

Legislative Assembly of Alberta

Title: **Wednesday, May 2, 2001**

1:30 p.m.

Date: 01/05/02

[The Speaker in the chair]

head: **Prayers**

THE SPEAKER: Good afternoon.

Let us pray. Our Father, we thank You for Your abundant blessings to our province and ourselves. We ask You to ensure to us Your guidance and the will to follow it. Amen.

Please be seated.

head: **Presenting Petitions**

THE SPEAKER: The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thank you very much, Mr. Speaker. I'd like to present a petition signed by 28 individuals from Calgary who are asking that Stockwell Day be "made personally liable for any funds required to settle his defamation litigation and that no public funds are used for this purpose."

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Riverview.

DR. TAFT: Yes, Mr. Speaker. I'd like to present a petition signed by 25 people from Edmonton urging the Legislative Assembly "to ensure that Mr. Stockwell Day is made personally liable for any funds required to settle his defamation" suit.

THE SPEAKER: The hon. Member for Edmonton-Glengarry.

MR. BONNER: Thank you very much, Mr. Speaker. I have a petition signed by 31 residents of Calgary urging the Legislative Assembly "to ensure that Mr. Stockwell Day is made personally liable for any funds required to settle his defamation litigation and that no public funds are used for this purpose."

head: **Reading and Receiving Petitions**

THE SPEAKER: The hon. Member for Edmonton-Beverly-Clareview.

MR. YANKOWSKY: Thank you, Mr. Speaker. I rise to request that the petition I presented yesterday be now read and received.

THE CLERK:

We the undersigned residents of Alberta, petition the Legislative Assembly of Alberta to urge the Government of Alberta to introduce amendments to the Human Rights, Citizenship and Multiculturalism Act to allow Alberta health professionals to opt out of those medical procedures that offend a tenet of their religion or belief that human life is sacred.

head: **Presenting Reports by Standing and Special Committees**

THE SPEAKER: The hon. Member for Calgary-Lougheed.

MS GRAHAM: Thank you, Mr. Speaker. In accordance with Standing Order 94 the Standing Committee on Private Bills has reviewed the petitions that were presented Monday, April 30, 2001, and I can advise the House that all but two of the petitions comply with Standing Orders 85 to 89.

The committee has considered the remaining petitions and recommends to the Assembly that Standing Order 89(1)(b) be waived for the petition for the Congregation of the Most Holy Redeemer Amendment Act, 2001, subject to the petitioner completing the necessary advertising before the committee hears the petitioner.

The committee also recommends that the petition for ING Western Union Insurance Company Amendment Act, 2001, be deemed to have satisfied the requirements for advertising under Standing Order 86(1)(b).

Mr. Speaker, this is my report.

THE SPEAKER: Does the Assembly concur in the report?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

head: **Tabling Returns and Reports**

THE SPEAKER: The hon. Minister of Community Development.

MR. ZWOZDESKY: Thank you. Mr. Speaker, I'm pleased to table five copies of an information bulletin from Community Development commemorating the inaugural Grant MacEwan author awards, which took place today at Government House. I was honoured to represent our Premier and our government at this important inaugural awards ceremony and particularly privileged to present these inaugural awards to Mr. Fred Stenson of Calgary for his book *The Trade* and the Grant MacEwan author inaugural award also to Ms Erin Knight for her book *May Without Snow*. She's an Edmontonian, and she's the inaugural recipient of the Grant MacEwan young author scholarship. All of this was done in the presence and in the good company of Dr. MacEwan's daughter, Heather MacEwan Foran. I want to extend our heartfelt congratulations to these two winners, to Ms Knight and to Mr. Stenson, and to all the finalists who were in attendance.

Thank you.

THE SPEAKER: The hon. Minister of Human Resources and Employment.

MR. DUNFORD: Thank you, Mr. Speaker. I am pleased to table with the Assembly today the National Child Benefit Progress Report: 2000. Also, I have the 2000 annual report of the Alberta Association of Architects, the 1998-99 annual report of the Alberta Registered Professional Foresters Association, the 2000 annual report of the Certified General Accountants Association of Alberta, the 2000 annual report of the Alberta Land Surveyors' Association, and the 1999-2000 financial statements of the Certified Management Accountants of Alberta.

Thank you.

THE SPEAKER: The hon. Minister of Energy.

MR. SMITH: Thank you, Mr. Speaker. Today I'm tabling the appropriate number of copies of a press release dated April 25 from the Alberta Energy and Utilities Board which addresses the rollout of the proposed public safety and sour gas implementation plans, and that responds to well over a year of consultation, public input, and comments by constituents across Alberta.

THE SPEAKER: The hon. Member for Edmonton-Strathcona.

DR. PANNU: Thank you, Mr. Speaker. I'm tabling five copies of 27 recommendations contained in the Tupper report called Integrity in Government in Alberta: Towards the Twenty First Century. This 1996 report reviewed the Conflicts of Interest Act, and these recommendations continue to call for adoption.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you, Mr. Speaker. I would like to table this afternoon for the benefit of the Assembly a letter that I received through freedom of information from the Department of Municipal Affairs. This is dated January 10, 1994, and it indicates that there was a ministerial review of the certification process of pine shakes being conducted by the then minister of labour.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. With permission I'd table five copies of 162 letters, each from Calgary constituents and all of which were copied to the Minister of Learning, opposing the closure of Glenmeadows elementary school in Calgary.

THE SPEAKER: The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Speaker. I have two tablings today. The first is five copies of a letter from Anne Brown, spokesperson for the Heartland Citizens' Coalition. Ms Brown's group is concerned that the full environmental and public health implications to Alberta's heartland, a proposed 194 square kilometre industrial development to the northeast of Edmonton, have not been considered.

My second tabling is five copies of an article that appeared in a Dutch newspaper about the Swan Hills waste treatment plant. The article suggests that the former Environment minister supports importing foreign waste into Alberta to keep the plant operating.

THE SPEAKER: The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thank you, Mr. Speaker. I have three tablings today, all concerned with power plants in the centre of cities which have been rejuvenated into something new and wonderful. The first is the home page from the Battersea Power Station Community Group detailing the work that they've done. It's being reborn into an office and shopping complex, the centre of a new residential area.

The second series of tablings, of which I have the appropriate five copies, is an additional newspaper article detailing how they have gone about transforming the Battersea power plant into this complex.

The final tabling, Mr. Speaker, is an excerpt from a web site for the Steam Plant Square, which is a redeveloped power plant in Spokane, Washington, a very similar building to the Rosedale power plant here in Edmonton, both of them excellent examples of what is possible.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Riverview.

DR. TAFT: Thank you, Mr. Speaker. I rise with two tablings today. The first is the appropriate number of copies of a series of articles from the esteemed medical journal called *The Lancet* which outline in some detail the concerns that many international trade agreements represent for public health care.

The second tabling is five copies of a report outlining in great detail the concerns with the conflicts of interest in the Calgary regional health authority.

Thank you.

1:40

THE SPEAKER: The hon. Member for Edmonton-Glengarry.

MR. BONNER: Thank you very much, Mr. Speaker. With your permission I would like to table five copies of a letter from Margaret Coutts, president of the Red Deer River Naturalists. The Red Deer River Naturalists are concerned that the government is about to sign a deal with Spray Lakes Sawmills to log a significant part of Kananaskis without any public input.

Thank you.

head: **Introduction of Guests**

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. The other day I had the honour and privilege of introducing to the Legislature a former colleague in the Legislature, Mr. Rollie Cook, the Member for Edmonton-Glengarry. Mr. Cook has returned today to watch question period and has brought with him two special guests, Mr. and Mrs. Pan from Hebei, China, near Beijing. Mr. Pan is president of a large construction company that's looking at making investments in Alberta. Mr. and Mrs. Pan and Mr. Cook have joined us in the members' gallery, and I'd ask the House to join me in welcoming and saying [remarks in Chinese].

THE SPEAKER: The hon. Member for West Yellowhead.

MR. STRANG: Thank you, Mr. Speaker. At this time I'd like to introduce a group of children from the A.H. Dakin school in Edson. There are 31 of them and five helpers. I would also like to express my thanks for them being here today during Education Week with their theme being A World of Opportunity. At this time I would like them to stand and be recognized.

THE SPEAKER: The hon. Member for Edmonton-Castle Downs.

MR. LUKASZUK: Thank you, Mr. Speaker. It is my pleasure to introduce to you and through to the members of this Assembly Mr. Richard Arcand, a managing director of the newly opened Aboriginal Business Development Centre, whose vision is to develop, promote, and assist in sustenance of aboriginal entrepreneurs in the city of Edmonton. In 1991 Mr. Arcand was instrumental in the evolution of the Western Aboriginal Development Alliance group, an organization whose aim was to promote and enhance aboriginal employment and business development in the corporate sector. I would ask Mr. Arcand to rise and accept the warm welcome of this Assembly.

THE SPEAKER: The hon. Minister of Infrastructure.

MR. LUND: Thank you, Mr. Speaker. It gives me a great deal of pleasure to introduce to you and to the members of the Assembly a resident of Rocky Mountain House, an individual who has been described by a former education minister as one of the best high school principals in the province of Alberta. I'd asked Jimmy Clark to please rise and receive the 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 members of the Assembly 26 students from Alberta College. They are accompanied today by their teacher or group leader Miss Kim Rusnak. I see them in the public gallery, and I'd ask them to please rise and accept the warm and traditional welcome of the Assembly.

THE SPEAKER: The hon. Member for Edmonton-Strathcona.

DR. PANNU: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to the members of the Assembly 17 grades 4, 5, and 6 students from Queen Alexandra school, which is located in Edmonton-Strathcona. These students are accompanied by their teacher Mr. Jim Higgs and parents Mrs. Rosemary Litschel and Mr. Ron Cressey. They're all seated in the public gallery. Queen Alexandra school was built in 1906 and is the oldest operating school in Alberta and has a proud history of many achievements. I would now ask these guests to please rise and receive the warm welcome of the Assembly.

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 the members of the Assembly a total of 14 visitors. Ten are grade 6 students from the Waskatenau school in the constituency of Redwater, which I'm proud to represent. Accompanying them are teacher Mrs. Barb Cyrynowski and parent helpers Mrs. Sandra Rozak, Mrs. Becky Mulak, and Mr. Zen Gurba. This being Education Week, it gives us a world of opportunity to visit the Legislature here, and I also had the opportunity to visit the school in Waskatenau. I can tell you that the quality of questions these students asked was very good, and I think you have to credit it to the teacher that teaches them but also to parents at home, because I'm sure that with some of the questions that came out, they must have sat at the kitchen table to discuss them. They're seated in the members' gallery. I'd ask them to please rise and receive the warm welcome of this Assembly.

THE SPEAKER: The hon. Minister of Learning.

DR. OBERG: Thank you very much, Mr. Speaker. It is my pleasure to introduce to you and through you to the Members of the Legislative Assembly Mr. Dan MacLennan, president of the Alberta Union of Provincial Employees. Accompanying Mr. MacLennan are Dan Tilleman, chair of local 52, and Barbara Jenkins. I will be meeting with this group later on this afternoon. I would ask them to rise and receive the warm welcome of the Legislative Assembly.

head: **Oral Question Period**

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

Teachers' Salaries

DR. NICOL: Thank you, Mr. Speaker. Two days ago in this House the Premier defended the different wage increases offered to nurses and teachers by arguing that whereas teachers had received a 17 percent increase over the past four years, Alberta nurses had not. Nurses actually received 16.9 percent over the same four years. My question is to the Premier. Given that both teachers and nurses have in fact received similar wage increases over the past four years, what's the real reason the Premier is treating Alberta teachers differently than Alberta nurses?

MR. KLEIN: Mr. Speaker, I'll have the hon. Minister of Learning supplement my answer. Before I provide an answer, I don't recall ever saying that nurses had not received a wage increase. I did allude to teachers having received a 17 percent wage increase I believe over a period of four years.

Relative to the situation vis-a-vis negotiations with the various school jurisdictions relative to teachers' salaries, I'll have the hon. minister supplement.

DR. OBERG: Thank you very much. Mr. Speaker, yes, indeed the teachers have received a 17 percent increase since 1992-93. Included in that is a 5 percent decrease, where they have actually gone down to 12 percent net over that time frame.

The rationale for not treating teachers exactly the same as nurses is that they are different occupations. What we have done is we have taken what I feel is a much fairer look at the various salaries by comparing teachers with teachers in other jurisdictions across Canada. That way we compare teachers with teachers, nurses with nurses, doctors with doctors.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. My question is to the Minister of Learning. Is it fair that you limit school boards to a 6 percent increase for teachers or else take it out of instructional grants when you put no such limit when the health authorities were dealing with their nurses?

THE SPEAKER: The hon. minister.

DR. OBERG: Thank you very much, Mr. Speaker. I can't comment on the health authorities, but I will comment on the statements that the hon. member has made. I'll draw the member back to the last 50 years or even more that has occurred in Alberta. Up until now what has occurred: the teacher increases come out of the general per student grants. Over the last 50 years the school boards have had to make the decision: should I give money to the teachers' salaries, or should I put the money into the classroom?

What I have done this time in this budget is I've included two pots of money. One pot of money must go to teachers, so at a minimum they must get the 4 percent and 2 percent. The school boards have the ability on the other 3 and a half percent, which I would remind the hon. member is a half a percent more than what they were expecting last year – they have the ability to use it for classroom issues. They have the ability to use it for teachers' salaries. They have the ability to use it for computers. They have the ability to use it as they wish, because during the election campaign, Mr. Speaker, I heard from the school boards that they wanted flexibility in their funds.

1:50

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Again to the Premier: can the Premier explain how his government gives school boards the spending flexibility to ensure teachers are paid fairly when actually they have to make the trade-off between fair wages and classroom instruction?

MR. KLEIN: Mr. Speaker, as the hon. minister just pointed out, school boards in this province have had to do that for the last 50 years or so. I believe that was the figure he used. The difference this time around and with respect to this budget is that a line item

has been put in guaranteeing teachers at least a 6 percent wage increase and out of the other component in the budget to allow school boards to negotiate for even a further increase if the school boards deem that an increase is warranted.

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

Electricity Marketing

DR. NICOL: Thank you, Mr. Speaker. The Premier has said that increased generation of electricity will lead to increased competition and choice for consumers. Well, another truck of groceries at the same store in town does not increase competition. My question is to the Premier. With so few retailers, how is an increased number of generators going to lead to increased choice for consumers?

MR. KLEIN: First of all, Mr. Speaker – and I'll have the hon. Minister of Energy supplement – the whole issue of competition of course is a matter that can and will be adjudicated by the Alberta Energy and Utilities Board. In a letter to Mr. Lorne Olsvik – I imagine I'm going to have to table this letter, and I don't mind doing that – the minister says:

I do agree with you that retail competition has been slow to develop for smaller consumers. The government is working to help retail markets develop. As part of the government's 7-point Retail Transition Market Plan for electricity, a Retail Issues Subcommittee was established to address these issues. The Subcommittee is expected to provide its recommendations by the end of [this month].

So we recognize this as a problem, Mr. Speaker, and we are taking steps to address the problem.

THE SPEAKER: The hon. leader.

DR. NICOL: Thanks, Mr. Speaker. Again to the Premier: is the Alberta Energy and Utilities Board going to look at retailing options being proposed by new generators to determine if that application actually enhances competition and choice for consumers, or is it just going to be based on their ability to generate?

MR. KLEIN: Again, if the hon. minister wishes to supplement, if he so desires. I will quote further from the letter relative to this specific issue. The minister goes on to say, and he refers specifically to the ATCO retail component:

The EUB's approval will be also required for the sale of the ATCO retail businesses. The Board will determine, based on the public interest, if the sale should go ahead or what conditions or arrangements should be attached to the sale.

I would imagine this relates to any retailing component of electricity. This all of course refers to the whole issue of competition.

THE SPEAKER: The hon. minister.

MR. SMITH: Thank you, Mr. Speaker. The other side of the competitive aspect of this market is that we are seeing now expert companies start to handle groups of customers. Then we can expect to see further competition in that area, where at the household end you would conceivably have a company that would supply you with a multiplicity of services at a cheaper price.

