

Legislative Assembly of Alberta

Title: **Tuesday, February 25, 2003**

1:30 p.m.

Date: 2003/02/25

[The Speaker in the chair]

head: **Prayers**

The Speaker: Good afternoon.

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

Please be seated.

head: **Introduction of Guests**

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

Ms Evans: Thank you, Mr. Speaker. On behalf of my colleague the Minister of Learning I would like to introduce some very special people from the public service who are on an orientation tour here today from Alberta Learning: administrative services manager Audrey Chykerda; the team leader of public consultation, Carla Corbett; the HR planning manager, Dianna Wilk; the HR planning adviser, Darlene Marshall; marketing consultant Lisa Candido; business integration co-ordinator Maggie Nowak; and another business integration co-ordinator, Amy Beechey. I would ask that they please rise and that we salute them with a warm welcome from the House.

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

Dr. Taft: Thank you, Mr. Speaker. It's my pleasure to rise today to introduce to you and through you to all members of this Assembly 25 highly motivated and intelligent grade 6 students from St. Martin Ukrainian bilingual school in my constituency who are accompanied by their teacher, Mrs. Natalie Harasymiw. I would ask them to rise and receive the warm welcome of all members of this Assembly.

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

Mr. Mason: Thank you very much, Mr. Speaker. I'm pleased to introduce to you and through you to all members of the Assembly, first of all, students from Metro College and their teacher, Mr. Jim Zalcik. I would ask them to rise and receive the warm applause of this Assembly.

I would like to introduce to you and through you to members of the Assembly 24 students from St. Jerome Catholic school and their teacher, Mrs. Rose Auger, and the student teacher, Mrs. Willy Hankinson. I would ask them also to rise and receive the warm welcome of this Assembly.

Mr. McFarland: Mr. Speaker, I was surprised as I came in today to notice with great pleasure a constituent of mine and her sister who are in the members' gallery. I would ask Mrs. Marjorie Sande, a former classmate that attended high school and wife of a farm family in the Lomond area, and her sister to please rise and receive the warm welcome of this Assembly.

head: **Oral Question Period**

Natural Gas Prices

Dr. Nicol: Yesterday through an application filed with the Alberta

Energy and Utilities Board, ATCO indicated that it would like to charge \$8.58 per gigajoule for northern Alberta customers and \$9.52 per gigajoule for southern Alberta customers. When compared to this month, that's a 19 percent increase for those in the north and a 26 percent increase for those in the south. This is a full \$3 to \$4 above the \$5.50 trigger price in the price protection act. To the Premier. Yesterday the Premier stated that Alberta was the only province with a Natural Gas Price Protection Act. How will Albertans benefit from being the only province with a price protection act, one that will not trigger when they're faced with an average 24 percent increase in their bills next month?

Mr. Klein: First of all, Mr. Speaker, the application, as the hon. leader of the Liberal Party pointed out, is before the Alberta Energy and Utilities Board, and it is up to the board as to whether those rate increases will prevail or will be approved. Secondly, we don't know at this particular time how those increases, if they are approved, will fit into the overall average and whether they will result in the achievement of the trigger price of \$5.50 a gigajoule. If it triggers the \$5.50 on an annual prorated basis, then I assume that consumers will be eligible for the rebate.

Dr. Nicol: Given that other provinces have natural gas price protection built into their legislation, why not invoke the act and give Albertans the same protection that other provinces get?

Mr. Klein: Mr. Speaker, I'll have the hon. Minister of Energy respond, but I don't know of any other jurisdiction that has built-in protection for consumers relative to natural gas prices.

Mr. Smith: Mr. Speaker, while we were listening to the Premier's comments, the Leader of the Opposition said, "Long-term contracts," which I guess means the ability to hedge or undertake a contract. In fact, that legislation will be brought before the House at a future date during this session where we will give Albertans the opportunity, as they have expressed, to contract both natural gas and electricity on a short basis, on a long basis, in combination with the two, and perhaps in combination with furnace-cleaning services, with other types of services. So these options will go forward, and they will add to what is already the best and most unique price protection program in Canada today.

Dr. Nicol: Mr. Speaker, to the Premier. Your minister has just talked about this as a future for Alberta, where they can get these kinds of long-term protections that other provinces have now. Our only protection is your price protection act. Why will you not have your government show some compassion for low-income Albertans and give them price protection right now?

Mr. Klein: Mr. Speaker, as the hon. minister pointed out, legislation takes time. You just don't snap your fingers or wave in the air and say: it shall be done. It requires legislative changes, and as the hon. minister pointed out, that legislation will be introduced this spring session.

The Speaker: The hon. minister.

Mr. Smith: Well, thanks, Mr. Speaker. In fact, if we were to go back to the debate in 2001, we'd see here that the leader of the opposition party says:

We have to make sure that price level we're going to protect is contingent upon and tied to the price we use in the budgeting

process for revenue generation and revenue estimation within the province.

That's exactly what we're going to do.

In fact, the critic from the opposition also stood up during that debate and said: "This could wind up costing us billions of dollars. What criteria will determine who gets a rebate? . . . Albertans are going [to have] to pay for this." We have to be very, very careful here, and we are. There is a very good program in place. It's unique in Canada, and it will protect Albertans at a point when it triggers into effect.

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

Dr. Nicol: Thank you. Mr. Speaker, there's a difference between being cautious and careful and being protective.

Utility Costs

Dr. Nicol: Most of us in Alberta are able to make budget changes in order to pay the high cost of utilities caused by deregulation. However, Albertans with low incomes are being forced to choose between heat and food. To the Premier: how is this government going to ensure that citizens don't have to make the choice between heat and food next month?

Mr. Klein: Mr. Speaker, that's a very insensitive and irresponsible statement to make. First of all, the legislation we have relative to the natural gas rebate program is unique in Canada. No other jurisdiction has that kind of legislation in place. Secondly, the hon. minister will be introducing legislation as it pertains to how gas companies purchase their gas and budget for that gas relative to the consumers.

1:40

Mr. Speaker, the cost of food, the cost of electricity, the cost of natural gas: it's an ever increasing thing, and the hon. member knows that. What we try to do through various government programs is to shield low-income Albertans from rising costs, whether those are rising costs in food, rent, gas, electricity, clothing, or any other commodity. That's what we refer to as social safety nets: to help those in society who truly need help.

Dr. Nicol: The safety net doesn't work if you don't trigger it, Mr. Speaker.

To the Minister of Seniors. Some seniors living in subsidized housing are telling us they now have to pay separate bills for utilities that were once included in their rent. Is there any program in place that the minister can use to help them when they now are being faced with increased utility bills in their subsidized housing?

The Speaker: The hon. minister.

Mr. Woloshyn: Thank you, Mr. Speaker. The key words in the comments were "subsidized housing." Some of the rents do include utilities; some of them do not. Along with the subsidized housing program, we do have the seniors' benefits program, and although that program does not go directly to utilities, people who are currently receiving cash from the Alberta seniors' benefits program can apply for special needs to help them with onetime expenses of a specific nature. In doing so, that also alleviates some of the problems, and hopefully they can meet their ongoing obligations with a bit of ease. We currently monitor the situation and keep track to ensure that we don't have anybody falling through the cracks, and I would stress to all members here and to people listening that if you

know of seniors who are suffering undue hardship, please let the department know or contact my office.

Dr. Nicol: My next question, Mr. Speaker, is to the minister of human resources. Many SFI and AISH recipients, when threatened with utility disconnection notices, must use all available resources before accessing onetime emergency assistance through your department. Does "all available resources" include any kind of a cut into their food budget or their rent, or what other aspects do they have to deal with before they can trigger the support through that utility program in your ministry?

Mr. Dunford: Well, Mr. Speaker, we're entering our second year of providing assistance to Albertans when disconnect notices are received. As a matter of fact, the amount of Albertans' money that we used last year in order to do this was \$1.6 million. We have no forecast at the present time as to what might be involved this year, but an Albertan that receives a disconnect notice on, really, either a natural gas or electricity utility can come forward, can seek assistance through our department. We, of course, have screening mechanisms, and we have entitlements that must be met, and we'll continue to be as flexible as we can to help as many Albertans as we can.

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

Foster Care

Dr. Massey: Thank you, Mr. Speaker. A statement of claim has been filed with the courts that alleges that a mother was sexually abused while in foster care and that in January of 2001 her daughter, also in care, suffered burns, broken bones, and lacked proper medical treatment. My questions are to the Minister of Children's Services. Given that the minister is in a conflict of interest protecting the reputation of the department while also needing to legally represent children who may have suffered while in the care of that department, will the minister follow the advice of successive Children's Advocates and establish an external review panel to investigate and compensate proven victims?

Ms Evans: You know, Mr. Speaker, on the basis of allegations – allegations – in a statement of claim that has been filed in the court but not yet delivered to me or to any of the other officials that have been identified in the statement of claim, the hon. member has chosen today to give us a release that really, effectively, damns the system, and I find that offensive. I find it offensive on behalf of those families that are involved.

In their release they state that we haven't paid attention to the previous Children's Advocate relative to an external review committee. Almost immediately we acted not with an external review committee but with changes to the CWIS so that immediately if a child is hurt by anybody in any place in any circumstance and they are in care, it is flagged on the CWIS and is immediately directed to the Children's Advocate so that the Children's Advocate has immediate access to absolutely every situation that could result in a thorough investigation of the claim that the child has been hurt in any way. We have made a technological improvement that is extremely positive and is working well.

Mr. Speaker, I think that, further, the hon. member is aware that we've had a John Doe case representing 429 alleged cases that's still not back from the courts with any decision on that. When it is, it may cause us to review it again, but presently this system is working

extremely well. The advocate appears satisfied, and we have frequent meetings and regular reportings. More importantly, as soon as a child is hurt, someone is there to follow up and investigate on their behalf.

The Speaker: The hon. member.

Dr. Massey: Thank you. To the same minister, Mr. Speaker: given that the minister is willing to place details of children up for adoption on the Internet, has she opened the files of those 400 children in the Calgary lawsuit?

Ms Evans: Mr. Speaker, I will not divulge all of the preparation by the government in terms of the cases, but there was a very thorough review done. It was presented in the courts, and we are waiting for the results of that court case.

I think the bottom line, Mr. Speaker, is that I have to believe that the hon. member opposite would like the same thing that the government would, and that is children safe and well protected and due diligence on their behalf. We have initiated this past year, this fiscal year, a complete review of the foster care system. We've had phase 1 of that review done. The things they're asking for in their release are a day late and a dollar short.

The Speaker: The hon. member.

Dr. Massey: Thank you, Mr. Speaker. Again to the same minister: does the department follow the national guidelines for foster care in Canada, which includes providing legal representation for children in care?

Ms Evans: Mr. Speaker, in the statement filed I noticed some very severe allegations relative to whether or not we act in the best interest of government or in the best interest of the child. The mission of this department is to act in the best interest of the child. In almost every case this government exceeds all of the Canadian standards relative to child protection, child care, and representation for children who are injured.

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

Education Funding

Dr. Pannu: Thank you, Mr. Speaker. Growing class sizes, crumbling schools, school board deficits: these are the real-life consequences of the government's education policies. The government's mindless refusal to fund the arbitration settlements, cuts in plant operation and maintenance grants, and the imposition of a cap on grade 10 credits are creating this crisis. More and more school boards are speaking out about the disastrous consequences of the government's shortsighted policies. My questions are to the Premier. How can the government claim that there is no financial crisis in our schools when yet another school board, Red Deer public in this case, is sounding the alarm about deep cuts in programs and staffing?

Mr. Klein: Mr. Speaker, I have the opportunity to travel the province and do that on a number of occasions quite frequently, and nowhere have I seen the kind of situation described by the hon. leader of the third party. We don't see crumbling schools. We don't see kids going without. What we do see are good stories, wonderful stories about what is happening in our education system.

You know, if this hon. member would get out from under the

dome, if he would examine what is really happening in the education system, he would see that the eighth annual biology competition was written by 5,300 eligible contestants at 408 schools across Canada in April 2002. Three Alberta schools rated in the top 10 schools in the country. These schools were Old Scona academic school in Edmonton, which took first place, Western Canada high school in Calgary in fourth place, and Ross Sheppard high school in ninth place out of 408 schools across the country. Alberta's Travis Murdoch . . .

1:50

The Speaker: Perhaps, hon. Premier, we can get to chapter 2 a little later.

The hon. leader.

Dr. Pannu: Thank you, Mr. Speaker. If everything is as hunky-dory as the Premier claims, why are Elk Island, Red Deer, St. Albert Catholic, Edmonton public, and a growing number of parents, many of them in my own constituency, finding it necessary to speak out about the crisis in their schools, thereby risking punishment from the Premier's government? Is the Premier seriously suggesting . . .

The Speaker: Hon. leader, you can't have four questions in one preamble.

Mr. Klein: To carry on, he named eight schools, and I'll name one school, and that's Alberta's Travis Murdoch of Salisbury composite high school in Sherwood Park. He placed among the top 10 students in this competition, and he tied for seventh place, Mr. Speaker. So, obviously, there's a school that's doing a wonderful job.

We can talk about the almost 6,000 students from across Canada who participated in the seventh Canadian Open Mathematics Challenge in November 2002, and the top contestants in a region are named provincial champions. The gold medal honours for Alberta went to Peter Zhang of Sir Winston Churchill secondary school in Calgary. Obviously, that school is doing a very good job.

The Speaker: The hon. leader.

