

Legislative Assembly of Alberta

Title: **Tuesday, November 18, 2003**

1:30 p.m.

Date: 2003/11/18

[The Speaker in the chair]

head: **Prayers**

The Speaker: Good afternoon and welcome back.

I would ask the members to remain standing after prayers so we may pay tribute to our former colleagues who have passed away since we were last in the House.

As we commence proceedings today in this Assembly, we ask for divine guidance so that our words and deeds may bring to all people of this great province hope, prosperity, and a vision for the future. Amen.

With our admiration and respect there is gratitude to members of their families who shared the burdens of public office. Members of Dick Johnston's, Gordon Taylor's, Mickey Clark's, and Herb Jamieson's families are here with us today in the Speaker's gallery.

Mr. Archibald D. "Dick" Johnston **March 5, 1940, to June 25, 2003**

The Speaker: Mr. Archibald "Dick" Johnston passed away June 25, 2003. Mr. Johnston was first elected March 26, 1975, and served until June 15, 1993. During his years of service he represented the constituency of Lethbridge-East for the Progressive Conservative Party. During his years in the Legislature Mr. Johnston served as Minister of Municipal Affairs from April 1975 through to March 1979; Minister of Federal and Intergovernmental Affairs, March 1979 through to November 1982; Minister of Advanced Education from November 1982 through to May 1986; Provincial Treasurer from May 1986 to December 1992; and minister responsible for financial institutions, including trust companies, credit unions, and insurance companies. Mr. Johnston also served on the select standing committees on Privileges and Elections, Standing Orders and Printing; Public Affairs; and Public Accounts.

Mr. Gordon Edward Taylor **July 20, 1910, to July 26, 2003**

The Speaker: Mr. Gordon Edward Taylor passed away on July 26, 2003. Mr. Taylor was first elected March 21, 1940, in the Drumheller constituency and served with the Social Credit Party until 1975. He was re-elected in the same riding of Drumheller in 1975 as an independent supporting the government and served as Minister of Railways & Telephones, Minister of Highways and Transport, and Minister of Youth during his time. Mr. Taylor also served on the select standing committees on Agriculture, Colonization, Immigration and Education; Law and Regulations; Municipal Law; Private Bills; Privileges and Elections, Standing Orders and Printing; Public Accounts; Public Affairs; Railways, Telephones and Irrigation; and the Alberta Heritage Savings Trust Fund Act. Mr. Taylor served on the special committees on Automobile Highway Review, Automobile Insurance, Redistribution Procedure, and Workers' Compensation. Mr. Taylor was elected as Member of Parliament for Bow River in 1979 and was re-elected in 1980 and in 1984.

Mr. Lewis Mitchell "Mickey" Clark **November 26, 1923, to September 10, 2003**

The Speaker: Mr. Lewis Mitchell "Mickey" Clark passed away on September 10, 2003. Mr. Clark was first elected on March 14, 1979,

and served until 1986, representing the Drumheller constituency for the Progressive Conservative Party. Mr. Clark served on the select standing committees on Law and Regulations, Private Bills, Public Accounts, and Public Affairs.

Mr. Richard Herbert "Herb" Jamieson **April 19, 1912, to September 15, 2003**

The Speaker: Mr. Richard Herbert "Herb" Jamieson passed away on September 15, 2003. Mr. Jamieson was elected June 18, 1959, and served until May 9, 1963. During his years of service he represented the constituency of Jasper West for the Social Credit Party. Mr. Jamieson served on the select standing committees on Agriculture, Colonization, Immigration and Education; Municipal Law; Privileges and Elections, Standing Orders and Printing; and Railways, Telephones and Irrigation.

Our prayers are with them all.

In a moment of silent prayer I would ask you to remember hon. members Dick Johnston, Gordon Taylor, Mickey Clark, and Herb Jamieson as you may have known them. Rest eternal grant unto them, O Lord, and let light perpetual shine upon them. Amen.

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

Hon. Members:

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

The Speaker: Please be seated.

head: **Introduction of Visitors**

Mr. Tannas: Mr. Speaker, I am honoured today to introduce to you and through you family members of our former colleagues who have passed away since we last met here in the Legislature. The family members are seated in your gallery, and I would ask that as I introduce each family, they would then stand and receive the warm welcome of the House.

The hon. Dick Johnston's family: Mr. David Johnston, son; Mrs. Barbara Anic, daughter; Mrs. Suzanne Keglowsch, daughter, Mr. Roger Keglowsch, son-in-law, and their children; the grandchildren Conrad, Kirea, Quinlin, and Malika Keglowsch. I would ask the members to join with me in welcoming the members of the hon. Dick Johnston's family.

The hon. Mickey Clark's family: Mrs. Mary Clark, his wife; his daughter Sherrill Bennis; brother-in-law Kenneth Hnatiuk; and longtime family friend and former colleague of this House Mr. Jack Campbell. Would the members please join with me in welcoming these members of the hon. Mickey Clark's family.

The hon. Gordon Taylor's family: nephew Mr. Dennis Taylor and his wife, Mrs. Mavis Taylor; nephew Mr. Tom Taylor and his wife, Mrs. Jackie Taylor. Members, please join with me in welcoming the members of the hon. Gordon Taylor's family.

The hon. Herb Jamieson's family: daughter Mrs. Ellen Moore, daughter Mrs. Faye Galloway, and his grandchildren Wes Moore, Kathy Siemens, and Brad Galloway. Would the members please join me in welcoming the members of the hon. Herb Jamieson's family.

Thank you, Mr. Speaker.

1:40head: Introduction of Guests

The Speaker: The hon. Minister of Community Development.

Mr. Zwozdesky: Thank you, Mr. Speaker. It's, indeed, a privilege to introduce some very outstanding young people from Velma E. Baker school who are joining us here today. There are two classes. These are, of course, members of our most precious resource, our children. I'm delighted that they are accompanied by some parent helpers and teachers, and I'd like to introduce them now. They are Beverly Richardson, Kulwinder Kharal, Candy Bell, sub teacher Maria Markeli, Kathy Reid, Terri Tumack, Hend Moustafa, Lisa McCormick, and their outstanding teacher, Marilyn Manning. May they all rise and please receive the warm welcome of everybody here.

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

Mr. Cardinal: Thank you very much, Mr. Speaker. It is my pleasure to welcome two special guests here seated in your gallery. They each represent groups with a strong interest in the Wildlife Amendment Act, 2003, which will be discussed later. I'd like to introduce Steve Hull, managing director of the Alberta Conservation Association, and also Darryl Kublik, co-ordinator of the provincial Report a Poacher program. I'd like Steve and Darryl to rise if they're here yet and receive the traditional warm welcome of the Assembly.

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

Mr. Masyk: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you 35 students from the wonderful Princeton elementary school. They are accompanied by their teacher, Mrs. Dianne Unger, Ms Natasha Michaud, and Mrs. Leslie Tanzi. I would ask them to rise in the public gallery and receive the traditional warm welcome of this Assembly.

Thank you very much.

The Speaker: The hon. Member for Medicine Hat.

Mr. Renner: Thank you very much, Mr. Speaker. It's a pleasure for me today to introduce to you and to members of the Assembly some guests that we have seated in the members' gallery. I'm sure that you will agree with me that the lifeblood of any political party is committed youth, youth that are not only committed but enthusiastic in their commitment. It's my pleasure to introduce to you today the president of PCYA, the Progressive Conservative Youth of Alberta, Mr. William McBeath. Joining Mr. McBeath in the gallery this afternoon are two members of his executive, Mr. Jeff Duncan and Mr. David McColl, as well as the executive director of the PC Association of Alberta, Mrs. Marilyn Haley. I had the pleasure of having lunch with all four of these people today, and I can assure all members that they are working extremely hard on behalf of the government that they support. I'd ask that they rise and receive the warm recognition of all.

Mr. Speaker, if I could have your indulgence for one more introduction, I see seated in the public gallery a constituent of mine who has joined us for question period this afternoon. I'd like to introduce to you Mrs. Karen Charlton, a trustee from Medicine Hat school district No. 76 who has joined us this afternoon. I see she's standing, and I ask members to recognize her as well.

The Speaker: The hon. Member for Peace River.

Mr. Friedel: Thank you, Mr. Speaker. It's my pleasure to introduce to you and to the members of this Assembly some good friends of mine. They are the board members from the Fort Vermilion school division. They are here in Edmonton to wrap up the Alberta School Boards Association conference. Those in attendance today are David Steer, the chair of the board, Grace Dimond, Tom Hoffman, Alison Batt, Keith Lambert, Lena Neudorf, and I believe that Ken Dropko, the superintendent of the school board, is here as well. I believe they're all standing. I would ask the Assembly to show them our traditional warm welcome.

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

Mr. Danyluk: Thank you very much, Mr. Speaker. I am pleased to introduce to you and through you two representatives from the county of St. Paul. Joining us this afternoon are Mike Bergeron, who is the deputy reeve, and Kim Heyman, who is the chief administrative officer. They are in the capital this week to attend the fall convention of the Alberta Association of Municipal Districts and Counties. They have risen, and I would ask the Assembly to give them our traditional warm welcome.

Thank you.

The Speaker: The hon. Member for Whitecourt-Ste. Anne.

Mr. VanderBurg: Thank you. It gives me great pleasure today to introduce to you and through you two special family members that are here visiting today: my mother, Kitty – the grandmother and great-grandmother of many of your constituents, Mr. Speaker, so pay attention to this lady – and, of course, my wife, Liz.

Thank you.

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

Dr. Pannu: Thank you, Mr. Speaker. I have two sets of introductions here. First, I would like to introduce to you and through you to all members of the House two registered nurses, dedicated professionals who are proud of the work that they do and the service that they provide to patients in Edmonton hospitals. They are Gwyneth Foster-Newell and Sherry Stone. Both of them are sitting in the public gallery. They have already risen, and I would ask the Assembly to give them a warm welcome.

Mr. Speaker, my second introduction is of a group of 26 grade 6 students from King Edward elementary school in my constituency of Edmonton-Strathcona. This school really represents a truly professional learning community. Teachers, principals, administrators, and parents work together collaboratively to provide the very best quality of education to young boys and girls in this school. They are accompanied by their teacher, Mr. Jim Kaiser, and parent Mrs. Sheila Brinton-Atrens, who has accompanying her her young baby, Paxton.* I'll ask all these guests to please rise and receive the warm welcome of the Assembly.

The Speaker: The hon. Member for Drayton Valley-Calmar.

Rev. Abbott: Thank you, Mr. Speaker. It is a great pleasure for me to introduce a school group from my constituency that will be joining us in approximately 10 minutes or so. They are currently on a tour of this great building, but as they come in, perhaps you could wave to the Thorsby high school students. There are 34 of them. They are going to be accompanied by their teachers Mr. Andy McKee, Mrs. Trish McKee, and Mrs. Lorraine Kuzio. So as they come in, please welcome them.

Thank you.

*This spelling could not be verified at the time of publication.

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

Dr. Taft: Thank you, Mr. Speaker. I'm honoured to make two introductions today. Both people are seated in the public gallery and will be watching the procedures today very closely. The first is Melanie Shapiro, who I'd ask to rise. She's a mother of schoolchildren at Windsor Park school in my constituency, a very active education advocate, and closely involved with the Riverview education coalition.

The second guest is Susan O'Neil, who has children at Lendrum school and will be serving as editor of a new publication called *Commission Watch*, which promises to very actively support the implementation of the recommendations of the Learning Commission.

So I ask you all to welcome these two guests. Thank you.

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

Mr. Mason: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to the other members of our Assembly Elena N'Apóra. Elena is a member of the Edmonton Friends of the North Environmental Society, and she's here today to observe our Legislature in action. I would ask all members to join me in giving her a warm welcome.

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

Dr. Massey: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of the Assembly Kieran Leblanc. Kieran is a member of APPEAL, Albertans Promoting Public Education and Learning. APPEAL is a province-wide advocacy group, and many of the parents in APPEAL have been working for over 10 years in the best interests of children. Kieran is in the public gallery, and with your permission I'd ask her to stand and receive the traditional warm welcome of the Assembly.

1:50

The Speaker: The hon. Minister of Learning.

Dr. Oberg: Thank you very much, Mr. Speaker. It's my pleasure today to rise and introduce to you and to members of the Assembly Iris Rathschlag, who visits us from Germany. Iris has completed her BA in international business management and is currently completing her final year in German business. She's here to observe our legislative process and improve her language skills. I would ask her to rise and receive the warm welcome of the Legislative Assembly.

Mr. Speaker, I understand, although I have not seen them, that Shirley Barg, Brett Bergie, and Melanee Thomas from the CAUS and ACTISEC student associations are in the gallery. I would like to have them rise and receive the extremely warm welcome of the Legislative Assembly if they are here.

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

Mr. Masyk: Thank you, Mr. Speaker. I have another wonderful school in the public gallery, Delton elementary school. I paid many visits to this school as a guest. It's led by teacher Mrs. Sutherland – Mrs. Sutherland has 28 wonderful students – and parents Mrs. Hamilton and Mrs. Rivas. I would ask them to rise and receive the traditional warm welcome of this Assembly.

Thank you.

head: **Ministerial Statements**

The Speaker: The hon. the Premier.

Edmonton Eskimos

Mr. Klein: Thank you, Mr. Speaker. It's a great honour to have this opportunity to stand and extend sincere congratulations on behalf of all government members and all Members of the Legislative Assembly and all Albertans to the Edmonton Eskimos. Needless to say, these congratulations are extended to the Eskimos for their outstanding victory in Regina on Sunday.

You know, the Grey Cup is an exciting event bringing together Canadians from across the country in a real spirit of unity and national tradition. I had the pleasure of being part of the celebrations in Regina this year and witnessed the Eskimos' victory in person. I can tell you that it was a hard-fought win.

Mr. Norris: Right on.

Mr. Klein: It was. The Eskimos played extremely well, and Edmontonians and all Albertans can be very proud of the team's performance. This is the 12th Grey Cup win for the Eskimos, and it is a real testament to one of the most successful franchises in the Canadian Football League, not only in football but in all professional sports.

The Eskimos have served the city of Edmonton well for many years and continue to be a real asset for the city. The team contributes to the community in countless ways. My face-to-face chat with team members after they won the Grey Cup demonstrated to me that no matter where they play, the Eskimos are great ambassadors for their team, their city, and their province. This team deserves our admiration and also our thanks.

I want to also extend my congratulations to the people of Regina and Saskatchewan. They organized and hosted a first-rate Grey Cup week. It was really moving there. It was moving and shaking, once again proving that no one knows how to host a Grey Cup like western Canadians do.

Again, congratulations to the Edmonton Eskimos on an outstanding performance, and congratulations to the people of Edmonton.

Thank you.

The Speaker: Hon. members, the Leader of the Official Opposition to participate.

Dr. Nicol: Thank you, Mr. Speaker. The Edmonton Eskimos. I can remember that when I was a little kid, I used to argue with my brothers as we huddled around the radio and listened to the greats like Jackie Parker, Johnny Bright, Normie Kwong. My team usually came out the winner. Today I rise again with great pleasure to congratulate the well-fought victory of the Edmonton Eskimos in the 2003 Grey Cup. For 91 years the Grey Cup has brought the country together to celebrate Canada's best in football. Also, Regina, who hosted this year's event, should be commended for its efforts and great organization to make the Grey Cup memorable for all Edmontonians who traveled there and, indeed, for all Canadians.

The Eskimos handily triumphed over the Montreal Alouettes with a final score of 34 to 22. Under the leadership of quarterback Ricky Ray and his high pass completion percentage and his ability to avoid the Montreal defensive blitz, the Eskimos were unbeatable. Jason Tucker, a receiver for the Eskimos, played a fantastic game with seven receptions and 132 yards and two touchdowns. Mike Pringle, the running back for the Eskimos, showed that a second chance always pays off.

I join today, Mr. Speaker, in thanking the team, the staff, and in fact all those associated with the team for their commitment to the

sport of football and to the community of Edmonton and in fact all of Alberta.

Thank you, Mr. Speaker.

The Speaker: Hon. members, unanimous consent would be required to recognize the hon. Member for Edmonton-Strathcona.

[Unanimous consent granted]

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

Dr. Pannu: Thank you very much, Mr. Speaker. I want to note the very warm support by the Premier for my ability to stand up and say a few words.

Were the traditions and the rules of this House to allow me to don this cap as I'm paying tribute, I would certainly do that, but I guess it's not appropriate for me to do so. So on behalf of the New Democrats, the opposition here, I wish to add my congratulations to the entire Edmonton Eskimo organization for their outstanding game and their victory in the 2003 Grey Cup championship game in Regina.

Edmontonians and other Albertans were proud to be represented by the Eskimos, the flagship franchise of the CFL. Indeed, the support from more than 50,000 fans in attendance at Taylor Field showed the support that this outstanding team receives and enjoys from across the country. The city of Regina and the province of Saskatchewan, the NDP government of Saskatchewan, and the people of Saskatchewan deserve congratulations as well for their outstanding job in hosting this year's Grey Cup.

