



Province of Alberta

The 27th Legislature  
Second Session

# Alberta Hansard

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The Honourable Kenneth R. Kowalski, Speaker

# Legislative Assembly of Alberta

## The 27th Legislature

Second Session

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Mitzel, Len, Cypress-Medicine Hat, Deputy Chair of Committees

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## Legislative Assembly of Alberta

1:30 p.m.

Tuesday, May 26, 2009

[The Speaker in the chair]

### Prayers

**The Speaker:** Good afternoon. Welcome.

Let us pray. Guide us so that we may use the privilege given to us as elected Members of the Legislative Assembly. Give us the strength to labour diligently, the courage to think and to speak with clarity and conviction and without prejudice or pride. Amen.

Please be seated.

### Introduction of Guests

**The Speaker:** The hon. Deputy Speaker.

**Mr. Cao:** Thank you, Mr. Speaker. I would like to welcome a delegation from the Russian Federation, who are sitting in your gallery. They are here in Alberta participating in a week-long public administration reform program, regional economic development study tour with the Canada School of Public Service. Our guests are accompanied today by their interpreter and staff from the Canada School of Public Service and the Russian Federation. I would like to ask our guests to rise and receive a warm welcome from the Legislature. [Remarks in Russian]

**The Speaker:** The hon. Deputy Chair of Committees.

**Mr. Mitzel:** Thank you, Mr. Speaker. Seated in your gallery today is Rudy Weibe. Rudy is one of two Albertans chosen to receive the 2009 Lieutenant Governor of Alberta distinguished artist award. Rudy was formerly the curator of the Southern Alberta Art Gallery in Lethbridge and is a professor emeritus of Canadian literature and creative writing at the University of Alberta. An acclaimed author, he has written nine novels, four short story collections, two children's books, and six books of nonfiction. Rudy is accompanied by Susan Green, who is the board chair of the Lieutenant Governor of Alberta Arts Awards Foundation. I would now ask them both to rise and receive the warm welcome and congratulations of this Assembly.

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

**Dr. Morton:** Thank you, Mr. Speaker. I'm pleased today to rise to introduce to you and through you to the members of this Assembly two different groups of grade 6 students, one group from the C. Ian McLaren school in Black Diamond and the other from the Turner Valley school. Accompanying the C. Ian McLaren school is the principal, Mr. Garry Tink; two teachers, Diane Lindelad and Carol Anderson; and one parent, Mrs. Jennifer Briggs; and from the Turner Valley school teacher Matt Berrigan and eight parents: Victoria Berrigan, Marlene Whiteside, Dawn Jardie, Katie Berrigan, Sue Burwash, Karen Lyons, Verna Staples, and Brenda Salmon-Cherry. I'd ask them all to rise and receive the warm welcome of this Assembly.

**The Speaker:** The hon. Minister of Aboriginal Relations.

**Mr. Zwozdesky:** Thank you very much, Mr. Speaker. It is indeed a pleasure again to introduce to you 26 outstanding students from

Jackson Heights school in my constituency, students who are all here today and for the next couple of days attending School at the Legislature. They are accompanied today by their teacher, Mrs. Pam Schenk, and by parent helpers Mrs. Terri Fuller and Mrs. Janet Krebs. I believe they're seated in both galleries, and I would ask all of them to please rise and receive the warm applause of this House. Thank you for coming.

**The Speaker:** The hon. Member for Lesser Slave Lake.

**Ms Calahasen:** Thank you, Mr. Speaker. It is indeed a pleasure to rise again this afternoon – actually, it was yesterday I rose – to introduce 29 students and six adult chaperones, including teacher Jill Bishop, from E.G. Wahlstrom middle school. It's such a huge school that they come in waves. It was really nice to be able to welcome our first batch yesterday and today, again, our second batch. They have travelled all the way from Slave Lake, 250 kilometres north, and they have travelled for about three to four hours. I'd ask that they rise and receive the warm welcome of this Assembly.

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

**Mr. Liepert:** Thank you, Mr. Speaker. Over the lunch hour today many of the members had the opportunity to hear a little bit more about the challenges that our Alberta international medical graduates have in this province and to answer some questions. I believe that we have quite a number of them seated in our gallery here today, and I would ask that they rise and be recognized by the members of the Assembly.

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

**Mr. Knight:** Well, thank you very much, Mr. Speaker. It is indeed a pleasure for me today to rise and introduce to you and through you to all members of the Assembly two dedicated Albertans working for the ERCB. The first gentleman is Dwayne Waisman. Mr. Waisman is the ERCB executive manager of the field centres located throughout Alberta. Field centres, of course, are an integral part of the ERCB's work in our communities. He certainly would invite all MLAs to contact their local field centre office if they need any ERCB information or assistance. Dwayne is accompanied today by a gentleman familiar to all members of the Assembly, Mr. Rich Jones. I would ask them if they would please both rise and receive the warm welcome of our Assembly.

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

**Mr. Hancock:** Thank you, Mr. Speaker. It's an honour today to rise and introduce to you and through you to members of the Assembly two constituents of mine and three visitors. Chander Mittal and his wife, Anita, reside in Edmonton-Whitemud. Chander is the president of the Bhartiya Cultural Society of Alberta. I've had the honour and privilege of being hosted in Chander and Anita's home in Edmonton-Whitemud. They're with us today in the members' gallery.

They're joined by Jaspinder and Micky Narula, who were originally Calgarians, who have moved to Mumbai in order to pursue their music careers in Bollywood. Jaspinder and Micky have successfully created a niche for themselves in a very competitive industry. They're currently on tour across North America and are joining us in Edmonton to perform at a fundraiser for the Bhartiya Cultural Society of Alberta on Saturday, May 30. They're also

joined today by a good friend of theirs, Avinash Gupta. I'd ask that all of our guests rise and receive the traditional warm welcome of this Assembly.

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

**Dr. Taft:** Well, thanks, Mr. Speaker. All of us have constituents who really stand out as leaders in their neighbourhood. Today I'd like to introduce to you and to all members of the Assembly one such member from the community of Belgravia. His name is Richard Law. He's seated in the public gallery. I'd ask him to rise. Richard is a neighbour and friend. He's a businessman. With his wife, Joyce, he's a father of three fine young adult children. He's the kind of fellow who's a real community leader. Whether it's helping to coach with soccer or organizing community events or helping at the school, he's the kind of person who steps up. Please give Richard a warm welcome. Thank you.

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

**Dr. Swann:** Thank you very much, Mr. Speaker. It's a pleasure today to introduce some special guests with us in the public gallery. Mike Gray and Sean Ouimet are both from the Centre For Inquiry Alberta, a nonprofit group that promotes and defends science, reason, and free inquiry into all aspects of human interest. We also have with us Scott McKinney, Debbie Courchene, and Bradyn Villebrun-Buracas from the University of Alberta. If they'll stand. Our guests are here this afternoon to show their concern for the government's flawed Bill 44. Let's give them a warm welcome from the Assembly.

**The Speaker:** The hon. Member for Leduc-Beaumont-Devon.

**Mr. Rogers:** Thank you, Mr. Speaker. It gives me great pleasure to rise and introduce to you and through you to all members of this Assembly Dr. Gordon Groat from the town of Devon, which is located in my constituency. Gordon is very active in his community and a great supporter of this member and our government. I would ask Dr. Gordon Groat, who is seated in the public gallery, to rise and receive the traditional warm welcome of this Assembly.

