

Legislative Assembly of Alberta

Title: **Wednesday, November 19, 2003** **1:30 p.m.**
 Date: 2003/11/19
 [The Speaker in the chair]

head: **Prayers**

The Speaker: Welcome.

Let us pray. O God, grant that we the members of our province's Legislature may fulfill our office with honesty and integrity. May our first concern be for the good of all of the people. Guide our deliberations this day. Amen.

Please be seated.

head: **Introduction of Visitors**

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

Mr. Shariff: Thank you, Mr. Speaker. I have the honour of introducing to you and through you to members of this Assembly Mr. Prasanta K. Biswal, director of U.S. operations for the Federation of Indian Chambers of Commerce and Industry. This is his first visit to Canada promoting trade with India. Currently there's a trade delegation coming through Canada, and his organization, the Federation of Indian Chambers of Commerce and Industry, is also the official host of the persons of Indian origin conference held in India every January. The honourable member is standing. I request this Assembly to kindly accord him the traditional warm welcome of the Assembly.

head: **Introduction of Guests**

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

Mr. Ducharme: Thank you, Mr. Speaker. It gives me great pleasure today to introduce to you and through you to all members of this Assembly special guests from Le Goff school in the Bonnyville-Cold Lake constituency. There are 17 students accompanied by teachers Mr. Shawn Metchewais, Mr. Winston Stewart-Wharton, and parent helpers Mr. Clarence Nest, Miss Sharon Martin, and Miss Krystal Machatis. I'd ask my guests to please stand – they are seated in the members' gallery – and accept the traditional warm welcome of the Assembly.

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

Mr. Horner: Thank you, Mr. Speaker. It is my pleasure to rise and introduce to you and through you to members of the House 86 visitors from St. Albert. These students attend Muriel Martin school in St. Albert. St. Albert values education, and we are proud that these kids are this government's number one priority. They're a great group, and the staff and parents are to be commended on the great job they do at Muriel Martin. The students are accompanied by teachers Mrs. Katie Boyd, Miss Christine Griffiths, Mrs. Brenda Kane, Mrs. Jody Biolowas, and parent helpers Mrs. Christine Biggar, Mrs. Helen Roche, Mrs. Muriel Malin, Mrs. Debbie Bowles, Mrs. Suzanne Frederick. They are seated in the public gallery, and I would ask that they rise and be granted the traditional warm welcome of this House.

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

Mr. Danyluk: Thank you very much, Mr. Speaker. It is indeed a pleasure for me to introduce to you and through you to members of this Assembly a group of 31 constituents visiting us today from Vilna school. Vilna has a diverse student body population and offers a balance of academic and sports programs. Braving the weather conditions today, we are honoured to have the grade 6 class along with their teacher, Jean Muzyka, parent volunteers Mrs. Christine Hominiuk, Mrs. Laurie Shapka, Mrs. Dianne Tkachuk, Mrs. Susan Novosiwsky, and Mr. Dan Burke. Also, I would like to say a special welcome to their bus driver today, Mr. Gerald Warholik. The Vilna school group is seated in the members' gallery this afternoon, and I would ask them to rise and receive the traditional warm welcome of this Assembly.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'd like to introduce to you and through you to all members of the Assembly a group of students that I believe has joined us in the gallery. If not, we will extend our welcome when they arrive later. We are joined today by a group of students from Grant MacEwan College in my constituency, including Nathan Mison, who is the president of the students' union there, and with him is Brett Bergie, Stu Sherry, Angela Butau, Adam Filiatreault, Hal Quaidoo, Mathew Glass, Bill Adams, Alex Tomlinson, Jason Yeats, and Julia Coe. If they are there, could they please rise and accept the warm welcome of the Assembly.

Thank you.

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

Mr. Johnson: Thank you, Mr. Speaker. I'd like to introduce to you and through you Jadene Mah from Camrose. Jadene is a hardworking and active student at the University of Alberta, presently serving as vice-president of student life at the university. She is accompanied by Matt Brechtel and Chris Samuel, also students at the university. They are sitting in the members' gallery, and I'd like to ask them to rise and receive the warm welcome of the Assembly.

Mr. Snelgrove: Mr. Speaker, I would like to introduce two people from my hometown of Vermilion today. Kelsey was recently involved in a ride for cancer from Vermilion, which I will recognize later. She's here with her father, Peter, and I'd like them to rise and please accept our warm congratulations.

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

Dr. Taft: Thank you, Mr. Speaker. I rise today to introduce to you and through you to all members of the Assembly members of various student groups: the Council of Alberta University Students, or CAUS, as well as members of the Alberta College and Technical Institute Students' Executive Council, also known as ACTISEC, and a representative from the University of Alberta Grad Students' Association. These organizations combined represent over 186,000 university, college, and technical institute students across the province. They are seated in the members' gallery, and I'll ask them to rise as I give their names: Shirley Barg, the chair of CAUS and VP with the Athabasca University Students' Union; Brett Bergie, who's the provincial director for ACTISEC; Lee Skallerup of the University of Alberta Grad Students' Association; and Melanee Thomas, executive director of CAUS and a graduate of the University of Lethbridge. All four are strong advocates of postsecondary

education in Alberta and are concerned about rising tuition levels. Please give them a warm welcome.

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

Mr. Mason: Thank you very much, Mr. Speaker. I'd like to introduce some visitors who, I understand, will be arriving at 2 o'clock, but if they are here, I'll ask them to rise. They are students who are very concerned about the passage of Bill 43. They are Chris Wudarck, Chelle Kelly, Lisa McLaughlin, Terra Melnyk, and Heather Wallace. I guess they'll be with us later.

Thank you.

The Speaker: The hon. Member for Redwater.

Mr. Broda: Thank you, Mr. Speaker. It's certainly my pleasure to rise today to introduce to you and through you to members of the Assembly five individuals from the county of Smoky Lake who are here attending the Alberta Association of Municipal Districts and Counties convention. I'll ask them to rise as I introduce them and to please remain standing: Reeve Dareld Cholak, Deputy Reeve Mike Franchuk, Councillor Terry Katerenchuk, Councillor Bernice Van Iderstine, and executive assistant Lydia Cielin. Please give them the warm welcome of this Assembly.

head: **Oral Question Period**

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

Automobile Insurance Reform

Dr. Nicol: Thank you, Mr. Speaker. Today the Finance minister announced her government's plan for auto insurance, which is the same flawed plan that MLAs rejected a month ago. To the Minister of Finance: how can you promise lower premiums to 80 percent of Albertans when your program doesn't significantly reduce the costs of delivering insurance?

1:40

Mrs. Nelson: Well, first of all, Mr. Speaker, the government caucus has approved the plan that we have put forward, and they have taken many months of deliberations to make sure that we've put forward the plan that will work for the 3 million consumers within the province of Alberta.

The second part of the question from the Leader of the Opposition was: how does this work without a reduction in the cost of insurance? Well, if he read the press release, he would realize that in the very first paragraph it talks about the \$250 million that is coming out of the system through reforms that will lower the cost to the consumers but give them wonderful coverage, the coverage they need to have within this province.

Dr. Nicol: But she can't document them.

To the same minister: why is the government introducing a cap on compensation for pain and suffering when a poll by TeleResearch Inc. shows that 86 percent of Albertans believe they should still have access to the courts for fair settlement?

Mrs. Nelson: Mr. Speaker, we absolutely agree. We have not taken access to the courts away from anyone that's involved in an automobile accident. What we have done, though, is put a cap on for what we call minor strains and sprains, and we've put that in place to do a number of things. One is to keep costs down but also to process

claims on a quicker basis. If, in fact, someone is not satisfied with being classified as a minor strain or sprain, they have the right to go to court and to provide their case before the judicial system within this province. That has not been removed.

Dr. Nicol: So everybody will go to court.

My third question is: why doesn't your program guarantee that every Albertan with the same driving record will pay the same premium no matter where they live?

Mrs. Nelson: Well, let's go back in time. Mr. Speaker, back in 1991 there was a territorial split determined to address the cost of insurance. Now, that split was to have northern Alberta, with sparsity and density of population factors coming into play, and southern Alberta and then the large metropolitan areas being brought into two separate areas, so we would have four geographical districts within the province.

Now, based on accident claims experience, there has been a differentiation between the cost of insurance, and that means that the experience that they've had within those regions would warrant a cost of a premium to be this or that. In this particular case we saw that there was a differentiation between the city of Edmonton and the city of Calgary, and I'm sure that's what this question is going towards. What we've said in this reform package is that we will move to three geographic jurisdictions over time and that time would be over three years, Mr. Speaker.

But let me make it abundantly clear. Under this new scheme any increase will be felt by all – by all – drivers throughout the province because this new plan is based on personal responsibility, and if you're a good driver, you will receive discounts. In fact, about 80 percent of the drivers in the province of Alberta will be discounted 65 percent off the base maximum premium. If you're a bad driver, however, you're going to be penalized, and you will pay surcharges to have the right to drive in this province.

Energy Prices

Dr. Nicol: Mr. Speaker, yesterday the Premier announced that during his trip to London he will meet with board members of the British energy firm Centrica. Centrica owns Direct Energy, whose application to enter the Alberta energy market is currently before the Energy and Utilities Board. A Consumers' Coalition report to the EUB warns of higher prices for Alberta utility consumers if Direct Energy's application is approved. My question is to the Minister of Energy. Does the Premier's meeting with Centrica in London interfere with the regulatory process here in Alberta?

Mr. Smith: No.

Dr. Nicol: Again to the same minister: doesn't the Premier's meeting threaten the independence of the Energy and Utilities Board hearing?

Mr. Smith: No.

Dr. Nicol: To the same minister: how will this government protect Albertans from "serious financial harm" that the Consumers' Coalition warns "will be wrought on [consumers] upon approval of these applications"?

Mr. Smith: Well, Mr. Speaker, the board is an independent, quasi-judicial entity. Its hearings are held in public, and various groups are intervenors. This sounds like one of them. I've not read the particular intervention, nor have I read the transcripts of the hearing.

Also, the member was on the Dave Rutherford show earlier this morning talking about a report from the advisory council on electrical issues, that already has established a consumer advocate, housed in consumer and corporate affairs with the Minister of Government Services, who, I know, wants to supplement this, which is one step towards increased protection for consumers.

The other step, of course, that sits there is with the EUB with respect to erroneous meter reads. There is a present policy in that consumers get a credit from that. So there are mechanisms established by law in this marketplace as well as other marketplaces that protect consumers from fraudulent practices, Mr. Speaker.

The Speaker: The hon. minister to supplement.

Mr. Coutts: Thank you, Mr. Speaker. With regard to consumer protection advocacy, we presently have appointed a consumer advocate, and the office will be announcing within a short period of time some of the things that that office is going to be doing in terms of protecting consumers around the province but, more importantly, to have a role to play in the regulatory proceedings in terms of advocacy for consumers. How we go about that is presently being determined, and we'll be making some announcements on that.

More importantly, when it comes to the marketing and new marketers coming onstream in Alberta, Direct marketing has put forward a million and a half dollar bond and are going to be out there making contracts for Albertans. Through contracts and through the provisions put in place under the Fair Trading Act, there are provisions that protect customers against a company that might be doing unscrupulous selling.

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

Postsecondary Education Policy

Dr. Taft: Thank you, Mr. Speaker. Many groups, including the Council of Alberta University Students, are concerned with this government's postsecondary education policy. The government's plan to off-load costs onto students and centralize power over the entire postsecondary education system spells trouble for Alberta's 200,000 voting postsecondary students. My questions are to the Minister of Learning. Will this government adopt the Learning Commission's recommendation to conduct a comprehensive review of postsecondary education before making any changes to the system?

Dr. Oberg: Well, Mr. Speaker, first of all, I think that what needs to be said here is that the postsecondary education system in Alberta is absolutely second to none in this country and, indeed, in the world. When students such as the students up here attend postsecondary education systems, they are getting an absolutely excellent education.

With regard to the Learning Commission's recommendations, we are taking a look at each and every one of them. It's going through our process, and we hope to have a response within probably the next two or three weeks.

The Speaker: The hon. member.

Dr. Taft: Thank you. To the same minister: why has the government shifted costs onto students by allowing tuition fees to double in the past 10 years while at the same time decreasing its per student funding in real terms by 20 percent?

Dr. Oberg: Mr. Speaker, about eight or nine years ago after extensive consultation – and I actually do believe that the tuition fee policy, the one that is adopted in legislation, was suggested by the University of Calgary Students' Union – that tuition fee was put in place.

Quite simply, the tuition fee policy states that the students should pay a maximum of about 30 percent in education costs. We have run into some issues with that in that we have some institutions that are at 30 percent. To give you an example, right now the University of Alberta is 24th, the University of Calgary is number 25, and the University of Lethbridge is number 40 out of approximately 50 universities in Canada when it comes to tuition fees, which is right where we would expect them to be.

1:50

Dr. Taft: To the same minister: why won't this government heed the cries of university and college students and enshrine affordable tuition in legislation?

Dr. Oberg: Well, Mr. Speaker, I really don't know how to answer that one considering that Bill 43, which deals exactly with the topic that the hon. member is talking about, is up for discussion this afternoon and, subsequently, this evening.

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

Automobile Insurance Reform (continued)

Dr. Pannu: Thank you, Mr. Speaker. Today the government announced an insurance package promising a \$250 million reduction in the total premiums collected, which is about \$2 billion in this province. That represents at most a 12 percent reduction after a 57 percent increase last year, and while the government is eliminating discrimination based on age and gender, it has decided that eliminating discrimination against Edmonton can wait. To the Minister of Finance: given the rate increases of 57 percent last year, how is a 12 percent reduction going to satisfy Albertans who are feeling gouged by private auto insurance companies?

Mrs. Nelson: Mr. Speaker, when we embarked on this process to review automobile insurance rates within this province, we did that keeping in mind that we have a law in Alberta that says that you must carry automobile insurance. What we were having difficulty with was the fact that it was too pricey, that it wasn't accessible to all, and it wasn't comparable to other jurisdictions. So as a caucus we said that we have to make some changes that put in place a structure that allows people to obey the law that we have in the province. So this structure came forward to meet all those objectives.

We also added another element. I won't tell you which member, but one of them spoke so eloquently about personal responsibility that our caucus embraced it immediately. There had to be some element of personal responsibility, and just because you were a male or a female or you were 25 or 35 or 85 shouldn't have mattered. So the structure was put forward to accomplish the goals of having the availability, the accessibility, and the comparability in place to meet the laws of Alberta.

Insofar as the difference between Edmonton and Calgary, Mr. Speaker, I did address this briefly on the other question from the Leader of the Opposition. When this was put in place – you know, the media reports that somebody wins, somebody loses, that this is a political situation, but clearly it is not – it was based on the

actuarial facts of the claims experience within this area. It could very well have been the other way around, but the fact is that the claims in the city of Edmonton were higher than what they had been in Calgary.

Now, what we do know is that under the new system the rates will even out, and we believe that that will take less than three years, so there won't be a differentiation in the geographical territories within the province. Plus, we're going to move to three jurisdictions.

Speaker's Ruling Anticipation

The Speaker: I appreciate that the intent of the question could lead to considerable debate, which allows for amplification, for answer, but this is question period. I suspect that the Legislative Assembly will probably be dealing with the bill on this matter, which would afford some debate. Let's deal with the question and answer.

Automobile Insurance Reform (continued)

Dr. Pannu: Thank you, Mr. Speaker. Why is this government so intent on limiting the rights of accident victims, when B.C.'s public insurance plan lowers rates without picking on the injured?

Mrs. Nelson: I didn't hear the rest of it.

Mrs. McClellan: Just say that we're not.

Mrs. Nelson: Well, we're not, Mr. Speaker.

Dr. Pannu: Mr. Speaker, my final question to the Minister of Finance. She seems to be a little slow on her feet today.

The Speaker: Oh, oh, oh, please. We're going to have civility. We're going to have decorum. There were people talking back and forth, and the hon. member's colleague does it. That's not required. Please.

Dr. Pannu: Thank you, Mr. Speaker. Given that the minister is in regular meetings with insurance companies and injury lawyers, why is the government refusing to hold more broad-based, open-door consultations with Albertans and Alberta drivers across the province?

Mrs. Nelson: Well, first of all, I'm not in regular meetings with the insurance companies and injury lawyers; I can tell you that right now. I have met with the two groups. In fact, I asked the two groups last May to come to the table and work with us on the reforms that we were anticipating bringing forward. In fact, I said to them: park your scud missiles at the door and come and be the solution; don't be the problem. Guess what happened? They didn't come, so we had to call them in and have a meeting with them, and they still have been doing the lobbing of scud missiles.

So our caucus came together, and under the guidance of the Member for Medicine Hat we put together an implementation team to take the policy direction from our caucus and move it forward. Did we ask these people to come to the table again? Yes. Yes, we did. Did they? No. All they did was lob scud missiles. So our co-chairman of the implementation team continued on, Mr. Speaker, all summer and fall, and we are today at a position where we have agreed upon a framework, and we will be bringing legislation forward this session.

The Speaker: The hon. Member for Peace River, followed by the hon. Member for Edmonton-Gold Bar.

Edmonton City Centre Airport

Mr. Friedel: Thank you, Mr. Speaker. My first questions are to the Minister of Economic Development. Yesterday afternoon we all heard that the Edmonton Regional Airports Authority is going to shut down all scheduled passenger service at the downtown airport by the end of 2004. This is devastating news and a slap in the face for many northern communities that obtain services and do business in the city of Edmonton and, I would suggest, for many communities not so far north who support the capital city. To the minister: could he tell us if he or his ministry is aware of the negative economic impact that this decision might have on Edmonton and Alberta in general?

The Speaker: The hon. minister.

Mr. Norris: Well, thank you very much, Mr. Speaker. Before I give my answer, I would like to thank the hon. Member for Peace River for not only articulating so well the concern but for being a lead on this through the Northern Alberta Development Council, which has really, really been a strong voice for the north. Thank you for that.

Obviously, Mr. Speaker, the impacts of this decision that came out yesterday are devastating not only to Edmonton, the city of many of us, but to northern Alberta and all of Alberta. As far as quantifying the economic amount, it doesn't take rocket science to say that with the proposal of two pipelines coming through the north to Alberta, with some \$50 billion worth of projects in the oil sands, with the ongoing forestry industry that's booming, with the ongoing northern agricultural industry that's booming, that airport provides a hub to this city and to all of northern Alberta. To that end our department is going to be doing an economic impact study in the very short term to quantify the number.

Let me put it out very, very clearly. That airport services the north not only in the euphemistic gateway-to-the-north title but as a symbolic gesture to the north that (a) we understand where development is happening in Alberta and that (b) as long as we're the government, it's not going to close down.

Mr. Friedel: To the same minister, Mr. Speaker: given the far-reaching impacts of this announcement, should there be a role for the government of Alberta in this issue?

The Speaker: The hon. minister.

Mr. Norris: Thank you again, Mr. Speaker. To the hon. Member for Peace River, yes, obviously there should be a role. The airport authority is operating under the Municipal Government Act and the transportation act, and they do so at the willingness of the city of Edmonton, who is the landlord of that airport. But, clearly, it's got to a point now where the decisions that they are reaching do not coincide with the economic development plans for this province, they don't coincide with the economic development wishes for the citizens of Edmonton, and certainly they have absolutely nothing to do with the wishes of the north, which I've traveled extensively and heard over and over what an absolute jewel for economic development that airport is, what a convenience it is, and if it isn't there, guess what? They're going to Calgary. So we are going to do everything in our power as a government to get involved and deal with this issue.

2:00

Mr. Friedel: My final question, Mr. Speaker, is to the Minister of Aboriginal Affairs and Northern Development. Could she tell us if she or her ministry is aware of the impact that this announcement would have on northern communities in particular, considering that northern development is a part of her responsibility?

The Speaker: The hon. minister.

Ms Calahasen: Well, thank you, Mr. Speaker. First of all, absolutely. Northern Alberta, of course, is one of the best places to do work, and it is the next bastion of economic development in this province. We have minerals; we have mines; we have forestry. We have everything in the north. What we want to be able to see is Edmonton as our choice of city to work with, and either Edmonton is going to be a gateway to the north or it's going nowhere. So what we have to do is be able to find a solution to see that northern Alberta is the best place to work with and that they will see some solutions that they can find for this.

The Speaker: The hon. Minister of Municipal Affairs to supplement.

Mr. Boutilier: Yes, Mr. Speaker. Just to supplement, I want to say that I was very pleased to learn that the mayor of Edmonton, in fact, stated that it is his intention to have that airport open for the next 45 years.

The Speaker: The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Spruce Grove-Sturgeon-St. Albert.

Automobile Insurance Rates

Mr. MacDonald: Thank you, Mr. Speaker. Regarding auto insurance this government could be charged with a hit and run: hit consumers with large premiums, increases, skyrocketing bills, and then run behind closed doors with the insurance industry to discuss it. In fact, this government continues to discriminate against the citizens of Edmonton. This time the discrimination is against Edmonton drivers. Yesterday the Premier confirmed that discrimination against good Edmonton drivers by making them victims of bad government policy. My first question is to the Provincial Treasurer. What evidence does this government have that justifies this discrimination of Edmonton drivers with good driving records by forcing them to pay more for their auto insurance than other drivers in the province?

Mrs. Nelson: Well, Mr. Speaker, I don't like to break it to the hon. member, but the government is not the insurance company. We're not in the insurance business, unlike what they would like.

The industry has had a formula over the years that has determined how they set rates, and one of them was based on claims experience in four geographical areas within this province. We have said through this reform package that we want to review those and that we want to have some regulations come in so that Albertans have the best advantage in this country in having affordable, accessible, and comparable rates with other provinces. That's the move we're making, and I hope you'll buy into it, because obviously you're dissatisfied with the current system. So thank you for your support.

Mr. MacDonald: Your job is to regulate the insurance industry.

Now, given that the Consumers' Association of Canada study in September indicated that average auto insurance rates and costs in

Calgary and Edmonton are equal, the same, why continue to discriminate with this bad government policy against Edmonton drivers?

Mrs. Nelson: Well, I'm going to ask him to read the *Hansard* and get the answer from the last three times I've answered the question, Mr. Speaker.

Under our new system we will move away from any kind of discriminatory practices on that basis. That's what our announcement was today. We're going to go from four territorial areas to three. We will move Edmonton and Calgary closer together over those three years. Now, I would ask him the question: if, in fact, the claims experience had been the opposite, would he have the same feeling?

Mr. MacDonald: Again, Mr. Speaker, to the same minister. So you do admit that there is discrimination against good Edmonton drivers. What are the total extra costs to private vehicle owners in this city and also to businesses that register their vehicles and insure them in this city because of your bad government policy? What are the total costs to drivers and businesses in this city?

The Speaker: The hon. minister. [interjections] Actually, the Minister of Finance has the floor. She has been recognized.

Mrs. Nelson: Once again, Mr. Speaker, Edmontonians will not have any additional charges coming forward in this plan that anyone else won't experience. When he talks about good drivers, there are good drivers in Edmonton. There are a lot of good drivers in Edmonton. However, the cost of claims and the cost of claims over a number of years, which creates the claims experience, has driven up the premiums in Edmonton above what they were in Calgary. Now, it could very well have been the other way around.

With this plan we have, we've said that we don't want to be satisfied with that, so let's move away from that and put in place a system that has Calgary and Edmonton in the same geographical territory, and that will take away any kind of political play that this hon. member wants to put on a reality. So we are moving to a new system that takes away the fourth territory and cannot have us bantering whether it's a Calgary issue or an Edmonton issue. Clearly, what we're putting forward is a reform to benefit the people of Alberta, all of Alberta.

The Speaker: The hon. Member for Spruce Grove-Sturgeon-St. Albert, followed by the hon. Member for Edmonton-Glangarry.

Electricity Rates

Mr. Horner: Thank you, Mr. Speaker. Many of my constituents and small business operators in Spruce Grove-Sturgeon-St. Albert want to know more about what is happening in the electrical market as it relates to things like contracts, regulated rate options, forward purchases, flow-through pricing, competition, et cetera. The Minister of Energy announced some time ago that the regulated rates would be extended to protect consumers until a more heated small-user market materializes. So my first question is to the Minister of Energy. The regulated rate option has been extended for low-volume users of electricity. Why was this done, and how long will it last?

Mr. Smith: Mr. Speaker, the regulated rate option is a regulated rate that is put in front of the Alberta Energy and Utilities Board for approval. It applies to everybody who uses under 250,000 kilowatt-

hours per year. That small marketplace was scheduled to come under regulation under a different rate structure January 1.

The CFIB, the Canadian Federation of Independent Business, did quite an extensive study. We consulted with members and also consulted with companies across Alberta, and we found out two things. One was that they didn't like the idea of changing any rate structure in January. There's a much better time to change a rate structure, and that's June or July, when there's a little more time and a little bit more analysis can be put forward to making good decisions.

Secondly, Mr. Speaker, the decision on whether Direct Energy will be in the marketplace, as was brought forward in an earlier question, has not been finalized yet. Also, the marketplace wasn't ready to accept this full-blown competition option, so in fact we responded to what consumers asked for and we extended the regulated rate option until July of 2006.

The Speaker: The hon. member.

Mr. Horner: Thank you, Mr. Speaker. My first supplemental is also to the Minister of Energy. Given that one of the main issues in the Aquila/EPCOR area was high rate riders these past two years, will we see energy rate riders in 2004?

Mr. Smith: Well, Mr. Speaker, that's a very good question. What we do see is that there's no expectation of a rate rider in 2004 for the power used in 2003. Rate riders are generally for power gone past. Under the new regulated rate option structure suppliers are asked to hedge or buy long-term contracts for 75 percent of their power and only buy 25 percent of their power on the spot market. This will lead to a minimized requirement for any type of deferral account. So not only will we start to see deferral accounts drop off that were in the charges for the last two years and a published rate structure that shows lower rates; we're going to have reduced capability for rate riders as well. So Albertans in the Aquila/EPCOR network will have seen a reduction in their transmission rate, will see the drop-off of deferral accounts and a reduction in their energy charges.

2:10

The Speaker: The hon. member.

Mr. Horner: Thank you, Mr. Speaker. Given that the minister just mentioned that the companies will be allowed to hedge forward the purchases on the rate riders, is there any other situation which might arise that could also generate a rate rider?

Mr. Smith: Well, Mr. Speaker, there is one way that you can absolutely make sure you don't have a rate rider, and that's to sign a contract. So that could get you into something where you know exactly what you're going to pay and how much you're going to pay for it. Those contracts are around. The probability of a rate rider that I know of at this point would be minimal indeed. I think that we've seen a consumer market that has asked for changes. We've responded to those changes, and we're looking forward to a market that has a certain element of consumer protection in that marketplace.

Calgary Courthouse

Mr. Bonner: Mr. Speaker, in 2002 the U.K. Centre for Public Services produced a report on the impact of P3s in the criminal justice system. The report outlines the many failures of P3s including a decrease in the independence of the judiciary. Consider-

ing that the use of P3s to fund such projects is so high risk, the government owes it to the people of Alberta to reconsider its use of P3s to go ahead with the Calgary courts centre project. To the Minister of Justice: will the minister table any reports produced outlining the issue of loss of independence of the judiciary relating to the Calgary court centre P3 project?

Mr. Hancock: Well, last I looked on the Order Paper, there's a place for written questions and motions for returns with respect to asking for tabling of reports, and I believe that there may be a written question on there asking for tabling of reports now.

The bottom line though, Mr. Speaker, is the question in constructing a courthouse or any other public building through a public/private partnership or any other mechanism by which we can ensure that Albertans have the services they need and the facilities and infrastructure they need. The question is: who gets to make that decision, how is that decision made, and what are the important factors in that decision?

Clearly, we've looked very closely at how to make sure that we have the court facilities necessary in Calgary to serve the community of Calgary and the surrounding communities over the long term, the 35- to 50-year horizon. That's a very necessary project, but it's a project of such magnitude that we have to look at innovative ways to do it. In the P3 partnership process, which we've gone through very carefully over the last two years, putting out requests for qualifications, requests for information, requests for proposals, working through the process, we've always been cognizant of the risks that might be involved in that, but I can say with a great deal of certainty that the risk to judicial independence is exceedingly small.

Albertans know that the courts in this province and the courts across this country are independent and that the judicial tradition is one of independence and that there's no appropriate way for a government to interfere with the independence of the courts. They get to make their decisions without any interference from government. The fact that they're in a public building or a private building or a public/private partnership building makes no difference to that. The Court of Appeal of this province in Calgary is located in a private building now. Courts in Ontario are located in private buildings, courts in other jurisdictions are located in private buildings, and there's been no suggestion that the independence of the court has been compromised.

Mr. Bonner: To the same minister: is the province's P3 proposal for the Calgary courthouse the first step in the unification of the criminal court system in Alberta?

Mr. Hancock: Mr. Speaker, the two processes are entirely separate processes, and neither is necessarily dependent on the other. Obviously, having all three courts in the same building in Calgary will be of assistance if and when in the future we proceed to the concept of a single trial court. It's useful to have the facilities together even if we don't proceed with a single trial court because there's an opportunity to share both facilities and manpower resources when you have the courts aligned in that fashion.

So, no, the Calgary court project is neither necessary nor dependent upon a single trial court, but there are two processes, and I make no apologies for the concept that we're discussing the organization of the courts in the 21st century in this province and how we can best deliver court services and justice services to the people of the province of Alberta. But the two projects are not dependent upon each other.

Mr. Bonner: To the same minister: is this government more concerned with preserving a political monopoly through the P3 project than it is with preserving justice in Alberta?

Mr. Hancock: Mr. Speaker, that's a really ridiculous question. There has been no question throughout all the discussions we've had with all the stakeholders we've had that the most important thing we can do, starting from the justice summit in 1999, which was organized by my predecessor, where we learned that people were concerned about understanding the justice system, is have a justice system that was simplified and accessible and cost effective, and that's what we've been striving for. We've made incredible progress on that objective with all of the stakeholders that have been involved at the table. We took the steering committee from the justice summit, made a Justice Policy Advisory Committee. We've worked closely with them over the years to make sure that we achieve those objectives of access, lower cost, affordability, and that's what we've been striving toward. It has nothing to do with political power or political processes.

However, I will say that Calgary has suffered in terms of the delivery of justice services over the years because the court facilities in that community have been spread out, have not been accessible, and quite frankly are aged. There has been a problem with mold and other problems. So we've had to deal with that situation, and we've dealt with that situation in a very appropriate way and in a way which will make the city of Calgary and the surrounding area proud of the facility that they get and the services that they get.

The Speaker: The hon. Member for Lac La Biche-St. Paul, followed by the hon. Member for Edmonton-Ellerslie.

Police Services

Mr. Danyluk: Thank you very much, Mr. Speaker. Alberta municipalities are concerned about the types of crimes and level of police presence in their communities. There is a challenge to small communities when the costs of enforcement go up and budgets remain the same. In fact, there are some communities that are spending as much as 40 percent of their budgets on policing. To the Solicitor General: what is the government's participation in local policing, and can municipalities expect any funding assistance?

The Speaker: The hon. minister.

Mrs. Forsyth: Well, thank you, Mr. Speaker. The hon. member raises a good question and one that I know he deeply cares about in asking me the question. I met with him and members of his council this week.

Mr. Speaker, policing has become very complicated and a complex issue right across this province. Two and a half years ago when I met with mayors, we were talking about siphoning of gas in their communities or their mailboxes being smashed or some sort of graffiti on some of their machinery. Now when we speak with them, we are talking about meth that is hitting their communities, organized crime that is affecting them, and all types of serious incidents that are happening in their communities.

We are working through the process, and it is something that I am concerned about as well as many members here. I appreciate their patience. As I explained, it's very complicated, it's complex, but we believe that we have a solution. I hope that I have an answer for them very shortly.

The Speaker: The hon. member.

Mr. Danyluk: Thank you very much, Mr. Speaker. My only supplemental: given that crime, according to the Solicitor General, is becoming more sophisticated and rural communities are facing increased concerns over crime, can the minister tell the House the status of the Policing Review Committee report?

The Speaker: The hon. minister.

Mrs. Forsyth: Thank you, Mr. Speaker. Yes, I certainly can. This review, the policing review, has been going on for some time, and again I want to thank all of the members in the House for being patient, including all of the mayors in communities across this province. We have finally come to an agreement, the first time in 30 years, with the AUMA and the AAMDC, which represent 3 million people in this province. We have an agreement from them regarding how to deal with policing, and we're just going through the final process of government. Again, hopefully we'll have an answer for him very shortly.

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

2:20 Energy Retrofit Program

Ms. Carlson: Thank you, Mr. Speaker. Toronto introduced the GreenSaver home rewards program in 2001. Ontario runs an Energy Star appliance rebate program. Saskatchewan has a variety of retrofit programs. The UBC has announced the largest energy retrofit in Canadian university history, and the Yukon runs a home repair program. What has Alberta implemented? The city of Calgary has implemented a toilet rebate program, the province nothing. My questions are to the Minister of Environment. Why does this government refuse to take significant action to protect Albertans' environment and resources through the implementation of a retrofit program for consumers and industry?

Dr. Taylor: Well, Mr. Speaker, she gives me a very good opening to talk about what the Alberta government is doing, and I thank you very much for that, hon. member. The Alberta government has done more than any jurisdiction, including the federal government, in this country. We're 9 percent of the population, and we have spent more money than the federal government on greenhouse gas emission reduction programs.

Just to give you an example, through the good work of the Minister of Municipal Affairs and the Minister of Finance we just recently committed a hundred million dollars . . .

An Hon. Member: How much?

Dr. Taylor: A hundred million dollars to the municipal energy efficiency program, Mr. Speaker, which will allow municipalities to redo new buildings or old buildings to make them energy efficient. That's just one program. I'd be happy to elaborate on others if the member would like me to.

Mr. Lund: Mr. Speaker, you know, the Alberta government has led the way in retrofits. Back in '96-97 we implemented a retrofit program, the energy retrofit, where we had the private sector come into agreements with the province. They paid for the retrofit, and then through a contractual agreement they got their money back out. That has decreased our energy costs by a considerable amount.

I must also comment about the fact that the Alberta government has signed a contract for green power. Ninety percent of our

electricity will be green power. So if the hon. member is suggesting for one moment that this government isn't leading the way in eliminating greenhouse gasses, I think she has just been asleep, or maybe she's been paying too much attention to that Liberal leadership.

Ms Carlson: Mr. Speaker, none of them can listen to the question. The question is: when are we going to get a retrofit program that benefits consumers in this province?

Dr. Taylor: Once again, Mr. Speaker, we have done that already. We are benefiting consumers through the MEET program, consumers that belong to municipalities. All of us, including the member, belong to some municipality, I think. It might be outer space, but it's still there. So we are already doing this. I can go on.

I might just add that the Kyoto target was to have emissions 7 percent below 1992 levels. This government has reduced its emissions by 22 percent below 1992 levels, bigger than any government, including the federal government, in the country.

Ms Carlson: Mr. Speaker, I've got to spell it out for them. When are consumers going to be able to access a rebate program or an interest free program so that they can retrofit their homes so they can lower the cost of consumption in their houses?

Dr. Taylor: Mr. Speaker, once again, I've indicated a number of alternatives. I will indicate a third alternative. We have a group called Climate Change Central. We have in that group an office called the office of energy efficiency, which is funded by the Department of Environment in this government. What we have is that the office of energy efficiency is designed to work with consumers, to help them and advise them on programs that can save money. So for a particular interest, if you have an older furnace in your home and you replace that furnace, the payback period to you as a person is seven years. You'll pay for your new furnace in energy savings in seven years. That's what the office of energy solutions is about at Climate Change Central, and that is where the consumer will be dealt with.

The Speaker: The hon. minister to supplement.

Mr. Boutilier: Yes. On the issue of the consumer, how we connect it to consumers is in this way. If you have a child that plays hockey, if you have a child that swims, in terms of the hockey arena or in terms of the swimming pool this \$100 million is going to be used for retrofitting those types of facilities that help consumers.

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

Electricity Rates

(continued)

Mr. Mason: Thank you very much. Mr. Speaker, the Baghdad Bob of deregulation strikes again. Yesterday in this House the Minister of Energy suggested that deregulation had high power rates on the run. He made this astounding claim on the same day that Enmax customers saw an 8 percent increase in distribution charges approved by the EUB on top of another 11 percent to the regulated rate option that's also been requested by Enmax. If that wasn't enough, ATCO electricity customers have seen their rates go up by roughly a third since April. Why did the minister tell the House that power rates are

going down when further increases, in fact, are being considered and approved as we speak?

Mr. Smith: Because, Mr. Speaker, unlike other parties in this Legislature I tell the truth.

Mr. Mason: Well, thank you very much for that enlightening answer.

Mr. Speaker, given that rates in two major service areas have been moving upwards, will the minister now listen to his own advisory council and admit that it was unrealistic all along to expect that deregulation would bring lower electricity prices?

Mr. Smith: Well, Mr. Speaker, I would challenge the member to determine how you would have lower electricity prices in 2004 when in fact it took 14 years under the regulated model to create the last approved coal-fired generating facility. In fact – and this is the NDS' solution – you wouldn't have to worry about the price of electricity today because there wouldn't be any electricity.

When you're the fastest growing economic jurisdiction in North America, you have to respond. Now, there are two ways. You can either, as we have in Alberta, deliver 45 percent more power in the last 10 years so that we can have the fastest growing economic jurisdiction in North America or you can take the New Democratic approach, and that's choke off economic growth, stifle it, put it down, put it to death, make sure there's no growth, add the debt, make sure people aren't working, increase all your unemployment insurance payments, increase all your welfare payments, and there you have it: B.C. or Manitoba.

Mr. Mason: Mr. Speaker, I would like to ask the minister whether or not he is prepared to apologize to this House for misinforming us about the direction of electricity prices as well as, as we just heard, the causes of the problem.

Mr. Smith: I will continue to tell the truth, Mr. Speaker, as long as he continues to prevaricate.

The Speaker: The hon. Member for West Yellowhead, followed by the hon. Member for Edmonton-Mill Woods.

Softwood Lumber Trade Dispute

Mr. Strang: Thank you very much, Mr. Speaker. It is my understanding that last week the federal government sent a response to the most recent U.S. industry proposal for a possible interim solution to the softwood lumber dispute to the U.S. Department of Commerce. Residents and workers in my constituency have a great interest in the details of this proposal since the forestry industry is among the primary industries in West Yellowhead. My question is to the Minister of International and Intergovernmental Relations. Could the minister advise how close we are to arriving at an agreement in the dispute given that the decision towards an interim solution appears to be on again?

Mr. Jonson: Mr. Speaker, certainly I am well aware of the importance of this issue being resolved to the hon. member's constituency or for that matter to every part of the province which is dependent upon the forestry industry and particularly the softwood lumber industry.

Mr. Speaker, the recent proposal put forth by the Canadian side was a response to a previous position held by the U.S. industry which came forth in October. It's the nature of this whole process

that we are moving toward, I hope, a solution in the fairly near future, but it is a very complex issue, one which requires give-and-take on both sides. Certainly, every effort is being made to reach a long-term solution in this particular case. We would not advocate here in Alberta that in any way we reject proposals outright, and we hope, of course, that the Americans will continue to look seriously at our proposals as well, and I'm hopeful of a resolution.

2:30

Mr. Strang: My first supplemental question is to the same minister. The federal government's counterproposal suggests a hard cap on export of softwood lumber amounting to 32 percent of the U.S. market share. What is Alberta's position on this figure?

Mr. Jonson: Mr. Speaker, the member is quite correct here I think. The position that we're in right now is that Canadian and U.S. government officials developed a framework for an interim agreement this past summer which proposed a hard cap of 32.5 percent. That is, softwood lumber exports would be subject to export permit fees until the total amount of lumber exported exceeds 32.5 percent. It sounds like it's a very small difference, but this still translates into millions of dollars.

The U.S. industry proposal last month proposed a hard cap at 30.5 percent. That figure is simply too low to be acceptable to the Canadian government and to industry, so Canada's counterproposal is 32 percent with respect to market share. We believe at this particular point in time that from the Alberta industry's point of view it would be fairer to have a market access of 33 to 33.5 percent. This is our traditional market share and seems to be a reasonable share of the U.S. market, and we feel that should be maintained.

The Speaker: The hon. member.

Mr. Strang: Thank you, Mr. Speaker. My second supplemental question is to the same minister. The minister has talked in the past about the draft policy by the U.S. which could pave the way towards a long-term solution in the future. Can the minister provide an update about the status of this bulletin?

Mr. Jonson: Mr. Speaker, it is our understanding that progress is being made in terms of developing this policy bulletin. Certainly, there is built into that policy bulletin, we understand, a number of conditions, but there has been, I think, considerable progress in making the bulletin one which may be acceptable to both sides. The situation right now is that we are waiting for the officials in the United States to complete that particular document. We are hopeful that that will be available in the next number of months and we will be able to get down to evaluating it. Hopefully, it will be the basis for opening the border again with respect to softwood lumber.

Recognitions

The Speaker: The hon. Member for Wainwright.

Allan Johnstone School

Mr. Griffiths: Thank you, Mr. Speaker. It is an honour today to recognize and extend congratulations to the students of the grade 5 class of Allan Johnstone school in Hardisty, Alberta. Led by their teacher, Jerry-Lynn Burden, all 11 students of the grade 5 class painted pictures and wrote text that were compiled into a book entitled *Standing Guard: Through the Eyes of the Sentinels*. That compilation was submitted to the Kids Are Authors competition sponsored by Scholastic Book Fairs. The book recounts the story of

grain elevators from their first appearance on the prairies to their sentinel stature in every small town across the land and, finally, to their current slow disappearance from prairie towns.

Out of hundreds of entries across Canada these grade 5 students won first place, grand prize honours for the entire nation. The students are Dayton Buelow, Megan Granger, Jayden Mowbray, Alex Drager, Meaghan MacKinnon, Tianna Thompson, Aaron Wasserman-Bitzer, Jessica Drozdowski, Taiten Maclean, Chantalle Striga, along with their outstanding teacher, Jerry-Lynn Burden. You've done your community and our province proud. Congratulations.

Peter Papisideris

Mr. Lord: Mr. Speaker, Calgary-Currie is certainly the constituency of champions, and I'd like to tell you about yet another one of them. Peter Papisideris opened his corner beauty salon in our district in 1972. Not many people ever knew that our quiet little Greek barber is also one of the greatest long-distance rifle marksmen alive today, a man capable of hitting dead centre bull's-eyes at distances up to 1,000 yards.

Peter joined the King's Own rifle regiment in Calgary in 1967, winning three gold medals in the centennial that year. He quickly took silver at the nationals and since then more than three dozen other medals and trophies worldwide as a member of Canada's national team. Individually he took Queen's silver in England against 1,600 of the world's best shooters in 1983, silver again at St. George's in 1992, and, finally, the gold at England's famous Clement-Smith match, posting three perfect dead centre bull's-eyes at 500, 550, and 600 yards respectively. Peter has been asked again to join Canada's national shooting team next year as well as represent Greece in the next Olympics. Not bad for a 68-year-old soft-spoken hairstylist, the only person in the world to win the Des Burke award twice. He's also in the Canadian shooting sports Hall of Fame, although he can't seem to get into Alberta's yet.

Congratulations, Peter. Calgary-Currie is proud of you.

Thank you, Mr. Speaker.

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

J. Percy Page High School

Dr. Massey: Thank you, Mr. Speaker. Today I would like to congratulate J. Percy Page high school on being recognized by Canada Schoolnet as one of Canada's innovative schools in 2003-2004. The recognition is for leadership, commitment, and success in the innovative integration of information and communication technology to improve learning. The telelearning programs at Page are made possible through partnership with Shaw Communications, Netera Alliance, the Galileo Network, and Canarie.

Tapping into Canada's high-speed communications network students and teachers at the school use videoconferencing to connect in real time with peers and experts around the world. Students have participated in conversations with their counterparts in Switzerland, Ireland, France, and Germany as well as at home here in Canada. Research, multimedia presentations, and consultations are the heart of those conversations. The school looks forward to even new learning opportunities that will be available in the spring of 2004 when the school opens their new telelearning centre.

J. Percy Page owes the success to the work of an outstanding professional staff and a student body intent on seizing the moment to become a cutting edge leader in telelearning.

Thank you.

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

Edmonton School Lunch Program

Mr. Mason: Thank you, Mr. Speaker. I'm very happy to rise today and recognize the 10th anniversary of Edmonton's school lunch program, a program of the Edmonton City Centre Church Corporation. Beginning in November 1993 the program that struggled with limited resources managed to feed 300 children in two schools. Currently one in five children in Edmonton lives in poverty, so the program has expanded to feed 2,200 children in 11 elementary schools a hot nutritious lunch.

In addition to making sure these children have full tummies, this program also offers a nutritious snack midmorning to 6,400 children in 32 elementary schools. It runs a breakfast club for junior high students, a young chef's program to teach children to cook, and operates a collective kitchen for adults.

I applaud the hard work of Martin Garber-Conrad, executive director of the Edmonton City Centre Church Corporation, and Jasmine Hoeven, program manager, as well as all the hardworking staff and volunteers who work to feed the hungry children in our communities.

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

2:40

City of Wetaskiwin

Mr. Johnson: Thank you, Mr. Speaker. It's my pleasure to rise today and recognize the city of Wetaskiwin, which won the Communities in Bloom national award for the population category of 10,000 to 20,000 and the GLAD Tidiness Effort national award. The community of Wetaskiwin is extremely proud to be given this honour, and on October 30 the city had an awards ceremony to recognize the many volunteers, businesses, and organizations that participated in the Communities in Bloom program over the past five years.

The Communities in Bloom award is given to communities that are committed to fostering civic pride, environmental responsibility, and beautification through community participation and the challenge of friendly competition. The reward was foreshadowed by the receiving of the GLAD Tidiness award, which is given to the tidiest community. Receiving this award is a great honour but not totally a surprise, as many visitors to Wetaskiwin remark on how pretty and clean the city is.

Congratulations, Wetaskiwin, for good work and these outstanding accomplishments.

Thank you.

Dr. Harvey Woytiuk

Mr. Danyluk: Mr. Speaker, it's an honour for me to recognize Dr. Harvey Woytiuk of St. Paul, who was recently named Alberta's family physician of the year. Each year the College of Family Physicians of Canada presents these awards to outstanding family doctors in each province for their embodiment of all that a family doctor is meant to be: a caring, compassionate, and skilled personal physician committed to the health and well-being of their patients and community.

The Lac La Biche-St. Paul constituency is indeed privileged to have Dr. Harvey Woytiuk serving the area as one of Alberta's many rural physicians who exemplify these traits. The balance between professionalism and personal life in small towns can be challenging, and I can personally attest to Dr. Woytiuk's professionalism when it comes to treating his patients. No matter how reluctant the patient,

Dr. Woytiuk is ever ready with sound advice and direction, minus the sugarcoating, when dealing with hard-core resisters like myself.

Thank you, Dr. Woytiuk, for your tireless dedication to the wellness of your patients and community, and congratulations on receiving this well-deserved reward.

Kelsey Trach

Mr. Snelgrove: Mr. Speaker, it's a great pleasure for me today to rise and recognize a young lady and her family from the Vermilion area. With the devastating loss of her mother, Patricia, who succumbed to cancer this past April, Kelsey Trach was motivated to raise funds for support programs for cancer victims and medical research in hopes of a cure. Kelsey's story is proof that if you have the desire, one person can make a difference.

In conjunction with the Canadian Finals Rodeo Kelsey decided she would like to raise \$1,500 for the Canadian Cancer Society by making a trip to the CFR, from Vermilion to Edmonton, by horseback. The task was a natural fit as Kelsey's mom loved to watch her ride. Kelsey's sincere and humble goal generated a tremendous outpouring of support from her family, friends, and community and even strangers who stopped to support her along the way. With the assistance of her father, Peter, and after a five-day horseback ride in abnormally cold temperatures Kelsey arrived at Skyreach on time, having raised over \$15,000.

I'm honoured to recognize this amazing 16 year old who simply wanted to give back in her mother's memory. On behalf of the members of this Assembly I offer our sincere congratulations. We are honoured to have both Kelsey and her father, Peter, with us today.

The Speaker: Hon. members, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

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

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

Dr. Pannu: Thank you very much, Mr. Speaker. I have the honour of introducing to the House four University of Alberta students who have worked very hard to generate public debate on Bill 43, focusing, naturally, on their primary concerns, dealing with removal of the tuition cap, the minister's power grab to be able to intervene in student affairs at the university, and centralization of power in his hands. These students are Zita Dube, Sara Katz, Tara Narwani, and Chris Samuel. I believe they're sitting in the public gallery. I'd ask them to rise and receive the warm welcome of the Assembly.

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

Ms Blakeman: Thank you very much, Mr. Speaker. Earlier today during question period we were joined in the public gallery by 16 grade 6 students and their instructor, Mr. Szott, from l'école Grandin school in my constituency. I was watching them watch the proceedings, and they certainly seemed engaged. I look forward to talking with them later, and I hope you will join me in recognizing their attendance in the Assembly.

Thank you.

head: **Presenting Petitions**

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'm pleased to present with your permission 1,077 Albertans who petition the Legislative Assembly

to significantly amend Bill 43, the proposed Post-secondary Learning Act, such that the tuition fee policy be included in the legislation, and urge the Government of Alberta regulate tuition levels in a manner consistent with the principles of affordability and accessibility.

Thank you.

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

Mr. Mason: Thank you, Mr. Speaker. I have a petition signed by 1,000 Albertans for a "province-wide moratorium on confined feeding operations (also known as 'factory farms')."

head: **Introduction of Bills**

The Speaker: The hon. Minister of Municipal Affairs.

Bill 46

Municipal Government Amendment Act, 2003

Mr. Boutilier: Well, thank you very much, Mr. Speaker. I request leave to introduce Bill 46, the Municipal Government Amendment Act, 2003.

The bill includes provisions to confirm the authority of municipalities to collect off-site road levies as a condition of subdivision or development to help offset some of the transportation-related costs that come with new growth, and there's lots of new growth here in Alberta.

The bill also expands the liability protection of municipal boxing and wrestling commissions to cover other combative sports and the commissions and officials acting in good faith. [interjection] Question period is not part of that.

Finally, the bill adjusts the effective date for commencing the improved equalized assessment reporting process as outlined in Bill 23, the Municipal Government Amendment Act, of 2002. This will allow municipalities more time to prepare for transition to the improved reporting system.

Mr. Speaker, the bill in this proposed enabling legislation is based on consultation with municipal stakeholders and is a product of the minister's council on roles, responsibility, and resources, that three members of this Assembly also belong to.

Thank you, Mr. Speaker.

[Motion carried; Bill 46 read a first time]

The Speaker: The hon. Minister of Revenue.

Bill 47

Tobacco Tax Amendment Act, 2003 (No. 2)

Mr. Melchin: Thank you, Mr. Speaker. I request leave to introduce Bill 47, the Tobacco Tax Amendment Act, 2003 (No. 2).

This bill amends the existing act to reflect a reduction to the cigar tax rate. These were previously announced effective August 1 of this year. All tobacco taxes were increased in Budget 2002, and while other provinces followed suit with cigarette and loose tobacco tax rate increases they did not do the same with cigar rates. This amendment will more closely align the rate with surrounding provinces. The new rate in no way represents a backing off on the commitment of this government's high tax strategy to discourage tobacco use. The new rate still represents an increase in cigar taxes from the 2002 levels.

Other changes included in the bill address administrative concerns, and all have been addressed and discussed with the tobacco industry.

Thank you, Mr. Speaker.

[Motion carried; Bill 47 read a first time]

The Speaker: The hon. Minister of Innovation and Science.

2:50

Bill 48

Alberta Heritage Foundation for Science and Engineering Research Amendment Act, 2003

Mr. Doerksen: Thank you, Mr. Speaker. I'm pleased to stand and request leave to introduce Bill 48, the Alberta Heritage Foundation for Science and Engineering Research Amendment Act, 2003.

The bill is a result of recommendations from the Auditor General of Alberta to clarify the meaning of the term "real value of the Endowment Fund over the long term."

[Motion carried; Bill 48 read a first time]

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

Bill 52

Health Professions Amendment Act, 2003

Mr. Mar: Thank you very much, Mr. Speaker. I beg leave to introduce Bill 52, the Health Professions Amendment Act, 2003.

This bill would establish changes to how health professionals, professional colleges, and government collect and share necessary health information. These amendments will give regulatory colleges the authority to collect and provide information to government and for government to release that information. Other amendments will balance the need to collect and release information with the need to protect privacy.

Thank you, Mr. Speaker.

[Motion carried; Bill 52 read a first time]

head: **Tabling Returns and Reports**

The Speaker: Well, Member for Edmonton-Highlands, you can start off quickly, briefly.

Mr. Mason: Thank you, Mr. Speaker. I have two tablings today. The first is an Enmax news release dated October 2, 2003, regarding their application to the EUB requesting a tariff increase. If approved, typical residential bills for customers served by Enmax in 2004 will increase by 11 percent to about \$75 per month from the current average of \$68.

The second one is a letter from Brett Bergie, the provincial director of ACTISEC, and he indicates that he's "concerned and outraged at the Premier for traveling instead of doing his job." He has enclosed a page from the popular children's book *Where's Waldo?* so that we can play "Where's the Premier."

Speaker's Ruling Referring to the Absence of Members

The Speaker: Hon. members, I'm going to refer all hon. members to *House of Commons Procedure and Practice*. There's not going to be a backdoor way of doing something you cannot do through the front door. I quote from page 522:

It is unacceptable to allude to the presence or absence of a Member or Minister in the Chamber. The Speaker has traditionally discour-

aged Members from signaling the absence of another Member from the House because "there are many places that Members have to be in order to carry out all of the obligations that go with their office." This is time-honoured, and there's not going to be a backdoor way of doing something you cannot do by walking through the front door, and I will not allow such tablings in the future.

The hon. Member for Edmonton-Strathcona.

head: **Tabling Returns and Reports**

(continued)

Dr. Pannu: Thank you, Mr. Speaker. I've got three tablings. The first one is a document prepared by Cambridge Strategies Inc. Its title is Alberta Bill 43: Post-secondary Learning Act, and their analysis leads them to claim that this act centralizes and concentrates power in the hands of the Minister of Learning as never before.

The second tabling, Mr. Speaker, is a copy of a letter that was sent to me by Tim Belec from Drayton Valley in which he expresses very serious concerns about Bill 43 and also urges the government and the Minister of Learning to adequately fund K to 12 education.

The last one, Mr. Speaker, is a news release dated November 18, 2003, from Action for Education, a parents group in Edmonton which is seeking to make sure that the government implements the recommendations of the Learning Commission.

Thank you, Mr. Speaker.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'd like to table a selection of letters that were written by young voters at a get-political party that I hosted on November 8 at Azimuth Theatre. I'm tabling the appropriate number of them. The first is from Jennifer Spencer, who is commenting on tuition fees and debt and the need for all socioeconomic levels to be able to access postsecondary education in Alberta.

The second is from Joe Vanderhelm, who writes his concern with Bill 43: the ability to dissolve student unions and the removal of tuition caps.

The fourth letter is from Nicole Schafenacker, who expresses concern with Bill 43 and asks that the Minister of Learning help them to strengthen themselves with education.

Finally, a lengthy letter from Mark Henderson talking about, among other things, deregulation of tuition, which will limit and "crush the dreams" of many bright Albertans.

Thank you, Mr. Speaker.

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

Dr. Taft: Thanks, Mr. Speaker. My first tabling is a pair of lab test results for toxic molds at the Holy Cross hospital dated July 2001 and August 2001 and detailing extensive issues with toxic mold, the lab test paid for by the Department of Infrastructure.

My second tabling is five copies of an article regarding the health personnel restraints in Bangladesh. Yesterday the Premier seemed incredibly concerned that the MLA for Red Deer-North would be heading to a country with only one doctor. As the Premier said, "There is only a clinic and in the whole country one doctor . . ."

The Speaker: Hon. member, we're into tablings. Get on with it. Table the document, and let's move on.

The hon. Member for Edmonton-Glengarry.

Mr. Bonner: Thank you, Mr. Speaker. With your permission I would like to table the appropriate number of copies of a study

prepared for the Parkland Institute by Lisa Prescott. It's titled Unaccountable: The case of Highway Maintenance Privatization in Alberta. In this report she goes on to compare the current privatization of the primary highway maintenance system in the province with the previous government-run program in the province of Alberta and the major difficulty she encountered in trying to make a comparison over which system was cheaper.

Thank you.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. I have two tablings this afternoon. The first is on behalf of a constituent. It's a letter that David Masluk from 50th Street wrote on October 30, 2003, and this is a message he's sending in regard to the Learning Commission recommendations.

The second tabling I have this afternoon is the Alberta Liberal Plan for Public Auto Insurance, because everyone needs to know "there is an alternative to skyrocketing auto insurance rates."

Thank you.

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

Mr. Johnson: Thank you, Mr. Speaker. The Alberta Alcohol and Drug Abuse Commission as an agency of the government of Alberta reporting to the Minister of Health and Wellness contributes to the health and well-being of individuals, families, and communities in Alberta. The commission continues to provide leadership in delivering services that assist Albertans in achieving freedom from the harmful effects of alcohol, other drugs, and gambling. Today it's my pleasure to table AADAC's 2002-2003 annual report. This report summarizes the activities and achievements of the commission over the past year.

Thank you.

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

Mrs. Jablonski: Thank you, Mr. Speaker. Today I'm tabling five copies of six letters written by members of the Red Deer community including the mayor of Red Deer, Gail Surkan; Councillor Morris Flewwelling; chairman of the Catholic school board, Gord Bontje; and other community leaders asking that the government help to protect and preserve the heritage of our province by rebuilding and restoring the beautiful and historic Michener Administration Building, that was struck by lightning and set on fire on June 18 of this year.

Thank you.

The Speaker: Well, the chair would like to table the appropriate number of copies of a memorandum from the hon. Member for Lac La Biche-St. Paul requesting that Bill 208, the Occupiers' Liability (Recreational Users) Amendment Act, 2003, be given early consideration in Committee of the Whole.

Privilege

Contempt of the Assembly

The Speaker: Hon. members, yesterday we had an initial presentation with respect to a Standing Order 15 application. I indicated today that we would be recognizing the hon. Minister of Infrastructure and additional participants if they wish to participate.

3:00

Mr. Lund: Thank you, Mr. Speaker. Responding to this accusation

today, I will clearly show that my answers were consistent when he asked the questions. I will show that the answers were accurate when I answered the questions. I also would like to put the whole thing in context and draw to the members' attention how extremely important it is when we're dealing with issues like a situation where we're taking testing that the tests be complete and be accurate, because putting out in the public things that are not accurate just really creates nothing but misinformation. It can be construed in the wrong way. It creates nothing but havoc.

Starting on May 12, we had involved ourselves in trying to find a location to house the Court of Appeal in Calgary. There was a mold issue that had caused us to have to vacate the building, so we were trying to find a location to house them. This was started back in '01 – actually, they vacated in January – and through the whole process we were looking at a number of facilities. Of course, it was extremely important that whatever building we selected – there were a number of criteria, but one of them was air quality. The justices needed to have what they deemed superior air. So that was a real concern.

One of the buildings that we looked at was the Holy Cross hospital. Starting on May 12 in this Legislature, the Member for Edmonton-Riverview was asking questions relative to the testing and the mold situation in the Holy Cross. I'm not going to read the whole question and/or answer but just the portions that relate to his question relative to the Holy Cross.

His first main question on May 12 as recorded on page 1569 of *Hansard* reads: "Why have tests for mold at the Holy Cross [hospital] never been made available to the public?" My answer was:

The Holy Cross did not measure up in some other areas, so in fact I'm not even sure if the study was ever completed on the air quality, because there were other issues that determined that in fact that wasn't a suitable location for the Court of Appeal.

First supplementary: once again the member asks about and talks about the difficulty in what molds could cause, and he says, "Will the minister immediately release all test results for mold at that site?" My answer:

I just indicated that before the testing was completed, we had abandoned that site as a possible site to house the Court of Appeal. . . I'm not even sure that the air quality report was ever completed, and if it was, I'm not sure where it's at.

I never did see that report.

Then moving on to May 13, page 1621 of *Hansard*, again in the member's lead question he asked, "What policies does the Department of Infrastructure have for responding to buildings that test positive for these molds?" I won't go through the whole answer, but relative to the testing that this is all about I answered:

We do not know [when] the process started. I don't believe it was ever completed. We do not have in our possession, as far as we can determine, any final results relative to the testing on that site.

Mr. Speaker, I think it's important that I add in here that, in fact, because of what happened on the Monday, we started a process internally to try and find out if there was anything in the department. I still hadn't had anything by the time of the question period on this particular day.

The member then in his supplementary makes some comments that I had sidestepped the question, so I answered again:

Mr. Speaker, as I indicated, we cannot find any final results. As a matter of fact, as I said earlier, there has to be a lot of testing done in order to determine if there is a toxic mold.

Then in the next supplementary the member once again asks a question:

Given that sitting on the results of the tests for mold at the Holy Cross vastly increases the legal liabilities to this government, why has the department chosen to sit on the results, or have they simply [lost them]?

My answer partially was: "As far as this building was concerned, we never completed because there were other issues that came up that ruled out this particular building."

Then on the 15th, which is the Thursday – and this is the day that I tabled what we had received from the department on the 14th. Incidentally, I tabled the results that the member today, as far as I can understand from what he said – and I don't have it in front of me. I take it it's the same thing as I tabled back on the 15th. He once again in his main question asked, "What [has he] learned about his department's testing for toxic mold at the Holy Cross hospital?" There was an interjection, so we go on down to the comment that relates directly to the testing: "The fact is that I told the member on Monday and I told him again on Tuesday that the testing that was started in the Holy Cross hospital was never completed."

In a supplementary he asks again about being in possession of "any lab results that speak of toxic mold at the former Holy Cross hospital." The answer, again, was: "To do an air quality test, and clearly, as this shows, the tests were never completed."

Now, Mr. Speaker, as part of that filing that day – I've got what was filed here. Yesterday in the member's comments it was quite interesting how he selectively chose certain parts to read. So I will fill in the parts that he didn't read and also what he did read. From April Turnbull within my department – the response that came to us is dated May 14, 2003. It starts off:

Mr. Lee, I am sending this on behalf of Sandy Fisher, Alberta Infrastructure.

We are looking for any information you have on any testing you conducted at the Holy Cross Hospital that involves mould.

We have the one paper dated August 2001 that you sent our office (includes Petro Canada [building] and Bankers Hall tests).

We would really appreciate it if you could call Sandy Fisher . . . and let him know what, if any, additional information you have regarding the above.

Then Tang Lee e-mails back:

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.

Sandy Fisher is aware that I did not complete our report for the Holy Cross Hospital as the decision was made for the Court of Appeal not to move into this building. I have a partial very rough draft of this project and will proceed to complete it if so instructed.

I must tell you, Mr. Speaker, that, in fact, we had made the decision back in late July, early August not to proceed to this site. So, as a result, this testing was not complete, but I think it's important at this point to point out that because we were concerned about the issues the hon. member was raising, we actually took this report that was sent to us on May 14 – that was the first time that we saw it – and we sent it to a lab, Golder Associates, to have it analyzed.

3:10

Basically, in the conclusions they say:

Based on our review of the data provided, and taking into consideration the points listed above . . .

It's two pages, so I'll file it so that it can be seen by others.

. . . there is not enough information provided by the assessment to draw a conclusion on the state of the air quality in the Main and 7th Floor at the Holy Cross Hospital.

This is where the testing had occurred.

To address these concerns would require a comprehensive visual investigation, potentially including semi-destructive testing, conducting interviews with the building operators, gathering historical information regarding past history of water-intrusion events, and completing an inspection of the HVAC systems as a minimum. Following the results of the observations during the

visual inspection, a sampling strategy (including surface, bulk, viable and non-viable airborne fungi samples) could be prepared to assist in [addressing] the impacts of potential fungi in the building and the quality of the air.

That's one of them.

Then I've got a copy of a letter that was sent to the owners of the building from Carrier Environmental Consulting. I'll read it.

As requested by Enterprise Universal Inc. at the Holy Cross Centre, Carrier Environmental Consulting Inc. completed a review of past . . . (fungi) investigations conducted by Jacques Whitford Environmental Limited and Mr. Tang Lee from the University of Calgary. The sample results conducted under the direction of Dr. Tang Lee in July of 2001 did not indicate sample locations, type of fungi species [determined], sample technique and whether indoor or outdoor samples were completed. The report is therefore considered inconclusive and can not be considered to be relevant in indicating a sound representation of the evaluation of microbial contamination. Jacques Whitford conducted an investigation . . . in the 1967 building of the Holy Cross Centre in September of 2001. On reviewing the results and conclusions of the Jacques Whitford report it is the opinion of Carrier Environmental Consulting Inc. that the results did not indicate fungi contamination.

As well, Mr. Speaker, in the package we did have this report from August. This one was sent, but it was a preliminary report that dealt with the Holy Cross – it was dated August 29, 2001 – with the very heading “Indoor air quality assessment of alternative facility for the Calgary Court of Appeal, Interim summary.” When we go over to the section dealing with the Holy Cross, we read:

Many areas of this former hospital had been vacated for several years. It had previously been occupied by hospital beds, kitchen, cafeteria, etc. Presently the area being considered for [the government of Alberta] is being demolished which can affect . . . air quality sampling.

That, I think, is extremely important. It does go on to talk about some things that they have found.

One of the things that the member made a lot of talk about and emphasis on yesterday was the TNTC, which is the too numerous to count. Mr. Speaker, those can be dust particles, they can be bacteria, they can be a number of things other than fungi, so one should not get carried away just because you see TNTC beside a reading.

I want to read another couple of paragraphs.

There is a clear lack of maintenance of this facility but that may be due to a lack of tenants. Bird droppings were found near the air intake, on the roof and inside the stair penthouse (due to a broken window that permitted birds to enter).

If the [government of Alberta] is contemplating this building for occupancy then a considerably more extensive examination of the facility is required. As it is now, it is not suitable for occupancy [by the government].

Mr. Speaker, by this time we had decided that that was not an area that we were going to pursue.

The member went on yesterday in Hansard Blues – and I must apologize that I just got this off the Blues, so I don't have the exact numbers. His leadoff to the question or point that he was making says, “Is the minister saying that his department has never had possession of positive tests for toxic mold at the Holy Cross hospital?”

Then my response, Mr. Speaker. As I pointed out in the area, quoting from *Hansard* before, “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.” That was the part that I filed on May 15, that was the part that the member filed also yesterday, and today I believe he filed the numbers. But, in fact, it clearly shows on the cover sheet that the tests were not complete.

Now, going on from yesterday, the member says that

it is absolutely clear that the minister did, in fact, have the test

results at his disposal. In the words of the e-mail . . .

And he's referring to the one that he filed yesterday.

“. . . the report from the Microbiological laboratory [that] was completed on October 24, 2001.” Completed, Mr. Speaker, a [full year] before I asked the question.

That is absolutely not the case, Mr. Speaker. The author and the people that did the testing clearly state that that was not a complete test. They did a preliminary. Here again I have to emphasize how extremely important it is that we do not mislead the public with putting out information that is not complete. Test results in the first instance were as much just visual as opposed to actual tests. When they're not complete, it can really send the wrong message.

Mr. Speaker, yesterday when the member went on talking about the minister having this information earlier, the fact is that May 14 was the first that we had this, and Tang Lee, the author, clearly says that he had not sent it.

The member went on quite a bit yesterday talking about some e-mails from Fruman, one of the justices. She had toured the building and was talking about the situation, the way she felt. Yes, I toured the building myself, Mr. Speaker, and, yes, it was moldy, and it had a musty smell to it, but the fact is that without the proper diagnosis you do not know the level and what types of molds are in there.

Going on to some of the other areas, the member claims that there are a lot of, once again, TNTC strips, which means too numerous to count. But those are contaminated strips. They don't necessarily mean mold, and in some of the results that I've seen in other areas, that is a very difficult issue.

3:20

I want to take the opportunity to read into the record a fax that we got from Tang Lee. This is dated May 29, 2003, so it was after the House had adjourned. It says:

Hello Mr. Bob Smith;

Thank you for taking time from your busy schedule to come down to Calgary to discuss the air quality examination of the former Holy Cross Hospital building with me and Sandy Fisher. As you know, we did not complete our air quality report on this project as a decision was made to seek another site for the Court of Appeal.

In examining my files and e-mail correspondences, it is clear that I had kept both Alberta Infrastructure and Alberta Justice apprised of our examination, but we did not send them any microbiological laboratory report until I was contacted by Ms April Turnbull on May 13, 2003.

Mr. Speaker, that's what we've been saying all along, and that was confirmed by Dr. Tang Lee.

We had only submitted an interim summary dated August 29, 2001.

And that's the one I read portions of, and quite frankly that didn't tell us anything, as was confirmed by others that have looked at it.

Furthermore, our concerns about the air quality in this building is only valid for the date of the examination (July 19, 2001) and for the locations on the 7th floor and the main floor of one wing of the former Holy Cross Hospital site. It is unknown whether the air contaminants including moulds have amplified or spread to other locations as we have not examined the building since 2001.

I apologise if there is any misunderstanding of this matter that may have cast any doubt on the integrity of the Minister, MLAs and staff of your department.

I would like to file that.

On top of that, Mr. Speaker, the member asked the office of the Information and Privacy Commissioner to investigate this. So that occurred. I want to also file a letter dated August 5, 2003. The part of it that I want to read into the record is the last page, and Case Closure is highlighted.

The Commissioner's interest in this matter is to assure the public and its representatives that the duty to warn is being performed.

The Commissioner and the public would not expect to see a warning issued where the public body does not see the presence of a risk. Given that Alberta Infrastructure effectively is saying that it does not see the presence of a risk, then it follows that no warning is to be expected from Alberta Infrastructure.

I have been given no reason to doubt, and several reasons to accept, that Alberta Infrastructure has properly applied itself to the examination of the information in its possession. That diligent application of public-body attention was the objective of our watch, and that objective has been satisfied. With the objective attained, the watch is now ended.

This letter was sent to Dr. Kevin Taft, MLA, Official Opposition.

Mr. Speaker, because we find it so important, if there is a danger to the public somewhere and we know about it, we, in fact, act. So we asked Tang Lee back in June to give us all of the information that he might have on file relative to this whole issue, and he writes back. This is dated June 12, 2003.

Hello, Mr. Smith;

As requested, I am sending you the e-mail messages pertaining to the Holy Cross building. It is a written record of the discussion during the time of our examination but may not necessarily convey verbal communications such as telephone calls and meetings.

Of interest to our discussions are the e-mail messages of August 26, 2001, July 26, 2001, and July 25, 2001.

Also attached is the key to the location of the mould samples. The keys refer to the location code in the laboratory report. Please contact me again if you require any clarification.

Mr. Speaker, I think that what we've clearly shown is that we answered the questions consistently; we answered them correctly. We did not have any completed reports. We have shown that when the information we did have, in fact even the information we got on May 14 for the first time, was sent to others that are in the business, the labs, they said that it was incomplete. Anytime you're dealing with something like this, it is extremely important that it be complete and it be accurate.

As far as I'm concerned, there is no way that I have interfered with the member's privileges. I have not done anything except make absolutely sure that if there's any danger, the public knows it.

The Speaker: Hon. minister, can I assume that all documents referred to by the minister will be tabled? All documents, so there's no misunderstanding in any of this.

I indicated yesterday that I would be prepared to hear additional members. Hon. Member for Edmonton-Rutherford, briefly, as a result of your past experience at the Canadian House of Commons with respect to similar matters.

Mr. McClelland: Thank you, Mr. Speaker. I listened attentively to the representation of the hon. Member for Edmonton-Riverview and again this afternoon from the Minister of Infrastructure, and I quote *Beauchesne's* 31(1): "A dispute arising between two Members, as to allegations of facts, does not fulfill the conditions of parliamentary privilege." I would suggest to the House that this is a matter of debate and not a matter of privilege.

Thank you, Mr. Speaker.

The Speaker: I take it that there is no further input.

Well, I will take this matter under advisement. Hon. members, I will not be in the House tomorrow. It's okay for a member to say that they're not going to be in the House tomorrow. I'm going to the graduation of my son at the University of Alberta, so I think that's a legitimate reason to not be here. So this matter will not be dealt with until Monday.

head: **Orders of the Day**

head: **Government Bills and Orders**

head: **Second Reading**

Bill 44

Personal Information Protection Act

The Speaker: The hon. Member for Spruce Grove-Sturgeon-St. Albert on behalf of the Minister of Government Services.

Mr. Horner: Thank you, Mr. Speaker. I am pleased to move second reading of Bill 44, the Personal Information Protection Act.

Albertans value their privacy and want to ensure that their personal information is not being used inappropriately by business and other private-sector organizations in Alberta. The Personal Information Protection Act will establish clear, concise, and commonsense rules for private-sector organizations when collecting, using, and disclosing personal information. If Alberta does not enact the Personal Information Protection Act, the federal Personal Information Protection and Electronic Documents Act will govern personal information collected in Alberta's private sector on January 1, 2004.

[The Deputy Speaker in the chair]

3:30

Alberta's act will address Alberta's private-sector needs better than the federal act. Our legislation is drafted to make it easier for small businesses to follow. In developing the Personal Information Protection Act, Alberta has worked closely with British Columbia, which recently passed its own personal information protection act. In doing so, Alberta and British Columbia have been leaders among the other provinces in developing similar privacy legislation to protect the interests of their residents while balancing the needs of business.

The act requires businesses to obtain consent when collecting a customer's personal information. Once the customer consents, the business can use and disclose information as agreed with the customer. Exceptions to consent exist in certain circumstances. These include when using an employee's personal information for payroll purposes, if the information is publicly available, or for debt collection, the sale of a business, emergencies, and other similar matters when obtaining consent is not reasonable.

An individual will be able to obtain access to his or her own personal information held by a business as long as the request is reasonable and nothing prevents access. Organizations can charge reasonable fees for providing access. The act will not affect not-for-profit or charitable organizations unless they are carrying on commercial activities. In these instances the act will only apply to the personal information handled that relates to the commercial activity.

Alberta's Information and Privacy Commissioner can receive complaints under the act. If the commissioner finds that a business has breached an individual's privacy, the individual can go to court to recover damages for loss or injury.

The Personal Information Protection Act will not apply to personal information protected by the Freedom of Information and Protection of Privacy Act or when the Health Information Act applies. The act will also not apply to personal information collected, used, or disclosed for personal or domestic purposes or journalistic, literary, or artistic purposes.

Mr. Speaker, Albertans have told us that they value their privacy. The Personal Information Protection Act protects Albertans' personal information held by businesses and other private-sector

organizations while ensuring that these organizations can continue to collect personal information for legitimate business purposes. This made-in-Alberta legislation also ensures that both citizens and businesses can deal with a provincial independent body rather than a federal one to resolve disputes. I and, I know, the hon. Minister of Government Services look forward to the debate on this bill as our process continues.

Thank you, Mr. Speaker.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. Bill 44, the Personal Information Protection Act, certainly is interesting legislation. It has been described by various interested parties as everything from being very necessary to being very, very fuzzy. Now, the purpose, of course, of debate in the Assembly is to get answered a lot of the concerns that have been raised by various groups through the drafting process of any legislation. Hopefully, we are going to get significant answers in regard to this legislation.

Now, Mr. Speaker, when we compare this draft legislation to that in B.C. and we compare this legislation to the federal legislation, of course everyone is aware of what would happen if we didn't have our own Personal Information Protection Act. We have many things to consider when we discuss personal information in any form, and there are many occasions where there are legitimate reasons to collect and use personal data, but occasionally there are dubious reasons as well. This is why we need privacy protection.

We welcome the debate on Bill 44, which has sat on the Order Paper since last summer. Now, I understand – and I'm very grateful for the time that the Ministry of Government Services officials have provided for a background brief on this bill – that there are some amendments coming forward later on. I think this side of the House will also have at least one if not more amendments to this legislation. So the fact that there are amendments coming forward indicates that the draft bill, or the bill that was tabled in the Assembly here in the spring, was a work in progress.

Certainly, there are reasons why we need privacy protection. The business community has known for a couple of years that this type of legislation was evident. Many corporations have by letter over the summer expressed their opinions on this legislation, and I would like to thank them for their correspondence. In particular I would like to express my public thanks to the Enmax Corporation for providing copies of what they along with the Calgary Chamber of Commerce stated in September to a standing policy committee regarding this legislation. It's interesting to note. Hopefully, some of their concerns and observations and research on this bill will be incorporated into the debate as we continue.

Not only the business community was consulted but also labour unions, Mr. Speaker. There are many organizations that are going to be affected by this legislation, but one of them certainly will be unions. To date I'm not satisfied that unions will not be hurt, that there will not be a harmful side to this for labour organizations. With this legislation in place, how will they be able to conduct an organizing drive? You know, a union organizer can start a petition. How will that affect the ability to gather names and addresses, et cetera, in the process of a certification drive on one business or another?

It has been explained to me that with section 17 in Use of Personal Information, 17(b) in particular, the Labour Relations Code will in fact work and work well, and there will be no problems. Certainly, on this side of the House we have to distribute this legislation, and it will be interesting to hear from the labour groups in regard to this bill and how it affects them.

Many consumers in this province, Mr. Speaker, commented regarding the pressure that's applied by businesses to supply personal information in order to receive a product or service. There's probably not an hon. member in this House who at some time has not been asked for a phone number when there was a cash transaction. We have to be very, very careful, and we have to be very cautious about providing information.

How will this be changed with Bill 44, Mr. Speaker? Businesses certainly will have to obtain our permission to use or share our private information. Section 8 of this legislation will allow consent to be either oral or written. It may be implied or deemed. There are also provisions for opting out. We are, as I understand it, delegating to regulations the form of consent. This is what was worrisome for the commissioner in Ottawa. The Privacy Commissioner of Canada in Ottawa had some reservations, which he expressed in May of this year regarding Bill 44.

3:40

Hopefully, as we go through this legislation, the reservations that were expressed by the Privacy Commissioner will be addressed, but in the review of Bill 44, the review of the draft, the commissioner states in a letter that has been made public:

I think it important to inform you now, before it becomes law, that Bill 44 has a number of very grave deficiencies that would in my view would make it impossible for the Government of Canada to recognize this legislation in its current form as substantially similar to the federal Personal Information Protection and Electronic Documents Act.

Now, this is quite a long letter, and it's an interesting letter. The commissioner goes on to outline in this letter what are considered to be major weaknesses of this bill, and these are:

A major weakness of this Bill is the discretion it gives the Lieutenant Governor in Council (the Cabinet) to issue sweeping regulations dealing with a broad range of matters, including:

- giving consent;
- the procedures to be followed in making and responding to access requests;
- the circumstances in which personal information can be collected, used or disclosed without consent; and
- the personal information to which the Act does not apply.

So those are some of the concerns that the commissioner had.

Now, this government, we all know, likes to rule by regulation, and it has not escaped the attention of some of the commissioners in Ottawa.

Mr. Magnus: What?

Mr. MacDonald: "What," the hon. Member for Calgary-North Hill states. [interjections]

The Deputy Chair: There's just the one member that's been recognized, and I'll put you on the list for the next one if you want to.

The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you, Mr. Speaker. These regulations that are discussed are not to my knowledge public documents. Therefore, I have a certain reluctance to endorse this bill from the start. Now, we have discussed the past practices, the habits of former Progressive Conservative governments. When you're looking at a 30-year period, you almost divide them up like you're studying Chinese history. The first Conservative government would routinely table regulations along with the draft legislation of the bill so that members of the House could see them. To my knowledge I have not seen these regulations tabled, and in order to have full

support of this legislation from this member, I would like to have an opportunity to at least read this list of regulations.

Mr. Speaker, also, how much is this legislation going to cost corporations? My questions to the Minister of Government Services would be around these costs. Has the Minister of Government Services conducted any studies to calculate the cost of this legislation to Alberta businesses, large and small? Will the business community in this province with this legislation – and hopefully they will have a level playing field once this legislation becomes law. The Americans have been developing privacy legislation for several years. They're in advance of ourselves.

The federal act, which was referred to by the previous speaker, was a response to the European Community's 1995 data protection directive, which prohibited companies and member EC states from doing business with nonmember companies unless there was an equivalent privacy protection in the foreign law. So the sales pitch for the private-sector privacy laws is the same around the world, and that is: it's good for business, and it's good for freedom as well.

Mr. Speaker, when we discuss this bill further, we have to always recognize the balance between what is good for freedom, good for consumers, and what is good for business. Now, currently in this province there is a hearing going on at the EUB in regard to Direct Energy. Direct Energy is essentially buying a list of customers, over 860,000 customers, of utilities. It's amazing that we're talking about Bill 44 here and this company is willing, for \$127 million, to purchase a lot of ATCO's goodwill that's been built up over the years. But along with that goodwill is the list of names of utility customers, addresses. There's a lot of information there, as there is a lot of consumer information with other utility companies. So we have to be aware of the transfer of information. We have to be aware of the big data banks that exist and how this information can be used and whether that use is inappropriate or appropriate.

So even though I have some reservations about this bill, I think that at this time it is the best we can do. Certainly it is fuzzy. The regulations are not public, but it'll be interesting to see and read the discussion on Bill 44 as it proceeds through this Assembly.

Mr. Speaker, at this time I would like, please, to adjourn debate on Bill 44. Thank you.

[Motion to adjourn debate carried]

Bill 43 Post-secondary Learning Act

The Deputy Speaker: The hon. Minister of Learning.

Dr. Oberg: Thank you very much, Mr. Speaker. I rise today to move second reading of Bill 43, the Post-secondary Learning Act.

Bill 43 is probably one of the most exciting bills to hit the postsecondary education system in Alberta in a long time. What we have done in this bill is we have combined four acts – the Universities Act, the Colleges Act, the Technical Institutes Act, and the Banff Centre Act – into one bill.

If you remember, Mr. Speaker, back in May of this year the bill was introduced, and at that time I had stated that I was going to take the bill out and talk to the people about the bill. Subsequently, we will be bringing forward several amendments effective, hopefully, as soon as committee on this bill takes place. We have had excellent consultations with all of the affected parties. As a matter of fact, I've met twice with the students' associations. All the presidents and boards of governors of our various postsecondary institutions are in favour of the new amendments and, indeed, are in favour of the bill. I have talked to the opposition parties about the particular amend-

ments as well, so they are fully aware of what is coming forward this evening. Therefore, I would suggest that we table the amendments as soon as possible in committee, and hopefully we can do that as quickly as possible.

In direct response to what the previous member was saying, I will be tabling draft regulations as it affects tuition policy as well. Therefore, Mr. Speaker, I would urge the Legislative Assembly to take this bill into committee as soon as possible so that I can indeed put these amendments on the floor and we can start talking about it.

Mr. Speaker, again, I'll just basically say that this is a bill that will do a lot of things to the postsecondary system, not the least of which is to provide the ability for colleges and technical schools to provide baccalaureate degrees, to provide degrees where quality is warranted and thereby dramatically increase access for our students. So I would ask the Legislative Assembly to move into committee as soon as it sees fit, and I will be able to table the amendments.

Thank you.

3:50

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

Dr. Massey: Thank you, Mr. Speaker. I would like to make a few comments at second reading of Bill 43, the Post-secondary Learning Act. As the minister has indicated, the process around this bill was one where the bill was introduced in the spring session and then left over to be reconsidered as we meet here in the fall. During that time there has been a lot of reaction and a lot of consultation with interested groups: the boards of governors, the administrators of the various institutions, the faculty and college and technical institute associations, the students. Of those groups the reaction has been primarily favourable from the first two and unfavourable, as best we can determine, from the students.

Now, the minister indicated that there had been consultation with the students, and I'm still not quite clear what the result of that consultation was. As late as yesterday the students were demonstrating on the steps of the Legislature, upset about the provisions in the bill with respect to tuition and also the provisions in the bill for a wide variety of other changes with respect to students' unions in the province and their governance and the role that they play in institutions.

I think it's for that reason, Mr. Speaker, that we are anxious to see the formal amendments that the minister will be proposing to the Assembly. I think that that has been the position of some student leaders, too, in the province, that they have held in reserve their judgments with respect to the bill until they see the amendments as tabled. They want to know exactly the wording of those amendments. The minister did extend us the courtesy of going through those amendments in chart form, and we, too, would like to see what exactly is going to be proposed.

One other important aspect of the legislation is the regulations. When we met with the minister, one of the things we discussed was the possibility of having at least a draft set of regulations available for consideration while the bill is before the Legislature, and I'd be interested, to the minister, with respect to if that is going to be done. It's extremely important for students, Mr. Speaker, because the regulations, as I understand it, will have some great impact or possible impact on those parts of the bill that deal with tuition. As I indicated earlier, tuition is a major concern for students and their parents and with respect to this act.

So we could go through the bill. Second reading is usually the opportunity to look at the principles that rest behind the bill. I think that as we've looked at it, one of our concerns is the centralizing of

power in Edmonton, and that's done at the loss of autonomy, we think, for some institutions and for some of the groups that are involved, particularly students.

The bill has also, I think, an underlying principle that tries to make all postsecondary schools part of one large system. Our fear is that that might be at the expense of the uniqueness of each of the institutions, and I think that that's a fear that is shared by others. If we end up making each of the institutions and their programs interchangeable, then I think we'll have lost some of the very uniqueness that makes Alberta's postsecondary system a stronger system. We do have institutions like Athabasca, which has a unique contribution to make, the institutes. Anything that would take away from that uniqueness I think is something that we should question before we endorse. So it's that notion of centralizing power in Edmonton and within the minister's office that we would like to explore. We'd like to see how the amendments that are going to be introduced might affect that.

We're also concerned with the prohibition of strike action by professional staff, and, again, this has a long history in the province. We would be loath to see rights taken away from groups that they previously were able to exercise even if there has never been a strike in the history of the postsecondary system in the province.

The principles underlying tuition I think are really important principles. I imagine they are going to occupy a great deal of the debate once we move to the committee stage and we see the government's amendments.

There are other principles with respect to the powers of universities, particularly their actions within a municipal environment and being able to make moves that affect zoning and their exemptions from that zoning that are contained in the bill and, again, that I think are important and those provisions that are put forward with respect to expropriating land. So a lot of important principles have been embedded in the legislation, but, again, Mr. Speaker, the devil is in the amendments and in the regulations, and we are anxious to see both of those.

Thank you.

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

Mr. McClelland: Thank you, Mr. Speaker. I just wanted to rise and put a few thoughts on the record with regard to Bill 43, the Postsecondary Learning Act, which I see as being probably one of the most important pieces of legislation that this body will deal with in quite some time because it deals with one of the cornerstones of the future of this province and is recognized by the Learning Commission and by the Future Summit.

Over the course of the summer since this bill was first introduced, there has been a good deal of representation by the postsecondary education institutions: NAIT, SAIT, the universities, Grant MacEwan. There has been a good deal of representation from the students' associations, individually and collectively. Mr. Speaker, if I may, in speaking to that representation of the students' associations in particular, I want to acknowledge the considered and courteous representation of the students' association to me in particular. From those representations it seems to me that the students' concern as regards Bill 43 centres around tuition, tuition caps, and the nature of the representation of the students' association to the board. To whom should the students' association be accountable?

My response to them, Mr. Speaker, was that it makes, at least in my estimation, good common sense for the students' association to have fidelity to the board or to the institution of which they're a part. It makes sense because they are part of the whole.

4:00

Then the question of the composition of the board came into play, especially in connection with the tuition cap. With removal of the tuition cap the potential exists, in the minds of students that have contacted me, that eventually over time students may end up paying more as a percentage of the cost of their university education than they do now and that perhaps their representation on the board could be in proportion to the amount of tuition that goes in to paying the cost of education. So, for instance, if the students through tuition paid 30 percent of the cost of their education, then their board representation should be something in the neighbourhood of 30 percent so that there's a balance between what the students are paying in tuition and their representation on the board during their time at the particular institution.

Another notion that came up was the representation on the university senate. The representation was made to me that it would be of benefit to the educational institutions if the senate provided for more alumni representation, because the alumni representation on the senates of the various universities can become the centrepiece of community involvement in that educational institution. Whether this requires a change in the composition of the senate or of the number of seats available for people on the senate is a matter that would come up.

But we'll leave this contribution to this debate at this point now, Mr. Speaker. Again I commend the Minister of Learning for bringing this to the table. I think that this, in my estimation and representing the constituents of Edmonton-Rutherford, will be a cornerstone in the future of our country.

Thank you, Mr. Speaker.

The Deputy Speaker: Hon. Member for Edmonton-Strathcona, are you wishing to make a comment or ask questions? There being none, then the hon. member may continue debate.

Dr. Pannu: Thank you, Mr. Speaker. I'm pleased to rise and speak to Bill 43 in its second reading. I must, however, express serious difficulty in speaking about Bill 43, which from my meeting with the minister two days ago, which I appreciate, is not going to be Bill 43. It's going to be substantially amended. It makes it very difficult, therefore, to be put in the situation in the House to commence debate in second reading of a bill which will substantially change, and we know beforehand that it will substantially change.

I had hoped that the minister would either make those changes that he's going to propose by way of amendments available to us ahead of time so that we wouldn't be unnecessarily wasting time commenting on the language of the bill as we find it incorporated in the bill or that he had in fact had six months – and I commend him for encouraging consultations and engaging in those consultations with various interest groups and stakeholders. But it would have been much better if the minister had in fact made changes in the bill and brought the bill in in its new form so that we could approach debate in the second reading of the bill in a more serious and effective manner.

That said, Mr. Speaker, I would like to take this opportunity to make observations on the bill as I find it before me. To begin, I think I want to acknowledge the role of the student leaders who were here earlier today sitting in the gallery and who represent students' unions and provincial umbrella organizations across the province, the Council of Alberta University Students and, similarly, the college and institute students' executive committee. They have done a wonderful job of encouraging debate and presenting their analysis, in many cases quite critical of various parts of the bill. I applaud their effort as students to show a level of engagement which is very

refreshing. We need to revitalize and revive this tradition of public debate on legislative matters that concern many of us and are going to have an impact in a very important way on the future of postsecondary public education in this province.

I can assume that the Minister of Learning would agree with me that the leaders of student organizations have indeed made a very important contribution to this debate that has unfolded over the last few months. As a result of the efforts of student leaders and faculty associations and community leaders and others, what started out, in my view, as a very seriously flawed bill as presented in the spring sitting is now likely to be seeing some improvement in it, but I will withhold my judgment until we see the amendments and have debate on them.

The minister, as I said, met with me on Monday afternoon to brief me on the proposed amendments. While I appreciate the gesture and the opportunity, I think it would have served everyone's interest had copies of the proposed amendments been made available to all stakeholders and certainly to members of this Assembly.

During our meeting the minister and I had a little debate. He tried to blame me for my previous actions in the ruling of the Speaker on March 5, 2003, for not being able to make copies of the proposed amendments available prior to the actual amendments being tabled at the committee stage. As you will recall, Mr. Speaker, the March 5 ruling focused very narrowly on the government's practice of providing information on bills once they were placed on notice and before they were introduced to the news media prior to the same information on a bill being provided to members. In the Speaker's ruling it was specifically stated that extensive consultations at the drafting stage of bills were allowed and strictly within the purview of the government and the minister.

Alternatively, the minister could have withdrawn Bill 43 and introduced it as an amended bill. That would have allowed us to have a more meaningful discussion at this stage of the debate. Given the fact that we have not yet seen the amendments, I will keep my comments somewhat more general and abstract. They have to be, I guess.

In all of the discussions I've had with students and community leaders, there's one issue that trumps all others, and that is the rapidly rising cost of postsecondary tuition. This has really emerged as a key issue for students. Imagine the outcry, Mr. Speaker, if our corporate taxes in Alberta had tripled over the past decade. Imagine the outcry if energy royalties had tripled over the same period. Far from raising corporate taxes, they are being cut in half over a number of years. But that's not what's happening to student tuition fees. Tuition and related fees have more than tripled since 1990, the highest percentage increase in Canada during this time frame, and tuition continues to go up at several times the inflation rate year after year after year, so students have a real concern.

4:10

In a recent study done by the minister's own department, high school graduates indicated that the number one reason for not taking postsecondary education was the high cost. Over 70 percent agreed that the tuition and other costs are a barrier to further study. Recently the TD Bank, hardly an institution that normally is critical of Alberta government policy, released a report indicating that the prohibitive cost of postsecondary education was becoming a significant obstacle threatening Alberta's future prosperity.

While the amended Bill 43 might try to keep a legislative cap of 30 percent on those postsecondary institutions below the cap, postsecondary institutions that have reached 30 percent will be allowed to go above the cap. In other words, students attending the University of Lethbridge and some other institutions will find their

tuitions making up a larger than 30 percent share of the operating costs of those institutions.

What's needed, Mr. Speaker, is not a formula for endless increases in tuition as facilitated by Bill 43. What is needed is to put a brake on endless tuition increases. That's why I'll be introducing an amendment to Bill 43 that implements a freeze on tuition fee increases in this province. Quebec has frozen tuition fees for six years, Manitoba for two. Newfoundland has actually reduced tuition fees in the past few years. If these provinces, which do not have our oil and gas wealth, can afford to put a brake on tuition increases, why can't Alberta? That's what students keep asking me. Young Albertans not fortunate enough to come from well-to-do families have two options: go deeply into debt or not get a postsecondary education. An educated and skilled populace is the best investment a society can make in its own future prosperity. Alberta should be encouraging young people to seek postsecondary education, not punishing them with ever increasing tuition.

Bill 43 takes us even further away from the goal of making public postsecondary education affordable and accessible. For that reason, I have very serious concerns and reservations about Bill 43 and therefore my support for it.

Bill 43 also has several other failings which vastly outweigh a few of the positive features of the bill. For example, I remain unconvinced that the minister needs to give himself the power to audit and/or dissolve the elected student associations or their executives. Student union leaders should be accountable to students, not to the Minister of Learning, Mr. Speaker.

Bill 43 expressly prohibits both faculty and graduate students from free and fair collective bargaining, including those very rare instances where it may be necessary to engage in job action. In fact, Bill 43 not only strips away protections under the Labour Relations Code but also protections under the Employment Standards Code. All of these regressive measures are being implemented as part of a broader agenda, it seems to me, by the Tory government to take away the right to strike from everyone employed in the broader public sector. It would be one thing if the right to strike was being abused, but it has not been.

The history of collective bargaining in our colleges, institutes, and universities has been such that there has been rarely an action taken along these lines by any of the faculty associations. In fact, except at Mount Royal College, one solitary example, all other faculty associations have voluntarily negotiated away their right to strike, but these faculty associations and graduate student associations as well are free to negotiate back the right to strike. Unfortunately, this basic and fundamental right is being legislated out of existence in Bill 43. I'll wait to see the amendments. I hope the minister has changed his mind on that issue and that we'll be able to put this concern of mine away for good.

Finally – well, not quite finally yet – I do want to acknowledge that Bill 43 does provide some better protection to neighbourhoods from unreasonable expansion of universities and decisions affecting the neighbourhoods. I had a meeting this morning with representatives from the Windsor Park community as well as from Garneau. They still have some concerns, and they're waiting to see the bill in its amended form before they have anything more to say, but they did want me to reiterate their concerns about this bill and the protection they are seeking and hoping that this will provide to them. So I will have more to say on this as debate moves into committee; that is, how to make sure that protection could be made even better.

Mr. Speaker, I want to just quote the concern of faculty associations with respect to what the bill is proposing to do to their rights by using a quotation from ACIFA, which is the Alberta College-Institute Faculties Association. In a letter that I think they wrote to

the minister, they particularly focus on section 88 of the bill, and they say that

section 88, which imposes arbitrary restrictions on existing collective [bargaining] agreements freely negotiated in good faith, represents an unprecedented and unwarranted attack on the collective bargaining rights of faculty in our system.

In our view, Section 88 constitutes a clear violation of international conventions on freedom of association principles, as set out as recently as March 2003, in a series of rulings by the International Labour Organization (ILO) on complaints concerning several pieces of legislation passed by the government of British Columbia.

A legislated prohibition of strike action by academic staff members can only have a negative impact on the labour relations climate in our sector. No other jurisdiction in Canada has enacted such a drastic measure, which will do significant and lasting damage to the reputation of Alberta's post-secondary system, and create a bar to the recruitment of world-class scholars and teachers to our province.

Moreover, we are unaware of any actions or circumstances which necessitate or justify the inclusion in the proposed Post-Secondary Learning [Act] academic staff members of an express prohibition on strike action by academic staff members.

There's a bit of a problem with the wording there.

We do not accept that Section 88 can be justified by the need for consistency or uniformity throughout the post-secondary system, where currently only one academic staff association retains the right to strike under the terms of its collective agreement.

I will return to this later as we'll have more opportunities. Thank you.

The Deputy Speaker: Before I recognize the hon. Member for Edmonton-Centre, the minister was making a signal, and I could only presume that's under Standing Order 29(2) to ask a question or make a comment, or was it something else? No? Okay. Fair enough.

Are you wishing to make a comment or ask a question?

Ms Blakeman: Yes, I did have a question. I'm wondering if the member can expand on his thoughts on the faculty associations.

The Deputy Speaker: The hon. Member for Edmonton-Strathcona, a door has opened for you.

Dr. Pannu: Thank you, Mr. Speaker. Faculty associations are extremely concerned about the lack of any reasons, any evidence that the government has given with respect to why in Bill 43 it's being proposed that the right to strike by faculty associations and by graduate student associations will be taken away. In a reasoned debate in order to justify an action as drastic as this, what the faculty associations see is a violation of international agreements with respect to our fundamental rights to collective bargaining and the other instruments that are available to employees to seek redress to their concerns. These are matters that go to the very heart of democratic institutions and democratic societies and communities.

4:20

So faculty associations have two serious reasons to oppose this particular provision of the bill that is represented in section 88. One, it directly limits their own ability to exercise their rights, but secondly, and perhaps even more importantly, they see it as a serious assault on the very project of building a democratic society and expanding democratic freedoms and rights rather than rolling them back. Section 88 is seen by them as an attempt to roll back our democratic rights and the expansion of democratic practices across our institutions, in particular postsecondary institutions, which are

most important because our future leaders are exposed to the practices and experiences in those organizations. They then learn how to conduct themselves based on the experience that they have had in those institutions. Often people mirror the experiences that they have had in such institutions when they become decision-makers themselves, and that's why I think the faculty associations are so profoundly concerned about the provisions of section 88, and they would like to see section 88 taken out of the legislation altogether.

The Deputy Speaker: The hon. Member for Edmonton-Centre to continue debate?

Ms Blakeman: Continue debate if I may.

The Deputy Speaker: Okay. You're on.

Ms Blakeman: Thank you very much, Mr. Speaker, for the opportunity to speak in second reading on Bill 43, the Post-secondary Learning Act.

I would like to express my appreciation to the students who join us in both the public and the members' galleries. This is democracy in action, and I appreciate you coming down to listen to what's happening because it's your participation that's going to carry us forward and hopefully strengthen Alberta. My thanks to you all for coming down for this, and I hope you come back lots.

It's been an interesting situation. As I listen to the debates – and obviously there have been a number of meetings go on around this bill already with the minister and students' groups, official critics from the opposition and from the third party – I just want to name the situation that we're dealing with here with this bill.

We have a bill that's brought forward in the spring. It's left over the summer for people to have a look at – good idea, lots of feedback, excellent that it engendered that kind of discussion – but then when we get into debate on it, there's this all-fired rush to just get through second reading. Well, we have second reading as part of parliamentary process for a reason. It's an opportunity for us to discuss whether the general principle of the bill is something that we want to proceed with.

There's this interesting sort of pressure, perhaps attitude, and of course the minister has lots of opportunity to stand up and rebut me on this, but, sort of: let's get straight to these amendments because, gee, you know, spending even an hour debating in second reading is too much. We, especially in this Assembly, have got into a situation where that kind of pressure is always on, that any debate is too much as far as what I'm picking up from the good members opposite and could we just please proceed immediately to Committee of the Whole and, gosh, if you want to talk too much there, then there's the new guillotine motion which is a time-restraint motion.

So I just want to name what I've been listening to already today and some of what I've heard, admittedly thirdhand or secondhand, in exchanges to try and sort of hustle this all the way through. We have these processes available to us, and I would expect encouragement of good use of parliamentary process from the members opposite.

Two of the other things that I've heard are: the carrot dangling in front of us, that if we just hustle on through into Committee of the Whole, we'll get the amendments tabled. I appreciate that very much. I know that the students appreciate that very much, but there is nothing stopping the member from tabling the amendments now.

An Hon. Member: Yes, there is.

Ms Blakeman: Well, we've certainly had draft amendments out there circulating on other bills and certainly available for discussion. Draft ones have been circulated all kinds of times.

The second thing is this carrot again dangled about that the minister will make the regulations available. Well, I think that the students that are here in the gallery would like to know if he is going to do that or not. Will he table the draft workings or whatever he's talked about with these regulations? They need to see that. That's part of their decision-making process as to whether they can support it. So where's the tabling? Let's have the tabling. [interjection] Now we get into the semantics of the wording of this. You table all kinds of drafts and white reports and considerations of things. So, fine, as long as those things are available for people to continue and have the discussion and be able to read them. So if the minister is on record as saying he's going to do it, I'm happy with that. That's what we wanted to hear.

There have been a number of points of concern that have been raised around what's been brought forward in this bill, and I think they can be lumped very loosely into a couple of categories. One is around the tuition and the fears of rising tuition costs for students, removal of the cap, and then some sort of percentage where it can continue to rise, and the students' fear is that they will be responsible for an ever increasing portion of the costs of university tuition. It will be directly tied to that. So there's an issue around cost to students, and with that, I think, goes a debt load and access to student loans.

Second to that is, to me, a really important issue about the freedom and integrity and independence of our institutes of higher learning, and the easiest way for me to sort of explain that is to talk about tenure, professors or instructors in postsecondary institutions having tenure. The point is so that they can explore and test the waters and challenge and think. That is where we house our thinkers, and it makes me very uneasy to have a bill that essentially pulls all the reins of power and control into the hands of a minister who then has a shell bill in which he is empowered to do a number of things under regulation.

Does that mean that I think that this minister is going to go out as soon as this bill is passed and, you know, start to direct what the university does? The controlling mechanism here is the approval of the business plans. Do I think that that's what his intention is, is to immediately rush out and do that? No, I don't. But I think the potential is there, and I think we have to guard against that potential.

We talk about economic diversification all the time. We talk about how we need to get away from the oil and gas sector. We talk about being a smart province with a great emphasis on high tech and creative thinking, and it's our intellectual property that is going to move us forward in the province. I think that if we understand that, we need to be protecting and upholding the independence of our postsecondary institutions, and I think that is being challenged with what we're seeing in this bill.

Sometimes that comes about because people are anticipating the situation that arose. To quote loosely from Shakespeare: will no one rid me of this man, in which the followers of a particular king or whoever thought that the intention was that the person be killed. That was the wish of the lord, and off they went and killed him, came back, and he went: oh, well, I didn't really mean that. But you took it to mean that.

So it can be put onto people, a sort of self-censorship that happens, and I've seen this happen once before. I think we've climbed back out of it, but I have seen it happen once before where because of what had been stated by the government – what this was was around community standards. In fact, what happened was the minister, quite rightly so, was very carefully monitoring community

standards and never came in and imposed a community standard on any play or book or film or whatever. But what I saw was that the choices that were being made by the organizations became more and more careful for fear they would cross that line of community standards. Nobody knew where the line of community standards was; nonetheless, they all pulled back, and what we had was a period of less interesting production in the artistic world because they were self-censoring.

4:30

So I just want to put that example forward on the kinds of freedom to challenge and think and push forward academically that happen when there is fear that perhaps their funding won't be approved. It doesn't even have to be anything overt. I mean, there's just: the business plan gets sent back and gets sent back, and people go, "Oh, we don't know what we're supposed to do." They start to make adjustments hoping that's going to please everybody. I think that's what we have to really guard against here and one of the real concerns that I see.

The hon. members for Edmonton-Mill Woods and also for Edmonton-Strathcona have spoken about their concerns with banning labour strikes in the universities and colleges, which is always an area that is going to concern me. You know, you don't get organizing of labour unless people feel that there's a good reason to organize, that they need to be able to have a collective bargaining process to go and argue with a much larger entity and feel they need to come together for that. That collective bargaining process is about a balance. If you take away one of the legs of that balance, you're going to tip the table. It is no longer fair for those workers because they no longer have the right to strike. I think that, again, places what we're trying to do in our institutes of higher learning, certainly for the support staff that are there, in jeopardy.

The user pay. I appreciated the comments that were made by the Member for Edmonton-Rutherford, bringing forward a sort of no-taxation-without-representation argument, that if they're going to end up paying higher tuition fees, they would correspondingly get more representation or more space on the decision-making board. Okay. Interesting argument. I think most of the students would far prefer not to have their tuition go up, and they would certainly prefer not to be taking on the kind of debt load that seems now to be an expectation.

I find it very interesting that the generation that we find in this House making the laws is, I think it's fair to say, a generation that came through university with fairly manageable student loans if any at all, yet this group is very quick to put a huge debt load on the students that come after us. Interestingly, this is also the same generation of you, my good colleagues in this House, that was the last generation that participated in student activism in our institutes of higher learning. Yet this is the same group that is so quick to want to slam that door closed on any student activism to come in the generation that's currently in these institutions or that are to come. Neat sort of: "Thanks, I enjoyed it, but no more for anyone else. We're going to close the door so no one else gets to enjoy those same privileges." Interesting.

You know the one thing that Bill 43 has done – and I really appreciate the minister giving this opportunity – is to mobilize and activate and energize a youth vote, which as we know we are not very good at in this province. Only 50 percent of our population votes now, and the percentage of people that are 18 to 30 that actually vote is one out of every five, I think, or possibly as high as one out of every four. So they account for 13 percent of the population, yet they're not out there. Frankly, I think it can be argued – and I will argue it – that when you see legislation like Bill

43, it's reflective of the fact that that 18 to 30 demographic does not vote and everybody knows it. So if students or younger people don't like this bill, at this point there is no repercussion on the government for passing it – none – because younger people don't get out and vote. They're not making their voice heard. So if nothing else, this will help to mobilize that and for that I thank you. I think that's an incredible gift. [interjections]

The Deputy Speaker: Hon. member and hon. minister, under Standing Order 29(2)(a) you have an opportunity to ask questions or make comments, but right now we have the hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Speaker. I think at this point I will conclude my remarks and carry on with further remarks when we're in Committee of the Whole. I certainly appreciate the opportunity to talk in wider terms about what this bill is presenting, particularly the context of this bill that we've had and all of the things that have surrounded it. It's been a very interesting process. Thank you, Mr. Speaker.

The Deputy Speaker: The hon. minister rose first. To make comment or question, hon. minister?

Dr. Oberg: Yes.

The Deputy Speaker: Go ahead.

Dr. Oberg: Thank you, Mr. Speaker. I just have one very brief question. The hon. member had talked a significant amount in her speech about the centralization of power in the minister's office. I guess my question to her is: have you met with the institutions in your city – namely NorQuest, Grant MacEwan, and the University of Alberta as well as NAIT – in order to ascertain their views? They unanimously gave me support for this bill. So the question is: have you met with the affected postsecondary institutions?

Ms Blakeman: I didn't quite hear the question at the end of that. You made a statement, but there was no question at the end of it.

Dr. Oberg: My question was: have you met with the four public postsecondary institutions in Edmonton to ascertain their position on Bill 43?

Ms Blakeman: My responsibility is to my constituents, who live in Edmonton-Centre, and I have certainly been very happy to meet with any of the students that asked me to. I have a different responsibility, and that's to the constituents. [interjections]

The Deputy Speaker: Hon. minister, if you wish to ask a question, please stand in your place and be recognized. Right now it's Edmonton-Rutherford.

Mr. McClelland: Thank you, Mr. Speaker. I'd ask the Member for Edmonton-Centre, who just spoke: notwithstanding the concerns over process and notwithstanding the responsibility that the member has as a member of the opposition to question the legislation, thereby making it stronger – and we understand the role of the opposition – I would really like to know . . . I'm really puzzled by the approach that the students' association has brought to me, saying that their fidelity is to their association, to the freedom. Some have represented to me that they feel that it's a violation of human rights that the students' association should have to report to the board, while it

seems to me entirely legitimate that a students' association of a particular institution should have its fidelity to the institution through the board. It's a perfectly natural consequence of responsibility because it's the board and the institution, not the students' association, that should be of primary importance. So I'm wondering what the Member for Edmonton-Centre feels in that debate, in that conundrum.

Ms Blakeman: I think my starting point in that debate is around who's paying the piper – in other words, who's funding it, or where's the money coming from? – and also the fact that you're dealing with an elected body, so you have a group of individuals that are adults who elect a group of people to perform certain services for them and represent them. I take it that you argue – and you have an opportunity to clarify – that then they must report to somebody else. I mean, it's an interesting concept, but those students pay for the students' union, they pay for the services the students' union offers, and they independently elect them.

So I think there's validity to the argument of challenge in which they're saying: why do they then have to report to someone else and have to come under the control of a different group?

The Deputy Speaker: Any further debate? The hon. Member for Edmonton-Glenarry.

4:40

Mr. Bonner: Thank you very much, Mr. Speaker. I would like to just make a few additional comments on Bill 43, the Post-secondary Learning Act. Certainly all the speakers that have been up so far have covered the fact that this particular bill will repeal four existing acts: the Banff Centre Act, the Colleges Act, the Technical Institutes Act, and the Universities Act. It will mold them into one act. As well, we have also heard that in this entire process there has been quite a bit of stakeholder consultation. Certainly, the introduction of the bill in the spring did allow many of us the opportunity to have some stakeholder consultation over the summer and into the fall. I also have to say that I along with all other members and all other stakeholders or students that are in the crowd look forward to seeing the amendments and the draft regulations tabled in this Assembly.

While we do want to commence debate in Committee of the Whole and look at how the amendments and the regulations are going to substantially change what we initially thought Bill 43 was going to do, second reading is also, as pointed out by the Member for Edmonton-Centre, a very important part of the process of passing a bill in this particular Assembly.

Overall the process has been a good process, particularly for two of the groups, and certainly to the extent that our students have had the opportunity to look at the portions of the bill that directly affect them, it is unfavourable. One of the areas that is very unfavourable to students is the section of the bill that will remove the 30 percent tuition cap from legislation and leave it up to regulations. This has been quite a contentious issue for some time, and in the early '90s, when my oldest daughter was studying at university, she saw her tuition fees triple in the course of a four-year science program. This has a huge, huge impact on students who have limited abilities to work during the school year and don't have the ability to make great amounts of money during the summer at the jobs that are available.

But what we also forget in all of this, Mr. Speaker, is the fact that students have a lot of other expenses. When I was at university and when my daughters and my son were at university and now for students today, the price of textbooks has increased immensely. With the fact that textbooks don't seem to be recycled that much anymore but new editions come on quite often, they are faced with

these huge costs for textbooks as well. We all know that the cost of accommodation is another area where, certainly, expenses have risen drastically and continue to rise.

So what has happened here with these increased costs is that more and more we are limiting the accessibility of universities to all of our students. Certainly, that was not the dream of the pioneers in this province when, under the first Premier of this province, the University of Alberta was established.

An Hon. Member: A Liberal.

Mr. Bonner: Yes, Premier Rutherford was a Liberal and had an excellent vision. I know he'd be disappointed in the direction that we're taking with our students today.

I heard, as well, the hon. Member for Edmonton-Rutherford describe our universities as a cornerstone of democracy. Certainly, when I think of democracy, I think of two key words, and they are: independence and freedom. What has happened in this bill is that when we do consolidate the minister's power over the universities and colleges and the students' union in there, we certainly are limiting independence. We are also limiting freedom. Perhaps the one greatest advantage that these institutions of higher learning have been able to offer students is the opportunity to exercise their creativity, and I would certainly not want to see any limiting of that ability for our students or that opportunity for our students.

Now, then, as well, when we look at the issue of consolidating the power with the minister, it has a tremendous amount of potential. It will also have great influence to limit the independence and the freedom of students. It is a loss of autonomy, and what I liked was the explanation given by the Member for Edmonton-Centre that certainly the students do have the right to their own associations because of all the reasons that she had given.

As well, I think that what happens here when we talk about consolidating power is that one of the ways that is done with this particular bill is it requires universities to submit regular business plans to the Minister of Learning, and it gives the Minister of Learning an opportunity to interfere in the operations of postsecondary institutions and certainly has the potential to threaten academic freedom.

Another point that was covered by the Member for Edmonton-Strathcona was the strike action of the professional staff being removed. For certain, I cannot see why we would want to make this part of the bill when it has never had a history. When we have never had a history of strike action in our universities, why would we want to limit job action? Certainly, even if we had, it is the right of workers to be able to take job action if, in fact, they do not like the negotiations that have gone on between them and their employer. So I definitely do have some concerns when we start to limit the rights of workers.

It almost makes me think: what do people envision down the road that they would require this put into legislation? What type of action is being planned that it would be put into legislation to limit job action by professional staff? When we take away these rights, rights that have never been abused, then it does lead to questioning, and we certainly want to see what is the detail of the regulations that limit this.

So with those few comments, Mr. Speaker, I will take my seat and listen to the comments of others as they speak about Bill 43, Postsecondary Learning Act. Thank you.

The Deputy Speaker: If there are no comments, then the hon. Minister of Learning to close debate.

Dr. Oberg: Thank you very much, Mr. Speaker. Thank you for giving me the opportunity to close debate. I think that a lot of the questions that have been raised by the hon. opposition parties will be answered with the amendments that will be tabled, hopefully this evening. The proposed tuition fee regulations will also be tabled this evening.

Just in quick response, as the hon. Speaker knows, as a minister of the Crown I am not able to share the actual writing of any amendments until they are tabled in the Legislature, which is the reason that we want to get into committee. It is not to stifle debate. It is actually to have a more reasoned debate as a considerable amount of Bill 43 has been changed following consultation with student associations, faculty associations, and boards of governors.

4:50

Mr. Speaker, the only comment that I would make on this is that realistically I certainly would ask each and every member who decides to speak on this bill to contact their postsecondary institutions and ask them quite simply whether or not they're in favour of Bill 43. What you'll find, I believe, is that there is unanimity among all the postsecondary institutions. I would ask as well that because of the ability of this bill to allow colleges and technical schools to grant degrees, there are an awful lot of students out there that are waiting for this bill. So I would just ask them to keep that in mind as we move forward to committee.

Thank you.

[Motion carried; Bill 43 read a second time]

Bill 45 **Family Law Act**

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

Ms Graham: Thank you very much, Mr. Speaker. I do take great pleasure this afternoon in rising in the Legislature to move second reading of Bill 45, the Family Law Act.

This bill represents a huge step forward for the citizens of Alberta for it modernizes, simplifies, and consolidates much of our provincial family law, which has been sorely in need of review and revision for many, many years. Family law touches each and every one of us either directly or indirectly, so it is very important that our Alberta legislation be understandable, be relevant, and be reflective of what Albertans see as fair and appropriate. Furthermore, as much as it is possible, it is important that our legislation be harmonized with the federal Divorce Act so that we don't create two classes of family law litigants in this province.

[Mr. Klapstein in the chair]

Mr. Speaker, I introduced Bill 45 on May 15, 2003, the last day of the spring session, with the intent that the bill be held over until this fall session to give a final opportunity for review and comments. I'm glad that we took the time to receive further comments on the bill for we have received much good advice which will result in an improved piece of legislation. The clarifications and improvements will be contained in House amendments to be introduced during committee stage later in the session.

This bill, Mr. Speaker, represents a fourth stage in government's overall plan for family law reform, a subject which is near and dear to my heart. I'm very proud that our government is committed to family law reform, and in my remarks today I want to provide some background and context for this bill, how it fits into the plan for general family law reform, to also provide an overview of the

contents of the bill, and to talk about the nature of the consultations done over the past summer.

[The Speaker in the chair]

By way of background, Mr. Speaker, as I mentioned, there has been a longstanding need for family law reform in Alberta. I am told, in fact, that a general review of family law had not been conducted in the province since the 1920s. From my own perspective as a family law practitioner prior to my election in 1997 I had experienced firsthand in representing my clients the unnecessary confusion, duplication, and complexity caused not only by our outdated and overlapping family law statutes but also by the fact that we had two levels of court, our Provincial Court and the Court of Queen's Bench, handling family law matters as well as two levels of government involved in these matters.

It was in 1997 at the behest of the then Minister of Justice, Jon Havelock, that our government appointed an MLA committee to review the maintenance enforcement program and child access. I had the honour of chairing that committee along with the Member for Bonnyville-Cold Lake and the Member for Red Deer-South, now the Minister of Innovation and Science. The presentations that we heard from members of the public as well as interest groups and experts convinced the committee that significant changes were required to many aspects of family law in Alberta.

The report of the MLA review of the maintenance enforcement program and child access was presented to government in 1998, and since that time, Mr. Speaker, it has served as a guide to the government in changing family law to better serve the needs and priorities of Albertans in the 21st century. Some immediate changes were made as a result of the report of the MLA review, and members will recall that the government responded quickly with legislation to enforce access orders as well as with program and legislative changes to the maintenance enforcement program, which I think have served us very well.

The other two stages of family law reform called for by the review were a unified family court system and substantive family law reform. Because of the importance of these reforms to the everyday life of Albertans the government has proceeded most carefully and with extensive consultations to ensure that it is proceeding with the best possible suggestions for reform.

Progress is being made towards establishing a unified family court in the province, targeted for the spring of 2005, with the help of the unified family court implementation steering committee, which I am privileged to chair. This bill, the Family Law Act, represents many of the changes to substantive family law that were recommended by the report of the MLA review and addresses the goal of substantive family law reform.

Mr. Speaker, this bill represents countless hours of work by the Alberta Law Reform Institute and by Alberta Justice. Many of the proposals found in the bill came from reports on family law developed by the institute. The Department of Justice has also surveyed and studied best practices in legislation across the country and elsewhere. Hundreds of hours have been spent on public consultations as well as consultations with experts in family law. There have been extensive discussions inside government on these proposals, and all of this is reflected in Bill 45 as it now reads.

Over the summer, since introduction, there have been additional targeted consultations with government departments whose mandate may be impacted by Bill 45, with other justice programs and divisions which may be impacted, and there have been external reviews with senior legal practitioners, with all levels of court, with the Canadian Bar Association, family law and wills and estates

sections. There has also been additional input from members of the public, including the Alberta grandparents association. As a result, Mr. Speaker, I feel very confident in saying that there is broad support for Bill 45, particularly with the House amendments we intend to introduce resulting from this last consultation.

I would now like to provide a brief overview of the bill, which has as its main intent to make family law legislation more accessible and understandable to Albertans, and it accomplishes this in three main ways. First, it updates the law in relation to parentage, including parentage achieved through reproductive technologies. It updates the law with respect to rights and responsibilities of parents and guardians of children, with respect to custody and access to children, with respect to child support and support for spouses and adult interdependent partners.

Second, it consolidates and rationalizes provincial law which is presently contained in the Domestic Relations Act, the Parentage and Maintenance Act, part 5 of the Child Welfare Act, part 3 of the Provincial Court Act, the Maintenance Order Act, and various other related statutes.

Third, it harmonizes as much as possible with federal divorce legislation and other provincial family legislation such as the Adult Interdependent Relationships Act, the Matrimonial Property Act, the Interjurisdictional Support Orders Act, and notably with the proposed unified family court, which is to be enabled through the proposed Alberta Court of Justice act to be introduced by the Minister of Justice later this session.

5:00

In structure, Mr. Speaker, Bill 45 contains seven parts, each of which is devoted to a significant aspect of family law. It continues much of the existing family law but uses more modern terminology, and it does include some significant changes to the current provincial law, which I will now mention.

Part 1, entitled Establishing Parentage, includes new provisions on surrogacy and assisted reproduction, which will allow infertile individuals a means to achieve parent status.

Part 2, entitled Guardianship, Parenting and Contact Orders and Access Enforcement, sets out a detailed test for determining the best interests of children in all family law matters, including special criteria for family violence. It also contains a comprehensive list of the responsibilities and powers of parents and guardians of children. It eliminates the concept of custody and access and replaces it with the concept of parenting orders, which has the effect, it is hoped, of turning parents and courts away from the win/lose language of custody and access and toward arranging parental responsibilities and rights in a way that meets the needs of their child. It also introduces the concept of contact orders, under which grandparents and siblings and others may obtain an order allowing visitation or other contact with a child.

Part 3, entitled Support Obligations, will be subject to substantial change by House amendments. Division 1, which deals with child support, now currently provides an obligation to pay support for children up to age 18. It contains broad objectives but little detail on how child support amounts should be calculated. House amendments will be introduced to allow for support for a child up to the age of 22 provided the child is in full-time attendance at school. This will better harmonize, Mr. Speaker, with the Divorce Act.

There will also be House amendments bringing in the implementation of child support guidelines based on those now used in conjunction with the Divorce Act. The use of these guidelines is not new to Albertans as courts have been applying them in nondivorce matters for some time now. These guidelines are proven to have reduced litigation in child support matters, and we would expect that to continue.

Division 2 deals with spousal and adult interdependent partner support. For the most part, the provisions in Bill 45 parallel the provisions of the Divorce Act for spousal support, especially as to the objectives that are to be met by support orders.

Division 3 is called Support for Person in Need. Currently, it re-enacts the almost 80-year-old Maintenance Order Act, which imposes an obligation on grandparents, parents, children, and grandchildren to support other family members who can't support themselves because of disability or similar cause. We will introduce House amendments to remove this division primarily in order to achieve greater consistency with our government's policy of encouraging financial independence of disabled adults.

Mr. Speaker, the remainder of the act contains general matters including the court powers necessary to operationalize the rights, responsibilities, and obligations set out in the act. Of note are provisions encouraging the use of mediation and other alternative dispute resolution processes, a clear right for a party to get financial disclosure for the purposes of determining support, and also provisions that will enable the court to require people to attend courses or programs such as parenting after separation. It will also eliminate such outdated legal concepts and actions as the jactitation of marriage. It will bring uniformity of concepts by making consequential amendments to other statutes, such as the Child Welfare Act, which deal with family matters as well.

As I mentioned, Mr. Speaker, it is the government's intention to introduce other House amendments which will cover many areas of the bill, most of which are to improve the clarity of the bill. Some proposed amendments are especially for the purpose of setting out which level of courts will have jurisdiction over the various parts of the act.

At this time, Mr. Speaker, I would like to personally acknowledge our Minister of Justice and his predecessor and their respective departments, particularly everyone on the family law team that I named in first reading, along with the family law reform institute, our courts, our practising bar, the CBA sections in the Law Society, other individuals and agencies working in the court system, my MLA colleagues in government, and the members of the public for coming forward with their valuable contributions to this important legislation.

Mr. Speaker, I conclude with the reflection that the introduction of this bill is a great milestone. It's the product of over six years of work with input from many, many Albertans. While we're not at the end of this journey, the bill does represent a major step toward achieving the government's commitment to complete reform of both the procedure and substance of Alberta family law and toward accessible justice for all Albertans.

Those are my remarks on second reading.

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

Ms Blakeman: Thank you very much, Mr. Speaker, and thank you very much to the sponsor of the bill. I said that I was looking forward to her opening remarks. I anticipated the thoroughness of them, and I do appreciate the effort that she put into doing a good explanation of what's contained in the bill, because others will look to *Hansard* in the future, and that's a nice sort of primer for them to go from.

As well, without repeating the many people that she named as being involved in the amending act, I would like to echo her thanks for people's time and care. This act covers topics which are very difficult for some people. We are talking about, for the most part, setting out the rules by which families come apart, and that is not an easy subject for anybody. So I appreciate the care that so many

people have put into trying to craft the best possible legislation that they could.

I also think it was interesting to have the bill introduced at the end of the spring sitting and sitting over the summer for feedback. I think that process was very much worth while. It resulted in a great deal of feedback and has, as the member points out, resulted in, as someone once called it, a Mack truckload of amendments, which we are anticipating looking at this evening, in all likelihood.

So forgive me if I repeat occasionally some of the information that the member has already put on the record as I sort of walk through my initial reaction and discuss the bill in principle. The goal of this was to update and consolidate legislation. I think that for any of the lawyers in the Assembly here who've dealt with family law and certainly in my background in working with women's issues, there are some very difficult and trying situations that arise when legislation doesn't keep up with the times and doesn't necessarily recognize some of the new situations and relationships that have developed.

So it was certainly a good thing. Often I stand here and say: well, was it a good thing? Was there a need for this legislation? Yes, I think there was a need for this legislation. Is this the legislation that's going to address the need? I'm fairly confident that this is going to fill the gap that we needed it to fill. As I said, this is covering all the aspects of the statutes that deal with matters relating to relationship breakdown and children.

5:10

There are three acts that are being repealed, and it's also creating consequential amendments. It's repealing the Domestic Relations Act, the Maintenance Order Act, and the Parentage and Maintenance Act. It's essentially creating legislation that is the sole recourse of nonmarried couples upon the breakdown of that relationship. Married couples can still have access to the provisions in the Divorce Act. It is creating a more coherent legislative scheme for matters relating to relationship breakdown and specifically to children. This is long overdue and I think a welcome advance from the perspective of most of the family law practitioners.

I have spoken to some people over the summer that expressed reservations, but overall people were very glad to see this. Over the summer I identified a number of concerns that I had, especially where the legislation seemed to create an inequity, particularly between families that were married versus nonmarried. We cannot create those inequities anymore. The Charter, the Constitution, everything else says that you've got to treat those units the same, that same kind of family situation, and that's what we're trying to do here.

If we look at the general flow of what's happening in the bill, it's addressing a couple of key areas. It looks at establishing parentage, and as the member mentioned, there is some creation of some new ways of dealing with that now, and it's timely that we are looking at that and trying to set out some rules that everybody can operate by.

Part 2 is looking at guardianship, parenting and contact orders, and access enforcement, some of which we've done in this House over the last period of time, but in many cases not that many changes to the work that we did before but major changes to other things. Quite a section on guardianship, parenting orders, contact orders, and enforcement of access, as I said, support obligations, general powers of the court, and then you're into the consequential amendments.

So the establishment of parentage is putting mechanisms in place that will help determine who the father and the mother of children are. These were in the Parentage and Maintenance Act, and they provide the presumption of parenthood mechanisms by which

parentage can be declared. The new ones in particular are dealing with surrogacy and assisted conception, which we would have called artificial insemination before, and now it's got a different name.

Under guardianship, parenting and contact orders, and enforcement of access to children it identifies the guardians of children, usually the parents, and allows for the appointment of additional guardians if necessary. It also is providing for courts to make parenting orders, and that includes things like residential care of a child or guardian access to a child, allowing the courts to distribute different powers to make decisions about a child's welfare or their upbringing or their place of residence, all those kinds of decisions that have to be made, so the custody and access provisions that we're used to seeing with additional aspects to them as needed.

Part of, I know, what some of my colleagues want to speak about includes talking about contact orders, the ability for grandparents to seek contact orders. This is a situation of high emotion and great commitment and great difficulty, and I know that some people are going to speak to that a little later.

I've spoken before on enforcement provisions, and I think that when we get into Committee of the Whole, I'm going to comment on that again.

The member spoke quite a bit, actually, about support obligations and provisions for child support. Also, it still includes provision for spousal support. Because we have far more women in the workforce and more expectation through sheer economic demand that both partners and heads of households are working, there's less call upon this, less demand, but I think we still need to have it there for a number of reasons.

The surrogacy and assisted conception sections that are in here. There are a few issues that I hope we're going to have looked at or dealt with by the amendments. The intention of this section is to allow parents to be identified according to the intention of the parties involved rather than just on the basis of determining who's the biological parent and who gave birth to the child. It's moving beyond the mechanics of it, if you will.

A couple of examples around why that becomes important. You can have Dick and Jane or Sally and Dick, who want to have a child. Sally can't get pregnant. They find Jill, who is willing to carry a child for them. Jill gets pregnant with Sally's genetic material, and the child is born. Now, everybody agrees that Sally and Dick are the parents. That's the point of this. That was the intention of it. That's why everybody started out into this. But legally, as it stands right now, neither Sally nor Dick are the parents. They have to go through an adoption procedure. I think that anyone that's been through that knows that it can be costly and unnecessary. There has to be another way for us to do that, especially when the intention of the parents is so clear.

Another example of that. We're going to go back to Sally and Dick again. They want to have a child, but this time Sally can't get pregnant, because Dick is infertile. Sally and Dick go to a clinic. Sally is artificially inseminated. When the child is born, once again everyone expects that Sally and Dick are the parents of the child. That was the point of it. That's why they go into all of this. The problem is that Sally is the mother, but Dick is not the father. He will have to adopt the child. Again, costly and unnecessary. The point of this, the intent, was pretty clear to everybody, but the law as it stands now doesn't allow that to happen. The only mechanism that it gives them to make it legal, to rectify the situation, is going through that adoption process.

So there has to be a way for us to start out from the beginning and say: knowing that that's the intention, how do we set this up from the get-go, from the start? The bill does address situation B completely. That's the one where we've got Dick not able to be named the father

without going through the adoption process. He can be declared the father, and Sally, who gave birth, is going to be automatically the mother under the law. But the bill does not address situation A, and I'm hoping that we will see amendments. I know that I have offered some language by way of amendments that may well address this problem, allowing for Sally to be named the mother.

What we have right now is that Sally can be named the mother, but there's no provision to allow Dick to be named the father of the child. He still has to adopt the child. We're only halfway down this road. We've got to be able to do this better, especially when this is a huge bill, and I'm sure that there's no great wish to have to revisit it in an amending act anytime in the future. So it would be nice if we could get this right as we're doing it here.

5:20

We also have a third situation, which is a surrogacy situation with same-sex parents. We're in the same problem here. We would have Sally being the mother because she gave birth, but there's no provision for a Jane, for example, to be named the second parent. Again I have made suggestions on how that could be accomplished. The second parent, Jane, would still have to go through an adoption there. So possibilities.

Those two sections are in essence trying to name a mother and name a father, and I think that where, actually, we start to stumble is where we try and put those kinds of gender-laden designations on things. That's not helping us with what we're looking at.

The other area that I'm struggling with and I think that some others certainly have raised with me is the notification section. I think this is coming to me from those that deal very directly with a lot of family law. The concern that's being raised there is that the child is to receive notice of all guardianship and contact order applications provided that the child is older than 16. I think that's what we're trying to achieve.

The worry about this is that these children – they're 16, but they're children – are to be served with affidavits that may well be sworn by parents who are not fond of one another and can be fairly inflammatory and really get on their horse and ride with some fairly hateful language. You now have set up a situation where this 16 or 17 year old is going to be receiving these affidavits. Not the best situation.

I think that in some cases we know that where this really goes awry is where members of the family try and use other members as a pawn in trying to achieve their ends when we have family breakdown. I think we want to be trying to make sure and trying to achieve that balance between a fair notification for those that are involved and still some protection for children who just really do not need to be used in the middle of a war between parents who can be using the child in the middle as a pawn. Is it likely that we would be allowing for a relationship between a child and their parent to deteriorate because of information that they've had to read in one of these affidavits? So I suppose the argument can be made that, you know, they don't have to read it, but I don't think that's too likely. So I'd like to have a look at that when we get to these amendments.

As well, in the parenting orders only guardians can apply for parenting orders, so it's important that the surrogacy and assisted conception sections are addressed here. Those parenting orders direct which parent has custody and which has access, and if we have a situation where the relationship has broken down and they can't agree, then the courts are having to figure this out, and the direction comes from the act.

We've got the contact orders, which I'd referred to. The provisions allow a parent or a person standing in place of a parent, a grandparent, for example, if parents have separated, to make an

application to have contact with the child. The test that's set out will make it harder than it should be for people like grandparents to get these orders. I know that I've had a sort of ongoing conversation with the Minister of Justice about what's fair here and what are best interests of the child and parental rights. That's where the discussion seems to get involved and continuous, so I'm sure that we'll be continuing it as we look at trying to make this the best legislation possible. I think that the test that's set out here is too difficult. It makes it harder than it should be for people to be able to get these orders, and specifically I'm addressing grandparents here. The test is just too high.

I know that I'm coming near the end of my time here. There are a couple of issues around child support obligations, making sure that

we're being equal in both places here with all kinds of families, and I think that right now there is an inequity that needs to be addressed.

Financial disclosure I still think is an area where I have some real concerns, especially around safety.

So I'm looking forward to continuing this discussion, and at this point I would like to move adjournment of Bill 45, please.

[Motion to adjourn debate carried]

Mr. Stevens: Mr. Speaker, I move that we call it 5:30 and adjourn until 8 this evening.

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