Dr. Pannu: Thank you, Mr. Speaker. How much more do class sizes have to grow, how many teachers have to be laid off before the government takes meaningful action to address the growing financial crisis in our schools?

Mr. Klein: Mr. Speaker, we obviously have taken action. We are obviously continuing to take action because, for instance, success in mathematics is nothing new to Alberta students. Alberta students consistently achieve at the top levels around the world, and that was demonstrated at the 2002 International Mathematics Competition in Glasgow, where a gold medal was awarded to Alexander Fink of Queen Elizabeth high school in Calgary and a bronze medal went to Robert Barrington Leigh of Old Scona academic high school in Edmonton. These two Alberta members were on the six-member Canadian team. In other words, one-third of the Canadian team came from Alberta. It couldn't be all that bad.

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

Alberta Supernet

Mr. Johnson: Thank you, Mr. Speaker. The Alberta government's high-speed network project, Supernet, is scheduled to be completed soon. However, it was recently brought to my attention that there is

a legal dispute between Bell West and its subcontractor Axia NetMedia Corp. which could cause delays. My constituents are looking forward to having their libraries, schools, and hospitals connected with Supernet but are wondering how the dispute is affecting the project. My questions are to the Minister of Innovation and Science. What is the status of Supernet construction in the province?

Mr. Doerksen: Well, Mr. Speaker, imagine if you were a student in Rocky Mountain House that wants to take a class in Red Deer and have a live discussion over a distance of 85 kilometres. That's happening right now because of the Supernet connection.

But the hon. member is correct. There are some time lines in place that we have built into the contract to build Supernet. Our business plan calls for some performance targets to be met, and we are currently not meeting those targets precisely, and the 2003 year is going to be a pivotal year in order to complete this construction on time.

Mr. Johnson: To the same minister: what assurances can the minister give my constituents that the project will be completed on time and on budget?

Mr. Doerksen: Well, Mr. Speaker, we do have a contract in place, and our primary contractor, Bell West, is under contractual obligations to complete the build of the network by the end of the year 2004. We intend to hold Bell West to that contract and are working with them diligently to ensure that this year, 2003, we proceed quickly on the build schedule, connect our libraries, connect our hospitals, our schools so that we can deliver services to Albertans over the network.

Mr. Johnson: My final question to the same minister: what effect, if any, is the lawsuit between Bell West and Axia NetMedia having on the Supernet project?

Mr. Doerksen: Mr. Speaker, there is a commercial dispute between Bell West and Axia currently before the courts, and you know that I can't comment on that dispute. But what I will say is that my responsibility is to the people of Alberta to make sure that the network gets built and, secondly, more importantly, once it's built – because it will be built – to make sure that services are delivered over that network, because that is where the real value of Supernet is going to take place.

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

Enron Natural Gas Rebate

Mr. MacDonald: Thank you, Mr. Speaker. Two years ago during the provincial election this government played loose and fast with the taxpayers' money, and now, two years later, whenever we have another price spike in natural gas, this government is being very, very mean. My first question is to the Premier. Now that the Premier has had 24 hours to look over the public accounts documents, can the Premier please explain to the taxpayers of this province why a grant for three-quarters of a million dollars was given to Enron two years ago?

Mr. Klein: I'd be glad to explain. Mr. Speaker, I'm surprised. No, I'm not surprised, because it's so typical of the Liberals not to tell the whole truth. I'm not saying that they're lying. I'm just saying

that they don't tell the whole truth. They issue a one-page document which shows that Enron was the recipient of a gas rebate.

Enron acted as a supplier under the natural gas rebate program. They had one customer, Boardwalk Equities. From Land Link's records it would appear that 13,699 living units were assisted under the rebate program through Enron. In other words, that was through Enron to the company called Land Link to 13,699 either individuals or families living in those units, providing natural gas to Boardwalk Equities and all their customers. This number was submitted early in the program when Land Link was still considering payments per residential unit. Since all of these living units are in commercial buildings, they were then switched to the \$6 a gigajoule rate at the end of January. Land Link is not sure of the actual number of living units. It might be higher. The total amount paid to Enron was \$1.181 million, not the three-quarters of a million, as a matter of fact more: \$756,954 in March 2001, \$509,220 in April 2001, and a \$10,978 payment based on the final reconciliation in December 2001.

That is all the information I got but perfectly legitimate. Enron was a corporate entity at that particular time representing the interests of over 13,000 Albertans in living units who were deserving of a rebate at that particular time in accordance with the policy set down by the government. If this hon. member has any problems with that, then stand up and tell those 13,000 people that they ought not to have received rebates.

2:00

Mr. MacDonald: Again to the Premier, Mr. Speaker: if it was good enough then for the residents of Boardwalk Equities to receive a rebate, why are you being so mean with them now?

Mr. Klein: Mr. Speaker, we are not being mean with them. As a result of that rebate program and in order to end the ad hoc-ism relative to rebates, we put in a piece of legislation that says that when the annual average reaches \$5.50 a gigajoule, then the rebates will kick in. It was there to provide certainty relative to the protection of consumers.

Mr. MacDonald: Again, Mr. Speaker, to the Premier: what good is giving rebates after the price of natural gas is above \$5.50 for perhaps a period of time of up to a year when Albertans can't afford to pay their bills now?

Mr. Klein: Well, Mr. Speaker, that is wrong. That is not true. Albertans can. Everyone in this Legislative Assembly, I'm sure, can pay their bills. Thousands upon thousands upon thousands of Albertans can afford to pay their bills. The bills on average – on average – are lower than in any other jurisdiction in the country. Any other jurisdiction in the country.

I am sick and tired of the Liberals telling Albertans how bad it is here. You know, they talk about, "Oh, well, it's better in Toronto," or "It's better in Montreal." Well, Mr. Speaker, when the opposition compares households in Quebec or Ontario with households in Alberta, the comparison should be fair, but they've never been known for fairness. Never. They've been known for political trickery; that's all. They have never been known to be fair.

Where would you as a taxpayer prefer to live? Edmonton or Montreal? Edmonton or Toronto? Right now monthly electricity bills in Edmonton are about \$1 higher than in Toronto. Right now. Today. [interjection] I'm saying that right now they're \$1 higher in Edmonton than they are in Toronto, and, yes, they are about \$20 higher in Montreal, but Quebecers pay a 7.5 percent sales tax which results in about \$1,700 in higher taxes a year for a typical two-child

Quebec family. When you factor in higher fuel prices in Quebec – and they are higher – and when you factor in higher property taxes and when you factor in higher income taxes and other higher costs in Montreal, the two-child family in Montreal is paying over \$3,500 more a year in taxes and fees than the two-child family in Edmonton, which is 14 times more than the savings they enjoy over Edmonton on electricity bills. So let's be fair about it.

The Speaker: The hon. Member for Calgary-Lougheed, followed by the hon. Member for Edmonton-Glengarry.

Federal Research and Innovation Funding

Ms Graham: Yes. Thank you, Mr. Speaker. [interjections]

The Speaker: The hon. Member for Calgary-Lougheed does have the floor.

Ms Graham: Thank you, Mr. Speaker. My questions this afternoon are to the Minister of Innovation and Science. Last week the federal budget announcements included some \$2 billion for innovation and some \$3 billion for sustainable development and environmental initiatives across the province. Based on my involvement with the Alberta Research Council and the Alberta Science and Research Authority, I'm interested to know whether the minister has been able to determine if Alberta will be able to utilize any of this new funding for our priority areas of ICT, energy, and life sciences.

Mr. Doerksen: Well, Mr. Speaker, in September 2001 provincial ministers along with our federal counterpart met and agreed that as a nation we needed to move Canada's research intensity from 15th place in the world to fifth place in the world. Our own throne speech last week continued to reinforce our commitment to our life sciences strategy. It continued to commit our efforts to the Energy Research Institute strategy, including a coal demonstration plant, and the money that has been identified through the federal budget, which, incidentally, came down the same day and, as the member has pointed out, was in the neighbourhood of \$2 billion, will be money that we will be able to use to help us achieve our objectives in Alberta.

Ms Graham: Mr. Speaker, my second question is to the same minister. It's my understanding that nearly one-quarter of the innovation money, some 500 million dollars, has been designated for the Canada Foundation for Innovation, or CFI, and it is to assist research hospitals with their infrastructure, so I'm wondering if we will be able to use this to help us build those centres for health research that have been on the books for four years both at the U of C and the U of A.

Mr. Doerksen: Mr. Speaker, something that we are very proud about in Alberta is the Alberta Heritage Foundation for Medical Research, and over the years of its existence we have contributed over \$700 million into research in that area. The member correctly points out that both the University of Calgary and the University of Alberta have proposals in to expand what they call the health research innovation centres. The initiative is something that we as a province support, and as money becomes available, we will make these things happen and continue our excellent reputation of research into those areas.

Might I just comment, Mr. Speaker. One project that we are world renowned for is commonly known as the Edmonton protocol, which is research into the islet transplants for the cure of diabetes or the

management of diabetes. It is a real breakthrough and something that we are very proud about in our province.

The Speaker: The hon. member.

Ms Graham: Well, thank you, Mr. Speaker. My last question, again to the same minister. The minister has referred to our own throne speech from last week where it was declared that we intend to accelerate our Alberta energy research strategy. So, again, has the minister been able to determine if we can utilize any of the \$3 billion to help boost our efforts in this regard?

Mr. Doerksen: Well, Mr. Speaker, I would encourage all Albertans to actually log on to the Innovation web site and actually read the strategic thrust that we have with our Energy Research Institute. They really cover five main areas: managing carbon dioxide, increasing the value of bitumen, burning clean coal, improving oil and gas recovery, and finding alternative energy sources. Our challenge is going to be to make sure that the contribution that we get from the federal government will in fact go towards the initiatives and the priority areas that we've identified as a province.

Swan Hills Waste Treatment Facility

Mr. Bonner: Mr. Speaker, from January 2001 to March 31, 2002, Swan Hills waste treatment plant lost \$9.5 million, and at least two-thirds of last year's revenue came from waste trucked in from outside Alberta. Furthermore, this government plans to keep operating and dumping cash into this environmental liability and has confirmed this fact by signing a long-term contract with Earth Tech (Canada). To the Minister of Infrastructure: why does this government even consider negotiating much less signing a contract with a subsidiary of a company that is on shaky financial ground, has settled claims involving Enron-esque accounting practices, and has former officials facing civil fraud charges?

Mr. Lund: Well, Mr. Speaker, anybody that cares about the environment will be very pleased with the agreement that we have just signed. It allows that plant, which has done a tremendous job of cleaning up toxic waste in Alberta, to continue to operate and to be in business for at least another 10 years, cleaning up and helping the environment.

2:10

But getting directly to the hon. member's question, in fact we checked with the Securities Commission before we went into this agreement. They found no problem with the company. We checked with other people that may be interested in the financial situation and the integrity of the company and found no problem. So as far as the incident with some of the top officials of the parent company in the United States it has no impact on the company in Alberta. As a matter of fact, they have a great presence in Alberta currently and right here in the city of Edmonton. They operate the plant that the city of Edmonton built in conjunction with TransAlta a number of years ago, the plant that processes all of the waste from the city of Edmonton. They're doing a tremendous job, and the city of Edmonton finds it very successful.

Mr. Bonner: Mr. Speaker, to the same minister: why does this government throw good money after bad at an outdated facility like Swan Hills when there is cheaper, safer, and on-site technology for waste disposal available from companies like Eco Logic Inc.?

Mr. Lund: Mr. Speaker, it's very obvious that that member and, I

believe, that party, because I've had questions on this particular facility from them before, must not be interested in protecting the environment. We on this side of the House are interested in preserving the environment and, in fact, enhancing it. Swan Hills has processed over a hundred thousand tonnes of toxic material from Alberta. They've also processed pretty well all of the PCBs that will be found in Alberta. When you look at that record and consider what would have happened to those toxic materials had Swan Hills not been built, I really wonder who's concerned about the environment. Us or them?

Mr. Bonner: To the same minister, Mr. Speaker: given that Eco Logic Inc. has much newer and better technology than what's available at Swan Hills, when will this government start putting taxpayers ahead of moneymaking opportunities for multinational corporations, and when will they shut down Swan Hills?

Mr. Lund: Well, Mr. Speaker, it's certainly our desire and plan to keep Swan Hills operating, and as long as there's waste generated to be treated and to protect the environment, we hope that we can continue to operate that plant. But the fact is that we just went through a process dealing with multinational companies and one that is a major multinational company in the world looking at toxic waste. They looked at it all over the world. It was very interesting. They came back and said to us that the Swan Hills plant is the best in North America.

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

Crime Prevention

Mr. Masyk: Thank you, Mr. Speaker. I and my constituents in still struggling Edmonton-Norwood continue to be concerned about the amount of crime in our neighbourhoods. It's a problem that seems to be growing with no end in sight. My question is to the Solicitor General. What is the government doing to address the high amount of crime committed in low-income areas such as my constituency?

The Speaker: The hon. minister.

Mrs. Forsyth: Thank you, Mr. Speaker. There's no question that police and communities are facing a number of challenges with crime in their areas. We're dealing with gangs, we're dealing with violent crime issues, we're dealing with cybercrime, we're dealing with child pornography, right down to vandalism and property crime. The best way to address these problems is working with the police and involving the community in crime prevention at a local level.

One of the things that I've seen that has been very successful is having community leaders get together to meet with the police and discuss their local needs and problems and work on them together. My department does provide support to help police and communities work together on crime prevention. The community mobilization program has supported more than 200 projects in Alberta since 1988, and this year \$2 million will be going to community-based projects.