So the competitive pressures of the marketplace, Mr. Speaker, come from two places: one, from companies offering multiple services; secondly, from increased power supply where people may decide to be in the retail business themselves. So there's increasing pressure to create more and more competition in the retail marketplace.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. To the Minister of Energy. You're trying to tell the House that two marketers bundling goods together so that people don't have a choice actually creates more competition and more choice? I'm sorry, Mr. Minister.

THE SPEAKER: The hon. minister.

MR. SMITH: Thank you. We are trying to say that there are two marketplaces unfolding here, Mr. Speaker. We do know that more power generation, the type of generation that has been announced by Calpine, 250 megawatts – that would light 250,000-plus homes in Alberta per year. We're talking about 80 megawatts from Pan-Canadian, announced a week ago. We're talking about the 80 megawatts announced from TransCanada PipeLine. We're talking about well over 600 megawatts, or 10 to 12 percent of the power supply, being added as well as people who are in a position to deliver more efficiently services to the households of Albertans today.

THE SPEAKER: Third Official Opposition main question. The hon. Member for Edmonton-Gold Bar.

Gas Marketing

MR. MacDONALD: Thank you, Mr. Speaker. A major role of the EUB is consumer protection, yet the EUB recently approved an application by ATCO Gas to pass a financing charge on to customers to cover some of the costs of natural gas. My questions are to the Premier. Why are customers being held accountable for business risks taken by marketers?

Thank you.

MR. KLEIN: Well, Mr. Speaker, that is simply the role of the Alberta Energy and Utilities Board; that is, to determine what is fair for the producer or the deliverer of a service, whether it's gas or electricity, and what is in the public interest and what is fair for the consumer.

MR. SMITH: Mr. Speaker, if I could just add to that. Of course the member has seen the public hearings held by the Energy and Utilities Board with respect to gas pricing, but at no time when I reviewed the list of intervenors did I see the Liberal Party of Alberta in there.

THE SPEAKER: The hon. member.

MR. MacDONALD: Thank you, Mr. Speaker. Again to the Premier: how can the Premier call the passing of financing fees by marketers on to the consumer consumer protection?

MR. KLEIN: Mr. Speaker, we don't direct the Alberta Energy and Utilities Board to take into account specific items, but we do direct them and they have the mandate through legislation to determine what will be a reasonable rate of return for the producer and what steps need to be taken to protect the consumer.

MR. SMITH: Mr. Speaker, it also gives the opportunity, as you see competitive marketplaces unfolding, for the market to determine what these prices are and how they should best be set. That's the whole fundamental foundation of both electricity competition in the marketplace as well as gas deregulation, which has been in place since 1985.

THE SPEAKER: The hon. member.

MR. MacDONALD: Thank you, Mr. Speaker. Again to the Premier: does the Premier agree that exit fees of up to \$60 for a residential user to a marketer actually reduces competition and consumer choice?

MR. KLEIN: Well, you know, it's certainly not for me to comment, especially when there is a regulatory agency that has the power to adjudicate whether this fee is indeed fair or whether it isn't fair. Again I'll have the hon. minister supplement.

MR. SMITH: That's exactly the point, Mr. Speaker, behind the hearings that took place. Again, if the member has information that he can put in front of a world-respected regulatory board, then he is more than welcome to put it forward in a public hearing.

THE SPEAKER: The hon. leader of the third party.

Conflict of Interest Court Case

DR. PANNU: Thank you, Mr. Speaker. The Premier said yesterday that he would be inquiring of the Attorney General about matters relating to a former member of the Alberta Gaming Commission. Exactly what concerns or facts did the Premier have that led him to decide to make these inquiries of the Attorney General?

Speaker's Ruling Sub Judice Rule

THE SPEAKER: A second here, please. It's my understanding that there currently is a case before the judicial system in the province of Alberta, and I want hon. members to be very, very careful about the line of questioning and any responses with respect to this matter.

Now, I'm going to look at the hon. Government House Leader, who is also the hon. Minister of Justice and Attorney General, and I'm going to ask him a question: is this matter currently before the courts? Yes. It is. So I want all hon. members to be very, very careful as we move forward here. I may interject again.

2:00

Conflict of Interest Court Case (continued)

MR. KLEIN: Mr. Speaker, I would like to answer one component of the question, and that component I think deals with: why did I say something about this? The reason I said something was because I was asked. I mean, I didn't raise the issue. I was asked.

DR. PANNU: Mr. Speaker, I will be very careful and will have only one supplementary question, in light of what the Premier has said and what you have advised.

Will the Premier assure the House that he will share all facts relating to this issue with the House at an appropriate time?

MR. KLEIN: Mr. Speaker, this is a matter that, as you so appropriately pointed out, is before the courts.

Relative to how the case is being adjudicated, I'll defer to the hon. Justice minister and Attorney General. I don't know what more he can add.

THE SPEAKER: No, and we're going to stop right there. If the question is should the settlement of the court come to the Assembly, well, if somebody wants to table a court document that's public at the time, so be it.

The hon. Member for Calgary-Currie.

Electricity Conservation

MR. LORD: Thank you. This government is providing short-term relief to Albertans who have recently been affected by the increasing price of electricity, and we've certainly heard a lot of good news about new plants being built to generate new megawatts of electricity supply to address longer term concerns. The same benefits, however, can also be accomplished by generating negative watts of power, or nega-watts, instead, which is energy supply freed up through new technology, conservation programs, and more efficient use of current supply already available to consumers. My question through you, Mr. Speaker, to the hon. Minister of Energy is this. As a government do we have a strategy to generate nega-watts, and do we have plans to promote energy conservation technology and to assist with or create further incentives for average Albertans to reduce the energy consumption requirements in their own households?

MR. SMITH: I must compliment the member, Mr. Speaker, on a carefully, carefully crafted question. It certainly asked for a great deal of information.

I will say that one of the great parts of the Power Pool is that it gives new generators of different types of power a freely based marketplace to be able to put their power into play to be sold. Such is the reason that his former employer, the citizens in the city of Calgary, can now power their light-rail transit through the use of wind power.

So this government's message and, I'm sure, all governments' messages are on the importance of conservation. When it comes to conservation, it also talks about the associated effects of power generation, and that is of course the main reason why Climate Change Central was formed, which is a private/public partnership between Alberta industry, businesses, governments, and the environmental community. I know the Minister of Environment would want to respond with more details on Climate Change Central.

THE SPEAKER: The hon. Member for Calgary-Currie. Just one question at a time, please.

MR. LORD: Thank you, Mr. Speaker. To the same minister: has the government ruled out any ideas or incentives to promoting energy-efficient retrofits in residential households such as interest-reduced government loans which could be repaid out of energy savings produced?

MR. SMITH: Mr. Speaker, \$300 has been distributed. As a matter of fact, my wife received her cheque yesterday, and we're quite thankful for that. I haven't got mine yet, but I will be able to make individual decisions with that money. For example, I know that the Auditor General – and there's a man who's close to a dollar – spent his money putting compact fluorescent lights through his own house, thereby reducing his power bill. So there are a number of options that individuals in Alberta can undertake with the rebates that are coming through, with the \$300, that allow them to make conservation choices. We know, as we use a nonrenewable fossil fuel for generation, that it is an important conservation measure. There are details to conservation that I know the Minister of Infrastructure has to offer the House as well.

THE SPEAKER: I'm sure, hon. minister, but we're going to proceed with the next question from the hon. Member for Calgary-Currie.

MR. LORD: Thank you, Mr. Speaker. My second supplemental

question is to the hon. Minister of Municipal Affairs. Mr. Minister, has your department looked at improving or reviewing building code regulations to ensure that the very latest new energy-efficient technologies and approved energy-efficiency requirements and specifications are being incorporated into new residential and commercial construction?

THE SPEAKER: The hon. minister.

MR. BOUTILIER: Thank you, Mr. Speaker. Alberta and stakeholders within Alberta have been working on a model national energy codes policy with the National Research Council, and in fact these codes prescribe energy-efficiency requirements in all houses and buildings within Alberta and, for that matter, across Alberta and all of Canada. I'm also very proud to say that they're looking at energy efficiencies in terms of the furnaces we use, the hot water tanks we use, and the lighting we use. As the hon. minister earlier mentioned, the official opening pertaining to Climate Change Central, the first of its kind in Canada, is going to be taking place in Calgary on Friday.

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

Education Funding

DR. MASSEY: Thank you, Mr. Speaker. Education in our province was founded on the ideal of public schools locally governed, supported from tax dollars, and open to all students regardless of a parent's or a guardian's ability to pay. The policies of this government are slowly but surely eroding that ideal. My questions are to the Premier. Given that provincial funding policies force our schools to charge registration fees, course fees, option fees, textbook fees, graphing calculator fees, program fees – and the list goes on – are our schools still truly public?

MR. KLEIN: Mr. Speaker, again I'll have the hon. Minister of Learning supplement, but our public schools are indeed public. I don't know where the hon. member has been, but certainly as we go through the budget debate, he will find that we're spending something in the neighbourhood of \$4 billion – significant; those are big, big dollars – on public education. Four billion dollars. That is a lot of money.

DR. OBERG: Thank you very much, Mr. Speaker. In direct response to his question I would again take the hon. member back about 30 or 40 years. When I went to school, which was a fair amount of time ago now, I paid fees for textbook rental. I think everyone has for the last nth number of years. So to say that there's a threat to public education is, I think, pushing it considerably.

The other component, Mr. Speaker, is when it comes to fees for options. For example, if there is an option where a child is going on a field trip, if there's an option where a child is having special course material that is being brought in, that particular child needs to pay for that. If my child does not go into that class, why should my child be paying for another child to go on a field trip? It's as simple as that.

The other thing that I'll say is that in September of last year the Alberta School Boards Association brought out an excellent document on fees and fund-raising, and it set out that fees should not be charged for core educational materials. That is something that all school boards have complied with.

2:10

THE SPEAKER: The hon. member.

DR. MASSEY: Thank you, Mr. Speaker. My question is again to the Premier. How accessible are our schools when a major school board in this province finds it necessary to create a half million dollar endowment fund to generate enough interest to cover the fees for needy students?

MR. KLEIN: Mr. Speaker, to answer the fundamental question how accessible are the schools, well, the public schools are accessible to all children. I have to remind the hon. member that there is a legal obligation – a legal obligation – so it stands to reason that the schools have to be accessible to everyone if children are legally obligated and their parents are legally obligated to send them to school.

THE SPEAKER: The hon. member.

DR. MASSEY: Thank you, Mr. Speaker. Again to the Premier. Given that the government has a plan that will allow postsecondary tuition fees to rise to a percentage of program costs, is there a similar plan in store for public school fees?

MR. KLEIN: Mr. Speaker, I'll have the hon. minister provide the hon. member with details relative to that particular question.

THE SPEAKER: The hon. minister.

DR. OBERG: Thank you, Mr. Speaker. Again, the fees that each school board provides or charges are completely different all around the province. Each school board takes a look at what they feel they need to charge. Again I draw the hon. member's attention to the ASBA document that was put out in September of last year. In it they gave out strict rules for fund-raising, and they gave out strict rules for school fees. The majority of school boards around this province are falling under that.

The other point I will say is that the very important thing that must be remembered here is what every school board in the province must do and, in fact, indeed does. If a child cannot afford the textbook fees or any other school equipment, the school board picks it up, leading to what the Premier said about being accessible to absolutely everyone in the province.

THE SPEAKER: The hon. Member for West Yellowhead, followed by the hon. Member for Edmonton-Ellerslie.

New Power Generation Plants

MR. STRANG: Thank you, Mr. Speaker. Alberta needs new power plants to keep up with our strong economic growth. In a news release recently there has been talk of the Alberta government fast-tracking the approval of new generation plants, especially coal-fired plants, for which West Yellowhead has the best clean-burning coal in the world. My question is to the Minister of Energy. Can the minister explain fast-tracking and how it will affect Albertans?

MR. SMITH: Fast-tracking, Mr. Speaker, will get new power into the grid faster. Recently the federal Minister of the Environment was here. He seems to have a concern about our fast-tracking process or has made comments about it, and perhaps the Premier would like to add to those comments with respect to fast-tracking in the federal domain.

THE SPEAKER: The hon. member.

MR. STRANG: Thank you, Mr. Speaker. My first supplemental question is to the same minister. Why is the industry concentrating on coal rather than other sources of electrical generation?

MR. SMITH: Well, Mr. Speaker, we know that coal is a thermal source of energy that is much less expensive than natural gas and that once it's onstream, it can produce power for a great length of time at a reasonable cost. Alberta has well over 800 years of supply in only one series of reserves, and to get this power on and to get it into the service of Albertans is important to Albertans. It is important to Alberta business and is important to the future of secure power supply in this province.

THE SPEAKER: The hon. member.

MR. STRANG: Thank you, Mr. Speaker. My second supplemental question is to the Minister of Innovation and Science. What is his ministry doing to ensure that the investment in energy research is focused on clean-burning power?

MR. DOERKSEN: Mr. Speaker, that is a very important question for all Albertans. In this province we have an organization known as the Alberta Energy Research Institute, which is ably co-chaired by the Member from Bonnyville-Cold Lake, and they are working on a strategy which addresses the emergence of new energy in the new energy economy. Among those strategies are thrusts that include technology development in clean coal, value-added products and processes of Alberta's vast hydrocarbon resources, exploring renewable and alternative energy like wind, solar, and biomass, and accomplishing this while we sustain the environment.

In the research environment there are several parts to the research that you have to understand. The first one is to find a process that can deliver the clean power that we're seeking in this province. The second part is to take the process, once you've discovered it, and refine it to make sure that it's economically deliverable.

Mr. Speaker, research into the areas that I've mentioned, the clean-coal technologies, will ensure that Albertans get the value from our vast coal resources while keeping our electricity prices low and ensuring clean air.

THE SPEAKER: The hon. Member for Edmonton-Ellerslie, followed by the hon. Member for Edmonton-Rutherford.

Inland Cement Limited

MS CARLSON: Thank you, Mr. Speaker. Last week the Minister of Environment confirmed that his department does not have a formal application from Inland Cement for their coal conversion project. He also rejected calls for a full environmental impact assessment because

this proposal that is coming forward from Inland is one which falls within the purview of the departmental review and departmental expertise and departmental jurisdiction.

Mr. Speaker, how does this minister know that the application will not go beyond the jurisdiction of his department if the final and formal application has not been submitted?

DR. TAYLOR: Well, we know that, Mr. Speaker, because we have had ongoing discussions with Inland. We have had public open houses. There has been a public meeting, and there are ongoing discussions. Now, if they try and change something in their formal application from what the ongoing discussions have already indicated, we will certainly rethink the process.

MS CARLSON: Well, Mr. Speaker, when the minister said his department will consult with Alberta Health and Wellness about public comments received on the project, doesn't that show the application will be outside of departmental expertise and therefore should be subject to a full EIA?

DR. TAYLOR: No.

MS CARLSON: Perhaps he can answer this question, then, Mr. Speaker. What will be used as the baseline value for reviewing cumulative impact of the proposal: current emissions or some other value?

DR. TAYLOR: With the surrounding noise, Mr. Speaker, I was trying to hear that question, but I couldn't hear it. Can I ask her to repeat at least a central portion of it?

THE SPEAKER: Hon. minister, the noise came from the direction area that the hon. minister is in, so the hon. minister has some responsibility.

Please repeat the question.

MS CARLSON: Thank you, Mr. Speaker. What will be used as the baseline value for reviewing cumulative impact of the proposal: current emissions or some other value?

DR. TAYLOR: That will all be part of the environmental impact review that we are doing and the baseline value will be determined and the cumulative effects will be examined.

THE SPEAKER: The hon. Member for Edmonton-Rutherford, followed by the hon. Member for Edmonton-Centre.

Electricity Pricing

MR. McCLELLAND: Thank you, Mr. Speaker. My question is to the Minister of Energy. Under deregulation producers agree to sell electricity to the Power Pool for a certain period of time and are paid according to the price paid to the last producer who signs on. This means there is an incentive to sign on early before all the anticipated demand is met and results in a fair return to all producers. However, if a producer who has agreed to sell electricity does not deliver, supply is reduced and prices go up. My question: why do producers who fail to meet their electricity delivery commitments not pay the difference between the original contract price and the increased price to the consumer resulting from their failure to deliver?

THE SPEAKER: The hon. minister.

MR. SMITH: Thank you, Mr. Speaker. Suppliers are committed to a price and are expected to do everything they can to supply their customers. Of course, anybody who fails to deliver electricity loses the opportunity to sell that power. Power cannot be stored, so it creates an instant market opportunity.

Secondly, they still must find a way to meet any supply contracts, which then means going to the Power Pool, Mr. Speaker, to ensure that a stable supply of electricity remains in Alberta.

2:20

MR. McCLELLAND: Mr. Speaker, through you to the minister. That still doesn't force upon the producers the market reality that's necessary. The question is: how is it possible to benefit from market realities in the generation of electricity when the producers are shielded from the realities of the market?

MR. SMITH: Mr. Speaker, the market surveillance administrator monitors this market and has the authority to report unusual behaviour and apply penalties accordingly. This would mean purposely withholding supply. Of course, we continue to have to go to the side where we can find ways to ensure that that power stays onstream, and even though the generator does lose the revenue for the sale of that power, they're expected to replace it through the Power Pool. Again the key is more supply, more options in the hands of Albertans for power.

MR. McCLELLAND: Well, Mr. Speaker, to the hon. minister: that still doesn't answer the question. Why should consumers pick up the tab when producers fail to meet their commitments?

MR. SMITH: Well, Mr. Speaker, the tab sits both in the hands of the market surveillance administrator and in the hands of the Power Pool, that replaces the power that is not, in fact, supplied by the producer or the generator.

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

Lobbyists Registry

MS BLAKEMAN: Thank you, Mr. Speaker. The Premier's reasoning for saying there is no need for lobbyist registration for this province is that Alberta doesn't subsidize private business, leaving limited opportunities for lobbyists to seek government largesse. Mr. Speaker, this is a red herring and a bit disingenuous, because private business and others have also been known to lobby government to seek legislation more favourable to their interests. A printout of the federal lobbyist public registry shows 539 pages of registrations, many of which are lobbyists and companies operating in Alberta. My questions are to the Minister of Government Services. Since Albertans can simply log onto the federal public registry web site and in a matter of moments find out which Alberta companies are lobbying the federal government, why are Albertans not allowed or not able to find out the same type of information about their own government? What's the big secret?

MR. COUTTS: Well, Mr. Speaker, my department is in charge of the Freedom of Information and Protection of Privacy Act itself. We don't get into the actual administration within my department unless it affects my department. I'll take the question under advisement and get back to the hon. member.

MS BLAKEMAN: Okay. Since there are many other benefits to be had from government besides funding, why does the government appear to be opposed to a lobbyists' registry, that would go a long way to making the government more open and accountable? The minister is also responsible for registries.

MR. COUTTS: Mr. Speaker, our government is an open and accountable government. The Freedom of Information and Protection of Privacy Act, that was put in in 1994, certainly has contributed to that accountability and that openness that we have.

Again, in terms of the hon. member's question regarding lobbyists, I'll certainly take that under advisement and let her know.

THE SPEAKER: The hon. member.

MS BLAKEMAN: Thank you very much. As well as that commitment, can the minister also commit to conducting a review of the

current rules governing lobbying, conflict of interest, and tendering of contracts?

MR. COUTTS: Mr. Speaker, under freedom of information and protection of privacy there was a review done a couple of years ago, and it was done under the chairmanship of the hon. Minister of Gaming and the Member for Peace River. There was a commitment at that time that within a three- to four-year period freedom of information and protection of privacy would be and should be and could be reviewed again. I have made the commitment to this House. I have made a commitment to the AAMDC's organization, that I was speaking to here about a month ago, that everyone will have an opportunity to look at the next review, which will take place next year.

THE SPEAKER: The hon. Member for Edmonton-Highlands, followed by the hon. Member for Calgary-Fort.

Conflict of Interest Guidelines

MR. MASON: Thank you, Mr. Speaker. Serious questions have been raised this week about the adequacy of the government's conflict of interest rules. There are also no rules in place in this province requiring those lobbying the government to either be registered or to divulge the payments they receive in exchange for influencing government decisions. [interjections] I'm going to continue; you don't know the question yet. My question is to the Premier. Why has the government failed to put in place legislative conflict of interest rules governing the conduct of senior public officials like the chairs of government agencies?

MR. KLEIN: Mr. Speaker, I'm not so sure that it doesn't. I will have the hon. Minister of Government Services respond or maybe the Justice minister and Attorney General, but I believe there are conflict rules that apply to senior public service employees. We'll have the hon. minister respond.

MR. HANCOCK: Mr. Speaker, there was a thorough review of the Conflicts of Interest Act sometime ago, chaired by a professor from the University of Alberta. A report was done. I believe it was an all-party committee which reviewed it. Recommendations were brought forward. Amendments were made to the act at that time. Not all of the recommendations were adopted, but it was a thorough review of the act. In that review I believe consideration was given to how far the conflict guidelines in our legislation should go and what types of senior officials should be covered by those guidelines in the Conflicts of Interest Act.

MR. MASON: Mr. Speaker, why is there so much confusion on the government side about this issue when registering lobbyists is required, given the government's growing reliance on contracting out, which actually increases the opportunity for the private sector to seek government largesse?

MR. KLEIN: Mr. Speaker, the hon. member raises an issue that simply hasn't been an issue until he's made it an issue. The way this government operates is such that any group, any individual, can write a letter, make representation. We have the standing policy committee system. I try to keep my door open as much as I possibly can. All the MLAs have their doors open. I'm sure the opposition members keep their doors open to any constituent or any person who has a concern with government or with a constituency problem.

Mr. Speaker, I don't know of a paid lobbyist in the province.

There are many, many paid lobbyists in Ottawa. I do know that various corporations, for instance, have government-relations people who deal with government. I know that many unions have government-relations people: the teachers, the ATA, EPCOR. I know that the mayor of the city of Edmonton feels free to come and see me or any minister regarding any particular matter. We don't consider that to be lobbying. We say that is the right and the responsibility. It's a responsibility of the government to be accessible to all people.

MR. MASON: Mr. Speaker, how does the government expect Albertans to believe that the kind of arrangements like those involving a former member of the Alberta Gaming Commission are not running rampant through this government . . .

THE SPEAKER: Okay. Sorry; sorry. There's a matter before the courts. It's a criminal offence. We're not going to have aspersions in this Assembly about anything until it's over with.

The hon. Member for Calgary-Fort, followed by the hon. Member for Edmonton-Glengarry.

Workers' Compensation Board

MR. CAO: Thank you, Mr. Speaker. Given that there were two investigative reports on WCB completed last November, my question is to the Minister of Human Resources and Employment to reflect my constituents' pressing queries. What is the process and the time line the minister plans to release the government's response to the reports?

2:30

MR. DUNFORD: Mr. Speaker, let me begin by again publicly thanking the members of the MLA review committee and also the members of the committee that looked into the appeal system for all of their work. As a matter of fact, they have submitted 59 recommendations to our office for review in terms of the WCB. As we speak, we are finalizing the ministry response to those reports. I would anticipate starting through the internal government process on an imminent basis, hopefully within two to three weeks appearing at a standing policy committee. We will then be taking the ministry response to become the government response and of course revealing that to all Albertans.

THE SPEAKER: The hon. member.

MR. CAO: Thank you, Mr. Speaker. My supplemental question is: given that the WCB management is a major stakeholder on the subject matter, will the responses to the reports be made public?

MR. DUNFORD: Actually the response from WCB was one of, I believe, 94 responses that we had to the two reports. As it currently stands, I've not made public any of the particular responses, whether it be WCB or the Alberta Federation of Labour or any of the other recognized and organized groups here within the province. I plan, though, as part of the process, once the government response has been communicated, to work with the individual stakeholders that have made a response to determine in what manner we will communicate then with the public. Without trying to presuppose any sort of agreements, it certainly would be my wish that at the end of this day we could file all of the reports with the Legislature Library.

THE SPEAKER: The hon. member.

MR. CAO: Thank you, Mr. Speaker. My last supplemental question is to the same minister. Given that you will release to the public the responses, would you consider putting it on the Internet so it's more accessible for other people?

MR. DUNFORD: Mr. Speaker, I think that we've now reached a part in our history as it relates to technology that when we talk about making things public, I think we almost automatically assume that we're going to be putting things on a web site.

THE SPEAKER: The hon. Member for Edmonton-Glengarry, followed by the hon. Member for Lac La Biche-St. Paul.

Water and Wastewater Grants

MR. BONNER: Thank you, Mr. Speaker. My questions today are for the Minister of Transportation. Isn't the significant budget increase for municipal water and wastewater grants an indication that Alberta's water infrastructure is in desperate need of repair?

MR. STELMACH: Mr. Speaker, we've always made an endeavour in this government to keep up with the ever increasing standards for good, clean water. There are a number of municipalities, as well, that are increasing in size and also require additional infrastructure.

THE SPEAKER: The hon. member.

MR. BONNER: Thank you, Mr. Speaker. To the same minister. What is the status of the waiting list for projects funded under municipal water and wastewater grants?

MR. STELMACH: The status as of last night and of course the presentation of the estimates to committee is that those lists will be getting smaller.

THE SPEAKER: The hon. member.

MR. BONNER: Thank you, Mr. Speaker. Again to the same minister. Has the department done any studies on the ability of the water and wastewater infrastructure to deal with low water tables in this province?

MR. STELMACH: Mr. Speaker, the water and wastewater portion of our budget is dedicated generally to urban municipalities: small towns, villages, summer villages, and of course larger urban municipalities, including cities. The issue the hon. member is raising I believe is the result of abnormally low snowfall for the last number of years. He is quite correct that water levels, the aquifers, are of course decreasing, and rural people especially are having difficulty accessing that water. However, I would submit that that issue has to be taken up jointly with the Minister of Environment. It's affecting large areas in our Deputy Premier's ministry and in ours as well.

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

Electricity Rebates

MR. DANYLUK: Thank you very much, Mr. Speaker. Constituents have contacted my office over concerns with the Alberta energy tax refund cheques they have received or not received. The callers to my office are expressing concerns that they are not receiving the full \$150 rebate or none of it. To the Minister of Finance: can the minister explain why this is the case?

MRS. NELSON: Yes, Mr. Speaker. On September 6, 2000, the energy rebate program was announced, and that program would see over two million Albertans receiving help for higher-than-expected energy costs in the home and at the gas pump. The second set of the \$150 cheques started to go out this week, at the start of the week, and I can report that some almost two million Albertans received their cheques without any difficulty whatsoever.

However, when we looked at this program and we were running it through the federal tax program for returning to Albertans, we determined that if in fact there were outstanding payments in regard to things like maintenance enforcement or taxation, through our tax agreement with the federal government those balances would be rectified with the \$150 on the second cheque. In most cases, though, what happened is that when someone got a cheque and it was less than the \$150, it was because there was an outstanding bill on their tax from either 1999 or even from this year. In some cases, though, Mr. Speaker, some people filed their tax returns electronically and subsequently sent in their cheque, and there was a crossover between the cheques being received with the federal tax department and the refund cheque coming back, so an adjustment was made. So there has been some difficulty with that, but it is being rectified.

THE SPEAKER: The hon. member.

MR. DANYLUK: Thank you, Mr. Speaker. My first supplemental is to the same minister. I have been told that in some of these cases Albertans who have paid up to date and have filed their 2000 federal income tax returns have still been seeing deductions off their \$150 energy tax refunds. Can the minister tell the House if anything can be done for these people?

MRS. NELSON: Yes, Mr. Speaker. We have had our officials from our department – my deputy has been in touch with the deputy minister in Ottawa and asked them to rectify the situation. If in fact there was this crossover between the filing of their tax returns for April 30 and the issuance of these cheques, could they in fact go back immediately and expedite a refund to those people that were inadvertently deducted on their \$150 cheque.

THE SPEAKER: The hon. member.

MR. DANYLUK: Thank you, Mr. Speaker. My final supplemental to the same minister: can the minister explain to this House what she has done to ensure that Albertans get their rebate cheques, that rightfully are owed to them.

MRS. NELSON: Mr. Speaker, as I say, my deputy has been in touch with the federal deputy, but we've also contacted the federal minister of customs and revenue and made sure that there's a follow-up process. They are co-operating fully to see that they expedite the refund of these cheques where they were inadvertently deducting payments that had been made on taxes.

2:40

Now, clearly, if you have a tax bill or a maintenance enforcement payment outstanding from last year, this \$150 will go as a credit towards that outstanding balance. So every entitled Albertan will in fact receive the full benefit of the \$150. Albeit some may be clearing a bill from the past, it's still a full benefit.

THE SPEAKER: Hon. members, very shortly we'll begin the process of dealing with seven hon. members in Recognitions.

Speaker's Ruling Sub Judice Rule Decorum

THE SPEAKER: There are two comments the chair would like to make arising out of question period.

First of all, the chair would like to draw to all hon. members' attention Standing Order 23(g). All members have the Standing Orders. It's very clear what the Standing Orders say. In particular, as a result of two series of questions today, I want to read again what Standing Order 23(g) says. It "refers to any matter pending in a court or before a judge for judicial determination." Questions that are impacted by that statement, referring to "any matter pending in a court or before a judge for judicial determination," are clearly outside of the rules and not to be accepted in the House, particularly if the issue is

of a criminal nature from the time charges have been laid until passing of sentence and from the date of the filing of a notice of appeal until the date of a decision by an appellate court, or . . . where there is [any] probability of prejudice to any party but where there is any doubt as to prejudice, the rule should be in favour of the debate.

It's the chair's view that in a criminal matter there is very real risk of prejudice. I would also refer members to *Beauchesne*, sixth edition, starting at paragraph 506 in terms of such matters.

The second thing. There was more enthusiasm and energy in the Assembly today than we have experienced in the last eight or nine days. Energy and enthusiasm are okay – no problem at all with that – even from time to time good-natured interjections, if they're low key. Some people might call them heckling, and that might be in order as well. But it crosses the line where the heckling and the statements are of a derogatory nature, where they are denigrating or they are insulting of another member, particularly in the area of gender, age, disability, colour. The chair will not accept such items.

Today the chair received a number of notes from members saying that they didn't like what happened. Unfortunately, the chair did not hear them. It doesn't mean that they will not be found in *Hansard*, and the chair will review *Hansard* to see if any of these statements have been picked up. Should hon. members hear such statements, I would invite hon. members to rise on a point when they've heard such statements, and we will deal with them in this Assembly at the conclusion of question period. That is quite inappropriate.

head: Recognitions

THE SPEAKER: Thirty seconds from now, the first recognition.

The hon. Member for Edmonton-Norwood.

Coral Chovjka Kenman Gan

MR. MASYK: Thank you, Mr. Speaker. This week is Education Week, and I'd like to comment on the Great Kids awards that were announced by the Premier in October 1999 at the first Children's Forum to recognize outstanding young people of this province who positively contribute to their families, schools, and communities. It celebrates their compassion for others, generosity, desire to serve, and community leadership.

Mr. Speaker, on behalf of the Alberta government and all Albertans I am proud to recognize the outstanding efforts of two young Norwood residents. Coral Chovjka is one of only 16 Albertans who received the Great Kids award. They had a ceremony in Calgary on February 19. I will be presenting Mr. Kenman Gan with an honourable mention award on May 4.

Mr. Speaker, I would like to thank these two Albertans for their outstanding contributions to their families, schools, communities,

and the province of Alberta. We are pleased to have Coral and Kenman as a winner and honourable mention of the 2001 Great Kids awards.

Thank you very much.

THE SPEAKER: The hon. Member for Calgary-West.

Nellie Laboucan

MS KRYCZKA: Thank you, Mr. Speaker. On March 14, 2001, Alberta lost a truly remarkable woman. Born in 1887 and raised near Lac La Biche, Elder Nellie Laboucan, nee Ironvoice and Gladue, passed away at Atikameg, Alberta, at the age of 114 years. Known as Kookoom to those close to her, Nellie touched many lives during her lifetime, especially her 39 grandchildren, 96 great-grandchildren, 76 great-great-grandchildren, and four great-great-great-grandchildren. Nellie had in total 223 descendants.

Nellie was always concerned about the welfare of young people, welcoming anyone into her home. Whether it was a helping of stew that was always simmering on the stove or even a little bit of discipline, Nellie was selfless in her love and support. Somehow there was always enough to go around no matter who walked through the door.

Nellie Laboucan was an amazing centenarian who could hear and see well and had most of her own teeth right to the end of her life. Nellie leaves a wonderful testimonial to the human spirit.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Centre.

International Day of the Midwife

MS BLAKEMAN: Thank you, Mr. Speaker. I rise today to recognize International Day of the Midwife this Saturday, May 5. In 1989 the Alberta Association of Midwives applied to the Health Disciplines Board for the designation of the discipline of midwifery. It took until 1992 for the designation to be granted, and finally in 1998 the midwifery registry was opened.

These accomplishments would not have been possible without the dedication and commitment of Noreen Walker and the Alberta Association of Midwives, the Association for Safe Alternatives in Childbirth, the Alberta Advisory Council on Women's Issues, moms and their families, and many individuals.

While we have made great strides, Alberta women do not have access to the services of a midwife paid for by Alberta health care. This is not right. The government keeps asking for more and more pilot projects and studies, delaying the inevitable. I hope next year at this time I will be able to recognize the province for providing fully funded midwifery services to all Alberta women.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Castle Downs.

**Tracy Lynne Poulin
Warren Griffin Letchford**

MR. LUKASZUK: Thank you, Mr. Speaker. Among us in Alberta are individuals who toil in their profession of eloquence but very seldom receive the public gratitude that they deserve, and it is teachers that I refer to. Yesterday I had the pleasure to hand out awards to finalists in the excellence in teaching awards program that was conducted in the Edmonton Catholic and the Edmonton public school boards.

Mr. Speaker, the writer Mr. Yeats once so eloquently said that

teaching and education is not a process of filling an empty bucket but rather lighting a fire. Indeed, these two fine individuals are lighting a fire in young individuals. It is my pleasure to recognize Tracy Lynne Poulin of Lorelei school and Warren Griffin Letchford of St. Lucy Catholic school, who are so graciously contributing to our community by teaching.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Rutherford.

**Carla-Joan Fahlman
Barbara Lynn Forbes**

MR. McCLELLAND: Thank you very much, Mr. Speaker. I would like to recognize two teachers who work in Edmonton-Rutherford. As members know, this being Education Week, the Edmonton public school board had their recognition of the 31 finalists in the Edmonton area last night. Edmonton-Rutherford had two finalists among the very many distinguished hardworking teachers.

The first that I'd like to recognize here today is Carla-Joan Fahlman. Carla has shown outstanding classroom management skills and intuitive knowledge about how students learn best. Incredible planning and a great sense of humour all help Carla achieve excellent results in student learning. She dedicates herself to her students in their becoming independent thinkers. She encourages leadership skills by teaching her students how to form an argument, understand another's point of view, and work together towards a solution. We've all been in Carla's class obviously.

The second teacher that I'd like to honour here is Barbara Lynn Forbes, who teaches at St. Boniface Catholic elementary school. Her parent handbook is truly a work of art. It provides parents an informative, comprehensive outline of their children's studies. She's a leader of the teachers and a key player and a key leader in the school. She keeps her very young students, five year olds, interested and involved in the learning process.

Colleagues, through you, Mr. Speaker, I want to recognize and thank those among all the many hundreds of very dedicated teachers in our community. Thank you.

2:50

THE SPEAKER: The hon. Member for Cardston-Taber-Warner.

Wilco Tymensen

MR. JACOBS: Thank you, Mr. Speaker. I would like to acknowledge a great Albertan, an educator, this afternoon. Wilco Tymensen has been nominated as a finalist for the 13th annual excellence in teaching awards program. His name was selected from a group of 400 educators from across the province who were originally nominated. What makes this award unique is that it is the highest recognition that can be received from not only fellow teachers but by students as well.

Mr. Tymensen is one of the most valuable assets to his school, the ACE Place Learning Centre, an alternative school in Taber, Alberta. He has taught a range of subjects to his students at this fine institution and also offers mentoring services for students, but what makes him valuable as a teacher is that he sees his classroom not only confined to the traditional in-class setting but any place where learning can occur. For example, Mr. Tymensen once seized a teaching moment when he explained the laws of physics to a student who had just fallen on a ski hill. Mr. Tymensen stands out to all of us as a model of the teaching profession, and I wish to thank him and congratulate him for that.

Thank you, Mr. Speaker.

THE SPEAKER: Hon. Member for Edmonton-Strathcona.

Audrey Cormack

DR. PANNU: Thank you, Mr. Speaker. I rise today to recognize a great Albertan, Ms Audrey Cormack, president of the Alberta Federation of Labour for the last six years. Ms Cormack has recently announced her decision not to seek a fourth term with the Alberta Federation of Labour. Her career began in the early 1980s, holding a variety of positions with her union, the Communications, Energy, and Paper Workers Union. In 1989 she broke new ground by being the first woman ever elected to serve as an executive officer for the AFL and later as its first woman president.

Audrey is a woman of great vision and commitment who knows that we can accomplish great things when we work together. She has worked tirelessly to improve the lives of hundreds of thousands of Albertans and working people. She knows that now more than ever workers need strong voices and support and that making a life is as important as making a living.

As she leaves the province of Alberta later this month, we say good-bye to her with deep affection, appreciation, and admiration. Audrey, we thank you and wish you the best of luck.

Thank you, Mr. Speaker.

THE SPEAKER: Hon. members, before going to Orders of the Day, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

head: **Introduction of Guests**

(reversion)

THE SPEAKER: In the Speaker's gallery today are three individuals from a few miles away from the city of Edmonton: Robert Jackson, who is the reeve of the county of Barrhead and the chairman of Aspen health authority, Clem Fagnon, who is the chairman of the Westlock foundation and a councillor in the town of Westlock, and Robert Cable, who is the chief executive officer of the Aspen health authority. The three are in the Speaker's gallery, and I would ask them to rise and receive a warm welcome.

head: **Orders of the Day**

head: **Written Questions**

THE SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Following notice having been given yesterday, I would move now that written questions appearing on today's Order Paper do stand and retain their places.

[Motion carried]

head: **Motions for Returns**

THE SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Following notice having been given yesterday, I will also move that motions for returns appearing on today's Order Paper do stand and retain their places.

[Motion carried]

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

**Bill 204
Medicare Protection Act**

[Debate adjourned May 1: Mr. MacDonald speaking]

THE SPEAKER: The hon. Member for Drayton Valley-Calmar.

REV. ABBOTT: Thank you, Mr. Speaker, for this opportunity to speak against Bill 204, sponsored by the Member for Edmonton-Highlands. I have strong reservations about Bill 204. This government has already made a sound choice for the future of health care in Alberta with the Health Care Protection Act. We already did this because we are committed to listening to Albertans. We take their opinions and concerns seriously, and that is how we determine the direction of health care in our province. The Health Care Protection Act is an integral part of that direction. Bill 204 would repeal this act, and for that reason I cannot support it.

Why would we repeal an act that was just proclaimed? Why would we repeal an act that was just debated last session? During that debate we talked to many Albertans at length. In fact, the debate itself was very lengthy. Bill 11 was the most debated bill in the history of this Assembly at well over 40 hours.

Now, I've heard the stories of sitting until 1, 2, or 3 o'clock in the morning. I'm sure that every possible argument was raised during that time for all Albertans to consider. This government talked to Albertans both before and after the creation of the Health Care Protection Act. We listened to their concerns and to those of the people who work in the health care sector.

The Health Care Protection Act was not created in one night, and it encompasses the direct involvement of the people it was designed to protect. There was much information and misinformation distributed about the Health Care Protection Act. The information of course was distributed by this government, and the misinformation was distributed by the opposition parties. On March 12 of this year the people of Alberta indicated who they believed would best represent their interests in health care.

Before the act there were over 50 unregulated private clinics in Alberta. The people in this province wanted regulations and standards impressed upon these clinics. That is what the Health Care Protection Act does. It ensures that no private clinics can operate outside the control of the public health system. By request from the people of Alberta, the act has also made the contract procedure for all private health care facilities open and transparent. The Health Care Protection Act sets out the guidelines for the regional health authorities and specifically the College of Physicians and Surgeons to make sure that the clinics meet strict standards. Bill 204 would be repealing an act that works in favour of the people of Alberta.

The Health Care Protection Act is important because private clinics are not a unique fixture in just our province. In fact, there are hundreds all across Canada. Private clinics support minor procedures and surgeries for things like eye care, some reconstructive knee procedures, and other athletic and sports-related injuries. The current Health Care Protection Act prohibits the existence of private hospitals in Alberta, and therefore all major surgical procedures requiring more than 12 hours of postoperative care still must be done in a hospital.

In Alberta these private clinics provide tens of thousands of surgical procedures each year on behalf of the public system. These private facilities provide an extra source for care. They have lightened the load of certain surgeries on hospitals, and they help us

continue to reduce waiting lists. In fact, Mr. Speaker, the Alberta Health Care Protection Act is such a good act that a former NDP Premier working for the Liberal federal government is looking at this act with great interest as he charts the course for the future of health care in Canada.

Now, a key objective of the Health Care Protection Act was to reduce waiting times. By contracting out minor surgeries, we can free up beds for major surgeries in our hospitals. Also, Mr. Speaker, these clinics are able to increase the number of surgeries they can perform by specializing in a smaller range of procedures. A private clinic can specialize in a certain kind of service, like providing MRIs, and develop greater efficiency, which subsequently takes pressure off the public system. They can free up extensive operating rooms and full-service hospitals for more complex and emergency procedures. I would like to remind this Assembly that any surgical procedure done in a private clinic under the Health Care Protection Act must first be approved by the College of Physicians and Surgeons. As well, the clinic itself must be an accredited facility which meets rigorous standards.

Mr. Speaker, I cannot support Bill 204, and I urge all in this Assembly to do the same. Only by continuing to support the Health Care Protection Act can we continue to improve our health care system.

3:00

I have before me a copy of Bill 204, and there are some things in here that I am very concerned about. The third paragraph in the preamble says, "Whereas those principles are compromised, and the credibility of the public health care system is undermined." Mr. Speaker, these are statements that are absolutely wrong, and this is not true. This government has created an act that was created by much thought and care. There was a lot of consultation. There was a lot of professional opinion that went into the Alberta Health Care Protection Act. It does not compromise the principles of the Canada Health Act nor does it undermine the credibility of the public health care system. There are some very wrong statements as I look at Bill 204 and as I read it over.

Again, the people of Alberta obviously had the chance to say no if they did not like the Alberta Health Care Protection Act. The people of Alberta overwhelmingly said yes, said yes to this government and said yes to the bills that were debated in the last session. They said yes to the Alberta Health Care Protection Act.

So, Mr. Speaker, I hope that my colleagues and all of the people that are concerned about this act will see that the Alberta Health Care Protection Act is in fact the way we want to see health care go in the future in the province of Alberta.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Edmonton-Strathcona.

DR. PANNU: Thank you, Mr. Speaker. I rise to speak on Bill 204 as it's going through the second reading. I'm pleased and proud that this bill is sponsored by a member of the New Democrat caucus and my esteemed colleague from Edmonton-Highlands.

By any measure, Mr. Speaker, health care is definitely one of the most important services delivered by government. More dollars are expended in health care than in any other government program. The health care system touches us all. While the need for health care services depends on our age and our health status, all of us have friends and family who would have faced financial ruin had it not been for Canada's universal health care system.

[The Deputy Speaker in the chair]

This Bill 204 is an important bill. It sets out a comprehensive set of rules both to improve timely access to public health care services and to set strict, enforceable limits on private, for-profit involvement in the health care system. Timely access to medically necessary health care services is essential if public support for our health care system is to be maintained. Unacceptably long waiting times lead inevitably to and result in the richer people jumping the queue if they're willing to pay privately for their needed diagnosis or treatment.

Unacceptably long waiting times are not unique to Alberta, but Alberta does have the financial resources to ensure timely access. I'm surprised that some members opposite will not be supporting setting legislated waiting times for medically necessary health services, whether it is for lifesaving MRIs or for lifesaving cancer treatment. Clearly, waiting time targets would require extensive consultation with affected stakeholders. Clearly, the needs of patients would have to be balanced against the available financial resources of government. These would not be easy decisions, but by the same token we as legislators should not be afraid to make such decisions.

I note that the Ministry of Health and Wellness is making some moves to address unacceptably long waiting times. I sincerely hope these efforts to relieve the pain and suffering of those being kept waiting are successful. However, where is the accountability back to this Legislature if the government fails to meet its waiting time targets? Bill 204 would bring such accountability into the system.

Bill 204 does more than just implement a patient bill of rights entitling Albertans to receive medically necessary or required health care services in a timely fashion. It also makes us as legislators more accountable by setting up a health care services commissioner as an officer of this Legislature. Bill 204 clearly sets out the duties of the health care services commissioner. Given that health care is one of the most important services delivered by government and received by Albertans, it is essential that citizens have some recourse if they believe that the public health care system has failed to deliver high-quality, timely care. The establishment of such a commissioner would do much to restore public confidence in our health care system.

I now wish to briefly address the provisions of Bill 204 that set clear and enforceable rules around the involvement of the private, for-profit sector in a publicly funded and publicly administered health care system. I may, Mr. Speaker, in passing make a comment here to my hon. colleague from Drayton Valley-Calmar, who just spoke on the bill, when he said that the esteemed former Premier of Saskatchewan is ready and happy to accept Bill 11 as part of his recommendations. I guess he knows more than I do about what this commissioner is thinking. I think he'd better have some conversation with his own government and do some more reading of what the commissioner is saying with respect to this bill and with respect to the role of the private, for-profit sector in the health care system.

The government's Bill 11, unlike Bill 204, does open the door wider for commercial business interests to directly deliver health care services funded by public dollars. Nobody said during the intense public debate last spring that Bill 11 would lead to the wholesale privatization of our public health care system overnight. Instead, Bill 11 is part and parcel of a creeping privatization of our public health care system.

Contrary to the statement made yesterday by the Member for Red Deer-North, Bill 11 puts no new rules and regulations in place for the existing 51 private clinics that are involved in doing day surgery. Instead, what Bill 11 does is allow private health facilities to perform, on contract with regional health authorities, complex surgeries that require overnight stays by patients. As a result of Bill

11, for the first time private, for-profit health care facilities in Alberta will be providing in-patient care.

Now, the government may for political reasons choose not to call these kinds of facilities hospitals. I know that the government did all kinds of surveys and held little group sessions to find out whether they should call these surgical facilities or whether they should call them what they are, hospitals. They decided that the people of Alberta didn't like them to be called hospitals, hence its avoidance of that term in Bill 11. But the fact remains that these kinds of facilities, which will be owned and operated on a commercial basis, will be hospitals in all but name.

Bill 204, the Medicare Protection Act, will completely close the door to private hospitals owned on a commercial basis. In its entire history Alberta's hospitals have been owned and operated on a nonprofit basis. Let me underline this: whether they're private or public, they have been owned on a nonprofit basis and operated on a nonprofit basis. Essentially what Bill 204 does is restore this long-standing practice, from which the government's Bill 11 represents a radical departure.

I reject the proposition put forward yesterday by the Member for Red Deer-North that the government's election win was an endorsement of its health care privatization scheme. The same mantra was repeated just a moment ago by the Member for Drayton Valley-Calmar. The same person is writing the speeches, I believe.

This privatization scheme generated an unprecedented amount of public concern just one year ago. Tens of thousands of Albertans wrote letters, sent e-mails, made phone calls, and attended public rallies, including rallies in front of this very Legislature one year ago today. Just because the governing party won the last election doesn't mean that Albertans endorsed every aspect of this government's agenda. Every public opinion poll that I'm aware of indicates that Albertans are strongly opposed to the government's plan to legalize private, for-profit hospitals by using its so-called Health Care Protection Act, Bill 11.

3:10

There are very sound reasons why Albertans were right to oppose the government's scheme. First of all, the government has provided no credible evidence that the private, for-profit sector will be able to deliver health care services any more cost-effectively than the public system. As mentioned yesterday by the Member for Edmonton-Riverview, the overwhelming worldwide evidence is that increased reliance on the private, for-profit sector increases health care costs; it doesn't reduce them. It doesn't reduce waiting times or improve quality of patient care. Trying to run the health care system as a market commodity just will not work. If an increased reliance on the private, for-profit sector was the way to go, the U.S. would have the most cost-effective health care system in the world, but we all know that the U.S. has the least fair and most costly health care system among all developed countries.

Increased reliance on the private, for-profit sector to deliver publicly funded health care services will inevitably give rise to more conflicts of interest, and as evidence of this we need look no further than the existing situation in the Calgary regional health authority. A recent study on surgical contracts and conflicts of interest done by journalist Gillian Steward found that three of the private, for-profit surgical facilities that have current contracts with the CRHA are owned or partly owned by senior medical officers of the CRHA; second, that two of the five private, for-profit surgical facilities that provide virtually all of the eye surgery in the Calgary area or in the regional health authority are similarly owned by CRHA medical officers. As we expand these contracts into complex surgeries like hip replacements that necessitate overnight patient stays, these

conflicts of interest will multiply. This in itself is a good reason to support Bill 204 and repeal Bill 11.

Going further down the road to health care privatization also poses significant risks under international trade agreements. Under these trade agreements Alberta has no obligation to open the publicly funded health care system to commercial interests. However, once that decision has been made, foreign-owned corporations are given the same access to the health care system as Canadian-owned companies. There's no question that should access to contracted health services not be provided on the same basis to foreign companies as to Canadian companies, Canada would face a trade challenge. Some Alberta private day surgery clinics are already foreign owned. The Gimbel eye centres in Edmonton and Calgary were recently sold to U.S. interests without a peep from this government.

Given all of this, Mr. Speaker, there are compelling reasons for this Legislature to support Bill 204, to make it into a law so that for once and for all we can guarantee to Albertans that there will remain in place a well-funded, accountable, publicly owned health care system and that services remain at their disposal as they need them. I'm therefore both proud and pleased to support Bill 204.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Clover Bar-Fort Saskatchewan.

MR. LOUGHEED: Thank you, Mr. Speaker. One year has certainly made a great deal of difference in the perception of Albertans with respect to the Health Care Protection Act. Last week I was just thinking about the previous year. I was at the Fort Saskatchewan trade fair for the whole weekend, Friday night and Saturday and most of Sunday, and as people came through last week, there were all sorts of comments and we had good discussions about where the government was going with budgets and what was coming forward and congratulating our government on being re-elected with a considerably increased majority.

The difference was really notable. A year prior at the same trade fair the opposition had a booth a few doors down and were encouraging folks to sign petitions. They were telling them about how terrible the Health Care Protection Act was, terms like "creeping privatization," the same kind of terms that we heard in the last speech and a few speeches yesterday, the same kind of speeches from before in *Hansard*. I took the opportunity to flip through some and saw all of the negative statements that were made and the dire consequences, the end of health care that was soon upon us.

In fact, Mr. Speaker, those folks in Fort Saskatchewan at that trade fair last year were really concerned. They had been told these messages by the opposition, that the health care system was soon to end, that it would no longer be there. One of the messages I had for them a year ago was, "Let's wait and see. Let's see what happens in a year. Even better, let's see what happens in five years and see if, in fact, our health care system has completely deteriorated." "If it has deteriorated," I told them, "then turf us out. Turf me out personally, and elect the candidate that was just down the hall who had a booth there and was saying all those negative things about the Health Care Protection Act."

So, in fact, this dialogue went on at length last year, and we see that the Health Care Protection Act has served Albertans well. We will see in the four years hence what we were talking about at that trade fair a year ago, that things are going to be even better than they are today, and they will be better because of the concern and commitment expressed by this government and the enactment of legislation like the Health Care Protection Act.

It's hard to understand sometimes how come there was as much confusion as there was. I recall going to talk to a grade 6 class at one of the schools last year in the midst of the health care debate. Actually, it was subsequent to the passing of the Health Care Protection Act. We were talking about government funding, and one of the students asked the question: where does government revenue come from? A bunch of students got through the things like property taxes and income taxes and all the different kinds of taxes that exist, liquor tax and so on and so forth. They'd been well taught by their teacher. It was a really impressive bunch of students.

One of the students came up with another source of revenue. He said: after the government privatizes all these hospitals, people will have to pay so much money for all the health care services that the government's going to rake in all kinds of money for this. I looked at this fellow and said: what is this fellow's name? When I realized who he was and who his folks were, people that I knew, I started to understand. This is the message this same person as a professional had been out there communicating to the public and, in fact, to his own family, completely misunderstanding the intent of the Health Care Protection Act.

Somehow it had been turned around to be filled with dire consequences, the same kind of concern expressed over and over again as recorded in *Hansard* from before and the same kinds of concerns expressed incorrectly in the last few speeches as well. They're still filled with those claims. Those are the kinds of claims that are incorrect but do concern Albertans and cause confusion and uncertainty.

3:20

Mr. Speaker, the concern probably is caused because we really like our health care system. We know it's evolved over the past 35 or 40 years, something like that, into the health care system it is today. Its funding has changed a great deal as well. It was once funded equally by the provinces and the federal government, and now it's become mostly a provincially funded program. About 30 percent of our budget, a little over, goes into health care, and about 5 percent of the federal budget is dedicated to health care. I'll put it another way. Our province contributes about 87 percent while the federal government contributes about 13 percent of the expenditures in health care in Alberta. This is similar to other provinces as well.

We also like the way it appears to be unique in the world for the level of service to the citizens and the adherence also to the five basic principles of the Canada Health Act. One of the benefits for sure of the debate last year – prior to the introduction of the Health Care Protection Act and the great debate that followed, I bet there wasn't any more than a handful of people in the province that knew the five basic principles of the Canada Health Act. After months of debate and whatnot the principles were much better understood by Albertans, the principle of universality, where all insured Albertans are entitled to all insured services provided in the province; the principle of comprehensiveness, where all medically necessary services are insured; the principle of accessibility, where there's access to all insured services provided uniformly and reasonable compensation is paid for those services provided; the principle of portability, where health care services can be utilized by insured Albertans in other provinces; and also public administration, where health care is publicly administered and publicly funded.

I should commend the member. He made a commitment a year ago, and he has followed through on that commitment to bring forward a bill that he promised to bring forward. It may have been misguided. It may not have been a good way to deal with the issue, but in fact it was a commitment made to the constituents. He's fulfilling that commitment and, therefore, as a private member has

the opportunity to bring that forward. We have in this Assembly the opportunity to discuss and look at whatever we may consider to be the benefits of this bill and consider its weaknesses and evaluate it against the Health Care Protection Act, passed by this government a few months ago, and decide whether, in fact, it should be passed or rejected. So that is the task of this Assembly, and that is the task that we will consider, and we will debate and conclude that debate in a few minutes actually from now.

We also as Albertans reject the American style two-tier health care system, the system where citizens obtain different levels of care based on the kind of money they have or the kind of insurance policy they bought or their employer bought for them. Following the principles of the Canada Health Act, our system is equal and free, and that is enshrined in the Health Care Protection Act.

We know it's not a cost-free system. We know it's paid for through our tax dollars, our resource revenues, and even our medicare premiums, which provide about 10 percent of the cost of health care in Alberta. We know, too, that the cost of health care provided under the Alberta health act and under Alberta health care is around \$6 billion. For the 3 million Albertans that means that for every man, woman, and child the expenditure in health care in this province is about \$2,000 every year.

If we consider some aspects of our current health care system, we know there are around 5,000 different surgical procedures identified and regulated by the medical profession and most of those are paid for by medicare. There are about 150 of those procedures that are currently done in privately owned surgical facilities, surgical facilities that have been approved under the Alberta Health Care Protection Act and that are being done, have been done in the past, and will continue to be done to benefit all Albertans. The contracts can be found on the Internet. If you wish to see what the contracts are with different health care facilities, you can look them up and see what, in fact, their reason for existing is, what they do, and what their authorization was from essentially, in the end, the minister of health.

The doctors in those facilities are paid by Alberta health care for whatever operation, whether it is a cataract removal or something else. They are paid that same amount of dollars whether the cataract is removed in the Fort Saskatchewan hospital or the Royal Alex or, in fact, the Gimbel Eye Centre. The costs of the building and the support staff are paid in both cases by Alberta health care, and it's paid through the local health authority with funding provided by the citizens of Alberta through the government. Those costs are called facility fees, and a patient cannot pay the facility fees.

In some of the speeches we see talk about patients being charged for medically insured services. That's not the case. It's against the Canada Health Act. I believe it's inappropriate to make those kinds of claims when, in fact, it's not possible. It's not the intention of the Health Care Protection Act, and to read that into the act and make those claims serves only to confuse and bring discredit to the member who may be making those claims.

We know, too, that the private sector plays a large role in the delivery of health care, and the public system pays for some parts but not for others. There are chiropractors, opticians, optometrists, dentists, pharmacies, drug companies, ambulances, physiotherapy, child psychologists, walk-in clinics, medicentres, and long-term care facilities for older seniors.

We recognize, too, though, that there are many challenges in the delivery of health care. Earlier the federal government challenged the provinces to be innovative and do something to reduce wait lists, increase the number of doctors and nurses available, implement more home care, and reduce hospital stays. Those challenges are the same in every province, and as has been mentioned, Roy Romanow

with his committee has said that they will be looking at the role of the private sector in health care. He said yesterday that he will explore the idea of allowing private-sector facilities to provide more publicly funded health care services. That move by the federally appointed former NDP Premier is an interesting one. He's recognizing that it's necessary to look outside the box and to see what options do exist.

There are several initiatives that here in Alberta we have put forward. The six-point plan was put forward to protect and improve our health care system. That six-point plan had the following points: first of all, to improve access to publicly funded services; second, to improve the management of the health system; third, to enhance the quality of health services; and fourth, to increase emphasis on health promotion and disease and accident prevention. We as members recently had delivered to our desks some information about the Injury Awareness and Prevention Centre, and the members that had opportunity to read that would notice that they are working on preventing accidents; for example, a fall or some other injury that causes a spinal cord injury. In the first few weeks after that injury, millions of dollars, or at least a million, in excess of a million, would be spent in care of that individual for something that was preventable and resources that could go to another aspect of the health facilities.

3:30

The fifth point is to continue to foster new ideas to improve our health system. We do not see in Bill 204 any new ideas that would improve our health care system.

Finally, point 6: take steps to "protect the publicly funded system" from external threats. Well, the Health Care Protection Act does serve to do that, and to repeal the Health Care Protection Act would be inappropriate and also irresponsible.

Without the Health Care Protection Act we knew that private hospitals could in fact start up and go ahead and charge facility fees, and Alberta would lose transfer payments in the process. The Health Care Protection Act prevents that. To repeal it would leave those opportunities open to somebody who was perhaps interested in starting up a private facility without the approval and without the permission and putting the government or the citizens of this province at risk of losing transfer payments from the federal government.

That being said, Mr. Speaker, the Health Care Protection Act is essential to the sound and regulated operation of any private health clinics in Alberta. Without it there would be limited protection for patients in this province, and there would not be reasonable limits on how those clinics operate.

Alberta is a leader in protecting the principles of the Canada Health Act. We were the first to put an end to the ad hoc licensing of private facilities, and we've set down firm regulations for their conduct. To repeal the Health Care Protection Act would seriously undermine the interests of all Albertans. The act is specifically designed to protect health users as well as the taxpayers of Alberta. The Health Care Protection Act provides stability for the entire health care system, and there must be ongoing assurances that licensed clinics are meeting cost-benefit performance standards while also complementing the public system. Any contracts determined to have the potential to negatively affect publicly administered hospitals are identified, and if there's no net benefit to the regional health authority, the health authority is obligated to terminate that contract or not to enter into it if it's proposed.

Mr. Speaker, through cost-effectiveness and regular performance measures, Alberta provides timely medical services to those in need without regard for their ability to pay, and that fulfills our ongoing commitment to the Canada Health Act. As my colleagues have noted, Bill 204 would focus on developing firmly established targets

for waiting times. The issue of waiting times has been discussed and researched across the country, and many interesting conclusions have been drawn from a 1997 Health Canada study. The study found that waiting lists are unmanageable and are arbitrary indicators of health care performance.

In Alberta we're more concerned with measuring the number of surgical and diagnostic procedures and also the quality of those procedures. Those who are in urgent need of surgery or diagnostics will receive the highest priorities, while others will wait a little while longer. For some, the waiting times will be much longer, and for others there'll be no waiting time at all. The length of the line is variable from case to case, and it's not the best measure of performance of the health care system.

I would, Mr. Speaker, encourage all members of the Assembly to reject Bill 204.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Speaker. I'm happy to have the opportunity to support Bill 204, the Medicare Protection Act. I think that it is timely that we do have this debate resurfacing here in the Legislature approximately one year from the time that we had the past debate and to take a look at the information available to us in terms of whether or not it is still a really good idea to ensure that we have a strengthened and strong public health care system by guaranteeing that funding and timely access to health care services are available.

Do we need a patients' bill of rights in this province? I believe we do. If we don't have that in place, then we see a steady erosion of people's abilities to access the kind of health care they need. Is the idea of a health care service commissioner a good idea? I think so. We have a Privacy Commissioner, and health care services are equally as important, Mr. Speaker, so I support that.

Should the Health Care Protection Act be repealed? Well, we've talked about that for a long time. In fact we brought in a bill, Bill 221, last fall in the 2000 session that did exactly that; it repealed Bill 11. So we've been on the record about that for a long time, as we also have, Mr. Speaker, about a patients' bill of rights. It was introduced in this Legislature in 1998 by our former leader and good friend Grant Mitchell. Certainly the government was quite happy to vote that down at that point in time, but it's still a good issue and something that needs to be talked about.

A former speaker, the Member for Clover Bar-Fort Saskatchewan, said that Bill 11 was necessary in order to be able to rein in private operators in the health care system. In fact, Mr. Speaker, I would challenge that comment. I don't think that it is accurate. I think there are many other options for this government to do that, not the least of which is their very favourite one, which is regulations. So there were lots of avenues open for them to be able to pursue the kinds of controls that are needed to ensure that we have some control over private operators in this province.

I think we're still getting the same kinds of questions throughout the province, Mr. Speaker, that we did during the Bill 11 debate and haven't got good answers for them and have seen a government who is still quite happy to put forward their rhetoric on this particular issue but not very much substantive background information to support whether increase in privatization in this province is the right way to go in health care.

Interestingly enough, I recently attended a conference on globalization in the eastern United States where a number of people came to talk about the privatization of health care and what impact that has on our country and countries. There were many senior-level

bureaucrats from the federal government there, Mr. Speaker, people who are studying what's happening in Alberta and taking a look at what's happening across Canada and globally on this issue. There were a number of academics from both Canada and the States and Europe present and presenters who were academics from Europe talking about the impact of globalization and privatization on health care.

It was interesting to hear what they had to say, Mr. Speaker. The greatest emphasis by both bureaucrats and academics from the States and from Canada was on the need for us to take a look at the Americanized system as a real anomaly, a system that absolutely doesn't work, a system that is the costliest medical system in the world to administer and one that gives very poor service: in fact, service rates in the bottom third of all countries in the world, certainly down there with many Third World countries, whom we would normally say provided really substandard care. What they talked about there was what drives that system to be a system that is impractical to operate, costly, and not effective in terms of the care it gives to the users of the system on a dollar-for-dollar basis, and it is the immense privatization.

There's a great deal of documentation available to support that. In spite of what we've heard from government members, the documentation is science based. It's independent. It would be something they'd be trotting out happily if it supported their argument, but it doesn't. So we need to take a look at that and take a look at the reasons why they're unwilling to use this kind of information. There is no doubt that looking at a system that has such high administration costs in it and such poor service delivery is not a system that we should try to adapt or monitor.

3:40

We're still getting, like I said before, the same question as we did before the election, and that is: are private hospitals cheaper? You know, this government is driven by the almighty buck, and they think that everything that's privatized is going to be better, but that isn't the case, Mr. Speaker. We have some basic services that we have found out are not better when they're privatized, and health care is one of them. We can just look to our neighbours to the south to have that verified, or we can look to Britain, where they've had a parallel system running that has been not good at all. A privatized system drives costs up, and I think there are many reasons to substantiate that. In fact, a private system is more expensive and less efficient.

[Mr. Shariff in the chair]

So if we think about why that is, one of the reasons is competition for practitioners, be they nurses or doctors within the system. When you run two parallel systems, private systems can charge more, therefore pay practitioners higher rates of dollars. So what does that do, Mr. Speaker? It not only increases the costs of service delivery to the end users but also drives up the costs in the public system, because then suddenly the public system has to be competitive in the wage market or else they lose all their doctors. They just move from one system to the other, and we've seen lots of examples of that, particularly in the British system, where we have seen many studies that will indicate that the doctors who have to provide some public service minimize their hours there, thereby creating long, long waiting lists, forcing people to see the same doctor on the private side and pay the higher dollars. So it's certainly an issue that we have to think about and talk about and a good reason to support this bill, I think.

There are cost gaps between profit and not-for-profit hospitals and

how they operate, and they widen. There are lots of good reasons for that. We're seeing that in the public system. There's no expectation of profit at the end of the day, but when private investors put dollars into the system, they expect a return on their money. Somebody pays for that, Mr. Speaker, and it's us. It's us in the cost of medical services.

The administration costs drive up the costs. When we take a look at comparisons between systems that are private and that are public, we see that the administration costs are significantly higher than what they are in public systems. They have to have administrators to deal with all the HMOs or whatever kinds of private insurance providers they have. They have administrators to deal with marketing aspects, technology aspects, investor relations, corporate filings. There can be all the legal filings other than taxes, securities filings. All that stuff is costly and takes up a lot of time, Mr. Speaker, and somebody pays for it.

We don't have that in the public system. It's not necessary, and it's good that it's not necessary. We have other added expenses in the private system like the salary costs, not just the monthly expenses but the benefit packages that are used to attract people to the system. We saw that with nurses and doctors here who were attracted stateside because of the great benefit packages – stock options, pension plans, extended other kinds of benefits – and somebody pays for those. Once again, it's the user. Income taxes, then, on profits too are an issue with corporate filings. We also have the subsequent costs of doing business in terms of taxes, and all of that stuff has to be factored into a public system: all add-on costs, all not necessary in a public system. The dollars, if managed correctly, Mr. Speaker, can go directly to providing frontline services.

Now, I don't say that that system is perfect as it stands today, Mr. Speaker. We hear concerns from people within the system who say that even now in the public system we have administrative costs that are too high and that we need to see some of that trickle down to service providers on the front lines, be they cleaning staff, nurses, aides, or doctors. I think that's an efficiency that we always need to be improving on, but no doubt it is half the cost that it would be in a private system, so we have to think about that.

This government talks a lot about market forces driving down prices and costs. Well, it hasn't worked in electricity so far, Mr. Speaker, and it isn't going to work in health care either. Health care is an anomaly. It's different than a lot of other kinds of consumer goods, and it's a perfect example of market failure, where the market, in fact, doesn't work, where you can't supply enough services to meet the demand. Where the service is specialized and often can be pitched to the patient in a fashion where the patient or the user of this service can't verify or justify the services that they need, the system is then open to taking advantage of people who don't have a lot of technical background or medical expertise. So this is not a system that lends itself to competition.

It's hard for patients or users of the system to comparison shop, Mr. Speaker. It's not fun running around trying to check out different doctors or how you can substitute one product for another. It's tough to do that. They just often don't have the ability or the technical expertise to be able to do that, and they're just open to being manipulated or otherwise talked into services that may or may not be necessary. They don't have any ability to judge the quality of the service and the cost-effectiveness of the service that's being brought forward. It isn't really that kind of commodity. You can take a look at two apples sitting on a shelf and make a decision about which one to purchase, but it isn't that easy when you're talking about medical services. So I think that's something that we have to consider in this.

Another question we hear all the time is: will for-profit health care

raise costs to the public system? Yes, they do. There are all kinds of issues that need to be addressed. Conflict of interest in those systems is something that we've talked about in this Legislature before and something that is a possibility with elected RHAs. We've had some discussions about that in terms of who sits on the boards, who makes the decisions, and who gets to decide who's making the money at the end of the day. We know that historically in this province it isn't the average person who benefits from those kinds of deals, Mr. Speaker, and I see no reason for that to change.

This government talks all the time about shorter waiting lists in a private system or else how ineffective waiting lists are as a measure of performance. They argue both sides of that case. I think it's interesting that they do that when it's convenient. They talk about how we shouldn't be using waiting lists as a measure, and then we'll hear the minister also talk about waiting lists having been shortened.

In fact, when we took a look at the cataract operations in this province – and we spent some time doing this during Bill 11 debate – what we found was that those regions offering completely public cataract services were not only cheaper but had the least long waiting lists. That was Lethbridge region, Mr. Speaker, that provided a completely public service at a much lower cost and with much reduced waiting lists. Edmonton was a good example of being a middle example of costs, where I think it's about 80 percent of the services were provided publicly. The waiting lists were substantially lower than those that were all provided by private operators like in Calgary, where it was a completely private system. They had the longest possible waiting lists and the highest cost.

3:50

So there just isn't any way you can justify a private system being better than a public system based on either evidence available from other jurisdictions or evidence available right here in this province. It'll be interesting to see how this unfolds, and it's certainly a concern for us as we see more private operators cropping up in Alberta, particularly from the international agreement side.

I think what we'll find with NAFTA is that once the doors are opened to these private operators, it's a very slippery slope, and this province will fall off that slope very quickly. They won't be able to shut the doors and say: this is enough; we have enough private operators in here now. The public system down the road looks like it could be completely eroded, and that might be okay if everybody can afford to pay, but everybody can't afford to pay. In fact, I would suggest that most of the members in this Assembly would have a hard time financing a serious health problem within their family at the cost of current services, not to mention the escalating cost of those in the future, and I think that's something that we need to be very concerned about. It's easier to make sure that you have all of the steps in place before you move forward with something like this.

We saw this with the deregulation. Had the government put the rules in place before deregulation happened, it might have worked, Mr. Speaker. As it is now, we have a very costly boondoggle on our hands for the next couple of years at least, perhaps longer than that. Who pays when we do? Ultimately, we hope deregulation will sort itself out. Ultimately, privatized health care won't sort itself out, because there is no mechanism for us to revert to a system that is publicly funded or publicly based. Once this system erodes to the point where it isn't providing adequate services for people at any level, it'll just be gone, and what about those people who can't afford to pay?

As the opposition, when part of our role is to be the watchdog of government, it's very important for us to raise these concerns. When part of our role is to be the spokesperson for those people who feel they are not represented by this government, then it's important for

us to bring those issues forward. In this case, in a privatized health care system, there are many people who are not represented by the government: the poor, the middle-income earners, people who have chronic health problems, people who have children who have chronic health problems. Those people are not represented by private health care and this government.

So it's important that we continue at every possible opportunity to talk about these issues and keep them in front of the people of this province and keep them in front of the government, because we've known in the past that there have been cases where this government has changed its mind or incorporated some of our good ideas into legislation. Mr. Speaker, it takes a long time for this government to listen to anybody, particularly to the opposition, but it does happen, and we're quite happy to continue to put forward the arguments that people in this province are asking us to do.

That concludes what I have to say about this bill at this time. Thank you, Mr. Speaker.

MRS. McCLELLAN: Mr. Speaker, I welcome the opportunity to make a few comments on this bill. Much was said over the past session of this Legislature. Much was said after the session. Much was said during even this past election campaign.

I read the hon. Member for Edmonton-Highlands' bill with some interest, and I am curious as to why anyone would want to replace the Health Care Protection Act, which is totally complete in its protection of our public system, with this bill, which is wholly inadequate. It would take more than the 20 minutes I've been allowed to point out the inadequacies of it, but I'm going to try. I'm going to remind people that we had a good debate about this, and it was the focus of both opposition parties for their election bid. It failed dismally, and this bill should fail as well.

The issue is this, Mr. Speaker. They are entirely on the wrong tack. It is not an issue of private or public. It is the issue of offering quality health services in a timely fashion. That's the issue the people I talked to are concerned with. In fact, I held four meetings in my constituency. I admit I didn't have a large turnout at any of them, but the people who were interested did come. You know, we sat down with the actual bill and went through it clause by clause, and they were shocked and dismayed and annoyed that they had been listening to such wrong, wrong information on the bill.

The fact is that the Health Care Protection Act does first in its preamble outline the responsibility of the government of Alberta "to provide leadership and support . . . of quality health services." Another part of it talks about all of the principles of universality, comprehensiveness, accessibility. There is a correlation in these two bills in that respect, and I commend the hon. member for that.

It talks about excellence in the health system, which this does not. This does not talk about excellence. It talks about a narrow system, an outdated system, that nobody – nobody – in the private system should ever offer a service, whether it's needed or whether it's a quality service. It doesn't talk about the qualifications of the provider, which this bill does. It talks about government, in my view, in reading this, determining who should provide health services.

Mr. Speaker, I'm a firm believer that health professionals are in a better position than this Legislature to determine who should provide the services. Frankly, if I have a choice between the College of Physicians and Surgeons determining a facility and if the people who operate in that facility are qualified to provide me services over the hon. Member for Edmonton-Highlands, with all due respect I'm going to pick the College of Physicians and Surgeons every time.

We should talk about – and I wish there had been more support from both opposition parties – who has the funding responsibility

and what the Canada Health Act really is, because the Canada Health Act is a funding mechanism. That's what it is. You can wrap yourself in the flag, you can wave it around, but it talks about funding, and it talks about penalty, and it talks about doctors and hospitals. That's what it talks about. It doesn't talk about the services that are important to our seniors, like allied health services, like access to optometry, to physiotherapy, to chiropractic, to podiatry, to all of those things that are important. It doesn't talk about rehab. It doesn't talk about home care. It doesn't talk about those support services that are of huge importance to our seniors' population in this province. In fact, under the Canada Health Act you wouldn't be compelled to offer MRI services. The only part that's compulsory under that is the reading of the MRI, which is done by a radiologist. That's the doctor's side of it.

So I think it's time we had a discussion about health care, not ideology, and to me this is about ideology, not about ensuring that the people of this province have quality health care.

Let's ask the federal government why their contribution to health services in this country, in this province is 13 percent when it used to be 50 percent. Well, they will tell you – and I've heard all of the stories, as all of us have – that with tax credits and that if you only take the narrow part of the health system that it covers, they're much higher than that, and they are somewhat if you take that all in but nowhere near the 50-50 that we started with.

Let's talk about who has the opportunity to raise money and the responsibility to pass it on to the province delivering the services: the federal government, who collect the vast amount of taxes – income, excise, GST, all of those things – and don't deliver health programs. They have a serious responsibility, and some of that I believe they carry out very well. In protection, in disease, in licensing there are some very good things. Some years ago when I inquired how many people in that vast array of civil service in Ottawa actually worked on the Canada Health Act, it was about 25. You know, there's something wrong with this.

4:00

So I looked at this, and I thought there must be something in here that's going to improve over Bill 11. Does it state that no person shall operate a private hospital in Alberta? Well, I found that in the Health Care Protection Act, the first article. I found:

No physician shall provide a surgical service in Alberta, and no dentist shall provide an insured surgical service in Alberta, except in

- (a) a public hospital, or
- (b) an approved surgical facility.

I didn't find that in here. I may have missed a page, and I'd like the hon. member to correct me if I'm wrong.

I found out that queue-jumping is prohibited, not in this bill but in the Health Care Protection Act, and it's very clear in article 3. I found out in article 4 that no person could be charged an extra fee for a service associated with a medically necessary service. I'm not sure that's very clear in this area although there is a vehicle in section 10(2) for that to happen, but it's much clearer in this bill, and I would have commended the reading of this bill to the hon. member to get a few more sections. Some of them are close.

I went on and found other sections about payment, where it's prohibited and where under special circumstances it might happen. I found out that if it did happen, the patient had the full explanation of what the service was for. I found out that they couldn't be refused service because of inability to pay or saying that they wouldn't pay, but I found it in the Health Care Protection Act, not in this bill.

The area that's very important to me I found in part 2 of the Health Care Protection Act, and that is the area of the conditions of operation. It states in there that

No person shall operate a surgical facility at which insured surgical services are provided unless

- (a) the surgical facility is accredited as required by section 11(1)(b).

That's important to me when I go for medical services. I want to know that that facility is accredited. I want to know that it has been visited and inspected by people that know the system. I found out in that section that the operator of that facility has to have an agreement with the regional health authority. I thought that was excellent.

I went on and found out that the minister in approving a facility has a number of conditions that he or she must meet: that there must be a defined need, that it must be shown that it is efficient to operate both in the delivery and on the financial side of it. I found out that of course they would have to be accredited. I found out something that was incredibly important to me, that the minister could also refuse to approve a facility, and I think that provision is incredibly important.

So when I went through this bill from the hon. member, which I think he put forward in good faith, I found it woefully lacking in some of the areas that are important to me and to my constituents, the people I talk to, the people that said: I want quality services, I want timely access, and I want to ensure that the practitioners who are delivering those services and the facility they're delivering them in are accredited. As I say, I'm afraid this bill doesn't do it.

Now, the interesting part of the bill to me is the health care services commissioner. The Health Care Protection Act has a provision in it for a health advisory committee, which I thought would be quite adequate. I looked at what the health care services commissioner would do that this other body might not. Well, reporting: I think the other body could do that. Laying a copy of the report: I think that could be done. I see that a select committee might be called, which I would support if it were going to improve somebody's health status in the province, because I'm really talking about measures that will improve people's health status rather than things that are in my view – in my view and I may be wrong – more ideologically driven than they are health delivery.

The other thing that I found that was lacking in this bill was any ability to think outside the box, to look at new and innovative ways of delivering services. When we look at the health budget in this province and in other provinces across the country and we see that they are rising from 30 to 35 to 40-plus percent of budgets, you have to wonder where the line is. There's no way that you can sustain a system unless you look for new ways to deliver services.

I found it interesting in my experience over the years when a new technology would come in. MRIs are a good example. It's a wonderful diagnostic tool, but what I want to know is how much less we're using the other diagnostics. MRIs are new. Have we reduced costs by not using other diagnostics as often? When a new drug comes in that allows a patient to go home and have a quality of life rather than being in an institution, does that save us some dollars? We have a health economics group that I think looks at some of those issues for us.

There isn't a member in this Legislature on either side of this House in any party that doesn't want a quality health system. There isn't a member in this House that I know that doesn't support a publicly funded and administered system. I believe members on both sides of the House agree on those points. Where we do disagree is on how to achieve that. I can tell hon. members that unless we look at this with some innovation, with some idea just a step forward – the same is not always better. We all feel comfortable if we don't change anything. Change is frightening for everyone, but what's more frightening to me would be the loss of a

system that everyone in this country cherishes and I believe we all want to fight for.

I'd like to see a bill come in that really forces us to look at innovation. I am hopeful that Mr. Romanow's committee is going to deal with that. However, I'm a little discouraged because the Prime Minister had another committee in place – and I think he actually co-chaired it – maybe four or five, six, seven years ago. We had three members on it from Alberta. They wrote a very good report, and unfortunately very few if any of the recommendations have been carried out or followed except by the provinces of their own volition. So I worry that this committee might do very good work and then the responsibility for carrying this out might fall back to the provinces, who do not have the ability to raise the funds in the same way that our partners in the federal government have.

4:10

You know, members, “profit” is not a bad word. “Private” is not a bad word. The private sector is what drives this province and allows us to enjoy the highest quality of health services in this country. The private sector is the engine of our economy. We exist with them in the public system by being the supporters of the delivery of some quality services.

The biggest danger to our health system is not the Health Care Protection Act, or Bill 11. The biggest danger is the narrow vision that many of us have that if we change anything, the sky will fall, the earth will shake, and our health system will disappear. Well, you tell me why after this time, after hearing this – and I've heard it for some years – “Doomsday; it's going down,” the Capital region has been named two years in a row in Canada as the best deliverer of health services. Tell me, hon. members, why. Tell me: how could that happen? We know that the Health Care Protection Act has been in place for a year, has been proclaimed for some time, and you know what? They're doing better and better. They contract though. They contract. You know what? They're doing well.

The other thing I want to ask the hon. member is if he had the time or the opportunity to read the act that's in the Saskatchewan Legislature on this issue. If you want to read a permissive act that would allow, actually by my reading of it, for-profit hospitals, then read the Saskatchewan legislation. Have a look at it.

We asked the federal government, when they were kind of coming around making comments, just one thing. Would you do a review of all the legislation in Canada in every province, and if we are lacking in some area, we'll look at changing our legislation. But don't look at us in isolation because we're Alberta, because we are innovative, and because our health system is working pretty well. Look at every piece of legislation in this country and then tell us where we're lacking. You know, we're still waiting for that answer.

So I have a little problem when I'm trying to determine in my own mind what the real agenda is. Well, I can tell you what the real agenda is from this member's point of view. As a person who represents a very large rural riding which depends on the cities of Calgary, of Edmonton, of Medicine Hat, of Red Deer, and to some extent maybe Lethbridge for the assistance in delivery of health services, our interest is quality health care. Our interest is having it provided in a quality facility and by qualified physicians.

When I asked my constituents how they would feel about the Gimbel health clinic being shut down, they were appalled. They were absolutely appalled. You know, when I thought about it, I was too, because who has really brought that surgery to what it is today? I remember people when they had to lay in hospitals for it. [Mrs. McClellan's speaking time expired] My, the time flies.

THE ACTING SPEAKER: Before I recognize the hon. Member for

Edmonton-Highlands to close debate, may we briefly revert to Introduction of Guests?

[Unanimous consent granted]

head: **Introduction of Guests**

(*reversion*)

THE ACTING SPEAKER: The hon. leader of the ND Party.

DR. PANNU: Thank you, Mr. Speaker. It's my great pleasure to introduce to you and through you to members of the Assembly a distinguished teacher and Edmontonian, David Eggen, who is sitting in the public gallery. David ran for the New Democrats in Edmonton-Centre in the last provincial election. I ask David to rise and receive the warm welcome of the Assembly.

MRS. GORDON: I, too, Mr. Speaker, would like to take this opportunity to introduce to you and through you someone who is sitting in the public gallery, probably not a stranger to many, Mr. Pat Brennen, who hails from Parkland county. He is a councillor with the Parkland county and on the Northlands board. He is standing in the public gallery. I would ask that you give him the warm welcome of the Assembly.

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

Bill 204

Medicare Protection Act

(*continued*)

THE ACTING SPEAKER: The hon. Member for Edmonton-Highlands to close debate.

MR. MASON: Thank you very much, Mr. Speaker. Before I begin, I wonder if you could enlighten me as to the amount of time I might have left to conclude my remarks.

THE ACTING SPEAKER: Five minutes.

MR. MASON: Five minutes. Thank you very much.

Mr. Speaker, I'm very pleased to be able to conclude debate on second reading of Bill 204. I'm quite proud of Bill 204 and would certainly recommend it to all members of the Assembly.

It does three main things, Mr. Speaker. First of all, it enshrines the five principles of the Canada Health Act in the clauses of the legislation itself, and they are therefore stronger and more binding than if they were just placed in the preamble, as Bill 11 does.

Secondly, it does set minimum standards for health care, including limits on waiting lists and a ban on queue-jumping, something which the government's legislation fails to do.

Thirdly, Mr. Speaker, it prohibits outright private, for-profit hospitals and clinics, something which the government's legislation clearly does not do.

Now, I'd like to respond briefly to the comments of the Member for Clover Bar-Fort Saskatchewan. He talks about Bill 11 protecting the principles of the Canada Health Act, and I suppose that it does, Mr. Speaker, but I think that it's not nearly as strong as it could be. He says that repealing the government's legislation leaves us open to sanctions from the federal government, but I remind members of the Assembly that it was the Conservative government of Alberta that incurred those sanctions by continuing to promote balance

billing, otherwise known as extra billing, and it was the federal government that forced Alberta to heel. I wasn't in politics at that time, but I sure remember the squealing and the howling from this government when the federal government did the right thing and enforced the Canada Health Act. If they hadn't done that, you can imagine what we might be paying.

I want to talk about the comments that a number of members have said about Roy Romanow being open to consider private aspects in the health care system. Of course he's open. He's got to study all aspects of it, and certainly this government would squawk a great deal if he wasn't open to it. But what will he find, Mr. Speaker? When he looks at all of the research that's been done about which kinds of systems work well, which kinds of systems are cheaper and reduce waiting lists and provide good services, he will find a mass of evidence that a publicly funded, publicly owned and operated health care system achieves those goals best.

When he looks for the evidence on the side of private health care, what will he find? Well, he'll find just what this government found – and it's only come to light as a result of a freedom of information request. The government's evidence for private health care amounted to nothing, nada, zip, not a thing, not a speck of evidence to indicate that private health care provides better outcomes than public health care, and that is the difference between this bill, Bill 204, and the government's legislation. The government's legislation is based on a foundation of sand. There is nothing there to support the principles that the hon. Deputy Premier has talked about. On the contrary, my bill is supported by virtually every major study that has been done on the economics of health care.

MR. NORRIS: *Pravda*. Proletariat. You're Red.

MR. MASON: Don't Red bait me, hon. member. Mr. Speaker, I take exception to this yappy old minister across the way here. He's so damned pleased with himself, he can't . . .

THE ACTING SPEAKER: Please address through the chair, and that will avoid any such confrontations.

MR. MASON: I find that completely unacceptable from a minister of the Crown.

Now, I want to say something about the comments of the hon. Deputy Premier. I am honoured that they would bring in a heavy hitter like this to speak to my bill. I appreciate it, but she's talked about thinking outside the box, as all the government members are wont to do. They're all wont to talk about thinking outside the box. What does it really mean, Mr. Speaker? It's a code word for relentless experimentation and search for the Holy Grail of privatization.

4:20

THE ACTING SPEAKER: The five minutes are up, so we have to call for the vote.

DR. PANNU: Mr. Speaker, a point of order.

THE ACTING SPEAKER: You are calling a point of order.

Point of Order Parliamentary Language

DR. PANNU: Mr. Speaker, I'd like you to rule on the use of the language that's just been used repeatedly from the other side of the House when this member was speaking. Those words that were used: I'd like you to look at the *Hansard* and rule on whether or not

those words and those expressions are parliamentary. It's offensive to hear this kind of accusation made without regard to the dignity and the respect with which we need to deal with each other in this House.

THE ACTING SPEAKER: The chair was unable to hear those words, and a ruling will be made once the *Hansard* has been referred to.

On the motion for second reading of Bill 204, Medicare Protection Act.

[The voice vote indicated that the motion lost]

[Several members rose calling for a division. The division bell was rung at 4:21 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Blakeman	Mason	Pannu
Bonner	Massey	Taft
Carlson		

Against the motion:

Abbott	Horner	Ouellette
Ady	Jacobs	Rathgeber
Broda	Jonson	Renner
Cao	Lord	Shariff
Cardinal	Lougheed	Snelgrove
Cenaiko	Lukaszyk	Stelmach
Danyluk	Lund	Stevens
DeLong	Marz	Strang
Friedel	Masyk	Tannas
Fritz	McClellan	Tarchuk
Gordon	McClelland	Taylor
Graham	McFarland	VanderBurg
Haley	Melchin	Vandermeer
Herard	Norris	Zwozdesky
Hlady	O'Neill	

Totals:	For – 7	Against – 44
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[Motion lost]

Bill 205 Municipal Government (Farming Practices Protection) Amendment Act, 2001

THE SPEAKER: The hon. Member for Lacombe-Stettler.

MRS. GORDON: Thank you, Mr. Speaker. Agriculture is an integral part of Alberta's economy and is of significant importance to those of us residing in the Lacombe-Stettler constituency. Unfortunately, many Alberta farmers have been hit with a combination of factors over the last four years, factors certainly beyond their control, including low commodity prices, rising input costs, multiple weather related problems, and, most recently, changes made or changes now being contemplated in some jurisdictions to local land use bylaws that threaten the long-term sustainability of livestock production and overall viability of these family farms.

Viability of the overall livestock industry is important and at risk.

In order for you, the members of this Assembly, to better understand the current issues surrounding livestock production and expansion in Lacombe county, it is necessary for me to begin by first providing you with a short historical perspective.

The presence of large numbers of livestock has been part of the western Canadian landscape for thousands of years. These animals, of course, were buffalo, or bison, and they have sustained First Nations people for hundreds of generations. Their effect on the landscape was at times very dramatic and would today be called threatening and pollutant. With the coming of European settlers approximately 125 years ago, agriculture replaced hunting as the way of life, and attention became focused primarily on producing grain for export markets. Vast quantities were grown and sold, millions of people were fed, and relative prosperity prevailed on the Canadian prairies.

But times have changed, Mr. Speaker, and our agriculture sector has had to deal with the many, many challenges of this change. Countries that were once customers have become competitors. Making a living producing grain for export has become more difficult, but farmers in Alberta are moving ahead, meeting these challenges by diversifying, moving out of the box, adapting to changing market conditions by expanding their production in new areas, particularly specialty crops and livestock.

My farmers are no different. They, too, have had to rethink their farming operations, with emphasis on adapting quickly and with resilience to pressure from a moving target, the ever changing global marketplace. My farmers recognize that as a family farm they must increase production capacity and maximize value from their existing land base to remain economically sound. Flexibility is also key. On August 3, 2000, things changed significantly for livestock production, for livestock producers operating within the jurisdictional boundaries of Lacombe county. This was the day that council gave second and third readings to a new land use bylaw that, quite simply, has gone way, way too far. This poorly conceived bylaw is punitive, excessive, and severely hampers and/or restricts now existing operators from expanding.

Allow me to explain, Mr. Speaker. Firstly, these changes were made in haste without prior due consideration given to consulting with affected stakeholders. In fact, according to producers this bylaw was rammed through in less than a month, with the county repeatedly rejecting all attempts by responsible producers for discussion, resolve, or compromise. I, along with 600-plus others, attended the only public meeting held, and it was in my opinion a complete sham. Most came seeking clarification, needing answers, wanting answers, and hoping, hope upon hope, for an extension of time. Questions were certainly raised, but no answers were given. No dialogue took place. Nothing was clarified. No rationale was stated as to why these changes were needed, and absolutely no consideration was given to the repeated requests by many for a full review involving the entire industry. It literally made a joke of what should constitute a public hearing process and what it should accomplish.

4:40

What has this done, and what does it mean to the individual livestock producers now existing and operating in Lacombe county? More than likely a dairy farmer or a hog farmer, the ongoing viability of his entire operation is threatened. His lifelong investment in land, buildings, and equipment is jeopardized, the assets he owns greatly devalued. His resale value, if he has one, is greatly diminished. The way of life for him and his family and often his family before him, his father and grandfather, the quality of life and the life they have lived has suddenly become compromised. The

banks he has used are now questioning his operation long term in relationship to his borrowing requirements. The flexibility he very much needs is decreased dramatically, if not entirely gone. Neighbours, friends, and family are fighting over who is right, who is wrong, and where we are going. He knows he is represented by a council who refuses to acknowledge his contribution at the local level, his contribution to the agriculture sector as a whole, knows that this same council doesn't seem to care whether he can continue to operate successfully in their jurisdiction, and his existing farmstead is now not in compliance with the amended land use bylaw.

Throughout the area the effects are dramatic and evident: the divisiveness, the uncertainty, the confusion, the conflict, the pessimism, and the questions. Why is this happening, and why now? One truly has to ponder the drafters' intent with these bylaws. What is the reasoning? Do the drafters not realize the full implications of what they have written, or have the council and councillors made this decision, with the majority making the decision? Do they not support nor will they endorse livestock production? Though I can't give an answer to that, I can tell this Assembly that today in Lacombe county we have a very much divided community. It's time for the province to get involved, to take action, action aimed at equity, fairness, and consistency. Producers only want what they deserve: clear, concise, and understandable rules under which they must operate, the same rules that would apply to all, regardless of where they live or where they farm.

Producers universally recognize and accept that they must adopt best management practices and ensure responsible stewardship and sustainability, but these practices must be set out in consistent guidelines that are not subject to arbitrary change or arbitrary interpretation. These producers need predictability. They need some level of protection from continually being harassed by frivolous challenges to their ongoing farm business operations. Their business needs are basically the same as those of other important sectors in Alberta relative to the Alberta economy and critical to the Alberta advantage, namely the oil and gas industry and the petrochemical industry.

This is in fact, Mr. Speaker, the very essence and thrust of Bill 205 and the amendment relative to section 619.1 of the Municipal Government Act. I would like to see us elevate the status of livestock production to the level of importance similar to natural resource development within the province of Alberta.

Let me go back for a few minutes and explain for your benefit and the benefit of the members in greater detail why many of my existing farmsteads are now not in compliance with the new land use bylaw and what it means to the individual operator. The reason is thus: the new bylaw requires that livestock operators own all of the land within the minimum distance separation setback. So it must be entirely on one consolidated parcel. Previously the minimum distance separation under the old bylaw allowed operators to encroach on a neighbour's property, and expansion was allowed if the neighbour provided consent. So simply stated, most of my existing livestock operators today do not own the land with the new setback requirements.

Because of the grandfathering provisions contained in the Municipal Government Act, these farmsteads have now been designated as a nonconforming use by Lacombe county. However, there are complications and severe ramifications. There are two circumstances where grandfathering does not protect a nonconforming use. Number one, where the building is damaged by fire and needs to be rebuilt. This means that any existing operation in Lacombe county that does not contain the minimum distance separation on its own property would not be allowed to rebuild on their present site after a major fire. This leads, of course, to a

number of questions, one being: what happens with insurance proceeds? It's my understanding that if you don't build on the site where the fire was, you are just paid half the proceeds.

Number two, where the building or use is vacant for greater than six months. So if a producer ceases the use of his operation for six months or more, he would have to apply for a new development permit and move his buildings. I have no idea where he is supposed to move his buildings, but in order to comply with the setback requirements, this is what would have to happen.

Now, why would an operator cease to operate? Possibly out of necessity; he's ill and needs time to hopefully recover; he decides to temporarily shut down his operation because what he is producing is at depressed commodity prices; he decides to sell his operation, but it's taking more than six months to find a buyer. Again, I ask this Assembly: is this fair?

I recall a quote something to the effect of: necessity is often the mother of invention. Such is the case with this situation. As a direct result of the changes made last summer the Lacombe County, Partners in Agriculture was formed. This group's membership is well over 600-plus local residents from the livestock sector and agriculture businesses in the Lacombe region, and they are working diligently to see if they can assist in implementing changes. They have taken much time and care and have spent considerable dollars to review this entire situation and are committed not only to livestock production in Lacombe county but seek changes necessary for the betterment of the industry as a whole, provincewide now and with sustainability well into the future.

Their mission: the preservation of economically viable family farms living in harmony within the rural community.

Their goals. As most are responsible producers, many second- or third-generation farmers, they are seeking a balance between environmental protection and commonsense regulation. These goals include greater regulatory certainty, science-based standards, fully enforceable legislation protecting right to farm, public education regarding the importance of agriculture, and industry education regarding leading-edge management practices.

4:50

I would like to share a quote with you from the Lacombe County, Partners in Agriculture:

We want to work with the province and establish a regulatory framework that protects the environment and human health but allows producers to operate if they meet certain criteria . . . The real problem is that municipal governments lack the expertise or technical knowledge to address these issues and instead resort to these [very] restrictive By-Laws. Until that's fixed, livestock producers will continue to face unreasonable hurdles.

Could, Mr. Speaker, the code of practice 2000, the code that's used for the safe handling of manure, or any amendments thereto not be successfully entrenched in legislation? There is so much that needs to be talked about regarding this issue. This is a huge issue not only in Lacombe county but in many other parts of the province, and unfortunately a 20-minute speech does not allow me to touch on very many aspects of it. I know and appreciate that the province of Alberta is working to resolve many of these outstanding issues. I'm very pleased that we can see some changes and the industry can carry on and do what they want to do; that is, farm. As I said, in 20 minutes unfortunately one cannot cover everything that's involved. My intent today was to make this Assembly aware of the situation as it relates to my constituency. It's a critical situation, one that needs our resolve.

Agriculture is very, very important to everyone, not only to farmers. It's also very important to rural communities. Your communities, my communities, the town of Stettler, the town of

Lacombe, the village of Mirror, the village of Donalda rely heavily and are dependent on their surrounding agricultural community, and all of us in Alberta, in Canada, in the world enjoy and want to continue to enjoy the bounties that these farmers produce and grow. Nothing beats Alberta meat.

