

Legislative Assembly of Alberta

Title: **Monday, March 17, 2003**

1:30 p.m.

Date: 2003/03/17

[The Speaker in the chair]

head: **Prayers**

The Speaker: Good afternoon.

Let us pray. O Lord, grant us a daily awareness of the precious gift of life which You have given us. As Members of this Legislative Assembly we dedicate our lives anew to the service of our province and of our country. Amen.

Hon. members, would you please remain standing now for the singing of our national anthem. I'll ask Mr. Paul Lorieau to lead us in the singing of our national anthem in the language of your choice.

Hon. Members:

O Canada, our home and native land!
True patriot love in all thy sons command.
With glowing hearts we see thee rise,
The True North strong and free!
From far and wide, O Canada,
We stand on guard for thee.
God keep our land glorious and free!
O Canada, we stand on guard for thee.
O Canada, we stand on guard for thee.

The Speaker: Please be seated.

head: **Introduction of Guests**

The Speaker: The hon. Minister of Economic Development.

Mr. Norris: Thank you very much, Mr. Speaker. I rise today on St. Patrick's Day. [interjections] Not being St. Patrick himself, I'll take thanks for him. I have a number of guests today. Two of them are constituents, and they are in the public gallery. Mr. Murray Fowler and Mrs. Marilyn Shannon are the father and stepmother of our head page in the Legislature, Nick Fowler.

Also sitting in your gallery today, Mr. Speaker, is another constituent, Mr. Don Clarke. Don is an outstanding and dedicated volunteer, no stranger to anybody in the House. He spends endless amounts of time and energy on a number of charitable foundations, including being one of the founding directors of the Kids Kottage. Don Clarke is Mr. Volunteer to Edmonton and really does embody the slogan that we use, the City of Champions.

I would ask them all to rise and please enjoy the warm welcome of the House today.

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

Mr. Danyluk: Thank you very much, Mr. Speaker. I am pleased to introduce to you and through you to members of this Assembly two guests who are seated in your gallery this afternoon. Donna Chamberland, who hails from the Lac La Biche-St. Paul constituency, is the president of the Alberta Council on Aging. She sits on the board of the Alberta Foundation for the Arts as well as Fort George-Buckingham House board. Donna is a member of the Friends of the Forts and associate member of the Society of Western Canadian Artists. Donna is also a recent recipient of the Queen's jubilee medal. Kristina White, the second guest, the executive director of the Alberta Council on Aging, resides in the Barrhead-Westlock constituency. Kristina is also the chair of Barrhead & District FCSS and a member of the Alberta Foundation for the Arts

as well as a Rotarian. I would ask Donna Chamberland and Kristina White to now rise and receive the traditional warm welcome of this Assembly.

The Speaker: The hon. Minister of Community Development.

Mr. Zwodzesky: Thank you, Mr. Speaker. I am very pleased to introduce to you and through you to all members of the House 28 of the very brightest and most precious young resources that the Edmonton-Mill Creek constituency has to offer. These are students from Velma E. Baker school who are here studying the legislative process, and they are accompanied today by team leaders Myrna Januario and Charlien VanPapeveld and ably assisted as well and directed by their teacher, Sarah Boswell, who has loaned me her very special good luck Irish lapel pin, for which I am eternally grateful because, as some members here will know, I am frequently referred to as the Irishman from Sangudo, and with a name like Zwodzesky who could challenge that? Would our guests please rise and receive the very warm welcome of the Assembly.

Mr. VanderBurg: Mr. Speaker, it's an honour for me today to introduce to you and to our Legislature 32 guests from Barrhead-Westlock. Twenty-five students and seven adults from the Neerlandia school are visiting us today led by Jim Bosma, parent helpers and teachers Barb VanDijken, Mr. Glenn VanderLugt, Mr. Dwight Greilach, Mrs. Christine Andrukiewicz, Mrs. Elaine Aikema, and Mrs. Rhonda Tischer. I'd ask them to please stand and receive the warm welcome of this Assembly.

The Speaker: The hon. Member for Lacombe-Stettler.

Mrs. Gordon: Thank you, Mr. Speaker. I would like to introduce to you and through you to the Assembly 27 bright, enthusiastic grade 6 students from Clive school, which is located in the wonderful community of Clive, Alberta. With them are teacher Rob MacKinnon and his daughter Lynn. Rob is without a doubt one of my favourite teachers. Along with them are a number of parent helpers: Mrs. Schweer, Mrs. Bev MacDonald, Mr. Abe Klassen, Mr. Art Goelema, Mrs. Friesen, Mr. and Mrs. Ed Lewis, Shaun Lewis, Dan Lebreton. Thank you very much for coming and participating today. I want to tell this House that for the last 10 years that I've been an MLA, Mr. MacKinnon has brought a class each and every year. So thank you very much.

The Speaker: The hon. Solicitor General.

Mrs. Forsyth: Thank you, Mr. Speaker. It's a pleasure to introduce to you and through you to the members of the Assembly five employees from the Alberta Solicitor General. These employees are valued members of the human resource service in my hardworking and dedicated department, and they serve Alberta Justice as well. They are on a public service orientation tour and are seated in the members' gallery, and I'd like them to stand as I introduce them: Mrs. Diana Gackle, Mrs. Michele Sagert, Mrs. Natalie Masters, Miss Jackie Moncrieff, and Mrs. Jackie Starcevic. I'd like the Assembly to give them a warm greeting.

The Speaker: The hon. Minister of Human Resources and Employment.

Mr. Dunford: Thank you very much, Mr. Speaker. I'd like to introduce to you and through you to the members of the House today a visitor from down east. Her name is Heather Crowe. Now,

Heather Crowe worked as a waitress for 40 years in different cities in eastern Canada. She's 57 years old and has never smoked and never lived with a smoker, but as Heather herself says: the air was blue with tobacco smoke where I worked. In the spring of 2002 she was diagnosed with inoperable lung cancer. Ms Crowe has said: I want to be the last person to die from secondhand smoke at work. She is now doing volunteer work with Physicians for a Smoke-Free Canada, actively campaigning to help create smoke-free workplaces everywhere in Canada. I would ask Heather to rise and receive the warm welcome of the Legislature.

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

Mr. Hancock: Thank you, Mr. Speaker. Just a few moments earlier the hon. the Solicitor General introduced five persons from the human resources department that serve our two departments. I'd like to introduce a sixth person who's here who comes from the Alberta Justice side, Mrs. Beck. Mrs. Beck and the other people in human resources for our two departments do yeomen's service serving both departments and making sure that the people of Alberta are well served. I'd ask Mrs. Beck to rise and receive the warm welcome of the House.

1:40

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

Dr. Taft: Thank you, Mr. Speaker. I rise to introduce to you and through to all members of the Assembly a capable young man who's visiting here from Hinton. He's a student at Gerard Redmond high school, and he's in Edmonton at the University of Alberta attending a leadership seminar for a few days. I'd ask him to rise and receive the warm welcome of the Assembly. His name is Jeffrey Johnson.

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

Mr. Mason: Thanks very much, Mr. Speaker. I'm pleased to rise and introduce to you and through you to the Assembly two mothers who are concerned about the state of our public education system. They attended the crisis in education meeting this past Thursday organized by the New Democrat caucus and are here today in support of Bill 209, the School (Fees Elimination) Amendment Act, 2003, which I'll be introducing later today. I would ask Mona Luth and Melanie Shapiro to stand and receive the warm welcome of this Assembly.

head: **Oral Question Period**

Energy Prices

Dr. Nicol: This April 1 the government will play a cruel joke on the 150,000 customers served by ATCO Electric. Their power bills could double because of changes that will eliminate a stable price and force them onto the volatile spot market. This is the nightmare of deregulation facing all Albertans in the very near future. To the Premier: how does the government plan to protect ATCO Electric customers who cannot afford volatile power prices?

Mr. Klein: Well, Mr. Speaker, I'll have the hon. Minister of Energy supplement, but I do understand that ATCO is moving to a flow-through price system. That means that ATCO customers will pay the actual cost of electricity on their bills. Up to now ATCO has had to apply rate riders to catch up when the true cost was not being charged to consumers.

I would also remind the hon. leader of the Liberal opposition that

right now electricity prices are going up, and that's due ostensibly to the high price of natural gas, which is used to generate about 40 percent, as I understand, of our electrical power, Mr. Speaker. I would like to point out that this is not related to deregulation.

I would like to point out also that Alberta simply does not have the options relative to electricity generation that other provinces do; namely, the provinces of Manitoba and Quebec, that have huge amounts of water to generate hydropower. If we had that kind of power or if we were allowed to harness some of the energy that we do have without huge environmental protests, then . . . [interjections] Mr. Speaker, it's quite true. Ask the NDs if they would support building a dam anywhere in this province. You know what they would say? They would say: no, not even if it means lower power prices. They would say no.

Mr. Speaker, I'll have the hon. minister supplement.

Mr. Smith: Well, Mr. Speaker, in fact, ATCO has had the lowest prices for electricity in the province of Alberta for the last 15 months. We have not seen the specific application in front of the EUB, but we do know that electricity is a commodity. It has a market time when prices are low, such as ATCO's being the lowest in the land, and whatever they apply for, they, I'm sure, will be examined by the EUB. Of course, that is the importance of why Bill 3 must be passed: so that consumers can have options about how they wish to purchase their electricity.

Dr. Nicol: Again to the Premier: what is this government planning to do to protect all Albertans from high-pressure sales tactics of the marketers?

Mr. Klein: Mr. Speaker, I am not aware of any high-pressure sales tactics being used by any of the marketers. There is a bill before the Legislature that will bring one more marketer into the system, and that is the marketer, I believe, of ATCO Gas, and I don't know if it's electricity as well, but that is Direct Energy. More competition usually results in lower prices, and I would hope that the Liberal opposition won't oppose the bill.

The Speaker: The hon. leader.

Dr. Nicol: Thank you, Mr. Speaker. To the Minister of Energy: will the minister admit that his tinkering with deregulation has a destabilizing effect on energy prices that results in higher, not lower, bills for customers in Alberta? When will you unplug this mess?

Mr. Smith: Mr. Speaker, Bill 3, before the House at this time, is designed specifically for midcourse correction that delivers stability and transparency in an open marketplace that encourages generation, that continues to encourage downward pressure on prices. There's the entry of another retailer. There's the ability for gas and electricity to be marketed equally, and in fact we're able to do this without creating substantial amounts of socialist debt against future Albertans, the type of debt that now the government of Manitoba, the government of Saskatchewan, the government of British Columbia, the government of Quebec labour under, some hundred billion dollars' worth of taxpayer-guaranteed debt. That does not happen in Alberta. Albertans will be debt free for electricity tomorrow.

Dr. Nicol: As a result of energy deregulation, Albertans have never seen so many additional charges added to their already high power bills. The Minister of Energy promised relief from these expensive and annoying add-ons when he told this House last month, "These deferral accounts will fall off at the end of 2003, representing a 20

to 25 percent decline in the price of power.” Today we learned that this is another broken promise. To the Minister of Energy: when was the Minister of Energy planning to tell the 150,000 ATCO Electric customers that their deferral charges will not fall off, that instead their bills may double as a result of an additional charge that’s going to show up on their bills?

Mr. Smith: Mr. Speaker, the information the member has is so preposterously wrong that it – well, actually, it does border on the existing preambles and questions.

Mr. Speaker, deferral accounts are something that occurred in the period past when power was bought at a price more than what it was sold for. Those deferral accounts – and I stand by my word, and I will continue to stand by my word – will fall off certain bills in Alberta at the end of 2003. Now, in fact, the only deferral account that does stay on is the Enmax bill, which is six-tenths of a cent to the end of 2004. All the rest fall off.

Mr. Speaker, the determination of what the price will be is a market function. Both bills 3 and 19 are designed to put a marketplace into function that will in fact be much more efficient than useless heckling from the NDs as we try to answer these questions for Albertans.

The Speaker: The hon. leader.

Dr. Nicol: Thank you. What are you going to call those additional charges when the distributors and marketers try to catch up on the added cost that they have to pay over the regulated rate option?

Mr. Smith: Mr. Speaker, there’s been no evidence to see that that, in fact, has occurred, so it’s a hypothetical question.

Dr. Nicol: Again to the Minister of Energy: isn’t it true that deferral charges and your style of deregulation go hand in hand?

Mr. Smith: Well, I guess it’s no more true than the Liberal style of governing. The federal government delivers \$567 billion worth of debt in a trillion dollar economy, Mr. Speaker. I mean, believe me; when it comes to watching debt grow, watching irresponsible spending, there’s no better model than to watch the federal Liberals and any other area where the Liberals are in power.

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

Utility Costs for Educational Institutions

Dr. Massey: Thank you, Mr. Speaker. Utility costs at the University of Alberta have jumped from \$16 million in the year 2000 to a projected \$31 million next year. The University of Calgary and other postsecondary schools pay similar large increases. My first question is to the Minister of Learning. Does the minister endorse the university’s plan to cut staff in order to the pay the utility bills?

The Speaker: The hon. minister.

Dr. Oberg: Thank you, Mr. Speaker. I have not yet seen the budget from either the University of Alberta or the University of Calgary. I am assuming that they are taking whatever is necessary in order to run a very good university, which they absolutely do. I read about it in the newspaper, but I have not seen anything in writing from the University of Alberta as of yet.

The Speaker: The hon. member.

1:50

Dr. Massey: Thank you. My next question is to the Minister of Energy. What relief does the government offer to help these schools meet skyrocketing utility costs?

Mr. Smith: Mr. Speaker, as the member knows, the Department of Energy is not in that particular part of the business, and the question should be directed, perhaps, to someone in the government who is in a better position to answer that.

Dr. Massey: My next question is to the Minister of Infrastructure. Why hasn’t the minister reinstated the utility rebate plan for schools?

Mr. Lund: Mr. Speaker, I’m not sure which program he’s referring to. I suspect that it is the one that was through Learning in the year 2000. The questions to the Premier and others over the last two weeks relative to the rebate program have been answered thoroughly, so I don’t think it would be necessary to go over that whole field again.

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

Electricity Prices

Mr. Mason: Thanks very much, Mr. Speaker. Well, another day, another example of how the government’s botched deregulation scheme is set to gouge more customers. Albertans already pay the highest power prices in Canada, but if this wasn’t enough, ATCO customers are facing an immediate hike of up to 120 percent in their power prices and will be subjected to roller-coaster rides on the open market after that. My questions are to the Minister of Energy. Is this what the Minister of Energy had in mind when he promised cheaper power and lower prices, or do Albertans have to wait even longer for deregulation to deliver its dubious benefits?

Mr. Smith: Well, Mr. Speaker, again we have to correct these paragraphs of errors. In fact, what the marketplace is structured to do with the provision of electricity at a competitive market structure is to deliver adequate amounts of electricity in a province that is growing at the rate of 4 percent a year. If we were to look back at a socialist ND model and take, for example, Ontario Hydro: you know, \$38 billion of taxpayer-guaranteed debt, blackouts occurring in the province. What we are providing to Albertans is a marketplace in which power can be purchased according to the needs of the individual. They will be able to be traded freely throughout the province, will be able to provide jobs and opportunity. In fact, we have seen over 3,000 megawatts of new electricity arrive in the last five years without any taxpayer investment. Without this unregulated model there would never have been an opportunity for the government of Alberta to consummate the largest green-power purchase in North America.

The Speaker: The hon. member.

Mr. Mason: Thank you very much, Mr. Speaker. Will the minister stand in this Assembly and tell customers in Grande Prairie and other areas in the electric distribution area of ATCO that they’re going to see a massive increase April 1 in their power bills? Will he stand here and admit that and tell them that?

Mr. Smith: Mr. Speaker, I will stand here and tell the people of Grande Prairie and the people in the ATCO service network, those

110,000 customers, that they have received the lowest power prices in Alberta for the last 15 months. We don't know what's in front of the board, but we also know that this group has benefited from deregulation.

Mr. Mason: Mr. Speaker, why is it, when the minister tried and failed to point to even a single residential customer paying less for power now than before deregulation, that his government is rushing forward to make a bad situation even worse?

Mr. Smith: Mr. Speaker, I had pointed out, contrary to the member's words and exaggerations, hyperbole, mistruths, misstatements, whatever they're called in this Assembly, that, in fact, that service area had received lower power prices than before deregulation, which was never a promise of this government, because the power prices being employed in the year 1999-2000 were the last, final prices given by an old, creaky, tired, regulated system on the margin of coal. In fact, we were very close to a blackout situation. If the private sector had not responded with new generation and taking investor risk, this province would be in the same position that Ontario is in and certainly the position that California was in. Now, in the case of Manitoba, where we have this socialist Crown model, that has \$7 billion worth of debt, a low power price for today, all they're doing is mortgaging their children's future.

The Speaker: The hon. Member for St. Albert, followed by the hon. Member for Edmonton-Ellerslie.

Student Finance

Mrs. O'Neill: Thank you, Mr. Speaker. Last week I met with three student leaders from the University of Alberta, and while they were framing their argument for a tuition freeze and against a tuition deferential, the discussion led to student loans. The students claimed that for every dollar in student finance it brings with it 50 cents in administration costs. So my question to the Minister of Learning is: is this true, and if so, why aren't we doing something about it?

The Speaker: The hon. minister.

Dr. Oberg: Thank you very much. In the student finance program we administer \$187 million from the provincial government and \$230 million from the federal government. That costs us approximately \$12 million to administer. Where the students' numbers are coming from actually includes the loan remissions, includes interest that is paid, and includes loan defaults, and that rises to around 50 cents on the dollar. So, Mr. Speaker, through to the hon. member, dollars that are flowing directly back to the students are what they are calling the administration costs.

Mrs. O'Neill: The supplemental is still on the topic of loans. The students also claimed that if they earn more than \$200 a month, then student loans are clawed back. So my question again is to the minister. Is this true?

Dr. Oberg: Mr. Speaker, part-time earnings are something that are looked into when calculating the amount of student loan dollars. We tend to work on a figure of \$225 per month. That's the number that we use, so after the \$225 it is clawed back.

One thing that I will say, though, which is very important and is a very important message to get out, is that there are appeal panels that look at each individual circumstance. So, for example, one of

the issues that is out there is about parents, that any time a parent earns \$50,000, they become not eligible for student loans. That absolutely is not true. Mr. Speaker, what I would advise the hon. member, through yourself, is that if there are any students that are having difficulty, that do not qualify for a student loan who they feel should, what they need to do is appeal. It's something that we look at on an individual basis.

Mrs. O'Neill: Well, my third supplemental to the same minister, Mr. Speaker, is with respect to the \$50,000 ceiling, where if parents earn that, then the students are under the impression that they cannot access student loans at all. What are the numbers of students who are successful with appeals in those circumstances?

Dr. Oberg: Mr. Speaker, the appeals are done on an individual basis, and we run in the range anywhere from 75 to 90 percent of the people being successful on the appeals, where students come in, tell their individual issue, their individual problem. Realistically, the majority of the time the students are absolutely correct, and our department is flexible enough and responsive enough that it takes that into consideration when determining the amount of student loan that the students get. So again the message that I want to get out there is that if there are students out there who feel that they are not taking full advantage of the student loans or they feel that they are not getting the student loans that they are eligible for, then I really would stress to go to appeal.

Sour Gas Leak

Ms Carlson: Mr. Speaker, at about 4 a.m. on Tuesday, March 11, a sour gas leak occurred 25 kilometres southeast of Caroline. Toxic hydrogen sulphide rushed out of a compressor station and spread to the nearby communities. Luckily no one was injured or killed by this accident, but serious questions remain. To the Minister of Environment: why was it that residents were not contacted about this potentially dangerous leak for more than four hours after the leak occurred?

Dr. Taylor: Well, Mr. Speaker, this leak did happen, as the member stated, and as I understand the issue, it was handled in full requirements of the act, our EPE Act, and it was handled the way it should be by the company. Now, I know that the company did have some difficulty in locating the leak because it was such a small leak, and it took them some time to do that.

2:00

Ms Carlson: Mr. Speaker, if that's the case, then why is the health authority now looking into this situation, and what can this minister do to reassure residents of this province that if a sour gas leak occurs, they are going to be notified promptly?

Dr. Taylor: Once again, Mr. Speaker, there is a procedure for notifying residents, and it's my understanding that the company followed the procedure appropriately.

Ms Carlson: Mr. Speaker, can't be the case.

To the same minister: given that the firm operating the sour gas wells only found out about the leak after the residents started smelling fumes, will the minister tell us what's wrong with this government's monitoring and enforcement policy?

Dr. Taylor: Mr. Speaker, there's nothing wrong with our monitoring and enforcement policy. As she correctly noted in her opening comments, the residents were notified within about four hours after.

The Speaker: The hon. Member for Edmonton–Castle Downs, followed by the hon. Member for Edmonton–Riverview.

Edmonton Public School Board

Mr. Lukaszuk: Thank you, Mr. Speaker. The Department of Learning currently is auditing the Edmonton public school board to determine the validity of the 13 and a half million dollar deficit. The Minister of Learning is on the record indicating that through this audit they have already managed to bring the deficit down to \$6 million. However, the chair of the Edmonton public school board and many officials are in disagreement and are wondering: where have the moneys been found? My constituents are confused. Would the Minister of Learning please advise us: where have the dollars been found?

The Speaker: The hon. minister.

Dr. Oberg: Thank you very much, Mr. Speaker. Well, first of all, I would like to say that the audit will not be complete until probably – we're looking at around next week. But already we have found in the range of \$5 million to \$6 million through things such as Metro College, through things such as the transfer of the capital reserve to operating, which I've mentioned in this House before, as well as some O and M funding. So we're in the \$5 million to \$6 million range at the moment. We will not have anything firm until the audit is complete, somewhere around the end of next week, but all will be made public as soon as we have the audit.

The Speaker: The hon. member.

Mr. Lukaszuk: Thank you, Mr. Speaker. The Edmonton public school board right now is in the process of doing their own budgeting for this upcoming school year and hiring and laying off teachers. When will they actually have firm numbers on which they can make actual decisions on staffing allocations?

Dr. Oberg: Mr. Speaker, that's an excellent question. As the hon. member well knows, the budget is coming down on April 8, and they will not have any firm figures from our department until after the budget. So I am hoping that after April 8 they will know what their actual dollars are, and then they'll make the decisions that are needed.

The Speaker: The hon. member.

Mr. Lukaszuk: Thank you, Mr. Speaker. My last question is to the same minister. If, indeed, there appears to be a deficit at the end of this audit, will the minister allow the orderly pay-down of this deficit for this past year and this year so that classroom sizes need not be affected?

Dr. Oberg: Again, Mr. Speaker, I'll repeat the answer that I've stated here. We will look at allowing the deficit to be taken out over a period of time. We're still under the assumption that we may well be able to find a significant amount of dollars, and hopefully the deficit will be eliminated, but time will tell on that. Again, we should know this by, hopefully, the end of next week, give or take a couple of days. So we're working from that point of view. I would stress again, though, to the hon. member that the budget is coming out on April 8, when they will know exactly how many dollars they have.

Edmonton Progressive Conservative Caucus

Dr. Taft: Mr. Speaker, last week at an education meeting I attended, the Minister of Economic Development admitted to parents that he and his colleagues have done a poor job of representing the interests of Edmonton parents and schools. He said, quote: I apologize if we haven't done a better job for you, and what we maybe have not done is a good job. To the Minister of Learning a yes-or-no question: given the Minister of Economic Development's comments, has the Edmonton Tory caucus made a formal presentation to him on the expected cutbacks in Edmonton schools, and if so, will he table it in the Legislature?

Dr. Oberg: Mr. Speaker, the Edmonton caucus has done an excellent job of representing the community of Edmonton to me. I believe that at the meeting that we are talking about, there were five MLAs from this Edmonton caucus. At each and every meeting that people are invited to, there are MLAs from the Edmonton caucus going out, and I will say that in many cases it is very difficult for the MLAs. I've heard some of the stories that have come back from there, and they've done an excellent job. So I think Edmonton is extremely – extremely – well served by the Edmonton caucus of this government.

Mr. Norris: Mr. Speaker, in the short time that I've been honoured to be an MLA, the one thing I know for a fact is that the constituents of Alberta and, certainly, our ridings are the most important people in the province of Alberta, and the day that we MLAs don't listen to our constituents is a problem. If the hon. member over there would have opened his ears, what I said was: maybe we haven't relayed your message back to our government. I had nothing but praise for the Minister of Learning, and that member had better figure out what we were doing that night, because he's absolutely incorrect.

The Speaker: The hon. member.

Dr. Taft: Thank you. We'll try another yes-or-no question. The first one didn't work. To the Minister of Health and Wellness a yes-or-no question he actually dodged a couple of weeks ago: did the Edmonton Tory caucus make a formal presentation to him on the reduced Edmonton membership on the Capital health board, and if so, will he table it?

Mr. Mar: Mr. Speaker, we have one caucus, and each and every one of those members of that caucus makes representations on behalf of their constituents. That is how we make decisions in our caucus. I don't know how they do it over there.

Dr. Taft: It looks like no and no.

We'll try the Minister of Energy. A yes-or-no question: has the Edmonton Tory caucus made a presentation to him on the impact of soaring utility costs on Edmontonians, and if so, will he table it?

Mr. Smith: Mr. Speaker, this is a large, large caucus. This is a caucus of 74 people, who at the privilege of their constituencies have been asked to serve. I don't think there's any one of them in here, including myself, that wouldn't speak up for the interests of their constituency, to be able to bring the interests of the constituency to government, not to be able to do it in the calloused fashion that the Liberal opposition has displayed today.

The Speaker: The hon. Member for Calgary–Fort, followed by the hon. Member for Edmonton–Centre.

Federal Funding for Child Care

Mr. Cao: Thank you, Mr. Speaker. Given that our children are our future and the Alberta's Promise initiative of the government of Alberta is about Alberta children, reflecting the concerns of my constituents and the child care organizations, my questions today are to the hon. Minister of Children's Services. The federal government has recently announced the spending of \$935 million over five years for child care. Could the minister tell Albertans how much of this amount will be allocated to Alberta?

Ms Evans: Mr. Speaker, in the first year it will be 2 and a half million dollars, based on the fact that overall in Canada it will be \$25 million and we get about 10 percent based on our population. So in year 2 it will be about \$7.5 million, and it will go up proportionately to the final year, when we will receive about \$35 million. We had reflected in Ottawa that we would have preferred to see more of the funding front ended, not complaining about the amount but some more at the front end because of the reporting responsibility we have and which we have assumed on behalf of the province. It's a very small amount for the very first year and the second year as well, but it is coming.

The Speaker: The hon. member.

Mr. Cao: Thank you, Mr. Speaker. Also to the same minister: my constituents are hardworking parents and need child care, so how does this money help them and their children?

Ms Evans: It would be useful to recap that today we give about 11,000 children \$45 million in subsidies to assist hardworking Albertans to place their children in quality child care, either in day cares or in licensed day homes. Last December this government announced a \$5.6 million amount to further supplement accreditation programs so that we can improve the quality of day care delivery services, and in that amount were some dollars for respite care and nutritional supports and teaching to parents. So, Mr. Speaker, if I was looking at the additional federal funding, then over and above what we're currently spending and with the agreement of Treasury, we'll look at our accreditation program to see what is possible in the context of spending money. I might comment that the hon. minister of human resources had a program on low-income review, and we'll look at some of the initiatives contained in that report for some expenditure as well.

The Speaker: The hon. member.

2:10

Mr. Cao: Thank you. My last question is to the same minister. There are a number of child care organizations in Alberta that have problems with staff retention, and their staff have problems of low pay for important work. What is the government's plan to resolve the problem in light of the new funding?

Ms Evans: Well, Mr. Speaker, not necessarily in light of the new funding but looking at what was announced in December, the accreditation program, we're still in the process of distributing the information and listening to the concerns of the day care groups. I think it would be too early yet to evaluate how well we're proceeding on the accreditation, but if it proves to be a successful program, if it's embraced by the people that are employing child care workers and the child care workers themselves, I think you'll see a decline in the number of workers that leave our child care profession, if you will. Today 80 percent of the dollars that are being released to the

day cares that are taking part in the program are going to increase the wages of child care workers. So it is making some difference, and there are also some dollars that we are applying to training needs, as well, in the child care community.

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

School Fund-raising

Ms Blakeman: Thank you, Mr. Speaker. Chronic underfunding for schools has led to parents turning to casino and bingo gambling to pay for books, computers, and supplies. My questions are to the Minister of Learning. Does the minister endorse parents' and schools' reliance on casino and bingo revenue?

Dr. Oberg: No.

Ms Blakeman: What alternatives does the minister offer to parents who are morally opposed to using gambling money as a source of funding for their school?

Dr. Oberg: Mr. Speaker, in the throne speech this year we pledged \$20 million to the Learning Resources Centre, where the school boards purchase their supplies: textbooks, computer software, calculators, things like that. So we have done that. Again, it is up to the parent councils if they choose to partake in bingos. I had this question posed to me last week actually, when I attended the Eastglen parent council, where one particular lady said that it was against her beliefs to work at casinos, and I agreed with her entirely. I don't believe that that should be done to look after the basic needs. If it's done for the needs that are not basic, then I would support it.

The Speaker: The hon. member.

Ms Blakeman: Well, thanks. To the same minister: given that half a textbook is all that that money is going to purchase through the Learning Resources Centre, what alternatives is the minister going to offer parents who are morally opposed to casinos and bingos for funding the rest of the things they need for their schools?

Dr. Oberg: Mr. Speaker, currently there's approximately \$32 million per year that is spent at the Learning Resources Centre for textbooks. This is the place where they purchase all of their textbooks. We give them a \$5 million credit, which we've done every year, and we also have added this year a \$20 million credit. So I don't buy this purchase half a textbook.

Education Funding

Dr. Pannu: Mr. Speaker, Alberta parents are being subjected to an ever increasing array of user fees to pay for basic kindergarten to grade 12 education in this province. Fees for instruction materials and supplies charged by school boards have gone up about 50 percent over the last four years. Moreover, parents are increasingly having to rely on casinos and chocolate sales to raise moneys for things that are part of the core curriculum. My questions are to the Minister of Learning. When is the government going to stop nickel and diming parents to death and fully fund public education from kindergarten to grade 12?

Dr. Oberg: Mr. Speaker, we spend more money per capita than any province in Canada by about 16 percent. The next closest province is 16 percent less than us. We have the highest per student grants

when all the grants are taken into consideration in Canada. So I feel that we put a lot of money into education. I'll reiterate my answer: I think that if the parents want to fund-raise – for example, at Eastglen high school, that I was at, one of the cheques that the parent council was signing that night was for a microwave oven. That was one of the things. That was their priority. They have an excellent process whereby the people who are asking for money must come forward in front of the parent board, and they must take a look at each individual project. That's an excellent way to do it.

The Speaker: The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. To the same minister: why is the government imposing more and more hardships on parents who pay fees and raise money for their children's grade school education and, at the same time, undermining the principle of fully funded public education?

Dr. Oberg: First of all, Mr. Speaker, this government believes in fully funded public education and have put our money towards that, in fact. Since 1995 we've increased funding by 46 percent. The increase in student population has grown by about 6 percent since that time. So there has been a huge amount of money that has been put into education, and there will continue to be a huge amount of money put into education.

The Speaker: The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. The last question to the same minister. I trust that the minister is not in favour of parents fund-raising for school essentials, and if that is the case, can I count on his support for the upcoming New Democrat private member's bill that will put an end to this practice once and for all?

Dr. Oberg: Mr. Speaker, many student councils choose to fund-raise for things such as band trips, for things such as school trips that go all over the world. In my particular school in Grasslands they are presently going to Malaysia. I won't necessarily comment on whether I agree with that, but they have . . . [Disturbance in the gallery]

The Sergeant-at-Arms: Order! You're not part of the proceedings. Out.

Dr. Oberg: Mr. Speaker, in my particular school jurisdiction they are raising money to go to Malaysia. I have no problems with that if that's what they wish to do. I am not in favour of fund-raising for the essentials, I am not in favour of a student council running a casino for essentials, and that's why we put in the amount of money that we do.

The Speaker: The hon. Member for Clover Bar-Fort Saskatchewan, followed by the hon. Member for Edmonton-Glenarry.

Highway Snow Removal

Mr. Lougheed: Thank you, Mr. Speaker. During this winter several residents of Strathcona county, including school bus drivers who travel the roads and know them well, have expressed frustration with the snow removal on highway 21 and some of the secondary highways such as 830. My question is for the Minister of Transportation. Does the department monitor the quality of snow removal service that Albertans receive from those contractors, and is the department satisfied that the service is adequate?

The Speaker: The hon. minister.

Mr. Stelmach: Well, thank you, Mr. Speaker. The department does monitor the level of service on a regular basis. In fact, it's up to the department to put in place the standards that have to be met, and then on a very regular basis we have people that check to ensure that the contractors live up to those standards. The way the contracts are written is that the individual contractors are paid for the time they put in and also the material. So, of course, the sooner they're out, the more time that they put in. It not only improves the service, but also at the end of the day they get paid more.

Mr. Lougheed: Mr. Speaker, given that this morning residents driving highway 21 and secondary highways were limited to narrow pathways but the county crews were completely cleaning the side roads, including the shoulders, is the Minister of Transportation of the view that snow removal standards need to be improved?

Mr. Stelmach: Mr. Speaker, what the contractors are instructed to do is to clean one traveling lane immediately, right after the snowfall. Once they do all the highways, do all the interchanges, then they follow up with ensuring that all of the snow is removed off the highway into the ditch, including off the shoulder. This particular snowstorm, that went through early this morning, dumped a fair amount of very wet snow, and as a result they're pushing hard to get that snow off, but with wet snow like that, they can't drive as fast, of course, to get the snow off.

The one point I do want to make, Mr. Speaker – and this is very important, and it might hit home with you – is that even in your constituency when we had that last snowstorm, with a lot of snow, very windy conditions – in fact, we had two cars that actually hit our snow trucks out there in the middle of the night. So we have to be very careful, use some common sense when we put those trucks out, because we want to get the snow off the road as fast as possible, but we also have to ensure safety of not only the contractor, the person that's in that vehicle pushing the snow, but also of the cars on the road.

Mr. Lougheed: Mr. Speaker, since many times county crews travel the secondaries with their blades up, can municipalities take on the contracts for highway snow removal and perhaps achieve some efficiencies that way?

2:20

Mr. Stelmach: Mr. Speaker, we have always worked very closely with municipalities and also with the private contractors in saying that in emergent situations we've encouraged the contractors to enter into negotiations with municipalities. If there's a huge amount of snow, some emergency situation, we would find that municipalities and the department and the private contractors would work together.

In fact, when we first privatized maintenance, if we did the counts on the inventory of the equipment that was available for use on our provincial and secondary highways, we actually exceeded the number that we originally started with. Since then, municipalities have taken the about \$85 million that we've saved them by assuming responsibility for secondaries and they've purchased more equipment to look after their own roads.

Sole-source Contracts

Mr. Bonner: Mr. Speaker, the 2001-2002 report of the Auditor General states on page 158 that the Department of Infrastructure has sole-source contracts for engineering, architecture, and cost consulting services. Further, it states that the department has found no

formal documentation justifying this practice. To the Minister of Infrastructure: how can Albertans be sure that they are getting the best value for their dollar with these sole-source contracts?

Mr. Lund: Mr. Speaker, as the hon. member has mentioned, that was 2001-2002, so it is getting back in history. Whatever the Auditor General says in his report, we take it very seriously, and we have taken steps to alleviate the problem that some people seem to feel with the single-source contracting.

The Speaker: The hon. member.

Mr. Bonner: Thank you, Mr. Speaker. To the same minister: is there any formal criteria that contract work has to fit into to be sole source, or is it just decided by the minister?

Mr. Lund: Mr. Speaker, there was a similar motion for a return. In answer to that motion, I indicated to the member that, in fact, we will be filing the new procedures that we have implemented as far as the contracting provision is concerned. But, certainly, there are some small contracts where, with the time and the cost to put out an RFP or to put out a tender, for example, when in fact you may even have someone already on a contract and it's just an extension of that contract, it would make absolutely no sense to go through that whole long process.

Mr. Bonner: To the same minister, Mr. Speaker: what would he tell my constituents who say that they want hard evidence to show that their hard-earned tax dollars are being spent properly and cost-effectively?

Mr. Lund: Mr. Speaker, I would urge his constituents to get a copy of our annual report, to look in the Auditor General's reports, and to compare the amount of work and what we get done with the dollars expended, because I'm sure that he'll find that there's very good value for dollars spent.

The Speaker: The hon. Member for Calgary-Buffalo, followed by the hon. Member for Vermilion-Lloydminster.

Emergency Services Workers

Mr. Cenaiko: Thank you, Mr. Speaker. Medical personnel, emergency medical practitioners, firefighters, and police officers are often exposed to the bodily fluids of people they come in contact with in the course of their duties. There's no requirement for the person to provide a sample of their blood, and hospital personnel are prohibited from disclosing information obtained as a result of samples taken during medical treatment. My first question is to the Minister of Health and Wellness. Has the minister looked at Ontario's recently enacted provincial legislation that allows the local medical officer of health to order a blood sample from someone who accidentally or deliberately exposes a frontline emergency worker?

Mr. Mar: Mr. Speaker, I am familiar with the Ontario legislation, and I should say that the short answer is no. Our Alberta provincial health officer has not been made aware of any instances where an emergency first responder has contacted any infectious or communicable disease as a result of their occupation. We do work with colleges of health professionals, such as the Alberta College of Paramedics, to ensure that health professionals are well educated and follow consistent practices that will allow them to avoid being exposed to blood-borne pathogens during the course of their work.

The Speaker: The hon. member.

Mr. Cenaiko: Thank you, Mr. Speaker. My final supplemental question is again to the same minister. Is the minister considering similar amendments to our own Alberta Health Information Act to protect the health and wellness of these emergency workers?

Mr. Mar: Mr. Speaker, serious consideration to that has not yet been given, except that I should say that the Department of Health and Wellness does support the House of Commons Standing Committee on Justice and Human Rights recommendation to increase efforts in gathering statistics on the number of frontline workers who are exposed to blood-borne pathogens during the course of their work. We will continue to study data on this, and if at the conclusion of such a study there is a requirement or a need disclosed to change the Health Information Act, then at that time we would be prepared to do so.

The Speaker: The hon. Member for Vermilion-Lloydminster.

Crop Insurance

Mr. Snelgrove: Thank you, Mr. Speaker. Farmers have been informed that they may be facing crop insurance premium increases of up to 20 percent. My question to the Minister of Agriculture, Food and Rural Development: how much of this projected increase is based on new programs with different coverages, and how does the premium reflect the coverages offered last year?

Mrs. McClellan: Mr. Speaker, a complex question. I'll try and simplify it as much as I can. There are two reasons that crop insurance premiums will change this year. One is the effect of not last year's but the 2001 claims and also, of course, to replenish our crop insurance fund, which, everyone would know, is severely depleted after last year's and this year's payments. The second reason is because of the improved program. So, in fact, on an average there would be about a 2 and a half percent increase because of the 2001 year, the drought, there would be just over 3 percent to replenish our crop insurance fund, and then it depends on the individual producers' operation and what coverage they choose. What we encourage producers to do, instead of just hearing that they're going up 20 percent: go to your district office, sit down with your agent and talk about the kind of coverage that you want for your farm, and they will tell you what the cost would be.

The Speaker: The hon. member.

Mr. Snelgrove: Thank you. Mr. Speaker, granted, the government made a very large and timely contribution to the ag sector last year. They also committed \$88 million as the matching component of the share the federal government made. Can the minister tell me what, if anything, of that \$88 million will be going to buy down the producers' share of crop insurance? What are the minister's plans for that funding?

Mrs. McClellan: Mr. Speaker, what the hon. member is alluding to are the bridging dollars that the federal government committed to bridge between the old programs into the new agricultural policy framework. The federal contribution was about \$600 million for all of Canada, and we attempted to determine what Alberta's share of that would be. That would be somewhere between \$80 million and \$90 million. We tried very hard over the period of a year to convince the federal minister to implement a payment system that

would ensure that the money went to those who needed it the most. However, in the end the minister determined to put it into NISA accounts, which didn't really help Alberta producers who had suffered three and four years of no crops, because after all 4.5 percent of nothing is really nothing. So they got a minimum payment.

Mr. Speaker, we determined in our province to use this money for bridging in a different way, and in fact what we have done with whatever would have been our share, somewhere between the \$80 million and \$90 million, is make the improvements to the crop insurance program. These, indeed, have a cost to them because the provincial government is responsible for cost sharing that program with the federal government and, of course, the producer.

2:30

The Speaker: The hon. member?

Well, hon. members, this is the first time since I've had the privilege of being the Speaker that I can actually say this. There's still time remaining in the question period, and we've exhausted all the questions.

head: **Recognitions**

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

Don Clarke

Mr. Hutton: Thank you, Mr. Speaker. It is indeed a privilege for me today to stand and recognize a great Edmontonian who has received the Order of Canada from the Governor General. His name is Don Clarke. As my colleague from Edmonton-McClung, the Minister of Economic Development, so aptly stated, Don is Mr. Volunteer. I could not list all the accomplishments of this great Albertan, but I will make an attempt to list a few.

Don currently serves on the Rosecrest children's foundation. He was a founding director of Kids Kottage with Dr. Colleen Klein, STARS air ambulance, and the Variety Club, where he received the Variety golden heart award for outstanding service. Don was past president of Goodwill Industries and Edmonton Klondike Days Association. A past police commissioner and key host of international baseball tournaments in Edmonton, Don has also received awards from the city of Edmonton; namely, the silver ribbon award, ambassador award, the life-well-lived award. Her Honour presented Don with the Queen's jubilee medal. So I'd like to congratulate my former colleague, my friend, and a great Albertan, Don Clarke, Order of Canada.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for St. Albert.

Ireland Fund of Canada

Mrs. O'Neill: Thank you, Mr. Speaker. It is an honour on this St. Patrick's Day to recognize the Ireland Fund of Canada. The first Canadian chapter of the Ireland Fund was established in Toronto in 1978 by the Dublin-born former Lieutenant Governor of Ontario, the Hon. Hilary Weston.

The mission of the Ireland Fund is to be the largest worldwide network of people of Irish ancestry and friends of Ireland dedicated to raising funds to support programs of peace and reconciliation, arts and culture, education and community development for the people of Ireland, both north and south. The Ireland Fund of Canada also helps Irish projects here in Canada. Today the Ireland Fund is an international network, creating a global community of over 70 million people, including such countries as Canada, Australia,

France, Great Britain, Japan, Monaco, Mexico, and the United States.

Last Saturday evening the Minister of Economic Development and I and our spouses attended the Emerald Ball, and we raised money for special olympians attending the Special Olympics event in Dublin, Ireland, next year.

Thank you.

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

Minor Hockey Volunteers

Mr. MacDonald: Thank you, Mr. Speaker. If St. Patrick played hockey, he would be an Oiler. As another successful minor hockey season ends this month in Alberta, I would like to thank the thousands of volunteers, coaches, and referees for their support and commitment to hockey, the coolest game on earth. Minor hockey players of all ages benefit from the countless hours the volunteers put in. Hockey is a fast, exciting sport that must be first and foremost fun for those who play. The development of individual and team skills is important, and these skills can be used for life outside the hockey arena.

In conclusion, on behalf of all hon. members of this Assembly I would like to thank all those Albertans who this past winter took the time and had the patience to lace up tight skates for eager, excited young players, cheered enthusiastically for fair play in cold arenas, and taxied players at early hours and at odd hours to practices and to games. Your time did make a difference.

Thank you.

The Speaker: The hon. Member for Redwater.

Trio Tan 'n Tone

Mr. Broda: Thank you, Mr. Speaker. On March 11, '03, I had the distinct pleasure of attending a grand opening of the Trio Tan 'n Tone, a fitness centre in the hamlet of Radway in my constituency. I would like to recognize two good friends, Peter and Doris Kolybaba, owners of the centre, for their confidence in this province and for recognizing that this is a place to do business, that fitness and health go hand in hand. This is a welcome facility to our residents and surrounding areas. Peter and Doris, congratulations and good luck on your impressive, state-of-the-art adventure.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Red Deer-North.

Great Kids Awards

Mrs. Jablonski: Thank you, Mr. Speaker. On Sunday, March 16, during the fourth annual Great Kids awards ceremony at Fantasyland Hotel in Edmonton, 17 children and youth from across Alberta from the ages of six to 18 were presented with the 2003 Great Kids award by Premier Klein, Mrs. Colleen Klein, and the Hon. Iris Evans. From collecting medical supplies for the children of war-torn Afghanistan to raising \$75,000 for the Stollery children's hospital, these outstanding and very special Great Kids exemplify the many great kids in Alberta.

Congratulations to Max Gurela of Millet, Ryan James Martin of Stony Plain, Renee Reich of Hinton, Christopher Roberts of Spruce Grove, Matthew Armstrong of Fort Saskatchewan, Reggie Boucher of Warburg, Debbie Lam of Calgary, Cory Ulmer of St. Albert, Jesse Ward of Three Hills, Eli Cardinal of Wabasca, Sheehan Chowdhury of Edmonton, Brandi Johnson of Grande Prairie, Colin Jay Wiberg

of Lacombe, Laura Abday of Edmonton, James Montgomery of Wetaskiwin, Betty Ng of Edmonton, and Jonathan Vander Veen of Calmar.

Congratulations to these Great Kids. May you always have the ability to give to others straight from your hearts.

The Speaker: The hon. member knows she violated one of the standing rules, that's been repeated time and time and time and time again by the chair.

The hon. Member for Edmonton-Glengarry.

Edmonton Public Schools' Night of Music

Mr. Bonner: Thank you, Mr. Speaker. Last Wednesday evening at the Jubilee Auditorium a packed house was treated to Edmonton public schools' 39th Night of Music: A Musical Journey. It has been said that without music life is a journey through a desert. The Night of Music 2003 was a rich and rewarding experience as music students from Edmonton public schools led us on a musical adventure.

It takes a year of hard work to produce a Night of Music. A small committee co-ordinates the program and staging of the event, no easy task when 1,200 students and 72 teachers take the stage to demonstrate their musical excellence. The music for the performance was carefully chosen to reflect this year's theme and the variety of music styles and genres available to give students a broad base of musical experiences. Teachers and students have put in hundreds of hours of rehearsal time, giving up lunch hours and remaining after school, to attain a high-calibre performance and to ensure a positive learning experience for the students.

To producer Shirley Funk, music consultant, the planning committee, the music teachers, and the talented students: congratulations on an extremely successful and entertaining musical journey.

Thank you.

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

Wheatland Select Organic Turkey Ltd.

Mr. Jacobs: Thank you, Mr. Speaker. It is my pleasure to rise in this Assembly today to recognize a company based in my constituency from the town of Taber: Wheatland Select Organic Turkey Ltd. Arnold and Barb Leth, the operators of the turkey farm, were acknowledged at the 2003 Alberta business awards of distinction on February 19 in Edmonton. The Leths were one of 15 small businesses honoured as winners of this event. The awards were presented to businesses in Alberta that exemplify achievement. The local organic turkey operation took home the agrivalue new venture award of distinction, sponsored by AVAC Ltd., a not-for-profit company committed to nurturing and developing value-added agriculture in Alberta.

Mr. Speaker, it's with pleasure that I congratulate Arnold and Barb and Wheatland Select Organic Turkey Ltd. for their accomplishments and their dedication to the organic industry.

Thank you.

head: **Presenting Petitions**

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

Mr. MacDonald: Thank you very much. I would like to present a petition, please, from 32 Calgarians as organized by Joanne Black. This petition urges the Government to "implement the income recommendations of the 2001 MLA Committee Low Income Programs Review."

Thank you.

head: **Introduction of Bills**

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

Bill 29

Law of Property Amendment Act, 2003

Ms Graham: Thank you, Mr. Speaker. This afternoon I'm pleased to introduce Bill 29, the Law of Property Amendment Act, 2003.

The purpose of this bill is to level the mortgage insurance playing field between CMHC and private mortgage default insurers to allow all mortgage default insurers the ability to sue borrowers for any balance owing on high-ratio mortgages after a foreclosure.

[Motion carried; Bill 29 read a first time]

2:40

The Speaker: The hon. Deputy Government House Leader.

Mr. Zwodzesky: Thank you, Mr. Speaker. I would move that Bill 29 be placed on the Order Paper under Government Bills and Orders.

[Motion carried]

The Speaker: The hon. Minister of Finance.

Bill 30

Appropriation (Interim Supply) Act, 2003

Mrs. Nelson: Thank you, Mr. Speaker. I request leave to introduce Bill 30, the Appropriation (Interim Supply) Act, 2003.

This being a money bill, Her Honour the Honourable the Lieutenant Governor, having been informed of the contents of this bill, recommends the same to the Assembly.

[Motion carried; Bill 30 read a first time]

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

Bill 208

Occupiers' Liability (Recreational Users) Amendment Act, 2003

Mr. Danyluk: Thank you very much, Mr. Speaker. I request leave to introduce Bill 208, the Occupiers' Liability (Recreational Users) Amendment Act, 2003.

Bill 208 will amend the Occupiers' Liability Act so that landowners' and occupiers' burden of liability to recreational users would be reduced to a level that is owed to trespassers.

[Motion carried; Bill 208 read a first time]

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

Bill 209

School (Fees Elimination) Amendment Act, 2003

Mr. Mason: Thank you very much, Mr. Speaker. I'm pleased to move first reading of Bill 209, the School (Fees Elimination) Amendment Act, 2003.

Bill 209 requires the government to fully fund public education and put a stop to the nickel and diming of parents in this province. The bill eliminates fees for kindergarten and core instructional materials, computers, and equipment. The bill also enshrines in legislation a prohibition on fund-raising for school essentials.

Thank you, Mr. Speaker.

[Motion carried; Bill 209 read a first time]

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

Bill 210
Dental Care Review Committee Act

Mr. Masyk: Thank you, Mr. Speaker. I beg leave to introduce Bill 210, the Dental Care Review Committee Act.

Bill 210 would establish an all-party committee to review dental care in Alberta. The all-party committee would address accessibility for modest- to low-income earners, the feasibility of a fee structure, and quality care issues. The all-party review committee would prepare a report that would be presented to the Legislative Assembly. Given the links between poor oral health and heart disease, hypertension, and diabetes, this bill would have a substantial cost-saving mechanism for health care. A review of dental care in Alberta may identify potential concerns with quality of care and accessibility for Albertans, especially low- to modest-income earners, who may be without employer coverage.

Thank you, Mr. Speaker.

[Motion carried; Bill 210 read a first time]

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

Bill 211
Fair Trading (Telemarketing Licence)
Amendment Act, 2003

Mr. McClelland: Thank you, Mr. Speaker. I request leave to introduce Bill 211, Fair Trading (Telemarketing Licence) Amendment Act, 2003.

Mr. Speaker, this bill would require those engaged in the telemarketing business in Alberta to have a licence and, further, that to maintain the licence, the telemarketer who receives a request from a person not to call or fax a telephone number must remove that person's name and number from the telemarketer's list within seven days of the request. It's known as a do-not-call list.

[Motion carried; Bill 211 read a first time]

head: **Tabling Returns and Reports**

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

Dr. Pannu: Thank you, Mr. Speaker. I'm tabling five copies of a letter that I just received this morning dated March 16 and addressed to me from Mr. Victor Dorian of Edmonton, who has two elementary school-age children attending Westglen elementary school. He is alarmed at the possibility that his school will lose \$84,000 in the coming year and as a result lose 1.5 teacher equivalents. This will translate into an astounding 25 to 30 percent increase in class sizes, which he says is a frightening proposition for a parent with two young children in school.

Thank you, Mr. Speaker.

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

Mr. Bonner: Thank you, Mr. Speaker. With your permission I would like to table the appropriate number of copies of a program from Edmonton public schools' 39th Night of Music: A Musical Journey.

Thank you.

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

Dr. Taft: Thank you, Mr. Speaker. I have several tablings. I'm getting tremendous correspondence on education. The first is to the Minister of Learning from Maureen Santin expressing her concern for elementary school funding.

The next is a copy of a letter to the Premier expressing concern over lack of vision for public education funding from Linda and Ian Hallworth.

The next is another letter to the Premier from Mona Luth expressing her concern. She says, "I am appalled by your government's lack of concern and disregard for public education."

Finally today, a letter from Matt Rose to me expressing his concern and the concern of countless others about the public education system.

Thank you.

The Speaker: The hon. Member for Red Deer-North.

Mrs. Jablonski: Thank you, Mr. Speaker. Today I'm tabling five copies of the program for the Great Kids awards, 2003. I'm also tabling the biographies of all the children that were awarded that will tell you all the great and wonderful things they did to receive this award.

Thank you.

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

Ms Carlson: Thank you, Mr. Speaker. Today I'm tabling five copies of the program for this year's Canadian business leader awards. For over two decades the University of Alberta School of Business has presented the Canadian business leader award to Canadians of distinction. Recipients are leaders, entrepreneurs, and pioneers of progress in the business world recognized for their outstanding achievements and business acumen. This year's recipients were Gwyn Morgan and David O'Brien.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. I have three tablings today. The first one is a petition by upset Albertans, and it states, "We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government to reinstate natural-gas rebates immediately." This is a hundred citizens from places like Spruce Grove, Edmonton, Legal, Camrose, Killam, and Bluffton, and they accessed this petition on our web site, www.altaliberals.ab.ca.

The second tabling I have is the market report from the Power Pool from Saturday, March 15, 2003, and it shows a wide range of prices, anywhere from 3 cents a kilowatt-hour to 17 cents a kilowatt-hour for electricity in this province. Then on March 16, Sunday, when you would think there would be no price spikes, we see at the same web site, the Power Pool market reports prices ranging anywhere from 1.5 cents a kilowatt-hour at 8 o'clock in the morning to 21 cents a kilowatt-hour at 5 o'clock in the afternoon, a wide range of prices.

Thank you.

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

Mr. Mason: Thank you very much, Mr. Speaker. I have a tabling from Mrs. Patricia Jansen of Edmonton dated March 14, 2003,

concerning the exorbitant cost of utilities caused by deregulation. She says that putting on an extra sweater has not helped.

Thank you, Mr. Speaker.

2:50head: Orders of the Day

head: Written Questions

The Speaker: The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you. Mr. Speaker, proper notice having been given on Thursday, March 6, it is my pleasure to move that written questions 3, 5, 6, 8, 9, and 10 be dealt with today.

[Motion carried]

Human Resources and Employment Achievement Bonuses

Q3. Mr. MacDonald moved that the following question be accepted.

What is the total dollar amount broken down individually by position given as an achievement bonus to senior bureaucrats in the Alberta Human Resources and Employment ministry for each fiscal year from April 1, 1996, to January 14, 2003, inclusive?

The Speaker: The hon. Minister of Human Resources and Employment.

Mr. Dunford: Thank you, Mr. Speaker. We are prepared to accept Written Question 3 with the following amendments, and if I could just indicate to the hon. member and to others the particulars about the amendment. We would offer four amendments: first of all, to strike out the word "total" and substitute with "aggregate"; secondly, to strike out "broken down individually by position," and submit "and range of"; the third one is to strike out "given as an achievement bonus to senior bureaucrats" and substitute "achievement bonuses given to employees"; and the fourth one, to strike out "each fiscal year from April 1, 1996, to January 14, 2003, inclusive" and substitute "the 1999-2000, the 2000-2001, and the 2001-2002 fiscal years" so that the amended written question would read as follows:

What is the aggregate dollar amount and range of achievement bonuses given to employees in the Alberta Human Resources and Employment ministry for the 1999-2000, 2000-2001, and 2001-2002 fiscal years?

Now, the reasons for the amendments, Mr. Speaker. The first one: by substituting "aggregate" for "total," we can actually give hon. members more information. What we would then do is break down the achievement bonuses that have been paid out and move them into a range of dollar amounts, which we think will provide more complete information, then, that is being requested. Secondly, in being able to reply by substituting "a range of," we, of course, clearly indicate what I just talked about: that we would provide them in terms of a range. The third one: "senior bureaucrats" is not a term that we normally use, so it's doubtful of the meaning, but I think what the member is trying to ask for is what achievement bonuses were given to employees, and we're prepared to do that within the range, of course, of the freedom of information that we can. Then, the last one, of course, is the fact that it was in 1999 that the Ministry of Human Resources and Employment was in fact created, so what we're saying with the amendment is that we'll provide those achievement bonuses for the three fiscal years past where we have provided achievement bonuses to our employees.

I would urge all members here in the Assembly to agree, then, to the amendments as we've just put forward.

The Speaker: On the amendment, the hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you, Mr. Speaker. The only thing I can say at this time is that I'm disappointed, but I can see where the hon. minister and department officials are coming from, and I always am of the view that any information I can get from the government is a bonus in helping one do one's job, and that, from the Official Opposition perspective, is to keep the entire government accountable.

In conclusion, I would have to remind all hon. members of the Rolling Stones and the fact that you can't always get what you want.

Thank you. I accept it.

[Motion on amendment carried]

The Speaker: The hon. Member for Edmonton-Gold Bar to close debate, then, on this question.

Mr. MacDonald: I have nothing further to say.

[Written Question 3 as amended carried]

Seniors Department Achievement Bonuses

Q5. Mr. Massey moved on behalf of Ms Blakeman that the following question be accepted.

What is the total dollar amount broken down individually by position given as an achievement bonus to senior bureaucrats in the Alberta Seniors ministry for each fiscal year from April 1, 1996, to January 14, 2003, inclusive?

Dr. Massey: The motion is part of a series of motions that we have on the Order Paper, Mr. Speaker, to get a handle on the kinds of salaries that are being paid. The government has been very forceful in publishing and making sure that the public is aware of the salaries that are paid to superintendents of schools and other officials across the province, and it seems to be only fair play that the government's own employees should be subjected to the same scrutiny. So I am pleased to move the motion.

Mr. Doerksen: Mr. Speaker, on behalf of the Minister of Seniors the government accepts Written Question 5 with amendments. Those amendments have been circulated already to all members, and they are similar to the amendments that were just described earlier by the Minister of Human Resources and Employment. Specifically, the Ministry of Seniors has only been in existence since March 15, 2001, so we have changed the request to accommodate that particular date change. Decisions on the '02-03 bonuses have not yet been finalized and so are not available. Also, we have amended the question to fall under the proper jurisdiction of the Freedom of Information and Protection of Privacy Act.

Mr. Doerksen moved on behalf of Mr. Woloshyn that Written Question 5 be amended to move that the following question be accepted.

What is the aggregate dollar amount given as achievement bonuses to employees in the Alberta Seniors ministry, and what is the number of employees broken down by range of the bonus amount who received a bonus for the 2001-2002 fiscal year?

The Speaker: The hon. Member for Edmonton-Mill Woods on the amendment.

Dr. Massey: Yes. I think the amendments are unfortunate, Mr.

Speaker. They really take the heart out of the questions as they are written. I think I would also like a bit of an explanation at some point in terms of where this violates the Freedom of Information and Protection of Privacy Act, and if that's the case, why the same provisions of that act don't apply to public employees like school superintendents.

[Motion on amendment carried]

The Speaker: The hon. Member for Edmonton-Mill Woods to close the debate on this written question.

Dr. Massey: No further comments.

[Written Question 5 as amended carried]

Government Services Achievement Bonuses

Q6. Mr. MacDonald moved that the following question be accepted.

What is the total dollar amount broken down individually by position given as an achievement bonus to senior bureaucrats in the Alberta Government Services ministry for each fiscal year from April 1, 1996, to January 14, 2003, inclusive?

The Speaker: The hon. Minister of Government Services.

Mr. Coutts: Thank you, Mr. Speaker. I wish to accept Written Question 6 with amendments, and the amendments have been distributed to all the members. I'd like to move that Written Question 6 be amended by: (a) striking out "total dollar amount broken down individually by position," and substituting "aggregate dollar amount and range of"; (b) striking out "given as an achievement bonus to senior bureaucrats" and substituting "achievement bonuses given to employees"; (c) by adding "broken down by the range of bonus dollar amounts and the number of employees who received a bonus within that range" after "ministry"; and (d) by striking out "each fiscal year from April 1, 1996, to January 14, 2003, inclusive" and substituting "the 2001-2002 fiscal year."

3:00

Mr. Speaker, the amended written question would then read as follows:

What is the aggregate dollar amount and range of achievement bonuses given to employees in the Alberta Government Services ministry broken down by the range of bonus dollar amounts and the number of employees who received a bonus within that range for the 2001-2002 fiscal year?

The rationale for this amendment is to be consistent with the spirit and the intent of the Freedom of Information and Protection of Privacy Act, which states that information that is broken down by the identity of each official will not be released as it is considered to be an unreasonable invasion of privacy. Therefore, I move this amendment.

The Speaker: On the amendment, the hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you, Mr. Speaker. Again, I'll be brief. I will certainly express my disappointment, but there is very little that I can do in regard to this. Certainly, the FOIP Act is important, and to see that it is going to be enforced in this way when we consider circumstances of other individuals, to say the least, is noteworthy, and it will be from this hon. member's perspective worth watching to ensure how this plays out for other individuals.

At this time, I will be anxiously awaiting the information when it does arrive from the hon. minister. Thank you.

[Motion on amendment carried]

The Speaker: The hon. Member for Edmonton-Gold Bar to close the debate on the question.

Mr. MacDonald: In regard to Written Question 6, Mr. Speaker, I have nothing further to say at this moment.

[Written Question 6 as amended carried]

Sustainable Resource Development Achievement Bonuses

Q8. Dr. Massey on behalf of Ms Carlson moved that the following question be accepted.

What is the amount of each bonus and the aggregate amount of all bonuses awarded to senior officials within the Ministry and Department of Sustainable Resource Development over the 2001-2002 fiscal year broken down by the identity of and amount paid to each official?

Dr. Massey: I think it's fairly self-explanatory, Mr. Speaker.

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

Mr. Cardinal: Thank you very much, Mr. Speaker. I would be pleased to accept Written Question 8 with amendments. To be consistent with the spirit and intent of the Freedom of Information and Protection of Privacy Act, information broken down by the identity of each official will not be released as it is considered to be an unreasonable invasion of privacy. Therefore, I move that the amendment strikes out "amount of each bonus and"; strikes out "senior officials" and substitutes "employees and the number of employees who received a bonus"; and strikes out "identity of and amount paid to each official" and substitutes "range of bonus dollar amounts and the number of employees who received a bonus within that range." So the question will read:

What is the aggregate amount of all bonuses awarded to employees and the number of employees who received a bonus within the Ministry and Department of Sustainable Resource Development over the 2001-2002 fiscal year broken down by the range of bonus dollar amounts and the number of employees who received a bonus within that range?

Mr. Speaker, this information has been shared with the hon. Member for Edmonton-Ellerslie prior to 11 a.m. as per the procedures. I believe the amendment has been circulated to all members. Thank you.

The Speaker: On the amendment, the hon. Member for Edmonton-Mill Woods.

Dr. Massey: Yes. Thank you, Mr. Speaker. Again, I think the amendment is an unfortunate amendment, and it's the kind of amendment we've had on previous written questions. The amendment tends to mask information, and again it seems inconsistent with what the government expects of other public bodies in the province; namely, health authorities and superintendents of schools. These are public dollars, they're salaries that are paid to public officials, and I think if they're going to be anything, at least there's an obligation to be consistent. So I think it's unfortunate if the amendment passes.

[Motion on amendment carried]

The Speaker: The hon. Member for Edmonton-Mill Woods to close the debate.

Dr. Massey: No. Thank you.

[Written Question 8 as amended carried]

Operational Costs for Committees

Q9. Dr. Massey moved that the following question be accepted. What were the total operational costs of the following committees: Review Committee on Outcomes, MLA Committee on Lifelong Learning, Task Force on Children at Risk, Committee on Francophone Education Governance, Alberta Vocational Colleges Governance Task Force, Private Schools Funding Task Force, School Facilities Task Force, and MLA Postsecondary Funding Review Committee?

The Speaker: The hon. Minister of Environment.

Dr. Taylor: Yes. For the Minister of Learning, Mr. Speaker. The Minister of Learning would like to amend the question to read:

What were the total operational costs of the following committees: Review Committee on Outcomes, MLA Committee on Lifelong Learning, and MLA Postsecondary Funding Review Committee?

That's the amendment that is proposed, and an excellent amendment it is.

The Speaker: The hon. Member for Edmonton-Mill Woods on the amendment.

Dr. Massey: Yes. Speaking to the amendment, Mr. Speaker, it really takes the heart out of the written question. I think we're left with two-sevenths of the information that we asked for, and unfortunately it's part of a pattern. We've been attempting as the opposition to get a handle on the costs of the committees that the government is running. We've tried by letter with this particular ministry to get those costs, and that's been unsuccessful. We've taken the route of coming to the Assembly asking for it, and again it looks like we're unsuccessful. It's really very perplexing why this kind of information isn't readily available. So I would urge the Assembly to reject the amendment and to allow the motion to proceed as it appears on the Order Paper.

The Speaker: The hon. Minister of Human Resources and Employment on the amendment.

Mr. Dunford: Yes, Mr. Speaker. Just to provide further information on the amendment as far as the rationale is concerned, the committees that are mentioned in the revised question now, as amended, were established during the minister's tenure in this portfolio, and the costs are readily determinable from the information that would be on file. The other committees were established by other departments – for example, advanced education and career development, infrastructure, and education – and the information may not be within the Ministry of Learning's files.

[Motion on amendment carried]

3:10

The Speaker: The hon. Member for Edmonton-Mill Woods to close the debate.

Dr. Massey: No.

[Written Question 9 as amended carried]

Environment Department Achievement Bonuses

Q10. Dr. Massey moved on behalf of Ms Carlson that the following question be accepted.

What is the amount of each bonus and aggregate amount of all bonuses awarded to senior officials within the Ministry and Department of Environment over the 2001-2002 fiscal year broken down by the identity of and amount paid to each official?

Dr. Taylor: Well, Mr. Speaker, we've had a number of questions similar to this, and we've had a lot of stimulating debate on this issue, so I won't go over it. I'd just like to propose an amendment to the question, which is similar to the other amendments that have been proposed, and the amendment will read as follows:

What is the aggregate amount of all bonuses awarded to employees and the number of employees who received a bonus within the Ministry and Department of Environment over the 2001-2002 fiscal year broken down by the range of bonus dollar amounts and the number of employees who received a bonus within that range?

As you've heard earlier, under provisions of the FOIP Act we cannot release it any more general than that, and that's an act I believe the people opposite support.

Dr. Massey: Well, again, Mr. Speaker, an unfortunate amendment takes away the thrust of the written question, and the whole series, as we've seen this afternoon, have had the same kind of axe taken to them in terms of the amendments. Again, it's unfortunate. It's information that's available, and I think it's information that could've been readily supplied by the government.

[Written Question 10 as amended carried]

head: Motions for Returns

The Speaker: The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Speaker. Proper notice having been given on Thursday, March 13, it is my pleasure to move that motions for returns 2, 3, 6, 7, 8, and 10 be dealt with today.

[Motion carried]

Breakdown of AISH Disbursements

M2. Mr. Bonner moved that an order of the Assembly do issue for a return showing copies of documents showing a specific breakdown of how much of the \$346,511,000 received by people on assured income for the severely handicapped in the fiscal year 2001-2002 was given as cheques to recipients, how much was spent on medical costs, and how the remainder was spent.

The Speaker: The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Speaker. I don't know if the Minister of Human Resources and Employment wishes to respond directly, but my information indicates that the government is prepared to accept Motion for a Return 2.

[Motion for a Return 2 carried]

Operational Costs of Health Reform Committees

M3. Dr. Massey moved on behalf of Dr. Taft that an order of the Assembly do issue for a return showing a detailed breakdown of expenses including but not limited to research fees, hosting fees, salaries, consulting fees, public relations, advertising costs, and meeting expenses for the following committees set up under the report of the Premier's Advisory Council on Health: the Committee on Collaboration and Innovation, the Expert Advisory Panel to Review Publicly Funded Health Services, the MLA Task Force on Health Care Funding and Revenue Generation, and the Health Reform Implementation Team.

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

Mr. Mar: Thank you, Mr. Speaker. I move to accept MR 3 as written.

[Motion for a Return 3 carried]

Health and Wellness Achievement Bonuses

M6. Dr. Massey moved on behalf of Dr. Taft that an order of the Assembly do issue for a return showing a detailed breakdown of the bonuses paid to staff of Alberta Health and Wellness in each fiscal year from 1992-93 to 2001-02 indicating the amounts of individual bonuses paid each year as well as the position held by the recipients of those bonuses.

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

Mr. Mar: Thank you, Mr. Speaker. I am prepared to accept Motion for a Return 6 with amendments. First of all, let me clarify that staff of the Department of Health and Wellness did not receive bonuses prior to the 1997-98 fiscal year, so I am prepared to provide information on bonuses received after that time. However, providing a detailed listing of bonuses paid to staff would identify individual employees. I should note that half of our freedom of information legislation is the protection of privacy. So for the fiscal years '97-98 through 2000-2001 I am prepared to provide an aggregate amount of bonuses paid, the range of bonuses, and the number of employees who received a bonus within that range.

Mr. Mar moved that Motion for a Return 6 be amended to read that an order of the Assembly do issue for a return showing a breakdown of the bonuses and the aggregate amount thereof paid to managers and senior officials of Alberta Health and Wellness in each fiscal year from 1997-98 to 2000-01 broken down by range of bonus amounts and the number of employees who received a bonus within that range.

Mr. Speaker, I move that Motion for a Return 6 be accepted as amended.

The Speaker: The hon. Member for Edmonton-Mill Woods on the amendment.

Dr. Massey: Yes. Again the same complaint, Mr. Speaker. We can't quite understand the double standard in terms of the reporting of bonuses.

[Motion on amendment carried]

The Speaker: The hon. Member for Edmonton-Mill Woods to close the debate.

Dr. Massey: Yes, Mr. Speaker. I was remiss in not thanking the minister for accepting the previous motion for a return on behalf of my colleague for Edmonton-Riverview.

[Motion for a Return 6 as amended carried]

Health and Wellness Credit Card Statements

M7. Dr. Massey moved on behalf of Dr. Taft that an order of the Assembly do issue for a return showing copies of the monthly statements for the credit cards used by the Deputy Minister of Health and Wellness, each of the assistant deputy ministers, the special policy adviser, and each of the minister's executive assistants from April 1, 1997, to December 31, 2002.

The Speaker: The hon. Deputy Government House Leader.

Mr. Stevens: Thank you, Mr. Speaker. It's my pleasure to respond to this on behalf of the hon. Minister of Health and Wellness. The motion for a return requests monthly statements for credit cards used by various members of the ministry over a six-year period. I think it goes without saying that this particular request does not deal in any fashion whatsoever with matters of public policy but, generously speaking, could be called administrative in nature. Just thinking of my own personal experiences, I know that when I receive my credit cards, often I can't even identify what's on them when I am responsible for the expenditures. So I do wonder what the purpose of this request is, given that there is no background.

Having said that, however, Mr. Speaker, the request is in the nature of records of account, and this particular Assembly has an officer who is responsible for reviewing records of account in the ministries, that is, the Auditor General. Furthermore, this particular Assembly has a particular committee which is responsible for reviewing the ministries and the records of account of those ministries, and that is Public Accounts, chaired by the able Member for Edmonton-Gold Bar.

So, Mr. Speaker, my recommendation to the members of the Assembly is that this motion for a return be rejected.

The Speaker: The hon. Member for Edmonton-Mill Woods to close the debate.

Dr. Massey: Yes. Again, I think it's unfortunate. Certainly, the spending of the administrative wing of the government falls under public policy, and it's a legitimate request to know how money that's approved in budgets of the Legislature is being spent. So I think it's unfortunate that it's not being accepted.

[Motion for a Return 7 lost]

3:20 Tecknor Software Inc.

M8. Mr. Bonner moved that an order of the Assembly do issue for a return showing copies of any and all records prepared by or for the government or its agents relating to the tendering process for any purchase or contract from or with Tecknor Software Inc., including the requests for proposals, since April 1, 1999.

The Speaker: The hon. Minister of Government Services.

Mr. Coutts: Thank you, Mr. Speaker. In response to this, I'd like to indicate that the government will be rejecting Motion for a Return 8. It's pretty clear that when a party has requested access to a third party's information, a formal freedom of information and protection

of privacy process must be submitted to ensure that the applicant and the affected third parties have an appeal process, and that is available to them through the Freedom of Information and Protection of Privacy Act. For these reasons we will, unfortunately, have to reject this motion for a return.

The Speaker: The hon. member.

[Motion for a Return 8 lost]

Income Support Program

M10. Dr. Massey moved on behalf of Mr. MacDonald that an order of the Assembly do issue for a return showing copies of all documents prepared by and for Alberta Human Resources and Employment between May 2002 and January 30, 2003, concerning potential changes to the supports for income program.

The Speaker: The hon. Minister of Human Resources and Employment.

Mr. Dunford: Yes. Thank you, Mr. Speaker. We will be rejecting this motion for a return. The government is currently looking at our income support programs. As a matter of fact, all of the documents that have been placed in question through this motion cannot be released as they are actually advice, then, to the government.

The Speaker: The hon. Member for Edmonton-Mill Woods to close the debate.

Dr. Massey: Yes. Again, it's unfortunate, Mr. Speaker, that this information is not being shared. There's widespread public interest in what's happening with respect to these changes. There has been little information supplied, and I think that there is an obligation on the part of the government to better inform citizens in terms of what has been happening.

[Motion for a Return 10 lost]

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

head: Committee of the Whole

[Mr. Shariff in the chair]

The Deputy Chair: I'll call the committee to order.

Bill 202 Workers' Compensation (Firefighters) Amendment Act, 2003

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Calgary-North Hill.

Mr. Magnus: Thank you, Mr. Chairman. In lieu of all the nice speeches we had in Recognitions about St. Paddy's Day, just about everything I've got on except my shirt is green, not that we're going to need the luck today. [interjections] You guys are colour blind or something here. We hope we don't need the luck today, because quite frankly I've been out and I've talked to virtually all members of this Legislature throughout the morning, either through the leaders of their parties or their caucuses or, indeed, our entire caucus this morning earlier.

Mr. Chairman, we've all heard the debate in second reading about firefighters and what it is about firefighters and their profession that makes them very, very special and, indeed, unique, and we passed that bill handily a week ago.

What I have before us now – and I'd like to introduce it – are amendments to Bill 202, the Workers' Compensation (Firefighters) Amendment Act, 2003. I do have the requisite number of copies here, and I'll ask that they be distributed now. I'm assuming that you're going to want me to wait until they're handed out before continuing, Mr. Chairman.

Thank you.

The Deputy Chair: Hon. members, the proposed amendment is being circulated, and we shall refer to that amendment as amendment A1.

Hon. Member for Calgary-North Hill, you may proceed.

Mr. Magnus: Thank you, Mr. Chairman. Frankly, as I say, we've had an awful lot of debate on Bill 202, and the amendments that we have before us don't substantially change the intent of the bill for a very simple reason. What we were after originally was, indeed, to get presumption for firemen within the bill. Now, over a weekend of very, very difficult work with the minister's office, indeed the minister of human resources, with his staff, with the staff from the WCB – I saw somebody here earlier from there – and with the availability and the extremely hard work of a great many firefighters on the weekend, we have come up with what we think is, indeed, even superior to the bill that we discussed at second reading.

Within those amendments – and I'd like to just put them out on the floor at this point in time – we have section (a), and I'll just explain the differences, Mr. Chairman. What we've done there – and this is a fairly substantial move – is we have moved the cancer to regulation. It's as simple as that. I know that in originally speaking, we had chosen to have the cancers put right in the bill, but in hindsight and through a great many conversations talking to the other province that has this legislation, Manitoba, we feel that, frankly, by doing this, we will indeed put more flexibility into these cancers.

Now, that being said, I would like to point out that the minister and his office over the weekend as well – and actually, I believe they told me about this on Friday – came out with a seventh firefighter cancer that they would like to see covered in regulations. Frankly, neither the firefighters nor myself knew that the statistics and the statistical link were there previously, and as a show of good faith and just outright honesty from the minister's office and the WCB, they had come out and requested that, in fact, we add a seventh cancer, that being of the ureter, to the regulations. However, we have the bill in front of us today. The regulations will come down the pike fairly shortly.

The second change on this is housekeeping essentially. It was paragraph (4), and it's, "The Lieutenant Governor in Council shall make regulations." This takes the possibility of someone else such as the WCB or any other body out of the decision-making process regarding which cancers and which periods of employment indeed go in the bill. As I say, it is housekeeping. The writing is a little bit different, but we have changed it to the extent that the firefighters themselves liked it better. I think it works better for us. That is the second change.

The third change to this bill was the old section (5). Frankly, that's the section on retroactivity. I mentioned three weeks ago that we would in fact be pulling that section out and, again, for a very simple and up-front reason. We had what were seven firefighters with cancer that were known previous to this. All firefighters that

are known have now received benefits. It was expressed to me by someone earlier today that they were concerned there may be one out there that we don't know about, but quite honestly in conversations with the minister's office and the WCB retroactivity is something that is in a great many of their policies, and they do indeed go back for workers in a retroactive sense and have done that in the past. We feel that we're as safe as can be on that one.

3:30

In the last paragraph – and this is more for the rural folks than the urban MLAs, if I could say that – we have made a change within the paragraph itself. This change, I might add, came directly from the minister's office, and once again I feel that it, frankly, is more well written than the one that we had originally put out. As I said at second reading in my explanation of the bill, it was never our intent to have a WCB in Alberta and a WCB in Manitoba do exactly the same study and both report to their Legislature. That was never the intent, and we've simply done some creative writing to make that paragraph a little bit more straightforward. We've still got the report that we want in three years' time, and the WCB, as I understand it – and the minister will speak to this – will in fact be talking to the WCB in Winnipeg. We will get a report. We just didn't want two provinces doing absolutely identical studies somewhere down the line. I mean, we've got better things to do with our people, besides which the feeling is that if we include both provinces in this study, we'll in fact get a larger, more encompassing study. So I think it's a very good amendment, and I'm pleased it's there.

Mr. Chairman, those are the four changes to this bill, the amendments before us. I consider all of these amendments as I've moved them friendly amendments. Definitely friendly amendments. We have checked with the firefighters who have worked on this bill since day one. Two of the four, I might add – and I'll mention their names – Ken Block and Scott Wilcox, are lawyers in their own right as well as the counsel for the firefighters' association of Canada. We held quite a large conference call that went on for some period of time on Sunday morning.

We feel that by making these changes and putting this bill forward with these changes in it, we have indeed accomplished a very, very good bill on behalf of firefighters. The advantages to these amendments, quite honestly, give us more flexibility than, as an example, the Winnipeg legislation, and in point of fact when this bill passes and the regulations are written shortly after that, as opposed to Manitoba's five cancers in their legislation, we will indeed have seven. As I say, we've created more flexibility within the bill in order to add cancers to that.

With that, Mr. Chairman . . .

An Hon. Member: Let's vote.

Mr. Magnus: Somebody says: let's vote. I'd like to call the question. However, I won't. I'll give members an opportunity to speak. I'll lay those out on the floor, and we'll see how that goes.

Thanks so much.

The Deputy Chair: On the amendment, the hon. Member for Edmonton-Glengarry.

Mr. Bonner: Thank you very much, Mr. Chairman. It is a pleasure to rise this afternoon and speak on amendment A1 to Bill 202, and I would like to thank the hon. member for the great amount of dedication and commitment that he's shown towards a quick passing of this particular bill and, as well, for the great efforts not only on his behalf but the amount of consultation that took place with not only

himself but the firefighters, the minister and his department, and the WCB.

Certainly, the amendments that do appear, that they've worked so hard to come up with, are amendments that I would also encourage the House to accept. The thing that I do like about this is that we do have a number of cancers that have been identified. We do have the capacity in this legislation through regulation to make quick changes to future developments in this regard and in this line. I think that what it also shows, Mr. Chairman, is the fact that there are links here between workplace hazards and the development of disease. I think it's critical that when we have injured workers who do get industrial diseases, whether it be the firefighters or whoever else, we do, by way of study, look at this causation factor. It is critical. It is why we currently have a group of injured workers in this province who continue to this day to wait patiently for their outstanding claims to be heard and brought to some type of closure.

We also have to realize that particularly in a province such as Alberta, where we do have a major petrochemical industry, where certainly every safeguard is put in place and every possible procedure employed to protect our workers, they are going to from time to time develop some type of disease primarily because of the association of workplace hazards. So it is a very, very historic piece of legislation here in the province, and I think it is certainly the grass roots whereby we will be able to move forward with legislation in this province, that when there is a definite causation factor, when there is a link between that causation factor and the work that people are doing, injured workers can be dealt with in a very speedy manner.

I must say that this is a tremendous first step for a group of people who put their lives on the line. Since this legislation was introduced into this House, we've had two examples in this city alone where we've had major fires that they have responded to and not only have responded to but have been involved in very dangerous situations, and they have done themselves proud. They have served the public in an absolutely incredible manner.

So, as I said earlier, Mr. Chairman, I would certainly encourage all members of the House to support amendment A1. Thank you.

The Deputy Chair: The hon. Minister of Human Resources and Employment.

Mr. Dunford: Yes. Thank you, Mr. Chairman. I rise to speak in support of the amendments. Of course, it is very important to me that the work that's been done has allowed these amendments to come forward. If they are approved by the Legislative Assembly when it comes time to call the question and, of course, then become incorporated into Bill 202, then I'll be able to support Bill 202 at third reading.

I want to indicate my gratitude and compliments not only to the Member for Calgary-North Hill for bringing forward the bill and the friendly amendments but also to firefighters that have been involved in the discussions that we've had ongoing now for the past week, also to representatives of the Workers' Compensation Board. I had all of the aforementioned in my office last week, and we looked for a way in which we could accommodate some of the concerns that had been expressed by members, of course including myself, in this particular situation that we had in front of us. Really, what we were looking for was a way in which to show clear and unequivocal support to the firefighters.

Now, with the amendments that are in front of us, I think that we accomplish the goal of trying to overcome the major objections. While it is clear that there's still now a presumptiveness that's involved because we are putting the cancers first of all in the

regulations, which is very, very important because it, of course, is the government that will control the regulatory framework and the actual regulations that go in, I believe that there is a solid agreement here, while unwritten, between firefighters in Alberta and the Workers' Compensation Board of Alberta that the cancers to which the presumptiveness would apply will be based on science, and that is extremely important.

What we can't afford to have, in my view – and this has been a view since the early beginning – is any sort of automatic acceptance of a condition if there was fuzzy science or if there were more factors involved than science that were associated with the particular disability that was under discussion. That has now been achieved through the amendments that are being brought forward today and, of course, to a great extent reduces, then, the resistance that I was showing.

3:40

I thought it was wise on the part of the hon. member that the amendment, under “the Lieutenant Governor in Council,” instead of “may make regulations” asked for and received the accommodation that the act will say “shall.” This is extremely important in the sense that it removes any sort of feeling of mistrust that might be out there. I've found that one of the things that I've been fighting in this whole discussion around this isn't where WCB is today, but it's where WCB was 10 years ago. This is my opportunity now to talk about the WCB and how the new WCB is being reflected in these amendments, because again the very fact that they are friendly amendments coming from the member and the proposer of the bill is a clear indication that we're into some new, some more collaborative kinds of dealings now with WCB here in Alberta, and they're to be congratulated for that.

So with that, Mr. Chair, I want to just close by making a comment about the report on the so-called volunteers. I think it is incredibly important that we go through and look at the science and come back with a prepared report that would be brought here, into the Legislative Assembly.

Now, I know that in many cases ministers are supposed to play by the book and keep their personal feelings outside of some of the responsibilities that they have and the oaths that they took, but I want members to know that I have a personal involvement here in the fact that my brother is one of these so-called volunteers, and I know how hard through the years he has worked in that capacity fighting fires that arrive in his particular jurisdiction in southern Ontario. So it's with that feeling and with that need, I guess, to establish further science in this particular area that we're extremely pleased in how we've been able to deal with this situation. Of course, then, the science will stand, and any further additions to the regulation will then stand on that science and not on any other variable.

So today, I think, is a day that hon. members should be proud of. I think it's a day that firefighters here in Alberta can be happy about. I think it's a day where WCB has shown it's clearly involved in the new era. As the minister I want to thank all of those groups and will continue to support them as best I can.

The Deputy Chair: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Chairman. It's a pleasure to rise and present a few questions to the Assembly in regard to Bill 202. I apologize to the hon. Member for Calgary-North Hill; I was unable to hear his initial comments this afternoon. I understand from the hon. Minister of Human Resources and Employment that some volunteer firefighters are also going to be

covered under this bill as well as the municipally owned fire departments that have paid staff, from the firefighters to the fire chief.

Certainly, I am at first glance cautious of this amendment. When I look through the bill, if all the parties that were involved in this are satisfied with it, then that is fine, but I am very cautious when I deal with the WCB and the phrase “unless the contrary is proven.” That rings alarm bells with this hon. member because of my experiences with constituents and injured workers and the lengths, in my view, that the WCB process has gone to deny benefits to these individuals, and there is no doubt in my mind. I am disappointed that the list of cancers is being removed from statute and put in regulation.

Now, my questions – and, hopefully, they will be addressed during Committee of the Whole debate this afternoon, Mr. Chairman – in regard to these amendments are: when are these regulations going to be drafted, and are the regulations going to be drafted before the board conducts this research? If we're going to twin with the province of Manitoba and do this research together, well, that's fine. But when, precisely, are we going to be able to see these regulations? I think that whenever you remove something from statute and put it in regulations, one has to be very careful. If these regulations are going to be drafted, will they be tabled in the Assembly for all hon. members to have a look at before this bill passes third reading?

With those comments I, in conclusion, will await an answer from the hon. Member for Calgary-North Hill – and we will wait with cautious optimism – that this bill has not been watered down, Mr. Chairman, from its original intent. I understood from the hon. member that there was quite a consultation process on Sunday morning, and I'm very pleased to learn that the hon. member is working diligently on behalf of the province on a Sunday morning. I suppose it's the only time that firefighters would be available. They've been very busy the last couple of weeks – that's for sure – in this city at least, well, all across the province. Their commitment to public safety and fire protection certainly does not go unnoticed on this side of the Assembly.

So in regard to my questions, if in due course of debate we could have a response, I would be very grateful. Thank you.

The Deputy Chair: The hon. Minister of Finance.

3:50

Mrs. Nelson: Thank you very much, Mr. Chairman. Again, I'd like to stand and speak in favour of the amendments that have been brought forward by the hon. Member for Calgary-North Hill. I know he has spent copious hours working with the appropriate parties to come forward with these amendments to streamline this bill and make it more comprehensive.

I'm particularly pleased that he has put the word “shall” in place of “may” under the regulation-making process by the Lieutenant Governor in Council. I think that is fundamentally important so that the government is directly held responsible for the process and the regulations that are going to be covered under the primary-site cancer and the period of employment regulation process that will be following on the regulations side.

When I spoke on this bill in second reading, I truly believed that we depend so much on firefighters to save us and to help us, and that's never been so evident as it was the last couple of weeks, again in the city of Edmonton, where we watched one day an apartment building burn and firefighters trapped for a time, a very scary time frame. Without hesitation they were in there to save lives and property and return the community as near to its original state as possible. To have a worry such as this burdening them is really not right morally or ethically, and for us to take that burden away by

assuring them that we will put a safeguard in place that protects not only them but their families is the least we can do when they do so much for us. So I am very, very pleased to be able to stand and support these amendments and this bill. The sooner we do this, the better.

Like – and I’m almost frightened to say – the Member for Edmonton-Gold Bar, I hope the regulation goes through speedily and without hesitation, because it is important that this come to a conclusion. I don’t often agree with a Liberal suggestion. It’s something I don’t do, but in this particular case . . .

Mr. Mason: What about the stability fund?

Mrs. Nelson: Not you. No, no, not the New Democrats. That’s stretching it. With the Liberals.

I do agree, Mr. Chairman, with this recommendation as I think it’s urgent that this proceed. I want to say that I, like a number of members of this Legislature, have been cautious and somewhat suspicious of the good intentions of the WCB over the years of dealing with injured workers in our constituencies, and I’m very much encouraged by the change that I have seen of late. I think this is a good signal to send, that there’s change afoot and that the credibility for us, dealing with injured workers and people in distress, is being restored to a position that was really the intent of WCB, and that was to be able to provide protection for the worker in the event of an unforeseen accident. God willing, that doesn’t happen, but if it does, they are looked after and their families are looked after. Their acceptance of these amendments and this regulation process, I think, is a good signal that they are now getting back on the right track, and I hope it continues. So I would encourage them to do that, and through the Minister of HR and E we will send that message. I think it will be a good one, coming from this Legislature.

So I would encourage, Mr. Chairman, all members to support this amendment. Let’s get this bill passed, get the regulations in place, and protect as best we can our firefighters, as they do us.

Thank you.

The Deputy Chair: The hon. Member for Edmonton-Highlands.

Mr. Mason: Thank you very much, Mr. Chairman. I’d like to briefly speak to the amendments to Bill 202. First of all, I’d like to begin by congratulating the hon. Member for Calgary-North Hill for his work on this bill on behalf of firefighters. I know that there were last-minute discussions around these amendments with firefighters, and that must have indeed stretched people’s busy schedules to the limit, with the two major fires that we’ve seen in Edmonton. Clearly, between putting out fires, the firefighters have managed to put out other fires by working with the hon. member on these amendments. I was pleased, as well, to hear the comments of the minister with respect to these amendments. So it looks like we have a compromise in the works, and that is a very good thing.

There are some aspects to this that I think bear some discussion, but first of all I want to indicate that I believe that this is a very good approach. I know the concern has been that this approach could be extended to other groups. Well, frankly speaking, I think this approach should be extended to other groups but would remind people who are concerned about that that in every respect the Legislature can make a decision on a case-by-case basis, or in cases where the cabinet is allowed to make regulations, they may on a case-by-case basis make a decision on extending this on the merits of each case.

Shifting the burden of proof onto the WCB is a very positive step.

Instead of asking a firefighter who has been diagnosed with one of six types of cancer to prove a link between their occupation and illness, the link will be assumed, and the responsibility will be upon the employer or the WCB to disprove the link. I think this is well backed up by the literature that exists, the medical research that exists with respect to these kinds of cancer. This is clearly modeled on the Manitoba legislation; that province passed a similar act last year. There are 20 U.S. states, Mr. Chairman, who have similar legislation.

Mr. Chairman, firefighters by the nature of their job must put themselves into dangerous situations. Unlike other occupations, firefighters cannot refuse to enter these situations, and as a result they do suffer higher rates of illness directly related to their employment. I think that if similar occupations can be directly linked to cancer of various types or some other types of illness, then presumptive legislation may well be warranted in that case as well.

There are a number of types of toxins that contribute to these types of cancer: acrolein, acrylonitrile, asbestos, benzene, chloroform, diesel exhaust, hydrogen chloride, halons, formaldehyde, hydrogen cyanide, nitrogen dioxide, polycyclic aromatic hydrocarbons, vinyl chloride, and soots of various kinds. Firefighters face a 50 percent increase in the risk of colon cancer, and that number jumps to 68 percent in firefighters employed 20 years or more. There’s a 30 to 50 percent increase in the risk of prostate cancer among firefighters. So, clearly, the situation we’ve had up until now, with firefighters suffering these illnesses that were clearly caused as a result of their profession having to go and appeal and fight the WCB in order to get compensation, must end, and this bill will go a great way toward ending that.

I just want to indicate, Mr. Chairman, that I have some concerns about shifting to the cabinet the decision-making around which types of illnesses are covered. I understand that there needs to be some flexibility. I recognize that this may well have been a compromise that was reached in order to secure support for the bill, and I take some comfort in the fact that the amendment says that “the Lieutenant Governor in Council shall make regulations,” not “may,” and I think that indicates that it’s probably acceptable.

So, Mr. Chairman, in conclusion, I will support the four amendments as I see them to be essential to the passage of the bill. Quite frankly, I see the passage of the bill to be essential for the workers of this province. It’s a significant step forward. I think it’s a recognition that firefighters have risks, not just their immediate risk, as we saw with five firefighters recently being trapped in the fire very near to this place. Fortunately they were rescued. Those are the kinds of day-to-day immediate and direct threats that firefighters face in their work, and they can never be underestimated. Neither can we underestimate the long-term environmental impact on the health of firefighters of that very hazardous work.

4:00

I think this bill is, in fact, good recognition of that fact and a very progressive step forward for Alberta, which has not often led the pack when it comes to progressive legislation on behalf of workers. I would take my hat off to the hon. Member for Calgary-North Hill for this bill and urge that it be given all-party support in entering into the statutes of this province. With that, Mr. Chairman, I will take my seat. Thank you.

The Deputy Chair: The hon. Member for Redwater, followed by the hon. Member for Edmonton-Mill Woods.

Mr. Broda: Thank you, Mr. Chairman. It’s my pleasure to rise today in committee to discuss Bill 202, Worker’s Compensation

(Firefighters) Amendment Act, 2003, as sponsored by my colleague from Calgary-North Hill. I had a whole bunch of notes that I was going to go through prior to this amendment that came out, and I'm very pleased to see the amendment changes that have occurred but also to have the ministry as well as the Worker's Comp and the firefighters and the Member for Calgary-North Hill work diligently on the weekend to come to some resolution. I think that by working together, we can see what kinds of accomplishments can be made.

I think it should be noted that it's important that we see in the amendment to Bill 202 that the Lieutenant Governor in Council shall do things that are there. Rather than having it in the bill itself, it'll be in the amendments. Important to note that if it stayed in the bill, every time we wanted some cancers added to the list, the whole act would have to be reopened. By including it in regulations, now the Lieutenant Governor in Council can do that.

As a member of a rural constituency I was pleased to hear the comments made by the minister on volunteer firefighters because in rural Alberta we only have volunteer firefighters, or at least in my constituency, anyhow, I don't have any paid fire-fighting departments. I'm going to relate to the fires in Redwater the last couple of years, the dangers that these volunteers go into. The last fire I recall, they went into a fire that happened to be in a country residential area not knowing what might be stored in the back of the back 40, if you want to say. We had propane tanks blowing up. Because one fellow had about 10 or 15 or 30 cars in the back 40, there were gas tanks exploding, all kinds of carcinogenic possibilities there. These firefighters as volunteers and also the ones in the urban centres are not sure. They cannot pick and choose which fire they're going to go to.

So I think this is commendable to have the Member for Calgary-North Hill bring this bill. I think it's due time that it be introduced, and with the amendments I think we have a bill that is full and complete. Certainly, I would encourage all our members on all sides – and I think we've heard that – to accept this bill and vote in favour of it.

With that, Mr. Chair, I will take my seat. I just wanted to bring those points out. I'm pleased to see that there are also possibilities for volunteer firefighters, as the minister has indicated, after a study is done. I understand that Manitoba would be doing a study, Alberta would be. By doing it jointly, we don't have to duplicate the system.

I'm very pleased on behalf of rural Alberta firefighters who are volunteers or urban firefighters as well. I commend all these gentlemen for a job well done, and when I say gentlemen, we have a lot of women firefighters that are volunteers in rural Alberta. In Redwater itself I think it's probably about a 60-40 split female/male. They're all volunteers, and when I say volunteers, that doesn't mean businesspeople. It means people from our schools. There were so many of our high schools kids in the Redwater fire that took time off, but they also graduated with honours this past year. They not only fought for the community, but they also did their studies, so I've got to commend them for that.

Thank you, Mr. Chair.

The Deputy Chair: The hon. Member for Edmonton-Mill Woods, followed by the hon. Member for Calgary-Egmont.

Dr. Massey: Thank you, Mr. Chairman. I'd like to make a couple of comments. I won't repeat what I said at second reading, and I will support the amendment, but it's not without reservations. I'm very leery of regulations and regulation-making and, I think, with good cause. When we passed the bill in the House that allowed for the energy rebates, we didn't have the regulations in front of us or even the draft regulations at that time, and that's come back to haunt us.

No one knew at the time that the rebates were going to be dependent upon a year-long averaging, and that's made a tremendous difference in the lives of Albertans, who expected that that legislation would protect them from rising energy prices. So I have a deep-seated suspicion of leaving things to regulations.

Now, we've been assured that that's not going to be the case here, that the regulations will in fact include what's been taken out of the bill. But, again, regulations are much more easily changed, and they can be changed without coming before this Assembly. I think that it's something that's going to bear watching, and it's obviously been a compromise for some reason. The reason we've been given is that it allows more readily for other cancers to be added to it, but it allows for things to be taken away more readily too.

It's with that caution that I will support the amendment, Mr. Chairman.

The Deputy Chair: The hon. Member for Calgary-Egmont, followed by the hon. Member for Edmonton-Gold Bar.

Mr. Herard: Well, thank you very much, Mr. Chairman. I'm pleased to rise and stand in support of the amendments. The mover might be a little surprised because I was one of those who did not vote in favour of the bill in second reading. I've never in 10 years voted against principles that I believe in, and I wasn't going to start on that one.

I had a couple of reasons for not voting for it, and one of them is that as a matter of principle I don't think that politicians should be making medical decisions. I mean, we only have one medical doctor in the entire caucus, and I think he would probably have some difficulty trying to prove scientifically whether or not this should be done. I'm really pleased, though, with the amendments to the bill because now it takes it out of the realm of politicians enshrining something in legislation that is essentially based on some medical evidence somewhere and then putting it in regulation based on scientific proof. That's the key.

The second reason that I didn't vote for it is because I've been involved in trying to reform the WCB now for 10 years. At one point I tried to bring a private member's bill, much like you did, hon. member, and it was on medical panels. I think we ended up hoisting that bill; it seems so long ago now. In the meantime, we did convince the current minister responsible for the legislation to do a review, and I was honoured to be on both committees. Like the Provincial Treasurer said earlier, I'm impressed with the changes that I've seen with respect to the WCB.

4:10

One thing in particular. You probably are all familiar with Dr. Ohlhauser, the former registrar of the College of Physicians and Surgeons. Now, he's the person that the WCB put in place to put together medical panels, and I have a great deal of time for that man, and I've found him to be extremely honest in all of his dealings in the past. I know that he's doing the best that he can to ensure that the medical panels operate the way they should have always operated. One of these medical panels will probably at some time in the future look at whether or not a particular cancer or occupational disease should be included in regulation.

So given that the legislation is now changed and I think has been improved, as the hon. member said in his remarks, I'm going to be very pleased to support this bill. Thank you very much.

The Deputy Chair: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you very much, Mr. Chairman. At

this time I have one additional concern and comment and question that I would like to get on the record, and perhaps the hon. Member for Calgary-North Hill can provide an answer this afternoon, hopefully. We have changed the original Bill 202 with this amendment, and I see that now we strike out subsection (2) and substitute the following.

If a worker who is or has been a firefighter suffers an injury that is a primary site cancer of a type specified in the regulations, the injury shall be presumed to be an occupational disease, the dominant cause of which is the employment as a firefighter, unless the contrary is proven.

Now, the original definition of firefighter at 24.1(1)(a):

... an employee, including officers and technicians, employed by a municipality or Metis settlement and assigned exclusively to fire protection and fire prevention duties notwithstanding that those duties may include the performance of ambulance or rescue services.

In light of those two definitions, what does that mean for firefighters that are employed in large industrial complexes? For instance, we could pick an oil refinery where there are individuals with 30- and 35- and 40-year careers. They may be there for two or three years, and they're part of the fire-fighting team. They're very well trained; they're very well schooled. It is amazing how quickly those individuals can get a fire under control, and speed is of the essence whenever you're dealing with, let's say, a refinery fire. Or let's even go further, and we can go to Fort Saskatchewan and talk about Dow Chemical or any of the industrial complexes there or Fort McMurray, where these individuals are doing this over the span of their careers, which could be 30 years. Where do they fit in this bill? What does Bill 202 do for them?

In conclusion, Mr. Chairman, I would have to ask the hon. Member for Calgary-North Hill: what does this bill mean for firefighters that are employed in large industrial complexes? They're employed there for a long period of time, and they have other duties, but in case there's an emergency, they drop whatever they're doing and head to the firehouse. The Member for Edmonton-Highlands was talking about exposure to benzene and toluene and all these lovely complex chemicals that are known to be carcinogenic.

Thank you, Mr. Chairman, for this opportunity to ask that question.

Mr. Magnus: Mr. Chairman, just to answer some of the questions that have come forward at this point in time. I don't believe that I'm limiting debate. I believe I have the right to get up more than once. Is that correct?

Regs to be drafted was asked right off the bat. I can't remember who on that side asked about it. The bottom line is we already pretty much have them on a piece of paper. The unfortunate part is that we can't really start writing the regs till we have a reason to do it. The reason is within the bill. Let me put it this way. I had a very short conversation with the minister. I said: is it a matter of a couple of months or a couple of weeks? He suggested that a couple of days is the answer. That should pretty much answer that. We'll have them very, very rapidly. It's not that complicated. We're going to have seven cancers on the regulatory sheet. It's going to be there, and we'll have it very, very soon.

As far as the regs – and somebody had talked about within the original bill and the fact that we changed the word “may” to “shall.” The reason for that – and I think the minister did express that fairly clearly. For those who might have missed it, the concern was that by leaving “may” in there, there was a possibility of somebody else changing those regulations. We didn't want that. We wanted Executive Council – in other words, the legislative body – to be responsible for putting these in or out, and that's exactly what we've

done. This was one of the key sticking points for us over the weekend, and frankly the firefighters and myself are extremely pleased to have that in there because it simply defines who's going to be doing that.

As far as the concerns on volunteers, now I've certainly had a lot of comments about this. I've had probably a half a dozen volunteers call me. This bill is for full-time urban firefighters and asking for a study about volunteer and other firefighters. The moral of the story is that I have a brother-in-law who works at Dow Chemical. He's been there for over 20 years. He's actually an ex city of Edmonton firefighter from fire hall 1, and for a variety of reasons he went to Dow and went into private industry. I understand what the Member for Edmonton-Highlands had to say earlier about the benzene. I mean, we all know that benzene comes out of virtually everything that burns. It's the most carcinogenic substance known to man. But, at the end of the day, my brother-in-law, the guy who works at Dow Chemical, frankly, has not actively fought a fire since he left the municipal fire department; that is, Edmonton's fire department.

So I understand where the member is coming from. I'd love to cover every firefighter I can think about, but there's a difference between a full-time urban firefighter who is actively going out there as opposed to a fellow who works as a fire prevention specialist, shall we say. It's going to be an interesting question, to the member opposite, if, in fact, it's challenged in that sense, because frankly there are possibilities. There's another possibility of a full-time fire chief, as an example, in a volunteer fire department. There will be interesting rulings. I believe they'd be covered.

Thank you.

The Deputy Chair: The hon. Member for Airdrie-Rocky View.

Ms Haley: Thank you very much, Mr. Chairman. It's my pleasure today to be able to rise in the House and share my thoughts on Bill 202, the Workers' Compensation (Firefighters) Amendment Act, 2003. This bill, as you know, deals with the ability of firefighters to receive presumptive coverage for certain forms of cancer, and I'd like to thank my colleague the Member for Calgary-North Hill for bringing this bill before the House, for the tremendous amount of work that he's done to bring it this far, as well as to thank my Minister of Human Resources and Employment along with the Member for Calgary-North Hill for working together with the firemen and the WCB on creating the amendments. As anybody will tell you, I don't like to see divisions in my own caucus, and there were some pretty heated debates on this bill and not because anybody didn't support firemen but, rather, because changes to the WCB are extremely important, that we still have an arm's-length relationship with them. I'm very grateful to both of them for the tremendous amount of work they did to bring these amendments forward.

[Mr. Lougheed in the chair]

As mentioned already, Mr. Chairman, by a number of my colleagues, primary site brain cancer, primary site bladder and kidney cancer, non-Hodgkin's lymphatic cancer, leukemia, and primary site colon cancer have been shown to occur more frequently within the fire-fighting community due to their increased exposure to carcinogens and other toxic substances. Under current guidelines a firefighter may receive workers' benefit coverage; however, he or she must first prove that the specific cancer has occurred as a direct result of their exposure in the line of duty. Under Bill 202 a firefighter diagnosed with any of the cancers I've just listed would receive presumptive status as long as years of service restrictions had

been met. These limitations would be specified for each of the cancers, and this is also contingent on whether the cancer was found during the initial medical examination.

Providing firefighters with presumptive coverage for certain forms of cancers is absolutely necessary, Mr. Chairman. We rely on them to put themselves in harm's way, and we cannot ask them to run into a burning building filled with toxic smoke and then tell them that they have to prove that the cancer they had been diagnosed with had something to do with their lifestyle. We need to keep in mind that firefighters cannot wait for a building to burn out so that the risk is eliminated, and firefighters cannot refuse to do their job due to unsafe working conditions. They are the only group of workers – well, one of them; I am sure the military is also another group, but this is the main group of people where that is the case. In other words, the risk of exposure to cancer-causing elements is built into their job.

Bill 202 aims to change the status quo and give firefighters the benefit of the doubt when dealing with select types of cancer. To be more specific, it deals with cancers that have been linked to the conditions present in their line of work. This, Mr. Chairman, would leave sick firefighters with one less battle to fight while dealing with this terrible disease.

I also believe that the amendments proposed today should allow for a flexible way of adding cancers to the list once a link to the fire-fighting occupation is established, and I understand that, in fact, we've gone from six to seven cancers already. That's why I believe that we should take the actual list of cancers out of the legislation and include them in the regulations. It makes it easier to add additional cancers to that list if it's found necessary, and we wouldn't have to introduce future amendments to this legislation.

4:20

The other amendment that I totally appreciate is that it eliminates retroactivity from the bill, and it's been a long-standing practice of the Legislature not to include retroactivity in any of its legislation. In fact, some of the toughest debates we've had in caucus have been about whether or not there should be retroactivity on any piece of government legislation or a private member's bill. The WCB has been effective in resolving the outstanding claims, and the need for the retroactivity clause is no longer there.

The other amendment proposed today was the change in section 2(6) so that the WCB is required to prepare a report on the state of the current research rather than conduct research, and I agree with the Member for Calgary-North Hill that there's absolutely no point in everybody doing identical research no matter which province in Canada they're in, so I'm very grateful. If we can follow along with what Manitoba or other provinces that are looking at this are doing, then we all benefit from that.

With the amendments properly reflected in Bill 202, I would like to encourage all of my colleagues, including the ones that were having such tremendous difficulty with this last time, to support this important piece of legislation, and once again, Mr. Chairman, I appreciate the opportunity to get my voice on the record with this bill. I didn't have a chance in second reading, so I'm very grateful for the opportunity now. Also, on a concluding note, like every member of this Assembly I have nothing but the greatest respect for the people who serve as firemen in our province. I'm very grateful that they're here able to observe this debate today, and I wish them all the very best.

Thank you, Mr. Chairman.

The Acting Chair: Thank you.

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

Mr. Marz: Thank you, Mr. Chairman. It's a pleasure to rise and speak on the amendments to Bill 202 today. I've a few short comments to make, but before I do, I'd like to also welcome the members of the various fire-fighting departments in the members' gallery today. My late brother-in-law was a captain with the Calgary city police force, and through our discussions over the years on some of the stories he related to me, I believe he gave me a little bit of insight of the dangers that people in various fire-fighting departments, especially major city fire departments, face on a daily basis. I'd also like to commend the Member for Calgary-North Hill for the work he's done not only on the bill, which I believe to be a good bill, but on the work he's done over the weekend in addressing the various concerns brought up during second reading and working very hard to make a good bill even better.

One of the things that I'm quite comfortable with is in amendment (4), changing "may" to "shall" and including those primary site cancers in the regulations. I don't think that there should be any fears by anyone that there's any room for jockeying things around because it refers to subsection (4), that "The Lieutenant Governor in Council shall make regulations" designating primary site cancers with presumption in subsection (2), and subsection (2) clearly outlines those six cancers very clearly. I'm sure everyone will expect to see that in those regulations.

The other thing that it makes happen is prescribing the employment periods; instead of may happen, that now shall happen, so I think that's a very good thing.

[Mr. Shariff in the chair]

One thing I do have a concern with in reviewing it after my comments in second reading – I didn't mention it before, and it was brought up by other members – is the exclusion of casual or part-time firefighters. I'm pleased to see there's an opportunity for that to be addressed in the future in section (6) of the amendment.

One question I guess I would have for the Member for Calgary-North Hill – and he may have addressed it, but I may have missed it, but perhaps in his closing comments he could address it – is: why three years? How did he arrive at three years before submitting a report to the minister on the research results regarding the industries? I'd be looking forward to why that is, why it couldn't be a shorter period of time, or why it has to be three years.

That's the only question I have, Mr. Chairman. As I said before, I believe these amendments make a good bill even better, and I would urge everyone in the House to support it. Thank you.

The Deputy Chair: The hon. Member for Calgary-Fort.

Mr. Cao: Thank you, Mr. Chairman. Let me begin by saying that I'm very pleased to have the opportunity to rise this afternoon and speak in support of Bill 202. Since the time of debate on Bill 202 I have had an opportunity to reflect at length on this bill and, I would say, what it means for our firefighters and for Alberta. During this reflection it occurred to me how many similarities and touching points there are between the firefighters, on one hand, and a group of professionals whose job is to protect the rest of us. Take soldiers for an example. This is perhaps a particularly useful comparison in light of the events of the last 18 months and also because the future looks no less uncertain. I think it's a fair assumption to say that more than anything men and women of our armed forces are motivated by the deeply felt desire to be of service to our country, to our fellow citizens. They sign up for military duty knowing that under most circumstances their time in service will be calm and quiet. Ordinarily, the biggest upheavals they face are the ardors of

boot camp or perhaps the discomforts imposed by lengthy field manoeuvres. They also know, however, that they can be called upon to enter into situations where dangers abound and where there is a real possibility that they may meet their Maker.

Having said that, Mr. Chairman, we know that our soldiers are willing to make the ultimate sacrifice for the benefit of the rest of us. In fact, we count on them to be willing to make this sacrifice. We make that assumption. If you want to be a soldier, you should also know that in the event of a severe situation, you may lose your life. In the last few years there's been an occasional outcry at how poorly compensated our soldiers are. These concerns have revolved around one or two main issues. On one hand, it has been shown that in comparison to soldiers of other countries our Canadian soldiers are, quite frankly, underpaid. Headlines were made when it was revealed how some soldiers and their families live in poor conditions. The other issue that gave rise to this concern was that here we have Canada's soldiers, men and women, who are willing to die for our country and we don't offer them sufficient compensation. When you put your life on the line for the rest of us, most of us think it's okay that you get a little extra than others. In fact, it's more than okay. It's appropriate. It is the right thing to do.

Mr. Chairman, I could even go as far as to say that society has a moral duty to protect those who protect the rest of us. This is what Bill 202 does for our province's firefighters. It offers them and their families some added protection in what is, in all likelihood, the worst possible time of their lives. Those of us here today who have not had a family member or friend battle cancer are very fortunate. It seems that so many people in all walks of life are diagnosed with cancer these days. However, if we think we have it bad, we should consider ourselves so lucky that we are not firefighters. Recently the statistics indicate that the risk of firefighters contracting cancer is between 200 and 300 percent higher than that of the rest of the population. Too much of a price to pay for being a protector of the rest of us, you say, and I say: you bet it is.

4:30

Mr. Chairman, I'm very pleased that section 2 of the bill specifies that a regulation will be developed to include the list of the cancers currently known and as they are discovered relating to fire-fighting work. There are six types of cancer that available medical evidence shows firefighters develop at much higher rates than the rest of the population. These inflated rates are due in large part to occupational hazards. I don't suppose we should be overly surprised that this is so. The rest of us generally stay away from toxic fumes and scorching fires. We have a choice in that regard, and the firefighters do not. There were a number of major industrial fires in my constituency in the last few years. In a firefighter's workplace the work environment is uncontrolled. Not only do the firefighters not have the right to refuse unsafe work. They also have absolutely no control over a range of concerns including but certainly not limited to air quality, toxic gases emitted from the fire, work area temperature up to a thousand degrees Fahrenheit, zero or near zero visibility, not to mention structural instability.

To expand briefly on just one of these points, today firefighters are routinely exposed to toxins such as carbon monoxide, asbestos, benzene, chloroform, formaldehyde, halons, hydrogen cyanide, hydrogen chloride, and nitrogen dioxide, just to mention a few. As if that isn't enough, Mr. Chairman, at the scene of a fire a firefighter will encounter not just one but many toxic gases. Not surprisingly, they don't come neatly in a compartmentalized fashion. Rather, they're encountering toxins not just one at a time, but it contains a mixture of toxins. However, when we look at the situation, it's interesting that it's not one plus one equals two. It's not that two

plus three equals five. The mixture together is a composition of toxins that we may not know the toxicity of.

I'm also very pleased to see that in section 2 there is an amendment that indicates scientific and evidence-based reports on the cause and effect of the concerns and also relating to fire-fighting work. Firefighters know the dangers of their job. They know that each and every time they enter the scene of a fire, there is a possibility that they may not come out. I also see that with the science-based and the evidence-based reporting, it removes the emotional and subjective views of the situation.

In recent years firefighters also had to recognize that some of the danger that they face is not immediate. Unlike the building that collapsed or whose impact it is on – they feel it right away – this toxic substance which the firefighters are exposed to lies dormant for many years. Just like the killer that cancer is, so are these toxins working away quietly, doing what they do best, killing by stealth and in slow motion. Mr. Chairman, there are times when people spend years dying. When death finally arrives, it is merely the grim confirmation that has been known for a long time.

Turning attention again to section 2, there is a mandate that if a firefighter is diagnosed as having one of the six aforementioned, hopefully developed in the regulation, that I quoted in my previous debate, "the injury shall be presumed to be an occupational disease, the dominant cause of which is the employment as a firefighter, unless the contrary is proven." By enshrining the presumptive status in the law, we will take a huge burden off the backs of firefighters who find themselves stricken by one of these cancers. In cases like this, it is only right and proper for some firefighters to do the best . . . [Mr. Cao's speaking time expired]

Thank you very much.

The Deputy Chair: The time allocated has elapsed. However, since we are in committee, the chair is willing to recognize you again if you wish to complete your comments.

The hon. Member for Calgary-Bow.

Ms DeLong: Thank you, Mr. Chairman. You don't have to bother timing me, because I'm only going to take a few minutes. I'd like to take this opportunity just to discuss a few points regarding Bill 202, which is the WCB firefighters bill. Firefighters have always been the good guys to us. You know, little boys want to be firefighters when they grow up.

Mrs. Forsyth: And little girls.

Ms DeLong: And there are some little girls who also want to be firefighters when they grow up.

They've always been the good guys. In front of my house I've got a river which becomes very dangerous in the spring, and twice I've seen firefighters go out and risk their lives on the ice to rescue. Once there were two little girls out there. Another time there was a young man who had lost his strength from the cold water. Both times they went out and saved them. Of course, we always admire them, but then 9-11 came along, and it sort of moved up several notches in that they aren't just the good guys, but they're our heroes. They're the guys who went in there, and they're the front line now for terrorist attacks. So I'm very thankful for this opportunity to be able to support them now.

I have to thank the MLA for Calgary-North Hill and the Minister of Human Resources and Employment for coming up with this amendment, because I do very much want to support the firefighters. Since you have now moved the cancers into the regulations and we do have the assurance that these regulations are going to be based on

solid science, I'm very glad that I am now in a position where I can support our heroes and support the firemen.

Thank you very much.

The Deputy Chair: The hon. Member for Red Deer-North.

Mrs. Jablonski: Thank you, Mr. Chairman. It's an honour to join the debate on Bill 202, the Workers' Compensation (Firefighters) Amendment Act, 2003, sponsored by the hon. Member for Calgary-North Hill. I believe that many of us have seen the print that illustrates a tired firefighter bent over, resting on a stool with two angels, one on either side of him, resting their heads on his knees, entitled *Tired Angels*. They say that a picture is worth a thousand words, and this print is certainly worth at least that many words plus a thousand tears.

4:40

As has been stated, Bill 202 would amend the Workers' Compensation Act to ensure that the six recognized firefighter cancers have presumptive status for any firefighter wishing to receive workers' compensation benefits due to the contraction of these cancers. There are approximately 2,500 full-time firefighters in the province of Alberta as well as 8,500 part-time and volunteer personnel, who put their lives on the line in order to save another life, and for this they should be acknowledged.

There have been some important points raised in opposition to Bill 202 that need to be clarified. The first point that needs to be addressed is the notion of retroactivity status. As we have heard from the sponsor, Bill 202 has been modified to reflect a nonretroactive clause in its wording. The retroactivity clause in Bill 202, Mr. Chairman, has created some conflict with those in disagreement with the bill. Initially, this retroactive provision would have allowed presumptive benefits to any firefighter who made a claim for any of the listed six cancers to the Workers' Compensation Board since 1992.

Mr. Chairman, Bill 202 has particularly been described as more of an emotional issue than a substantive issue. I believe that the proof from the statistics provided in the preceding and following speeches will dissuade that thinking. Bill 202 speaks to a point of unbiased medical and scientific proof that shows that firefighters alone are more susceptible to these six cancers and that they should be taken care of.

Another cancer that has not been discussed but has been linked though not officially listed among the six known firefighter cancers is testicular cancer. It is acknowledged that male firefighters may be more than four times more likely to develop testicular cancer than men in the general population according to the results of a German study. This type of cancer is rare, but it's the most common cancer in men aged 15 to 40. Although this association between fire fighting and testicular cancer is based on only a small number of exposed subjects, the findings are consistent with a recent cohort study from New Zealand. This New Zealand study found a threefold increase in the risk of testicular cancer among firefighters. These findings were published in this month's issue of the *American Journal of Industrial Medicine*.

Mr. Chairman, the reasoning behind such an association remains unclear, but there is a general consensus among medical experts that because firefighters are exposed to a number of potentially cancer-causing substances in smoke, soot, and the combustion products of burning synthetic materials, they are more prone to develop cancer. Again, this demonstrates that firefighters are susceptible to many risks and, therefore, should be compensated.

Another point that has been raised by those opposed to Bill 202 is

what I call the floodgate factor. Opponents will argue that by giving firefighters presumptive status to claim WCB benefits after contracting cancer on the job, this will open the floodgates, so to speak, to other groups in the manual labour force that work with chemicals classed as carcinogenic. Every worker from the waitress at the local diner to the body man at the local body shop will be attempting to claim the same status as a firefighter. The reality of this situation, Mr. Chairman, is that these claims will come before the WCB regardless of whether Bill 202 is passed into law.

As of this current date there is only one outstanding presumptive claim submitted on behalf of an Alberta firefighter to the WCB requesting benefits due to a cancer illness. The point here, Mr. Chairman, is that with the passage of this legislation it should not be expected that the WCB will see an overwhelming number of claims made from a variety of industries and professions, all claiming to have contracted cancer while on the job. Opponents have made statements that other industries and vocations could claim a link to their work environment and cancer. The hole in this argument is that major medical studies over the past 50 years and especially over the past 10 years have demonstrated a direct link between the occupation of fire fighting and the six deadly cancers.

As firefighters are the only group of workers who cannot refuse to work due to unsafe working conditions and given that their jobs exist for no other reason than to ensure the safety of Albertans, we owe it to them to provide benefits when doing their job puts them in contact with cancer. Firefighters should not have to fight the system when they should be fighting this horrific disease.

There have been other questions and concerns posed to this Assembly by those who are in disagreement with Bill 202, and one of these questions involves effective ways in which the government and the Workers' Compensation Board can work together to help prevent cancer cases within the firefighting community. One very significant way in which both parties can work to prevent cancer cases, Mr. Chairman, is ensuring that firefighters have the most current and up-to-date breathing equipment available. A self-contained breathing apparatus is probably the single most important piece of safety equipment used by a firefighter. Every time a self-contained breathing apparatus is worn in a contaminated atmosphere, it is protecting the health and safety of the individual firefighter wearing it. For about 25 years firefighters have used self-contained breathing apparatus, the firefighters' equivalent to scuba gear. A hose from an air tank feeds a mask that covers the firefighter's face. This system creates positive pressure, that makes sure that leaks flow out of the mask.

A report in 1994 sponsored by the Ontario Industrial Disease Standards Panel stated that although a standard firefighter's tank contains about 30 minutes of air, the tank is actually effective for only about 15 minutes. There are several reasons for this. A firefighter must allow 10 minutes to leave a burning structure so the breathing tank can be replaced. Firefighters have made comments that under strenuous conditions this type of breathing apparatus is hot, heavy, and very cumbersome. Third, firefighters have also remarked that it's hard to breathe once the tank has reached 30 percent capacity. This means that firefighters often remove their breathing apparatus as soon as the worst is over. It is then that they are most exposed to dangerous chemicals at the fire site. Mr. Chairman, I believe that providing firefighters with the most current and up-to-date breathing equipment available is paramount in helping to improve the health and well-being of our provincial firefighters.

In closing, Mr. Chairman, I would like to stress my agreement with the proposed legislation in Bill 202. I am certain that every member of this Assembly would agree that firefighters are indeed

true heroes in this world. They play a large role in keeping our communities and neighbourhoods safe. In light of this and based on the medical statistics backing this bill, I suggest that my colleagues move to accept Bill 202 and give a presumptive rest to this final fight that some firefighters may be forced to face.

Thank you.

The Deputy Chair: The hon. Member for Little Bow.

Mr. McFarland: Thank you, Mr. Chairman. At second reading I wanted to put a few comments on the record, but I was unable to. We ran out of time. Yes, I was one of the MLAs who voted against this bill at second reading, and I did it for a reason that I discussed with a couple of paramedics from the Lethbridge fire department who were up here later that day. The rationale I gave to them was that although I didn't disagree with the intent of the legislation, I am not a big fan of legislation. I would rather have seen this addressed through changes to the workers' compensation policy or changes to regulation. To some degree I am still convinced that that's a better way to go simply because regulations can be changed much quicker than legislation, and if there is good intent on both sides, we could accomplish the same thing.

Having said that, I must and want to compliment the Minister of Human Resources and Employment and the Member for Calgary-North Hill for coming up with a solution that appears, on the surface, to satisfy most of the parties involved. For that reason, I would like to support it. I do want it on the record, though, that I still have a concern that there may be some jobs or some occupations who may not even have access to similar policy or regulatory areas under the Workers' Compensation Board, and I had made the point with Wayne and Brad, who are paramedics in Lethbridge, that it would be unfair, in my mind, to have, for instance, a paramedic working out of a fire hall treated differently or through different legislation than the firefighter who is working out of the same fire hall. Granted, we're talking about cancers that were unfortunately gotten by some of the firefighters as opposed to maybe HIV or AIDS, that might be transferred through a blood transfusion at the scene of an accident. That was the point. It wasn't to put down the fire-fighting profession at all. It was simply to try to make sure that we had equitable legislation for everyone regardless of any traumatic or unfortunate incident which might result in a terminal disease.

So I do again congratulate the two parties involved for coming together, Mr. Chairman, with a most reasonable solution, and I appreciate the opportunity to put the thoughts on record.

4:50

The Deputy Chair: The hon. Member for Calgary-Mountain View.

Mr. Hlady: Well, thank you, Mr. Chairman. I'm glad to have a chance to speak to this in committee, as well. I had hoped to speak at second reading and didn't have a chance to do that, so I do have some points I'll make about that.

First, I would like to speak in regard to these amendments, Mr. Chairman, the concept of moving some of the legislation into the regulation area. I think that's a wonderful thing that the Minister of Human Resources and Employment and the Member for Calgary North Hill have come up with. As the previous speaker from Little Bow said, it's nice to see that the two sides have really come together on this issue. It seems that all parties are very satisfied and that everyone seems quite interested in seeing this go forward, and it seems to have addressed all the outstanding issues that were out there. So I'm glad to see that that's happened.

Mr. Chairman, Bill 202 certainly is an amendment to the Workers'

Compensation Act that would designate the following cancers as occupational cancers for firefighters, as I'm sure has been mentioned already: brain cancer, bladder and kidney cancer, lymphatic cancer, leukemia, hemotopoietic, and colon cancer. If a firefighter should receive any one of these cancers, that were in section 2 but have now moved to regulations, given the particular amount of time that he or she has worked, he or she would now be receiving presumptive status for workers' compensation benefits. The time line for each cancer is set out by the Minister of Human Resources and Employment, so I think this is all going to work very effectively in the future.

Section 6 of Bill 202, Mr. Chairman, calls for a three-year study to be conducted by the WCB on cancer rates in volunteer firefighters. This is very important, because I think there is still a question out there today. This is going to depend on pure science, the pure science of what we're going to find out about cancer relating to firefighters, especially in volunteers, which is not known. Today most of the science is all around full-time, urban firefighters dealing with fires that are found in the cities versus what you're finding often in rural, which is somewhat different, as we understand today. I think the research will certainly show or prove one way or the other whether that is a need that needs to be met, but it will be based on science, so that's a very good thing.

Mr. Chairman, if the WCB wanted to avoid paying benefits, they would have to prove that the firefighters submitting the claim did not contract cancer due to the hazards of his or her employment. It certainly is a reversal, and I know that's a challenge on the WCB, but I think they're up to making that work, and I think that's what has been decided between the hon. member and the minister.

A little history, Mr. Chairman. The career firefighter is plagued with risks and hazards, some of which include exposure to highly carcinogenic substances that are released during fires. Past studies have shown a strong relationship between certain types of cancers and firefighters. The cancers covered by Bill 202 will currently help firefighters if they're diagnosed with cancer. It is up to him or her to submit a claim with the WCB and then prove that the contracted cancer was due to occupational hazards involved in fire fighting. So with this reversal now I think we'll see firefighters being dealt with in a very timely way and not having concerns as they go through the problems associated with the cancers.

Mr. Chairman, Manitoba is the only province or territory in Canada to provide presumptive status to firefighters who contract cancer. However, Manitoba did not give presumptive status for colon cancer, so this is something that we've seen and the science has proven and it's gone along, so we've added that into this legislation. Manitoba has placed restrictions on the minimum amount of time a claimant must have worked as a firefighter to be approved. These restrictions are as follows: five years for primary leukemia, 10 years for primary brain cancer, 15 years for primary bladder cancer, 20 years for both primary kidney cancer and primary non-Hodgkin's lymphoma, all of which are listed in section 2 of Bill 202.

Other provinces, such as British Columbia and Ontario, are currently taking the same stand as Alberta, which just has left the onus on the firefighter, but I believe, Mr. Chairman, we might see changes on that in the future. Nova Scotia is also looking at the possibility of introducing legislation very similar to Bill 202. Currently, in the United States 23 states provide presumptive status for their firefighters, and some of the states have regulations such as Manitoba, placing a time frame on that.

Some of the counterarguments to Bill 202 will state that as a firefighter certain risks are taken and numerous hazards are confronted, that these risks and hazards are part of the occupation, and

those people who make the decision to place themselves in such a position are well aware of the consequences. There are definitely risks and hazards associated with being a firefighter. However, firefighters don't often think about themselves. Be it when they see a burning factory or office building with employees trapped inside or a burning apartment with tenants stuck on the 14th floor, I assure you they are not thinking of the types of cancer listed in section 2 of Bill 202. The only thing on their mind is saving human lives and extinguishing the fire. Should a firefighter lose a limb or fall out of a building while performing their heroic duties, compensation would be provided. Cancer is no different, other than that you can see a broken arm and you can see a severed limb. You cannot see the exact moment or predict the exact reason that cancer invades the body.

Another option may be to put more money into research so that advancements could be made for protective gear and breathing apparatus to ensure that firefighters are protected from chemicals and fumes. Mr. Chairman, this goes on all the time. Hopefully, we will move to that point so that we don't see firefighters needing to take advantage of this type of legislation. I applaud the idea that research be conducted to improve the equipment for firefighters. However, firefighters are still dying today, and it's going to be a bit of time before that type of research in equipment is fully available so that there is no risk in the future.

In conclusion, Mr. Chairman, firefighters put their lives on the line as well as the well-being of their own families to save the lives of others. Bill 202 provides a sense of security in an insecure environment, ensuring that if a firefighter should come in contact with chemicals that promote the development of cancer, compensation will be available. He or she as well as their family will be looked after and protected, a service that they selflessly offer to us without a second thought.

Thank you, Mr. Chairman.

The Deputy Chair: The hon. Member for Drayton Valley-Calmar.

Rev. Abbott: Thank you, Mr. Chairman. It's also an honour and a pleasure for me to rise and speak to the amendments to Bill 202. As you know from the standing vote that was recorded, I was also one of those 12 members who stood up in opposition in second reading to the passing of this bill, but like the hon. Member for Little Bow I also would like to say that I'm now ready to support this bill with these amendments.

I want to thank the Member for Calgary-North Hill for these amendments and also the Minister of Human Resources and Employment for working with him. I know that they spent a lot of time over the weekend, a lot of hours, hashing this out, figuring out how to make the bill work.

Mr. Chairman, I had a bit of an issue because some of the problems with the bill were the fact that it was presumptive status to one occupation over another. As many people here know, I'm from Drayton Valley, which is the oil and gas capital of the world, according to the sign outside our town, certainly the oil and gas capital of Alberta, and we have a lot of people that work with various chemicals there. They find themselves in very dangerous situations on numerous occasions and also find themselves paying pretty high WCB premiums. So there was certainly some opposition from my area of Alberta with regard to this bill, but with these amendments that have been offered, I think people will understand that this is the right way to go, that this is the right direction.

I believe that by enshrining such presumptive status in law, we will take a huge burden off the backs of the firefighters who find themselves stricken with one of these cancers. In cases like this it's

only right and proper that someone fighting for his or her life be able to do so instead of having to spend precious time and energy gathering evidence that it really was on the job, that it really was the fires that brought this about. Such an information-gathering process will only add to the pressure under which the affected firefighter and his or her family find themselves.

With the amendments Bill 202 deserves our support. For those who protect the rest of us day in and day out, it is the least we can do. Mr. Chairman, I'm also happy that the amendments do include a provision to look at the rural and the part-time firefighters. Being from a rural area, that's something that I was very concerned about, making sure that the rural firefighters are also given a look at with regard to their exposure to these cancer-causing agents. So I'm glad that that's going to be part of the new bill and the amendments.

Mr. Chairman, I just want to say that I'm looking forward to third reading, where I can show my support for this. Again, for these reasons I will support Bill 202, and I urge the rest of this House to do the same.

Thank you.

5:00

The Deputy Chair: The hon. Minister of Community Development.

Mr. Zwodzesky: Thank you, Mr. Chairman. I want to rise, also, to just briefly indicate my support for this particular bill, to thank also the Member for Calgary-North Hill for doing all the work and research in getting it together and at the same time to support the amendments as proposed.

We've heard many eloquent examples over the days that this has been debated, in particular this afternoon, of the bravery and the courage and the determination of our firefighters in this province and last week in particular in this city. I know a lot of us watched here from the window vantage point the horrific fire that was occurring on 105th Street, and we were all hoping and praying for the safety of the people involved as well as for the firefighters who were trying to stamp it out. The same went for the news reports that we saw with respect to the tragic fire that occurred on 104th Street and 82nd Avenue in our city.

Mr. Chair, as I look at the couple of amendments before us, I want to support that first amendment because I know that whereas the original act in section 2 did specify the particular types of cancer that might be contracted by our firefighters, I think we all understand that cancer is something that we have some knowledge about but we don't have all the knowledge about. I know we're working toward that, but by moving this to the regulations section, it simply means that we'll be able to better define and more easily include any changes that might happen to that entire area of cancer research and through regulation be able to respond to it a lot more quickly than we could if it stayed in the act as printed. Bringing in an act to the Legislature – to make amendments, to update it, to change it – is a very lengthy process, but properly crafted regulations are more easily amended, more readily amended, and hence more quickly amended. So I support that particular amendment.

Secondly, the amendment that deals with subsection (7), the tabling of "a copy of the report prepared under subsection (6) before the Legislative Assembly within 15 days of receiving it," I think speaks to rapid accountability. Members should take some comfort in the fact that there is accountability that will be quite immediate with respect to the report and the research and everything else that surrounds it.

I know that from time to time, Mr. Chair, we have to make changes to WCB legislation, and this one will result in that. It will result in it for the benefit of our many friends, family members, and

others who are volunteers. I know we've also heard a lot about the people who are volunteer firefighters, and I'm reminded of the fire brigade that worked in my little hometown of Sangudo. They were oftentimes called out from sports days or woken up in the middle of the night, particularly to fight brushfires, which were very prevalent in rural communities. It seemed to happen with regular regularity, if I can say it that way, and they are to be applauded.

So let me simply close by once again supporting my many constituents who are firefighters. Let me extend my thanks to the firefighters who are here today and have been with us in various numbers over the past few days while this bill has been debated. Once again I urge all our members in the House to support the amendments and also to support the bill as it goes through the various phases and stages.

Thank you.

The Deputy Chair: The hon. Member for Edmonton-Highlands.

Mr. Mason: Thank you very much, Mr. Chairman. I would like at this time to ask those members of the government caucus who voted against this bill at second reading to reconsider. Perhaps we could have a standing vote, and we could make it a unanimous vote in favour of this excellent bill. I would like to commend the hon. Member for Calgary-North Hill for his hard work on all sides of the House in getting consensus around this bill and would ask government members to show solidarity with our firefighters and vote for this bill.

Thank you.

The Deputy Chair: The hon. Member for Calgary-North Hill.

Mr. Magnus: Thank you, Mr. Chairman. Seeing no other speakers to these amendments, I would like to answer just a couple more of the questions that have come out in the last half hour.

The Member for Olds-Didsbury-Three Hills asked where the three-year term came from for the volunteer firefighters. Quite frankly, it was an arbitrary number. We looked at the Manitoba legislation; that is exactly what they put in their legislation. Now, in our minds it was simply a question of we felt it would take them three years to do the study. Their bill actually passed in the fall of last year. Ours, by putting a three-year time frame, started a little later, so we just kept the same time frame. Obviously, now with the amendment that we put forward, frankly, we hope to get one big study as opposed to two smaller provincial studies. It's just felt that the three years were arbitrary. That's as straightforward as it gets.

The Member for Little Bow raised some interesting points in his debate. He and I have been friends for a long time and talked about this issue on a number of occasions. I guess the example that was used was the EMS folks that work down in the Lethbridge area and his concern that this would preclude them from getting something that indeed the firefighters are getting. I'll just go by the example that you gave us today on the floor of the Assembly about what happens if an EMS person gets stabbed with a needle and gets HIV or AIDS. The difference here is really quite straightforward, and it's what makes the firemen, again, special and unique.

For an EMS person or a nurse, as an example, in a hospital – my wife is a nurse – if they stick themselves with a needle, frankly, they have forms to fill out all over the place. They know exactly when it happened, where it happened, how it happened, and they go through a great many tests to make sure that in fact they're not infected by any of these very, very dangerous diseases that are out there today. Bottom line is that they would be covered in a heartbeat with WCB

benefits because they can show exactly, again, where, when, and how it happened, as opposed to a fireman who's supposed to come up with an example of: where did you get your cancer from? Well, it could have been one of thousands of fires, and therein lies the difference.

Now, a number of members mentioned this, including the Member for Drayton Valley-Calmar, a couple of members on the other side, and it was based on the science to do with the cancers. The science is unequivocal. Our study groups go back to 1927, huge, huge studies. They actually started the studies going back 51 years ago, 1952, and the studies have been definitive. I'm talking about the science, the statistical linkage between these cancers and the general population and these cancers and specifically, in this case, firemen.

Just to give you a bit of an example – and I know less is more, and we're getting late in the day – the rate of cancer for non-Hodgkin's lymphoma in the general population is 2.5 per hundred thousand. Yet we've got a province like Manitoba who's been tracking this for the last 10 years: six firemen in Manitoba have non-Hodgkin's lymphoma; there are 1,800 in their study group. If I expand that – and I realize this number is not scientific, and I don't put it up to be scientific – out to the same hundred thousand of the general population, instead of having 2.5 per hundred thousand, we're now at 300 per hundred thousand firemen. Again, that number is not scientific. However, the numbers that we've got on our six cancers that were originally in the bill, not to mention the seventh cancer that will be in regulations, that being ureter cancer, the science is definitive. It is conclusive. Again, the science is there, and that's how they come in.

It is my expectation that the WCB, indeed Executive Council, because the LG in Council will be approving which cancers get in and those periods of employment – but it is my understanding that in order to pull a cancer out, frankly, you would have to have definitive, conclusive evidence stating that, in fact, firemen don't get as many victims to the cancer within each one of these cancers. Well, frankly, (a) there are no studies that show that, so I don't believe that will happen, and (b) the evidence is conclusive and definitive now since 1992. Very tough to pull one out. I don't think it'll happen at all.

As far as all the work being done, I appreciate the members saying that we've done an awful lot of work. I would point out a great many people. We have some of them here with us today, and I'd like to name just a couple of them. Ken Block from the Edmonton fire department, the fire association president; Scott Wilcox from Calgary, the Calgary firefighters association president; Gord Colwell, the association president for, in fact, all of Alberta; as well as Alex Forrest, the head of the Canadian firefighters association. All worked extremely hard on this. Love to take the credit for it, but I have to give the credit where credit is due. If you're in a government department and you're a minister or you're bringing forward a government bill, you've got the entire department. You've got in this case the WCB's billion-dollar corporation, who have all their lawyers and accountants and everyone else. As a private member you must rely on those people who are out there in order to in fact get a bill and to provide the information. Love to say I got all the research on this, but it was provided to me by some extremely solid and hardworking firemen right here from Alberta, as well as Alex Forrest in Manitoba.

5:10

The last thing I would say here is: the standing vote, I appreciate the member's viewpoint on that. I guess we'll leave it to the will of colleagues in the Legislature. I would love to have a unanimous one

in third reading; I'm not sure it's really necessary this time. The moral of the story, though, is: I guess we'll see what the will of the Chamber is. I would just like to thank everybody for supporting this amendment.

[The voice vote indicated that the motion on amendment A1 carried]

[Several members rose calling for a division. The division bell was rung at 5:12 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Shariff in the chair]

For the motion:

Abbott	Horner	Nelson
Bonner	Jablonski	Nicol
Broda	Jacobs	Norris
Cenaiko	Klein	O'Neill
Danyluk	Lord	Ouellette
DeLong	Lougheed	Pannu
Dunford	Lukaszuk	Renner
Evans	Lund	Stevens
Forsyth	MacDonald	Strang
Friedel	Magnus	Tannas
Fritz	Marz	Tarchuk
Griffiths	Mason	Taylor
Haley	Massey	VanderBurg
Herard	Masyk	Vandermeer
Hlady	McClelland	Zwozdesky

Totals: For – 45 Against – 0

[Motion on amendment A1 carried]

The Deputy Chair: The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Chair. I would move that the committee now rise and report progress.

[Motion carried]

[Mr. Shariff in the chair]

Mr. Lougheed: Mr. Speaker, the Committee of the Whole has had under consideration and reports progress on Bill 202. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

The Acting Speaker: Does the Assembly concur in the report?

Hon. Members: Agreed.

The Acting Speaker: Opposed? So ordered.
The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Speaker, I rise to seek unanimous consent of the Assembly to waive Standing Order 4(2), which would allow us to revert to Committee of the Whole in order to consider the

remaining clauses of Bill 202, the Workers' Compensation (Firefighters) Amendment Act, 2003.

[Unanimous consent granted]

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

head: Committee of the Whole

[Mr. Shariff in the chair]

The Deputy Chair: I'll call the committee to order.

Bill 202
Workers' Compensation (Firefighters)
Amendment Act, 2003
(continued)

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill?

The hon. Member for Calgary-North Hill to close debate.

Mr. Magnus: Closed. Thank you.

[The clauses of Bill 202 as amended agreed to]

[Title and preamble agreed to]

The Deputy Chair: Shall the bill be reported? Are you agreed?

Hon. Members: Agreed.

The Deputy Chair: Opposed? Carried.
The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Chair, I would move that the committee now rise and report Bill 202 as amended.

[Motion carried]

[Mr. Shariff in the chair]

Mr. Lougheed: Mr. Speaker, the Committee of the Whole has had under consideration and reports Bill 202 with some amendments.

The Acting Speaker: Does the Assembly concur in the report?

Hon. Members: Agreed.

The Acting Speaker: Opposed? So ordered.
The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Speaker. It has indeed been a very, very interesting afternoon of progress. Congratulations to everybody for helping the Assembly through with the unanimous consent to move Bill 202 along. That having been said, I would move that we now call it 5:30 and adjourn until 8 p.m.

[Motion carried; the Assembly adjourned at 5:28 p.m.]