The Speaker: The hon. member.

Mr. Masyk: Thank you, Mr. Speaker. That's very encouraging.

To the same minister: has the government ever given any consideration to all areas, including to the taxpayer, initiatives such as possibly a prisoner exchange with jurisdictions such as Russia so the prisoners and lawbreakers would really reconsider breaking the law twice?

Mrs. Forsyth: Well, Mr. Speaker, while I understand the hon. Member for Edmonton-Norwood's frustration, I'm not sure that that's the answer. Alberta's correctional facilities are not Club Feds. Our conditions at our provincial prisons are spartan: we have small, black-and-white TVs; we have no pool tables; we have no access to the Internet. All our inmates must do work to give back to the community. If they are not ill or if they're not enrolled in a program, they're out working. Serving time in Alberta provincial prisons is punishment enough.

The Speaker: The hon. member.

Mr. Masyk: Thank you, Mr. Speaker. These initiatives are very encouraging, and hopefully we can continue to work together.

Thank you very much.

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

Protection for Persons in Care Act Review

Ms Blakeman: Thank you very much, Mr. Speaker. An MLA committee is currently reviewing Alberta's Protection for Persons in Care Act. The act now provides a mechanism to investigate claims of abuse or substandard care for adults in publicly funded care facilities, including hospitals, nursing homes, and lodges. My questions today are to the Minister of Community Development. Can the minister tell us when the report is being publicly released?

The Speaker: The hon. minister.

Mr. Zwodzesky: Thank you, Mr. Speaker. This is indeed a very important piece of legislation that comes under my charge. I'm happy to tell you that the MLA for Cardston-Taber-Warner with the co-chair from Edmonton-Norwood have consulted and met with a number of individuals, stakeholders, you might say, from across the province. That report is being prepared, and we'll be considering it very shortly.

Ms Blakeman: Could the minister answer why the committee wasn't charged with establishing standards of care?

Mr. Zwodzesky: Well, Mr. Speaker, when this bill was first brought in, in 1998, by the hon. Member for Highwood, it was understood then that it would be approximately a five-year process to see how it worked out. We are attempting very much here to improve what is already a fairly good bill, but I know that the consultation process yielded some excellent recommendations and suggestions because some of the individuals inputting into that process did contact me directly, and I did meet with a few of them. So the member will just have to be patient a little while longer, and she'll get all the answers in the forthcoming report and the recommendations. I can assure you of that.

Ms Blakeman: The report he still hasn't said is being released.

Given that including failure to provide reasonable care in the definition of abuse may increase complaints, is this government considering the creation of a special court equipped with investigators or an ombudsman to deal with senior abuse issues?

Mr. Zwodzesky: Well, Mr. Speaker, we'll have to wait and see what we can do. I'm equally concerned, as I know the member is and as are all members in this House, about the care for seniors and for all

those members who are in a publicly funded, in whole or in part, facility. I can tell you that we receive upwards of 400, 500, 600 complaints of alleged abuse. They're all looked at very thoroughly, very carefully. Our intention here is to try and strengthen those particular preventative circumstances from occurring in the future, and we will do that.

The Speaker: The hon. Member for Edmonton-Highlands, followed by the hon. Member for Edmonton-Glenora.

Utility Costs

(continued)

Mr. Mason: Thanks very much, Mr. Speaker. Natural gas prices have returned to their record highs of two winters ago. In fact, ATCO's March gas rate of \$8.58 per gigajoule is only slightly below the January 2001 rate of \$8.77 per gigajoule, which precipitated the \$150 per month rebates. All told, home heating costs are up 62 percent in just three months. To the Premier: with power bills almost doubling and home heating costs up 62 percent in this the coldest season of the year, how the heck does the Premier expect Albertans, especially seniors and others on fixed incomes, to pay their utility bills this winter?

Mr. Klein: Mr. Speaker, I've explained so many times in this Legislature that we do have a unique in Canada piece of legislation, that provides consumer protection down to \$5.50 a gigajoule when the yearly average reaches that amount. I would also point out to the hon. member that this is more generous than any other jurisdiction in the country, that natural gas prices on average throughout this province are lower than any other jurisdiction in the country. I also pointed out that we do have very generous social safety nets for those people who are facing higher costs relative to food, clothing, shelter, gas, electricity, and any other commodity. This is not a bad province in which to live, especially if you are in the low-income range, with the variety of programs that are available to assist low-income people.

2:20

Mr. Mason: Mr. Speaker, if this rebate program is so generous, can the Premier please explain to people that are paying high gas prices why they're not getting a nickel?

Mr. Klein: Mr. Speaker, why they are not getting a nickel is because the average price of gas is below \$5.50 a gigajoule. When the yearly average reaches that amount, then that will be the trigger point.

Mr. Speaker, I know that I painted the Liberals as being not entirely truthful in their assertions.

Mr. Mason: But we're worse. [interjections]

Mr. Klein: Mr. Speaker, to repeat what he said, just for the record, he said, "But we're worse." He took the words right out of my mouth.

Mr. Speaker, what they like to do is compare. There was a time not so long ago, when the former rebate program was in place, when indeed some consumers in this country paid absolutely nothing – absolutely nothing – for natural gas. I can tell you that relative to electricity relative to my condo in Edmonton – and I felt quite guilty about it – I paid absolutely nothing for one solid year. So, yes, people are upset when they compare this year's bill to the same bill last year, when they were receiving the benefit of rebates. Then I can see why people would be very upset. You know, I think that if the hon. member is to be honest and is to be reasonable about it all,

he would go out and point this out to consumers, but I don't think he will.

The Speaker: The hon. member.

Mr. Mason: Thanks very much, Mr. Speaker. The government only offers free gas in election years. Why has it changed its policy from letting easterners freeze in the dark to making Albertans freeze in the dark?

Mr. Klein: Mr. Speaker, first of all, I want to know of any Albertan who is freezing in the dark. Please, bring that case to my attention, and I will make sure personally that it is looked after and those people are looked after. I want to know.

This hon. member has made a statement, and it is not within the rules of parliamentary procedure to tell lies in the Legislature. He has said or implied that people are freezing in the dark in this province. I want him to back that statement up or stand up and apologize in this Legislature.

head: **Members' Statements**

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

Alberta Treasury Branches

Mr. Rathgeber: Thank you, Mr. Speaker. The time has come for Albertans to think seriously about the future of Alberta Treasury Branches. I'd like to talk about why I believe that it's time that our government consulted with Albertans regarding the possibility of privatizing or selling the ATB.

ATB was created in the 1930s by a Social Credit government eager to help Albertans fight the devastating effects of the Great Depression. At that time banks in rural Alberta were shutting down, and the government used ATB to provide financial help to Albertans, especially rural Albertans, who were feeling the effects of a severe depression. For the next 60 years ATB worked hard to serve the financial interests of both rural and urban Albertans.

However, the mandate of our government is much different than that of the Alberta government of the 1930s. Instead of seeking interventionist solutions to business problems, we let the market run its course and intervene only when the well-being of Albertans is affected. Moreover, while it is true that some charter banks are closing branches in rural Alberta, this does not mean that they are nonexistent in these communities. In fact, many charter banks retain local representatives, who work out of their homes or in partnership with other local businesses. As well, loans and other financial services can be accessed over the Internet or by telephone, and banking can be done through local ATM machines. Further, the presence of credit unions is only getting stronger in rural Alberta, so to suggest that rural Albertans will have no place to do their banking if ATB were privatized is just not true.

Today Treasury Branches provide more than half a million Albertans with a broad range of financial services including personal banking, commercial banking, loans, and mutual funds. These services are provided in 144 branches and 130 agencies in both urban and rural Alberta. Simply put, ATB is a full-scale financial services organization that competes with charter banks and credit unions to provide first-rate service to Albertans. On top of all this, ATB is in great financial shape right now. The economy is strong, and ATB is posting impressive numbers.

It is clear to me, Mr. Speaker, that ATB has become much more than a reliable alternative to the charter banks and credit unions. ATB has become a major player in its own right and an attractive

asset, that this province could sell for a healthy profit. If this province were to sell ATB, we would reap a great benefit, which could be used to pay down Alberta's debt or to fund health, education, or any other number of services that Albertans desire. In my view, the time to enter this discussion is now.

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

Shane Homes/Ernest Manning High School Learning Partnership

Ms Kryczka: Thank you, Mr. Speaker. In my constituency of Calgary-West a very unique, successful P3 has developed since 1997. It's a private/public partnership in learning between Shane Homes and Ernest Manning high school. It's not a P3 involving infrastructure or the school building. It engages students and the private sector and the staff in learning inside the building.

For six years students and Shane employees have been working together to design, construct, finish, decorate, landscape, and market several new homes. Students involved in the building construction and drafting and design learn all aspects of the home building industry from Shane's team of professionals. The partnership has created four homes over the years. Griffin Manor 1, 2, 3, and now 4 – Griffin is the school's mascot – are slated to be open in April in the new Calgary-West community of Cougar Ridge.

In addition to giving students a hands-on experience, Ernest Manning has secured more computers equipped with CADD, computer-assisted drafting and design software, a must-have in the industry. Like many students, Shane Wenzel, vice-president of sales and marketing, had a difficult time deciding what career path to follow. The partnership takes some of that pressure away for students by exposing them to a true work environment. The homes created through the partnership are built at cost – and this is where building comes in – with the proceeds from the sale of each going to the Ernest Manning Griffin fund. Shane also pays royalties to the fund every time the student-designed floor plan is used. To date Shane Homes has donated \$45,000 to the fund.

This partnership is a fantastic hands-on learning opportunity that enriches the lives of students and encourages joint community effort and funding for school-based activities and programs. Key stakeholders, including planners, politicians, and entrepreneurs, who would readily dismiss the notion of infrastructure P3s would surely benefit from learning about the success of the Shane Homes/Ernest Manning learning partnership. It is a business venture and a win/win for all involved.

Thank you.

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

School Councils

Dr. Taft: Thank you, Mr. Speaker. Since the beginning of public education in this country parents have been closely involved in the school system as parent/teacher associations, through home and school associations, or, more recently, through school councils.

School councils in their current form were given their mandate in the mid-1990s. Alberta Learning has even prepared a school council resource manual, which among many things describes the roles and responsibilities of school councils. Among their roles it says: "The school council may advise the principal on any matter relating to the school . . . It may similarly wish to advise the school board [or] Alberta Education." Among the responsibilities that Alberta Learning recognizes for school councils is to "actively represent the views of the school community and become as influential as possi-

ble." Mr. Speaker, I genuinely hope the school councils in Edmonton-Riverview and across this province really do become as influential as possible, for in the past month I've met with 13 school councils, and if they are at all representative of other school councils in Alberta – and I suspect they are – then public education in this province has a powerful, passionate, and determined advocate.

2:30

Several things have been impressively consistent across my meetings with school councils. First and foremost, parents are profoundly committed to public education, recognizing that it not only serves their children best, it serves all of society best. They are also deeply concerned about threats they see to public education in Alberta: programs being cut, classroom sizes growing, resources disappearing, and buildings deteriorating. Parents are demanding that school councils lead the way in fighting for public education. To do this, school councils must be able to communicate openly with all parents in their schools and in a nonpartisan manner.

Mr. Speaker, today I am asking school boards and the Minister of Learning to respect school councils' right to communicate and to listen carefully to what they are saying. Above all, I'm here to praise and commend the school council movement across this province.

Thank you.

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

Goods and Services Tax

Mr. Lord: Thank you, Mr. Speaker. We have been hearing a lot lately about frustrations with Ottawa for a variety of reasons. One of the main causes for this frustration has been the GST. It is easily the most hated tax in the country and is often cited as a reason to separate, but I have always wondered about this. It seems to me that the GST is just about the only tax in this country that's never been raised. That's primarily because it is visible. Who would dare to try and raise such a visible sales tax, a VST? So following this principle, maybe we should make all taxes visible if we really hated taxes and wanted to stop tax increases.

Frankly, we have the opposite case now: a plethora of HSTs, hidden sales taxes, that are being raised all the time because we don't know about it. In fact, this game goes so far in this country that it seems to me that some political movements have based much of their platform largely on opposition to the GST while other political parties seem to be out fleecing the angry by promoting other false solutions to lower taxes such as first demonizing capitalists and then raising business taxes to great fanfare knowing that the people are cheering only because they think their own personal taxes will be lower as a result. It is poppycock, of course. Any tax, levy, or additional burden placed on any business of any kind is really just another hidden sales tax by proxy because that cost is expected to be immediately passed on to the consumer in the higher prices of goods and services. The businessmen get the blame while bureaucrats get the booty, but we pay and pay either way.

Heaven forbid that any government should try to lower business taxes as we have done, which, of course, would just result in lower consumer prices and more economic development. Now, why anyone would be opposed to that, I don't know, but they are.

I think it is high time we start talking in this country not just about how much we are paying in taxes but how we are paying those taxes. For those who hate the GST, I suggest that they carefully examine the downsides of all other forms of taxation first. They will find that the GST is the least of all evils, I think, and at the very least it's certainly not a reason for breaking up the country.

Thank you, Mr. Speaker.

head: **Presenting Petitions**

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

Mrs. Ady: Thank you, Mr. Speaker. I rise today to present a petition from my constituency signed by 85 Albertans petitioning the government to increase current provincial funding for public education.

Thank you.

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

Mr. Mason: Thank you very much, Mr. Speaker. I am presenting today a petition signed by 53 Albertans asking the Legislative Assembly to urge the government to immediately raise the minimum wage to \$8.50 an hour and index it to the cost of living, as has been done with MLAs' salaries.

head: **Introduction of Bills**

Bill 10
Health Information Amendment Act, 2003

Mrs. Nelson: Mr. Speaker, on behalf of the Minister of Health and Wellness I am very pleased to introduce Bill 10, the Health Information Amendment Act, 2003.

[Motion carried; Bill 10 read a first time]

Bill 14
Securities Amendment Act, 2003

Mr. Hlady: Mr. Speaker, I request leave to introduce Bill 14, the Securities Amendment Act, 2003.

The amendments in this bill will provide greater protection for investors, allow Alberta businesses improved access to capital markets, and make the current regulatory environment more efficient. It will also lay the foundation for improved security laws when national reforms are made down the road.

Thank you.

[Motion carried; Bill 14 read a first time]

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I move that Bill 14 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

The Speaker: The hon. Member for West Yellowhead.

Bill 15
Forest and Prairie Protection
Amendment Act, 2003

Mr. Strang: Thank you very much, Mr. Speaker. I request leave to introduce Bill 15, the Forest and Prairie Protection Amendment Act, 2003.

This act will bring existing legislation in line with current business practices by updating wording, clarifying stakeholders' responsibilities and roles, and strengthening enforcement activities.

Thank you.

[Motion carried; Bill 15 read a first time]

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I move that Bill 15 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

The Speaker: The hon. Minister of Sustainable Resource Development.

Bill 16
Agricultural Dispositions Statutes
Amendment Act, 2003

Mr. Cardinal: Thank you very much, Mr. Speaker. I request leave to introduce Bill 16, the Agricultural Dispositions Statutes Amendment Act, 2003.

This act clarifies the rules around recreational access to public land leased for grazing and encourages co-operation and respect between recreation users and the leaseholders.

[Motion carried; Bill 16 read a first time]

head: **Tabling Returns and Reports**

The Clerk: Pursuant to Standing Order 37.1(2) I wish to advise the House that the following document was deposited with the Office of the Clerk on behalf of the hon. Mr. Mar, Minister of Health and Wellness: pursuant to the Regional Health Authorities Act, section 14(3), Capital Health Authority Annual Report 2001-2002.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. At this time for the convenience of all members of the Assembly I would like to table two documents. The first document is a publication from the Canadian Association of Petroleum Producers, and it's Natural Gas Prices in the North American Market.

The second tabling I have this afternoon is a memo from the Human Resources and Employment minister to the hon. Premier and all hon. government members of this Assembly. It's dated February 4, 2003, and it's a public relations exercise to help them get around the utility disconnect notices that are going to go to AISH and SFI recipients as a result of the dramatically high utility prices in this province.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I have two tablings today. Last week in my response to the throne speech I mentioned several arts groups which had shut down, and I've since had an e-mail from one of them announcing that it in fact has resurrected itself. So I'm tabling five copies of their note and a poster announcing their next event, which is Mile Zero Dance, the 2nd Annual Dance Lab Open Forum.

My second tabling – slightly delayed; I apologize – is the five copies of the program for the inaugural gala of the Davis concert organ which took place at the Winspear Centre last September. This organ was partially funded with a generous donation from Dr. Davis in memory of his wife. Excellent, excellent performance.

Thank you.

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

Mr. Bonner: Thank you very much, Mr. Speaker. With your permission I have two tablings today. The first is the required number of copies of a letter from the Northern Oilfield Contractors Association to the Slave Lake Chamber of Commerce. This is outlining their concerns on the ongoing difficulties that they are having doing their business on Crown land here in the province.

2:40

The second tabling, Mr. Speaker, is a copy of the program from the north division station grand opening ceremony, a new police station in northeast Edmonton that will serve the constituents of northeast Edmonton for many, many years to come. This took place on January 16, 2003.

Thank you.

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

Dr. Pannu: Thank you, Mr. Speaker. I have five copies of a media release issued by Red Deer public schools to table today. The release is about the looming staff reductions and class size increases which will result from a million-dollar shortfall that the school board is facing. The chair of the school board, Ms Jefferies, expresses her frustration by saying, "It's a terrible shame that this province, with all its wealth, cannot seem to find adequate funding for the education of our children."

Thank you, Mr. Speaker.

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

Mr. Mason: Thank you very much, Mr. Speaker. I'm tabling a letter from Mr. Rolf Lehmann dated February 24, 2003, addressed to the Premier. Mr. Lehmann is very concerned with the tremendous rise in natural gas prices. He draws the Premier's attention to his election promise to shield Albertans from prices rising above \$5.50 Canadian and is requesting the Premier to send him his rebate.

The Speaker: Additional tablings?

Hon. members, before calling Orders of the Day, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

head: **Introduction of Guests**

(*reversion*)

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

Mr. Danyluk: Thank you very much, Mr. Speaker. It's an honour for me to introduce to you and through you to members of the Assembly two individuals in the members' gallery. They are Trish Vandermeer and Samuel, the lovely wife and handsome son of our esteemed colleague from Edmonton-Manning. I would ask that you would join with me to give them the traditional welcome of this Assembly and if they would please rise.

Thank you.

head: **Orders of the Day**

head: **Government Bills and Orders**

head: Second Reading

Bill 11

Auditor General Amendment Act, 2003

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

Mr. Yankowsky: Thank you, Mr. Speaker. I rise to move second reading of Bill 11, the Auditor General Amendment Act, 2003.

The Auditor General Act was originally passed in 1978. Apart from some minor changes it has not been subject to any significant amendments since. Our new Auditor General, Mr. Fred Dunn, has requested these amendments to add clarity to his role. The first proposed amendment, which is on page 1, number 2, of the bill, would provide for a statutory oath of office similar to other officers of the Alberta Legislature. Information in the custody of the Auditor General should not be disclosed outside the provisions of the Auditor General Act. Having a legislated requirement for an oath of office would help ensure that client information obtained by the Auditor General remains confidential.

The second amendment, which is on page 1, number 3, of the act, corrects a drafting error in the original Auditor General Act. Replacing the references to the Lieutenant Governor in Council in section 10(2)(b) with the Executive Council and the President of the Executive Council respectively would make this section consistent with section 17(2), where the Auditor General can perform special duties at the request of the Executive Council.

Next up is a housekeeping amendment that is on page 2, number 4, of the act to replace the reference to Provincial Treasurer with the Minister of Finance and remove some unnecessary wording. There are also a few other places later on where Provincial Treasurer is updated, on pages 9 and 10.

The fourth proposed amendment on page 2, number 5, has several matters dealing with the access to information. Section 14 currently gives the Auditor General needed access to information to complete audits for all organizations where he is appointed Auditor by statute; for example, government departments, regulated funds, and provincial agencies. It is proposed that section 14 be amended to provide this same standard right of access to audit information and duty to co-operate with the auditor for other organizations where the Auditor General is appointed the auditor as permitted under section 11(b) of the Auditor General Act rather than the statutory requirement. In addition, section 14 would also be amended to clarify that the Auditor General has appropriate access to information to fulfill other duties he has under the act, such as section 15, to review the results of a Crown-controlled corporation's audit.

Section 14 should also be amended to ensure that it applies to former public employees, public officials, and personal service contractors. The section would also be amended to ensure that any information provided to the Auditor General during an audit, examination, or special duty should be privileged and not subject to disclosure. Again this ability to maintain control over confidential client information allows the Auditor General to properly consider and vet his recommendations and reports before they are disclosed to the public. The Auditor General should not be compelled to disclose confidential audit information in any court proceeding.

The next amendment on page 3, number 6, of the act would be a proposed section that the Auditor General may compel any individual possessing information relevant to any audit or special duty of the Auditor General to attend before the Auditor General and answer his questions under oath. The Auditor General is the only legislative officer who does not have the power to compel evidence under oath. This amendment would bring us in line with the rest of Canada.

Next, there are amendments to section 17 on page 5, number 7, of the act to clarify the mechanics of how an Auditor General's report on a special duty is to be presented to the Assembly. To date there has not been any problem in tabling these special reports, but the amendment just clarifies the process for the future.

Finally, on page 5, number 8, of the act the amendments clarify how the Auditor General would distribute a report to Members of the

Legislative Assembly when the House is not in session. Again, while this has not been a problem in the past, the amendment would add certainty to the process in the future.

This package of amendments will assist the Auditor General in his role and contribute to our commitment to openness and accountability. I urge all Members of the Legislative Assembly to support this bill, the Auditor General Amendment Act, 2003.

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

Ms Blakeman: Thanks very much, Mr. Speaker. I'm really pleased to see this bill come before the Assembly, or at least certain parts of it. It's long past time to see it, so I commend the government in having followed through on the recommendation of previous auditors general to in fact make these changes.

Just a couple of questions that I'd like to raise and comments that I'd like to make as we look at this bill in second reading. I heard the Member for Edmonton-Beverly-Clareview mention that there was contemplation of having the Auditor General have to sign an oath similar to other legislative offices. My question is: why similar to? Why not exactly? And how many of the other legislative offices are already required to do this, and which ones are not? That's just a small bit of information, and because the government has more resources than I do, they can do the work to find out the information.

2:50

I'm wondering what the concern is in asking that the Auditor General not disclose any information received by his office under this or any other act. What's the concern? Is there a concern about speaking to the media? I'm assuming that it's covered that he can report through the Public Accounts Committee. I know that the government puts these things in for a reason, and I'm looking more specifically for the reason behind that particular change.

The second question I had. I'd like to know the history and the context of changing the section in which it talked about special warrants, and what's been omitted is "for the fiscal year in which the special warrant is signed." That's now being omitted from the act, and I'm questioning why that's the case. It doesn't refer to the fiscal year. It simply says that they would be regarded as a supply vote, and I'm curious as to why that has been done.

I'm pleased to see the addition of the Crown-controlled organizations or other organizations. One presumes this is going to include some of the delegated administrative organizations over which the Auditor General is the auditor and see the inclusion of those into the act. Finally. We've been waiting for that one. Also the distinction of having "present or former . . . employees, public officials or personal service contractors" also captured in the net of those who the Auditor General can ask for explanations from. It's also capturing those same former or present employees from the Crown corporations and other DAOs. Again excellent. Really glad to see that.

I think that the most important change that's been proposed in this piece of legislation is the ability of the Auditor General by notice to require any person to come before him to give evidence under oath. This was sadly lacking and much commented upon in the West Edmonton Mall scenario, and certainly the previous Auditor General had made it pretty clear that he felt he needed to be able to do that and was not able to. Along with that is being able to compel the production of written documents, records.

There's quite a bit in here about contempt of court, that it's regarded as a contempt of court if a witness fails to appear or fails to produce the records that are being asked for. Excellent. I think that if we're going to be serious about this, then the legislation has got to

have the teeth in it to do it. It does exclude previous auditors general from being called to give evidence relating to any record or other information obtained by them when they were performing the job. So there are some cases, I think, that we're never going to know about.

I was hoping that a couple of other areas might get changed along with this. The Auditor General reports to the Public Accounts Committee, which is, of course, an all-party committee of the Legislative Assembly. My long-standing concern there is that the committee has historically restricted itself to meeting only while the session is sitting, and as we're having fewer and fewer sitting weeks, we have fewer and fewer meetings in which we can meet with the Auditor General and as a committee scrutinize the public accounts of various ministries. So this year I expect we'll get through about 11 out of some 24 ministries, which I think is a concern, and I continue to press for accommodation to be made for, in fact, both the Auditor General to be able to complete his job and for the committee to be able to complete theirs.

The way we have the Public Accounts Committee in Alberta is shared by only one other in Canada. That's where we go through ministry by ministry. All the other provinces and territories work with their Auditor General and members of the opposition and members of the government to choose the issue they want to examine. Then all of the witnesses and the information are culled together, and the committee meets to scrutinize a particular issue or series of issues. We don't do that in Alberta, and we may want to consider being able to do that in certain circumstances.

The other issue that I wanted to raise around the Auditor General and its relationship with the government was my concern over the number of times an Auditor General is having to repeat a recommendation before the government is in fact accepting it. If you look through the Auditor General's report, even the most recent one, 2001-2002, between pages 11 and 18 it lists all of the numbered recommendations that are appearing in this year's Auditor General's report. Now, the numbered recommendations are the most important ones. If you actually read through the document, which I highly recommend, there are additional unnumbered recommendations, which the Auditor General is careful to point out they'd still like to see done, but they're not tracking the performance of whether, in fact, they are reacted to. But they're most clearly wanting the government to both react to and implement the numbered ones.

I am really surprised by how many there are that are reading: we again recommend that the department of so and so; we again recommend timing of approvals. I mean, I haven't counted this, but in each department up to 50 percent of the recommendations have not been implemented by the government. You know, if we're going to go to the effort and the commitment as a Legislative Assembly to put an Auditor General in place and charge them with certain responsibilities, it seems to me that we should follow through on the work that the Auditor General then provides to us. To, I think, waste the time of the individual and the office to have to keep repeating and re-explaining what's desired is not a good use of that set of resources. So if the government is looking for a way to save some money, perhaps if they just implemented some of these recommendations, we wouldn't even need such a large Auditor General staff.

So I'm looking forward to the responses to the questions that I have raised. As I say, I'm, I think, the longest serving member now of the current Public Accounts Committee. I've been on it seven years. [interjection] I know; it is a badge of courage. I am very pleased to see these changes being implemented, particularly the ability to compel witnesses and require records and information to be produced and the inclusion of the Crown corporations and other agencies. Up to now there's been a belief or an understanding or a

desire that certain agencies would be looked at, but, in fact, the Auditor General had no way to compel the organization to work with them, so this really is capturing everyone. Now if we could just get consolidated reports, which include things like the universities and the schools and some of the other recommendations the Auditor General has been making to the government for some time, then we'd be in much better shape. But I'm quite pleased to see this legislation, and with the exception of the few questions and concerns I've raised, I am happy to support this bill, which is Bill 11, the Auditor General Amendment Act, 2003, in second reading, and I know that a couple of my colleagues wish to speak to it as well.

Thank you, Mr. Speaker.

3:00

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

Dr. Pannu: Thank you, Mr. Speaker. I rise to speak to Bill 11, Auditor General Amendment Act, 2003, in second reading. I just want to preface my comments on the bill by simply observing that something like this has been far overdue. I'm glad that some action is being taken to pay attention to some of the recommendations that have come forward from the Auditor General's office in the past.

[Mr. Shariff in the chair]

The record with respect to how the government has responded to the recommendations that come down from the Auditor General has not been encouraging in the past. I just look at the percentage of recommendations that received a positive response and action from the government. Starting in 1994-95, 8 percent of the recommendations received any attention from the government; the following year 11 percent; in 1996-97, again 11 percent. Then things begin to improve a bit. I would like to acknowledge this. In 1997-98 35 percent of the recommendations received some attention – no, not yet implemented. Sorry. I want to correct myself. The record has worsened, actually. In '98-99 44 percent of the recommendations received no attention from the government. In 2001 67 percent of the recommendations received absolutely no attention. In 2001-2002 80 percent of the recommendations had not been implemented by the government. So it's not a very encouraging record. That's the context in which this House is looking at Bill 11.

Bill 11 does take a few steps forward. Therefore, for that reason and for those aspects of the bill which show some movement forward, I will be supporting those sections of the bill. The most important one, of course, is the recognition here that the Auditor General needs to have the powers to compel witnesses to come before the Auditor General to provide information that is deemed appropriate or necessary by the Auditor General.

The ATB/West Edmonton Mall inquiry that the then Auditor General was requested to undertake showed a very glaring difficulty and problem with the existing legislation in that it revealed that the Auditor General had no powers to compel evidence that is of critical importance in sorting out the allegations and the matters of concern to Albertans, to the public, to this Assembly. So the then Auditor General expressed his frustration for not being able to do the job that he was asked to do because of the weaknesses and the gaps in the existing legislation with respect to the powers of the Auditor General. So that one shortcoming of the existing legislation will have been addressed if and when this bill becomes a law and is passed through the Assembly and receives royal assent.

There are some other matters which are quite routine housekeeping types, you know, that have been taken care of because of the changes in the titles of the ministers. The Finance minister is in

place of the Treasurer. The changes which have been made are routine. They don't really require any debate. I'm glad that that housekeeping is being done as we speak.

I draw attention to Section 14.2, Noncompellable Witness, I think on page 4 of this bill. That raises some concern in my mind as to the reasons behind excluding from the list the former Auditor General and employees of the office of the Auditor General from being compelled if necessary in the judgment of the current Auditor General to come before the Auditor General and give evidence. I think the public interest would be served best if the Auditor General is in fact given that ability to compel former Auditor Generals or employees of the Auditor General's department to be witnesses. So I need to really hear some sort of explanation and, indeed, a defence for the exclusion of the list of people under section 14.2. I'm not convinced that that's a desirable feature of Bill 11.

The fact that we're making some progress in terms of implementing some recommendations and particularly this critical one, as I said, you know, the ability of the Auditor General to compel witnesses to come before an inquiry held by the Auditor General, is certainly a positive step forward, and I want to congratulate the Member for Edmonton-Beverly-Clareview for including that in this bill. I will have an opportunity for closer scrutiny of the bill as we move into the study of this bill in committee, and I'll be considering making amendments to address the concerns that I have or may have from a closer reading of the bill at that point.

With that said, Mr. Speaker, I close my remarks for the moment. Thank you.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. I rise with a great deal of encouragement and hope when I see the bill the Auditor General Amendment Act, 2003, as introduced by the hon. Member for Edmonton-Beverly-Clareview. Now, anything that can be done to improve the scrutiny or the means of scrutiny that the Auditor General would have over the expenditures of this government I think is noteworthy and should be supported by all hon. members of this Assembly.

Now, the idea that the Auditor General must take an oath of office before beginning his or her duties I guess would have merit. It certainly would have merit, but I don't know if it is truly necessary that the Auditor General take an oath. When you look at how much work the Auditor General has to do, I suppose taking a few minutes of his or her time to take an oath is harmless.

When you consider that this is a government that has increased spending – and this is supposed to be a fiscally responsible, prudent government – by 50 percent in just short order, that would be one reason why the Auditor General has his or her work cut out for them. Look at the increase in the cabinet portfolios; we've gone from 16, I believe, to 24. And, you know, with the expansion of the cabinet portfolios you also see the expansion of the deputy ministers, the assistant deputy ministers, this person, that person, so it increases the workload. There's no doubt about it. When you have this combination of increased spending and increase in the size of government, then anything we can do to strengthen the position of the Auditor General must be supported by all members of this House.

3:10

Now, sometimes we forget just exactly what the role of the Auditor General is, but from my perspective on the Public Accounts Committee one can see firsthand the important role the Auditor General has in the affairs of this province. We can go through and we can debate a budget, and the money can be spent, and some

people forget about the amount of money that's being spent and how it's being spent, but not the Auditor General of Alberta and his staff. They work very hard, and the result of their hard work is, of course, the report that's issued usually in the fall from their office respectively talking about each and every department.

Mr. Speaker, when you look at just precisely what the Auditor General would do – let's have a look at Infrastructure. The Auditor General, of course, will go through every department, but let's specifically look at Infrastructure and Bill 11 here as proposed by the hon. Member for Edmonton-Beverly-Clareview. If it could help out the Auditor General in just one small measure in the annual look at how money is being spent in the Department of Infrastructure, then, again, let's support it.

Earlier this afternoon we talked about energy rebate programs and the role of Enron. Enron Direct Limited Partnership received a grant from Infrastructure of \$756,000. I was pleased to learn the details of this from the Premier, but the Premier, Mr. Speaker, may have been confused in rolling one fiscal year into the other. Either that or there was a restatement of balance sheets, because from three-quarters of a million dollars the figure was, I believe, \$1.6 million or \$1.46 million. It was in the din of question period, and it's difficult to hear the other side, but there was a different amount. Certainly, if that's not the correct amount then the Auditor General will check all that out and determine that this money went where it should have gone. One needs to be assured and have the confidence that that energy rebate program went to where it was intended.

The hon. Government House Leader is anxious to participate in the debate here.

When we look at the energy rebate programs and what was said by the Auditor General in his last report, it's quite interesting. Certainly, I appreciate the information as it was given this afternoon by the government. It's one of the very few times that I've had the opportunity of asking a question and I actually got a detailed answer. It's a historic day, Mr. Speaker.

Energy rebate programs. I'm going to quote, Mr. Speaker, from the Auditor General's report.

During 2000-2001, the Ministry introduced the Natural Gas, Propane and Fuel Oil Rebates program as well as the Market Transition Credit Program. The total expenditure for these programs during 2000-2001 was \$790 million. Payments in the fiscal year 2001-2002 to the end of July totaled \$197 million. The natural gas, propane, and fuel oil rebates were given in respect of the four-month period January to April 2001.

Now, the Auditor General mentions in here that a consulting company was engaged "to administer certain elements of the program," and there was an audit done of the expenditures from the natural gas, propane, and fuel oil rebate program. The Auditor General recognizes here that the program was ending. However, there were some recommendations and observations made. These recommendations "reflect principles of good business practice and should be considered in the design and administration of any new program," and I can only imagine that what must be holding up the natural gas rebates program now is the government trying to get a good handle on this and following the Auditor General's recommendations so that they can make sure that every penny – every penny – goes to those who are in need of it and qualify.

The Auditor General is recommending that "changes to grant criteria be approved in writing by the Minister prior to any grants being paid pursuant to the changed criteria." The Auditor General is also recommending that the ministry "keep minutes of meetings to provide evidence of decisions and prevent loss of knowledge that could be useful in other programs." Now, this report goes on to say – and this is why it's so important that we strengthen the role of the Auditor General in this province, and this is why I'm going to support the hon. member's bill.

The Minister of Infrastructure issued two Ministerial Orders delegating to certain Ministry officials the authority to pay the natural gas, propane and fuel oil rebates according to the criteria attached to those Ministerial Orders. While the Ministry was putting the program into effect, it identified a number of issues that resulted in changes to the criteria. The Minister did not approve these changes in writing until May 16, 2001, when amended Ministerial Orders were issued. Accordingly, any grants made before the change criteria were implemented on May 16, 2001 (when they were officially implemented by the Ministerial Orders) were unauthorized to the extent that they were inconsistent with, or in excess of the limits prescribed by, the criteria in the original orders dated February 12, 2001.

For the hon. Government House Leader to somehow think that my questions earlier regarding Enron were out of order or whatever – I mean, whenever you look at the Auditor General's report, perhaps I'm not diligent enough in my work and perhaps I should have had an opportunity to ask many more questions regarding this rebate program and who got the money. Certainly, the Auditor General is very, very concerned, and we need, each and every one of us, to take this annual report home with us. I can be quite confident that this is on the Minister of Infrastructure's best-seller list and he certainly does read the Auditor General's report page to page, cover to cover. I would encourage not only members of Executive Council but all hon. members of this Assembly to keep a keen eye on what the Auditor General is telling us in the annual report.

3:20

Now, the Auditor General also has some comments regarding the monthly reporting process for utility companies. The Auditor General recommends that

the Ministry of Infrastructure establish an appropriate monthly reporting process for utility companies to ensure that payments to consumers comply with Ministerial Orders and expenses are properly recorded in the accounts.

The majority of the rebates that occurred before were paid to consumers through monthly billings of utility companies. One only has to look at the public accounts. It's another document that makes for a great read, and I can't wait for the next year of public accounts documents to be tabled in the Assembly by the hon. Minister of Finance. They're very interesting reading, and they're an accurate snapshot of where every tax dollar in this province is going. I don't know how, for instance, the Canadian Taxpayers Federation or the Canadian Federation of Independent Business feels about this, but I think that if they are not, they should read those public accounts in great detail.

When we look at the rebate program again and we realize that the ministry made advance payments to utility companies – the system of internal control did not monitor payments by utility companies – and we find out that the minister is developing an audit process to check the validity of payments made by utility companies, I certainly hope that process is finished and we can look for some sort of price protection for Alberta consumers. I'm sure the department has complied with the Auditor General's recommendations here and we can have a rebate program for those Albertans who are not as fortunate as us in this Assembly, who receive yearly increases in our annual salaries, and particularly those people on fixed incomes can look forward, under the guidance of the Auditor General, to a natural gas rebate program.

The Acting Speaker: Hon. member, the time has run out.

Mr. Lund: Mr. Speaker, I listened very intently to the hon. member as he went on about the gas rebate program and how it all evolved and the very important role that the Auditor General played in the

auditing and the comments that the Auditor General made, but the hon. member's comments would tend to have one believe that there was something wrong with the payment to Enron and that it somehow didn't fit. Now, I would ask the hon. member if in fact he is indicating that there was some money going to Enron that they were not entitled to and that the homeowners that received that money via Enron were not deserving of those funds, as he seemed to be indicating.

Mr. MacDonald: I guess that commentary was posed as a question, Mr. Speaker?

The Acting Speaker: Yes. Under Standing Order 29 we have five minutes.

Mr. MacDonald: Yes.

Certainly, if the hon. minister had been listening carefully to what I had said initially, firstly, in the fiscal plan that has been outlined in the public accounts that ended in March of 2001, Enron received a payment of three-quarters of a million dollars from the Department of Infrastructure. Now, the Premier earlier today in question period indicated that that payment was well over a million dollars, and in the noise that was going on here in question period I could not determine if it was \$1.4 million or \$1.6 million or whatever the amount was, but the amount was certainly greater than this. I gave the Premier the benefit of the doubt in my remarks because I thought that surely it must have been over two fiscal years because public accounts ends from one year to the next at the end of March. We'll only have to wait and we'll see what occurs next year, and perhaps there will be an additional \$750,000 or \$600,000 to Enron Direct Limited Partnership in the public accounts. I'm willing to wait. I'm willing to have the patience in that measure.

As far as the whole energy rebate program goes, it's the Auditor General that has questions, and I believe the Auditor General has every right to question and to observe what they audit in a minister's department. The Auditor General is pointing out some very valid concerns. I certainly hope that before the next energy rebate program comes – and I certainly hope it does come – all the wrinkles that were in this first program are ironed out. Surely you've had time since we've seen the price spike in natural gas rebates to do something about it.

Thank you.

Mr. Lund: As a follow-up to my original question I believe the hon. member is the chairman of the Public Accounts Committee, and he certainly just indicated that either he is not doing his job as chairman of Public Accounts or their money is being wasted. The fact is, Mr. Speaker, that there was more than one cheque to Enron, and anybody that knows anything about the program knows full well that there were a number of payments in the program and then at the end of it there was a reconciliation of all of the accounts done to make sure that in fact the money went to the people that were entitled to the funds. Of course, the comments that the Auditor General made are very valid, and we take their comments very seriously and do rectify any areas that the Auditor General might think are wrong.

So I guess my question to the hon. member would be: does he see any value in continuing this exercise of public accounts?

Mr. MacDonald: Yes, to the hon. Minister of Infrastructure, I certainly see a validity in public accounts, and I would be willing to share with the hon. minister . . . [Mr. MacDonald's speaking time expired]

The Acting Speaker: Hon. members, unfortunately, the only time

that we've allocated is five minutes for this Standing Order 29, and that has left us.

The hon. Member for Edmonton-Beverly-Clareview to close debate.

Mr. Yankowsky: Thank you, Mr. Speaker. I rise to thank the opposition for their comments and questions in regard to Bill 11, the Auditor General Amendment Act, 2003. The questions will be answered I guess in Committee of the Whole, and thanks again for your positive comments. I urge all members to vote in favour of this legislation, and I call for the question.

[Motion carried; Bill 11 read a second time]

Bill 8

Health Foundations Act Repeal Act

The Acting Speaker: The hon. Minister for Health and Wellness.

Mr. Mar: Thank you, Mr. Speaker. In 1996 we enacted the Health Foundations Act at the request of health authorities so that they could set up agent of the Crown foundations to help them with fund-raising. These foundations allowed health authorities to take advantage of federal tax incentives for donations to the Crown. Those tax incentives were removed by the federal government in 1997. All of the foundations are now disbanded, and the regulations that established them have already expired. So Bill 8, the Health Foundations Act Repeal Act, removes this obsolete legislation from the books. Bill 8 does not affect other health authority fund-raising bodies. The regional health authorities foundations' regulations are outside of the legislation that is being repealed by this amendment act. Under the regional health authorities' foundation regulation regions will continue to operate their own foundations, and they will continue to operate foundations that the former hospital districts had established under the Hospitals Act. Accordingly, Mr. Speaker, I ask this House for support for Bill 8 with the confidence that this support will not affect regional fund-raising efforts.

Mr. Speaker, it's my pleasure now to adjourn debate on this.

[Motion to adjourn debate carried]

3:30

Bill 4

Alberta Personal Income Tax Amendment Act, 2003

The Acting Speaker: The hon. Member for Medicine Hat.

Mr. Renner: Thank you, Mr. Speaker. It's my pleasure to move second reading of Bill 4, the Alberta Personal Income Tax Amendment Act, 2003.

Mr. Speaker, as I mentioned at the introduction of this bill, this is a fairly straightforward bill that primarily has to do with housekeeping amendments to the act to bring it into conformity with federal legislation.

Members, if I could just take a few minutes to go through a little bit of information on the act, then I'll be more than happy to answer any questions that arise, if any, during the committee stage of debate.

Hon. members, the proposed amendments do the following: clarify rules for calculating the tax liability of various individuals, clarify that total gifts claimed in Alberta for a year are equal to the amount claimed federally for that year, ensure that Albertans receive the intended amounts for the royalty rebate, and increase the equity of the tax system by ensuring that residents of other provinces are not treated less fairly than nonresidents of Canada.

Section 6 amendments clarify rules for calculating the tax liability of various individuals, including ensuring that nonresidents are only taxed on the taxable income they earn in Canada and simplifying the rules for calculating the tax liability of deceased individuals. A number of amendments are consequential to changes in the federal act and are required as a result of the tax collection agreement. Other amendments, in particular those made to sections 1, 5, 38, and 39, are consequential to the amendments to section 6.

Section 11 amendments clarify that the total gifts in any tax year for provincial purposes are equal to the total gifts that are claimed in that year for federal purposes.

Amendments to section 25 are consequential to amendments that were made to section 48, the minimum tax provisions, in the spring of 2002, and amendments to section 48 resulted in the value of royalty tax rebates for minimum taxpayers being smaller than intended. The amendments to this section will rectify this situation.

We also want to ensure that residents of other Canadian provinces will receive the full political donations credit and royalty rebate. Currently the legislation allows nonresidents to claim the full amounts of these credits but only allows residents of other provinces to claim a prorated amount.

Finally, amendments to section 42 will clarify the order an individual must use when applying for various credits to their tax liability.

I ask members of the Assembly to support Bill 4. Thank you, Mr. Speaker.

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

Mr. MacDonald: Yes. Thank you, Mr. Speaker. At this time I have two questions, please, for the hon. Member for Medicine Hat, and the first is in light of the comments from the Minister of Infrastructure.

The Acting Speaker: Hon. member, the provisions of Standing Order 29 don't apply to the mover. I recognized you to speak on the bill.

Mr. MacDonald: Oh, goodness. I apologize, Mr. Speaker. I was just anxious to ask some questions.

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

Mr. Bonner: Thank you very much, Mr. Speaker. I do have a few brief comments here on Bill 4, the Alberta Personal Income Tax Amendment Act, 2003, and I do thank the hon. Member for Medicine Hat for sponsoring this particular bill. As he has mentioned, the object of this bill introduces amendments to provincial legislation to bring it into harmony with federal personal income tax legislation.

Just by way of background to Bill 4, Mr. Speaker, there was an Alberta Personal Income Tax Amendment Act that was passed as Bill 21 during the session in the spring of 2002. This bill added a subsection (6), dealing with the provision for taxing Canadians who live outside of Alberta a proportion of the taxation year, to section 6, Amount of Tax Payable, of the original act.

Now, then, as well, Mr. Speaker, the majority of amendments being presented in Bill 4 are modifications to the existing act for the purpose of clarifying the language, making this act consistent with the federal act, and making this act consistent with itself. Because of its nature and because it is a housekeeping bill, we certainly will support this bill.

I would also like to note in the discussion here today, Mr. Speaker, that there are only two significant changes found in Bill 4. The first change is that subsection (7) is added to section 6, Amount of Tax Payable, and the additional subsection outlines how the Alberta Personal Income Tax Amendment Act should be read in the case of an individual who died during the calendar year. In that case, taxes will be calculated based on income earned during the taxation year.

Now, as well, a second significant change to Bill 4, the Alberta Personal Income Tax Amendment Act, 2003, is a change to section 39, Business Income in Alberta. This section, Mr. Speaker, falls under division 5, Restrictions on Credits, and Bill 4 removes political contributions and royalty tax rebates from the calculation that determines the maximum amount that can be deducted under various sections in the Alberta Personal Income Tax Act. This change will likely impact the amount available for deductions.

Now, then, as well, Mr. Speaker, there are other matters that this particular bill does introduce and does speak about, but these are quite minimal and really should not require an awful lot of debate, and I do look forward when we do get into Committee of the Whole to make some more comments at that time.

So with those comments, Mr. Speaker, I'll cede the floor to any others that wish to make some comments on Bill 4. Thank you.

The Acting Speaker: Hon. members, just for your clarification the five minutes allocated under Standing Order 29 do not apply to the first two speakers. They apply to subsequent speakers.

Hon. Member for Edmonton-Gold Bar, are you rising to speak on the bill?

Mr. MacDonald: Yes, please.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. I will be brief at this time. I have two questions in regard to Bill 4, the Alberta Personal Income Tax Amendment Act, 2003, for the hon. member, and if they're answered in committee or in the routine of the debate, that's fine.

Earlier in the hon. member's remarks the member stated that we have to ensure that Albertans receive the intended amounts for the royalty rebate, and I am hopeful that we could get a clarification on this, please. What precisely are we talking about here to ensure Albertans receive the intended amounts for the royalty rebate? If I could get some clarification on that, I would be very grateful. Also, in regard to I believe it's section 39, how will this change, if at all, the way political contributions in this province are dealt with?

Those are my questions, and in the normal course of debate, Mr. Speaker, I certainly will await an answer. Thank you.

3:40

The Acting Speaker: Standing Order 29 kicks in now.

The hon. Member for Medicine Hat to close debate.

Mr. Renner: Thank you, Mr. Speaker. I've listened to the comments and questions of the members who have spoken on this bill, and while I could probably answer most of the questions today, I think it's probably most appropriate to wait until the bill comes back to the House in the committee stage, and I'll have much more detailed answers prepared.

At this point, then, I would ask that we call the question on Bill 4.

[Motion carried; Bill 4 read a second time]

Bill 9**Mines and Minerals Amendment Act, 2003**

[Adjourned debate February 24: Mr. Cardinal]

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

Ms Blakeman: Thanks very much, Mr. Speaker. This bill was introduced very briefly last night by the minister responsible. At this point my understanding is that there is support in principle for the bill. It has three purposes: to mandate a unique identifier code to help with the tracking and enforcement of exploration projects, equipment, and companies; to allow inspectors of exploration projects to increase their scope of work. It allows the adoption of codes from other industries into the exploration regulations, and it's also allowing the minister to issue stop orders. So this amendment is really only dealing with the exploration part of the larger Mines and Minerals Act. As I said, we're expecting to support this, although there are a few reservations that have been brought forward.

It does give some good clarification of the act, and it's also giving sharper teeth to the enforcement of the act. If there's one thing that I hear about sort of consistently in this area from my constituents is that they don't understand why something would happen and why no one knew about it, and a big part of that is monitoring and enforcement. I know that when the government looked to lay off a number of government staff to have smaller government, I don't think people recognized that the first people to go would be those frontline staff who provided the monitoring and enforcement work for the department. So I'm pleased to see that there is a stronger enforcement coming back in here with more power going to the inspectors and also allowing the minister to issue stop orders if necessary. It is also mandating, as I said, the unique identifier code, which should benefit again the monitoring and enforcement and the administration of the act.

Where we have issues with the amendment is the automatic adoption of codes from other industries, which we think could be problematic. There are too many references to regulations which are not spelled out. The contents are not known. So we're saying: well, we'll happily accept all of this, but what exactly are we accepting, and what's in the other regulations that are being linked to this or added on or accepted?

There is an additional concern that the minister is empowered to exempt almost anything from the act and its regulations. I would hope that the government wouldn't take this to the extreme, but it has happened before where we have a minister that can exempt virtually anything, then they do, and I think that that rather undermines the purpose of the whole act. So we have to be very careful about how that power is used. I think there's a positive side to what's being proposed here. We just have some reservations about the escape clauses, the ability of the minister to exempt things, and this inclusion of references to regulations from other industries into these exploration codes.

There are a number of sections in the bill that are mostly house-keeping, which is appropriate. I know that the government has been attempting to go back and look over its legislation and try and update it, and that's a very positive thing, I think. Certainly, I've been one to complain in the Assembly before that the legislation is antiquated in some cases because nobody has ever checked it or updated it. So I'm pleased to see that there is some updating here, a bit of house-cleaning and housekeeping going on, things like updating the name and including the name of the former act where it needed to be. That sort of thing needs to come through the Assembly, but I recognize that it is, in fact, just housekeeping.

There are sections here that talk about giving the cabinet consent to reconsider "decisions of the Minister [regarding] this Act, the regulations or an agreement." This is not a major change, but it is an explicit reference to the ability of cabinet to reconsider the decisions as the next logical step after reviewing the decisions. So reviewing the decisions of the minister.

We're also looking at changes that allow the minister to exempt operations being defined as exploration rather than devolving this power to a regulation. So we wonder why any operation would be allowed to be exempted from their rightful definition of exploration, but it's not that big an issue here. I think the real issue is: why is the power being given to the minister rather than to the regulations? Shouldn't these decisions be accountable to cabinet?

We have some tweaking of words in certain sections. I do notice that in one subsection the minister is being allowed to "exempt a person who proposes . . . exploration from the requirement" of operating with an approved exploration program. We're wondering why. I'm looking for justification from the government on this change. Surely, if there is a person who is proposing an exploration, they should be operating within an approved exploration program. Why would they be separated from it or exempted from it? So I'm looking for why this has been brought forward and proposed.

I'm just looking to see if we have any other really explicit concerns, and I'm not seeing that many. As I say, I think it's a good idea to update it, to clarify the language, certainly, to allow for stronger monitoring and enforcement, and I'm particularly pleased to see the stronger enforcement provisions, but I do have concerns whenever we've got a minister that can operate unilaterally, particularly to excuse an individual or a company from the requirements that everybody else is expected to conform to. That becomes a question of equality then, and in understanding the government's constant talking about level playing fields and free market forces and all of that, I think the point is that it's supposed to be an equal opportunity for everyone to compete and thrive. But if you start taking some organizations or individuals off to one side and saying, "You get special treatment because you don't have to conform to this particular regulation," then we've got a problem. It has to be pretty clear why that agency or individual is being allowed not to have to conform. I think it should be public and well publicized if there's a good reason for doing this, but I've yet to hear the explanation from the government as to under what circumstances or situations they would be expecting to make use of that particular provision in the legislation.

Now, I know that our critic is looking forward to making additional comments on this as soon as she is available to do so, but at this point I'm happy to have had the opportunity to speak briefly in second reading on Bill 9, the Mines and Minerals Amendment Act, 2003.

Thank you.

3:50

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

Mr. MacDonald: Thank you, Mr. Speaker. One has a quick look at Bill 9, the Mines and Minerals Amendment Act, 2003, and certainly there are questions for the hon. Member for West Yellowhead and the hon. Member for Whitecourt-St. Anne. One looks at this, and one has to wonder if these changes are being made to accommodate the further development of the diamond industry in northern Alberta, and perhaps this would even be of some assistance in accommodating potential development of the coal bed methane industry in this province.

Now, I have questions regarding this legislation. When you think

that the Minister of Energy is talking in the newspapers about diamonds being his best friend, certainly it's not electricity prices and deregulation. We see the success of the diamond mining industry in the Northwest Territories and some of the potential for development here, the enthusiasm the hon. Member for Whitecourt-Ste. Anne has for that industry to develop north and a little bit east of Whitecourt. I certainly hope that this establishment has not become a victim of globalization, but at the Blue Ridge tavern there are some regulars there who have for 20 years predicted that diamond mining will be a viable industry in this province, Mr. Speaker. I certainly hope that they are right.

Getting back now to coal bed methane, I don't know if this bill is addressing this specifically or not. It is difficult to develop coal bed methane where there are large holdings of private land. If someone on the government side of the House could explain the definition of private lands here and if this definition is an attempt to iron out the difficulties there will be for coal bed methane production.

[The Speaker in the chair]

In southern Alberta there are certain companies doing testing on coal bed methane production. I was hoping at one time to visit one of those test sites, but my hopes were dashed when the public relations person from that company said: "Thanks, but no thanks. We don't want to see you there on our property. You can certainly meet with some of the people or talk to them by telephone."

Ms Blakeman: Did they run you off?

Mr. MacDonald: Well, they didn't exactly run me off; they didn't invite me, in the first place, to run me off.

They were lukewarm to the idea, and I was sort of disappointed because I thought that the more anyone knows about the development and the potential of coal bed methane in this province, the better off all parties would be. Certainly, this was top secret, as far as I was concerned, and I thought: oh, well, if you're going to be that way, I'll just go to the Internet. I did, and I was surprised to learn of some of the success stories of coal bed methane and some of the problems.

Now, Mr. Speaker, I don't know if Bill 9 is the legislative route to deal with those problems. Certainly, when you consider what we can do here – and I'm not suggesting for a minute that the Minister of Energy or any other minister in this province, as a matter of fact, would adapt codes that are used for the production of coal bed methane in the Powder River basin by our neighbours to the south. Water is just drawn off those coal bed methane deposits and left on the surface. Now, the hon. Member for West Yellowhead may think that that's a good idea, but I'd bet many of the constituents out there would not, that water just left on the surface. It's not working out in America, and I can't see how it would work here. But there may be a good potential use for that water, and that would be to enhance oil recovery. We've discussed this in this Assembly before.

If we were to simply adopt the code that is occurring in the Powder River basin, I think we would be looking at an environmental nightmare, but perhaps this government has other plans and they've got some sound solutions to the problem of that water just being left on the surface. A large percentage of that water cannot be used for anything, really, because, unfortunately, it has virenum, it has mercury, and it has traces of arsenic in it. So to leave it on the surface is not the answer, even though you can in the short term get this increase in natural gas production through the use of the coal bed methane.

I'm told in estimates debates here last spring that 8 percent of

America's lower 48 production is coming from coal bed methane, and it looks like we're going to have the same potential here. With a little bit of research and thought I think we may be able to avoid some of the mistakes that have been made to the south of us as far as the environment is concerned. Now, if the intent of this bill with these amendments to the Mines and Minerals Act is to facilitate the further development of the coal bed methane industry, well, then, certainly that has merit.

Mr. Speaker, when one also considers the diamond industry in this province, and if it's in its infancy, as has been suggested by the hon. Member for Whitecourt-Ste. Anne, then it is something that we have to foster and encourage but not for one moment at the sake of the environment. I have the same cautions that were echoed by the hon. Member for Edmonton-Centre, and that is that one would have to keep an eye on the discretionary powers that have been left to the minister. Ministerial power has been known, unfortunately, to be not in the interests of all those concerned.

With those questions regarding the Mines and Minerals Amendment Act, Bill 9, I shall cede the floor to another colleague of the Assembly. Thank you.

4:00

The Speaker: Hon. Member for Edmonton-Glengarry, my understanding, sir, is that you've already spoken. Is this not correct?

Mr. Bonner: To Bill 9? No, I haven't, Mr. Speaker.

The Speaker: No? Okay. My information is wrong. Please proceed.

Mr. Bonner: This is to speak. If there are questions with respect to . . .

The Speaker: First of all we're going to deal with the questions that would be in order. Are there questions for the hon. Member for Edmonton-Gold Bar?

Then the hon. Member for Edmonton-Glengarry.

Mr. Bonner: Thank you, Mr. Speaker. It is indeed a pleasure to rise this afternoon and speak to Bill 9, the Mines and Minerals Amendment Act, 2003. It is a bill that is sponsored by the Minister of Sustainable Resource Development, and I think it's a very timely bill, particularly, in fact, for the reasons that were outlined in a letter that I tabled here today by the Northern Oilfield Contractors Association.

We are having these difficulties in northern Alberta right now. As the hon. Member for Edmonton-Gold Bar has indicated, with the potential of huge diamond mines in northern Alberta – certainly their geologic exploration has indicated the presence of kimberlite, which of course is the ore from which we mine diamonds. Kimberlite is present in a number of areas in northern Alberta, and certainly for the benefit of all Albertans and particularly the residents of northern Alberta I think it is essential that we do have some type of legislation in place which is going to try to eliminate the problems that we currently are encountering in northern Alberta. I know that all parties that are involved with these difficulties are certainly working hard to come to some sort of a reasonable solution that will benefit all parties.

When we look at Bill 9, the Mines and Minerals Amendment Act, it does have a number of highlights which I think are very proactive, which will certainly give guidelines to the people who are going to be putting in the effort and the companies that are going to be developing sustainable resources in the province. It will be pro-

active to the point that, hopefully, a lot of difficulties will be eliminated and the development of these resources can continue uninterrupted.

One of the highlights that I was particularly glad to see in this piece of legislation, Mr. Speaker, was that this will allow for the mandating of a unique identifier code that will help the monitoring and tracking of exploration projects and equipment. In the sparsity of northern Alberta this would certainly be a great asset.

Now, then, as well, this particular bill will allow inspectors unencumbered access to exploration sites. Certainly, for the benefit of many concerns that we do have surrounding exploration sites, this will give Albertans a knowledge that people are on the scene that will take care of all safety and environmental concerns that they have.

As well, I see that Bill 9, Mr. Speaker, allows the adoption of codes wholesale into regulations, and once again we see that this will allow certainly a pretty tightfisted approach when it comes to the monitoring of what is happening. This bill will also allow the minister to issue a stop order on exploration projects. Once again, I think that this is a very good highlight of the bill. Any time these inspectors do come up with irregularities that they are not in support of, in this particular case it will allow the minister the power to issue a stop order on exploration projects.

Now, then, I see a couple of other highlights here. This bill will delegate much power to unknown regulations, and once again I do have some concerns when we start putting a lot of legislation into regulations. Certainly, at some point many of these should be debated on the floor of this Assembly, and all parties in the province should have knowledge of them. As well, I would like to hear additional debate, Mr. Speaker, and certainly further clarification on the highlight that this particular bill has provisions so that the minister can exempt pretty much any project from regulations. That to me raises a red flag, that we do have to have a situation where we do not have these types of powers in the hands of one particular person.

When the hon. Member for Edmonton-Centre was going through the bill, she did some analysis, and there were a few points that she was unable to make. I would like to continue where she left off, particularly under section 6(a). We are a little confused as to what is really going on in this particular subsection. Certainly, once we do get into Committee of the Whole, we will have the opportunity to get greater clarification, so I won't go into that too far at this point. There is no easily discernable subject of the sentence, which makes it virtually impossible to interpret. It would appear that cabinet will make regulations "respecting the research, testing, authorization or approval" of products described in the regulations.

Essentially, Mr. Speaker, the government is setting up a program which would have far-reaching powers as to what techniques and encryption can be used for exploration in Alberta. You know, this again gets back to a discussion we had during question period today as to: what do we do when it comes down to technologies? We see, for example, with hazardous wastes that we have old technologies which use incineration, and certainly that is not a state-of-the-art type of procedure for disposing of hazardous wastes. There are newer technologies in incineration, and we would like to see that they would be included in this particular bill and that any minister would not be able to say which technologies are used and which aren't.

As well, in section 6(b) we want to look at whether or not this subsection should allow the government to make regulations regarding the use of UINs. These unique identification numbers, I think, in some ways are definitely a very reasonable provision for the implementation and for their use here in the province.

4:10

Now, then, as well, I see that in section 6 there is just some housekeeping in section (d). Under (e) this breaks up section (j) in a manner corresponding to section (c) in the amendment. So there was no substantive change here. Section (f) delegates to cabinet the power to set the powers and duties of a person conducting an investigation or inspection and the responsibilities of those being investigated. This certainly makes sense, and I'm glad to see its inclusion in the bill.

One other point here under section 6 that I would like to discuss is (g). This particular clause repeals the clause that cabinet may make regulations respecting the exemptions of operations from the exploration part.

Overall, Mr. Speaker, as I mentioned earlier, I certainly think that Bill 9, the Mines and Minerals Amendment Act, is a proactive bill. I think it is something that all contractors are going to be quite happy to see, and I think that by putting these regulations into effect and these laws into effect at this particular time, it will serve us well as Albertans down the road.

I thank you very much for this opportunity to make some comments on Bill 9.

The Speaker: Hon. members, Standing Order 29(2)(a) is available should there be questions for the hon. Member for Edmonton-Glengarry on this subject.

[Motion carried; Bill 9 read a second time]

Bill 6

Justice Statutes Amendment Act, 2003

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

Mr. Hancock: Thank you, Mr. Speaker. It's my pleasure today to rise to move Bill 6, the Justice Statutes Amendment Act, 2003.

Members will recognize that it's been somewhat customary for us in the last number of years to bring forward modest amendments to a number of justice statutes in one bill, and that's the nature of the Justice Statutes Amendment Act today, which proposes amendments to the Judicature Act, the Petty Trespass Act, the Trespass to Premises Act, and the Young Offenders Act. I'll take a moment to go through and talk about each of those proposed amendments.

The Judicature Act. The definition of judicature in the *Oxford* dictionary is: the administration of justice or the judiciary. So it's obviously an act which deals with the administration of justice. In any event, Mr. Speaker, the amendments that are provided to that act in Bill 6 relate to two separate areas.

The first is with respect to section 32(a), where the bill proposes to strike out the masters and judges from that section. Now, that section 32(a) deals with the appointment of judges and masters and essentially provides that the Judicial Council may "consider proposed appointments of persons as masters, judges and justices of the peace and report its recommendations to the Minister of Justice and Attorney General."

I'd just report to the House that for the past three years we have had a two-stage process in place with respect to the appointment of Provincial Court judges, and that, of course, came into effect after a report that was done by the Member for Calgary-Lougheed, a review of the appointment process and the court process which recommended that there be a committee, which was subsequently established and called the Provincial Court Nominating Committee, to allow for public input into the selection process. So the process, essentially, since the inception of that committee has been a two-stage process.

First of all, applicants who wish to be considered for the provincial bench sent their applications in and were interviewed by the Judicial Council. For the record the Judicial Council as set up in the Judicature Act is comprised of the Chief Justice of Alberta or a designate, the Chief Justice of the Court of Queen's Bench or a designate, the Chief Judge of the Provincial Court or a designate, the president of the Law Society of Alberta or a designate, and two members appointed by the Minister of Justice and Attorney General. Once interviewed by the Judicial Council, recommendations are sent forward as to whether the candidate is recommended, highly recommended, or not recommended, and those that are recommended or highly recommended go on a list. Their application remains open for three years, and they could be appointed from that list.

Well, as I indicated, when the process was changed and the Provincial Court Nominating Committee was established, there became a second stage to the process. The nominating committee essentially consisted of eight members appointed by the minister, and these eight members represented the geographic diversity of the province and brought into the process an opportunity for the public to be involved in interviewing and helping to select candidates for the bench so that the public's interest could be represented in the process. I must say, Mr. Speaker, that in the three years that I've had the honour of serving as Minister of Justice and Attorney General, the process has worked exceedingly well. So why change it?

Well, it is a cumbersome process, and it's a process which is a bit redundant because of the two committees that need to hear from an applicant. So what we're doing and what this rather modest amendment to the Judicature Act allows for is to take the Judicial Council out of the process but in essence merge the same type of membership with the existing Provincial Court Nominating Committee process so that we have both representations on one committee. This will allow us to establish a single Provincial Court nominating body, which will fulfill the functions which are currently carried out by the two bodies.

Although it's not in the act, I can advise members that the new body will consist of up to 11 members, will include a chair appointed by the minister, will include the Chief Justice of the Court of Queen's Bench or designate, the Chief Judge of the Provincial Court or designate, the president of the Law Society or designate, and up to seven members to be appointed by the minister. By increasing the number of people on the committee, ensuring that more than 50 percent of the members are added through ministerial appointment, there will be greater public involvement in the new body and will allow for a balance that reflects the demographics and the regions of the province. The authority of the minister to appoint the chair and seven other members ensures that the public interest in the judicial selection process is served.

Mr. Speaker, there's often been comment and discussion about how judges are chosen and whether there ought not to be some public review process. We are regaled from time to time with the opportunity to see a process in the United States where a Senate confirmation committee gets to grill somebody on their background. That whole process was reviewed by the Member for Calgary-Lougheed's committee and, I think, quite rightly came to the determination that while there ought to be a process for public involvement and public knowledge in the selection process, it ought not to be a public process which subjected any potential candidate to that type of public grilling. The compromise I think has worked exceedingly well. The new committee I think will take it one step further and work even better, and I might say with just a nod in the direction of the Member for Calgary-Lougheed that the process we're going to now is the one that she actually recommended at the time. All things in due course.

There are two other minor amendments to the Judicature Act which I'd like to highlight as well. As people may have heard in the media, there have been some security incidents at Alberta courthouses in recent years. Alberta Justice has worked with a committee representing judges and justices in all three levels of the court and officials from the Alberta Solicitor General to deal with courthouse security problems. We believe that it is important that the courts remain open and accessible to all Albertans, and we don't want them to become armed camps. However, we do want to ensure the safety and security of everyone working in or conducting legitimate business at a courthouse. On that review it was found that the definition of courthouse in the act was too restrictive in that it excluded portions of a building not used in connection with the courthouse. It was believed that that narrow definition could possibly inhibit an ability to set up, for example, appropriate perimeter security and to deal with those sorts of issues. In the current act it states that the Minister of Justice "may appoint persons as security officers for the purpose of providing security in a courthouse," so the section will be amended to clarify that the minister may either appoint individuals or an entire "class of persons" as security officers.

4:20

So two relatively minor amendments but amendments, I think, with important connotations for Albertans, the first being to expand and continue the public role in helping to select members for the provincial bench and the second to enhance our ability to provide security for the courthouse, for the judiciary, and for all of our employees who work in support of the administration of justice.

The second bill which is being amended by the act is the Young Offenders Act. As all members again will know, after numerous false starts the federal government did pass a new Youth Criminal Justice Act to replace the old Young Offenders Act at the federal level. While many provincial jurisdictions were very concerned about what was in the Youth Criminal Justice Act and how it was being brought forward and the process of consultation – and there was in that case, Mr. Speaker, a very extensive program of consultation – the fact remains that the act has been passed and is coming into effect April 1 of this year. It will bring in a new regime of activity with respect to how young people are dealt with in the criminal court system. Members will know that the federal government is responsible for passing criminal law, so our Young Offenders Act is not a criminal law statute in terms of creating criminal offences but, rather, a statute aimed at the administration of the law and, of course, inclusion of provincial offences into the youth justice process.

The amendments, then, that we are bringing in under Bill 6 are essentially to align our provincial Young Offenders Act by changing its name to the Youth Justice Act and aligning the terminology that we have so that there's a common terminology between the federal act and the provincial act. For example, "disposition" is being replaced with "sentence"; "youth court" will become "youth justice court"; "community service" will become "extra-judicial sanctions." Again this is not our terminology, but that's changing the terminology so it matches the terminology which was passed in the new Youth Criminal Justice Act.

Another important amendment to the legislation is an increase in the maximum fine from \$500 to \$1,000 for provincial offences committed by young people. Under federal youth criminal law the maximum fine has been \$1,000 since 1984, will continue to be \$1,000 under the new legislation. The provincial maximum of \$500 has never been increased since the inception in Alberta of the Young Offenders Act in 1984, and it was decided that this was an appropri-

ate time to again match our maximum penalty with the federal maximum penalty.

Section 15(5) of the provincial act is also being amended to provide the court with the flexibility to impose combinations of fines, probation, and community service work. Previously under the Young Offenders Act the court could only impose a fine or community service or probation. The change will allow the court to provide meaningful and appropriate dispositions to young offenders based on the nature of the offence, the individual circumstances, and the discretion of the court.

Under current legislation, as well, the young person has the right to consult with legal counsel or a parent or the appropriate adult before giving a statement. The act will be amended to provide reasonable opportunity to consult with counsel and either a parent or an appropriate adult.

So again modest amendments to the Young Offenders Act now to make it called the Youth Justice Act to align it with the federal act, and while we're not in complete sympathy with all of the changes that the federal government made in the Youth Criminal Justice Act, it is our job to administer the justice system in the province, and we have to make it as open and as accessible and as understandable to the people of the province of Alberta as we possibly can, and an alignment is certainly in order to do that.

Two other acts included in Bill 6, the Justice Statutes Amendment Act, 2003, are the Petty Trespass Act and the Trespass to Premises Act. I would just indicate to the House that a review of those two acts, while modest again, makes some significant changes. The Member for Little Bow brought these to my attention some time ago when he asked about the Petty Trespass Act and the penalties that were available and why the act was not effective in allowing people to deal with intruders to their property, and following that being brought to my attention, I took the opportunity to review the acts and determine that, in fact, there were two significant problems with those acts.

One problem was that the fine was \$100 and had been \$100 since who knows when and certainly was not a deterrent to most people, but more importantly a charge under the Petty Trespass Act or under the Trespass to Premises Act could only be brought by the landowner. So the landowner had to go through a process of finding a justice of the peace and swearing out information, and it was all too cumbersome a process to make the acts effective.

What we're proposing in the Petty Trespass Act and the Trespass to Premises Act is to simplify the process of laying charges under the two acts as well as to increase the maximum fines so that the penalties can better match the nature of the offence. The maximum fines under the acts would be increased to \$2,000 from, as I said before, \$100 under the Petty Trespass Act and \$1,000 under the Trespass to Premises Act, and now any person who believes on reasonable, probable grounds that an offence has been committed may swear a complaint in front of a commissioner of oaths, and this means that, amongst others, a peace officer can lay charges. So now these acts will operate in the same manner as most other provincial offence acts, and in fact if somebody is trespassing on your property, won't leave, is causing damage or whatever, you could actually ask the police to lay a charge.

We'll also be making amendments to the regulations under the Provincial Offences Procedure Act so that the charge can be in the nature of a ticket which could have a specified penalty, so again to ease the process and make the acts more usable by Albertans. Now, the peace officer may have the alternative, of course, of actually issuing a summons requiring a trespasser to appear in court if the nature of the offence was such that it required it.

So the changes to those two acts are to make the acts usable and

to allow members of the public to protect their property from trespassers by invoking the provisions that are set out in those acts and using them.

I might just add that we have two acts. The Petty Trespass Act is essentially an act which would be utilized in a rural area or with respect to bare land, and the Trespass to Premises Act is an act which would be used probably in a more urban area or more particularly with respect to buildings such as shopping centres or those sorts of areas. It's an interesting history as to why we have the two acts rather than one act, but that's perhaps a story for another day. [interjections] No. I think that would be a prudent place to stop.

I'll cede my place, then, and let the hon. member opposite speak.

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

Ms Blakeman: Thanks very much, Mr. Speaker. I'm pleased we've been able to arrange between the minister and myself to be able to look at second reading of this Justice Statutes Amendment Act this afternoon, which is a slight change in schedule but suits both of us, so that's great.

4:30

This is an omnibus bill. It is changing a number of different statutes, and the minister has done quite a good job of sort of walking through what all of those are. We are changing the Judicature Act, the Petty Trespass Act, the Trespass to Premises Act, and the Young Offenders Act. I've had a brief opportunity since the bill was presented and got first reading to go through the bill, but in principle there's only one area that's causing me some hesitation. I think the other areas that are being changed are housekeeping and modernization, particularly where the fines are involved. I think that when we look at the existing fines for trespass, for example, a hundred dollars is not a deterrent. It's the cost of doing business, I think some people would argue. [interjection] It's true that if you've paid your natural gas bill and you have no money left, then that hundred dollars could be very hard to find. I think that for anyone that's up to mischief, the hundred dollars was no deterrent at all, whereas \$2,000 is a significant deterrent.

We have those two sort of partner bills. The Petty Trespass Act is really for occupiers of land, and my reading of it is that the Trespass to Premises Act is more about buildings. As the minister mentioned, that could cover things like shopping malls or institutions that the public would frequent, but it does allow for, in the one case, in the Petty Trespass Act increasing the fine from \$100 to \$2,000 and in the Trespass to Premises Act increasing from \$1,000 to \$2,000. I think that \$2,000 in this day and age is enough to make people sit up and pay a bit more attention, and I think that would be helpful.

I also think it's very helpful that it's allowing peace officers to initiate the action. People can be in a position where they don't want to be seen to be the one making a fuss or bringing a complaint forward. Maybe they're being bullied, or they're just not in a position to be the one that steps forward on an action. Perhaps they just don't have the time or they're busy or they're going away, whatever the reason. Up to now there's been a requirement that the property owner or the landowner appear at the police station and swear out the complaint themselves personally, and that certainly would not be convenient for a number of people that are in rural areas or in a centre that doesn't have a courthouse where they could be doing that. This is setting it up so that the individual landowner or manager of premises or the owner of a home can make the complaint to the police or RCMP and have them proceed with the action, which, I think, in many cases will be more suitable for

people. Safety is always a concern, and I'm hoping that this will help make all of our homes and work areas safer.

The one area where I have cause for concern – and this has been raised with me because I did spend some time investigating in the legal communities and other stakeholder groups if they could see any concerns arising out of Bill 6. There was very little comment except that there was some concern around the move to remove the requirement that the Judicial Council consider proposals for appointments for masters or judges. So that's taking away one of the two processes that are available now. The concern that was raised with me was: is there any way, then, that the one process would not be sufficient to guard against any kind of patronage appointment or appointment of an individual who perhaps didn't have as high a qualification as would be wished for that position? I can understand a concern there. I mean, we all want to believe that when we go before a court system, it's completely impartial and, in absolute partnership with that, that the officers of the court are highly skilled. I wouldn't like to think that that would be an issue here in Alberta, but this particular concern was raised with me, and I'm obliged to put it before the Assembly and seek an answer from the minister. He walked through the way it is now, and I'm looking for him to give some reassurance or perhaps spell out what the criteria is for choosing individuals, just to make sure that we're not going to have any kind of patronage appointment of someone who wasn't highly qualified.

The issue around the security in the courthouses is an interesting one, particularly in light of what we're looking at in Calgary with the construction or retrofit or renovation or some such thing of a new courthouse space there and whether it's P3 or not or whatever is happening. From what I'm understanding, this courthouse may well be inside of another building and, I think, partly is now, so there's a need that we have authority for security people to not only be physically in the courtroom but also have access to the areas around it. I think that part of this arose out of the construction of the special courtrooms for the gang trials, which were constructed off-site or close by or something. I think they're called CAPS, although they're going to be renamed to something odd. It wouldn't be SAPS; would it? No, it couldn't be. SOS or something, some other interesting abbreviation. The individual that I spoke to wasn't entirely thrilled with the new acronym and did make a point of mentioning this to me. I just apologize that I can't remember what the new name is going to be. It wouldn't be SAPS; it just couldn't be. They wouldn't do that. Please, please, I hope that's not what's happening.

So on the good side we have the clarification around the security in the courthouses, and I think that will play out and be important as we look at what happens in Calgary. We have the updating of the Petty Trespass Act and the Trespass to Premises Act, and then there are a number of changes with the Young Offenders Act. As the minister stated, this is the administration of the Young Offenders Act or, in our case, the Youth Justice Act, not the sort of Criminal Code component. Again most of it is changing Alberta's language to match the language that's in the federal code. I think that kind of specificity of language is very important.

Instead of an either/or scenario about courts being allowed to impose joint community service or a probation sentence, it's possible to do both of those for provincial offences, which, I think, is obviously desired.

There seems to be a section that is talking about spelling out that if a parent doesn't receive a copy of a probation order, it doesn't affect the validity of the order, which again is just a clarification of what's expected.

There's an increase in the temporary release date from 15 days to 30 days for the purpose of "medical, compassionate or humanitarian

reasons." That can also be used for a period of rehabilitation, drug rehabilitation, I'm assuming, or reintegration into the community.

4:40

Another section that I think the minister did touch upon was that a young person has to be able to contact legal counsel and a parent or a guardian or someone else that's looking after them. As it is now, that was an "or" situation. They could get in touch with one or the other, but this requirement allows the young offender the ability to contact both responsible adults: their legal counsel and a parent.

The minister did state at some point that this government was not in complete sympathy with all of the federal statutes. I'd be interested in knowing where he's not in complete sympathy. I'm assuming that we're talking about the Young Offenders Act and the Youth Justice Act, so perhaps when we're in Committee of the Whole, he could expand upon that.

In closing, Mr. Speaker, I have no problem in supporting the Justice Statutes Amendment Act in principle at second reading. We certainly have time in Committee of the Whole to go through this in more detail, and I do await the responses to the questions that I've posed here today. As I said, I have no problem supporting what's before us, with the one question that I raised about ensuring the integrity of that judicial appointment process now that it's proposed to go to sort of one stage instead of having a check and balance or a two-stage process through which to vet candidates for appointment.

Mr. MacDonald: How exactly is that going to work?

Ms Blakeman: How exactly is it going to work? Well, that's the question that we've put forward, and I think that it's important that that be expanded upon. As I said, that's my one hesitation in what's been put forward here.

So I appreciate the opportunity to speak to this bill in second reading, and I'm happy to support it at this point in principle. Thank you.

The Speaker: The hon. Minister of Justice and Attorney General to close the debate.

Mr. Hancock: Thank you, Mr. Speaker. I don't have much more to add, just some examples as to what we might have objected to in the federal Youth Criminal Justice Act. Just as one example and not to delay the process, the Youth Criminal Justice Act federally puts in place some fairly extensive processes and procedures which are going to really complicate the administration of justice rather than assist it. We'll require much more in the way of resources to actually accomplish the goals that were set out. There are other, more substantive reasons why we disagreed with the approaches taken, but all in all I think it was a very positive thing that the Young Offenders Act has now been replaced by the Youth Criminal Justice Act, and with the passage of this bill we will be aligned with that and able to engage the new process as well.

Thank you, Mr. Speaker.

[Motion carried; Bill 6 read a second time]

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. In view of the good work that we've done this afternoon, I would move that we adjourn until 8 this evening.

[Motion carried; the Assembly adjourned at 4:44 p.m.]