Yes, I'm convinced that common ground can be found. It will of course require commitment and action by this government and the industry to mitigate as much as possible the many concerns related to the impact of livestock production and expansion on Alberta's environment and rural landscape, but I'm confident that it can be done. Yes, it will also require more education and a greater willingness on the part of opponents of the industry to recognize the importance of this sector and that sustainable, well-managed livestock development is not inherently bad.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Leader of the Official Opposition.

DR. NICOL: Thank you, Mr. Speaker. It's a real privilege this afternoon to rise to speak to Bill 205. You know, the issue of how we deal with all of the impacts of intensive livestock has been a debate that's been going on basically the whole nine years now that I've been involved in the Legislature. We've seen a lot of different impact studies done and issues that have been looked at in terms of how best to deal with both the impact of the intensive livestock operation on the community but also how to deal with some of the issues that come up in the context of fairness and openness and the kind of participatory decision-making. The government has undertaken two and a half different consultations, and they have basically led to what now is, I think, a fairly well-documented and accepted code of practice for handling livestock waste and for dealing with the issues of siting.

The issue is: how do we deal with it in the context of trying to make some of the recommendations in there actually functional and promote the decision-making that goes on in the community? Bill 205 is effectively going to take a lot of the conflict, a lot of the technical aspects of the debate out of the hands of the community. It will put it into an agency that will effectively be making the environmental waste handling, siting decisions associated with: how do we deal with an intensive livestock operation? It'll take those away from the local community.

If we look at some of the aspects of the Municipal Government Act and look at them from the perspective of section 619, we have to basically question whether or not this is the best place to insert some kind of control or decision-making into it. Because basically under subsection 1(3) we end up there saying that the local community has no chance to override a decision that's made by one of these agencies that are going to be designated to approve essentially an environmental plan for the intensive livestock operation in question. The end result then is that if an application is made, the local community has to accept the siting and the location and the final decision. They can't overrule it using local parameters.

In effect what we're seeing here is, I guess, two things. One is that a local community would essentially have to have a very solid, a very well-thought-out, a very encompassing land use plan and zoning criteria in place before such an application was considered so that when it came back, the community would in effect be in a situation to say: okay; yes, this intensive livestock operation fits our community land use plan, our zoning plans, and that's the place it can go. If we look at the flexibility that local municipalities have in designing their land use plans and putting in place their predetermined zoning requirements, they don't have the flexibility that would give them that much say over how or where one of these intensive livestock operations gets situated.

The other option, then, is essentially: if we don't have this well-thought-out plan in place, the local community basically has no choice for second thought, for a reconsideration of what impact such an activity would have on the way they see their community. We end up then in a situation where if this kind of arm's-length decision can be made about the environmental aspects, that's extremely useful.

Mr. Speaker, I've been to a number of community meetings, appeal panels, land use board meetings. What we've heard there on a constant basis is, you know, just basically discussions about the technical aspects of whether or not a business plan for an intensive livestock operation is environmentally sound. This gets into some extremely technical aspects.

[Mr. Lougheed in the chair]

Bill 205 would go a long way to address that. The province, by appointing or designating a particular agency to undertake the environmental approval, could take out of the local community debate around a lot of the technical issues that the expertise is not necessarily always available to all parties in the community. It might be available to the planning appeal board or to the county council or MD council. It might be available to the applicant. But for each of the people, in terms of either their wish to be a supporter or an opponent to an application, they don't have the technical expertise. So moving the technical discussion, the technical question away from the appeal panel, away from the local community, that's a good idea. I think that's kind of what we have seen in some of the discussions that are going on with respect to how should the intensive livestock waste-handling system be implemented in the province.

5:00

I spent a lot of time last fall at the AAMDC convention, and just one after another the councillors or the reeves were coming up and saying: "What are we going to do about this. How are we going to handle it?" How will we effectively have common standards for environmental protection, common standards for the issue of all of the technical aspects that are necessary?" But what is most important to the local community is the ability to still have some say over the lifestyle that they are going to live in conjunction with these intensive livestock operations.

What I'd suggest is that, you know, this is a very effective way to deal with the technical aspects, but on a stand-alone basis it effectively takes away from the community any ability to deal with the definition of the kind of community they want, unless they are given a time frame up front to basically put in place a comprehensive land use plan for their community. When I read through the Municipal Government Act and I talk to the councillors out there, when I talk to community people, talk to even some of their land use individuals, the people who actually get involved working with groups who are either a proponent or an opponent to some of these issues, they're saying that the Municipal Government Act right now doesn't provide the flexibility to the local rural municipalities to deal with the kind of zoning and the kind of land use planning that they'd like to see.

[The Speaker in the chair]

What I would like to suggest is that we look at this as a convenient way to handle the technical aspects of intensive livestock. You know, when you talk to individuals even in the livestock sectors, whether it's cattle or hogs or poultry, they're all saying: "Yes, we want to know the ground rules. We want to know what is expected

of us, and we want to have a firm commitment that if we live up to these standards, the neighbours will as well." That's what's important and that's what's good about this kind of a process, when you deal with it from a provincial or agency-type review. What it doesn't have, though, is that partnership that's necessary to provide a sense of self-control or self-determination for the local communities. Right now they look at their own land use planning options, and basically they don't have the ability to deal with any of the kinds of questions that are associated with how they can develop their own community.

Mr. Speaker, some of the suggestions that have come up – and I think some of them are very good. What we need to do is have within the zoning options that are available for rural municipalities the kind of flexibility that an urban municipality has in the gradients of particular types of classifications of land use that are available. Some of the suggestions that have come up from some of the rural municipalities indicate that they would like to be able to say: okay; if we've got a park or a place that individuals and groups attend on a regular basis, maybe what we need to have is a buffer area around it. Well, they would perceive the buffer area to be larger than the minimum-distance requirements in the guidelines.

So what we want to do is say okay; let's give them the option of, say, from around their park going out a mile or two miles and let them zone that into a particular type of agriculture land. Then the next couple of miles have it zoned a different kind of agriculture land, and then after that maybe that's where they'll be willing to allow for the zoning that would encourage and permit the establishment of, you know, some of the larger sized intensive livestock operations. The cutoffs that are available in the code of practice are in some cases really quite modest in terms of the potential environmental impact or the community impact that could result from the establishment of these kinds of operations.

Mr. Speaker, I would suggest that there's an awful lot of difference between a 1,000-head feedlot – there's a quantum increase to a 10,000- or 15,000-head feedlot. There's a significant increase again as you get up into 25,000 or 30,000 or 40,000 head. We see some of these applications now being made for very large multi-unit hog operations, where the impact there becomes very, very significant, and we need to deal with giving the local communities a sense that, yes, they have the ability to deal with how their community is going to develop. We give that freedom and we give that flexibility to urban areas. Why don't we provide it to the local area in rural Alberta as well so that they have control over what's going on: the kinds of businesses, the size of businesses, and the degree to which the business they're allowing into their community interacts with the rest of the community, the different aspects of the community, whether it's residential, whether it's recreational, whether it's commercial/industrial as opposed to just agricultural.

I think what we need to do in the context of Bill 205 at this time is look at it in terms of its kind of threat, not necessarily a threat but its potential use whereby a decision is made totally away from the community about whether or not a particular type of activity can occur in that community, and then the community has no second chance. What we need to do is build into this a situation where the community says: yes, we want it; we want it sitting there. Then let's do the environmental analysis, let's do the technical review, let's look at whether or not that particular site can provide an adequate business plan for that intensive livestock operation, and then if it can, everybody's happy. The community has said that it's okay if it's there, then we've looked at the technical aspects and we've said that, yes, it's a sound business proposal, and that's when we should go ahead with it.

It seems to me that if Bill 205 were to further amend the Municipi-

pal Government Act and further deal with the flexibility that would provide local municipalities within their land use planning framework the option to deal with zoning different levels of land use classification, then what we would have is a set of options which would give us an environmentally sound water quality, air quality, and the whole function of land use: to prevent land degradation. These kinds of issues would all be addressed by the technical review, but the community still has its own say about the kind of issue that comes up. I think if we track through the incidents that have gone on – and I know the member sponsoring the bill has had a number of comments about how these issues have divided communities. Mr. Speaker, we need to act and act quickly to prevent that kind of community impact.

5:10

What we want to do is make sure that in a sense we have a situation where the community still feels it has a say, where the community can determine how it wants to grow and on what basis it wants to grow but which will also give a reasonable signal to a lot of other individuals that, yes, we are committed to protecting the environment and that we're committed to protecting the land base of the province.

We have to look at it, Mr. Speaker, from the perspective of how these kinds of guidelines and rules really do deal with the issues of the local community. Given the time frame that we've had, we've had some contacts made with people out in the community, and the general sense is that this bill would provide a very sound environmental review process based on the code of practice, but it does take away from the community any sense that they are in control of what their community is all about. Until we can get those kinds of issues addressed and those kinds of concerns addressed on behalf of the community – the role of government is to deal with the issues of how communities can be run, directed, and legislated to deal with the community as the people who are there.

What we want to do is look at it from the point of view of: is this bill truly giving the people of the community a sense? If we're talking about the people who are involved in the business, then this serves their interests probably very adequately, but when you look at the neighbours who are there, the rest of the community, the adjoining individuals, even the current code of practice doesn't address the necessity for the community to feel comfortable with what's going on and the community to have a sense that this is what we want, what we need, or what we enjoy in our community and what will give our community an economic benefit and also a sense that we do have an aspect within it that we care about each other and that the quality of life and the style of life and the ability to move about in the community are priorities.

So, Mr. Speaker, on that basis, at this point in time I would suggest that we not support this bill, delay it, adjourn it, or amend it when it gets to committee stage so that what happens is we can make sure that this act is further amended to make sure that those local people do have the final say about the kind of community they want. Otherwise, I don't think that in this form and with just this part of it I can support it.

Thank you very much.

THE SPEAKER: The hon. Member for Olds-Didsbury-Three Hills.

MR. MARZ: Thank you, Mr. Speaker. I'm pleased to rise today to speak on Bill 205, the Municipal Government (Farming Practices Protection) Amendment Act, 2001. This bill raises some very important but contentious and complex issues in rural Alberta and certainly issues that I've been familiar with as a rural councillor for

17 years. I think I'm a little bit familiar, as well, with the issues in the mover's constituency, having known a number of the people involved there for many years and having attended the public hearing that she spoke about in her opening comments. So I certainly understand why she would like to bring forth her proposal to this Assembly to resolve this issue.

Mr. Speaker, in principle I agree that something certainly needs to be done to provide direction to the intensive livestock industry so that they may know what the rules are and have the assurance that they, in fact, can develop and expand their operations if they meet that certain standard. This is something, however, they are unable to do.

Intensive livestock operations are a very important part of our agriculture industry, especially the value-added agriculture industry in this province, and a very vital market for our feed grain industry, that is having some difficulty, and I raised some questions about that in the House just yesterday.

As it stands now, Mr. Speaker, ILOs are finding that even though they may meet the conditions of the local land use bylaws and provincial health and environmental standards, they're invariably appealed, and they feel that they're losing those appeals on a regular basis based on emotions rather than hard facts. Certainly I'm not saying that people aren't justified in being concerned when they think that an intensive livestock development in their community is going to jeopardize the enjoyment and value of their homes and their property and even perhaps restrict further development of that property. Of course, pollution and odour and health concerns are invariably the reasons that they cite for appeal, but many of these concerns are based on perception rather than facts. Many of the older ILOs that have existed for some time are utilizing outdated management practices. They are existing under the rules of the day that they were permitted to adhere to, and they haven't been updated. I'm not denying that they're causing some problems.

The industry has made great strides, however, in the last 10 to 20 years, and I'm pleased to say that in some small way I think I was a part of that, being involved in local government. They've improved their management practices, they've improved their facilities, and they've improved by embracing new technologies. In spite of those improvements, perceptions that the public has of all ILOs still remain quite negative even to the point of being very divisive and confrontational in our farm communities. Bill 205 appears to be an attempt to rectify this situation. However, I'm not convinced that I can support this particular bill the way it is.

Mr. Speaker, I'm not sure that Bill 205 is going to produce the desired effects that the communities are seeking. I'm aware that this government has been undertaking a review of the whole intensive livestock issue, and the hon. Member for Leduc has been chairing a committee which I understand has conducted extensive public consultations on this matter.

As I said before, as a former reeve and councillor with the MD of Kneehill and the chairman of the development appeal board there, I've had ample opportunity to deal with this issue, and, Mr. Speaker, I believe we provided leadership to the industry as well as other municipalities.

One of the concerns I have with supporting Bill 205 at this time, Mr. Speaker, is that I feel it's premature, especially with the expected report from the committee that's chaired by the hon. Member for Leduc, as I stated before. I know I'd feel better equipped to make a decision, as I'm sure all members in this House would, if we had the advantage of having that feedback from the public and the industry stakeholders. It's my understanding from reading this bill that municipalities' concerns certainly would not be met, because they have grave concerns over land use decisions being

transferred from the local level to the provincial level. The way this is written, that's exactly what this would do. This is a drastic change from the current legislation, and I'm concerned that not enough consultation has gone into this particular bill.

In light of the fact that there is a government committee which has consulted with the public, I would have to say that although I do strongly support looking at changes to the current system governing ILOs, I do not believe Bill 205 adequately addresses all the concerns that need to be addressed. It may reduce the appeals by restricting them, but it's not going to reduce the desire for an appeal. So I don't believe it's the answer at this time.

With that, Mr. Speaker, I will conclude my remarks, and I'd like to move adjournment on the debate on the motion for second reading of Bill 205.

[Motion to adjourn debate carried]

Speaker's Ruling Parliamentary Language

THE SPEAKER: Before recognizing the hon. Deputy Government House Leader, earlier today, hon. members, a situation developed in the Assembly which has required a wee bit of investigation. The chair is understanding that when one hon. member was speaking, there was an interjection by another hon. member.

5:20

Looking at the text of what occurred, this basically is what was said. The hon. Member for Edmonton-Highlands was speaking.

And that is the difference between this bill, 204, and the government's legislation. The government's legislation is based on a foundation of sand. There is nothing there to support the principles that the hon. Deputy Premier has talked about.

On the contrary, my bill is supported by virtually every major study that has been done on the economics of health care.

Then we had an interjection by the hon. Minister of Economic Development: "Pravda. Proletariat. You're Red." Then the hon. Member for Edmonton-Highlands went on to say:

Don't Red bait me, hon. member. Mr. Speaker, I take exception to this yappy old minister across the way here. He's so damned pleased with himself he can't . . .

The Acting Speaker went on to say, "Please address through the chair, and that will avoid any such confrontations." The hon.

Member for Edmonton-Highlands then went on to say, "I find that completely unacceptable from a minister of the Crown."

Well, hon. members, Standing Orders, your rules, 13(1) says:

The Speaker shall preserve order and decorum and shall decide questions of order.

Then 13(4) says:

When a member is speaking, no person shall . . .

(b) interrupt that member, except to raise a point of order.

The English language is a wonderful language, and words generally have meanings that are usually accepted by most people and understood by most people. Sometimes in the context, though, these words have multiple interpretations. Just so as to ensure that there's absolutely no misrepresentation or no misunderstanding on this matter, the chair would like to have this matter brought to a successful conclusion and would call on the Minister of Economic Development.

MR. NORRIS: Well, thank you very much, Mr. Speaker. Hon. members, earlier today while listening to the hon. member speak, I let my Irish heritage get the best of me, and I saw red while he was talking. I would like to go on record as apologizing for references that I made to certain magazines that he might subscribe to. It was not my intention to indicate that he was any of those things, and for that I apologize to the Speaker, to the hon. member, and to the House.

THE SPEAKER: The hon. Deputy Government House Leader.

MR. STEVENS: Thank you, Mr. Speaker. I move that we call it 5:30 and that when we reconvene tonight, we do so in Committee of Supply.

THE SPEAKER: On the motion put forward by the hon. Deputy Government House Leader, would all members in favour of the motion please say aye.

HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no. It's carried.

[Pursuant to Standing Order 4 the Assembly adjourned at 5:23 p.m.]