1:40

### Members' Statements

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

#### Hate Crime

**Ms Woo-Paw:** Thank you, Mr. Speaker. Over 100 people gathered at a forum a few weeks ago to address increased activity of hate groups and the issue of hate crime in Calgary. The forum was attended by members from aboriginal and various minority communities, the city of Calgary Police Service, the Alberta Human Rights Commission, federal government departments, and nonprofit agencies.

While it is disturbing, those harmed by hate crime can feel that they have no where to turn and feel defeated and abused. It was an empowering experience for many participants as they shared concerns and suggestions on how the community can collectively make a difference. Participants discussed community and individual responses to hate groups and recommended more public education on hate crime and racism, greater commitment from governments to address hate crime, development of policies and legislation to protect vulnerable populations, and greater engagement with populations such as aboriginal and minority communities.

Mr. Speaker, this forum is also very timely. In the middle of May Statistics Canada released the 2007 Police-reported Hate Crime. While hate-motivated crimes were down from 2006, accounting for population, Calgary had the highest rate of reported hate crime in both years, and the cities of Hamilton and Edmonton had increased reported hate crimes. Race or ethnicity made up 65 per cent of reported hate crimes, followed by religion and sexual orientation; 50 per cent of incidents were comprised of mischief offences like graffiti of hate signs and symbols, degrading language on public and private properties; and 3 in 10 crimes involved assault and threats. The report also cited that one-third of people accused of committing hate crime were youth 12 to 17 years of age, almost double the proportion of youth accused of committing crimes in general.

Mr. Speaker, we clearly have work to do in this area, but I'm very pleased to recognize the leadership demonstrated by our government to protect vulnerable groups through existing legislation such as our human rights act.

Thank you.

**The Speaker:** The hon. Member for Calgary-North Hill.

#### Calgary Roughnecks

**Mr. Fawcett:** Thank you, Mr. Speaker. I rise today to offer my congratulations to the Calgary Roughnecks organization for capturing their second National Lacrosse League Champion's Cup in franchise history in defeating the New York Titans 12 to 10 a couple Friday nights ago.

This championship capped off a stellar season in which the Roughnecks earned home field advantage throughout the playoffs by posting a league best record of 12 wins and four losses in the regular season. Led on the field by their captain, Tracey Kelusky, and the game's most valuable player, Josh Sanderson, who was also named to the NLL's all-pro second team, the Roughnecks cruised through the playoffs to the championship game by outscoring their opponents 32 to 13. Mr. Speaker, not only did the Roughnecks win the National Lacrosse League's Champion's Cup, but they did so in dominating fashion right from the start of the NLL season to their final victory the other night in front of 13,000 passionate Calgary fans in the Pengrowth Saddledome.

Mr. Speaker, I attended my first two lacrosse games this year. While I do not profess to know all the rules, I can assure this Assembly that the entertainment value of a professional lacrosse game compares to that of any other professional sport here in this province. More so than any other professional sport, the National Lacrosse League and the Calgary Roughnecks have attempted to integrate the fans into the on-the-field action of the game. I will admit that I did get a lot of satisfaction from the fan/game interaction. One example is when the opposition team shoots the ball on the net and fails to score and the announcer comes on the PA system while the game is continuing and yells, "What's he got?" and the crowd of thousands collectively yells back, "Nothing."

I want to congratulate the whole Roughnecks organization, including all of the players, head coach Troy Cordingley, and owner and GM Brad Banister, for their incredible season, but more importantly I want to thank them for their commitment and involvement in the Calgary community. Professional sport franchises are more than just wins, losses, and championships. They play a very important and integral role in our communities, especially during these challenging times.

I hope all members can help me recognize this successful season, Mr. Speaker.

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

### Crime Prevention

**Dr. Taft:** Thanks, Mr. Speaker. Crime affects all of us, even if we've never been robbed or attacked or assaulted ourselves. Crime affects us because of its cost to the broader community and because of the lurking threat that at some point we could become the next victim. For some people that means living in fear, but for others it means taking action to prevent crime from happening. Today I want to speak about a community taking action.

The truth is that many crime rates are lower now than in the past, but crime prevention is as important as ever. One of my constituents, Richard Law, along with approximately two dozen community members have accepted responsibility for maintaining their community's safety by working diligently to watch for, report on, and prevent crime in the Belgravia neighbourhood right here in Edmonton. The approach is simple but powerful. When people see suspicious behaviour in the neighbourhood or learn of a neighbourhood crime – a prowler, a stolen bicycle, a break and enter – it's quickly and widely reported throughout the community by Richard through the use of the web. If someone out for a walk sees something suspicious, they may take a photo and send it to Richard, who posts it for other neighbours to see. The effect is powerful. Very quickly everyone in the neighbourhood is watching out for everyone else.

There's nothing vigilante about this. There aren't organized patrols or citizens' arrests, but there is a close relationship with the police, who find reports come in quicker and more accurately because citizens are paying attention and taking responsibility.

The Belgravia community has never been a high-crime area. This community group with Richard Law as its catalyst is working to make sure it never is. Their responsible and prudent actions make Belgravia and the surrounding area a safer place to live and a stronger community.

On behalf of the wider community I thank these people for their dedication and hard work in bringing people together to respond to crime.

Thank you.

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

### Industrial Eye Safety Program

**Mr. Rodney:** Thank you, Mr. Speaker. There can be no doubt that one of our most precious gifts is our sight. Unfortunately, our family knows this all too well since my dad's dad, Grandpa Rudneski, lost an eye while repairing a closed-in cutter many decades ago and had his other eye severely damaged in a farm accident shortly thereafter. It's for these and other reasons that I was very pleased to learn about the Canadian National Institute for the Blind's industrial eye safety program, which was launched earlier this month.

In 2007 the CNIB Alberta received \$95,000 in start-up funding from a court-ordered penalty against an employer who failed to adhere to the Occupational Health and Safety Act. The funding provided an impetus to launch an eye safety program in Alberta and elsewhere in Canada. It's a very important program, Mr. Speaker. There are close to 1,700 disabling eye injuries at work in our province alone every year. Like all workplace injuries and illnesses they are preventable. In fact, 90 per cent of these incidents could be avoided simply by using appropriate eyewear.

The CNIB program is delivered by facilitators with vision loss. Utilizing real-life stories, shocking visuals, and interactive exercises, they educate employers and workers about eye safety in the workplace, and they motivate them to follow safe work practices. The funds generated by this program are invested in the agency's

rehabilitation programs for people with vision loss. This is an excellent example of how alternative sentencing puts funds from court penalties for health and safety violations back into preventing future injuries and caring for injured workers.

I'd like to commend all of those involved with the program, including our Minister of Employment and Immigration. Thank you, Mr. Speaker.

### Oral Question Period

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

### Parental Choice in Education

**Dr. Swann:** Thank you, Mr. Speaker. After extensive public backlash this administration is trying to fix the flawed and ill-thought-out changes to human rights policy in Alberta. Yet without scrapping the opt-out provision in its entirety, this government is fixing nothing. In fact, the government is simply duplicating what is already under the School Act. To the Premier: what is lacking in the School Act that makes it necessary to duplicate existing provisions in the human rights policy?

