volume collected and also the dollar load on individual taxpayers.

I heard the Government House Leader say the line that I've heard others repeat, although it's the first time I've heard him use it, that the only way taxes and fees are going in this province is down. Well, if you take a look at Budget '99, the government's own budget planning document, part of the fiscal plan under the line item of Premiums, Fees, and Licences says that the forecast for '98-99 for premiums, fees, and licences is \$1,291,000,000; for '99-2000, \$1,316,000,000; for 2000-2001, \$1,353,000,000; and then the target for 2001-2002 is \$1,392,000,000. So they're going up, up, up. I know that the member is going to probably rise to his feet and say: well, that's population driven; you have more people paying taxes or paying fees. But it's very clear that the government, which has not tied these fees to the cost of providing the service, is counting on a huge amount of revenue that is going up every year in their own fiscal plan.

So the point is that I think the taxpayers will be better served if all of these fees were frozen today, Madam Chairman, and of course that's what the amendment would help accomplish.

[Motion on amendment A1 lost]

MR. SAPERS: That's unfortunate, Madam Chairman. That's unfortunate.

The bill is actually a relatively short bill but then fat with schedules, and of course it should be because the government is fat with these fees. [interjection] No, no. The government, Madam Minister.

The bill reads in part:

1(1) The purpose of this section is to establish in an Act the fees and other charges referred to in subsection (2) until such time as a review of those fees and other charges can be completed.

(2) This section applies only to fees or other charges, other than interest charges,

(a) are authorized to be established,

et cetera, et cetera. And it's at that point that the logic of the bill begins to escape me. As you read this through, of course all sections are supposed to be read as a sentence. This sentence cannot be read, and that's because there are some grammar problems in the sentence.

Now, the amendment that just failed would have corrected that grammar problem and would have done a lot more. Obviously the government was not prepared to protect Alberta taxpayers from all of those fees that are set by all of those other organizations, but I guess we'll have to start working through this section by section, fee by fee, organization by organization, agent by agent, as they all reach into the pockets of Alberta taxpayers.

To begin to be able to do that, of course, we have to make sure that the bill is operable. So I am going to propose an amendment that will rescue the bill from the drafting error that is contained in the bill, and I will ask the pages to circulate an amendment which I'm sure will become known as A2, and I'll move that once it is circulated. It's a very straightforward amendment.

I move that Bill 35 be amended in section 1(2)(a) by striking out "are authorized" and substituting "that are authorized." This is a very simple, straightforward amendment which just makes the bill grammatically correct, intact, and readable, legible, understandable. I'm certain that it was just a drafting error on the part of government, and I'm sure that this will be seen as a friendly amendment. I can't really account for the oversight. I'm happy, though, that the

government at least has given early indication that they want to make this bill operative by accepting this amendment.

So what I will do, Madam Chairman, is just leave the amendment to sink in for a minute, have all members read the act to assure themselves that there's no sleight of hand here, that this is just an attempt by the Official Opposition to be helpful, and see whether or not the amendment gains the favour of the Assembly.

THE DEPUTY CHAIRMAN: The hon. Government House Leader.

MR. HANCOCK: Yes, Madam Chairman. This is one of the more helpful pieces of work that the member opposite has done in the House, and I would be happy to encourage all members to vote in favour of this amendment. It does simply provide for clearer wording in the act. It's a helpful amendment and a friendly amendment.

[Motion on amendment A2 carried]

THE DEPUTY CHAIRMAN: The hon. Government House Leader.
5:20

MR. HANCOCK: Thank you, Madam Chairman. In light of the hour and the fact that the hon. Minister of Energy has a long way to drive this evening, as do others, I would move that we rise and report progress on this bill.

THE DEPUTY CHAIRMAN: Having heard the motion by the hon. Government House Leader, does the committee concur? Would they please say aye.

HON. MEMBERS: Aye.

THE DEPUTY CHAIRMAN: Opposed, please say no.

[Mrs. Gordon in the chair]

MR. SHARIFF: Madam Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports progress on Bill 35. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official record of the Assembly.

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

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed? So ordered.

I want to thank you for the decorum shown in the Assembly this afternoon and wish you all a pleasant weekend.

[At 5:23 p.m. the Assembly adjourned to Monday at 1:30 p.m.]