By returning the Grey Cup to our city for the 12th time, the Eskimos Football Club showed that Edmonton truly is the City of Champions. My congratulations to the Eskimos team.

Thank you, Mr. Speaker.

head: **Oral Question Period**

The Speaker: First Official Opposition main question. The hon. Leader of Her Majesty's Loyal and Official Opposition.

Premier's Travel

Dr. Nicol: Mr. Speaker, in Alberta drivers are paying among the highest rates in Canada for auto insurance, deregulation has driven the cost of utilities through the roof, the government's Bill 43 has made enemies of postsecondary students, and the Premier has chosen this time to leave the province. To the Premier: how will you solve the auto insurance crisis from London given that your government can't find a long-term solution that will lower rates?

Mr. Klein: Mr. Speaker, the last time I looked and the last time anyone else looked, I'm here. You know, I'm here answering his questions. I'm not out of the province. I'm going to be leaving the province, but I'm here right now. So I wish the hon. member would correct that statement. To say that I'm not here is . . .

An Hon. Member: It's wrong.

Mr. Klein: Well, it's wrong, but it's ludicrous.

An Hon. Member: He's not all here.

Mr. Klein: I am all there. They are not all here.

The Speaker: Hon. Premier, please. Come on now. This is the start

of a fall session, and we can have civility and courtesy in this Assembly.

The hon. the Premier.

2:00

Mr. Klein: Mr. Speaker, if the hon. member is really concerned and committed to telling the people of Alberta what this government has been up to, then he would find that the list of achievements, the list of activities is a very impressive list indeed. You know, we may accuse – and I read the headline in one of the newspapers today about the government drifting and not having a co-ordinated response to major issues such as auto insurance and deregulation and school funding. The hon. leader alluded to all of them.

The truth is that this government has been very active and we have been very busy since the end of the spring session. We have been listening to Albertans and acting on issues they tell us are important. That includes BSE, or mad cow disease, schools, auto insurance, utility prices, forest fires, and many other issues that come to us on a day-to-day basis. They don't go to the opposition because nobody speaks to the opposition and for good reason: we are the government. Therefore, we're challenged to contend with numerous, countless issues.

The Speaker: Mr. Premier, we'll come back to that.

Dr. Nicol: Again to the Premier, Mr. Speaker: how will you solve the crisis you've created in postsecondary education from Ottawa?

Mr. Klein: Mr. Speaker, there is no crisis in education. As a matter of fact, I'll have the hon. Minister of Learning speak to it.

The education system is a good system. We record some of the highest achievement results not only in the country but in the world on the education front. Just today, only a few hours ago, the Minister of Learning announced more than \$60 million in additional funding for schools, and that was in response to the first comprehensive review of the K to 12 education system done in 30 years. Alberta's spending on education continues to be the highest per capita in Canada.

Mr. Speaker, I know that a member introduced someone in the audience who represents an organization to watch our action on the Learning Commission. Well, I can tell that individual right now that we will take the recommendations contained in the Learning Commission under the most serious consideration because we have identified education as our number one priority.

Dr. Nicol: Mr. Speaker, again to the Premier. Mr. Premier, your own advisory council has said that deregulation is a failure. Why don't you stay in Alberta and help deliver lower cost utility bills to Albertans?

Mr. Klein: Mr. Speaker, my going to Ottawa tonight to speak in Toronto the following day is hardly going to deal with the whole issue of deregulation and energy prices. My going to London to promote economic development and tell the people in London about the great investment opportunities and what a great province this is is hardly going to do anything relative to electricity prices. But why would we want to do anything? We're now experiencing falling electricity prices. We're experiencing more generation than we've ever had before in the history of this province. We're seeing more competition coming onstream relative to the retail component of electricity and more choices and competitive prices being offered. The only crisis exists in the minds of the opposition because they can think of nothing else other than crisis, conflict, confusion, confrontation, and chaos. That's what they survive on.

Automobile Insurance Rates

Dr. Nicol: Mr. Speaker, the Premier's insurance team still hasn't scored a long-term solution in the auto insurance crisis. Meanwhile, drivers in B.C., Saskatchewan, and Manitoba are paying far less in premiums than Alberta drivers. The Premier's only solution is to freeze rates at a level that is already unaffordable to many. To the Premier: why don't you roll back premiums by 15 percent and save Alberta drivers over \$400,000 a day?

Mr. Klein: Mr. Speaker, that is not true. What the hon. leader of the Liberal opposition said is not true. It is not true.

Mr. Speaker, I don't know how old the hon. leader is. I'm 61 years of age. I suspect that he's about 59 or 58, and I also believe that he's had a good driving record. I would say that he's paying about the same rate as I'm paying, which by the way is about the same rate as I'd be paying in Saskatchewan or Manitoba or British Columbia, about the same rate. I pay about \$600 or \$700 a year in car insurance; that's PL and PD and collision combined. I believe that the hon. member pays about the same. Those are comparable, very comparable to the rates that he would be paying in those jurisdictions. To say that we're paying more is wrong. It is a falsehood.

Where the discrepancy lies is in the extraordinary amount that young drivers with good driving records are paying and older drivers are paying and also as it relates to younger drivers, young males in particular. What we want to do is deal with that component mostly.

But, Mr. Speaker, I would ask the hon. member to tell the truth, because what he is paying, assuming that his driving record has been good, is no different, no more or no less, than he would pay in Saskatchewan or Manitoba or British Columbia. So tell the truth.

Dr. Nicol: Mr. Speaker, the average premium in Alberta is higher than it is in Saskatchewan, Manitoba, or B.C.

If the Conservative government in Nova Scotia can roll back insurance rates, why can't you roll back insurance rates in Alberta?

Mr. Klein: Mr. Speaker, we are not Nova Scotia, thank God. We're a province where we have no deficit, where we've almost eliminated our gross debt, where we have no net debt, where we have the highest standard of living in the country. We are not Nova Scotia. We are Alberta, a have province, a proud province.

Dr. Nicol: It wasn't much of an answer, Mr. Premier.

Why hasn't your government even considered public auto insurance given that it costs less?

Mr. Klein: Mr. Speaker, we are not socialists on this side of the House. I know what they are on that side of the House.

Mr. Speaker, the system works, and it will work a lot better as a result of some decisions we made today, the details of which will be announced tomorrow. The system will work, and basically it will achieve three things. It will offer good drivers – good drivers – reasonable insurance rates. It will punish bad drivers, and I don't think the opposition can argue with that, that bad drivers should be punished and good drivers should be rewarded. If they disagree with that, stand up and say so.

It will fairly compensate those who are injured. If they disagree with that, stand up and say so.

Thirdly, it will end the discrimination, not completely but most of the discrimination, against young male drivers and senior drivers in this province. Nothing wrong with that, and if they think there's something wrong with that, stand up and say so.

Education Funding

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

Dr. Massey: Thank you, Mr. Speaker. This morning the government announced that they would make a delinquent payment on a long overdue education account. The mismanagement of school funding has left classrooms jammed with students and parents across the province, as we see in the gallery, organizing to take political action. My questions are to the Premier. Why did the government stand by last September while class sizes were increased only to take very limited action today, some three months later, too late, after school has started? Why the delay?

2:10

Mr. Klein: Mr. Speaker, first of all, the action taken today is very substantive; it's not limited action. I'll have the hon. minister respond.

The Speaker: The hon. minister.

Dr. Oberg: Thank you very much, Mr. Speaker. The Learning Commission came down and said that we had put \$298 million into education in the past two years. The arbitrated settlement was set at \$260 million. Other increases in salaries over the two years were \$37.8 million. They did say, though, that the inflation, estimated at 2 percent per year, was not funded, which was approximately \$20 million. That was put in today. That was put back into the system today.

Mr. Speaker, they also came and said that for children with severe disabilities there was a shortfall in funding of approximately \$23 million. This is something that has been in our business plan. We have been attempting to increase the amount and indeed have done a very good job, increasing the amount of severely disabled funding at a rate of about 10 percent per year. However, they ascertained that there was a shortfall of \$23 million for those children that had severe behavioural disabilities, and subsequently that was put in today.

The third element, Mr. Speaker, was grade 10 credit enrollment unit funding. As the Legislature remembers, there were a lot of interesting things that were being done with this. We suspended grade 10 CEU funding two years ago to get an accountability framework in so that we could ensure that it was being put back in the right place, and subsequently we put that back in this morning as well.

The Speaker: The hon. member.

Dr. Massey: Thanks. Again to the Premier, Mr. Speaker. Mr. Premier, given that if every dollar were used to hire teachers, we would still have 1,000 more students and 150 fewer teachers than we had a year ago, given today's announcement, why do you continue to underfund education?

Mr. Klein: Mr. Speaker, we don't continue to underfund education. We try to strike the best balance to maintain what we think is probably one of the finest education systems in the country, notwithstanding some problems in certain areas, and they don't exist in all areas. Some schools, yes, might experience a problem. Other schools are doing extremely well.

Mr. Speaker, what the opposition doesn't understand and what those who say that education should get all the money, those who say that health should get all the money, those who say to spend more on infrastructure perhaps don't realize is that we're spending

in excess of \$20 billion. Twenty billion dollars. Instead of focusing on what we don't have, maybe we can talk about what we do have in this province.

I remember attending the opening of a new health facility at the Red Deer regional hospital, the expanded emergency services and the third floor of that hospital. The MLA for Red Deer-North was saying that she was about to embark on a trip to Bangladesh, and her doctor told her that she should get all the shots and medical attention she could because when she goes to Bangladesh, she will find that in the major city there is not even one hospital. There is only a clinic and in the whole country one doctor for the whole country, never mind a province of the country. We don't want to be Bangladesh. We aren't anywhere near Bangladesh, but I'm saying that we spend more in this province on services than many countries of the world, far more per capita on health and education and infrastructure.

You know, Mr. Speaker, I would like . . .

The Speaker: Thank you. Perhaps we'll be able to get back to this. The hon. Member for Edmonton-Mill Woods.

Dr. Massey: Thank you. Mr. Speaker, again to the Premier: given that the Auditor General found 65 million education dollars and today the Learning minister found \$60 million in a contingency fund, will the Premier shake the Minister of Learning by the ankles and see how much more money might be available for our schools?

Mr. Klein: You know, money, money, money, money. That's their answer. That's how they think they get money: you turn the minister upside down and shake him. That's how they think. If that doesn't work, then they look to the sky and they say, "Oh, money; O God, give us money," and they expect it to fall from the sky. That is their approach to money, Mr. Speaker. What more can I say?

The Speaker: The hon. Minister of Learning, if you want to shake this one.

Dr. Oberg: Well, Mr. Speaker, I would certainly take that opportunity, but turning upside down really gets me very dizzy, so I won't do that at the moment. I do, however, need to address the \$65 million that was raised by the Auditor General.

Mr. Speaker, the hon. member is fully aware that each and every time there is an appeal in assessment, each and every time there is a hardship case in small communities or, indeed, large communities like Edmonton, money comes from somewhere, and where that money comes from is that \$65 million fund. A few days ago or a week ago I held in abeyance the payment to municipalities. That was \$8 million. That is what that fund is used for. It is a onetime fund. We have agreed with the Auditor General that the fund should be lower, down to \$35 million, and indeed \$30 million of the ASF funds will be included in my next year's budget. So this money is for education; it's for assessments and appeals. I don't believe that the hon. member would say that you should not have any money so that no one – no one – could appeal their assessment.

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

Electricity Prices

Mr. Mason: Thank you, Mr. Speaker. Last spring the government announced to great fanfare that it was going to get to the bottom of sky-high power bills by appointing an advisory council to look at the problem. Although the advisory council was not allowed to consider the real problem, which was high bills caused by deregulation, it was

allowed to look at the real problem for the Conservative Party, which is angry voters. So it's no surprise that the report's recommendations boil down to no more than a public relations campaign and another round of electricity rebates just as an election comes close. To the Minister of Energy: when will the government actually get down to business and lower power bills by restoring a sane, regulated electricity market instead of trying another round of bribing consumers with their own money?

Mr. Smith: Well, Mr. Speaker, I don't know where the hon. member has been for the last six months, but in fact electricity prices have been coming down. In a recent ruling by the Alberta Energy and Utilities Board they reduced the transmission charge from the Aquila service network by 8.1 percent. EPCOR has made an application that has been accepted by the Alberta Energy and Utilities Board that will decrease bills by 14 percent. Deferral accounts will fall off at the end of December, which will mean a net difference of about 25 percent in customer bills.

So, Mr. Speaker, not only have we been adding generation – in fact, Alberta is the largest green power generation province in the dominion of Canada now – we've seen the price of electricity come down, we've seen the price of transmission start to come down, and we're starting to see even further decreases occur on the 1st of January to the point where prices will in fact be about 10 to 15 percent different from what they were in the year 2000.

The Speaker: The hon. member.

Mr. Mason: Thank you, Mr. Speaker. Well, given that power prices have doubled since deregulation, can the minister explain why for every problem faced by Alberta consumers, the government's solution is a PR strategy and a rebate cheque before the election?

Mr. Smith: Well, you know, as the Premier said earlier, it's just more falsehoods from the opposition, more prevarication, more mistruths, which we've come to expect, Mr. Speaker. In fact, the consumer market has asked for consumer protection. That was taking place in an immediate response to the Advisory Council on Electricity with the placement of the consumer advocate housed in the Department of Government Services. On top of that, the group have asked for more consumer information. We're embarking on a consumer information program. Lastly, the folks in the small business market said: we don't have enough information to make decisions about this upcoming change. That change was then postponed till July of 2006.

So in each and every case where the consumer has asked for something specific from this government for the management and handling of electricity restructuring in this province, we have responded. We have responded positively. Prices continue to go down, Mr. Speaker.

We still at the end of the day have not blacked out. We have delivered dependable, safe, reliable electricity at a time when we've seen Ohio and eastern Ontario black out in some 90 million homes. Italy blacked out for 57 million homes. That's not happening here.

2:20

Mr. Mason: Mr. Speaker, given that the minister's own task force report says that rebates may be the way the government wants to go to fix high prices, can he tell the House how many billions his government intends to spend on electricity rebates this time to secure the government's re-election instead of fixing the problem?

The Speaker: Hon. minister, I'm not sure that's a question.
The hon. Member for Edmonton-Meadowlark.

Education Funding (continued)

Mr. Maskell: Thank you, Mr. Speaker. Contrary to what we've heard in here this afternoon from the opposition, I know that there are at least 74 members of this Legislature who want to applaud the Minister of Learning for his good-news announcement this morning. From the phone calls I've already received, Albertans are pleased to hear that their government is providing immediate additional dollars to support kindergarten to grade 12 education in support of the Learning Commission recommendation. It is a great start. I just have one question for the Minister of Learning: is the funding announced today the ongoing increase in investment the commission was looking for, or is it onetime funding?

The Speaker: The hon. minister.

Dr. Oberg: Thank you, Mr. Speaker. What was agreed to today and what was announced today was seven-twelfths of \$60 million, which takes us to the fiscal year of April 1. That, extrapolated, is \$60 million over the school year. In keeping with the hon. Speaker's need for brevity, yes, it will be ongoing.

Energy Deregulation

Mr. MacDonald: Mr. Speaker, at a standing policy committee this August *Alberta Scan* quoted the hon. Member for Drayton Valley-Calmor as saying this in regard to skyrocketing electricity prices:

That is bound to happen if we don't get these power bills down by the next election. What will happen is a Liberal government will be elected and they will take back the power industry.

[interjections] Laugh at your own member if you want. My questions today are to the Premier. How does the government expect to manufacture consumer confidence in energy deregulation when you can't even convince the members of your own caucus that it's a good idea?

Mr. Klein: Well, you know, there's one thing I can convince members of my own caucus of. I can convince them that the Liberals aren't going to be the government; I'll tell you that for sure. You don't need to be a rocket scientist to figure that out, Mr. Speaker.

The reason they aren't going to get elected is that they feed Albertans a lot of misinformation. Misinformation. Their whole platform, again, is predicated on what I call the five Cs, those kinds of things that create anxiety. They try to create an atmosphere of crisis. They try to create an atmosphere of conflict. They create an atmosphere of controversy and conflict and confrontation and chaos. That is their whole strategy.

Mr. Speaker, if the truth be known, electricity rates are falling. More competition has come onstream. As I said before, we've had more generation than we've ever had before. We have cogeneration projects that we've never seen before. Just west of the area where the hon. Leader of the Opposition lives, in Pincher Creek, we see the emergence of wind power, probably one of the largest wind farms, if not the largest wind farm, in Canada. In the north we see cogeneration in the area of the petrochemical plants around Joffre and Prentiss.

We see tremendous cogeneration. We see cogeneration starting to develop now as it relates to agriculture. We see the development now – very intense, and it's going to be very, I think, topical and

perhaps controversial – of coal bed methane and the amount of power that we'll be able to generate from that gas. Clean coal technology is now being developed to generate more power.

Mr. Speaker, those are the good stories, and that is the kind of information that the Liberals in their absolute desperation to get us fired refuse to tell the public. Instead, they depend on misinformation and untruths.

Mr. MacDonald: Speaking of misinformation, why is this government continuing to spend \$3 million of consumers' money on a propaganda campaign from the Public Affairs Bureau to convince us that energy deregulation is what we want when in reality we know that it has not worked and will not work?

Mr. Klein: I would rather spend no money at all, but sometimes you have to spend money to combat the absolute misinformation – the misinformation – and the untruthful propaganda that's being put out by the Liberals. Mr. Speaker, I don't like to spend this money, but they force us to through their program and their aggressive campaign of conflict and controversy and confusion and chaos. We don't like to do that. If they would start to tell the truth and be responsible, then we wouldn't have to spend those kinds of dollars.

Mr. MacDonald: Then to the Premier, Mr. Speaker: would it not be cheaper for the Premier's office to click onto altaliberals.ab.ca to see what a real electricity policy looks like instead of spending valuable tax dollars going to London to try to find an affordable and reliable electricity policy because the government knows they currently do not have one?

Mr. Klein: It is precisely their web site that is the problem. That is the web site that is full of propaganda, that is full of misinformation, Mr. Speaker.

Those seven people over there have no policy to develop. They have no responsibility for the development of policy. All they do is sit around and dream up ways of trying to frustrate the government. They are so desperate, Mr. Speaker – so desperate – to do something to get recognition, to get noticed. When you ask who any member of the Liberal Party is, the majority of Albertans couldn't name any of them. So they are so desperate that they put up web sites, that they spread misinformation, that they issue press releases. They do everything that they possibly can to discredit the government. Well, guess what? The people of this province elected 73 of us and only seven of them.

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

Education Funding (continued)

Mr. Lukaszuk: Thank you, Mr. Speaker. The final report of Alberta's Commission on Learning identified an existing shortfall in funding . . . [interjections] Obviously, the opposition is not interested in education, but I'll continue.

The report has identified a shortfall in funding for Alberta's kindergarten to grade 12 education system. The commission recommended that the province invest an additional \$90.6 million to meet the current needs. Today the government announced that this recommendation has been accepted and acted on. We know that there will be priority funding for education. That's a definite step in the right direction. My question is to the Minister of Learning.

When can we expect this additional funding to be available and making an actual difference in the system?

The Speaker: The hon. minister.

Dr. Oberg: Thank you, Mr. Speaker, and thank you for asking that question. Earlier on this year, in July, there was \$30 million that was put into the operation and maintenance budgets for school jurisdictions. This was part of the dollars that the Learning Commission had identified. Today I had the opportunity to make an announcement that seven-twelfths of \$60 million would be put in, which is in keeping with our fiscal year, for a total of \$60 million for the school fiscal year, which starts September 1, for a total of around \$90 million. Also what was recommended by the Learning Commission is that the funding formula be enacted. I am taking that through the processes in our business plan, and I hope to have announcements on that in the spring.

2:30

The Speaker: The hon. member.

Mr. Lukaszuk: Thank you, Mr. Speaker. My first supplemental is also to the Minister of Learning. When will the minister be addressing the Commission on Learning's other recommendations, for example classroom sizes?

Dr. Oberg: Well, Mr. Speaker, as the hon. member fully knows, we take it through our processes. It has been through standing policy committee, and a significant number of the Learning Commission recommendations have been agreed to. There were two that were thrown out, and there are about another seven or eight that have been looked at that need more review. Class size was one of those that was looked at, and hopefully we'll be able to have announcements on that soon. But it does have to go through our process, will have to go through cabinet and caucus, and then hopefully we'll be able to make some final announcements.

The Speaker: The hon. member.

Mr. Lukaszuk: Thank you, Mr. Speaker. My last question, also to the Minister of Learning: will additional dollars be made available in implementing these recommendations?

Dr. Oberg: Mr. Speaker, there are a considerable amount of dollars that are needed for the Learning Commission. The Learning Commission has estimated close to \$600 million over the next five years. We are looking at this in terms of our business planning process, and I anticipate that many of those dollars will actually be included in our business planning process, and I'm working towards that end.

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

Long-term Care Accommodation Rates

Ms Blakeman: Thank you, Mr. Speaker. My questions today are to the Minister of Seniors. If a fee increase for long-term care was so desperately needed for so long, why didn't this government raise it during the budget debate or before the end of session?

Mr. Woloshyn: Mr. Speaker, the fee increase was needed, was implemented at the appropriate time, and was arrived at when the proper discussions were held between the government, long-term

care associations, and other operators. So whether it was during the budget debate or at any particular time is quite irrelevant.

The Speaker: The hon. member.

Ms Blakeman: Thank you. Again to the same minister: given that Alberta legislation requires landlords to give 90 days' notice of a rent increase, how can the minister justify raising rents more than 42 percent in most long-term care centres with only 44 days' notice?

Mr. Woloshyn: Mr. Speaker, the point of the matter is that about 10,000 of the 14,000 people in care are on some form of government program or other. The people who are on the seniors' benefits plan received their supplementary benefit cheques in the mail prior to them needing to forward the increase. The particular process that we're using ended up ensuring that seniors in long-term care facilities, most of them, the ones who are on the program, would now have the same kind of residual income which the lodge occupants have. That process was not in there before. We also ensured that they had free cable as part of the package, that they had incontinence supplies, unlimited bathing, and laundry bracelets. After the increase we are still the provincial jurisdiction with the second lowest rates in the whole country. Only Quebec is lower.

The Speaker: The hon. member.

Ms Blakeman: Thank you. My final question to the same minister: what is this government going to do to defuse the financial bomb that has caused major damage to middle-income seniors with this increase?

Mr. Woloshyn: Mr. Speaker, a part of the process was also the assurance that no individual, senior or not, would lose their right to be in the facility, would be unnecessarily transferred. We've implemented a process whereby any individual who is impacted unfairly would first go to the operator, and if they can't resolve the situation with the operator, then they come to Alberta Seniors and we intercede on their behalf. This process has been working very, very well. The operators have gone on to work with the families to ensure that the people are working within their income limits. I must repeat that nobody, senior or not, who is in a facility was moved unnecessarily or was impacted to the point that it was unfair, and if they do have a problem, I'd ask the member to ensure that they forward their problem to us, and we will work with them to resolve the issue with the operators.

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

Methamphetamines

Mr. Johnson: Thank you, Mr. Speaker. Police across Alberta are warning that the spread of methamphetamines is a growing threat to our communities. We have increasing reports of meth busts and meth-related crime. The drug is said to be showing up with greater frequency, and police and others blame meth use for increased violence and rising crime in our areas. My questions are to the Solicitor General. A dark picture is being painted about this drug and its effects. What kind of threat does this province face from this illegal drug?

The Speaker: The hon. minister.

Mrs. Forsyth: Thank you, Mr. Speaker. The hon. member brings up a good question and one that he is well aware of, suffering from meth in his own constituency and as the chair of AADAC. Yes, meth is a problem in this province, and it's an increasing problem. It's not only hitting the urban areas, but we're seeing it in rural areas such as the hon. members' ridings, Drayton Valley, Wetaskiwin, all sorts of areas. Meth is a very highly addictive drug, and we need to get on this problem.

I recently came back from the States, and I have come back with some really good information in my mind on how to deal with the situation. Prior to going to the States, Mr. Speaker, I put together an intergovernmental working group that brought together representatives from Health, Environment, Children's Services, Agriculture, and Learning, and we are well ahead of the problem. The States was very, very impressed with how far ahead we are instead of behind on the particular problem.

The Speaker: The hon. member.

Mr. Johnson: Thank you. I have critics saying that not enough is being done to confront the drug problem, so what plans and strategies are in place to tackle it?

Mrs. Forsyth: Well, Mr. Speaker, as I mentioned in my first answer, Alberta is ahead of the problem. In our visit to the States they indicated to us that they felt they had been hit by a huge truck when trying to deal with it and playing mental gymnastics in their brain all the time. As I explained earlier, we have put together an intergovernmental working group, and it is working very well. We've got all the ministers responsible engaged, and we're also meeting with the College of Pharmacists on Friday and trying to deal with the situation on some of the drugs. We are also pushing the federal government to make some changes to legislation federally and get on top of the situation.

Mr. Johnson: My final supplemental. Can the minister tell us what controls there are on buying crystal meth ingredients, including common cold medicines and other products, in drugstores?

Mrs. Forsyth: Mr. Speaker, another good question. I think one of the things that we have to be conscious about is the chemicals that are used in the production of meth, and they can change all the time. As I indicated, I'm meeting with the College of Pharmacists to discuss some of the things that Australia is doing that are very innovative in regard to the control of Sudafed and some of the things that the States is doing.

I'm looking forward to the meeting with the College of Pharmacists. My idea in meeting with them is to listen to what they have to say about how we can deal with the situation. They're best in the know about that. We need to have the federal government again step up to the plate and put some restriction on the precursors that go into the making of meth, and we need to be on top of this because the ingredients can change just like a cook can change a recipe.

Health Care Labour Relations

Dr. Taft: To the Minister of Health and Wellness: will he tell Albertans how many health care dollars that could have been spent to shorten waiting lists or to fund MRIs are instead being needlessly spent by the provincial health authorities to run TV, print, and radio ads opposing the nurses?

Mr. Mar: Mr. Speaker, what I can speak about is remarkable things

that have happened in our health care system in the last 12 months. We have worked on all aspects of the Mazankowski reform. We've improved accessibility. We're working hard at improving access. We have the first electronic health records in the country. We have electronic wait lists on the Internet. We have our Healthy U campaign, that has resulted in part in educating Albertans on how to look after themselves, how to improve their health habits in terms of their eating and their exercise. Our tobacco reduction strategy has resulted in 44,000 fewer smokers in the province, including the Minister of Energy, and 11,000 fewer youth smokers. We've got an AMA agreement that's moving forward on primary health care. The accomplishments are numerous within the last few months. We're moving forward on it.

Of course, Mr. Speaker, regional health authorities have their responsibility to deal with nurses in their negotiations. I expect them to do so in a fair and appropriate way. Nurses are not restricted either from making public advertising for the position that they wish to bring forward. It's only appropriate that the employer have the same opportunity.

2:40

Dr. Taft: The answer completely avoided the question. Maybe he didn't hear it, so I'll repeat it. Will the minister tell Albertans how many health care dollars are being spent by provincial health authorities to run TV, radio, and print ads opposing the nurses?

Mr. Mar: Same question, same answer, Mr. Speaker.

Dr. Taft: It's an attitude that's going to lead to confrontation.

So to the Minister of Human Resources and Employment: has this government made any preparations for the possibility of job action on the part of nurses over the current contract dispute?

Mr. Dunford: The nurses and the employer in this case both act professionally, and we expect them to continue to do so, Mr. Speaker. The issues are there on the table. They've been directed to go back to the negotiating table. In the meantime, I have completed my responsibility in terms of the minister in reacting to an application for a compulsory arbitration board. So we have those situations in place. We all hope, of course, that none of that will be required, that the two parties will get to the table, the two parties will find an agreement that's acceptable to both of them, and then we just move forward in the reform of health care, which is so necessary in this province.

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

Education Funding

(continued)

Dr. Pannu: Thank you, Mr. Speaker. The Tory government forced school boards to lay off more than 1,000 teachers over the summer, resulting in overcrowded classrooms throughout the province and the withdrawal of services and programs needed by high-needs children. Today, approaching the halfway point of the school year, the minister expects school boards to repair the damage that the government caused by its refusal to properly fund education. My questions are obviously to the Minister of Learning. How can the minister justify waiting until almost halfway through the school year to announce some additional funding when he knows the damage was already done and it will be difficult for school boards to rehire the 1,000-plus teachers they were forced to lay off just a few short months ago?

Dr. Oberg: Well, first of all, Mr. Speaker, I think that the hon. member should take a look at the school calendar, which consists of 10 months. They have been there for about two and a half months, almost three months, so there certainly is a considerable amount of time.

Quite frankly, the school boards are the ones that have the greatest interest. The hon. member was there, and, Mr. Speaker, you know, I could have been mistaken, but I think they even gave a standing ovation for this announcement today.

The Speaker: The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. To the same minister: why did the government ignore all year long the pleas of school boards, teachers, parents, and others for properly funded schools only to act today like a knight in shining armour rescuing the damsel in distress?

Dr. Oberg: Well, Mr. Speaker, the interesting thing about this economy in Alberta is that we have received more dollars in our economy because we've been very fortunate with oil and gas revenues. Treasury Board gave me the ability to make some announcements today because we did manage to have some extra funds available, and I thank Treasury Board for doing that.

I believe that putting this money back into the education system at this time is a huge step forward. The school boards applauded it, and there was a considerable amount of excitement at the school boards' convention today, Mr. Speaker, and I think that we're looking forward to some absolutely great things happening in the school system in Alberta.

Dr. Pannu: Mr. Speaker, my third question is to the Deputy Premier. Why is it that as we get closer to an election, the vast majority of problems the government is trying to fix are the very problems of its own making?

Mrs. McClellan: Mr. Speaker, I don't think there really was a question in that. I think it was an assumption which was very clearly unfounded and erroneous. On the various issues that the member has referred to, this government has responded in a number of ways. On the issue of education we made it very clear – and in fact I believe it was this government that set out the Learning Commission. I think it really was. It was this government, and we said that when we received the report from this Learning Commission, we would respond in an appropriate way. When we received the Learning Commission report, the minister very clearly said that this is an important document, that there are some very important recommendations in it, some 96 or 98 recommendations, and that we would give all of those recommendations very serious consideration. I use this as an example of this government responding.

Today the Learning minister responded to the most urgent of the funding areas and gave the assurance to the ASBA that we would continue to consider those recommendations and respond in an appropriate time.

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

Anthony Henday Drive

Mrs. O'Neill: Thank you, Mr. Speaker. I understand that the southeast leg of Edmonton's ring road, the Anthony Henday road, is being built using the private/public partnership model. My question is to the Minister of Transportation. Could the minister please tell this House why that P3 model is being used for this very important

project rather than the normal way of financing a ring road or a project of this magnitude?

The Speaker: The hon. minister.

Mr. Stelmach: Well, thank you, Mr. Speaker. The stretch of ring road which the hon. member referred to as the southeast portion goes from Calgary Trail north to connecting highway 216, and that particular stretch has many structures. There are a few railway flyovers, a number of interchanges, and just the sheer complexity of that particular stretch of road is conducive to a good P3 project because it will enable the industry to apply all kinds of innovation to this particular stretch of road.

Mrs. O'Neill: My second supplemental is to the same minister. I also understand that the contractor who will be responsible for the construction of this road will have control over it for the next 30 years and will essentially recoup his or her costs over the 30 years through the payment by the government. So my question, again, is: is the P3 model simply another way of long-term financing under a different format?

Mr. Stelmach: The model put forward is to design, build, finance, and maintain for a 30-year period. Very clearly, there will be a contractual obligation to the successful proponent of this particular project over a period of 30 years to repay the costs put in by, I would say, a group of different companies that have come together to fund and maintain this particular stretch of road. There's nothing hidden here with respect to the obligation we have. That will be duly recorded, just like any other obligation we have, by this government.

Mrs. O'Neill: My last supplemental is to the same minister. What assurances can you give this Assembly that there will be some cost savings in this project?

Mr. Stelmach: The process, Mr. Speaker, is twofold. One, we go through what is called a request for qualification. That essentially is where companies interested in this particular proposal will for a fee of \$250 have a look at the proposal, the plan, and they will come forward by the end of December, the beginning of January. We will assess whether the proposals coming forward have merit and that the companies are sufficient to carry this project through. Once we shortlist that through Treasury Board, which the outside committee chaired by Mr. Tim Melton will review, we will decide on who will then go to the next stage, which is a request for proposals. Upon that, we will assess the proposals, and as I said many times before, if the project brings about savings, which I believe it will, then we will go ahead with it. If there are no savings, then we won't go ahead with it, simply put.

The Speaker: Hon. members, in thirty seconds from now I'll call upon the first of the hon. members to participate in Members' Statements.

Might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

2:50head: **Introduction of Guests**
(reversion)

The Speaker: The hon. Member for Drayton Valley-Calmar.

Rev. Abbott: Thank you, Mr. Speaker. It gives me great pleasure to

rise today and to introduce to you and through you to the members of this Assembly a constituent of mine, a registered nurse who lives in Thorsby, Alberta, and practises in the great town of Breton, where I lived for many years. I would ask that Anita Ashmore please rise and receive the traditional warm welcome of this House.

head: **Members' Statements**

Hazel McGregor

Mrs. Gordon: Today I stand before this Assembly to recognize a longtime, well-known resident of Lacombe, a great lady, Hazel McGregor. Hazel was recently presented with the Doreen Befus award as this year's most outstanding self-advocate for adults with developmental disabilities, an award sponsored by the PDD Central Alberta Community Board.

Hazel exemplifies in her daily life many of the same wonderful qualities that Doreen Befus, a former resident of Michener Centre, possessed. Hazel has a zest for life equal to none. Always smiling and happy, she enthusiastically embraces her various volunteer tasks with zeal. She has long been a mentor for persons with developmental disabilities and is without a doubt one of Lacombe's most active volunteers. She assists regularly with an exercise program at the Lacombe senior citizens' lodge and always helps out with the many special occasions they hold: Valentine's Day, Easter tea, et cetera.

Hazel has now lived independently and proudly in her own suite, her home, for over a year, and it is no surprise that she has become a natural support for many of her neighbours within the building. She continually offers her time, providing companionship and emotional reassurances to those experiencing difficulties. Hazel has a phenomenal memory. She can remember the most interesting things about people: where they're from, telephone numbers, addresses, and birth dates; no problem. She knows everyone, and most know her.

Thank you and congratulations, Hazel. You are most deserving of this award. Lacombe and the people who live in Lacombe are much better off because of you. Allan and I are both very proud of you and feel privileged to call you a friend.

Family Violence

Mrs. Jablonski: Mr. Speaker, what do you say to a little boy who tells you that his daddy is going to kill him? Daddy had said that many times before, and it was not considered to be an imminent threat. On Friday, September 26, of this year three-year-old Alex Fekete told a friend that his daddy was going to kill him and his mother. On Sunday he and his mother, Betty Fekete, were murdered by his father in the lobby of their Red Deer apartment. Josif Fekete then killed himself. This is a tragic story of family violence. Even more tragically, there are other stories like this one. Last November Grant Harder killed his two-year-old son, Cole, and himself. This is the horror of family violence.

Family violence is everybody's business, and that is why this government has dedicated itself to stopping all forms of family violence in Alberta. Earlier this month the hon. Premier of Alberta announced the family violence roundtable. The roundtable will take place in the spring and will involve representatives from numerous interested parties.

Statistics show that this roundtable is necessary. Twenty-five percent of all women in Alberta have experienced partner violence or abuse in the past five years. This is the highest rate of all provinces in Canada. Children are victims in 23 percent of all assaults reported to police. In 25 percent of these, family members commit the offence. While nine of 10 victims are women, we cannot

forget abuse towards husbands and fathers and elderly family members.

Family violence is about power and control, aided and abetted by drugs and alcohol. It eats away at the health and well-being of victims. It erodes the foundations of our communities, and it destroys lives. Family violence is our business, and we need to do all we can to stop it. This Assembly must encourage Albertans to take steps to stop family violence.

Thank you, Mr. Speaker.

Stu Hart

Ms Kryczka: Mr. Speaker, on October 16, 2003, Stu Hart, Calgary patriarch, wrestling legend, and a constituent of mine in Calgary-West, passed away at the age of 88 years.

Stu was born in Saskatoon in 1915. He played football for the Edmonton Eskimos and in 1940 became dominion wrestling champion. Stu then served in the Royal Canadian Navy and later embarked on a truly successful wrestling career. In 1948 he married Helen Smith of New York City. They moved to Calgary in 1952, raised 12 children, founded Stampede Wrestling, and contributed to numerous charities throughout western Canada.

Desiderata, included in the funeral program, was written in 1927 and describes Stu so well.

Go placidly amid the noise and the haste,
and remember what peace there may be in silence.
As far as possible without surrender
be on good terms with all persons.
Speak your truth quietly and clearly,
and listen to others, even to the dull and ignorant;
they too have their story.

Stu was inducted into the Alberta Sports Hall of Fame & Museum and in recent years was a proud recipient of the Order of Canada and the Queen's golden jubilee award.

Also from *Desiderata*:

Take kindly the counsel of the years,
gracefully surrendering the things of youth.
Nurture strength of spirit
to shield you in sudden misfortune . . .
And whether or not it is clear to you,
no doubt the universe is unfolding as it should.

Stu will be fondly remembered by his 10 surviving children and their spouses, by 35 grandchildren and one great-grandson. He was predeceased by his dear wife, Helen, two sons, Dean and Owen, one grandson, Matthew, and son-in-law Davey Boy Smith. He will be sadly missed by his pets and all whose lives he touched.

To Stu's family and friends who are mourning the great loss, remember *Desiderata*.

Therefore, be at peace with God,
whatever you conceive Him to be.
And whatever your labors and aspirations
in the noisy confusion of life,
keep peace in your soul.
With all its sham, drudgery and broken dreams,
it is still a beautiful world.
Be cheerful.
Strive to be happy.

Rest in peace, Stu Hart.

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

Education Funding

Dr. Pannu: Thank you, Mr. Speaker. When the government reported another multimillion dollar budget surplus in June, pink slips were being handed out to more than 1,000 teachers across the

province. As students returned to the classroom this fall, these 1,000 teachers as well as hundreds of other support staff were missing from Alberta's classrooms. These missing teachers and staff can mean only one thing: overcrowded classrooms and fewer services for children with special needs.

The Edmonton public school board recently reported its class size numbers, and the results are frankly shocking. Over one-quarter of K to 3 children are in classes of 25 students or more. When you consider that the Learning Commission recommended an optimum size of 17 students in K to 3, this government's Learning ministry should hang its head in embarrassment.

It's not like the government wasn't warned. Throughout the spring Legislature session the New Democrats along with school boards, parents, teachers, and students themselves warned that the government's refusal to properly fund our schools would have devastating consequences. The Tory government ignored these warnings, and the unfortunate results are now plain to see. Six weeks ago the Learning Commission put a lie to the government's repeated claims that schools are not being underfunded. The commission identified \$90.6 million of shortfalls which, until then, the Minister of Learning had denied even existed.

Today, literally at the 11th hour, this government underwent a conversion on the road to the ballot box. While the dollars announced today are desperately needed, much damage has already been done to our children and the education system. This damage will be difficult to repair and should never have occurred in the first place.

This government has much to answer for, Mr. Speaker. Albertans will not soon forget its callous disregard for the well-being of our children in our K to 12 education system.

Thank you, Mr. Speaker.

3:00head: Presenting Petitions

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

Mr. Mason: Thank you, Mr. Speaker. I would like to present a petition signed by 1,003 Albertans petitioning the Legislative Assembly to urge the government of Alberta to "introduce legislation declaring a moratorium on any future expansion of Confined Feeding Operations, with a view to phasing out existing operations within the next three years."

head: Notices of Motions

The Speaker: Hon. Opposition House Leader, on October 8 I received correspondence from the Leader of the Official Opposition advising that he was going to be rising today under Standing Order 30. Do I take it that this is not forthcoming now?

Ms Carlson: Yes, Mr. Speaker. That was withdrawn.

The Speaker: Okay.

The hon. Member for Edmonton-Strathcona on a Standing Order 30 notice.

Dr. Pannu: Thank you, Mr. Speaker. Given the announcement this morning by the Learning minister that the government is providing school boards with some additional dollars to at least partly repair the damage caused by its earlier refusal to properly fund education and given that members of this House will have an opportunity to debate the supplementary estimates when they come before this Assembly, I'm withdrawing my Standing Order 30 request for an emergency debate this afternoon.

The Speaker: The hon. Member for Edmonton-Riverview on a notice.

Dr. Taft: Yes, Mr. Speaker. I give notice – you can help me here – of a point of privilege against the Minister of Infrastructure.

Thank you.

head: Introduction of Bills

The Speaker: The hon. Member for Bonnyville-Cold Lake.

Bill 49

Public Lands Amendment Act, 2003

Mr. Ducharme: Thank you, Mr. Speaker. I request leave to introduce Bill 49, the Public Lands Amendment Act, 2003.

Mr. Speaker, these amendments will allow our government to deal swiftly and effectively with instances of noncompliance on public lands involving industrial roads and respond to increased demand within the agricultural industry to allow some bison grazing on public land.

Thank you.

[Motion carried; Bill 49 read a first time]

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I move that Bill 49 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

The Speaker: The hon. Member for West Yellowhead.

Bill 50

Wildlife Amendment Act, 2003

Mr. Strang: Thank you very much, Mr. Speaker. I request leave to introduce Bill 50, the Wildlife Amendment Act, 2003.

These amendments will make the act more effective in a number of areas including enforcement and administration. These additional enforcement tools will help discourage illegal activities to better protect and manage wildlife.

Thank you very much.

[Motion carried; Bill 50 read a first time]

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I move that Bill 50 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

The Speaker: The hon. Member for Whitecourt-Ste. Anne.

Bill 51

Natural Resources Conservation Board Amendment Act, 2003

Mr. VanderBurg: Thank you, Mr. Speaker. I request leave to introduce the Natural Resources Conservation Board Amendment Act, 2003. I'm bringing this act forward on behalf of my colleague the hon. Minister of Sustainable Resource Development.

Amendments to the Natural Resources Conservation Board Act are needed to clearly separate the quasi-judicial function of the board from its administrative function. Changes are also needed to clarify financial controls, membership of the board, and the unbiased nature of the appeals.

Thank you.

[Motion carried; Bill 51 read a first time]

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I would move that Bill 51 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

head: **Tabling Returns and Reports**

The Speaker: The hon. Minister of Community Development.

Mr. Zwozdesky: Thank you, Mr. Speaker. I rise today in my capacity as the minister responsible for sport in Alberta and as a proud Edmontonian to table the appropriate number of copies of a letter of congratulations that I've sent to Hugh Campbell and the 2003 Grey Cup champions, the Edmonton Eskimos. Congratulations to all of them.

The Speaker: The hon. Member for Banff-Cochrane.

Mrs. Tarchuk: Thank you, Mr. Speaker. As chair of the Standing Committee on Legislative Offices I'd like to table five copies of the 2002-2003 annual report of the Auditor General of Alberta.

Thank you.

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

Mrs. Jablonski: Thank you, Mr. Speaker. Today I'm tabling five copies of a petition with 5,255 signatures that states:

Whereas the Michener Centre Administrative Building is a beautiful old landmark with provincial historic significance, and

Whereas despite the recent fire it is still structurally sound,

We the undersigned request that the building be repaired and restored.

Thank you.

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

Ms Blakeman: Yes, please. I have five tablings today, Mr. Speaker. I'll go through them quickly. The first is the appropriate number of copies of a postcard campaign from the summer called Stop Picking on Seniors, around the long-term care rate increases.

The second tabling is five copies of a letter from Mrs. B. Kay in Edmonton protesting the government's increase of long-term care facility fees.

Next is an e-mail from Margaret Griffith, who has a mother in care in rural Alberta. She herself is working in the U.S. and has seen firsthand the devastation of seniors becoming bankrupt from paying for long-term care.

The next e-mail is from Deanna Summy, who took her husband out of long-term care and brought him home but is concerned about the lack of respite care available to her.

Finally, a letter from a constituent, Michael James, who writes with some passion about the situation of teachers and classroom

overcrowding in Alberta and notes that the government is playing with people's lives.

Thank you very much, Mr. Speaker.

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 a letter and a following petition from the Social Justice Commission to the hon. Premier of the government of Alberta. This is in regard to the level of benefits for persons on SFI, AISH, and other income support programs, and they indicate that it should be raised a minimum of 20 percent in the budget for 2003-04.

The second tabling that I have this afternoon is five copies of a document that I was delighted to get earlier in the fall, and this is the Alberta Public Affairs Bureau request for proposal 03-02. This is this campaign that's going to convince Albertans they should like electricity and natural gas energy deregulation.

Thank you very much.

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

Dr. Pannu: Thank you, Mr. Speaker. I've got two tablings today. The first one is appropriate copies of a document showing huge increases in class sizes in Edmonton public schools due to this government's failure to properly fund education.

3:10

The second document, Mr. Speaker, is a news release issued by the Greater St. Albert Catholic Schools dated November 13, 2003, regarding the discovery by the Auditor General of surplus funds in Alberta Learning's account and calling for immediate distribution of these funds.

Thank you, Mr. Speaker.

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

Mr. Mason: Thank you very much, Mr. Speaker. Today I am tabling a secret leaked draft report of the Advisory Council on Electricity dated September 2003 showing that the only answer the government has to higher power bills is more spin and rebates.

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

Mr. McClelland: Thank you, Mr. Speaker. I rise today to table a letter from a constituent, Nancy Hamilton, in which she raises several observations concerning the Learning Commission.

Thank you.

The Speaker: Hon. members, pursuant to section 4(2) of the Election Finances and Contributions Disclosure Act I'm pleased to table with the Assembly the annual report of the Chief Electoral Officer for the calendar year 2002.

Pursuant to section 46(1) of the Conflicts of Interest Act I'm pleased to table with the Assembly the annual report of the Ethics Commissioner that covers the period April 1, 2002, to March 31, 2003.

The Speaker: The hon. Member for Edmonton-Riverview on a Standing Order 15.

**Privilege
Contempt of the Assembly**

Dr. Taft: Yes. Thank you, Mr. Speaker. Perhaps I should begin by distributing some material to the members.

I rise today under Standing Order 15(2) on a question of privilege or further and in the alternative contempt of the House. Mr. Speaker, the issue involved with this case of contempt goes back to the spring sitting and largely to the question period of May 15 and my exchange with the Minister of Infrastructure. In fact, the particular *Hansard* is on everyone's desk right now, and they can follow along on page 1674.

May on page 108 defines contempt.

Any act . . . which obstructs or impedes . . . any Member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence.

There are certain instances which have historically been identified as issues of contempt. One such instance is misleading the House. *May* on page 111 states, "The Commons may treat the making of a deliberately misleading statement as a contempt." The word "deliberately" protects the occasional lack of up-to-date information a member might have. However, this is not the case on this issue.

When questioning the Minister of Infrastructure, as outlined in *Hansard*, I asked, "Does the Department of Infrastructure have in its possession any lab results that speak of toxic mold at the former Holy Cross hospital?" The minister's answer did not directly deal with the question I posed. He quoted a specific line instead and an e-mail which he had in his hands, and he then seemed surprised when he was asked by you to table this e-mail. The e-mail is on the top of the documents that are being distributed. I hope that you have been given some of this material yourself, Mr. Speaker.

It was at this point, after he was unexpectedly asked to table the e-mail, that I asked the supplemental question, "Is the minister saying that his department has never had possession of positive tests for toxic mold at the Holy Cross Hospital?" In response the minister replied, "The fact is that when we were looking at locations to house the Court of Appeal, the Court of Appeal asked Mr. Tang Lee to do an air quality test, and clearly, as this shows, the tests were never completed." And the "this" in his quote was referring to the e-mail that he was holding in his hand.

Well, Mr. Speaker, as everyone here who has that in their hands can see, attached to the e-mail and referenced in its text were two attachments. The first was the test results for bacteria, and the second was test results on fungi and bacteria. The e-mail stated, and this was not mentioned by the minister: "Enclosed is the report from the Microbiological laboratory that was completed on October 24, 2001. The XL file is for bacteria and the Word file is for the fungi and bacteria." It is absolutely clear that the minister did in fact have the test results at his disposal. In the words of the e-mail, "The report from the Microbiological laboratory . . . was completed on October 24, 2001," completed a year and a half before I asked the question. The minister's response that "the tests were never completed" was clearly an attempt to mislead the House. They had been completed for over a year. The documents that I have tabled today will bear this out and show that the department had full knowledge that the tests were completed.

I am mindful of what Maingot stated on page 234 of his work: "It must be shown that the Member was obstructed in his work relating to a proceeding in Parliament." Mr. Speaker, the infraction occurred in question period. The document which is leading to the raising of this case of contempt was tabled under the daily Routine. The entire case occurred within the proceedings of this House, and it involves a simple but crucial statement of fact: what did the minister know, and when did he know it? If members of this Assembly can't have confidence in this sort of answer, our work is indeed profoundly compromised.

Mr. Speaker, I now wish to draw to your attention additional corroborating evidence. As you've suggested, copies have been available to all members, and I invite them to follow along. This is correspondence involving the Department of Infrastructure specifically on the issue of toxic mold testing at the Holy Cross. I've selected only a few examples, and I will move through them quickly. I ask members to follow along.

The cover is the e-mail that was tabled by the minister confirming, as you can see with the attachments, that, in fact, the test results were included. The next page is an e-mail from Sandy Fisher of the government of Alberta to Tang Lee simply arranging a meeting and a tour of the Holy Cross. There's an important time line at work here that unfolds the story of this case, Mr. Speaker. The next page, numbered 7 at the bottom, is from J.A. Fruman, Adelle Fruman, with the Department of Justice – this is the government – to Tang Lee, CCed to the Department of Infrastructure. I will not read it all, but it does emphasize the importance of this issue.

Dear Sandy:

Thank you for showing Justices Conrad, Paperny and me the leasehold space in Holy Cross Hospital today.

Then she goes on to describe her reaction to the toxic mold. She says:

I would like to document my health concerns about the premises.

During the visit today, I suffered respiratory and other problems: my throat closed, I had chest congestion and pain; I experienced a bad headache; my eyes burned and my vision was blurred; and I became dizzy. More than 12 hours have elapsed since the visit, and I continue to suffer from a number of these symptoms.

She goes on to say:

I appreciate that Professor Lee will conduct extensive air quality testing, mould speciation and laboratory analysis over the next 4 weeks, to determine whether the Holy Cross . . . has superior air quality.

Moving on to the next page, July 15, 2001, correspondence from Professor Lee to the Department of Infrastructure. It's a long document. I'll just draw members' and your attention to points 7, 8, and 9, which outline, in fact, the detailed plans for the testing of air quality and molds, and actually it subsequently explains: "Our examination of the building will commence on Wednesday, July 18. Air samples will be taken including those requiring laboratory tests."

We'll proceed a couple of more pages to the one numbered 10 at the bottom, dated July 15, from Tang Lee to somebody who was working with him on the tests. He says in the first sentence, "I just sent a proposal to Sandy Fisher about conducting an air quality assessment on the Holy Cross" and goes on to explain that.

The next e-mail, July 17, 2001, again from Professor Lee to Adelle Fruman of Alberta Justice. He says:

I sent our proposal to Sandy Fisher this last weekend on examining the Holy Cross Hospital site. Not hearing from him, I arranged a meeting with Sandy this morning to discuss our involvement. At this meeting, he assured me that I will obtain permission to proceed with the examination . . .

And he continues.

A couple of more pages, numbered 17 now on the bottom right-hand corner, to Tang Lee from one of his staff, July 24, 2001. Then it also involves one of the staff actually doing the testing. You'll notice the subject: bacterial report and Holy Cross update.

The analyst is about half way through the bacterial reporting. She should be able to finish it off later today. The *Aspergillus* identification should be coming through today as well.

Then he goes on and says:

Also, we have cleared out the HPC strips for your [Holy Cross] project. There are a lot of TNTC strips.

That means "too numerous to count."

It appears that what is growing on the . . . strips is primarily mold -

which is fairly common when you encounter areas with high mold concentrations.

We move on to correspondence again concerning these tests, July 25, 2001. I'd just refer to the final sentence from Professor Lee: I e-mailed the previous too numerous to count results to Sandy Fisher, who is with Alberta Infrastructure, about Holy Cross.

3:20

The next page, numbered 19, from Tang Lee to a staff member of Alberta Infrastructure. Subject: preliminary lab results. "As requested, I am sending a quick note to you that I received from the microbiologists that there are a lot of mould spores at the Holy Cross hospital." He goes on: "With this preliminary result, I am concerned about the air quality and its suitability to the sick occupant of Court of Appeal.

The next page, numbered 20, from Tang Lee back to Adelle Fruman. Subject: Holy Cross mold spores. Tang Lee says in this e-mail:

I was asked by Sandy Fisher to keep him posted as to any preliminary findings on the Holy Cross. As such I just sent him this brief note from the microbiologist. It appears there is a lot of mould spores in the hospital . . . and that they are growing so rapidly on the samples that the microbiologist cannot even count them. The mould growth is covering each other as it fights to grow in the nutrient solution.

Moving on, a quick response from Sandy, an employee of Infrastructure, to the professor re preliminary laboratory results: "Thanks Tang."

Moving on. August 26, 2001, from Tang Lee to Sandy Fisher of Infrastructure: "Hello, Sandy. We just received the microorganism . . . results and the Holy Cross has a lot of moulds including *Stachybotrys* . . ." which is a very dangerous mold ". . . in the kitchen area."

It goes on. I will summarize very briefly here: "The other areas also have moulds and we expect that the fungi genres would turn out to be species with associated mycotoxins." I will not go through the rest of the page except to draw your attention to the bottom where the staff person from Alberta Infrastructure wrote on August 24, 2001: "Hi, Tang . . . I am looking forward to seeing your report and recommendations particularly on the Holy Cross. I'll call you next week. Kind regards."

Now I've moved to page 35. From Tang Lee to Sandy Fisher, Department of Infrastructure. Subject: interim summary. "Hello Sandy. Here is an interim summary of our examination." This is a very long e-mail, so I will move people ahead two more pages to that numbered 37, the lower part, to (4) Holy Cross Hospital Southeast wing, the second paragraph. Remember that this is an e-mail going to Alberta Infrastructure. It says:

It is clear that there are mould spores throughout the facility including *Stachybotrys*, *Penicillium*, and *Aspergillus*. We expect that the fungi genres would turn out to be species with associated mycotoxins, but we did not receive authority to proceed with the next level of species identification.

Then on the following page, numbered 38, it says: "Mould samples inside the exterior walls were so concentrated that it overgrew the samples. The mycologist wrote TNTC (too numerous to count) on several samples."

Page 39, from Alberta Infrastructure to Tang Lee, August 30, 2001: "Hello Tang. Thank you for this. It confirms my own expectations. Sandy." The subject was the interim summary.

I'm near the end, Mr. Speaker. I appreciate your patience. Page 41, e-mail correspondence concerning the testing to Tang Lee from The Stookes, which is an e-mail account of somebody working on the testing: "Hello Tang. I am still not sure from Sandy's reply if we

are proceeding to speciation on the Holy Cross site." Remember that Sandy works at Alberta Infrastructure. It's important to note here that they already knew the genus of the mold.

The next page, 43, is again from one of the people working on the test to Tang Lee. Subject: interim summary.

Hi Tang,

I reached Mike and he will proceed with speciation to a max of \$2000. I asked him to do a mix of speciation on the ground and 7th floors [at the Holy Cross] and to concentrate on only the *Penicillium* and *Aspergillus* genres (and of course the *Stachybotrys*).

It seems clear from this e-mail that they were given the go-ahead.

The last page, page 44, from Tang Lee to the owner of the Holy Cross, Mr. Peter Wong. Subject: air quality.

Hello Peter:

I just received the microorganism results back from the microbiological lab and received permission from Alberta Infrastructure to proceed with speciation to go beyond the genus.

Now, Mr. Speaker, all our time is short. I have got far more detail than this which I don't need to bring forward. It seems absolutely clear to me, black and white, that this department and this minister's department knew of the lab test results, had them in their possession at the time I questioned him, and probably had them in his possession long before that.

So, Mr. Speaker, let me wrap up by saying this: the evidence is compelling. The Department of Infrastructure did indeed have detailed evidence, including lab test results, confirming dangerously high levels of toxic mold at the Holy Cross more than two years ago. I can come to no other conclusion than that the minister misled the Assembly on an important question of fact.

My request to the minister is simple. First, will he please admit that his department did in fact have laboratory results showing unacceptable levels of toxic molds at the Holy Cross, and second, will he please apologize to this Assembly for his actions? Barring that, Mr. Speaker, I am prepared to move a subsequent motion.

Thank you.

The Speaker: Hon. Minister of Infrastructure, are you prepared to make a statement today, or, in light of this information forthcoming, do you want to wait until tomorrow?

Mr. Lund: Mr. Speaker, since I wasn't able to follow the rationale, if there was some, from the hon. member, I'm going to take the advantage of getting *Hansard* and reviewing the whole thing and will respond tomorrow.

Dr. Taft: A point of clarification, Mr. Speaker. The minister's office was provided yesterday with all the material that members have had.

Thank you.

The Speaker: I take it then, hon. minister, that tomorrow you'll be prepared to be in the House.

Mr. Lund: That's affirmative.

The Speaker: Am I advised there would be any other members wanting to participate in this? Okay. Come back tomorrow then.

Hon. members, just before I call Orders of the Day, today was a unique day in the history of this Legislative Assembly, when for the first time anybody who had the Internet could receive a video feed of the Alberta Legislative Assembly, anywhere in the world, to watch question period. Now, there appear to have been a few little technological glitches, but get this: the technological glitches came from overload of a high number of accesses to the web site. So

considering that there's absolutely no makeup in this Assembly and everything is live, this must make good television for some.

head: **Orders of the Day**

head: **Government Bills and Orders**

head: **Second Reading**

Bill 36
Environmental Protection and Enhancement
Amendment Act, 2003

[Adjourned debate April 28: Mr. Broda]

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

Ms Carlson: Thank you, Mr. Speaker. I will move forward, then, with my comments on Bill 36. I had expected someone from the government side to proceed.

This is a bill that's been on our Order Paper for some time, and we see some minor kinds of changes coming forward.

3:30

The key objectives of the bill are allowing for electronic reports of substance releases. It adds specific references to codes of practice in the act, which has long been an issue that's been debated inside and outside this House. It eliminates the 25-year limit to issuing environmental protection orders for sites that have been granted reclamation certificates, and there is some general housecleaning. This is a bill that we will be supporting, Mr. Speaker. While these changes are quite different in how they amend the act generally and they have to be dealt with, I believe, separately, generally speaking, they improve the legislation.

When we talk about electronic reporting, currently what happens is that if a person releases a substance that may cause an adverse effect, it must be reported to the director "in person or by telephone." Of course since that legislation was brought forward, the electronic age has taken over most of our lives. There is no allowance for them to report by manner such as e-mail, so the amendment attempts to include that, and we support that. It's a good idea.

The second is the codes of practice. Many people have concerns about these codes of practice. The bill defines them as documents "governing an activity or activities or a portion of an activity or activities that is adopted or incorporated pursuant to section 38." What that means really for us is that there will be codes that prescribe standards for common practices. According to the ministry these codes of practice have already been used for some time, but they are included this time, specific references to them in the bill. We hope that the intent is for clarity's sake, but what we have found is that there has been some concern over time that the codes of practice are not strict enough or don't have to be adhered to, that, in fact, often it would be better if we had regulations instead of codes of practice.

Before we get to committee, I'm hoping that we can get some answers to questions that I've heard outside this House and that really should be answered at this point in time. The first is: what is the compelling reason for moving this particular amendment at this time? Can the minister or some designate tell us what the substantive difference is between what can be achieved with regulations and what can be achieved with the code of practice? This is an answer that I would like to be quite specific so that we can send it out to a number of people who have been asking us this. In more detail can they give us what the specific advantages of a code of practice are in this circumstance over regulations? It does need to be clarified, I believe, for the purposes of this bill.

One of the other parts of the bill is the limitation to issuing the environmental protection orders. According to what we've heard from the ministry the current regulations indicate that an EPO cannot be issued longer than five years after a reclamation certificate has been issued. What this does is it releases the person or the company responsible for the site from all environmental liability after five years. That's, I think, obviously to all of us in this Assembly not long enough. We recurrently find cases where there are problems with reclamation sites after a five-year time period. So can we know why the minister has decided that 25 years was not a good period of time? We just would like to have clarification there in terms of why the time change.

I think I will keep my sectional analysis on this particular bill until we get to the committee stage and until we have some of the answers to the questions asked, but unless something unusual comes out of those answers, this looks like a bill, Mr. Speaker, that we will be supporting at this particular time.

The Speaker: Hon. members, under Standing Order 29(2)(a) we now have five minutes available for questions and answers to the just-heard-from speaker. So will there be questions? I take it that there are none.

Then to recognize the next speaker, the hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Speaker. I just wanted to put a few comments on the record on Bill 36, Environmental Protection and Enhancement Amendment Act, 2003. Over the summer break I received a very thoughtful but impassioned letter from a young constituent who was really concerned about pollution and environmental controls and what was being done to keep the planet safer. It brought home to me that we have a new generation coming up who accepts without question that the government is responsible for ensuring environmental protection of land, water, and air. They don't expect to have to argue with the government to get it; they expect the government to provide it and to be a steward and an overseer to make sure that that's happening.

This bill is certainly not going to solve all of those problems, but as my hon. colleague from Edmonton-Ellerslie has already mentioned, it does bring forward a couple of things that are useful, like the electronic reporting for substance release, the references to the code of practice, and eliminating the 25-year limit for issuing environmental protection orders for sites that have been granted a reclamation certificate. That's the one that interests me most in the context of this young man's concerns.

I continue to look and to press the government to be vigorous in monitoring and evaluating our environment. Part of my long-standing complaint was with the downsizing of officers whose very job it was to do that, to be out there on the ground, so to speak, in water, testing the air to make sure that all was going as it should and that the environment was protected to the full extent and doing the evaluation if it wasn't. I think what we have learned in the last 50 years or so is that environmental damage has a very long, long half-life, and for that reason I'm pleased to see a limit being lifted. Frankly, I don't think we fully understand how long it can take various kinds of poison to be worked out of, for example, water or earth. So the need for vigorous environmental protection is, I think, obvious to me, and certainly it was to this young guy.

We've had an imbalance in this province where there was a bias in favour of what the industry wanted and what was convenient for the industry. I think that is slowly, aching slowly being corrected, and we're moving back towards a balance between a fairly free rein for industry to operate as it chooses and some reasonable limits that

are placed on industry, particularly where it comes to environmental protection.

So I appreciate the work that is being done, and I continue to say: you need to do more. On behalf of the young man that wrote to me, I'm glad I was able to raise those points and continue to raise those expectations with the minister.

Thank you very much.

The Speaker: Standing Order 29(2) is available to all members.

Then I take it I should call on the Minister of Environment to close the debate.

3:40

Dr. Taylor: Thank you, Mr. Speaker. I'd like to thank the hon. members opposite for their support, and I'll try to answer a couple of their questions. One was that five years is not long enough for a reclamation certificate to be in effect and that after the five-year time period it would revert to the owner of the land and the government of Alberta, so we are moving to 25 years. In fact, I will bring an amendment in Committee of the Whole that changes the time that companies are responsible from five years to 25 years. So we're moving in that direction, Mr. Speaker, and once that amendment comes forward, I hope the House will agree to it and we'll move forward. We have discussed it with industry over the summer, and industry is in agreement with it. We had some persuasive discussions with them, and they have agreed, particularly the oil industry.

In regard to moving from regulations to a code of practice, what we're talking about there, Mr. Speaker, is moving from a regulatory approval process to a code of practice. We're not moving away from regulations. Codes of practice will be in the regulatory process, but what we are saying is that for certain common practices – for instance, a gravel pit, you know, outside a watercourse, there's a code of practice that can apply to that because it's the same kind of development whether it happens in your constituency or in my constituency.

So what we want to establish are codes of practice which will be a regulation that says that if you're going to develop a gravel pit, these are the steps that you must take. Rather than going through the complete regulatory approval process, which takes the company a lot of time and money and Environment a lot of time and money, we'll have a code of practice that in regulation says: this is how you develop; these are the steps you have to do to develop a gravel pit. As I said quite clearly, that would not be in a watercourse but just on dry land.

We've got a number of these common practices that up till now have had to have a long regulatory approval process, and we are moving these common practices to codes of practice. I want to be very clear again, Mr. Speaker, that they will be governed, they will be monitored, and they will be part of our regulatory system.

As I said a minute ago, we will be bringing some amendments forward at Committee of the Whole, and at the present time I'm pleased to move second reading.

[Motion carried; Bill 36 read a second time]

Bill 37

Climate Change and Emissions Management Act

[Adjourned debate April 28: Mr. Broda]

The Speaker: The hon. Member for Redwater.

Mr. Broda: Thank you, Mr. Speaker. I'm very pleased to be here this afternoon and reopen debate on Bill 37, the Climate Change and

Emissions Management Act. In my discussion today I would like to begin by touching on the Kyoto protocol and the need for a made-in-Alberta plan when it comes to tackling the issue of emissions reduction. While this government has committed itself to reducing greenhouse gases and tackling the problem of climate change within our province, we have also clearly said that we do not believe that the Kyoto protocol is the right solution for Alberta, Canada, and the environment.

[Mr. Shariff in the chair]

The Kyoto protocol in its current form requires Canada to undergo a 30 percent reduction in the current output of greenhouse gas emissions by the year 2012. Without a doubt, committing to such unrealistic targets and deadlines will have an extremely negative impact not only on the economy of Alberta but also of Canada as well. The approval of the protocol, Mr. Speaker, will undoubtedly result in our resources and products becoming less competitive on the global market due to rising prices. Furthermore, our energy-consuming industries would face increased prices, which in turn would make them uncompetitive, and unreasonable emission targets could render the oil sands projects economically uncompetitive.

Current and future investors will no doubt be discouraged by the new restrictions placed upon our economy and will choose to invest their capital in Alberta's major energy competitors such as the U.S., Venezuela, Saudi Arabia, Nigeria, and Mexico. Unlike Canada none of these nations is bound by the rules and regulations of the Kyoto accord, thus giving them a comparative economic advantage over Alberta and, ultimately, Canada itself. As a result, Mr. Speaker, Canada could experience a loss of 450,000 jobs, a substantial rise in income tax rates, a hundred percent increase in electricity costs, a 60 percent increase in natural gas costs, and the price of gasoline reaching over \$1 per litre.

Not only that, Mr. Speaker, but Canada would also have to purchase \$2 billion to \$6 billion worth of credits each year, resulting in not only higher energy prices but also no significant reduction of global emissions. The reason for this is because some of the biggest sources of credits under the protocol will be to the nations of the former Soviet Union, which are currently still some of the biggest polluters in the world. The reason for this discrepancy is because when the Kyoto was negotiated in the early '90s, the economic output of these nations was far greater than it is today, which allows these nations to have a surplus of credits. Under Kyoto Canada will have to purchase the emission credits from these countries while no reduction of current levels of greenhouse gas emissions will actually take place. Furthermore, the protocol is not a fair or equally binding agreement. Even though Canada puts out only 2 percent of the world's greenhouse gas emissions, the economic risk to Canada would be four times that of the European Union and 10 times that of Japan.

I believe, Mr. Speaker, that we can do much better, and this is why this government has introduced Bill 37. This bill embodies the initiatives outlined in the Albertans and Climate Change: Taking Action plan, and I believe it to be a credible and superior alternative to the Kyoto protocol. It represents a made-in-Alberta environmental strategy which is designed to address the issues of climate change in a manner that is environmentally effective and economically responsible. Our strategy focuses on improving energy efficiencies, enhancing how our current technology is used to control industrial emissions, investing in new and economically friendly sources of energy, and improving our emission management for today and the future.

The people of Alberta have entrusted this government with the task of the management and protection of our province's environment and natural resources. Bill 37 will reinforce Alberta's jurisdiction with regard to these matters and will help us to challenge the federal government if the Kyoto protocol threatens to erode our jurisdictional rights. Furthermore, this legislation is only the latest in terms of a long succession of many sound environmental policies pursued by this government.

It is important to note that over the past decade Alberta has established itself as the leader in the reduction of greenhouse gas emissions in Canada. Up to this date studies estimate that we have been able to cut greenhouse gas emissions by 22 percent compared to 1990 levels and that we were also on our way to reducing our emissions by a further 26 percent below 1990 levels by 2005. Unlike the Kyoto protocol, Mr. Speaker, Bill 37 enables us to continue these efforts by focusing on real reductions in realistic time frames, investing in our domestic technology and research, working with our stakeholders and partners, seeking out new and improved energy efficiencies and conservation strategies, and leading by example.

Even after the plan is implemented and approved, the province will continue to work in partnership with other provincial governments, the federal government, industry sectors, municipalities, other energy-consuming sectors, the academic community, and all Albertans. Unlike the Kyoto protocol Albertans and Climate Change: Taking Action is not a rigid and inflexible strategy. It is inclusive and flexible and remains open to new ideas others may have, leaving us room for continuous improvement.

3:50

The intention of this plan is to balance the economic and environmental goals of Albertans and all Canadians as well. It will accomplish these challenges by focusing on reducing emissions per unit of output rather than on absolute reduction as outlined in the Kyoto. Alberta's strategy focuses on achieving realistic and rational targets for emission reductions. More specifically, under the plan Alberta expects to cut its emissions by about 20 megatons per year by the year 2010. By the year 2020 Alberta expects to cut up to 60 megatons, or 50 percent, of greenhouse gas emissions below the 1990 levels.

This government has committed itself to meeting the long-term challenges in the field of greenhouse gas emissions. Bill 37 represents only the beginning of a 50-year initiative designed to dramatically decrease the output of carbon emissions in this province. We'll continue to improve the energy conservation and efficiencies in our province by leading extensive initiatives including municipal building and streetlight retrofits, energy labeling, adoption of new technologies, and reducing barriers to low-input power generation.

This piece of legislation, Mr. Speaker, enables us to work with industry, including the oil and gas sectors, in order to establish effective new ways of measuring, monitoring, and verifying carbon emissions in our province. Bill 37 will also allow us to establish a framework for an emission trading system which will enable the industry sectors to trade emission units while working to reduce their greenhouse gas outputs. In order to ensure compliance within the various industry sectors, the Alberta government will create financial and other types of penalties for nonparticipation.

It will also enable us to introduce a provincial management fund which will help our industry sectors reduce their emissions and invest in our province's energy conservation, energy efficiency, and technology. The significance of this fund is that it will allow us to retain and utilize our funds to achieve far more tangible and long-

lasting results, funds which under the Kyoto protocol we would have to spend on a bogus emission credit system.

In conclusion, unlike the Kyoto protocol Alberta's approach to emission reduction is far superior because its emission figures are realistic, the time frame given to the industry or industry sector is reasonable, and the plan is flexible and open to new and up-to-date ideas. Unlike the Kyoto protocol the Albertans and Climate Change: Taking Action plan will not be looked upon as another NEP but as another intelligent and successful initiative by a government which is in touch with reality, a government which cares about the wishes and the well-being of its people, the economy, and the environment. As a result, Mr. Speaker, I urge all of my colleagues today to vote in favour of Bill 37.

Thank you.

Ms Carlson: Mr. Speaker, in response to Bill 37, the Climate Change and Emissions Management Act, which is really a remake of the old Bill 32 that we saw in the year 2002, there's so much silliness involved in this bill and in the first speaker's response to it that I hardly know where to start.

Every once in a while we see bills come through this Legislature that are real propaganda pieces on behalf of the government, and this is one of those kinds of bills. This bill should've been, I believe, withdrawn over the summer and, if required at all – I never believed in the first instance it was ever required – remade in a way that kept up to date with the changes that we've seen over the past few months, and we saw that emphasized by the comments from the Member for Redwater. He's two steps behind the rest of the world on where this issue has moved to, and it's really unfortunate. I believe he needs to get a new speechwriter, someone who can update his material as required.

We've seen lots of changes happen with regard to federal legislation and with regard to what this government could or should be doing at this particular time with regard to climate change and emissions. You know, industry has moved forward on this particular issue. These guys are being left in the dust as legislators. Even their own departments have moved forward on this particular issue and have had brought forward and come up with many good ideas and solutions and ways to easily be able to implement the targets, not just barely or maybe meet the targets. But not this government. They like to hide behind all these old, archaic ideas and bash and bash and bash instead of taking a look at how they could be facilitating and moving forward on the issue.

You know, a good example of how out of touch they are is that when we first started talking about climate change and how to reduce CO₂ emissions, I brought into this Assembly the 10 easy steps that everybody could easily accommodate in their everyday life and certainly got laughed at for most of them. Since that time period, about two years ago, we have seen many of those steps now promoted by the Minister of Environment and several other ministers in this Assembly and national programs go out that have moved the whole nation forward. Not the least of those and probably the easiest is to turn your car off instead of letting it idle in a variety of situations: when you're picking up the kids from school, when you're sitting at a long red light, when you're caught in a traffic jam, all those kinds of instances. We have seen, after bringing that forward into this House and having all of these government members laugh at it and say how silly that would be, that it's been instituted by many people in this province and is a very, very positive step forward. It's one of the ways that this government could have been showing some leadership instead of bringing in more cumbersome legislation that doesn't really address the issues.

What we see here with Bill 37 is really just a remake of the old Bill 32, where they've crossed out a few of the table of contents

items and got rid of some of the most offensive whereas and then just dusted off that bill and brought it back, and in fact it was never necessary to do. We had many organizations give us feedback and give the government feedback on how any changes that needed to be done with this particular bill could have easily been done within the framework that's already been established within the Environmental Protection and Enhancement Act. Nearly every element that they wanted to achieve could have been done there. Of course, the one problem was where the government asserted that their natural resource ownership gave them jurisdiction over climate change, and we all know that from a constitutional law basis that was a hollow argument and really wasn't going to go there.

We had expected with Bill 37 that we would get some clear and explicit recognition that environmental protection would be the primary goal of this government, but that's not where they went with this. They talked about toying with the amount of participation there would be by this province, which is a silly thing to do because they have the ability to bring in policy development and implementation with respect to areas that would move us forward, such as emission reduction tools, such as an emission trading system, such as sectorial agreements, and such as programs that we in the Official Opposition brought forward into this House as really solid, good ideas that would help the critical area in meeting the emission targets, and that's on the consumer side.

We talked repeatedly about seeing some kind of a management fund that would address retrofits, and addressing retrofits at both a government standard and an industry standard and a consumer standard meets the targets for us. That's what we need to do, and it also has many, many other spin-off benefits. What we do by retrofitting all these buildings and homes is stimulate the economy on the labour side. We then see an active participation of tradespeople coming in and working on the retrofits, and that would be a positive place for this province to go, but they chose not to do that.

4:00

What we did see is government taking care of itself in terms of taking a look at government retrofits in the government buildings, and I hope that as they proceed with that, Mr. Speaker, they will give more than simple lip service to the legislation and practices they have in terms of fair wages legislation. We expect to see in these government retrofits tradespeople being hired at fair wages, wages that include things like benefit packages and the kinds of compensations that have been negotiated and agreed to by unions in the past rather than bringing in substandard labour. This is a case of you get what you pay for, and if we want long-term viability in this particular instance, then that's certainly something we have to take a look at.

So the government recognizes the value of retrofits because they're doing it in their own public buildings. But what about access for industry and for individuals? Not everybody has a handy \$20,000 or \$100,000 in their back pockets to do these retrofits. We talked about how it's very easy to facilitate them. In fact, every state in the United States of America has a retrofit program that addresses both consumer needs and industry needs. Where's ours? It's easy to put one in place.

It doesn't have to be a granting program. It can easily be a loan situation where you get interest-free loans, but let people retrofit their homes. Let them be able to bring their houses up to a standard where they can cut down on coal-burning fuels, save themselves some energy costs, save our natural resources, employ people in this province, and, as a consequence of that, lower CO₂ emissions. Now, wouldn't that just be too easy for this government to do? No. Instead they decide to bring this kind of legislation forward.

There is more work that can be done in areas that should have

been addressed, and with this one it's particularly the fault of Alberta Energy that it hasn't happened. We know that for a very, very long time CASA and other organizations – industry organizations, environmentalists – have tried to work to reduce gas flaring in this province. We know that there is scientific evidence, that there is conclusive anecdotal evidence that gas flaring causes all kinds of problems, environmental and health hazards. CASA has been working for a long time, for about 10 years, to be able to make those changes, with the goal of eliminating gas flaring in this province, and we're getting closer. We're getting closer all the time. If I remember correctly, over the past 10 years gas flaring has been reduced by more than 50 percent for sure, maybe more than 60 percent, but we need to have that final push happen to have it reduced.

So how does that relate to climate change and CO₂ emissions? It's quite significant. What we find is that the emissions given off by the flares are at least, by anybody's standards, 21 times worse than general CO₂ emissions into the atmosphere. So if you could reduce those emissions to zero, then you would be well on your way to making a substantial contribution to our targets in this province for CO₂ emissions, plus we would make a substantial contribution to health concerns and environmental concerns associated with gas flaring.

What's required to make that final push? It's very simple, Mr. Speaker. All we need is for the Department of Energy to agree to very small rebates for these companies that have the flares occurring, and they're saying that they're not prepared to go that extra mile for these companies. To get that extra 40 percent reduction in the flaring, the companies are going to have to bring in costly equipment with maintenance factors and recovery factors, things like that. So they're looking for some kind of financial incentive to push in the next wave, not one that makes the money, just one that's cost recovery based, and Alberta Energy won't do that. I can't understand why, because the spin-off benefits even from their perspective are substantial if we put these new practices in place. We're employing people in an industry, we're recovering the flared material, we're reducing CO₂ emissions and meeting our targets, and we're improving the health of Albertans.

Sometimes it's more than the initial loss of funds that the government would receive. You have to take a look at what the reciprocal benefit is in other industries making money and being taxable and the other health benefits and long-term environmental benefits for our province. Instead of the Minister of Environment aggressively pursuing that with the Minister of Energy, we see him spending his time bringing in a bill like this. So I say that that's really too bad and that is time not well spent and energy not well spent, and it's not where we want this government to go.

We want this government to take some leadership. We want them to be bringing forward a program that is achievable, a program that can be endorsed and accepted by the federal government as they bring in their targets. They can do this in a leadership role. They have the opportunity, but for some strange reason they're choosing not to, so we would like to see the Minister of Environment respond to that and tell us why.

We've seen a lot of documentation between the two departments, Environment and Energy, over the years that says that it's very easy to meet these targets by just putting a few practices in place instead of this particular bill. I would like the Minister of Environment to stand up and tell us why he still needs this legislation, why they did not do this through the EPA framework, why he has not moved forward on really good ideas like retrofit programs for everybody, not just government buildings, and why he is not more aggressively pursuing the Department of Energy on those small concessions for the gas flaring companies so that they can reduce those particular

emissions to zero, which has always been the long-term objective of CASA and industry in this province.

I think I will keep my remarks to those issues at this particular time because we have access to the Minister of Environment this afternoon, and I'm hoping that he will be able to easily answer those questions.

Thank you.

The Acting Speaker: Standing Order 29 kicks in. Any questions for the hon. member?

There being none, the Member for Edmonton-Centre.

Ms Blakeman: Thanks. I want to raise just a couple of comments in second reading of Bill 37, Climate Change and Emissions Management Act. You know, Mr. Speaker, I can tell that we're kind of having a slow start to this fall session, because we just had the member sponsoring the bill, I'm sure – I am positive – carefully plod his way through last year's speech about this bill, and it didn't kind of get the updates that have happened since the last time we were in here, and not many people seemed to have noticed that as we all sat here. It contained the same old tired factoids that have long since been disproved and aren't being used again, and it's like, yo, come on; let's get with it.

A couple of things strike me about this bill. In the preamble it talks about certainty, that this bill will bring certainty to the process, yet as I go through it, what I keep seeing is a lack of certainty. Once again this has to do with this government's incredible penchant for putting everything into regulations, which they can control out of sight of the public and out of public scrutiny. So we want to have some certainty in the bill, where anybody can go on-line, download the bill, read it, and know for sure exactly what the government intends because things are actually in the bill, but no. We have things that are going to be decided later if they want or by the Lieutenant Governor in Council, Executive Council, much of which the public never gets to see, or maybe in regulations, which are more difficult to see. That happens in quite a few areas, and as I go along further, I'll come back to the specifics on that.

4:10

The second part of this. This was about ratifying Kyoto, and this is this government: we don't want to do that, so we'll give you a replacement. [interjections] The Minister of Economic Development once again is preferring to heckle me while I speak rather than actually using his time to get up and debate on the record. So a pretty typical fall session so far, Mr. Speaker.

What's wrong with this is that I still think that Albertans do want to see very strong commitment to Kyoto. You can poll as many darn times as you want. Frankly, I don't put a lot of faith in polls. This government, sure enough, have enough resources that they just kept polling and polling and polling until they in fact got the results that they wanted, which told them – and they are more than happy, I'm sure, to repeat this – that Albertans were not in favour of ratifying Kyoto. I disagree, respectfully, but I disagree because I think they are in favour of ratifying Kyoto. I think they are in favour of much stronger regulations, and I spoke about that when we were debating Bill 36.

Here's an example of this. I think people are willing to do things in their personal life to commit to something, a larger picture like the Kyoto protocol. But what we've learned as we've come along is that individuals are kind of, well, lazy, and until it's made really easy, we tend not to take advantage of things. But knowing that and knowing the history of that, why aren't we taking advantage, with this government version of their response to Kyoto, to put some of those

processes in place that make it easy for Albertans to help contribute to this? One of the arguments that was often used a year ago when this first of all really came to a head was that it didn't matter what industry did, it didn't matter what the government did, that it was such a drop in the bucket it really wouldn't change until every single person stopped driving their car or until individuals severely curtailed the use of automobiles and internal combustion engines essentially, because that's what was really contributing.

Okay; let's take that as a premise then. If that's really how we're going to achieve this reduction or, as I prefer, elimination of greenhouse gases and if we believe that this is all about individuals driving their cars less, then why is there nothing in this bill? Why is there no promotion from this government for the things that would lead to that? Let's talk about how much money is going to municipalities in support of their transportation and infrastructure budgets. Has there been an increase there? Has there been assistance there? Big fat no. No way. Yet if we want people to drive their cars less, wouldn't we need more public transportation? Wouldn't encouragement of that be helpful? Of course it would. But do we see that kind of commitment? No. Not from this government. No, no. Yet that's the very argument they use with me, that nothing they do would make any difference, that it's up to the individual.

Okay; then let's look at helping the individual to drive their car less and use public transportation more or, heck, walk. We've had a \$3 million ad campaign come out of the Department of Health and Wellness about how people should be healthier and should walk more. Do we make it more attractive for people to walk around, especially in the urban areas? No. Do we have any support from the government that comes forward in support of an initiative to help the municipalities to upgrade or enhance or have more walkways and parkways for people to get out and do that? No. Nothing beyond what we've already got and no more initiatives for it. [interjections]

The Acting Speaker: The Member for Edmonton-Centre has the floor. In a few minutes there will be an opportunity for you to ask questions or make comments. Please respect her time to speak today. Thank you.

Hon. member.

Ms Blakeman: Thank you very much, Mr. Speaker. Well, you know, a former colleague always advised me, "Try and engage them, Laurie," and I'm always pleased when I see that, in fact, I have managed to engage people. I see that as a positive sign. So thank you very much, Mr. Speaker. That colleague, of course, is the former Member for Calgary-Buffalo, whom you all remember with great fondness. He engaged you all so often.

So do we see the government offering any of the positive steps that could be taken in supporting their argument that it's really not them? Not the ones that we've talked about. Not a real help to the municipalities as far as public transportation and changes in infrastructure that make it easier or more attractive for people to buy into some of that.

My colleague for Edmonton-Ellerslie spoke at length about retrofit programs. There's another thing. Okay; the onus is all supposed to be on the individual. If you buy the government's argument, industry has nothing to do with this. Individuals have got to do it all. Okay; where's the retrofit program? Could people be doing something to retrofit their homes, their cabins, their rental properties? Of course they could. Do they want to? Yeah, I think they probably do want to. But how difficult are we going to make it for people? Are we going to give them any incentives? Are we going to give them any certainty that if they invest in that, in fact they would reap some sort of benefit from it?

Well, now I'm wandering close to a debate about electrical deregulation, which is a perfect example of the need for people at this point to conserve, to do whatever they can in their home lives to conserve use of energy, to insulate as far as gas prices are concerned so that their gas bills aren't as high. Anything there? Nope. Not from this government. So all the onus is placed on the individual, and then that's it. Walk away. Wash your hands.

But do we get any certainty from the government in this bill? No, we don't. Let's look at some of the areas where there's no certainty. There's no incentive for people to try and buy into this one. Do we get any sort of certainty around definitions? A key point here is that the meat of the bill is revolving around emissions per unit of GDP, yet is there any kind of certainty there? No, there isn't. We're in second reading here, so I'm talking about the principle of the bill. I don't want to go into the word-by-word analysis, but when we come to Committee of the Whole, you know, there's a place that we can look.

Once again, definition is not in the bill. It's in regulations, or maybe sometime the minister might feel like doing something, and possibly we might all hear about it. That doesn't give certainty to anybody.

What about areas where we have the preamble of the bill, which of course, as we know, is not enforceable? It's a context. But what's said in the preamble of the bill is not something that you can follow up with and say, "You didn't do this," because it's not in fact part of the actual bill. It is a preamble to the bill. But it's telling. It's very telling.

We have things like: "the Government of Alberta recognizes that the management of emissions of carbon dioxide, methane and other specified gases will serve to protect the Alberta environment." Management, not reduction. Management. And as I read through this, in a number of places where we should be talking about reduction or elimination, we talk about management. It's like: okay; we're going to have you drive off a cliff, but instead of not having you drive off the cliff, we'll have you drive off the cliff at 50 miles an hour instead of at 100 miles an hour because that's going to manage the situation. Or we're going to poison you, and you're going to need so many parts per millilitre or whatever in your system. Instead of giving you the total fatal dosage all at once, well, no, no, we're going to manage this situation à la Bill 37. We're going to drip it through your IV so it takes you much longer to get poisoned. We're going to give it to you at, you know, 20 parts per millilitre per hour instead of much longer.

So they are interesting choices that the government makes about how they will attempt to find something that's supposed to be as good as the Kyoto protocol, because that's what this is all about.

4:20

Somehow the government is going to manage all of this for us. It doesn't mean eliminate. It doesn't mean reduce. It means manage. Well, I haven't had great faith in government's management of many other things; for example, electrical deregulation or auto insurance have not been good examples of government management. Rather, it's been crisis that has been unable to be accomplished, and is that what we are creating here with Bill 37?

The concept of being able to accomplish this but putting a proviso in place that says "without impairing or impacting economic growth": well, that's ridiculous. Any progression forward in anything you're going to try and do is going to consume some resources that one could argue could have been put towards the existing thing. I mean, if you're going to look into any kind of research – and we've got a whole ministry here of research and information and technology and science and whatever. If we don't

move forward and invest resources in that, we just stay behind, and eventually that really impacts our – what's the wording? – economic growth. So, of course, you have to invest in things like that, and to say that you're not going to invest in it I think will hold Alberta back.

When we were debating Bill 37, I was talking about the need to balance what has been the freedom for development that's been given to the industry against the needs and protection of the health of Albertans. I do not see that coming into play with this bill.

We have: "Let us keep doing what we're doing, and we're going to manage this, and we won't reduce it, but somehow we'll hurt you slower. We'll hurt you at less speed. We'll hurt you over a longer period of time." This doesn't mean that you're going to be reducing anything. You know, I'm just disappointed. I thought there was more brainpower over there. I thought, certainly, there's lots of resources in this government. Good heavens; you've got a Public Affairs Bureau that's got a multimillion dollar budget and 210 people on their staff, as far as I know. All they do and their whole job is to make you look good. I would have thought that they could have given you some more help here.

Dr. Taylor: They did a pretty good job with 74 of us and seven of you.

Ms Blakeman: Oh, yes. Well, again from the Minister of Environment is the old and getting very tired: oh, well, we won 74 seats, so that must make us best. Well, I think the proof of the pudding is always in the eating. There's another election coming, and frankly it's bills like Bill 37 that are really going to help me. Again, the proof of the pudding is in the eating, so the minister and I will have this discussion in another – what? – 18 months, and then we'll see whether things like electrical deregulation and auto insurance and overcrowded classrooms and a refusal to adhere to the Kyoto protocol will help or hinder.

Thank you.

The Acting Speaker: Hon. members, Standing Order 29 kicks in. Any questions or comments for the Member for Edmonton-Centre?

There being none, does anybody else wish to speak on this bill? The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Speaker. It's a pleasure to rise this afternoon and participate in the debate on Bill 37, the Climate Change and Emissions Management Act. It was certainly interesting to listen to speakers on this side of the House and the speaker this afternoon from the government side of the House.

Before I forget, I think initially I would have to note for the record, Mr. Speaker, that this government talks about the cost to the provincial economy and the cost to the province of the Kyoto protocol. I believe still on the Alberta government web site is a statement that the protocol would cost Alberta over \$8 billion and thousands of jobs per year, while electricity deregulation, another policy of this government that is under a great deal of scrutiny and a great deal of suspicion by Albertans, has cost consumers of this province \$8 billion and counting.

One has to be very careful. Last year in the debate on the Kyoto protocol, if one was to listen to certain individuals, the economy here was going to grind to a halt. That, I'm pleased to note, has certainly not happened. I hope we have many, many years and many generations into the future of positive economic growth. But our prosperity is dependent in a lot of ways on our relationship to the rest of the world. When you look at Alberta and you look at our boundaries, air

sheds and weather patterns don't stop at the border. We in this province are a part of a much bigger world, and we have to participate and we have to co-operate with others in this bigger world.

When you look at some of the recent weather-related events in this province, there are certain . . . [interjection] The hon. Attorney General and Minister of Justice is talking about climate change and weather patterns, and the hon. minister is absolutely right. These issues are connected, Mr. Speaker. When you consider, for instance, our recent droughts and how they've affected our agricultural community, how they've affected our forest products industry, and we look at the significant amount of tax dollars that have gone into providing financial assistance to the victims of those natural disasters, we have to start taking climate change seriously. There could be a day when we have no money to finance these programs.

[The Speaker in the chair]

Look at what happened in British Columbia this summer. The interior of B.C. had one of the driest summers on record. You look at the change in weather patterns and rainfall in Vancouver. Who would ever think that there would be the debate in the city of Vancouver that they would have to ration water? But they actually entertained that this summer. So whether it's our neighbours or whether it's ourselves, we are all affected by this.

Is this bill the right way to go? We're part of the bigger world, and we have to recognize that. We have to make some changes. We look, for instance, at our tourism industry. Snow pillows, as people describe them in the Canadian Rockies: how will the snow pillows change with our changing climate? How will that affect the ski industry, for instance? Will it shorten the season and, as a result, reduce the economic prosperity of this province? There are many things to consider.

We can also look at reducing greenhouse gases. Perhaps in the near future we could use the sequestration of CO₂. The technology around that could be an export of this province. I know that the hon. Minister of Economic Development is looking for ways to have economic diversification in this province, and I would suggest, Mr. Speaker, to that hon. member that his department pursue this. Many American states are using sequestration of CO₂ as a means for enhanced oil recovery. We have our coal-fired generators here. Perhaps we should be looking at capturing and compressing the flue gas stream and using it to have enhanced oil recovery in the Leduc oil field, the Bonnie Glen oil field, the Pembina oil field: some of the aging oil formations that are still producing in this province.

So Albertans and climate change could be a very positive thing. It doesn't necessarily have to mean that our economic well-being is going to come to an end. The world is always changing, and I think, Mr. Speaker, it would be prudent of us to participate and change and come up with some good, solid ideas and perhaps sell those ideas to the rest of the world.

4:30

When we look at the main questions that surround the whole ratification of the Kyoto protocol debate – and there has been an expression across the way that perhaps it's not true, but is global warming and climate change a real issue? Mr. Speaker, it certainly is. And is global warming and climate change a result of greenhouse gas emissions? Well, how do we reduce our greenhouse gas emissions? Other speakers have talked about some of the challenges and some of the suggestions that were made to do this. They certainly have ideas on how we can tackle the issue and reduce climate change or global warming without sacrificing our economic viability.

Now, there seems to be a general consensus in the scientific community, in the popular communities on the first two questions on global warming, and there's a recognition that it is a serious issue and it is a primary cause of environmental change. Some of the organizations that have been contacted in regard to Bill 37, it is interesting to note, Mr. Speaker, are the Pembina Institute, the Parkland Institute, which is another crackerjack outfit, the Environmental Law Centre, the Alberta Federation of Labour, and Albertans for Ratifying Kyoto.

Now, each and every individual or group of individuals is expected with an issue like this to make a presentation, and we should respect all opinions because all opinions in a democracy, Mr. Speaker, matter. When we have only one side of the issue promoted, then perhaps there is not a balanced debate. A year after we had this emotionally charged debate on the Kyoto protocol – it wasn't a year after; it's getting close to a year – things have quieted down, so to say, on the western front. There is a realization that we have to work with the rest of the world to solve this problem, and I think that deep down this government is willing to co-operate and to work with other jurisdictions to ensure that generations in the future have a climate that is suitable, and some scientists are talking almost in alarming terms about how much more rapid climate change is than they first anticipated.

I hope that when we support the whole scientific notion of climate change, we not only have a look at this bill but its cousin, Bill 32, and consider our place not only in this country, in the western part of the continent of North America, but also in the world and recognize that this bill does not achieve any of the meaningful progress that we need to make on reducing the level of greenhouse gas emitted from Alberta. I hope, Mr. Speaker, that I am wrong, but I'm suspicious that this will allow emissions in Alberta to continue to increase.

Now, other speakers have talked about the legal framework that is needed for action and whether or not in their view it is reflected in this bill, but there appear to be virtually no specifics in the bill that allow an evaluation for the efficiency of this bill in reducing Alberta's greenhouse gas emissions. Again, I see the habit here of delegating so much authority to regulation that a lot of this will be done by cabinet and the respective minister to operate without any public scrutiny.

With those remarks, Mr. Speaker, I'm going to take my seat. I thank you for the time to get those concerns about Bill 37 on the record, and I will cede the floor to another colleague. Thank you.

The Speaker: Hon. members, there are five minutes available under Standing Order 29(2)(a) should members wish to take advantage of it.

Will there be additional speakers, or should I call on the Minister of Environment to close the debate? The Minister of Environment.

Dr. Taylor: Thank you, Mr. Speaker. I do wish to make some comments. It is precisely because there is a policy vacuum in this country right now that we need this bill so that Alberta can retain its leadership on climate change action, and I'll talk about that in a minute.

Right now this government, industry right across the country, all the various provinces don't know who is running the federal government climate change plan. Is it NRCan? Nobody knows. Is it the Department of the Environment? Nobody knows. Is it the PCO, Privy Council office? Nobody knows. Is it the Prime Minister's office? Nobody knows.

An Hon. Member: Which Prime Minister?

Dr. Taylor: Well, the old Prime Minister, not the new Prime Minister. It's perhaps nice to have two Prime Ministers in the country, but hopefully we'll soon get to one. But nobody really knows.

Now, I hope that with the advent of the new Prime Minister this will all change and there will be a very clear direction – [interjection] well, it's Christmastime, member – that the direction will change and with the new Prime Minister there will be actually meaningful negotiations with the province. So that is why, Mr. Speaker, we need this bill.

I'll give you a couple of examples. In our climate change action plan we talked about an emission intensity target for industry, and originally that wasn't acceptable to the federal government. Now we hear the current Prime Minister and the second Prime Minister, the new Prime Minister, both talking about emission intensity as a reasonable measure. In our climate change action plan that we introduced in May of 2002, we talked about investments in technology. Now we hear the federal government and their various agencies talking about investments in technology. If you look at what the federal government and the various groups that are speaking – as I say, we're not sure who controls their plans in the current federal government, but if you look at what the various agencies are saying, you can almost take it word for word out of Alberta's action plan on climate change.

Mr. Speaker, as I say, there is this policy vacuum in Canada right now, so by us being the leader, once again we have the chance and the opportunity to influence the federal government. Particularly as there is a change in leadership coming, we have a real opportunity by going to Mr. Martin and his colleagues now and saying: "Look; Alberta is ahead on this. We've led the country not only on planning for climate change, but also we've led the country on actions." I'm hoping that Mr. Martin will pay attention and Mr. Martin will actually ask the provinces, all provinces, not just Alberta, to sit down with the federal government and have a meaningful discussion about climate change, to sit down with the industries involved and the federal government and have a meaningful discussion about action plans on how to reduce greenhouse gases.

4:40

We need to be very clear on this. If we look at the forestry industry for instance, the federal government recently signed an MOU with the Forest Products Association of Canada. Now, the Alberta Forest Products Association was opposed to it, but it was signed anyway. What happens, Mr. Speaker, is that the federal government has signed an agreement that affects provincial management of forest lands. I don't think they're going to let people cut in Banff national park.

An Hon. Member: You wouldn't think.

Dr. Taylor: You wouldn't think, so it obviously has to be related to the provincial lands, and who controls forest management agreements in this province? Not the federal government, not the department of energy, not the Department of the Environment in the federal government, not the PCO or the PMO, Mr. Speaker, but the government of Alberta. For them to sign an MOU without ever consulting the government of Alberta, whose land they're having an effect on or our forest management practices, is totally inappropriate, and I hope the members opposite will stand up and say that as well, that it is a totally inappropriate procedure.

Now, what we're asking for and what we're hoping for with the new Prime Minister is, as I've said, that he will include all provinces, not just Alberta but all provinces, on any future action and any future discussion on MOUs or agreements with industry.

So, Mr. Speaker, we are taking leadership. We are saying that we're the only government in the country that's thought this out. We're the only government in the country that's prepared not only to talk about leadership in forms of legislative action but take and commit financial resources to leadership. It's not well recognized perhaps even by the members opposite and not well recognized in the country that we have taken more action as a provincial government than any other government in the country. We are spending more money on climate change initiatives than any other government in the country, and that includes the federal government. The federal government has said that they're going to spend this, that they're going to spend that. They had one minor announcement where the federal Minister of the Environment announced like 10 programs. I think he had 5 million bucks to spend on 10 programs. So we are very clearly leaders.

I'll just give you some examples of how we are taking action. We have the municipal energy efficiency trust program, that was developed through the good graces of the Minister of Finance and Municipal Affairs and the Department of Environment, a \$100 million commitment to do exactly what my critic from the Liberal opposition has asked for. It allows for municipalities to upgrade or plan new buildings that are energy efficient.

Mr. Speaker, we've allowed a CO₂ royalty credit to energy companies – and this is out of the Department of Energy and the good graces and the wisdom and forward-looking Minister of Energy – that allows energy companies to have a CO₂ energy credit if they deal with CO₂. We have allowed companies to invest. The good Minister of Innovation and Science, excellent minister that he is, has allowed and created the Alberta Energy Research Institute to look at reductions of CO₂, to look at using it for enhanced oil recovery. The member obviously doesn't know that we, this government, and other organizations including the federal government are working in Weyburn, Saskatchewan, right now using CO₂ for enhanced oil recovery. So we are doing that.

Through Innovation and Science – and perhaps the Minister of Innovation and Science would like to speak about it – we are looking at clean coal technology, and in fact Don Lowry, the head of EPCOR, has said recently that they expect to have clean coal technology in Alberta plants within seven to 10 years. Mr. Speaker, we're part of a North American clean coal coalition, and what we will do is we will reduce greenhouse gases from thermal electrical generation through the clean coal coalition. This is because we are spending money in R and D, we are spending money in research, and we are partnering with jurisdictions and companies to do that.

Another thing I would point out, Mr. Speaker: green power. This government through the good vision of the Minister of Infrastructure has made the largest purchase of green power in North American history. It was hundreds of millions of dollars, and that comes into effect in 2005, not 2010, not 2020 but in 2005, the largest purchase of green power. We are 9 percent of the population. The federal government can't come close to our purchase of green power, not even close. In fact, our purchase of green power is so large . . .

An Hon. Member: How big is it?

Dr. Taylor: Hundreds of millions of dollars, Mr. Speaker. Two hundred and fifty thousand megawatt-hours. Ninety percent of the power that this government utilizes will be green power in 2005. Forty-five percent of that is wind power – and that has nothing to do with this Legislative Assembly. We are creating a huge wind farm in southwestern Alberta just to supply the province, our needs, with wind power. I believe it's 150 windmills.

An Hon. Member: You should see them. They're beautiful.

Dr. Taylor: A member on this side has recognized the beauty. It's like a work of art to drive out there, Mr. Speaker. I would encourage all of you from northern Alberta who haven't seen that work of art to come and see it. It's a wonderful thing to see.

Secondly, Mr. Speaker, 45 percent of the power is going to be biomass. We have created a biomass industry, the first one in Canada, in this province by this provincial government stepping up to the plate and saying: "Yes, we will be leaders. We will have green power in this province." The first biomass plant is being built as we speak in Grande Prairie, I believe, or the northern Alberta area. [interjection] I was just corrected: it is Grande Prairie.

Vegreville is coming as well. [interjection] Excellent. The minister from Vegreville just pointed out that the Hutterite colony in his area is using biomass to generate all their electricity. If one wants to see a creative product, a creative process, one can go out to the minister's riding. I'm sure he'll take them to – I'm not sure of the name of the Hutterite colony – the Viking Hutterite colony. He will take you out to that Viking Hutterite colony and show you how progressive and how we can work with biomass.

So, Mr. Speaker, this government is the leader. We're far ahead of any jurisdiction in the country, including the federal government, not only in planning, which we need to go for, but taking action. Also, monitoring. We continue to monitor the process and what companies are doing and asking companies to go forward with the reduction of greenhouse gases. In fact, about 18 months ago I asked CASA, the Clean Air Strategic Alliance, to generate new standards on coal-fired or thermoelectric generation as well as natural gas, and it's my understanding that within several weeks or perhaps a month at most I'm going to get a report from CASA which sets out those new standards. So once again the federal government has not set new standards on thermoelectric generation. Alberta is in the lead.

Now that I've enlightened them, I encourage the members opposite to support this bill, to stand up at Committee of the Whole and say: "Yes, the Minister of Environment has convinced us. Yes, we will support this bill."

Thank you, Mr. Speaker.

The Speaker: Well, this certainly is an interactive place.

[Motion carried; Bill 37 read a second time]

4:50

Bill 38

Workers' Compensation Amendment Act, 2003

The Speaker: The hon. Member for Clover Bar-Fort Saskatchewan.

Mr. Lougheed: Thank you, Mr. Speaker. I rise to move second reading of the Workers' Compensation Amendment Act, 2003.

The intent of this legislative amendment is to prevent potential adverse consequences for dependent children of a deceased worker. Under the Workers' Compensation Act as amended by the Adult Interdependent Relationships Act, both legal spouses and interdependent partners are eligible for pension benefits upon the death of a worker. The pension is payable to the spouse or partner for the benefit of the spouse or partner and the dependent children of the worker who were all living in the same household both prior to and after the death.

This is where the problem lies, Mr. Speaker. If for some reason the children do not live with the partner or spouse after the death but go live somewhere else, let's say with the grandparents, then it's the spouse or partner who gets all the benefits. That spouse or partner

may choose to share the pension benefits with these children, but the partner is not legally obliged to do so. There is a chance that the children will receive nothing.

In most instances children continue living with the spouse following the death of the worker, but this may not be the case with partners or with spouses who are nonbiological parents or step-parents. A partner or spouse may not retain custody of the children after the death, or the child may not want to live with his or her parent's partner or spouse. So if the children go to live elsewhere, they lose the benefit of the WCB pension. As it stands by law, that pension can only be guaranteed to benefit the children if they continue living with the surviving partner or spouse. This new amendment is similar to WCB's current authority to divert worker benefits to the spouse or children of a worker where that worker is not honouring the terms of an alimony or maintenance order.

This amendment also is intended to fix a potential problem. It will allow the WCB to divert some or all of the pension from partners or spouses to the children. It will ensure that the dependent children of a deceased worker are looked after financially.

Mr. Speaker, this is an opportunity to ensure financial protection for all dependent children of a deceased worker. Thank you.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. I rise at this time in regard to the debate on Bill 38, the Workers' Compensation Amendment Act, 2003.

First, I would like to express my gratitude to the hon. member and also to the minister and the department that are in charge of the WCB and the Appeals Commission, the Minister of Human Resources and Employment. We certainly were grateful for the opportunity to review this legislation, and after the review and the explanation by the minister it is certainly legislation that I think is very easy to support for the obvious reasons that were outlined by the hon. Member for Clover Bar-Fort Saskatchewan. Whenever we are looking at ensuring that dependent children of deceased workers will receive Workers' Compensation Board pension benefits, Bill 38 is certainly legislation that needs to be supported.

From this side of the Assembly in regard to Her Majesty's Official Opposition I would like to say at this time in conclusion that this is worthwhile legislation. I hope that all members of the Assembly endorse it. Thank you.

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

Ms Blakeman: Thanks very much, Mr. Speaker. Well, you know, some days it just pays to come to work in this place because good things happen, and Bill 38, the Workers' Compensation Amendment Act, is one of those things. So I'm glad that I came to work today so I could be here and participate in the passage of second reading of this act.

Mr. Strang: Question.

Ms Blakeman: You know, I'd actually like to hear the Member for West Yellowhead debate sometime instead of just commenting from the back row. Just being here isn't enough. You've got to engage.

But the point is that the world has moved on, and there were some assumptions in the existing legislation that assumed a sort of nuclear family that still exists, certainly, but not in the percentage numbers that it used to, and we have a variety of families now. This Legislature has passed the Adult Interdependent Relationships Act, which recognizes different kinds of families and partnerships, and this act

incorporates that and updates the Workers' Compensation Act to take those other kinds of living arrangements into consideration.

Unfortunately, this is no longer a society where you're always going to have two parents that are together with the children. I mean, often the children are living with one parent or another. Occasionally you've got this joint parenting where they're with one parent for a week and another parent for a week. So this legislation, which is ensuring that if the children lived with a deceased worker prior to the death but don't live with a surviving spouse or partner or adult interdependent partner afterwards, the children are still going to be looked after, as will the spouse, which is excellent.

Now, one of the things I am interested in is that it indicates in the act that this amending act comes into force on the coming into force of Section 81 of the Adult Interdependent Relationships Act. If I could just get clarification: as soon as this act is passed, do we have this in place then? When the Adult Interdependent Relationships Act was proclaimed, there were a number of acts that were tagging behind where it wasn't possible to put them into play at the same time, mostly to do with situations that would come up when we passed through an election process or an income tax year-end, that sort of thing. It was waiting for other things to evolve in a natural process, and I'm just checking that this would come into effect as soon as it's passed, then, given the reference to the Adult Interdependent Relationships Act. So that's the only question that I have with this.

I'm pleased to see this kind of forward thinking. I don't see that from this government as much as I'd like to, so when I do see it, I think I should be encouraging the government to do it more often. So thank you for bringing this forward, and I'm pleased to support it in second reading.

Thank you.

The Speaker: Hon. members, Standing Order 29 is available.

Additional speakers? Shall I call on the hon. Member for Clover Bar-Fort Saskatchewan to conclude the debate at second reading?

Mr. Lougheed: Question, Mr. Speaker.

[Motion carried; Bill 38 read a second time]

**5:00head: Government Bills and Orders
head: Committee of the Whole**

[Mr. Shariff in the chair]

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

Bill 6 Justice Statutes Amendment Act, 2003

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Minister of Justice and Attorney General.

Mr. Hancock: Thank you, Mr. Chairman. I would like to move an amendment, which I believe you have at the table, with respect to Bill 6, Justice Statutes Amendment Act, and would be prepared to speak to it as it's circulated or after it's circulated, at your pleasure.

The Deputy Chair: Just hold for a minute while it gets circulated. Hon. minister, you may proceed now.

Mr. Hancock: Thank you, Mr. Chairman. I'm moving the amendment, which I presume would be amendment A1, to the Justice

Statutes Amendment Act, Bill 6. It essentially has two pieces to the amendment. The first piece would be to strike out section 1(2). Members will remember that in Bill 6 we had proposed to make an amendment to the Judicature Act to delete the requirement or the section which provides that "the Judicial Council may (a) consider proposed appointments of persons as masters, judges and justices of the peace."

In speaking to that, I'd indicated that I was hoping to consolidate the process where we have Provincial Court judges appointed from a list nominated by the Provincial Court Nominating Committee. The process as it currently stands is that people apply, they are screened by the Judicial Council, and they go onto a list. Then when we go to an appointment, we ask the Provincial Court Nominating Committee to review the list and to essentially shortlist and nominate six applicants, and then we choose from that list of six.

The only concern that has been raised over the three years that that committee has been in place has been that it's a dual process, with two interviews instead of one. The concept was to merge the two committees into one for the purposes of doing that nomination. In discussions with the courts – and they were supported by the Canadian Bar Association – there seems to be some concern about the so-called independence of the committee in that on the Judicial Council there are more members on the council who are there by reason of their position than by reason of appointment by the minister, and on the PCNC there would be more people there by reason of appointment by the minister than by reason of their position. That caused some concern.

Rather than engage in any concern of that nature, I've agreed to withdraw that amendment and to continue with the two-committee process rather than a one-committee process, and that is the rationale for the amendment that's being brought forward, to essentially leave the status quo. We will accomplish what we desire to accomplish in terms of having all of the viewpoints at the same table by expanding the membership of the Provincial Court Nominating Committee.

With respect to the second part of the amendment there are in the Justice Statutes Amendment Act amendments to the Petty Trespass Act and the Trespass to Premises Act. After circulating the bill, putting the bill on the table last spring, we had a number of consultations with police, with individual citizens who have taken the time to write and provide their viewpoints, and other reviews. So we're bringing in a couple of amendments to react to the consultations that we've had and to the input we've had from the community to increase the proposed penalty to \$2,000 from \$1,000, essentially to change the process and really the whole concept.

I won't go through the amendments in detail, but it's to change the whole concept so that an individual who knows or ought to know that they're trespassing on land is subject to a charge and a penalty under the Petty Trespass Act or under the Trespass to Premises Act and so that a landowner is entitled to have charges laid under the act with respect to that type of trespass.

Now, in order to make certain that people are aware that this is not intended to in any way change normal practices, there's an amending clause which provides for a person entering onto the land using a normal walkway for the purposes of gaining access to a house and those sorts of provisions, just to make it clear that we're not talking about the normal, everyday actions of normal people's lives. Really what we're trying to do is to strengthen the Petty Trespass Act and the Trespass to Premises Act so that landowners do not have to put up with people going on their land, perhaps cutting their fences or damaging crops or in some other way interfering with their normal use and enjoyment of the land, without having some recourse.

I would commend the amendments that we're proposing to the House. I think it clearly strengthens both of the those acts, makes

them more accessible to the people who were intended to use them and I think will address the concerns that were raised by members of this Assembly with me last year, which we've attempted to remedy with Bill 6 and now are making yet better given the feedback that we've had.

Thank you, Mr. Chairman.

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

Ms Blakeman: Thanks very much, Mr. Chairman. I'm pleased to be able to engage in this debate in Committee of the Whole on Bill 6, Justice Statutes Amendment Act. I noticed in reviewing my comments from second reading of this act way back in February that the very section that I had raised a concern about, the very item that I felt needed to be worked on or be subjected to a second thought or a second look is, in fact, the very one that is included in the amendment that the minister has brought before us today. So there you go. It's always worth while being an opposition person getting up and putting that on the record, because sometimes it happens.

I'm sure I can't take full credit for this. I'm sure there were many other people who were raising concerns about it. Nonetheless, it's part of my process to check with the stakeholders, and in fact that was the information that I'd been given, that there was a concern about removing the Judicial Council from the process for appointing Provincial Court judges and masters. I did raise that on February 25, and obviously while we have not been sitting in the House, the same points have been made to the minister. Congratulations to him for having understood the concern and for taking moves to correct it.

Oh, my goodness. That's twice in one day this government has done something good. Oh, my goodness. I hardly know what to say. They might be on a roll. We should sit all night. The legislation might get better. I live in hope.

Since we are in Committee of the Whole, I'm wondering if I can ask the minister who was driving the request to change the Petty Trespass Act. Is this just a long-standing irritation that has escalated or something that's been on the books to be addressed for a long period of time? I'm just wondering who drove this. I don't have any problems with the changes that have been made, and in fact I'm particularly supportive of increasing the fines for first offence to \$2,000 and for second offence to \$5,000. I think we have to get people to understand that privacy is very important to people and that if they contravene that, if they come onto their land, there are consequences for refusing to obey the law.

As a snowmobiler this will concern me. [interjections] My colleague the Member for Edmonton-Gold Bar is going to get up and talk about snowmobile fatalities later, I'm sure.

This is exactly the kind of situation that I would find myself in, and I've always been more than willing and felt it appropriate, actually, to approach a landowner and say: may we snowmobile on your land? You know, you have to understand that they have plans for that land. You don't know what's on it. You don't know if there's anything special about it. You need to go and ask their permission. That's just common courtesy at the most basic. But lots of people don't adhere to that, and that's why we need the law.

I think if you're going to have the law and you mean it, then you need to put in place both the carrot and the stick, and you need to have a big enough stick that it's worth while, that people understand it. So I'm quite happy to see the \$2,000 first offence and \$5,000 for a second offence brought in as an amendment.

5:10

The issue about understanding that something is private land I also think is worth while spelling out. That's an argument that I've heard

used in the past: "Oh, well, it didn't look like it was private land, so we didn't look for anybody to ask permission of." But, you know, in this day and age I think there are a number of signals that you can pick up, if you pay attention, to understand that something is private land: it's under cultivation, it's being used as a woodlot, there's been some sort of construction on it, there are some roadways, there are fences, not to mention the posting of signs. So I don't have any problem with that.

As well, many different ways of posting it now. I'm thinking that, yes, there's another \$2,000 fine if someone removes, damages, or defaces any of the posted signage. Again, I think you've got to make it so that people understand you mean business. So that's a perfectly appropriate amendment to be bringing in.

I had spoken at length in second reading on the other bills that are included in this because in fact Bill 6 amends the Judicature Act, Petty Trespass Act, Trespass to Premises Act, Young Offenders Act, Youth Justice Act. I think that was all that was in here originally. I had spoken at length then, and as I say, the only real issues I had were around the removal of the Judicial Council from the process. I think good arguments have been made, the minister has listened: enough said.

Thank you very much.

Mr. Hancock: Just briefly, one of the questions that I heard in the member's debate was how this was brought forward on the Petty Trespass Act, and I'm delighted to say it was in response to requests from members. In particular, the Member for Little Bow approached me a little over a year ago, I think, or perhaps a little longer, indicating that there was a problem that a constituent had brought forward and was having trouble figuring out how to deal with with respect to people trespassing on land. In that case, I think it was relative to picking up material off the land and perhaps removing it. Other members had raised issues about it, so when we took a look at the act, it made sense to make changes because it was clear that the act was not effective in its present form. So I would have to give credit to the Member for Little Bow for initiating it. Then as we circulated it, it was obvious that other members had concerns as well, so we were able to respond.

[Motion on amendment A1 carried]

The Deputy Chair: On the bill itself, any further debate?

[The clauses of Bill 6 as amended agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Opposed? Carried.

Mr. Hancock: Mr. Chair, I'd move that the committee rise and report.

[Motion carried]

[Mr. Shariff in the chair]

Mr. Lougheed: Mr. Speaker, the Committee of the Whole has had under consideration and reports the following with some amendments: Bill 6. I wish to table copies of all amendments considered

by the Committee of the Whole on this date for the official records of the Assembly.

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

Hon. Members: Agreed.

The Acting Speaker: Opposed? So ordered.
The hon. Minister of Justice.

Mr. Hancock: Thank you, Mr. Speaker. I move we adjourn until 8 this evening.

[Motion carried; the Assembly adjourned at 5:17 p.m.]