**Mr. Stelmach:** Mr. Speaker, I believe this bill is up for debate later today, so I'll try and talk in generalities and not refer directly to the bill. But it's really about the right of Alberta parents to have a voice in the education of their children. This government believes in family, believes that the family is the basic unit of our society. Families have built great communities, and these great communities have built one of the best provinces in the world to live.

**Dr. Swann:** Well, what guarantee can the Premier provide that parental opt-out will not cause a chill not only on curriculum but on the teachers in Alberta?

1:50

**Mr. Stelmach:** Mr. Speaker, I believe that the amendments coming forward will deal with some of the issues that were raised in the House. This bill was well thought out, and the amendments were discussed in great detail. We're looking forward to their introduction later today.

**Dr. Swann:** Why have the Premier and this administration ignored the request of thousands of Albertans – teachers, lawyers, schools, parents, and students – to completely remove the parental opt-out?

**Mr. Stelmach:** By listening to Albertans – those that support the bill and those that may not support, may want to see some improvements – I believe that the amendments coming forward will find the balance. Those will come forward, and the House will vote on them over the next few days.

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

**Dr. Swann:** Thank you, Mr. Speaker. This administration has put forward several poorly-thought-out policy changes this session and continues to ignore the outrage of Albertans across the province over proposed changes to human rights. In a democracy all voices count regardless of whether they sit in the cabinet or not. The parental opt-out is a matter of conscience and personal and moral and religious belief. The tradition is that these issues are open to free vote. To the Premier: will the Premier maintain the tradition and allow a free vote on the proposed parental opt-out?

**Mr. Stelmach:** Mr. Speaker, in our caucus I don't have to threaten anybody to vote. We have a thorough vetting of every piece of legislation. Members are allowed through great discussion, I may add – it does take a little longer because now we've got 72 members around the caucus table. It does take longer, but when you look at the diversity of our caucus, it's very good, solid input. We're going to have a very good piece of legislation coming forward with some amendments after listening to positive feedback from teachers and others. This will all be implemented in the amendments. I feel good about it. And yes, there will be a free vote.

**Dr. Swann:** Well, since the Premier seems reluctant to answer the question, I'll ask it again. Will the Premier allow a free vote of his members on parental opt-out? Yes or no?

**Mr. Stelmach:** I said yes. I'm sure *Hansard* will see my answer in the first question. But yes, all the members will have the right to a free vote. As I said before, in our caucus all legislation is thoroughly vetted. Once a consensus is reached, the bill proceeds before the House. This is, like I said, a good piece of legislation, and we will have a free vote.

**Dr. Swann:** Will the Premier explain to Albertans, including those here in the gallery, why he has chosen to ignore the objections across the province to opt-out and support of free speech in the classroom?

**Mr. Stelmach:** Mr. Speaker, I don't know where the hon. member is coming from. You know, I've travelled the province extensively over the last number of weeks when this bill was introduced, and I'm getting a lot of positive feedback. Yes, there are some that have some issues with the wording clarification required in the legislation, and we're going to do that. I believe that all Albertans support that the family unit is basic to our society. Why should we give this up to sort of a nanny state that the Liberals want to see in this province?

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

#### Out-of-country Health Services

**Dr. Swann:** Thank you, Mr. Speaker. Today the Alberta Ombudsman released his report on the administration of out-of-country health services. The fact that there are 53 recommendations contained within the report speaks to a serious problem regarding transparency and accountability in this program. To the minister. It's the minister's responsibility to ensure fairness and transparency of administration of all boards, committees, and agencies in his ministry. Will the minister accept the recommendations from the Ombudsman and fix this program?

**Mr. Liepert:** Well, Mr. Speaker, I don't know how much more arm's-length and transparent one can be but to have an arm's-length, transparent, independent committee of experts that reviews out-of-country claims by Albertans. It's that particular committee that makes the decisions. I'm sure that the Leader of the Opposition – I'm not sure if he's asking for political interference in how this committee operates. It's a committee of medical experts that make decisions based on medical evidence.

**Dr. Swann:** This is a program relied upon by vulnerable Albertans in desperate situations. There have been previous concerns raised, and the minister took no action. What is the minister's explanation for not fulfilling his responsibility to his office?

**Mr. Liepert:** Well, it sounds like the Leader of the Opposition is asking for political interference in a committee that is at arm's length from the government, Mr. Speaker. This is a committee that is set up to ensure several things. One, that those who need to seek out-of-country services and cannot find them in this province have that opportunity to be reimbursed. But we also have to ensure – and that's why the committee is in place – that we don't have Albertans jumping the queue and going out of province and getting reimbursed by the taxpayers of Alberta.

**Dr. Swann:** Well, Mr. Speaker, the fact that the Ombudsman initiated this on his own, one of a few instances in which he has done that, suggests this minister is out of line with that remark.

Will the minister direct the Out-of-country Health Services Appeal Panel to hear the four cases that the Alberta Ombudsman has again identified for redress?

**Mr. Liepert:** Mr. Speaker, the appeal panel has the Ombudsman's report, and they'll act accordingly.

**The Speaker:** The hon. Member for Edmonton-Highlands-Norwood, followed by the hon. Member for Calgary-Mackay.

#### Bitumen Exports

**Mr. Mason:** Thanks very much, Mr. Speaker. The Kearl oil sands project will export hundreds of thousands of barrels of unprocessed bitumen to the United States. Thousands of Alberta jobs will go south as well. These jobs could stay here if the government had the political will. My question is to the Premier. Will the government ensure that oil sands leases, including Kearl Lake, are amended to require upgrading of bitumen here in Alberta, and if not, why not?

**Mr. Stelmach:** Mr. Speaker, as I said yesterday, some of the research institutes are looking at oil production from the oil sands to increase to about 6 million barrels by 2013-15. Whether we get there or not, you know, we'll see how things proceed from today. But as I said yesterday, our goal is to find a balance between adding as much value as we can to the bitumen – there will be some bitumen that will leave the province more for some pricing, to see what is the right price of bitumen. We're also going to be looking at other markets. The hon. member keeps talking about the United States, and I can tell you that we're not going to put all our eggs in one basket. We're going to look at shipping some of our product west through the B.C. ports. To do that, we have to add value to it because you're not going to send bitumen with diluent. What do you do with the diluent at the other end?

The plan is in place. We're working through it. Just to say that there's a new project announced, and then this guy gets up in the House and he's criticizing it already.

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

**Mr. Mason:** Thanks very much, Mr. Speaker. Well, it sounds like they're not satisfied with exporting jobs to the States; they're going to export them to China as well. With unemployment up dramatically in Alberta and upgraders like BA, Fort Hills, and Voyager being mothballed, meanwhile there is an upgrader construction boom in the United States. The Premier promised to stem the flow of bitumen and jobs to the United States, but he has done nothing. To the Premier: why have you failed to stand up for Albertans' jobs by not insisting that oil companies invest in upgraders here?

**Mr. Stelmach:** Mr. Speaker, of course, he's getting onto this bandwagon about upgrading. Like I said yesterday in the House, just in the last election the movement by that group there was to shut it all down, you know, because they were all worried about the environmental issues. Today, not only with additional production, he wants to add the issue of adding value to it, which, again, we have to do in a very balanced, environmental, sensible way. This will take time to get there in terms of adding value to all.

The other thing is that the hon. member keeps talking about these jobs going to the United States or the bitumen going to the United States for upgrading. The president himself said no. He's looking at upgrading here in Alberta with some of the integrated operators and also looking at if there is some value in adding value to bitumen in Canada in other refineries.

**Mr. Mason:** Mr. Speaker, the Premier continues to repeat the lie that our party would shut down the tar sands. That's a lie, and I will not accept it. He continues to repeat it.

Albertans need sustainable jobs, not temporary work building projects . . .

**Mr. Hancock:** Point of order.

**Mr. Mason:** . . . that create American jobs at the expense of the Alberta economy. If the Premier was truly committed to ensuring a sustainable future, he would ensure that oil sands leases require a minimum percentage of bitumen to be upgraded in Alberta. Why won't the Premier stand up for Albertans and demand the Kearn project upgrade at least 50 per cent here in Alberta?

2:00

**Mr. Stelmach:** Well, we're well beyond that. We're closer to 70 per cent. Why would we reduce the amount upgraded?

I'm just going to pose this question to you, Mr. Speaker. How is it that this member can get up in the House and make such passionate speeches about adding value to bitumen and increasing production when a former staff member, paid by the Alberta taxpayer, was one of the ones hanging from the rafters at the Premier's speech last year? How is it that somebody can get paid by the taxpayer during the day and during the evening go and support Greenpeace to shut everything down? Can you answer that, Mr. Speaker?

**The Speaker:** There also was a point of order raised during that exchange. There was some rather intemperate language that was used there. We're going to deal with this point of order at the conclusion. I'm going to ask the hon. Member for Edmonton-Highlands-Norwood to do some reflecting in the interim.

The hon. Member for Calgary-Mackay, followed by the hon. Member for Calgary-Varsity.

#### International Medical Graduates

**Ms Woo-Paw:** Thank you, Mr. Speaker. Alberta Health and Wellness recognizes that international medical graduates are an important part of addressing the province's shortage of physicians. In addition, full economic integration of internationally trained professionals such as IMGs will also yield social and economic benefits to our province. In 2009 only 69 out of about 149 IMGs that successfully completed the AIMG program were placed in externship, the only way to receive full licensure to practise medicine in Alberta. These positions are low because of the

shortage of physicians to act as preceptors, or supervisors. The questions are to the Minister of Health and Wellness. Is an assessment process in place to recognize the prior learning and clinical experience of IMGs in Alberta?

**Mr. Liepert:** Well, Mr. Speaker, as I mentioned in the introduction, the international medical graduates in this province have an opportunity to play a large role in the delivery of health care going forward. It needs to be stated, however, that the registrar of new physicians in the province is the College of Physicians and Surgeons, and the college has been working, I believe, actively to try and ensure that more foreign-trained doctors are registered in Alberta. In fact, in the last three or four years the number of residency seats for international medical graduates has gone from around 20 to some 67 or 69 right now.

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

**Ms Woo-Paw:** Thank you, Mr. Speaker. Again to the minister of health: what is your ministry doing to increase the number of preceptors?

**Mr. Liepert:** Well, that's one of the challenges, Mr. Speaker. To be a preceptor you have to be a practising physician, and we know that in the province today physicians are stretched. We have a couple of programs that we've attempted to introduce to assist along with some additional funding, but having those residency positions is clearly a challenge.

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

**Ms Woo-Paw:** Thank you. The Alberta education system is very good at creating bridging programs. Would the ministry consider integrating the bridging program for IMGs into universities for these professionals?

**Mr. Liepert:** Well, Mr. Speaker, the Minister of Advanced Education and Technology and I have had some discussions about how we can remove some of these barriers for our foreign-trained physicians. Currently postsecondary institutions in this province have some international relationships with other universities around the world. We think there are opportunities to actually improve on that. We do know that the College of Physicians and Surgeons has special recognition of training in certain countries. I think in light of the global world that we live in today, we need to do a better job of ensuring that that bridging does take place both between our universities and other world institutions.

**The Speaker:** The hon. Member for Calgary-Varsity, followed by the hon. Member for Little Bow.

#### Parental Choice in Education

(continued)

**Mr. Chase:** Thank you, Mr. Speaker. Yet more flawed inconsistencies in this government's parental opt-out policy have been pointed out by the Public School Boards' Association of Alberta. Enshrining a parent's right to pull their child out of classes on religion in the public system should also enshrine a parent's right to pull their child out of classes on religion in other systems. To the minister: given that parental opt-out will not apply to private, charter, or francophone schools, what specific harm do parents of children in public schools need to be protected from that would justify enshrining only their rights in the human rights code?

**Mr. Hancock:** What the public ought to be protected from is people who can't read legislation. In fact, under section 36 of the School Act, in terms of application of the act under the charter schools section, it specifically includes under 36(1)(a) that the provision, the definition, with respect to board includes charter schools. So charter schools are actually covered. With respect to private schools that's a choice that the parents make. When they make that choice, they presumably are looking to see what is involved in the child going to that school, so they're opting in at that point.

**Mr. Chase:** When children enter the public school system, a secular system, parents expect that universal, inclusive ideas will be discussed and debated. If students in public schools need to be able to opt out from learning about religion, then will non-Catholic children attending Catholic schools have similar opt-out provisions?

**Mr. Hancock:** Mr. Speaker, it's absolutely essential that students in a secular public school or, in fact, in any school have the opportunity to discuss widely, to share viewpoints. Nothing in the proposed act, which will be debated tonight, will do anything to forestall that. Indeed, Catholic schools are public schools, so one presumes that if you're specifically teaching religion or if you are specifically teaching human sexuality or sexual orientation courses, you would require notification to parents and the opportunity to opt out. Now, if I was running a Catholic school or a Catholic system, I would probably indicate to parents right at the start of the year – again, you have a choice as to whether you want to register in that – that Catholic education permeates what we do in a Catholic system, and therefore you would acknowledge that at the time of registration.

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

**Mr. Chase:** Thank you. Again to the minister: will the requirement for non-Catholic children to attend religious classes at Catholic schools be ruled as an infringement on the human rights of parents?

**Mr. Hancock:** Asked and answered.

**The Speaker:** The hon. Member for Little Bow, followed by the hon. Member for Calgary-McCall.

#### Financial Support for Refugees

**Mr. McFarland:** Thank you, Mr. Speaker. A couple of weeks ago a constituent of mine asked if I was aware that new arrivals to Canada got \$2,500 per month in support payments. I found it a little bit high, so I told him I'd try to get an answer here from the Minister of Employment and Immigration. So my question today to the minister is: can a new arrival into Canada receive equal amounts of money from both the federal and the provincial government in the form of income support or some other category of money?

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

**Mr. Goudreau:** Well, thank you, Mr. Speaker. Alberta has a wide variety of programs and services available across the province to assist any newcomers as they settle. It is true that the amount of federal settlement funding to the provinces is calculated based on the point of entry, and the federal immigration minister is aware of the challenges this poses as people move from one province to the other. Our refugees will get a one-time payment of \$1,300 as they move into Alberta or into Canada, for that matter. We need to recognize that refugees come to us with very, very little assets or no assets at all.

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

**Mr. McFarland:** Thanks, Mr. Speaker. Could I clarify: is that \$1,300 a one-time payment or a per-month payment for a certain period of time?

**Mr. Goudreau:** Mr. Speaker, the \$1,300 is just a one-time payment. Once they land here and become residents of the province of Alberta, anybody can qualify for any type of assistance. So if they need income support and if they don't have resources to meet their basic needs, then they will qualify for any type of program that any other Albertan will qualify for.

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

**Mr. McFarland:** Thanks, Mr. Speaker. I know that I'm trying not to get into the federal side of things, but I need to understand from the minister why it is that – it appears, anyway – the province would end up paying quite a bit more money, whether it's through AISH or income support, to somebody that chose Canada as a place to come to, yet the federal government doesn't appear to be paying nearly what the province ends up being on the hook for.

2:10

**Mr. Goudreau:** Mr. Speaker, there are a couple of things that have happened. Generally, you know, all refugees – and we're talking more specifically about refugees rather than the broader class of immigrants – will qualify for that one-time \$1,300. The income support after that is calculated based on whether they're married or not, the number of dependants, the accommodations, their ability to work. We will treat any immigrant like any other Albertan once they are settled in the province of Alberta. Our focus is to try to get people to return to work as quickly as possible. Last week we just signed an agreement with the federal government to give us additional support that we can use to train individuals and provide for the needs that they have.

**The Speaker:** The hon. Member for Calgary-McCall, followed by the hon. Member for Calgary-Bow.

#### Calgary International Airport

**Mr. Kang:** Thank you, Mr. Speaker. I have asked the Minister of Transportation about the building of the Calgary airport tunnel. The city of Calgary will be voting on support for the tunnel in June. My constituency and city need this tunnel. It's not only vital for local transportation flow but also to the east side and the whole city of Calgary. To the Minister of Transportation: does the government support this tunnel?

**Mr. Ouellette:** Well, Mr. Speaker, it's not a matter of whether or not this government supports the tunnel. Yes, the hon. member has asked me this question many times, and I've answered it the same. The airport and the roads within the city of Calgary are arterial roads, and they're to be done by the city of Calgary. It's a municipal issue.

I can add to that by saying that we give hundreds of millions of dollars for infrastructure to the city of Calgary. The city of Calgary has to plan what their priorities are and what they're going to build with those priorities, Mr. Speaker.

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



**Mr. Kang:** Thank you, Mr. Speaker. It's good to hear the minister say that you give out hundreds of millions of dollars for infrastructure. How much is the province committing towards the tunnel, if any?

**Mr. Ouellette:** Mr. Speaker, I answered that question by saying that it's not our responsibility to pick out one particular project. It's up to the city of Calgary to decide what their priorities are and where to spend the money that we send them within their own jurisdiction of the responsibility of their roads.

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

**Mr. Kang:** Thank you, Mr. Speaker. I'm just looking for commitment from the minister as to some money towards the tunnel. To the minister again. The community associations and the residents of northeast Calgary expressed to me, to government MLAs, and to the local Member of Parliament their full support for this tunnel. Why is the minister dismissing these concerns of all those residents of Calgary?

**Mr. Ouellette:** Mr. Speaker, I'm not dismissing anything. I just don't understand why that hon. member can't understand that we're giving hundreds of millions of dollars. I don't want to tell the city where they should spend that money. I guess what he's saying is: "Can you make a special little effort? Can you find something special just for us over and above what we already give them?" I don't know if we can or not.

**The Speaker:** The hon. Member for Calgary-Bow, followed by the hon. Member for Edmonton-Riverview.

#### Organization of Petroleum Exporting Companies

**Ms DeLong:** Thank you very much, Mr. Speaker. I understand that our province has established some official connections with OPEC, the Organization of Petroleum Exporting Countries. I know that many of my constituents, particularly those that are employed in the energy sector, will be interested in the details of this relationship. My questions today are to the Minister of Energy. Can the minister explain the benefits of working with OPEC and how we can protect ourselves in this relationship given the fact that the member nations are some of our main competitors in the energy sector?

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

**Mr. Knight:** Well, thank you very much. Mr. Speaker, let's be very clear about this. We cannot and will not become members of OPEC, and we're not interested in becoming members of OPEC. However, benefits relative to having discussions with other jurisdictions, including our competitors, can be substantial for the province of Alberta. This is all about sharing information. This is to ensure that we understand the factors we're facing: global markets, demand, and pricing. Much is to be learned here while also protecting Alberta's interests.

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

**Ms DeLong:** Thank you. Given that Alberta cannot become a part of OPEC, can the minister describe how Alberta might participate without OPEC?

**Mr. Knight:** Well, certainly, Mr. Speaker, OPEC hosts regular dialogue meetings which include both OPEC members and non-

OPEC producers around the world. We now have an opportunity to participate in these meetings, and we'll do so when it makes the best sense for Alberta. Most certainly, there are opportunities to discuss a wide range of energy issues. I might point out that OPEC countries are committed to \$750 million of investment in carbon capture and storage technology. We're very interested in speaking to them about that. They also, of course, lead in energy supply. We want to lead in the environmentally friendly and sustainable production of energy. We think that there's good opportunity for us to discuss it with OPEC members.

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

**Ms DeLong:** Thank you, Mr. Speaker. To the same minister: are there any other potential benefits for the province in participating in OPEC?

**Mr. Knight:** Well, Mr. Speaker, of course, we expect that there'll be opportunities for us when we have discussions outside of Alberta at any point to look at the attraction of new investment to our province, and getting attention on the world stage is, we think, beneficial. Also, OPEC has a student exchange program, about which we will be getting more information. There's a good opportunity also for the next generation of Alberta energy professionals to gain valuable world experience in these areas.

#### Imperial Oil Kearn Lake Project

**Dr. Taft:** Mr. Speaker, I'm following up questions from yesterday concerning the upgrading of bitumen from phase 1 of the Kearn Lake project. Yesterday the Minister of Energy was not particularly clear in his answer, so I'm going to start off just simply: does the minister have knowledge of where the bitumen from phase 1 of the Kearn Lake project is going to be upgraded?

**Mr. Knight:** Well, Mr. Speaker, indeed, I think that the Premier has indicated – and it's odd, actually, that the question would come to the House today. I think that yesterday, in fact, the president or the CEO of Imperial Oil indicated that although with this first phase of 100,000, 110,000 barrels the upgrading would likely not be done in their own facility, there are opportunities where there is excess upgrading capacity in the province now. They may be able to make some commercial arrangements there. Also, interestingly enough and relative to something that this member was promoting not all that long ago, it appears as though there may be an opportunity in other parts of Canada.

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

**Dr. Taft:** Thanks, Mr. Speaker. The Minister of Energy is responsible for developing the province's bitumen upgrading strategy. This government approved this project, yet it seems that the minister has lost track of a hundred thousand barrels of bitumen a day. I don't see how he can think he's doing his job. How do you defend not knowing where a hundred thousand barrels a day of bitumen are going to be upgraded when you're responsible for the upgrading strategy of this province? Come clean. Come clean.

**Mr. Knight:** Is he finished with my cleanliness?

Mr. Speaker, I'll tell you what's been lost track of here. The hon. gentleman opposite has lost track of 8,000 jobs for Albertans. That's what he's lost track of. What we have here is a situation where a proponent has come to the table – and they've done so, I think, very

prudently – taken a look at the opportunity that they have in front of them in Alberta as we stand currently. They've offered here to proceed with an \$8 billion investment in the province of Alberta. By 2012, as the thing unfolds and production comes into play, it will become abundantly clear what's going to happen with the product, and it's to the benefit of Albertans to maximize the value. There may be bitumen leaving Alberta. There may be bitumen upgraded here. There may be opportunity for value-added. There may be opportunity for petrochemical income. We will work with all of the above.

**Dr. Taft:** Mr. Speaker, there are a lot of maybes in there, but one of the things we know for sure is that in Toledo and Borger and elsewhere in the U.S. real upgraders are being built right now, as we speak. This minister can't tell us if the bitumen from Kearl Lake is going to be upgraded at Mildred Lake at the Syncrude site or if it's going to be upgraded somewhere else. So one last time, Mr. Minister. You are responsible. Where is this bitumen going to be upgraded? Do your job.

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

2:20

**Mr. Knight:** Well, thank you very much, Mr. Speaker. I am doing my job. My job is the development of these resources in an environmentally manageable way for the province of Alberta for the good of the people of the province of Alberta. We will continue to do exactly that. We will get maximum value from this product for Albertans over a long term, including the 8,000 jobs this gentleman seems to not be worried about.

**Dr. Taft:** Point of order, Mr. Speaker.

**The Speaker:** The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Fort McMurray-Wood Buffalo.

#### Land-use Framework

**Ms Notley:** Thank you, Mr. Speaker. Under the guise of improving provincial planning between competing interests through the new land-use framework, this government is preparing to give itself absolute power, and we all know what absolute power does absolutely. To the Minister of Sustainable Resource Development: why does your proposed framework fail to include the democratic checks and balances that would protect ordinary Albertans from cabinet's whims?

**Dr. Morton:** Mr. Speaker, we've spent over two years consulting with Albertans, getting their input into building the framework. We've now brought forward some legislation. We've been having open houses around the province, working with Albertans, getting more feedback, explaining this. As the regional plans are implemented, for each regional plan there is an advisory committee representing a cross-section of the communities in each of those communities. That's how we're incorporating full participation of all Albertans in the land-use framework.

**Ms Notley:** Well, actually, Mr. Speaker, the advisory committees the minister refers to may or may not be established and may or may not be representative.

Now, the original land-use framework document emphasized the values of accountability, shared responsibility, and transparency, but those values seem to have gone missing from the final product. If

government wants Albertans to trust what they are doing, the minister needs to understand that changes of this magnitude require uncommon levels of respect for democratic accountability and transparency. With that in mind, will the minister commit to making the stewardship commissioner an officer of the Legislature?

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

**Dr. Morton:** Thank you, Mr. Speaker. I guess the members opposite have been out of power for so long – I guess they've never been in power – they don't appreciate some of the operational details of actually getting something done. We've put together a plan. Is there a lot of executive discretion in it? Yes. But there's no off-the-shelf manual that we're going to take from some other jurisdiction to design the Land Stewardship Act. We're breaking new ground here, and we want a commissioner and a minister that are politically accountable so that the people of Alberta know that if they don't like what's happening, they can hold the government of Alberta responsible.

**Ms Notley:** Well, Mr. Speaker, a good land-use framework is transparent, accountable, and representative of the people. What this government proposes in legislation is opaque, discretionary, and centralizes power around the cabinet table. Will the minister commit to putting his legislation to an all-party committee so that the principles of the land-use framework can be rescued and preserved and the excesses of the legislation corrected?

**Dr. Morton:** Mr. Speaker, the members opposite have been urging us to go faster and faster for the last couple of years. "When is the land-use framework coming? When is the Land Stewardship Act coming?" Now they want to throw us into a process of more public consultation. I repeat: we have done more public consultation on this piece of policy than probably any other in recent decades, and I'm proud that it's before the House right now.

#### Imperial Oil Kearl Lake Project

*(continued)*

**Mr. Boutilier:** Mr. Speaker, I live in the oil sands capital of the world, Fort McMurray. We have more oil than anywhere else in the world. Let me direct my question to the Minister of Energy. We've had a slowdown, we've observed, in the last nine to 10 months, yet yesterday there was an announcement and a vote of confidence for \$8 billion on a new project. My question to the Minister of Energy is this: how many more jobs and jobs for Albertans will this announcement yesterday create?

**Mr. Knight:** Mr. Speaker, I will start off by saying that at least we have some members on this side of the House that are concerned about Albertans being at work.

The 8,000 jobs that are relative to the construction of Kearl in the initial phase are certainly very, very important for Alberta, but on an ongoing basis I might let the member know and let all Albertans know that the potential for employment in this first phase of the project for about 40 or 50 years for Alberta is in the neighbourhood of a thousand people at work.

**Mr. Boutilier:** Mr. Speaker, the New Democrats often use the words "tar sands," and we're very proud of the words. I understand that Jack Layton seems to think it sounds dirtier if they use "tar sands" rather than "oil sands."

My question relative to the issue of infrastructure has to do with transportation. To the Minister of Transportation. There's been a rumour that the twinning of highway 63 and some of the other infrastructure projects are being somewhat slowed because of the economy. My question to him: is this true, or in fact is the government moving forward under the Radke report relative to building the infrastructure required for such projects?

**Mr. Ouellette:** Mr. Speaker, there's absolutely no direction but straight forward for this government. Let me tell the hon. member that we did run into a little problem this year. We were waiting on some permits federally, and by the time the permits came through, we got into the migratory bird problem and couldn't get in and start knocking down trees and stuff. But we will be – we will be – moving ahead with more pavement and more twinning of highway 63.

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

**Mr. Boutilier:** Thank you, Mr. Speaker. My final question is to the President of the Treasury Board. Of course, he's responsible for the oil sands secretariat. Some ministers often talk about needing more money. To the President of the Treasury Board: in going forward on infrastructure according to the Radke report, I want to assure my constituents that, in fact, we continue to move forward to create the jobs for Albertans, who pay tax, and ultimately see the oil sands develop to what it really should be in the future.

**Mr. Snelgrove:** I have to correct one little part of the question, Mr. Speaker. All the ministers are asking for more money, not just some of them.

You know, Mr. Speaker, we have never really slowed down since this Premier initiated the oil sands working group and co-ordinated our different government departments going ahead on providing the much-needed infrastructure both to Fort McMurray and in Fort McMurray, whether it's health facilities or schools. We strongly believe that the best years of Fort McMurray are not only decades and generations ahead of us, but it will be a wealth that Canada will benefit from for centuries. Getting it all right and putting the appropriate amount of money into the infrastructure is exactly what we've been asked to do, and we will.

**The Speaker:** The hon. Member for Edmonton-Centre, followed by the hon. Member for Calgary-Hays.

### Energy Efficiency Rebates

**Ms Blakeman:** Thank you very much, Mr. Speaker. Alberta is well behind Ontario in dealing with climate change. Ontario's green energy act will create 50,000 green jobs, its feed-in tariffs will expand renewable energy, and their energy efficiency grant programs actually match the federal program's grants. [interjections] Oh, there's a great deal of interest in this. Alberta's, unfortunately, does none of this. My questions are to the Minister of Environment. Given that windows can account for up to 25 per cent of a home's heat loss, why are windows not covered by the provincial consumer rebate program?

**Mr. Renner:** Well, Mr. Speaker, I guess I could stand here and answer a litany of questions: "Why is this not included? Why is this not included?" There's only so much money to go around. We made a determination that we would focus this first round and first phase of an energy efficiency program into areas where the

maximum number of consumers could participate. I would suggest to the hon. member that she has an excellent idea. If we're able to secure a little bit more money from the Treasury Board at some point in time, windows may well be part of a program.

**Ms Blakeman:** Okay. Back to the same minister: can condominium owners apply for provincial rebates for their individual units, and can condo owners pool their rebates for the entire building?

**Mr. Renner:** Mr. Speaker, I don't know the answer to the second part of the question, as to whether or not pooling could be accommodated, but certainly there are portions of the program, to do with appliances for example, where by all means condominium owners can participate.

The portion of the program that has to do with meeting efficiency standards and the testing that's associated with it is a little bit more complex. I would say that in principle it makes sense to me that they should be able to participate, but on the actual implementation and the details I may have to get back to the member.

2:30

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

**Ms Blakeman:** Thank you. I look forward to receiving the information.

Final question to the same minister: given that there are minimum R-value requirements for insulation in houses, when will there be minimum insulation requirements for large buildings in Alberta?

**Mr. Renner:** Well, Mr. Speaker, that is very much part of the commitment that the government has made to do an extensive review of the building code program. Building codes not only apply on the residential side but also on the commercial side. It simply makes sense that we should be thinking about how we can integrate the energy efficiency and conservation initiatives, that are so critical if we're going to achieve our long-term targets with respect to climate change, into the safety considerations that are principally governing building codes. I would suggest to the hon. member that she stay tuned. In conjunction with Municipal Affairs it's our intention to do a very thorough review and update on building codes in the very near future.

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

### Distracted Driving

**Mr. Johnston:** Thank you, Mr. Speaker. Following its review of Bill 204, the Traffic Safety (Hand-Held Communication Devices) Amendment Act, 2008, the Standing Committee on the Economy recommended that the ministries of Transportation, Solicitor General and Public Security, and Justice create an offence of distracted driving. My questions are all for the Minister of Transportation. Can the minister provide an update on this matter?

**Mr. Ouellette:** Well, Mr. Speaker, my department has done a lot of work to bring forward a report that deals with this issue. What we're looking at covers a lot more than just cellphones. We're looking at the bigger picture and trying to address all distractions behind the wheel because there's no sense drafting a law if it only looks at a little bit of the big picture or the big problem that we have. We're consulting with stakeholders and working with other ministries to make sure that we develop a law that's enforceable.

**Mr. Johnston:** Given that Strathcona county is the first municipality in Alberta to ban the use of hand-held cellphones while driving, will the Department of Transportation revisit its stance on banning hand-held cellphones province-wide?

**Mr. Ouellette:** Mr. Speaker, as I was saying before, we've done a lot of work on this. In fact, some of the reports that are out there now show that cellphones are only a small part of the problem. There are other distractions that are a more serious issue than the cellphone distraction. We have to figure it out so that we address all of those so that we're not just bringing one-offs forward like some of the other provinces have done, like some of the other jurisdictions in North America have done and have found out that then they have a different one-off and a different one-off, and they end up with a whole 'slojgepodge' of things that they can't enforce.

**Mr. Johnston:** My final question: would the Department of Transportation consider banning cellphone use in playground and school zones as some municipalities are now considering?

**Mr. Ouellette:** Mr. Speaker, why we keep saying that we want to look at the big picture here is so that we can cover the whole province, one end to the other. I absolutely have no idea why one county or one municipality would bring in a bylaw that's almost unenforceable, because there are only certain little areas and they have to train certain policemen to be able to look after the one case, when they know that we're working on this issue. We're going to bring forward legislation that addresses the whole problem, the big picture.

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

#### President and CEO of Alberta Health Services

**Mr. MacDonald:** Thank you, Mr. Speaker. In January of this year the Alberta government recruited Dr. Stephen Duckett from Australia to run the Alberta Health Services Board. My first question is to the minister of health. Why did the government set Dr. Duckett's annual compensation level at \$575,000 per year?

**Mr. Liepert:** Well, first of all, Mr. Speaker, the government didn't set the salary. We have an autonomous board that recruited the new CEO, looked at similar situations across the world. I would suggest that considering what some of our previous CEOs were paid, we got a bargain at \$575,000.

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

**Mr. MacDonald:** Thank you, Mr. Speaker. Again to the same minister: given that the information that I provided to the minister is on a government of Alberta news release, again, if we're going to pay this gentleman \$575,000 and a bonus annually that could amount to \$140,000, is Dr. Duckett still eligible for an annual bonus?

**Mr. Liepert:** I think that in the question, Mr. Speaker, the member stated that part of the contract of the CEO is that he's eligible for a bonus up to 25 per cent of his salary, and that's the bonus we're talking about.

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

**Mr. MacDonald:** Okay. Again to the same minister: given that we've had surgical cancellations, given that we've had layoffs in the health care system, given that we see seniors without health care, given that hospitals are being reduced or in some places closed, why is this gentleman, under your watch, eligible for a \$140,000 a year bonus?

**Mr. Liepert:** Well, Mr. Speaker, let's clear up the facts. I'd like to have the member show me one hospital that's been closed. He just finished stating that hospitals are being closed. That's wrong. There are not surgeries being cancelled. There are some that may have to be deferred because of cost restraints that a responsible government brings in in its budget. For this particular member to stand up here and spin all that garbage is just that, garbage.

**The Speaker:** The hon. Member for Calgary-Lougheed, followed by the hon. Member for Calgary-Buffalo.

#### Camping in Provincial Parks and Recreation Areas

**Mr. Rodney:** Thank you, Mr. Speaker. This past May long weekend thousands of Albertans enjoyed our beautiful public lands and provincial parks for a weekend of camping and other recreational activities. Unfortunately, there are always a small number of people who abuse this privilege and damage the environment, leave their garbage behind, and break other rules and laws. My first question is to the Minister of Sustainable Resource Development. Can the minister please explain what his ministry has done to combat this problem?

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

**Dr. Morton:** Thank you, Mr. Speaker. The May long weekend has indeed become an annual event where Albertans go out and enjoy themselves in our forests and parks, and we think that's a good thing. We want them to enjoy, get out and be in our forests and parks, but what we don't want them to do is to destroy them. I'm happy to report that thanks to the joint task force this year – the combined efforts of SRD, Parks, Solicitor General, and the RCMP – for the third year in a row we reduced the type of destruction and lawlessness that has occurred over the past few years. Part of it is education, a respect-the-land theme. SRD focuses on that with good co-operation, though, from Solicitor General and the RCMP and Parks on enforcement. I'll leave that to the other ministers.

**Mr. Rodney:** My second question is to the Minister of Tourism, Parks and Recreation. There were temporary liquor bans in place in certain provincial campgrounds over the long weekend. I'm wondering what the minister can tell us about the bans and their effectiveness in cutting down problems in parks this past May long weekend.

**Mrs. Ady:** Well, Mr. Speaker, the hon. member is right. We had about 225,000 campers in the parks system over the May long weekend, and I'm happy to say that of that number of people in the parks only about 1 per cent presented a problem. Generally speaking, it was related to alcohol in banned areas and noise levels. We did have to evict about 275 campers, but, again, a very, very small percentage when you look at how many people enjoyed the parks. We think our enforcement efforts are working, and we're pleased that we're able to offer a very safe and wonderful place for Albertans to recreate.

**Mr. Rodney:** My final supplemental is for our Solicitor General and Minister of Public Security. I'm hoping that the minister can be specific and include numbers in informing Albertans and this House exactly what his department did this past long weekend to enforce our laws and keep Albertans as safe as possible.

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

**Mr. Lindsay:** Well, thank you, Mr. Speaker. With the number of people travelling during the long weekend, we knew that we needed to provide increased enforcement to improve highway safety. Almost half of the fatalities that occur in Alberta occur between the May and September long weekends. As part of our agreement with SRD and other agencies, 90 members of our Alberta Sheriff Highway Patrol together with the RCMP provided extra enforcement to not only enforce the Traffic Safety Act but also other offences. On the past weekend our sheriffs laid over 4,000 charges and took 21 suspected impaired drivers off the road. We will continue with this program of education and awareness of motorists concerning highway safety to ensure that our highways remain safe.

**The Speaker:** Hon. members, that was 96 questions and responses today.

In a few seconds from now we'll continue with the Routine.

2:40

### Members' Statements

*(continued)*

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

#### Excellence in Teaching Awards

**Mrs. Sarich:** Thank you, Mr. Speaker. I'm reasonably confident that each of us has had a teacher who made a positive difference in our lives, a teacher whose passion was evident through a strong commitment to students and to the teaching profession. I am sure we still remember that teacher to this day.

Today I am proud to honour 23 of Alberta's finest teachers and principals, who engage our students and encourage them to reach further for their educational goals and, more importantly, for their dreams. These 23 teachers are representative of the thousands of exceptional teachers we are so fortunate to have in our school districts and our province. Chosen from 365 eligible nominations, they have been selected as award recipients for the 2009 excellence in teaching awards due to the creativity, innovation, and dedication they demonstrate every day in the classroom. They are well respected by their teaching colleagues and the greater community and are an inspiration to their students.

Of the 23 award recipients 20 will receive the provincial excellence in teaching award, where they will have access to \$4,000 for professional development to further develop their teaching skills. Mr. Speaker, three out of the 23 award recipients will receive the SMARTer Kids Foundation innovative use of technology award, which includes a comprehensive technology package.

The excellence in teaching awards have been celebrated since 1989. More than 8,200 teachers have been nominated, and more than 400 have received awards. The influence of these teachers, Mr. Speaker, will long be felt by their students.

I'm honoured today to rise to recognize all of the outstanding teachers and principals across this province and to give heartfelt congratulations to the 2009 excellence in teaching award recipients. Also, on May 30 in Edmonton these recipients will be formally honoured at a dinner and awards ceremony with the hon. Minister of Education as well as some colleagues from our Legislature.

Thank you.

**The Speaker:** The hon. Member for Whitecourt-St. Anne.

#### Evansburg Legion Ladies Auxiliary

**Mr. VanderBurg:** Thank you, Mr. Speaker. I was honoured to be part of the 60th anniversary celebration for the Ladies Auxiliary at the Evansburg Legion Branch 196 this past weekend. For 60 years the ladies have reached out to the community and the Legion in an outstanding way. Many families and organizations have benefited from their generous and hard work.

The Evansburg Legion Ladies Auxiliary was granted their charter on May 14, 1949. The original 16 ladies who founded the auxiliary set out to support veterans and the community at large.

Mr. Speaker, I had the pleasure of meeting Mary Cumming, who was an original member 60 years ago. Mary is 96 years old and continues to serve the community through work with the auxiliary. In the program is written a little story about Mary Cumming. She joined in April 1949 when physical activities were the most difficult. Holding many offices, including President . . . she was a dedicated worker not only in the auxiliary, but in the community as well. This earned her a life membership, the Meritorious Service Award and the highest award of all – The Palm Leaf.

On June 12, 2009, she will be 96 years old, and she still attends meetings.

I want to thank Janene Barry, president of the auxiliary, and all the past and present members for their tremendous work, for all they have done for Evansburg and the residents of Whitecourt-St. Anne. Congratulations on 60 years, and best wishes for the future.

#### Tabling Returns and Reports

**Mr. Mitzel:** Mr. Speaker, as chair of the Standing Committee on Legislative Offices I'd like to table five copies of a report by the Ombudsman entitled Prescription for Fairness, Special Report: Out of Country Health Services, dated May 2009. Copies of this report were distributed to all members today.

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

**Mr. Sandhu:** Thank you, Mr. Speaker. I'm tabling five copies of a program for the 11th annual Vaisakhi Nagar Kirtan parade. Yesterday I shared with the House about the parade on May 17 in Mill Woods to celebrate this very important Sikh holiday.

Thank you.

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

**Mrs. Leskiw:** Thank you, Mr. Speaker. I have two tablings today. First, I would like to table the appropriate number of copies of a letter from the Pochaiv maple leaf safe house project, that I referred to in my May 5 member's statement about human trafficking in the Ukraine.

Second, I would like to table the appropriate number of copies of a petition with 363 signatures from my constituents on behalf of Landon Karas, whose family believes excessive force was used on their son in maximum security here in Edmonton.

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

**Mr. Horne:** Thank you, Mr. Speaker. In my capacity as chair of the Standing Committee on Health I'd like to table the requisite number of copies of three letters, all expressing support for the committee's proposed amendments to Bill 52, which were tabled in this House yesterday. The letters are from the College of Physicians and

Surgeons of Alberta, the Alberta Medical Association, and the Information and Privacy Commissioner for Alberta. These letters may be useful as additional reference material for members reviewing the committee's report.

Thank you.

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

**Ms Blakeman:** Thank you very much, Mr. Speaker. I have two sets of tablings today. The first is on behalf of my colleague the Leader of the Official Opposition, who wanted to table a series of documents that are actually a petition but are not appropriate to be presented as a petition, so we're doing them as tablings. These are some 600 or 800 signatures collected by a young man named Oba Powis, who was working with his MLA, the Member for Lethbridge-East, and has done a good deal of work with his fellow students in Lethbridge around Bill 44.

The second set of tablings is a series of e-mails that I've received over Bill 44, including one from Lisa Barrett with concerns about Bill 44 promoting discrimination; from Luanne Sawatzky, a graduate student who feels knowledge is power; from Krystal Harvey, who is concerned that the goal of education should be to educate and enlighten; from Kelly Ernst, who feels Bill 44 is poor governance and bad policy-making; from Scott Rowed of the Centre for Inquiry Calgary, with concerns that children should have a right to be taught critical thinking and proper science; and from Connie Jensen, who talks about a case from California where a student was stopped from doing a presentation on Harvey Milk.

Thank you very much, Mr. Speaker.

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

**Mr. MacDonald:** Yes. Thank you very much, Mr. Speaker. I have one tabling today. It's a PowerPoint presentation entitled Australia's Health 2008: Elective Surgery Waiting Times, by Dr. Stephen Duckett, University of Queensland. One of the take-home messages in this PowerPoint presentation is that if you want to improve access to elective surgery, a.k.a. reduce waiting times, think about incentives.

Thank you.

**The Speaker:** The hon. Member for Lethbridge-East.

**Ms Pastoor:** Thank you, Mr. Speaker. I'm tabling the required five copies of my letter and receipt dated May 8, 2009, regarding my donation to the Lethbridge Salvation Army Food Bank. As per my pledge in the Assembly of April 2, 2007, half of my MLA indexed pay raise of \$146.25 is donated monthly to a food bank until AISH is similarly increased and indexed and is fair with the MLAs' salaries.

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

**Mr. Chase:** Thank you, