

## Legislative Assembly of Alberta

Title: **Monday, April 14, 2003**

**1:30 p.m.**

Date: 2003/04/14

[The Speaker in the chair]

head: **Prayers**

**The Speaker:** Hon. members, welcome back. Would you please remain standing after the prayer for the singing of our national anthem, and then would you remain standing for a memorial.

Let us pray. Though we as legislators of this great province and its people are taken from among the population and selected by You to be architects for our history, give us wisdom and understanding to do Your will in all that we do. Amen.

Now would you please join in in the singing of our national anthem. We'll be led today by Mr. Paul Lorieau, and please participate 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.

**Mr. William Ernest "Ernie" Jamison**  
**February 27, 1924, to April 11, 2003**

**The Speaker:** Hon. members, it is with sadness that I inform you today of the passing of former member William Ernest "Ernie" Jamison on Friday, April 11, 2003, at the age of 79 years. Mr. Jamison was first elected to the Alberta Legislature in the general election of August 30, 1971, and served until February 14, 1979. During his years of service he represented the constituency of St. Albert for the Progressive Conservative Party. During his years in the Legislature Mr. Jamison served as the chair of the Special Committee on Censorship and served on the select standing committees on Law and Regulations, Private Bills, Public Accounts, Public Affairs, and Workers' Compensation.

With our admiration and respect there is gratitude to members of his family who shared the burdens of public office. Our prayers are with them.

In a moment of silent prayer I ask you to remember Ernie Jamison as you have known him. Rest eternal grant unto him, O Lord, and let light perpetual shine upon him. Amen.

Please be seated.

head: **Introduction of Visitors**

**Mr. Jonson:** Mr. Speaker, I am pleased to introduce to you and through you to members of the Assembly Her Excellency Shashi Uban Tripathi, high commissioner for the Republic of India. Alberta and India have had a long and close relationship. Alberta has a strong and active Indo-Canadian community with more than 61,000 people of Indian descent now calling Alberta home. Bilateral trade between Alberta and India amounts to more than \$150 million per year, and with its population expected to exceed China's by the middle of this century, India represents a huge potential market for Alberta goods. I would ask that our honoured guest please rise and receive the traditional warm welcome of this Assembly.

Mr. Speaker, I'm also privileged today to introduce to you and through you to members of the Assembly Marie Bernard-Meunier, Canadian ambassador to the Federal Republic of Germany. Germany is one of Alberta's most important economic partners in Europe. Just last year Alberta opened a trade office that is colocated in the Canadian office in Munich. We appreciate the co-operation of the Canadian government in making this possible. Also, last year Alberta signed a co-operation agreement with the German state of Saxony in the former East Germany. The ambassador and her staff play a vital role by assisting in our province's relationship with Germany, and we appreciate their efforts as Alberta actively seeks further German investment, trade, and tourism. Besides Alberta's close business ties we share close cultural ties with Germany as well. One in six Albertans is of German ancestry. I would ask that our honoured guest please rise and receive the traditional warm welcome of the Assembly.

head: **Introduction of Guests**

**Mrs. McClellan:** Mr. Speaker, on behalf of the hon. Premier I'm pleased to introduce to you and through you to members of the Assembly six members of the Public Affairs Bureau who are in the building today on their public service orientation tour. I'll ask them to stand as I call their names so that you can all recognize these very valuable employees. With us today are Sarah Burghardt, Kevin Donnan, Robin Fielding, John Lear, Kathy Reinhardt, and Jane Trotter. I'll ask them to rise again, and we will accord them our usual very warm welcome.

**Mr. Lougheed:** Mr. Speaker, seated in the members' gallery is a young man, a resident of Clover Bar-Fort Saskatchewan, who needs no introduction. He was our head page last year, recently retired and attending university. I'd ask Brent Shewchuk to rise and receive the welcome of the Assembly.

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

**Ms Blakeman:** Thank you very much, Mr. Speaker. I'm very pleased to introduce to you and through you to all members of the Assembly a constituent of Edmonton-Centre. This gentleman is a member of the Central Lions Seniors organization and was a very active volunteer with Meals on Wheels until about 16 months ago when a pinched nerve in his back sidelined him. Don Perdue is here today to see his letter tabled, and I would ask him to now please rise and accept the warm welcome of the Assembly.

**The Speaker:** The hon. Member for Wetaskiwin-Camrose.

**Mr. Johnson:** Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you 25 energetic students who are visiting the Legislature today from the village of Gwynne. They are accompanied by their teachers Char Fraser and Janice Nemecek and by parents Marilyn Zielke, Shelley Ohman, and Carol Senz. I'd like to ask them to rise and receive the warm welcome of the Assembly.

**The Speaker:** The hon. Minister of Community Development.

**Mr. Zwodzesky:** Thank you, Mr. Speaker. It's indeed a pleasure for me to rise today and introduce to you and through you four very special community leaders who work within Community Development developing and delivering community programs. They are Lloyd Bentz, general manager of the Alberta Sport, Recreation, Parks & Wildlife Foundation; Pat Blakney, acting executive director

of the Wild Rose Foundation; Clive Padfield, executive director of the Alberta Foundation for the Arts; and Les Hurt, director of the Alberta Historical Resources Foundation. These four foundations are all managed by volunteers in our community, and these are the professional staff who work with them, and we're very pleased to distribute approximately \$76 million annually through their good graces and thanks to Alberta's Department of Gaming for important projects throughout our communities. Would you four all please rise together so we can salute you and thank you.

**The Speaker:** The hon. Minister of Gaming.

**Mr. Stevens:** Thank you very much, Mr. Speaker. It's my pleasure to introduce to you and through you to other members of the Assembly this afternoon a very special member of Alberta Gaming, Mr. Carl Royan. Carl is the director of lottery funded programs, and he and his staff manage the community facility enhancement program, some 38.5 million dollars, and the community initiative program, \$30 million. This past year Carl and his staff were responsible for in excess of 1,700 successful grant applications. Carl, please rise and receive the warm welcome of the Assembly.

#### 1:40head: Oral Question Period

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

#### School Construction

**Dr. Nicol:** Thank you, Mr. Speaker. Last Wednesday four new schools were announced for Calgary-Shaw by the local MLA. The next day when the Infrastructure list was released, it showed only three new schools for Calgary-Shaw. Then the list was revised with four new schools for Calgary-Shaw, but the Minister of Infrastructure said that his department would not fund the fourth school. Then the Premier's office said that the fourth school would get funding. To Albertans it looks like an extra \$6 million that was not originally part of the government's capital plan will be spent as a result of a Tory MLA's initiative. To the Premier: who issued the order to put the Chaparral school back on the list, and where will the money come from to fund it?

**Mr. Klein:** Well, Mr. Speaker, the hon. leader of the Liberal opposition is absolutely right. There was a flip; then there was a flop. Then there was a flop and then the flip. But the good news is that Chaparral is getting a school. I don't know how it all came about, but I'm trying to get to the bottom of it. The \$6 million, I guess, will have to be found somewhere, but we can't have an MLA announce a school, then take it off the list, so we decided to do the right thing. [interjections] I'm so happy that the Liberals would be pleased that we did the right thing and put the school back on the list.

**Dr. Nicol:** Mr. Speaker, all Albertans are happy when we get a new school.

To the Minister of Infrastructure: why will you now pay for a project you said you wouldn't fund?

**Mr. Lund:** Mr. Speaker, I think it's extremely important that we understand what was going on. The fact is we were very busy working with the Calgary board of education and somehow there was some information that got out that was only partially accurate. You've got to recognize that the last time that there were a number of announcements, it was about a month that we worked with the

boards to get things right. The problem we have with this short time frame – we were working on old information within the department. It was a year old, and of course with the growth and the things that are happening in Calgary, there were changes and there are changes. We are continuing to work with the board, and I believe that everything will turn out okay in the end.

**Dr. Nicol:** To the Minister of Finance: is this the kind of long-term stability you envisioned for your new capital plan, where your plans change in a heartbeat, or is this the first use of the new stabilization fund?

**Mrs. Nelson:** Mr. Speaker, the capital plan that we filed last week in the budget was to put \$5.5 billion of investment in this province. In that \$5.5 billion there was \$450 million allocated for new schools and renovated schools. That's a lot of money to meet the needs of Albertans. I don't think one Albertan is arguing about the priorities of this government.

#### Government Capital Assets

**Dr. Nicol:** Mr. Speaker, before the government's new capital plan was even a week old, a bungled decision-making process forced the government to deviate from the plan. Ad hoc-ery describes the government's infrastructure plan, and the plot thickens as the government considers selling off its capital assets. Each and every time this government sells off assets, the taxpayers of Alberta lose money. To the Premier: why are you even considering selling needed capital assets when it can't be proven to be cost-effective?

**Mr. Klein:** First of all, Mr. Speaker, relative to the preamble this is really what interests the Liberals. You're talking about an item that is one-twelfth of 1 percent of the total capital budget, and they get all excited about it. That shows you where their priorities lie.

Mr. Speaker, relative to the issue of selling capital assets, this is nothing new. This is nothing new. During the early to mid-90s we sold millions of dollars' worth of liquor stores, government facilities. What the Minister of Finance is saying is that if there is a building that becomes surplus to our needs – and I don't know what kind of a building that might be – then it stands to reason that rather than hold onto it and pay the maintenance on that building, we would sell it. That's all she's saying.

**Dr. Nicol:** Mr. Speaker, I'll look after every penny of Albertans' dollars.

To the Premier: given that Alberta taxpayers are on the hook for billions of dollars because this government sold off their power plants at fire sale prices during energy deregulation, why has the government announced that more taxpayer-owned assets are for sale?

**Mr. Klein:** Mr. Speaker, it's too bad that all of Alberta isn't listening, because we never owned any power plants, so we had none to sell.

**Dr. Nicol:** To the Premier: will the Premier use the Holy Cross hospital in Calgary, which was sold for a quarter of its value and then leased back to the government at a great loss to taxpayers, as a model to follow when selling other facilities?

**Mr. Klein:** Mr. Speaker, all of these items will be considered on their merits. The minister is not talking about willy-nilly going out there and selling off government assets. The minister – and I'm sure she will expand on the answer – is talking about possibly selling

assets that are surplus to the needs of the government, and I'll have the minister respond.

**Mrs. Nelson:** Mr. Speaker, when the question was asked of me last week, after the release of the budget, during an editorial board about the capital plan and some of the alternative funding options that could be available, I made the comment that, you know, we have to accept that the government really isn't in the business of real estate, that in fact other people could own real estate and we could be an anchor tenant in that piece of real estate, that we didn't actually have to own the building. So the question came: would you sell off a piece of real estate? Well, the answer is yes, if it made sense. But I did say very clearly that any proposal that came forward would have to have a full business case analysis attached to it, and it would have to be beneficial to Albertans for us to dispose of that asset. A recommendation from the outside review panel would come to government, and we would assess it. If in fact it made sense, we would proceed. If it did not, we would not. That's all that conversation involved, and the hon. leader opposite is building this into a case that is not, quite frankly, there.

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

#### Education Property Taxes

**Dr. Massey:** Thank you, Mr. Speaker. Edmonton schools find themselves in the worst of all worlds. Increases in the market value of property find the city contributing more and more to the provincial education pool while at the same time Edmonton public schools are being forced to cut staff and to increase class sizes. My first question is to the Premier. Why, when students need funding stability, does the province predicate the education budget on volatile property values that do not change equally across the province?

**Mr. Klein:** Mr. Speaker, we try to be as equitable as we possibly can. Market rates for property, the assessed value of property is predicated on the evaluation set by city assessors. We have absolutely nothing to do with assessing the value of property. We do have something to do with the distribution at least of the education portion of property tax, and it was decided that we should collect an amount in accordance with the growth in this province. The simple fact is that unless an individual's property value goes up as the result of reassessment, their education portion of the property tax should remain the same.

**The Speaker:** The hon. member.

**Dr. Massey:** Thank you. Again to the Premier, Mr. Speaker: when will the government follow the recommendations of ASBA and end its reliance on education property taxes?

1:50

**Mr. Klein:** Mr. Speaker, everyone has an opinion on what should be done, what possibly can be done, but these are matters of major policy decisions, and that situation will have to be discussed thoroughly by caucus. It would have to go through the SPC process, perhaps a public consultation. You know, unlike the Liberals we don't think that money just falls from the sky. If you eliminate the education portion of the property tax, that money will have to be replaced. The Liberals are saying, "Spend, spend, spend, spend more," but they're saying: collect, collect, collect less. So I don't know, unless they are magicians over there, how you balance what they say and what we try to put into practice.

**The Speaker:** The hon. member.

**Dr. Massey:** Thank you, Mr. Speaker. Again to the Premier: how can communities like Edmonton fund their own municipal priorities when the government has downloaded so much onto their shoulders for education funding?

**Mr. Klein:** Mr. Speaker, the mayor of Edmonton is somewhat happy. He was happy last night. I was with him at the hockey game; he was very happy. He didn't mention anything to me about any downloading whatsoever. As a matter of fact, he indicated to me that everything was sort of tickety-boo.

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

#### ATCO Electricity Rates

**Mr. Mason:** Thank you, Mr. Speaker. ATCO Electric's 110,000 residential and farm customers are going to be hit with a double whammy of rate hikes in their electricity bills this month. For the first 10 days of April the new flow-through electricity rate ATCO customers are being forced to pay is about 60 percent higher than the rate they paid last month. In addition, ATCO customers will soon have new rate riders added to their bills. My question is to the Minister of Energy. Can the minister confirm that the rates for ATCO Electric's residential and farm customers have increased about 60 percent since flow-through pricing kicked in on April 1, exactly as predicted last month by the New Democrat opposition?

**Mr. Smith:** Mr. Speaker, just as ATCO has had the lowest prices since the new market structure has been implemented, I assume that they're responsible under EUB rulings for their own charges. They file, and they follow the regulations as set out by the regulated rate option.

**Mr. Mason:** Mr. Speaker, I've never seen a minister wash his hands of a problem like that before.

Can he confirm that ATCO Electric will soon make an application to the EUB to add rate riders to residential and farm power bills due to a financial shortfall ATCO incurred on their electricity purchases in the first quarter of 2003?

**Mr. Smith:** Mr. Speaker, no, I can't. There would be no reason for an electric utility company to be informing me of this or not informing me of this. In fact, we have a regulated market structure for the regulated rates, and then we're moving towards contract rates, and we're moving towards a fully competitive market structure.

**Mr. Mason:** Mr. Speaker, given that the minister seems to believe that it's now just a question of the market setting the rates, what is his responsibility to protect consumers from high electricity bills, or is he just going to completely wash his hands of the whole issue?

**Mr. Smith:** Well, Mr. Speaker, the preamble is so erroneous that it makes the question hypothetical and therefore unanswerable.

#### Bingo Industry

**Mr. Broda:** Mr. Speaker, the Alberta Gaming and Liquor Commission is in the process of updating the terms and conditions of the operation of bingo. Some of the charities in my constituency are worried that these changes will have a negative impact on bingo revenues. My first question is to the Minister of Gaming. Will charities suffer as a result of these policy changes?

**Mr. Stevens:** Mr. Speaker, the proposed changes to the terms and conditions are in fact meant to revitalize the bingo industry and to enhance the returns to charities. Over the past several years across North America and certainly here in Alberta attendance at bingos has been going down, and as such the returns to charities have been declining. The terms and conditions that are proposed add flexibility to the bingo industry and, as such, an opportunity to take advantage of the flexibility and enhance the returns to charities. I have no doubt that these proposals will in fact enhance the returns to our charities.

**The Speaker:** The hon. member.

**Mr. Broda:** Thank you, Mr. Speaker. Again to the Minister of Gaming. A number of bingo associations think that they cannot meet the proposed guaranteed rate of return for their charities. If bingo associations think that the charitable return criteria is unattainable, why is it that this is in the draft terms and conditions?

**Mr. Stevens:** Well, Mr. Speaker, bingo is very much about the charities. It's not just simply about the prizes. What's important at the end of the day is that the charities do receive a reasonable rate of return. The licensing policy review that was looked at by this government in 2001 and approved by the government had a provision that there would be guaranteed returns to the charities. The average returns last year were 17 percent. The proposal is for a range, depending on performance of the individual association, of between 15 and 24 percent and, as such, would appear to be a reasonable range.

**Mr. Broda:** The second supplementary question, Mr. Speaker, is to the same minister. Why has the AGLC proposed that registered bingo workers cannot play in the bingo halls where they work?

**Mr. Stevens:** Mr. Speaker, integrity is a key to Alberta Gaming. It's important to be honest, but it's also important to appear to be honest. On a number of occasions there have been issues raised with Alberta Gaming regarding bingo workers actually playing bingo in the facility in which they work. This policy is consistent with the policy we have with respect to casino workers. In other words, casino workers cannot play in the casino in which they work. There are a number of bingo associations which in fact have already voluntarily prohibited their employees from playing bingo in the facility in which they work, and this particular policy has been in place in Saskatchewan for the last 10 years and is also in Ontario and appears to be working well.

#### Health Care Labour Relations

**Dr. Taft:** Mr. Speaker, the message from this government to regional health authorities is loud and clear: we don't fund labour settlements. If a labour settlement costs RHAs more than the government budget covers, the RHAs will have to cut services and compromise care even if that settlement is forced on RHAs by binding arbitration. As a result, RHAs could soon be in the same bind school boards are in today. To the Premier: how can the Premier assure Albertans that the government's refusal to cover future labour settlements won't force RHAs to lay off staff and reduce beds and services?

**Mr. Klein:** Well, Mr. Speaker, that question is highly speculative. The hon. member makes some assumptions. We don't know what those settlements are going to be. We hope that they will be

reasonable, and certainly we have indicated – and we have to budget – what we're willing to accommodate relative to overall operating for regional health authorities, and included in that overall operating, of course, are salaries, which consume, I would suspect, the majority of the operating costs. We set down in the budget what we think is an appropriate amount to accommodate the regional health authorities to offset their operating costs, which include salaries, and they take it from there.

**Dr. Taft:** To the Minister of Health and Wellness: is it government policy to allow regional health authorities to sell off hospitals and health care facilities to finance settlements for nurses and technicians?

**The Speaker:** The hon. minister.

2:00

**Mr. Mar:** Well, Mr. Speaker, thank you, sir. I just want to go back to Monday, April 7, to a CBC newscast when the hon. Leader of the Opposition, the hon. Member for Lethbridge-East, was asked to comment on what he expected out of the health care budget on the following day, which was budget day, being the 8th of April. His comment was that in health care we need to look for something in the neighbourhood of 6 and a half to 7 percent. The budget that was actually tabled is 7.2 percent. So, clearly, on the issue of the sufficiency of funding in health care what we provided as a government in our budget is even surpassing what the expectation of the Leader of the Opposition was.

Out of that 7.2 percent, a global amount of something that will be in the range of \$7.35 billion or nearly \$20 million a day, we think it's perfectly reasonable that the allocation given to regional health authorities will be appropriate for them to come up with a good, solid arrangement with nurses.

We have had good experiences in the past. We know that both nurses and their employers, the regional health authorities, struck an agreement that was in the range of 22 percent the last time around. There was some catch-up, and I think that the public well knows about how large this agreement was. In this round of negotiations I don't think that there's the same expectation on the part of the Alberta public that we would be able to fund an agreement of that magnitude. Expectations are much more reasonable this time around.

We do value our nurses. We think that the regional health authorities are doing a good job. Nurses are well paid in this province, and there are many issues that we need to deal with in terms of their contract. The regional health authorities are moving forward on that, and that is what we should expect to see in this province.

**The Speaker:** The hon. member.

**Dr. Taft:** Thank you, Mr. Speaker. He completely dodged the question, so let's try somebody else.

To the Minister of Innovation and Science, who chairs the cabinet committee on labour relations: will he and his committee agree to meet with representatives of the United Nurses, the Health Sciences Association, and other health care unions?

**Mr. Doerksen:** Well, Mr. Speaker, I would ask your direction on this matter. The legislation to do with labour and health is not under my purview, so I would request your advice in respect to answering this question.

**The Speaker:** The protocol is very simple, hon. minister. With questions directed to the government, anyone in the government may choose to answer.

The hon. Minister of Human Resources and Employment.

**Mr. Dunford:** Yes. We've already met, Mr. Speaker.

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

### Automobile Repair Industry

**Mr. Lord:** Thank you, Mr. Speaker. Over the past weekend a national consumer protection agency reported on their findings regarding their cross-country investigation into the integrity and competency of the automobile repair business. The results nationally were mixed, with some excellent and some not so excellent results. Of disappointment to Calgarians was the finding that the two most expensive incorrect auto repairs in the country were both in Calgary shops. This small investigation seems, however, to have touched on some issues that are very big issues with my constituents in Calgary-Currie, at least the ones that I discussed this with over the weekend. My questions are to the Minister of Government Services. Does the government of Alberta send out undercover investigators with car problems to test automobile repair shops in a similar manner to what this consumer protection group did?

**The Speaker:** The hon. minister.

**Mr. Coutts:** Well, thank you very much, Mr. Speaker. First of all, the automotive repair business, particularly in Calgary, has not just 10 automotive repair shops in it. There are literally thousands in that city. To pick out 10 and accuse those 10 and make the assumption that 60 percent of the shops in Calgary are doing bad things is wrong because there are thousands of shops that are doing a really, really good job, and they have employees that do a very, very good job.

But it is unfortunate that there are individuals and there are corporations and there are companies out there that do unethical things. So to mitigate that, we have in Alberta the Fair Trading Act, which has an automotive business regulation component to it. That is administered by the Alberta Motor Vehicle Industry Council, known as AMVIC. AMVIC is an agency that reports to Albertans through my department, and it's designed to protect consumers against illegal and unethical business practices. AMVIC also has a consumer alert program where they can designate and notify consumers about the businesses and the individuals who are doing unscrupulous things. I would encourage the hon. member to ask any of his constituents who may believe that they have been treated badly or less than fairly in the automotive repair business in Calgary to phone our Government Services call centre at 1-877-427-4088 for the AMVIC phone number.

**The Speaker:** The hon. member.

**Mr. Lord:** Thank you, Mr. Speaker. My second question to the same minister: what trends has the government identified in terms of numbers and types of complaints emanating from consumers in regard to automobile repairs?

**Mr. Coutts:** Mr. Speaker, the Alberta Motor Vehicle Industry Council takes very seriously every single complaint that comes into its offices. The council is currently working on a trend analysis and is compiling statistics based on science rather than hearsay. I want

to share with the hon. member, since he asked the question, that last year, from the statistics available, AMVIC fielded 6,600 complaints. A hundred and forty-two of those cases were resolved by mediation. Another 244 led to formal investigations. One business was closed as a result of AMVIC action, three businesses had their licences revoked, and 97 had criminal charges that were laid against them. So considering the number of businesses and the number of employees that we have, this legislation works for Albertans through the AMVIC investigations.

**The Speaker:** The hon. member.

**Mr. Lord:** Thank you, Mr. Speaker. Could the minister explain what else the government does proactively to ensure honesty, integrity, and accountability in the automobile repair industry?

**The Speaker:** The hon. minister.

**Mr. Coutts:** Thank you very much, Mr. Speaker. After more than two years of consultation with the industry and with consumers the Alberta Motor Vehicle Industry Council has assumed responsibility for administering and enforcing the portions of the Fair Trading Act that apply to consumer protection for the automotive field. Businesses involved in all aspects of the automotive sector, including repairs and maintenance of automobiles, trucks – and recreational vehicles are even included in this – as well as the people that sell them and the people that work on the automobiles involved must be licensed by AMVIC. AMVIC provides a level playing field not only for the business but for consumers, and they strive to make a fair marketplace. They are also involved with education, training, and consumer satisfaction supports to make sure that the automotive business and the salespeople are legitimate in the province of Alberta.

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

### Private/Public Partnerships

**Mr. Bonner:** Mr. Speaker, last Thursday I asked the Minister of Infrastructure to explain what made him think that using P3s for financing infrastructure was a good idea. The minister responded that groups like Bethany Care, Caritas, and the Good Samaritan Society have made P3s work in this province, but the minister knows full well that these nonprofit organizations are not the ones who would be financing provincial capital projects. To the Minister of Infrastructure: why did the minister cite the examples of Caritas and Bethany Care when asked about the wisdom of financing infrastructure with private dollars? Did these companies become for-profit financial institutions without telling anyone?

**Mr. Lund:** Mr. Speaker, it's very interesting that the member would ask that question today, because just this morning I met with two of the mentioned groups talking about their financing, not us financing but their financing. So they, in fact, do finance facilities.

2:10

**The Speaker:** The hon. member.

**Mr. Bonner:** Thank you, Mr. Speaker. To the same minister: given that P3 financing has failed in every other jurisdiction in which it has been tried, what evidence does this minister have that it will work in Alberta?

**Mr. Lund:** Mr. Speaker, we've just finished demonstrating to the member how it worked so well in these other cases. If the hon. member wants to go have another look, maybe you could go down to Olds College and watch down there what P3s can do.

**Mr. Bonner:** The private sector, Ty.

**Mr. Lund:** The hon. member says: well, that was the private sector. Well, what do you think we're talking about? The private sector getting in with the public and in fact it having facilities built that are very effective in the delivery of a service: that's what this is all about.

**Mr. Bonner:** Mr. Speaker, to the Premier: given that the Minister of Infrastructure has repeatedly failed to table any of the myriad of evidence he claims to have showing the effectiveness of P3s, will the Premier table these documents for him?

**Mr. Klein:** Mr. Speaker, I have no intention of tabling any documents for the hon. minister. We have a system set up to evaluate whether in fact P3s should be used. That system involves a private sector, people a lot more knowledgeable than the Liberals in financing, in real estate, to evaluate the worthiness of a project and whether or not that project should be submitted to a P3 process. It's a fair and unbiased evaluation, and while there have been some failures relative to P3s, there have been some tremendous successes. We want to make sure that whatever we undertake relative to P3s is indeed successful, that it works. That's why there will be this independent, unbiased evaluation by experts, not Liberals, in the private sector.

**The Speaker:** The hon. Member for Olds-Didsbury-Three Hills, followed by the hon. Member for Edmonton-Gold Bar.

#### Livestock Industry Review

**Mr. Marz:** Thank you, Mr. Speaker. Many of my constituents are involved in the cattle industry, so they've got a great deal of interest in all the ongoing activities related to that industry. My questions today are for the Minister of Agriculture, Food and Rural Development. Why are the livestock marketing and brand inspection processes being reviewed at this time?

**Mrs. McClellan:** Mr. Speaker, I think that a number of members would recall that prior to this change in brand inspections the brand inspections were actually managed by government. A wise decision, I believe, was made in 1998 to turn it over to the industry, and they've been managing that process since. Some parts of it have gone very well, and some have had some bumps along the way, but when we made that decision, we agreed that there would be a legislative review, and the time is coming to do that. This involves four acts and 14 regulations that are administered by LIS on behalf of our government, and it's important, I think, that we take the time now, prior to the fifth anniversary of this relatively new entity, to ensure that it is really meeting all of the expectations of the industry stakeholders. It'll give our industry stakeholders an opportunity to have input into the future of livestock marketing and brand inspection and related legislation.

**The Speaker:** The hon. member.

**Mr. Marz:** Thank you, Mr. Speaker. To the same minister again. I'm sure many of my constituents will welcome this review. Could

she tell me what the status of the ongoing review is and how my constituents and other industry stakeholders can participate?

**Mrs. McClellan:** Mr. Speaker, early in 2002 there was a legislative review working group convened and a legislative review steering committee. We have representatives on that from our department, as does Livestock Identification Services. The first round of industry consultation is under way. About 300 packages have been distributed. They contain some discussion papers and questionnaires, and to give an indication of the importance and the size of this industry, they have been distributed to about 225 industry organizations. I might also say that for people who are not a part of that who are interested in accessing this information and making comments on it, it is on the LIS web site as well as Alberta Agriculture, Food and Rural Development's Ropin' the Web web site.

**The Speaker:** The hon. member.

**Mr. Marz:** Thank you, Mr. Speaker. My final supplementary to the same minister: how will this review process be of any benefit to the livestock industry?

**Mrs. McClellan:** Well, Mr. Speaker, I think that certainly we have great expectations of the review process, and the industry also has responded in kind. In fact, as of April 7 we've had about 200 questionnaires returned to us, so it is an item of a great deal of interest.

Mr. Speaker, livestock transitions need to flow efficiently, and this will, I think, improve that where it's required. It'll, I think, increase confidence in the integrity of the industry, create standard rules that allow all industry stakeholders to structure future business plans.

As we have noted over the past years, the issue of food safety is of great importance to people, and it's interesting that we are one of the few jurisdictions that really do have a livestock identification service that can provide trace backs and identification in a very prompt and secure manner.

**The Speaker:** The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Edmonton-Strathcona.

#### Energy Deregulation

**Mr. MacDonald:** Thank you, Mr. Speaker. Sparks flew at an all-Tory standing policy committee meeting on energy last Monday night after Aquila made a presentation much to the interest of a reporter from the St. Albert *Gazette*. Confusion and frustration about energy deregulation have now spilled over from Alberta consumers into the divided Tory caucus. A high-ranking Tory cabinet minister present stated, and I quote: I consider myself fortunate that only 25 percent of my constituency is served by Aquila; for some of my colleagues with almost 100 percent of their constituencies covered by Aquila, this must be just killing them. End of quote. My first question is to the Premier. Given that Aquila claims that its billing system is 99 percent accurate, is energy deregulation to blame for the endless number of complaints that are coming to the constituency offices?

**Mr. Klein:** Mr. Speaker, is energy deregulation to blame? My answer to that is no. Of course, you can't go back and you can't reregulate energy to know what the rates would be today. You know, that is the problem. So it's so easy for the Liberals, because it's a good 15-second sound bite, to say that it's all due to deregulation and to this government. That's a good 15-second sound bite,

and they don't have to justify it. They don't have to do any comparisons to a regulated environment. They can't because we don't have a regulated environment. So my answer would be no, and if they want to say something to the contrary, then I guess it's up to them to prove it.

You know, I can recall 2000, I guess, when deregulation came in, January 1, and the price of power shot way up. Of course, the opposition at that time said: well, it's all because of deregulation. They purposely failed to mention to the Alberta public that a number of power plants were down at that particular time, that the price of gas shot to an all-time high, that the economy of the province was growing at an unprecedented rate. They forgot to point out all of those things, Mr. Speaker, because the simple thing, at least for a Liberal, was to come up with a 15-second sound bite saying: oh, this is all due to deregulation. That is the simple thing. That is the way they find solutions. That's the way they present solutions to problems: through a 15-second sound bite.

2:20

**Mr. MacDonald:** Again, Mr. Speaker, to the Premier: given that energy deregulation is the cause of high energy bills, not Liberal policy, the Liberal policy that he is free to take, what constituencies besides Cypress-Medicine Hat are continuing to hear about problems of billing accuracy and poor consumer relations from Aquila?

**Mr. Klein:** Mr. Speaker, without doubt – and I'll concede this to the hon. member – there have been some billing problems. The Minister of Energy and the Minister of Government Services have been dealing with this particular situation, the situation as it specifically relates to Aquila, and I will have the two ministers respond as to what they are doing relative to this situation.

**Mr. Smith:** Mr. Speaker, the companies that are involved with respect to the billing inaccuracies – namely, Aquila and an electricity provider by the name of EPCOR – were on the consultation team prior to the introduction of the new market model. They were involved from 1997, 1998, 1999, 2000, so they were supposed to have been prepared to deliver commercial solutions to commercial problems. In effect, these are commercial problems. In order to hasten that improvement, we put an order in, a deficiency regulation, such that the EUB will upon review of a customer's file and finding out that there's an inaccurate meter reading refund the customer \$75. Now, to this point it's my understanding that out of 350,000 customers billed about four times, the EUB has in fact delivered in between 250 and 400 refunds.

**The Speaker:** The hon. member.

**Mr. MacDonald:** Thank you, Mr. Speaker. Again to the Premier: will the Premier consider a suggestion from a frustrated rural Tory backbencher, this time from the Drayton Valley-Calmar constituency, and implement a \$75 fine for Aquila, similar to the one that was legislated for EPCOR, or are you going to continue to pick winners and losers?

**Mr. Klein:** Mr. Speaker, relative to the situation as it pertains to protection of the consumer, I'll ask the minister responsible to respond.

**Mr. Coutts:** Mr. Speaker, we had all five companies, including rural electrification units, sitting at the task force table, and every single solitary one of those people agreed with the outcomes of the task force in terms of simplifying bills, making them easier to read,

making them more understanding of what was being charged. When we came around to the issue of billing accuracies in terms of what is on the bill and whether it is actually accurate according to what the meter may have put forward, they all agreed that customer service organizations within each of their companies, not just one company but within each of their companies, would do two things. The first thing was to work better together between the wire service provider and the billing agent. Secondly, as an individual company they would make sure that those billing accuracies would be looked after by their customer service people.

**The Speaker:** The hon. leader of the third party, followed by the hon. Member for Calgary-*Buffalo*.

### Education Property Taxes

(continued)

**Dr. Pannu:** Thank you. Mr. Speaker, two years ago this government promised to cap the amount they collected in property taxes at \$1.2 billion. It's not the first time this government has broken its "the only way taxes are going is down" promise. This is the same government that raised health care premiums and added over 70 new fees last year. Now, according to the city of Edmonton the government's latest tax grab will add close to 9 percent to the provincial tax bill in the form of school levy for Edmonton homeowners. My questions are to the Minister of Finance. Will Edmonton homeowners be paying more in provincial property taxes because of her budget? Yes or no?

**Mrs. Nelson:** Well, Mr. Speaker, last week in our budget we announced that we were freezing the mill rate for the property assessment for school taxes, a move that we had done the previous year. What we said, though, was that with the number of people that have come to the province and settled here and built or bought homes, we would capture the growth within the province. The market value assessment on their homes will be based on the current market value assessment that their city has put out to them. If there has been no increase in the market value assessment of their homes, there'll be no change in their property tax insofar as school tax goes. So it's on an individual basis. Some communities have seen their assessments flat, others have seen them go up, and some communities' within the larger cities have actually gone down.

**The Speaker:** The hon. member.

**Dr. Pannu:** Thank you, Mr. Speaker. Given that this minister has broken her promise, why should Edmonton homeowners care about the mill rate if the end result of this broken promise is an 8.9 percent increase in their taxes?

**Mrs. Nelson:** Mr. Speaker, the only part of the equation that the province actually sets is the mill rate assessment for education on the property assessment. Now, we don't do the market value assessment; we don't do the city side of the equation. We only set the mill rate for the education component. That's all we do, and that has been frozen.

**The Speaker:** The hon. member.

**Dr. Pannu:** Thank you, Mr. Speaker. I ask the minister again: why did she break her promise to cap – to cap – the total amount of revenue collected from the provincial property tax? That's the question she hasn't answered.

**Mrs. Nelson:** Well, Mr. Speaker, only someone who doesn't realize that this province has an economic climate that is making it grow would ask such a silly question. We've frozen the mill rate. With more people coming here, there are more people contributing to tax. You just have look at our financial statements and realize that we have kept our personal income taxes low. We've in fact indexed the increase on it to make sure it's the lowest, but we receive more. Why? Because there are more people in this province paying into the pot, so there are more dollars coming forward. I don't know why this is so hard for him to understand. We froze the mill rate. [interjections]

**The Speaker:** Hon. members, actually, you know, if somebody asks a question and somebody agrees to answer the question, we really shouldn't heckle either the questioner or the responder to the question.

Let's try now the hon. Member for Calgary-Buffalo.

#### Low-income Support Programs

**Mr. Cenaiko:** Thank you very much, Mr. Speaker. As part of Budget 2003 government announced an increase for some people receiving supports for independence, or SFI. Families with children will receive an additional \$20 per month increase effective June 1 and keep the projected \$15 per month increase per child from the national child benefit starting in August. For the people on SFI who are not expected to work, they also get a \$20 per month raise starting June 1. My question is for the Minister of Alberta Human Resources and Employment. People receiving AISH are also not expected to work, but many do and in some cases have children to support. Why didn't the AISH, or the assured income for the severely handicapped, recipients also get an increase?

**Mr. Dunford:** We were looking at two situations, Mr. Speaker: first of all, of course, our supports for independence program and also AISH. In terms of AISH this is a program that is recognized as probably the most generous across Canada; if not, certainly at the top of the list. So it was felt that we would concentrate more on the supports for independence side as we move forward.

Now, we didn't forget about AISH altogether. Many members here in the House have for a long time had concerns with constituents of theirs that are on AISH that are also receiving income from the Canada pension plan, and of course, Mr. Speaker, as we are all aware, the CPP is indexed to a cost-of-living measure. Sometimes it does happen where a minor increase in the consumer price index can actually move them above the \$850 and then take them off of AISH. In recognizing that, then, Budget 2003, of course is now extending health benefits to those AISH clients that run into that experience.

2:30

**The Speaker:** The hon. member.

**Mr. Cenaiko:** Thank you, Mr. Speaker. My supplemental question is to the same minister. What can AISH recipients expect down the road and into the future?

**Mr. Dunford:** I've made the commitment, Mr. Speaker, to AISH stakeholders here in the province to be having a look at how we can make sure that this program can continue and can continue on a sustainable basis. We've increased the budget within Budget 2003, but frankly that is to take the anticipated growth in the program.

**The Speaker:** Hon. members, before I recognize the first of several members, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

head: **Introduction of Guests**  
(reversion)

**The Speaker:** The hon. Member for Olds-Didsbury-Three Hills.

**Mr. Marz:** Thank you, Mr. Speaker. It's a pleasure to introduce to you and through you to members of this Assembly a longtime friend and constituent and probably most important of all a trail-riding partner, Mr. Pat James. He's seated in the public gallery. I'd like to note also that Pat in addition to his duties as a county of Mountain View councillor also is a director with the AAMD and C. I would ask Pat to rise and receive the warm welcome of this Assembly.

head: **Recognitions**

**The Speaker:** The hon. Member for Olds-Didsbury-Three Hills.

#### 90th Anniversary of Olds College

**Mr. Marz:** Thank you, Mr. Speaker. Last Friday a number of colleagues joined me in Olds to celebrate and recognize the 90th anniversary of Olds College at a very gala event.

Olds College is a vibrant educational centre in the heart of my constituency. The primary focus of the college is promoting a strong agriculture sector in Alberta by educating students in all aspects of agriculture, whether it be the business side, the research side, or practical applications of new technologies. One of the greatest things about Olds College is that it takes all these innovations, some of which are made at their very own Centre for Innovation, and shows Alberta farmers how to apply them on the farm. Albertans appreciate the practical skills and know-how, and Olds College excels at getting that know-how to rural Alberta.

Mr. Speaker, it's no secret that Alberta is moving towards an increasingly diversified ag sector, and the search for new ways to make money on the family farm knows no bounds. It's largely because of the skills that students learn at Olds College that agriculture is growing so quickly.

I want to commend Olds College and ask this Assembly to join me in wishing them the very best of luck and success in the future.

Thank you, Mr. Speaker.

**The Speaker:** The hon. Member for Grande Prairie-Smoky.

#### Leigh Goldie

**Mr. Knight:** Thank you, Mr. Speaker. Recently the Hon. Gene Zwozdesky, Minister of Community Development, announced Alberta's first annual athletes and volunteers of the year. One of this year's volunteer recipients is longtime Grande Prairie resident Leigh Goldie of the Alberta Volleyball Association. Leigh has been avidly involved in the volleyball community for 25 years. In 1984 he formed the Wolves Volleyball Club in Grande Prairie, and since then he has remained as a director of the club and has helped it to grow and flourish to become one of the largest clubs in Canada.

At the provincial level Leigh has been a longtime executive member of the Alberta Volleyball Association and was also chair of volleyball for the 2000 Alberta Summer Games in Grande Prairie. Currently Leigh is the vice-president in charge of finance and administration for the Alberta Volleyball Association.

Mr. Speaker, he has received numerous awards including the 1998



builder of the year for the Grande Prairie Multi-Sport Development Centre, coach of the year for ACAC men's volleyball in 1989, and the Routledge award in 1997 from the Health and Physical Education Council. I would ask my colleagues to join me in recognizing Mr. Leigh Goldie.

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

#### Excellence in Teaching Awards

**Mr. MacDonald:** Thank you, Mr. Speaker. Today I rise to recognize six finalists for the 2003 excellence in teaching awards whose schools are in the Edmonton-Gold Bar constituency. These teachers are six of the many great educators in this province and have been chosen with 122 other fine educators by a selection committee of representatives of stakeholder groups and education partners in early childhood services to grade 12 learning community as finalists for the 15th annual excellence in teaching awards. These finalists for the excellence in teaching awards have demonstrated creativity, innovation, and effectiveness in teaching.

I would like to recognize Jennifer Prestash and Randy George Radmanovich from l'école Kenilworth school; Errol Valentine Johnson, Mary Kelsey, and Diane Gayle Smarsh from McNally high school, Sharon Goulet from the Suzuki charter school.

Transmitting the collective knowledge of our community from one generation to the next is the most important job in our society, and our teachers do it very well.

Thank you.

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

#### Canadian Men's Curling Team

**Mr. Danyluk:** Thank you very much, Mr. Speaker. It is my pleasure to rise today in the Assembly to recognize an outstanding sporting event and a remarkable group of athletes, the Canadian men's curling team. On Sunday, April 13, the Canadian skip, Randy Ferbey, and his teammates defeated Switzerland 10-6 in nine ends of curling to win the gold medal at the world curling championship in Winnipeg.

The Canadian team consists of lead Marcel Rocque, the pride and joy of St. Paul, who threw 96 percent for the final match; second Scott Pfeifer; third Dave Nedohin; skip Randy Ferbey; fifth Dan Holowaychuk; and coach Brian Moore. All are residents of Edmonton and Sherwood Park playing at the Avonair Curling Club in Edmonton, the city of champions.

Curling combines strategy with skill, and Canada has dominated, winning eight curling world championships since 1992 including 2003 and a record 29 since the Scotch Cup started in 1959. Canadians may not have invented curling, but we sure have made it our own.

I would ask that the Members of the Legislative Assembly join me in congratulating all members of the Canadian curling team for their extraordinary talent and their gold medal win at the world championships.

**The Speaker:** The hon. Member for Calgary-Buffalo.

#### Calgary G-8 Organizing Committee

**Mr. Cernaiko:** Thank you, Mr. Speaker. It's my pleasure and honour to rise today to recognize the Calgary G-8 Organizing Committee for winning the White Hat of the Year award in Calgary last Tuesday. All eyes were on them and Calgary and area to successfully execute

this event, the most significant international occurrence here since 1988. The event's success not only helped secure our reputation as a safe world-class destination and host for major diplomatic events, but it generated 1,500 full-time jobs and an estimated economic impact of \$193.1 million for Calgary and area businesses.

Mr. Speaker, Calgary and area enjoyed extensive regional, national, and international media coverage before and during the event. Our city's promotion as a world-class destination for both business and leisure travel was unmatched by this opportunity. The organizing team's contribution has helped to establish a legacy for Calgary as an international host, and political leaders and international media responded with praise and suggestions that future events be modeled and measured based on this team's successes.

Congratulations to Mayor Dave Bronconnier, Police Chief Jack Beaton, Fire Chief Wayne Morris, Calgary emergency medical service's chief Rick Stanger, city of Calgary G-8 project manager John Chapput, and city of Calgary CEO Dale Stanway for representing Calgary and the province of Alberta.

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

#### Action for Healthy Communities

**Mr. Mason:** Thank you very much, Mr. Speaker. I rise to recognize a program of the Edmonton Healthcare Citizenship Society that was established in 1993. The Action for Healthy Communities is committed to building stronger and healthier communities through a community-building process that fosters citizen participation and advocacy for public policy that improves the health of the community. Example projects include collective kitchens, tai chi lessons, and development of a mental health awareness video.

Under the direction of co-ordinator Debbie Chaba they are currently working on an energy retrofit project partnered with Michael Kalmanovitch and the Ecology Systems Information Society, assisting homeowners in central Edmonton on limited budgets who are interested in reducing energy consumption and saving money.

Action for Healthy Communities exists to improve the well-being of their community, and I applaud their work.

2:40

**The Speaker:** The hon. Member for Grande Prairie-Smoky.

**Mr. Knight:** Thank you, Mr. Speaker. I rise to beg your forgiveness, sir, for my breach of protocol in my just-passed recognition. I inadvertently mentioned the member's name in the House.

#### Speaker's Ruling Referring to Members by Name

**The Speaker:** Hon. members, perhaps just a bit of explanation why this is rather important. It's not one of those rules that just sort of kicked in out of the blue. Two things can happen, and hon. members can see the use of names in this Assembly where some hon. members, unfortunately, have a difficult time dealing with a certain name from a certain culture, and sometimes there's a slurring, which is an embarrassment to the member and an embarrassment to the person whose name is mentioned. So in the Assembly itself there may be names which, depending how you pronounce them, may lead to some considerable degree of embarrassment for everybody.

Now, we have no current member called Paquette. Now, you can play some unfortunate games with that name. We have no member called Foquette. The rule is very clear. We mention the member's constituency and not the name.

head: **Tabling Returns and Reports**

**The Speaker:** The hon. Member for Olds-Didsbury-Three Hills.

**Mr. Marz:** Thank you, Mr. Speaker. I rise to present five copies of 18 letters addressed to the Minister of Health and Wellness and myself requesting that the Didsbury health services be located in the Calgary regional health authority.

**The Speaker:** The hon. Member for Grande Prairie-Smoky.

**Mr. Knight:** Thank you, Mr. Speaker. I rise today to table a letter from St. Rita's parish in the community of Valleyview urging the provincial government to deinsure the practice of abortion.

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

**Ms Blakeman:** Thank you very much, Mr. Speaker. I'm very pleased to rise today and table five copies of a letter from constituent Don Perdue, who's asking if it's true that "medicare is being slow in delivery to seniors in the hope that they will pass away and thus the governments will save money" since they no longer have to pay pensions. This constituent notes that money being spent that's paid into the medical system "does not appear to be used to relieve the patients who pay for it in taxes and premiums."

Thank you, Mr. Speaker.

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

**Mr. Bonner:** Thank you, Mr. Speaker. With your permission I have two tablings today. The first is a letter on behalf of the Liberal caucus signed by our leader congratulating the team of Randy Ferbey, Marcel Rocque, Scott Pfeifer, and Dave Nedohin on winning their second world curling championship in a row.

The next letter is again signed by the Leader of the Official Opposition on behalf of the Alberta Liberal caucus to Mike Weir on being the first Canadian to win the Masters championship.

Thank you.

**The Speaker:** The hon. Member for Edmonton-Mill Woods.

**Dr. Massey:** Thank you, Mr. Speaker. With your concurrence I have three tablings this afternoon. First are five copies of a study entitled *Teachers' Instructional Practices in Small Classes* by Haughey, Snart, and da Costa, soon to be published in the *Alberta Journal of Educational Research*, volume 49, issue 2, in the summer of 2003. The study details how small classes facilitate a variety of instructional strategies, effectively moving children to the literacy goals of the grade 1 curriculum.

The second study – and I have five copies of it, Mr. Speaker – is entitled *Enhancing Literacy Achievement in Small Grade 1 Classes in High Poverty Environments*, soon to be published in the *Canadian Journal of Education*, June 2003, by Haughey, da Costa, and Snart, concluding that smaller classes, a focus on literacy, and continued professional development was successful in helping grade 1 students in high poverty, high transiency environments make solid gains in their academic and social abilities.

The third tabling, Mr. Speaker, is a letter from Melanie Shapiro indicating how the 2003 budget cuts will mean larger classes in Edmonton schools and that the impact of that on children will result in behaviour problems and less individual attention.

Thank you.

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

**Mr. MacDonald:** Thank you, Mr. Speaker. I have two tablings this afternoon. The first one is the market surveillance administrator's annual report for the year 2002. This is dated the 10th of February of this year, and it's the market surveillance administrator, again, from the Power Pool of Alberta. I would urge all hon. members who are nervous about energy deregulation to please read this.

My second tabling is copies of a petition, and it states, "We, the undersigned residents of Alberta, petition the Legislative Assembly to demand the government fund education adequately and equally across the province."

Thank you.

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

**Dr. Pannu:** Thank you very much, Mr. Speaker. I rise to table a document. It's an editorial in the *Alberta Doctors' Digest* March-April 2003 issue. This document is called *Lies, Damned Lies and Politicians' Promises* and mentions how the Alberta government's ideology of privatization is harming consumers and how Albertans have felt scorned from remarks in this House that they can afford to pay greatly increased costs of natural gas and electricity.

Thank you, Mr. Speaker.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. I'm tabling a document today from ATCO Electric showing the steep rate hikes being incurred by its residential and farm customers as a result of the Tory government's flow-through electric pricing scheme. This is consistent with New Democrat opposition predictions made last month.

head: **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, April 10, it is my pleasure to move that written questions appearing on today's Order Paper do stand and retain their places with the exception of written questions 11 and 12.

[Motion carried]

**Transportation Achievement Bonuses**

- Q11. Ms Carlson moved on behalf of Mr. Bonner 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 Transportation over the 2001-2002 fiscal year broken down by the identity of and amount paid to each official?

**The Speaker:** The hon. Minister of Transportation.

**Mr. Stelmach:** Thank you, Mr. Speaker. I wish to accept Written Question 11 with amendments, and the amendments have been distributed to all members, shared with the opposition before 11 this morning. I'd like to move that Written Question 11 be amended by (a) striking out "amount of each bonus and," (b) striking out "senior officials" and substituting "employees, and the number of employees who received a bonus," and (c) striking out "identity of and amount paid to each official" and substituting "range of bonus dollar

amounts and the number of employees who received a bonus within that range.”

Mr. Speaker, the amended written question would then 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 Transportation over the 2001-2002 fiscal year broken down by the range of bonus dollar amounts and the number of employees who received a bonus with that range?

The rationale for this amendment, of course, is to be consistent with the spirit and intent of the Freedom of Information and Protection of Privacy Act. Therefore, Mr. Speaker, I move that Written Question 11 be accepted as amended.

2:50

**The Speaker:** On the amendment, the hon. Member for Edmonton-Centre.

**Ms Blakeman:** Thank you very much, Mr. Speaker. I would like to speak against this amendment. This is part of a manner of operating that I see this government increasingly using that I have to object to. The changes as outlined by the minister in this amendment to the original motion are so thorough as to make the original question meaningless. When you change almost every word and every clause in here to take out all of the information that is pertinent, it makes the original request meaningless. For a government that claims to be open and accountable, open and transparent – we’ll give you any information you want – it’s making a mockery of this process.

We’re not getting the information that we’re requesting, and this is information that’s widely available inside the government. The government knows exactly how much percentage of bonus it’s going to offer to each level. There are supposed to be targets set and achieved by these senior officials in order to receive the bonus. Why is this information not available to the public? The public’s tax dollars are paying for these bonuses. Why do they not get to hear? The Official Opposition and the hon. Member for Edmonton-Glengarry didn’t ask for people’s names. It just said various senior officials that were in the particular positions, and that’s now been watered down so much that it’s meaningless.

I will note that this government makes the school boards and the regional health authorities publish the amounts of bonuses that the superintendents of the school boards and the CEOs of the regional health authorities get – makes them, requires them, or publishes for them – but what’s good for the goose doesn’t seem to be good for the gander here. So I question what the big secret is. If you’re proud enough of these employees and their work is exemplary enough that they stand to have earned an achievement bonus, then fine: let’s see what the positions are; let’s see what the targets were that they were to achieve and how well they achieved them. But this level of disguise and obfuscation and smoke and mirrors that’s now going on with this government is utterly unacceptable to me. If you’re so open and transparent and accountable, then let’s see it. These kinds of shenanigans are totally unacceptable to me.

Thanks, Mr. Speaker.

**The Speaker:** The hon. Member for Edmonton-Ellerslie on the amendment.

**Ms Carlson:** Yes, Mr. Speaker. I, too, am speaking against the amendment. This amendment effectively neuters the original question as put on the Order Paper and doesn’t give us any kind of comparative . . . [interjection] No. I’m speaking about government members, hon. minister. It doesn’t give us the kind of information that we require to make good comparisons.

We have a government who continually talks about how they like to parrot the practice of industry. Well, industry does report bonuses and information of that kind to their shareholders and often makes that public in public documents. So for this government to continually hide behind legislation when it doesn’t need to is irresponsible and certainly does not meet any of the parts of its mandate that it continually talks about having in terms of openness and accountability. So I definitely will be voting against the amendment.

[Motion on amendment carried]

**The Speaker:** Now on the main motion as amended, the hon. Member for Edmonton-Ellerslie to close the debate.

**Ms Carlson:** Thank you, Mr. Speaker. We asked for this information about bonuses and aggregate amounts of bonuses to the department so that we could start to do what this government should be doing in its business plans, which is monitoring comparative figures and taking a look at relating actual performance . . .

**Dr. Taylor:** Monitoring?

**Ms Carlson:** Yes, monitoring. And you talk about it, Minister of Environment, but in fact, Mr. Speaker, he doesn’t do it. So this is a way of putting into place one of those kinds of reporting practices so that we can actually see if performance ties in to dollars paid. We believe it doesn’t. We believe that if it did, this government would have no problem disclosing that amount, so that’s why we asked for this particular question in the first place.

[Written Question 11 as amended carried]

#### Municipal Affairs Achievement Bonuses

Q12. Ms Carlson moved on behalf of Mr. Bonner 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 Municipal Affairs over the 2001-2002 fiscal year broken down by the identity of and amount paid to each official?

**The Speaker:** The hon. Minister of Municipal Affairs.

**Mr. Boutilier:** Thank you very much, Mr. Speaker. I certainly am prepared to accept Written Question 12 with amendments, and the information has been shared with the hon. Member for Edmonton-Glengarry in accordance with the procedures.

I would like to also move at this time that Written Question 12 be accepted as amended. I would like to add, though, that, you know, in keeping with the spirit and the intent of freedom of information and protection of privacy and the points that were made earlier in terms of accountability and transparency, the bottom line is that what taxpayers should know is simply how much their tax dollars are going towards. Certainly, with the new amendment that I’m putting forward, it would read as such:

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 Municipal Affairs 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?

This certainly keeps to the spirit and the intent of accountability and transparency.

So moved.

**The Speaker:** But, hon. minister, you're not moving anything. Now, we're on an amendment.

The hon. Member for Edmonton-Ellerslie.

**Ms Carlson:** Thank you, Mr. Speaker. He'll learn the rules eventually, I'm sure.

On the amendment, once again this one does the same thing as the other amendment does, which does not give us the information which makes people accountable for the dollars that they are receiving, so we don't like this amendment either. In fact, once again I'm surprised that this minister wants to hide behind that legislation, because there are many cases and many other circumstances where bonuses and dollars paid out to individuals in high-ranking decision-making positions are completely transparent and are available for public scrutiny, and we would expect that same kind of behaviour from this government.

**The Speaker:** Okay. So the hon. Minister of Municipal Affairs has moved an amendment. This is now what's before the Assembly.

[Written Question 12 as amended carried]

#### head: **Motions for Returns**

**The Speaker:** The hon. Deputy Government House Leader.

**Mr. Zwozdesky:** Thank you, Mr. Speaker. Again, proper notice having been given on Thursday, April 10, it is my pleasure to move that motions for returns appearing on today's Order Paper do stand and retain their places with the exception of motions for returns 12 and 13.

[Motion carried]

#### 3:00 **Sustainable Resource Development Liability Claims**

M12. Ms Carlson moved that an order of the Assembly do issue for a return showing copies of the 62 contingent liability claims against the Department of Sustainable Resource Development in the 2001-02 fiscal year as mentioned in responses to supplementary questions from the Committee of Supply, April 16, 2002, and attached to correspondence code DM02-KC-0671 from the Hon. Mike Cardinal, Minister of Sustainable Resource Development.

**The Speaker:** Now, Minister of Sustainable Resource Development.

**Mr. Cardinal:** Thank you very much, Mr. Speaker. I move that Motion for a Return 12 be rejected, and the reason for this is because the information requested is protected by sections 25 and 27 of the Freedom of Information and Protection of Privacy Act, or FOIP. In fact, as stated in the legislation, disclosure of this information could possibly, one, harm the economic interests of the government of Alberta; two, result in financial loss to the government of Alberta; three, compromise or interfere with negotiations with the government of Alberta; four, prejudice the government's legal position on matters in question; and five, result in the loss of legal privileges attached to some of the information in question. For these reasons we will not be accepting this motion.

**The Speaker:** The hon. Member for Edmonton-Ellerslie to close the debate.

**Ms Carlson:** Yes, Mr. Speaker. We have a real problem with the

rejection of this motion. At least we could have expected some amendment to give more general information about this.

If you take a look at responsible financial reporting and any kinds of accounting principles used by any governments worldwide or any corporations worldwide, you will see that they have rules in place for disclosing contingent liabilities on financial statements. Even if we don't get who the contingent liabilities are with or the individual amounts that could be outstanding, at least we need to get a best estimation of what this government expects to pay out over time, because that does impact the financial viability of the province and is an outstanding liability that does need to be recorded. So we find these to be quite irresponsible accounting practices, never mind governing practices or revenue projection practices.

We would urge the minister to consider releasing some sort of information in and around these contingent liabilities so that good decisions can be made by all those reviewing the statements, because we need that information to be reflecting accurate liabilities in all cases.

**The Speaker:** The Assembly will only be voting on the motion put forward by the hon. Member for Edmonton-Ellerslie, not the motion put forward by the hon. Minister of Sustainable Resource Development.

[Motion for a Return 12 lost]

#### **Kyoto Accord**

M13. Ms Carlson moved that an order of the Assembly do issue for a return showing all correspondence between the Minister of Environment, the Premier, Public Affairs Bureau, and the Minister of Energy regarding the Kyoto accord and Alberta's anti-Kyoto campaign.

**The Speaker:** The hon. Minister of Environment.

**Dr. Taylor:** Yes. Mr. Speaker, I must say that it is my privilege and pleasure to respond to this motion. Simply put, this motion cannot be accepted. Not only does the motion ask for information that is privileged under FOIP – and the member and her caucus so strongly support FOIP, so they should know that – but it certainly makes assumptions about last year's climate change discussions. It talks about an anti-Kyoto campaign, and I just want to make very clear to this member that our campaign was a pro climate change campaign on a national basis. It was not about anti-Kyoto; it was about pro climate change and a national plan. As well, if our plan was anti anything, it was anti federal intrusion into areas of provincial jurisdiction, and certainly I would say strongly still that we must stand up and protect Alberta's interests from the anti federal intrusion into our jurisdiction, which is something that the members opposite don't seem to understand with their close connections to the government in Ottawa.

So I clearly – clearly – urge all members not to accept this motion.

**The Speaker:** The hon. Member for Edmonton-Ellerslie to close the debate.

**Ms Carlson:** Thank you, Mr. Speaker. What this government truly is is anti openness and accountability, as certainly shown by the amendments and rejections of motions today. [interjection] That is certainly true. The Member for Edmonton-Centre's comments are very accurate.

How this member can stand here with a straight face and say that they had a pro climate change agenda – well, I see he's not so

straight faced now that he's sitting down in his seat. A pro climate change agenda: what was that about? I must have been out of the province during that debate, because I certainly didn't hear it. What I saw was a lot of money being spent on a stance which they have subsequently had to soften, I'm happy to see, in the new bill that we see coming out on climate change and the commitment of some dollars to moving forward on this particular item in the budget. So it's nice to see that perhaps he's moving from his before Christmas anti-Kyoto stand to this stand now which is going to be working in some co-operation. So it isn't all bad, bad feds. It's also uninformed provincial government on the issues and on where in fact their liabilities do lie and what they do have control over in terms of the province.

It's important for people in this province to know what this government is doing, and I would remind this minister, who aspires to being well read, that other jurisdictions do make available these kinds of documents. I would refer the minister to Australia, where they do have certain rules that impose a degree of openness and accountability on governments. I have seen this minister in the past cherry-pick those ideas from Australia that he likes. So I would encourage him to take more ideas than just those that he likes, and some of them include making public these kinds of pieces of correspondence which help the voters know where their money is being spent and the kinds of filters their government is using for decision-making, particularly when they're making poor decisions.

So we would urge all members in this Assembly to vote for the acceptance of this motion.

[Motion for a Return 13 lost]

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

**Bill 204**  
**Insurance (Accident Insurance Benefits)**  
**Amendment Act, 2003**

[Adjourned debate April 7: Dr. Taft]

**The Speaker:** Hon. members, there are 72 minutes left under the Standing Order agenda.

The hon. Member for Calgary-Buffalo.

**Mr. Cenaiko:** Thank you, Mr. Speaker. It gives me great pleasure to stand in the Assembly today to debate Bill 204, the Insurance (Accident Insurance Benefits) Amendment Act, 2003. I'd like to take this opportunity to commend the MLA for Drayton Valley-Calmor for bringing this legislation forward.

It raises some important issues that need to be addressed regarding section B benefits. Bill 204 would amend the Insurance Act to accomplish two primary goals: alter section B benefits and include a dispute arbitration mechanism. First, Bill 204 would increase the limit of section B medical benefits to \$25,000 over four years from the current level of \$10,000 over two years to individuals who have been involved in an automobile accident. Second, this bill would include initiatives for a dispute arbitration forum between the insurance companies and claimants receiving section B medical benefits. In conjunction with this dispute mechanism the amendment would introduce the use of independent medical examiners. Mr. Speaker, with the passage of Bill 204 our province would be on the same payout level of section B medical benefits as Nova Scotia, New Brunswick, Newfoundland, Nunavut, and the Northwest Territories. Currently Alberta ranks as the lowest jurisdiction in Canada with regard to payout limits on section B benefits.

Mr. Speaker, having mentioned Alberta's low limit on those benefits, I feel it's also important to highlight that the average section B payout is well below the set limits. Over 2001 the Insurance Bureau of Canada reported that Alberta's average payout for section B benefits was \$3,320, whereas the average all-inclusive payout was \$5,967 for the same year. It must also be recognized that Alberta's low payout of section B benefits is not a true indicator of benefits available. If a claimant is involved in an accident that is not their fault, they are not entitled to additional benefits. Accident victims can recover medical costs through third-party liability insurance of the driver at fault. Additional benefits include a minimum of \$200,000 in third-party liability, \$2,000 in funeral expense benefits, and maximum disability benefits of \$300 per week, or 80 percent of gross wages over a 104-week period.

**3:10**

Mr. Speaker, difficulties arise when comparing Alberta insurance benefits to other provinces. We are basically comparing apples and oranges. These are two separate and distinct types of processes. The essential difference is between no-fault and tort systems. In Alberta we have a tort system, whereas provinces like Quebec have a no-fault system. Section B benefits limits are high in no-fault systems because claimants do not have the choice to sue for pain and suffering. In Alberta's tort system those at fault pay. Section B benefits allow for insurance benefits on a no-fault basis to those injured in an accident, while those not responsible for the accident are eligible for third-party liability benefits.

Mr. Speaker, I would like to shift my focus and address the remainder of my remarks to the dispute arbitration mechanism. This is the portion of the bill I find most important and highly valuable. By providing the provisions for dispute arbitration, greater clarity, honesty, and impartiality would be brought to the process of resolving insurance claims. I acknowledge that by including an impartial arbitration panel, the government would have a more extensive role in regulating the insurance industry. Some may argue that this role is an example of government overregulation in the insurance sector, but I feel that the benefits of an impartial arbitration panel and the inception of independent medical examiners far outweigh the costs of this additional regulation.

With the passage of Bill 204 an impartial arbitration mechanism would be established to settle disputes that arise between insurance companies and claimants. This legislation would introduce independent medical examiners. The College of Physicians and Surgeons and either the Finance minister or the superintendent of insurance would supply a list of approved doctors to be selected as independent medical examiners. Both civil trial and insurance lawyers feel that the current system is unfair to individuals involved in automobile accidents, in particular with regard to their health assessment. As the system stands currently, an insurance company wanting to stop paying medical benefits to a claimant can send this individual to a medical professional of the company's choice. If this doctor deems that the claimant no longer needs medical benefits, the injured individual can be cut off from their medical benefits. By providing a mechanism for dispute resolution along with the introduction of medical examiners, enhanced clarity and fairness would be brought to insurance claims. Mediation and arbitration involve an essential, impartial, objective third party in settling disputes.

Mr. Speaker, I feel that in regard to the impartiality and dispute settlement and independent medical assessments it is important to highlight recent provisions that were made to the Workers' Compensation Board. Recommendations outlined from reports on WCB service delivery and the appeal system were instituted with the

passage of Bill 26 in May of last year. These provisions were brought forth to ultimately improve the clarity, fairness, confidence, and accountability of the system. Within these recommendations there was a call for the use of independent medical examiners. I feel it is important to look at the merits of this recommendation and how independent medical examiners and a similar process relate to Bill 204.

The seventh recommendation in the WCB review report called for a medical resolution committee to be established under the auspices of the Appeals Commission to review all cases where a difference of medical opinion between the medical examiner and the treating physician arises. It outlined that the committee's decision would be final and binding on all parties as it relates to the medical facts of the case. This recommendation states that

the members of the Committee are to be chosen from a continually updated list of [medical professionals] selected by a medical body that is independent of the WCB and Appeals Commission, such as the College of Physicians and Surgeons or the Alberta Medical Association.

The WCB has introduced independent medical panels to resolve medical disputes. These panels have specific guidelines for defining medical positions and differences in medical opinions. The provisions adopted for the WCB were brought forth to improve the structure of dispute resolution and the system as a whole. The dispute mechanism proposed in this amendment is along the same lines as changes made to the WCB to improve its operations.

This bill hopes to achieve the resolution of benefits disputes due to automobile accidents in a timely fashion. An impartial arbitration panel would ensure quality and establish uniform standards of competency for physicians performing independent medical assessments and appraisals of those involved in a motor vehicle accident. This impartiality allows for fairness and neutrality in a conflict. Parties involved are not working towards a specific outcome to benefit one side of the dispute; instead, they work to solve the conflict as quickly as possible.

Independent medical examiners are an important component of workers' compensation systems and are also used to clarify other liability cases. Impartial appraisals are often used to provide a more objective understanding of the impact of an injury or illness. Whenever an individual or his or her physical condition is under scrutiny in any case in which compensation is sought, an impartial medical appraisal must be given. Mr. Speaker, the establishment of independent medical examiners benefits the public good. They provide objectiveness and reduce bias. The College of Physicians and Surgeons and either the Finance minister or the superintendent of insurance would choose credentialed physicians competent in their specific fields of expertise which they feel have demonstrated the knowledge, skills, experience, and abilities required to perform independent medical evaluations according to the outlined medical performance standards.

An amendment to the Insurance Act allowing for the establishment of impartiality in medical assessments will prove to be more just to those who have been involved in an automobile accident. Mr. Speaker, I feel that a dispute arbitration mechanism and the inclusion of independent medical examiners are important features that would improve the current system. These measures would increase impartiality and fairness for claimants involved in automobile accidents, and for this reason I support and encourage all of my colleagues to vote in favour of Bill 204, the insurance amendment, auto insurance section B benefits act, 2003.

Thank you.

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

**Mr. McClelland:** Thank you, Mr. Speaker. I rise today to join in the debate on Bill 204, sponsored by the hon. Member for Drayton Valley-Calmar. Bill 204, as everyone knows, is a subject with which each of us is all too familiar, some more happily than others, that being insurance and the insurance industry in Alberta. We're familiar with it because it's not something that we have a choice in. If we drive, we must carry insurance, and therein lies the problem.

Because it's necessary to carry insurance, we are pretty much obligated to pay whatever we have to pay in order to get it, and many individuals sometimes feel that they're being taken advantage of one way or another. If you buy insurance and if you have to use it, God help you the next time you have to have your insurance renewed, because your premium reflects what might have been a once in a lifetime accident. If you do have that accident and you have been paying insurance premiums for a long period of time, the next time you come to the bar, you'll find that your insurance premiums will reflect that accident.

I think many Albertans and many Canadians wonder why it is that our insurance premiums never seem to go down. No matter how good we may be, they always seem to go up, and if you happen to be younger, they happen to go up exponentially, which results in the unhappy circumstance of an increasing number of Albertans driving without insurance, which is against the law, which is absolutely wrong, but then that puts those who find themselves in a collision with someone that doesn't have insurance under double jeopardy because it's even more difficult for the person who is one hundred percent blameless in any particular accident to find their interest being served. I think that this, Mr. Speaker, is perhaps the most frustrating aspect of individuals when they deal with insurance companies. When they have found themselves in an accident and they need the protection and the assistance of the insurance company that has their policy, they find themselves almost in an adversarial position not only with the other insurance company but with their insurance company as well.

The net result is that Albertans have had an increasingly difficult relationship with their insurance carriers over recent years. This is in part because the insurance companies, as everyone knows, have taken a tremendous hit in the equity markets, as most of us have as individuals and certainly anyone, including the province, who has an equity position. The insurance companies, as you know, Mr. Speaker, have informed us that they have for years been offsetting the cost of their premiums through funds generated through their equity investments and their other investments, and their premiums have not kept pace with the cost of claims.

3:20

It's really interesting when we look at statistics of claims. In general terms over the past 10 years we all know, Mr. Speaker, that cars are more expensive than they've ever been. Thus, intuitively one would expect that the cost of fixing cars would be more than it has ever been. There are more cars on the road, and the cost of fixing those cars, one would expect, would have increased. Well, the reality is that the cost of repairing damage to automobiles has remained relatively constant over the last 10 years. At the same time that cars have been becoming more expensive and the number of accidents has increased and the cost of these repairs has remained constant, the cost of bodily injury has gone up 3,000 percent.

**An Hon. Member:** How much?

**Mr. McClelland:** Three thousand percent.

You don't have to be Dick Tracy or a detective to be able to figure out that there must be some relationship between the costs incurred

by the insurance companies for bodily injuries and the increased cost. This is what has led many people to question the insurance industry and the associated lawsuits by the legal industry. I think it's also fair to say that if you look in the phone book of any major city in Alberta today, there are quite a number of advertisements for injury lawyers. This is something which was not part of our culture until fairly recently. So there may or may not be a connection between these two. As has been made evident in many conversations that I've had with both the legal industry and the insurance industry, we have a responsibility to hold harmless from the cost of the accident those injured in accidents, and that certainly could account for a large part or a proportion of the very large increase.

The question also, then, has to be addressed: does it make sense for a person who may have been injured in an automobile accident to benefit from that automobile accident? That brings into question that even if you pay premiums on an insurance policy to protect one from the effects of an accident, if you had three insurance policies all covering the same thing, should one be eligible to collect on all three policies because in fact you're paying for it? [interjection]

Now, the Member for Edmonton-Centre is remarking on the fact that she's trying to find the relevance of this to this particular bill. Well, the relevance is the part B medical and whether or not this should be increased. The relevance, Mr. Speaker, is that we should not – we could, but we probably should not – look at one particular aspect of the insurance industry in isolation because the insurance industry is far broader. There are more intricate and far more complex and complicated issues, and the more one delves into it, the more one notices or understands that there are two sides to every story.

So insurance companies have had an increasingly difficult time meeting the premium demands as the situation exists now. The Insurance Act, as members know, is being carefully considered by the government now. So the question then before us, Mr. Speaker, is: is it appropriate for this Legislature at this time to consider Bill 204, or is there a better way to consider the elements of Bill 204? I submit that there is a better way.

According to Statistics Canada as of December of last year automobile insurance premiums in Alberta rose 57 percent in a one-year period, so it's very obvious that the need to address this has been established. It's been further suggested by the insurance community that if section B benefits were to be increased, they would immediately apply pressure to limit the amount of money that a claimant could sue for due to pain and suffering, and that seems to defeat the entire reason for offering section B benefits. Insurance companies offer section B benefits in order that they work in conjunction with a whole range of benefits that are available to those who are involved in an automobile accident.

Mr. Speaker, this government is taking action on addressing rising insurance premiums. It has been acknowledged that Alberta Finance will be reviewing and examining insurance consumer issues during the automobile insurance review this calendar year, 2003. In light of this and the Alberta Finance review I move that the motion for second . . .

**The Speaker:** I think, hon. member, we've passed the time.

The hon. Member for Edmonton-Castle Downs.

**Mr. Lukaszuk:** Thank you very much, Mr. Speaker. Having reviewed the bill and its contents, I definitely will be urging all members of this Assembly to vote in support of hoisting this particular bill now before the House, and I would like to move the amendment to hoist Bill 204, that it not now be read a second time.

**The Speaker:** We'll await the circulation of such document so that all members will have an opportunity to review this.

Then do I take it the hon. Member for Edmonton-Castle Downs is proceeding?

**Mr. Lukaszuk:** That is correct. Thank you, Mr. Speaker.

I'm sure many of us have heard stories from constituents who had a tough time filing claims and accessing fair benefits for injuries due to automobile accidents. The process often involves lawyers squaring off against insurance companies, and one has to wonder if all sides have the best interest of the victim in mind. Bill 204 attempts to alleviate some of the factors that tend to heat up contentious claims by modifying the Insurance Act to include an independent medical examiner.

Mr. Speaker, the proposal for creating an independent medical examiner is a very intriguing aspect of this bill. Obviously, one of the most important aspects when settling automobile insurance claims is the role of the medical adviser. Usually there is more than one doctor involved in an insurance claim. The lawyer representing the injured party has some doctors, and the insurance company has a different set of doctors. Both sides argue that their medical examiner is right and that the other one has failed to properly evaluate the injured party.

Mr. Speaker, setting up a list of independent medical examiners that each must choose from will bring more openness, fairness, and accountability to contentious disputes over automobile insurance claims. I believe this bill, Bill 204, will benefit the injured party the most. I see no problem with a list of independent medical examiners that each side must choose from, and I hope this idea is taken under consideration in the future. I also suggest that these medical examiners be certified and proficient in their use of approved guidelines of assessment for clinical impairment.

3:30

However, there are parts of Bill 204 that really trouble me. These parts involve the changes to section B benefits. Increasing the limit and the amount from \$10,000 to \$25,000 over four years may actually result in a less flexible system that is less responsive to change. Moving forward on this part of Bill 204 would also get in the way of the work already being done by this government. The Department of Finance is already addressing this issue through a discussion guide released some time last year.

Mr. Speaker, in December 2002 the Department of Finance released a document entitled *Automobile Insurance: We Want Your Feedback*. This guide covered two broad areas. The first area deals with situations where expenses exceed the injured person's income. The second area discusses the fair level of benefits available for catastrophic injuries. This second area covers a great deal of what is discussed right now in Bill 204. This discussion guide asks the government and stakeholders to review limits established in other provinces, seek stakeholder feedback, and consider the possibility of setting higher benefit limits for catastrophic injuries.

Mr. Speaker, the goal of this discussion guide was to take the first step to develop new regulations under the Insurance Act. The document welcomed feedback to the proposed amendments and also asked if any change is needed. This is an important point to remember. In our zeal to pass legislation, we need to make sure that changes are necessary in the first place.

More importantly, legislative changes must be consistent with the policy direction of the act. This discussion guide is only one part of the process to review the Insurance Act. Obviously, car insurance is important to every driver on Alberta's roads and highways. If this Assembly is to debate any changes, we must be sure that the

proposed amendments will benefit drivers and those who actually get injured. A comprehensive review which encourages all affected parties to provide input is a more logical solution than a private member's bill. Because the Department of Finance is looking at this issue, Bill 204 may confuse the impending review process.

Mr. Speaker, we must also be very careful when making amendments to the act when a huge impact on the day-to-day lives of Albertans could be caused by such legislation. Members of this Assembly are compelled to be part of the discussion-making process and therefore part of the solution. Bill 204 seems to be based on very little feedback from the insurance industry or stakeholder input. Based on these considerations, I believe that Bill 204 would be against the best wishes of Albertans. The funding for increasing the level of section B benefits would increase the actual cost of insurance policies.

Mr. Speaker, Alberta ranks lowest amongst provinces in the maximum limits it has set on section B medical benefits, and if claims set for section B benefits hardly ever exceed the limit we have right now, why would we consider increasing the limit to begin with? I don't seem to understand the upside of raising the benefits if many of the stakeholders in the insurance industry haven't raised the issue. Lower rates for section B benefits may prevent insurance fraud in this area as well. Lower rates may also serve insurance companies or premium money. We don't know if this is the case, because the result of the Department of Finance consultation is not yet available to us.

The members in this Assembly are charged with the job of representing their constituents to the best of their ability. This representation is accomplished in part through careful study and critical analysis of legislation. I don't believe we have had an opportunity to critically analyze this legislation by way of generating feedback from the industry and the stakeholders, being Albertans. The Department of Finance regulates the insurance industry in Alberta and monitors availability, affordability, and fairness of insurance to Albertans. There is no doubt that the automobile aspect of the Insurance Act needs to be reviewed.

The policy promoted in Bill 204 would encourage more lawsuits, making litigation more attractive for people injured in car accidents. We should be working towards curbing the amount of litigation rather than creating an environment that increases section B insurance claims. If people see lucrative awards for injury claims, they may be easily persuaded to seek legal action. An increase in section B benefits would only help out the driver who was at fault in the accident. The person who was not at fault can recover up to \$200,000, which is the minimum for third-party liability. One has to wonder if there is a real need for concern for the at-fault driver.

The average paid for section B benefits between 1997 and 2001, Mr. Speaker, was \$3,094, far less than the current \$10,000 limit. Also, a national auto owners survey in 2001 revealed Edmonton as the second least expensive place in Canada to own and operate a vehicle. Increasing the threshold may cause a ripple effect that will have a dramatic impact on Alberta drivers. Although the number of automobile accidents has declined, the number of injury claims, which are more costly by far, has gone up dramatically. This combined with an increase in medical claim costs plays a large part in the overall increase of the claim. Increasing section B benefits will only make this problem worse by encouraging more accident fraud.

The number of injury claims continues to increase, bringing us closer to the situation of our neighbours down south of the border. In 2001 Alberta drivers spent \$877 on premiums on average, but drivers in New Jersey, Washington, D.C., and New York pay over \$1,100 per year for premiums, and that's U.S. dollars.

Mr. Speaker, vehicle premiums continue to rise, which has concerned many Alberta drivers, especially those on fixed incomes. The early stage of the review process has already started. The risk in making these changes is too high at this point in the process. Therefore, increasing the amount and time period for section B benefits would also encourage people to not return to work following an accident.

I'm not satisfied that the proper consultation has been done to proceed with the changes to the Insurance Act at this time. Mr. Speaker, although I strongly support the idea of an independent medical examiner, I cannot support the other elements of this bill.

Thank you, Mr. Speaker.

#### **Speaker's Ruling Relevance**

**The Speaker:** Hon. members, we're on an amendment. The last discussion seemed to focus on the bill, not the amendment. The amendment is very clear: "be not now read a second time but that it be read a second time this day six months hence." That is the subject of the debate.

The hon. Member for Edmonton-Ellerslie.

#### **Debate Continued**

**Ms Carlson:** Thank you, Mr. Speaker. I am speaking directly to the hoist, which is one of those nice little legislative tricks that can be slid into a Monday afternoon when they hope that everybody is sleeping, interestingly brought in by one member when it was actually written by another. [interjections] Well, I certainly am paying attention. Don't worry.

I would encourage the member who brought in the hoist to also pay attention and to read the information that was provided to him by one of the stakeholder groups, being the Alberta Civil Trial Lawyers Association, who specifically addressed one of the points that he finds particularly abhorrent in this particular bill, subsequently making it necessary to hoist. I would refer that member to page 5 of that stakeholder feedback information, which was given to all MLAs in this Assembly, where they talk about changing "the criteria for medical examinations to allow the medical examiner to be agreed upon jointly by the insurer and the injured."

The original problem, Mr. Speaker, is that

the standard Alberta automobile policy allows for an auto insurer to appoint their medical examiner to determine if the insured person requires further treatment. Often the accident victim's own doctor's advice is not properly considered. In the best light it is perceived by Albertans to be unfair. Often it is very unfair.

This association states that the solution to that is:

Change the criteria for the insurer's medical exam to allow the medical examiner to be agreed upon jointly by the insurer and insured. This proposed amendment is the subject of Bill 204

sponsored by the Member for Drayton Valley-Calmar.

3:40

This is a very real issue that we have heard discussed often that is left out of the legislation in Bill 33, as one of the other members was speaking about earlier. It's a good reason to have the vote on this bill and a debate and a discussion now, not six months hence, Mr. Speaker. I think that the member who introduced this amendment needs to go back to the information that was provided to him and read it, and then he would not have been so hasty in bringing in a hoist to this particular bill.

We will be interested to see what other members have to say about this. Thank you, Mr. Speaker.

**The Speaker:** The hon. Member for Clover Bar-Fort Saskatchewan on the amendment.



**Mr. Lougheed:** Thank you, Mr. Speaker. Keeping in mind your admonishment somewhat earlier, I certainly intend to speak to the hoist and offer some comments about Bill 204 as it exists and provide some good reasons why it should be hoisted.

Mr. Speaker, as Albertans we live in a province that's a vast territory, broad landscapes. It's a province where the cities and towns and communities are all separated by long stretches of road and highway, and unlike other countries or perhaps even other places in Canada here in Alberta we definitely have to have some sort of motorized transportation in order to go about our daily lives. We don't have to look too far in order to see this. The geographic and the economic trends are shaping the city of Edmonton in such a way that most people who work in the downtown area live in the outskirts of the city or perhaps even in the community that I represent, the constituency of Clover Bar-Fort Saskatchewan. So many Albertans are dependent on their vehicles – their cars, their personal vehicles – to get back and forth, to and from work. Other citizens who live within Edmonton still rely on those cars and their other vehicles for work, other activities that they find essential for daily living, and the rest of the province isn't much different.

We're a nation, we're a province of commuters, and our vehicles are not a luxury but a necessity. Since so many of us spend so much time of our life out on the road, we invest many dollars in auto insurance in order to ensure compensation in case we get into an accident. Taking into consideration that there are so many vehicles on the road and the fact that there are so many potentially deadly or disabling accidents waiting to occur – and I recognize, Mr. Speaker, that one member of my constituency claims that we should not call them accidents. I agree with him, because so many of these are preventable, and there are concerns in the research area that we should prevent and avoid these incidents as much as we can. These crashes are potentially there to occur at any time, and the law stipulates that for liability reasons all Albertans must keep them insured.

However, Mr. Speaker, Albertans have paid and continue to pay a hefty premium on automobile insurance in this province. Over the past several years we've seen our insurance rates rapidly increase. Last year the rates rose by 57 percent. We wonder what can justify this unprecedented rise. Well, if we listen to the insurance companies, they say that the jump is a result of the rising number of false or fraudulent claims that are being put forward by certain members of the community. They say that it's not them who are responsible for the astronomical increases in the premiums but rather those that are taking advantage of the system. If we listen to the insurance claim lawyers, they in turn tell us that the insurance companies are purposefully milking more money out of Albertans in order to either fatten their pockets or perhaps pay for some poor investment decisions.

Whom do we trust then, Mr. Speaker? I would argue that the truth is, as always, somewhere in the middle.

**Ms Blakeman:** Point of order, Mr. Speaker.

**The Speaker:** The hon. Member for Edmonton-Centre on a point of order.

#### **Point of Order Relevance**

**Ms Blakeman:** Thank you very much, Mr. Speaker. I'm citing Standing Order 23(b) and *Beauchesne* 459.

I've listened to the member for some five minutes now, and I'm seeking desperately to see how his comments are specific to the hoist that is before us, which is that the bill be “not now read a second

time but that it be read a second time this day six months hence.” What I hear is him speaking off his speaking notes to the bill but not to the hoist.

**The Speaker:** The hon. Member for Clover Bar-Fort Saskatchewan on this point of order.

**Mr. Lougheed:** Thank you, Mr. Speaker. Well, I wasn't so sure she was listening attentively for the full five minutes because when I glanced over there, I was not sure. I sort of thought she was looking for some reference in *Beauchesne* to rise on a point of order and disrupt my flow of thought here and the argument that I was trying to put forward.

In fact, I would encourage the hon. member to listen for a few more minutes, and as the argument is fully developed, she will see what the reason is that's being presented and, in fact, why I'm advocating – well, she's presuming, I suppose, that I'm speaking in favour of the hoist, but she will see the argument being fully developed, and I'm sure that she'll agree at the end of that time that the argument is complete and comprehensive and convincing, and she'll vote along with me on that hoist.

**The Speaker:** Well, relevance is a very important criteria in this Assembly. The chair would have some empathy for the argument put forward by the hon. Member for Edmonton-Centre because the chair too has been listening very attentively for well beyond five minutes. So presumably now with the five minutes plus the time spent on the point of order, probably within the next minute or two the hon. member will bring this argument to a conclusion, that will become very clear with respect to how the hoist amendment fits into this.

**Mr. Lougheed:** Well, thank you, Mr. Speaker. I don't know if I can accomplish it in just a minute or two because there are quite a few points to be made here, but I will do my best, as you have admonished further, and I feel chagrined.

#### **Debate Continued**

**Mr. Lougheed:** Anyway, Mr. Speaker, as was mentioned previously, it's really important that we have our vehicles to drive and go about our daily lives. We have no choice. We will continue to pay these high premiums even though the vast majority of us are responsible drivers. Many Albertans are tired of spending more of their hard-earned money on auto insurance premiums, which seem to increase every year. Certain aspects of Bill 204 could be useful to Albertans in future reference.

The bill at the present time appears to be a wrong policy for this province to follow. The reasons are twofold, Mr. Speaker. Firstly, the parameters of Bill 204, particularly the proposal to limit section B medical benefits from \$10,000 over two years to \$25,000 over four years, would be potentially useful to some Albertans, but the end result of such a policy would be a further increase in rates. In its very nature Alberta's insurance industry is profit-oriented. Therefore, if this government forces the industry to provide an increased service or compensation limit such as the proposed increase in section B medical benefits, the industry could very well not enjoy the same profit margin that it has previously enjoyed. The insurance agencies will undoubtedly compensate for the loss of profit by further increasing the insurance premiums, and this will result in Albertans paying even more for auto premiums. In the future, perhaps six months hence, it may be prudent to increase the limit on section B medical benefits. It would not be wise to do so at this

present time, especially considering the fact that the rates are at an all-time high.

The second reason, Mr. Speaker, why I cannot support the proposed increase in section B benefits from \$10,000 over two years to \$25,000 over four years is because currently the vast majority of Albertans are not coming even close to the \$10,000 limit. According to the Insurance Bureau, over the past five years, as was previously stated, as the other hon. member speaking in favour of the hoist amendment commented, claimants' average amount paid out was \$3,094. The same statistics indicate that in 2001 the average payment was about \$3,385 per claimant, two-thirds less than that maximum. These figures indicate that there's currently no reason to increase the section B medical benefits coverage. If in future time withdrawals by a . . .

3:50

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

#### Point of Order Relevance

**Ms Carlson:** On a point of order, Mr. Speaker. It's *Beauchesne* 459, on relevance. We still haven't heard anything pertaining to the hoist, and it's another three minutes into his argument.

**Mr. Lougheed:** Well, Mr. Speaker, I really feel poorly about this assault by the opposition, complaining perhaps that they don't like to listen to some speeches from this side. Over and over again they comment on how they want more involvement from the government members on speeches on different bills, and we could contribute at great length, of course, because that's what we could do. It's our opportunity to speak, just like theirs, but we don't.

**The Speaker:** Hon. member, I expect that the speaking time allocated to the hon. member is coming to an end pretty quickly.

Let's just wrap it up.

#### Debate Continued

**Mr. Lougheed:** Thank you, Mr. Speaker. There have been occurrences where there have been outright refusals for these payments.

The amendment that I'm speaking to, to delay the passage of this bill or the discussion for another six months, is appropriate for several of the reasons that I've put forward: the concerns that the industry has, the concerns that the people that are paying those premiums have. Sometimes we've found that insurance companies have kept their clients on these benefits for only short periods of time. The reason why this happened is because the current rules regarding section B outline that the insurance companies can discontinue paying the benefits.

Mr. Speaker, everyone in this House can see the flaw in the arrangement. Under such favourable arrangements it's no wonder that some insurance companies will shortchange their customers for profit. It's true that within the current automotive system we don't have a general insurance ombudsman service which is designed to provide mediation. However, the rulings would not be binding, and the vast majority of claimants would not even be aware of its existence.

Therefore, Mr. Speaker, it's clear that when it comes to conflict resolution between insurance companies and the claimants with regard to the payout of section B benefits, the companies hold the advantage. Many use this advantage . . . [Mr. Lougheed's speaking time expired]

**Some Hon. Members:** Question.

[The voice vote indicated that the amendment to the motion for second reading carried]

[Several members rose calling for a division. The division bell was rung at 3:54 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abbott	Hutton	Melchin
Ady	Jablonski	Nelson
Amery	Jacobs	Oberg
Boutilier	Johnson	Renner
Broda	Klapstein	Shariff
Calahasen	Knight	Stelmach
Cenaiko	Lord	Stevens
Danyluk	Lougheed	Strang
Doerksen	Lukaszuk	Taylor
Dunford	Lund	VanderBurg
Haley	Magnus	Yankowsky
Hlady	McClelland	Zwozdesky
Horner		

Against the motion:

Blakeman	Massey	Nicol
Carlson		

Totals:	For – 37	Against – 4
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[Motion on amendment to second reading of Bill 204 carried]

#### Bill 205 Citizens' Empowerment Act

**The Speaker:** The hon. Leader of the Official Opposition.

**Dr. Nicol:** Thank you, Mr. Speaker. It's a real pleasure this afternoon to rise and move second reading of Bill 205, the Citizens' Empowerment Act.

I guess the purpose behind this bill is to in effect provide a tool or a mechanism for Albertans to become involved in their democratic process a little more than what is available to them at this point. The purpose behind it, I guess, again, is to make sure that democracy has different mechanisms for messages to be sent to the Legislature about, in effect, the wishes of Albertans, whether they are wishes for change or wishes against change.

If we do that, we have to provide the tools. We're always hearing that Albertans want to do something a little bit differently, a little more direct with their MLAs. If we do it this way, we should make sure that the messages that get sent at an election time are not built around only one concept or one issue because that vote at an election time shouldn't be issue based. It should be government-philosophy, government-approach, government-competence based instead of: are we all going to vote for a bill that will do one thing or another?

[Mr. Shariff in the chair]

We've seen a number of cases where one-issue elections have really changed the direction of government because once that one issue is addressed, governments don't have other agendas. This is the kind of thing that happens in democracies on a fairly regular basis. What this bill is going to do is in effect it's going to give citizens just another mechanism to send a message to their elected officials so that they can respond to the wishes of their constituents.

## 4:10

The thing that we have to do is make sure that as we look at how citizens should be allowed to voice that input or be part of that input to the legislative process, it's important that we look at, in effect, the four basic parts of the development of legislation and whether or not citizens should be involved in it. The first one is when you initiate legislation. That, in effect, right now occurs either by the elected government, the government in power, or groups coming together with the government saying: we think this needs to happen. Then what you do is you go into a discussion on how those ideas actually get put into legislation, and that's in effect a formative stage. Then you end up with the idea of how you get involved in debate, and there's a lot of that that goes on in terms of contacting MLAs about this perspective on a bill, that perspective on a bill, and that's what we see a lot of in terms of the approach.

It's a matter of: how do you weigh the seriousness of how individuals in a community feel about an initiative? How active do they want to become in either supporting a piece of legislation or bringing a piece of legislation to an end? I guess that takes us right into the fourth part of it in the sense of what happens if legislation gets derailed and you want to stop it.

Well, Mr. Speaker, Bill 205 in effect will provide citizens with a mechanism to address both the front end part of that four-step process and the back end part of it, that I just described. In other words, it will give citizens two chances to broaden their participation where they don't have it right now. The first one is on the initiation of legislation, and this is basically where a group of citizens can put together a prototype bill, you know, a bill that basically outlines what they would like to see in that legislation, petition the Chief Electoral Officer, get a petition in place, bring that to the Legislature and say: this petition would ask the Legislature to enact a bill similar to or consistent with the prototype that they've brought forward.

If during that sitting the government doesn't enact that bill that reflects the wishes of that constituent group that did the petition, then what would happen is during the next break in the Legislature a referendum would be held, and if the referendum passes, then the government must introduce that legislation. Now, they can vote it down, but they have to bring it to debate in the House, the idea there being that if they do vote it down, the consequences are at the next election, when individuals say: "Look. You didn't follow our direction. You weren't representing us." So, you know, in effect you need to make sure that you get more in tune with your constituents. That briefly provides them with input that comes at the initiative part of taking an idea and bringing it forward into legislation.

Now, Mr. Speaker, it's critical at this point that we look at the limitations that we impose on that initiative in the sense that we do not allow that to be a financial bill; in other words, suggest taxes or suggest anything to do with the budget. We also don't allow the bill to suggest legislation which would in any way contravene the Charter or the human rights acts of Alberta or Canada. So, in effect, it does limit suggestions of where initiatives can be brought in. What it does is makes sure that any legislation is consistent with the wishes of Albertans but doesn't become a majority imposition on a minority. So that's where the human rights protection comes in. The other part of it, too, is that by doing this, the act cannot infringe on the government's need to do business. In other words, the budgets, the taxing patterns of the province can't be influenced by this kind of initiative.

The other half of the participation is in a sense to say: "Hold it. No. You've made a mistake. Let's stop that piece of legislation." What it would do is in effect create a 90-day window between the

third reading of a bill and royal proclamation of a bill. So during that 90-day period if citizens get together a petition of 5 percent of the registered voters, then they can precipitate a referendum that would say: yes, we support this bill, or, no, we don't. If the referendum defeats the bill, then it cannot move on to royal proclamation. Again, we put conditions on that in that if it is a bill that the government designates as necessary for a crisis, then that window is not open. Citizens can't stop a bill that the government designates for a crisis. Obviously, if there's a crisis, there's a need to act quickly, and to go through the process of first the petition and then the referendum would delay a solution to a crisis too long to make sure that we do what's appropriate to manage the affairs of the province.

So from that perspective, you know, we have to make sure that as we move through this process citizens feel that they truly have input to the piece of legislation, that they have input to the way their democracy works in our province, and that we end up making sure that all of the aspects of good government and responsible government, responsive government are actually put in place. I truly think that if we pass this bill and put it in place, what we'll end up with is a real opportunity to move away from one-issue type elections to: let's talk about the philosophy of government; let's talk about the approach to government during elections. Then we don't have to have that one-issue debate that could swing votes during an election, because that can be done through this kind of a process or a citizens' initiative.

In wrapping up, Mr. Speaker, the main thing is we have to recognize that the bill in no way limits or prevents democratic action by the Legislature. What it does on the initiative side, on the input side, is goes through a two-step process. In the end the Legislature is the final say with consequences at an election. So, in effect, it doesn't get into the kind of "let's have a referendum and make laws" that we see in some of the U.S. states where this kind of legislation is in place. This would always make sure that the final decision-makers are here in this House so that we end up making sure that we don't have, you know, the hype that comes with issue-based votes so that you end up with conflicting referendums, bringing forward legislation under a referendum proposal. The House in itself would have to sit and debate how these pieces of legislation fit in with all of the others, and if they can't see it fitting, then the Legislature has the right to not move ahead with it.

That, I think, is critical in the context of making sure that citizens have a voice, that they have an option to say: consider this. There has to be that interlink between the suggestion and other legislation that's on the books, and that's the role of the Legislature. That's why, you know, we didn't make this legislation so that the absolute power resides in the referendum. We didn't want to have a situation where through lack of ability to really analyze and investigate the interrelationships and the interlocking of legislation – that's the role that the Legislature can carry out. Citizens out there just voting on an idea with a prototype bill would not in effect have that ability and have that expertise to deal with all that interlink, the way that they really need to look at the impact on other pieces of legislation. That would be the responsibility of this House, the final responsibility of the legislative process when it gets here to deal with it in the context of: does it fit with current legislation, or are there other bills that would have to be amended if this legislation passed, and what would be the repercussions of that change? You know, that's kind of the important part of making this legislation work, the idea that it's not an absolute on behalf of a referendum. It's a strong suggestion through a petition. It's a stronger suggestion through a referendum, but the House in the end still has control.

4:20

The same on the other end. The perspective is there that if citizens decide they want to have a bill stopped, there's a very small window they have to be able to rally Albertans to get the petition in. Otherwise, they can drag it out too long, and we don't want to in effect delay unintentionally, you know, without purpose, legislation. So the 90-day window to get your petition in is effective. It's enough time if Albertans feel strongly enough about it to get that petition in that then calls for a referendum within six months.

So I think this is a good addition to the tools that we've got to make our democracy work, and I hope that we can count on the members of the House to support it. Thank you, Mr. Speaker.

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

**Mr. McClelland:** Well, I thank you very much, Mr. Speaker, for the opportunity to join in this debate on this very interesting piece of legislation, and I congratulate the Member for Lethbridge-East, the hon. the leader of the Liberal opposition, for bringing this thought-provoking notion before the House. When the opportunity arose to speak to it, I asked if I'd be able to speak to this and get on the list because I've had considerable personal experience in this. As a matter of fact, this very issue is what caused me to get involved in provincial politics rather than remain in federal politics with the party that I used to represent. As members will know, the party that I represented in the House of Commons to start with was the Reform Party, which was wedded to this notion that opinion at a constituency level would in fact trump judgment at a political level. This is all well and good until, actually, the rubber meets the road, and in my particular experience the rubber met the road under Bill C-68, which was the infamous gun control legislation.

The more I learned about that legislation and the more research that I did, the more I realized that the notion that was driving it at a constituency level, at an individual level was to achieve something that we already had as far as gun control is concerned in Canada, but they were measuring our situation against a situation they saw on television in Detroit or Chicago, primarily in the United States. So the opinion of the people being measured by a public opinion poll in order to determine opinion was not necessarily informed decision.

I found myself in the very, very difficult position of voting against the bill at second reading even though I knew that the constituent opinion in the constituency I represented was in favour of the legislation by a majority of over 60 percent. In three separate, independent, carefully crafted by an outside third party polls, it was clear that the majority of the constituents that I represented were in favour of the bill despite the fact that they had no idea what was in it in relative terms. I shouldn't say on broad terms. I think that it was fair to say that the majority of people felt that they were making their judgment based on the emotion of what they hoped that this bill could achieve for the country, noble intentions. So I ended up voting against it despite that. Then at third reading I voted in favour of the bill, as presented by the Liberals, against my better judgment, against the party position but upholding the opinion as represented by opinion polls in the constituency. The net result was that I found myself in a position where judgment gave way to opinion, and that caused me to rethink the foundation upon which I was elected initially and upon which we collectively administer the affairs of our province on behalf of the citizens of the province.

Was Edmund Burke right, or was Preston Manning right? That's really the question. In my opinion, as a result of my test I think that Edmund Burke was right. If I was troubled and if I was torn between this notion based upon gun control, what would happen were I faced with the same decision based on a moral, ethical issue, and is that not what the Nuremberg trials were all about?

So then we get into majority versus minority rights, and where does the majority get the imprimatur to govern? Who vests with the majority the right to govern? How do we as a majority government have the right to govern? Well, I suggest, Mr. Speaker, that that right comes . . . [interjections] If you don't mind, you guys, let me finish here first. I suggest that the right to govern is vested with the majority by the minority because the minority feels secure and safe that the majority will not trample their rights. It is, in fact, the minority that vests its confidence with the majority in a continuum that makes a complete circle.

Now, how does one arrive at a majority? Well, in our democracy as we have evolved, a majority comes to be because minorities have been given the unfettered opportunity, the unfettered right to bring others to their point of view, and if they are not successful in bringing others to their point of view, they then have the obligation to join with the majority so as not to have ever diminishing narrow and separate issues.

**Ms Blakeman:** What?

**Mr. McClelland:** I see the Member for Edmonton-Centre becoming apoplectic on that, but I wonder if the member would be interested in knowing the source of that particular quote. None other than Pierre Trudeau, who said: in a democracy the minority has the right to bring others to their point of view; if they are not successful, they have the responsibility of joining with the majority, and we move on from there. That's how democracy works, and that's how we keep from going into ever diminishing circles of narrow self-interests.

That, then, Mr. Speaker, brings us to the point of what political leadership is and how political leadership should be defined. Is political leadership measuring the wants and needs and desires or the opinions of the constituents and then representing that, or is it aggregating interests in the common good and being able to hold a principled opinion even if that principled opinion goes against majority opinion but is the right thing to do? That is the essence of political leadership. Political leadership is not defining or finding a narrow, separate special interest, catering to that special interest at the expense of all others. It is about listening carefully to what we hear, then aggregating those interests and articulating a vision based on what we have heard, what our experiences are, who we are, and then articulating a vision that inspires us to be more together than we are as individuals. Political leadership is not finding a special interest and catering to that. It is doing what's right for the common good, and that cannot be done if we rely on opinion polls to form our judgment. Judgment is a sum total of who we are and how we got here. Judgment is defined as our life experiences, good and bad, that our electors expect us to use and to exercise on their behalf.

4:30

Therefore, Mr. Speaker, with deep respect for the principles underlying this notion of populism and underlying the principles that brought this to this House through the hon. Member for Lethbridge-East, I must say, using my experience and my judgment, that this is not worthy of support in a democratic House.

Thank you.

**The Acting Speaker:** The hon. Member for Edmonton-Mill Woods.

**Dr. Massey:** Thank you, Mr. Speaker. I appreciate the opportunity to speak in support of Bill 205, the Citizens' Empowerment Act, this afternoon, and I'll resist the siren call to respond to the previous speaker's comments. I think the distinction that's made between opinion and, as I think the member indicated, aggregated interests is

a fine distinction, and I think that there are some issues in this province that clearly would have been acted upon by citizens had they had the opportunity. One of those issues that immediately comes to mind is that the government's decision to cut the funding for kindergarten was not something that was dominated by opinion. There was some pretty solid research that indicated that that was a bad thing to do. So I reject the notion that the former member puts forward.

In speaking for the bill, I think that really the essence of the bill is that it allows two things. It allows citizens to bring a bill before this Assembly, and it allows a citizen to cause this Assembly to take a sober second look at legislation, much in the same manner that the Senate does for federal legislation. I think you aren't in the Legislature long before you're approached by one citizen or another asking: what can I do? They're interested in a particular issue. They're interested in a particularly public policy and feel strongly about it and come to us often asking for advice: how can I get involved? What this bill does is give them one more tool.

The kind of standard things I think we all suggest to them is that they can obviously meet with MLAs, and I think of some good examples when meeting with MLAs was effective. I go back again to the kindergarten issue. On that particular issue I know that the former president of the University of Alberta made a point of meeting with every member of the Legislature individually and arguing the need for the restoration of full funding for kindergartens, and I think that the president's arguments were effective.

We also suggest that they get involved and organize some like-minded groups. I think that we saw an example of that not the last session, the session before that, where the Save Our Schools parents organized a provincewide petition, and we were able to each day in the Legislature table those petitions with parents' signatures asking that the underfunding of education be addressed. I think it was a very effective tool in citizens' hands to draw attention to a public policy that they thought needed changing. Those are the kinds of things that we often suggest to citizens.

We suggest, for instance, that they write letters, that they become involved with other citizens. We give them suggestions about letter writing: if you're going to write a letter, make sure you do sit down and pen it or craft it yourself, that you don't spend the time signing duplicated letters, that you make some effort to personalize it, that you ask for a response. There's a whole set of instructions that we give citizens who are asking for ways that they can affect public policy to use letter writing as a tool.

We also encourage them to bring forward suggestions for private members' bills, and I think we've seen that time and time again in the House, where there have been suggestions that were from citizens for legislation that they thought was important. Some of the ones that drew a great deal of public attention were the private members' bills that were concerned with cell phones. There were private members' bills that were concerned with using radar for catching speeders. A great number of private members' bills, and we spend a great deal of our time in the Legislature debating those bills. Again, it's another tool where citizens can have their ideas brought before this Legislative Assembly for debate and in many cases for adoption at some point.

I think of the class size bill that we've brought forward in various forms over the years, and it's one that citizens are continually coming forward and saying: how can we get something in the Legislature to be debated? Unfortunately most of those bills were far enough down on the Order Paper that they didn't get debated, but citizens who wanted those kinds of things could look at those bills and see that the interests that they wanted pursued were being taken seriously by this Legislature.

We've suggested that they hold town halls. I think of the parents of children with special needs and their joint concern that there was something that needed to be done for children with special needs because of the things that were happening to them in the classroom. Again, we encouraged them as citizens to organize town halls, and I went to some of those town halls and in fact helped organize a couple where parents were able to talk about their concerns and where special-needs parents were able to meet other special-needs parents and bring together their thoughts and suggested actions in terms of things that could be done to help the situation for special-needs children in our schools.

We suggest that they write letters to the editor, and we see those every day, Mr. Speaker, addressing one or more public policy issues that are being debated in this Legislature.

As an opposition – and I'm sure that government members do likewise – we suggest that if they're concerned, they may want to ask the opposition to ask questions in question period to again have public policy debated, to have a particular viewpoint on an issue brought forward.

4:40

These are all things that we suggest to citizens who are interested in becoming involved and who want to feel that they have some power over what's happening in their lives. We suggest that they do these things.

What we have before us in Bill 205 is just one more tool. I think it's a tool that we should look at very seriously, Mr. Speaker, before we reject the notion. If you really read the bill seriously and look at the provisions, it's not going to be the kind of action that special-interest groups will undertake frivolously. There's a lot of hard work involved in what is included in Bill 205 if a piece of legislation is to be brought before this Legislature or if one of the bills that the government has brought forward is to be challenged. It's not easy. There's, as I said, a lot of hard work that must be completed, and the bill I think would actually in practice see limited use. They would have to be really issues where there was large public outcry or large public support, and again I think on those issues it's not just a matter of opinion.

The Member for Edmonton-Rutherford talked about the gun legislation and said: well, it was just a matter of opinion. But I remember that that opinion at the time came from some rather respected groups, including the chiefs of police across the country who had supported that gun legislation, and I don't think that they can be dismissed as just a sample taken in some offhanded survey. I think there were groups that command a fair amount of respect who were in favour of that.

I urge members to support Bill 205. Thank you, Mr. Speaker.

**The Acting Speaker:** The hon. Member for Spruce Grove-Sturgeon-St. Albert.

**Mr. Horner:** Thank you, Mr. Speaker. It is a pleasure to rise and address Bill 205, the Citizens' Empowerment Act, proposed by the Member for Lethbridge-East. Supporters of Bill 205 argue that the bill will provide Alberta with much-needed direct democracy. However, I cannot support this bill for three reasons. [interjections] I know that it's a surprise to many. First, I feel that special-interest groups will gain control of the policy-making agenda and in the process not serving the best interests of all Albertans. Second, the hands of government will be tied, and our roles as legislators in a representative Assembly would be diminished. Finally, the costs involved could be much more wisely used for immediate needs facing the province.

Bill 205 would legislate that a petition of 5 percent of the electorate could stop any piece of government legislation provided it does not deal with emergency situations from coming into force. Five percent is not a large amount, and this is my first problem with the bill. With respect to this small threshold, Mr. Speaker, the special-interest groups would play a formalized role in our legislative process. These well-organized groups would have the opportunity to collect the signatures of only 5 percent of the eligible voting population, which is about 95,000 people, a small number in my opinion, and dictate the policy thereafter.

This raises three main concerns. The first concern pertains to the control of information surrounding the petition in question. This problem is directly related to the second issue of special-interest financing. The final problem lies with the potential of regional confrontation over issues.

When an issue has been successfully petitioned and scheduled to be voted on in a provincial or municipal election, the voting public will seek information pertaining to the issue. Special-interest groups will present one-sided information to further their goals. These newly formed propaganda machines will bombard the public with slanted information. The government will be forced to defend its position with a balanced message. This will only increase the level of distrust in the public psyche and cost taxpayers in the process.

The amount of money spent on winning public support in both the petition signing and referendum would be ridiculous. The government would be forced to spend money on television, newspapers, which could be money well spent on much-needed infrastructure, education, and health care.

In the United States, where 24 states have citizen initiatives, it can now be seen that the process has been corrupted with big money. Like their candidate campaigns a referendum's chances of winning are now handicapped according to its bankroll. Paid signature gatherers are now needed to qualify an issue for the ballot. An example of powerful special-interest groups can be seen in California. Of the 1.1 million signatures gathered in support of California's initiative against affirmative action, only 147,000 were obtained by volunteers; 800,000 were secured by people who were paid \$1 per signature.

I would like to read to you, Mr. Speaker, two quotes from two local state officials. The first is from 1996 and Washington Secretary of State Ralph Munro: "It used to be the most important thing was the issue. Now the most important thing is the money." The second is from 1996 and Oregon's Secretary of State Phil Keisling, who dubs the new version of citizen initiatives a "cash and carry democracy." If we pass Bill 205, we will see the same problem arising in Alberta. Big money will seek to bypass the legislative process and impose their own agenda on the public.

Mr. Speaker, special interests located in different regions also pose a potential problem. Urban Albertans would have a much easier opportunity to gather signatures than their rural counterparts. I can see how this bill could bring about an issue between urban and rural areas to the detriment of the province as a whole, considering that special-interest groups in the city could force an environmental action that may conflict with farming practices.

This thought leads to the second major problem with Bill 205 in that it ties the hands of legislators. Developing legislation is a thoughtful, conciliatory effort. Through our current system of private members' bills it's not difficult for a group of concerned constituents to petition their MLA and have their concern drafted into legislation. An example is the good firemen's legislation that was just recently passed in this House, Mr. Speaker.

There have been a large number of private members' bills and motions generated from constituents' concerns. In fact, government

bills are also generated from constituents' concerns. There are many ways for Albertans to participate in the guidance of legislation and formation of policy, as has been mentioned by the previous speaker. Just to name a few, this government has held a justice summit, an Ag Summit 2000, and a Future Summit. These consultation processes are some of the best ways for Albertans to get their views heard. We have some of the best legislation in the country coming from these processes. Bill 205 would make these consultations seem unnecessary and useless.

Mr. Speaker, Bill 205 polarizes Albertans as it forces them to vote either yes or no when the best solution requires getting both sides together around a table so that they can hammer out a compromise. That is a major role of the politicians: to be problem solvers and arbitrators between opposing forces. It's our job to make the hard decisions; that's what we were elected for. We listen to the people who elect us, and we act on their behalf. Bill 205 would strip us of that elected responsibility, a responsibility we hold and deliver very well, and we take it very seriously. Giving such a small minority the ability to block and introduce legislation over the will of the majority simply does not make sense when the people have already spoken by electing their officials.

Mr. Speaker, I've already mentioned the related costs of holding a referendum, and I specifically only mentioned the cost to the government for presenting their side of an issue, which could venture into the millions. However, I did not mention the direct costs related to holding a referendum. According to the office of the Chief Electoral Officer, a referendum would cost just as much as a normal election, which in 2001 cost \$5.4 million. Adding citizens' initiatives to an existing ballot in an already pending election would increase the cost of that election by 25 to 30 percent, according to the office of the Chief Electoral Officer.

Bill 205 states that a referendum must be held within six months of when the 95,000 signatures are delivered to the government. This means that we could be having a referendum on a variety of issues every six months, costing taxpayers \$5.4 million every half a year. In a time of fiscal restraint and the public demanding the government to be frugal with spending, such expenditures are not something the average Joe Albertan would be supportive of.

With ever escalating health care, education, and infrastructure costs the government should not be wasting money on referendums when legislators are paid and elected to make those decisions. We are elected to represent the people, and we do that to the best of our ability. If Albertans feel that we fail at doing that, they will let us know in the next election. That is where we are brought to task; that is where we are held responsible.

So let me repeat, Mr. Speaker, why I cannot support Bill 205. First, it allows special-interest groups to become agenda-controlling parties. Special-interest groups polarize the public and feed society with one-sided messages. They normally have deep pockets and will have the opportunity to get their issue brought forward. In a time when the public is already skeptical about the amount of money in politics, this bill will only fuel that sentiment. Special-interest groups in urban areas may be disadvantageous to special-interest groups in rural areas. Secondly, Bill 205 nullifies the whole reason why we sit here today. We are the elected officials, elected to make those hard decisions for the best interests of the entire province for all Albertans. Finally, the costs involved in holding referendums cannot be justified when much more pressing issues face the public.

For those reasons, Mr. Speaker, I will not support Bill 205, and I urge all my colleagues not to support it as well. Thank you.

4:50

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

**Ms Carlson:** Thank you, Mr. Speaker. I'm happy to speak in support of Bill 205, the Citizens' Empowerment Act. This is an excellent bill, and this is a concept that I have seen supported in this Legislature by a variety of people over time, so it's surprising to hear what we're hearing from some of the members who support the government position in terms of opposing this.

The object of this bill is to be another part of our democratic process package that we are putting together to bring some strong representation to the people of Alberta and have them able to participate in that kind of democratic renewal. This one talks specifically about the elements of direct democracy and brings it into law in this province.

We have two distinct parts to the bill. One is the referendum on the legislation passed by the Alberta Legislature, and the second is an initiative process where Albertans can petition the Legislature to introduce a piece of legislation. It's similar to B.C. legislation. The difference, though, is that our legislation does not allow an initiative petition to deal with money at all, and that has been a standard practice in this particular Legislature, that money bills are handled a little differently. I happen to agree with that particular process, and we would see that supported in future endeavours.

The referendum on legislation is a piece that has been intensely popular with Albertans over time, and this particular section of the bill attaches the condition that once again, as we see now, no act can come into force until 90 days have passed from the date of Royal Assent, enabling people to bring forward the petition for a referendum. What this does is make members more accountable for their actions, and it eliminates some of that strong party discipline that we see develop in parties who have been in power for a long time as we see examples of in this particular province. It means that backbenchers have an opportunity to break rank for good reason: because they are being petitioned by their constituents, who are really the people who elected them and not their party, although in this province that's sometimes debatable. What it does, for sure, is make sure, then, that those representing their constituents are more accountable, and that's certainly what we need to see happen here.

So if people want to bring the petition forward, what they do is: within the 90-day window they have a number of signatures. We're suggesting equal to 5 percent of the total number of electors eligible to vote in the most recent general election, and that's about 95,000 signatures. So it's a significant number and organizers have to be committed and people have to be convinced that it's a good idea to go forward. It's a significant amount of the people in the province who would do this.

What would happen then, if the petition was in order, is that the Lieutenant Governor would set a date for a democratic guarantee election, and the date must be no later than six months from the date of the Chief Electoral Officer. So what would happen then, too, is that we would have legislation that is a little more accountable when it comes to the floor of the Assembly.

I've seen quite often in the 10 years that I've been here legislation come forward that is flawed or poorly written, and it's either withdrawn from the floor or it comes back for amendments at some later date or we encounter some significant problems with it as it's ruled out. I believe that this would add another level of scrutiny to the legislation on the government's side, so what we would see would be better drafted in the first place. That would be good. That would be good for everybody, I think. There's enough staff in government to ensure that that happens. There just needs to be the will on the part of the politicians to bring it to force. What is the best piece of pressure that you can put on a politician? That's the pressure of their constituents' wishes, and this would see that happen. With this legislation an Albertan could apply to the Chief

Electoral Officer to start a petition proposing that a piece of legislation be introduced, when we talk about initiation legislation. We heard some members talk about their now lobbying their members for a private members' bill, which does happen, but we all know the number of pieces of legislation we get to bring in every year. In my experience that's one piece of legislation. I'll get two pieces on the Order Paper, but I'm lucky if one of them gets debated. As an opposition MLA none of it ever gets passed. When it gets passed is when the government takes up the idea a couple of years down the road and brings it in as their own legislation. So for someone . . .

**Dr. Massey:** Like the stability fund.

**Ms Carlson:** That's right. Like the stability fund. Well, there are lots of really good examples. Freedom of information: not the way we would have rolled it out, but it was our idea. There are lots of good ideas like that in this province.

What we need is something that's a little closer to the people, where they can bring in their own good ideas and have a forum for them to be debated within the Legislature in a nonbiased kind of way. I'm sure that if a constituent of Edmonton-Ellerslie brought forward a piece of legislation, this government would be fair and reasonable and give it the same due process. I see that the Minister of Infrastructure is shaking his head positively, and that's exactly what I would expect from him, that we would see it have the same kind of positive due process as a constituent bringing forward legislation from his riding.

So that would be a good thing, not like what happens now. When I bring legislation forward, you guys dump all over it. [interjection] Well, that's certainly been the experience in ten years; yes.

**Rev. Abbott:** Boohoo.

**Ms Carlson:** No, it's not a situation of boohooing, Member for Drayton Valley-Calmar. It's a situation of reality, yes, and respect and taking a look at what the performance has been for the members who support the government and the government itself in supporting Official Opposition legislation. It's been few and far between that we've seen the odd nod come our way. So a fairer process would be to have . . .

**Mr. Rathgeber:** When you move adjourning, the House would always vote in favour.

**Ms Carlson:** Well, some members like from Edmonton-Calder don't actually like to show up to work all that often or participate in a general venue where they actually stand up and get their names on the record. So we would like to see that process changed from the only thing that I bring forward that he votes for being the adjournment of the House to actually voting for legislation, which would be actually what he's paid to do, not to vote for adjournment of the House.

I would like to comment for a moment if I could, Mr. Speaker, on his former comment congratulating me on being a grandmother. I'm very proud of being a grandmother, and he can make that comment any time he wants to.

So back to the legislation where we talk about members of the community being able to initiate legislation on their own. What it would mean is that we'd see more new fresh ideas in the Legislature, because I am sure that we would have a part of the daily Routine set aside for those initiative processes to take place. That would be good, because certainly this government can use good ideas, and we could see them act on some of those. So that would be positive.

Once again, we talk here about not having to deal with money. So money bills talk about imposing taxes; they talk about cutting funds for public projects. We also would not like to see any legislation come forward that's contrary to the Charter of Rights legislation. I think it is the government's role to decide how the money is spent. Unfortunately, it's not spent as wisely as we think it could be, but it is their role to decide how that is done. They have more information available to them than people in the province or opposition members have, so we don't have the opportunity to really make those kinds of interrelated and connected decisions that the government does. But all other legislation could be brought forward to this House so that we could really see some representative democracy happening here. We think that that's a very good idea and that the time frame on bringing this kind of legislation in would be within 90 days.

With that, I'm urging all members to support this piece of legislation because it is good.

5:00

**The Acting Speaker:** The hon. Member for Airdrie-Rocky View.

**Ms Haley:** Thanks, Mr. Speaker. Thanks for this opportunity today to rise and speak to Bill 205, the Citizens' Empowerment Act, sponsored by the hon. Member for Lethbridge-East. The hon. member holds the position of Leader of the Opposition, that is steeped in the history of parliament and the traditions of our democracy. It is a position that has developed over time through the successive sessions of Legislatures and parliaments around the world. This history, this tradition helps to define not only the hon. member's role but all of our roles as well. Each day we are reminded of the legacy of our forefathers and the standards and conventions that they helped to establish. All of us today are playing a role in the continued development of the Westminster parliamentary tradition, which future parliamentarians of both this province and the Commonwealth as a whole will one day follow.

We all know that each and every one of us will be doing our constituents and others a great disservice if we ignore the core principles of this Assembly and the democracy that it helps to facilitate. I remind hon. members of this history because I believe it is essential to understanding the dramatic shifts that are represented by Bill 205, and while I commend the member for trying to facilitate an increased role for Albertans in the legislative process, I believe that this bill represents a flawed move away from good governance. It is an affront to Alberta's democratic traditions and values and has logistical errors within it that distort its intent.

Good governance to me means the best interests of the people and not public opinion, for I truly believe that the best interests of the people represent something broader than public opinion or just chasing the polls. Public opinion can be influenced by the temperament of the times, by the issues and circumstances that can dissipate and ebb as quickly as they gather and build. Legislation and the future direction of the province require more consideration than whether an act is popular or not. Public opinion and input into the legislative agenda is vital to a government and to the common discussion that we continually have on where we as Albertans are headed, but public opinion, while an important factor to consider in setting our province in a new direction, is not a direction in and of itself. Bill 205 and its democratic guarantee elections would quite simply compromise the ability of any government to exercise its proper legislative prerogative.

Citizen participation is clearly important to the legislative process, but as an hon. member has pointed out, "there also has to be the legislative prerogative to make sure that it balances with all the other aspects that go on in the context of how we deal with policy." The

hon. Member for Lethbridge-East was correct when he made that statement back in 1998, and he would be well served to consider that comment again today. This government was re-elected to office twice after making tough and necessary decisions to guide Alberta into the 21st century, and I firmly believe that this government already has the successful means and ability to listen to and consider the input into the public and legislative process, that people themselves have the successful means and ability to properly judge the entirety of a mandate and consider whether a government should continue to guide Alberta.

Good governance is something that Albertans are accustomed to. By its very definition good governance requires governments and legislators to always consider the best interests of the people, and when they don't, Albertans are not shy about expressing their sentiments at not only the polls but also through the regular channels of our democracy, be it through letters, phone calls, faxes, e-mails, or public displays. To suggest that these sentiments are casually ignored is at best false and at worst a dangerous comment. I have never, Mr. Speaker, ever ignored my constituents.

I would like to stress that subjecting the majority of legislation to the constant threat of override by unions or special-interest groups calls into question the history of this Assembly. A government stands on the confidence of the House, and when a bill passes with a majority of support, regardless of which member votes for it, it is a fundamental tenet and belief of our democracy that the government enjoys the support of the people. They receive this support through the members the people elect to represent them, and it is constantly tested and reaffirmed each time a vote in this Assembly occurs. Allowing legislation to be dismissed at the whim of only 5 percent of the population is an insult to the democratic will expressed at a provincial election and the clear direction provided by the people to the government.

A provincial election is not only an affirmation of support or protest, but it also represents a direction for government to carry out a set of initiatives. These initiatives as endorsed by the democratic will of the people should not be subjected to the override of a dissatisfied few. Elections also represent a coming together of the people. Coalitions of interests and people come together in our process to work towards the betterment of all Albertans. These coalitions usually entail that legislation is subject to the give-and-take of the political process, but at the end of the day the legislation appeals to a broad grouping of individuals.

By subjecting legislation to this sort of warped legislative veto as proposed in this bill, we would be subjecting our system and these coalitions to a fractionalization effect that would threaten to segregate interests rather than bringing them together. Supporters of these sorts of initiatives would argue that people deserve to be consulted on a regular basis and that somehow a provincial election presents a limited opportunity for the public to engage in the political process and that the government can run wild and abandoned in the meantime. This view breeds the sort of political cynicism that all of us face. However, it shows a clear misunderstanding of how government works. You create fear and look for someone to blame, which is a typical opposition tactic and nothing but sheer rhetoric.

Governments who ignore the people do so at their own peril. Making tough decisions in the best interests of the province does not mean that the people are not being listened to or being properly served. This government not only listens to the people but actively engages Albertans on a regular basis. The result, Mr. Speaker, is better legislation, a mandate that has propelled Alberta to the forefront of Canadian life, and a citizenry whose interests are constantly looked after.



I would like to take a moment to describe some of the logistical errors that I see in this bill. Specifically, I am concerned with the requirements that Bill 205 sets out for the initiation of provincial legislation by the people. An hon. member has previously indicated:

I guess if there's a concern, it has to do with the requirement that the petition be less than 25 words. How do you get out an idea that's complex enough to become a law in 25 words so that it can be understood and fully appreciated by all of the citizens who are going to be voting on this piece of legislation?

What an excellent point, and I again applaud the hon. Member for Lethbridge-East for making it so sensibly back in 1998.

Members of this Assembly are tasked with the responsibility of the operation of this House. That means taking the time to understand legislation, discuss its merits, and contemplate its impact on Alberta. Albertans appoint us to this task, and I fail to understand how the hon. member expects Albertans to be better served by a process that dilutes ideas down to 25 words or less. I mean, really, how realistic is that? The hon. member himself usually can't get his own question in question period down to less than 25 words. How can he expect Albertans to do the same to an idea that has the potential to become the law of this land?

Engaging Albertans is something that all governments must do. In fact, it is something that Albertans have become accustomed to through our parliamentary system, through our history, and something that they have come to expect from their present provincial legislators. That is the point of the consultations done by government through summits, roundtables, and workbooks. While some would argue that this bill is a step in the evolutionary process of our democracy and traditions, I would respectfully disagree. This bill represents a radical departure from our history and a misunderstanding of the basic role of MLAs and the public that we serve. Citizen participation is key to all that we do here in this Chamber, and no one would argue to the contrary. In fact, it is a reflection in part of the reasons why we are all here. Each of us as private citizens took the time to become involved in the process. Each of us took the time to learn the issues. Each of us offered our services to fellow Albertans, and we were all honoured to be elected. I know of no member of this Assembly who does not respect or honour public participation in the legislative process. All of us can also appreciate and acknowledge other Albertans who participate in our process in countless other ways.

Bill 205 does not properly serve either the interests of the people or the good governance that they have come to expect. Thus, a vote in opposition to this bill is not a vote against legitimate citizen participation. It is a vote in opposition to poor legislation. I would urge all hon. members to exercise the duties the people have entrusted us with and vote no to this legislative veto by unions and special-interest groups and vote no to initiative petitions that seek to water down important legislative ideas and issues.

Thank you, Mr. Speaker.

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

**Ms Blakeman:** Well, thanks, Mr. Speaker. This has been very interesting. Very interesting. I remember that vote in '98. Well, this has been fun.

We know that we have citizens that feel that they're disconnected from what goes on in here and increasingly disconnected from what goes on in this House. About 50 percent of our voting population is not voting. They feel that they aren't connected to what's going on in this Assembly, that they don't particularly have influence. We've had a number of interesting statements and suggestions made.

5:10

**Mr. McClelland:** Especially that Trudeau fellow.

**Ms Blakeman:** Yeah, especially that Trudeau fellow.

A certain amount of fuzzy thinking, I think, from the Member for Edmonton-Rutherford with that one quote that he clings to so tenaciously. I think the whole point of why we needed a Charter of Rights and Freedoms and in fact why we have most laws passed is exactly to protect the minority from the tyranny of the majority, so I'm going to have to disagree with the Member for Edmonton-Rutherford on that one.

**Dr. Massey:** We actually had this kind of legislation before.

**Ms Blakeman:** Yeah, we did actually have this kind of legislation before in Alberta, and it was repealed, which is very interesting.

Currently we have a system in Alberta where it's first-past-the-post, majority wins, and I think a number of us are recognizing that that system is not finding as much favour as it used to, because we're not bringing into the fold those members whose votes are not reflected in that, are not reflected in the popular vote.

Why do we have so many citizens in Alberta that are dissatisfied with, I think, whether or not they're able to get their voice into this Assembly? I look at the changes that have been brought into place by this government just in the time that I've been here that make it harder for their voices to be heard. We have things like the petitions. Now, we had the Standing Orders renegotiated, and of course the government with its majority for the most part I think actually almost exclusively got its way in the changes to Standing Orders. So the petitions are now so narrow and so restrictive that we have very few petitions coming forward to the House. That was a tool that I think a number of citizens wanted to be able to use, but it's so restrictive now that very few of them can meet the requirements.

Tablings. We still have tablings in the Assembly, but they've been moved to the end of the Routine, when a large number of members of the Assembly have already left, so the impact of being able to table and say a few words about what the citizen has said in their letter or their document that they've brought forward is much minimized. With the change in the Routine, as a matter of fact, many members start leaving immediately after question period and miss both Presenting Petitions and Tabling Returns and Reports.

We've had the government develop essentially a parallel system which is an internal and partisan system, which I believe subsumes the importance of the Legislative Assembly. Often I see the irritation of the government members at the processes that we have before us in this Assembly, and I think that a lot of that is due to: they think they've done it. You know, they had their internal partisan committees. Somebody has told them that it's a good bill and they should vote for it, and here's the little four-paragraph or four-sentence blurb on it, and there you go. That's the bill. Be happy. So when the bill actually comes up for debate here, nobody wants to get up and debate it because they think they've done it.

The Member for Spruce Grove-Sturgeon-St. Albert said: well, I mean, we can have citizens bring a private member's bill before the Assembly. Interesting idea, but certainly with the size of the majority we've got now, there are some 58 private members. There's a lottery, a draw your name out of the hat system that's used to establish what are going to be the private members' bills that make it before the Assembly, and that lottery starts over every year. So you can have private members' bills that could have a whole number of constituency issues they'd like to bring forward, and they never get chosen in the draw. So they're not serving their constituents very well there. They can't. They're precluded from it by the very system that's in place here. Those citizens don't get to get their voices heard here.

I heard the Member for Airdrie-Rocky View talk about a veto.

There's nothing in this bill that vetoes. This is pretty simple, basic stuff. This is about a mechanism, a tool so that the citizens of Alberta can have an opportunity to have the Assembly have a second look at legislation that the petitioners believe deserves a second look and should not be proclaimed quickly and also allows citizens to bring forward and petition to have an idea looked at. Nothing requires the Assembly to give up its good judgment, which is how the Member for Edmonton-Rutherford was somehow misconstruing what's in this bill.

It's been very interesting to see the many different interpretations that the government members have had of a fairly straightforward idea. Even if you look at the preamble, it talks about people having "a more direct role in influencing the laws" and that "Alberta has a long tradition of grassroots democracy" – and indeed it does; as I said, we've already had a citizens' empowerment act in place in Alberta, and it was repealed – and also that "legislators be receptive to initiatives for direct democracy." Indeed.

So I'm very interested in the vigour, the energy, the outrage that was brought forward by the members of government in their concern that somehow citizens would be able to bring something and have it put before the members in this Assembly. What I see are members of a government who don't want to listen to what their citizens are saying. They keep bringing forward pieces of legislation, bill after bill, statute after statute, into this Assembly that are what they call enabling legislation, and what's that? It's a shell bill. It's a blank cheque bill. It says: you just approve this, and the minister has the power to do everything else. Well, that's not about involving citizens. Indeed, it's very much about saying to the citizens: "No, no, no. All of this will happen behind closed doors." I don't know how the government thinks or what's in their brain. You're not important enough or you're not smart enough – I don't know; maybe you don't have enough money – to have an active involvement in that. "No, no, no. We're just going to pass all of this legislation, then we'll go behind closed doors and make up the regulations, and you don't get to see us make up those regulations." You don't get to hold your MLA accountable for how they participate or do not participate in the debates behind those closed doors. You don't get to have any influence over what happens with those regulations, and out they're going to come if you can find them when they do.

So it's been a very interesting exercise to watch how vehemently the members of the government oppose this pretty simple bill that's really just trying to say: we need a couple of opportunities for people to have influence on what's happening in this House. The fallback is always every four years, the ultimate influence that the voters have. But you know what? The world is moving too fast, and people are not willing to accept that every four years bit anymore. I think, which now brings me around to where I started, that's in large part accountable for why we have 50 percent of our eligible voters not participating in that process in this province. They don't see how they can possibly break through what this government has put in place, that wall, that castle with a moat, that specialized up on the hill, don't you dare come in here and tell us what to do or even suggest nicely what to do.

So thanks very much for the opportunity to bring a few of these points forward, Mr. Speaker. Boy, this has been fun. Thanks.

**The Acting Speaker:** The hon. Member for Redwater.

**Mr. Broda:** Thank you, Mr. Speaker, for allowing me the opportunity to rise today and join debate on Bill 205, the Citizens' Empowerment Act, 2003. While I always support and encourage the public's involvement and participation within our provincial political affairs, I believe that introducing a bill which, if approved,

could potentially block future government legislation via referendum would be a foolish and counterproductive measure. In my view, Bill 205 is an unnecessary and unhelpful piece of legislation because it creates rather than solves problems. Before I get into the reasons why I believe that Bill 205 is unhelpful to Albertans, I would like to reiterate the provisions of this bill.

The purpose of Bill 205 is to create an environment which would permit petitions signed by only 5 percent of Alberta's electorate to carry the same weight as government bills. Furthermore, not only would such petitions carry the same weight as bills. They could also serve to block potential government legislation. Bill 205 mandates that if particular government legislation gets blocked, a referendum would be held in order to determine whether the legislation would be passed.

**5:20**

The problem with this arrangement, Mr. Speaker, is threefold. First, here in Alberta we currently not only have a good, responsive government, but we also have a system which allows the citizens of this province to interact and work with their elected representatives in order to ensure that they are acting in a manner that is responsible to all Albertans. Albertans have given us a mandate to work with them and create policies which are designed to best address the needs of the entire province. Therefore, by permitting petitions signed by only 5 percent of Alberta's populace which could block government legislation, we would not only make our system of governance ineffective, but we would also be catering to the aspirations of only a small segment of Albertans while ignoring the rest and most likely the majority. Apart from creating some extremely damaging problems relating to our system of governance, Bill 205 could also potentially cost this province millions of dollars of public revenue.

Mr. Speaker, I do not have to remind you that referendums are in many ways similar to elections. They take time to administer, and they cost a large amount of money. Spending millions of dollars on referendums every time a small percentage of Albertans are in disagreement with a particular act would zap this government's ability to put appropriate funds in programs and services that matter to Albertans.

Lastly, Mr. Speaker, I for one have not heard of any of my constituents calling me for the introduction of any provisions even similar to those outlined in Bill 205, and therefore I cannot see any reason to support it.

We as Albertans have always valued the importance of our free and democratic system of government and the leading role our electorate plays in the political affairs of this province. Unlike many other people in this world who live in less fortunate political environments, we are extremely fortunate to live in a province which values and promotes the political involvement of its citizens. Our democratic system of government is embodied with society's values, and in turn our society is the cornerstone of our democratic system. Without the continuous input and involvement of Albertans of all political orientations, our democratic institutions would not only become ineffective and unproductive, but they would eventually cease to exist. To put it in other terms, Mr. Speaker, the political involvement of the masses is the fuel which runs the engine of our democracy.

Under our democratic political system all Albertans enjoy the same basic rights and freedoms, which include the right of political involvement, association, and expression. A very important point to make, Mr. Speaker, is that not only are Albertans entitled to publicly voice their opinions and concerns, but they have and continue to actively utilize the various means and tools that are available to them

in order to work with this government and help us create sound policies and initiatives.

As a result of this vital co-operation, Mr. Speaker, this government has brought forward a number of policies, legislation, and initiatives which have proven to be extremely beneficial to all Albertans. Therefore, I think that provisions outlined in Bill 205 would not only be damaging to the effectiveness of our democratic parliamentary system, but they would also have some extremely detrimental effects upon the people of this province.

As I previously mentioned, Mr. Speaker, from the very onset this government has stayed true to the policies of listening and communicating with Albertans and crafting policies and legislation which reflect the issues and concerns voiced by all citizens of Alberta. As an example of this policy, in 2000 the Department of Agriculture, Food and Rural Development launched a public consultation process regarding the issues facing Alberta's agricultural industry. This review process, which is referred to as the Ag Summit, gave Albertans, especially farmers, the opportunity to give voice to concerns relating to the challenges facing the industry in a modern and globalized market system. The consultation process is still under way, but once it's been completed, the recommendations of the issues that Albertans have raised will undoubtedly be addressed in future government policies and legislation.

Another example is this government's commitment to consulting with Albertans with regard to pressing issues facing our province. Alberta Learning undertook to review Alberta's special education system. The review process focused on public consultation with education partners, stakeholders, and service providers. The purpose of the review process was to determine whether the current resources allocated to our special education system were sufficient and whether they were being utilized to their full potential. Once the special education review was completed, a report was released to the public outlining 66 specific recommendations, all of which were designed to improve the delivery of administration of special education programs in Alberta. So far, Mr. Speaker, 43 of the 66 recommendations have been implemented. The work is under way to incorporate a further 17, and the six remaining recommendations are already part of Alberta Learning's ongoing services.

Mr. Speaker, the Ag Summit and the review of special education

are only a few in an endless list of examples where this government has asked Albertans to bring forward their concerns, ideas, and recommendations and looked into incorporating them into policy. Therefore, I believe that Bill 205's underlying argument which maintains that Albertans currently do not enjoy enough input into the government's policy and legislation is false. Albertans do enjoy a very high degree of input in this government's policies and legislation, and they will continue to have this input because all of us in this House are Albertans and we are committed to paving the way for Alberta's future success.

Apart from having false presumptions, Mr. Speaker, Bill 205 also assumes that Albertans would be content to see their government spend millions and millions of dollars on ongoing referendums. Elections Alberta estimates that the cost of a referendum in Alberta could be very similar to the cost of a provincial election. Our last provincial election cost the taxpayers \$5.4 million. You can clearly see that if we have to administer a \$5.4 million referendum every time a special-interest group collects signatures from only a small percentage of Albertans, we could have a cost which would run into tens of millions of dollars.

We don't have to look far beyond our borders, Mr. Speaker, to see how ineffective and costly the legislation would be. Similar to Bill 205, in our neighbouring province of British Columbia they have what is referred to as the Recall and Initiative Act, which allows constituents to recall their Members of the Legislative Assembly provided that they come up with 40 percent of eligible votes within a 60-day period. The process may sound good on paper, but when you put it into practice, it proved to be ineffective and very costly. Since 1995, the year when the Recall and Initiative Act was introduced, there have been 11 recall petitions. Incidentally, not one of them has succeeded in recalling even a single B.C. MLA, because the petitions either failed to get the necessary number of voters or were withdrawn by their proponents.

I now move that we adjourn debate.

[Motion to adjourn debate carried]

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

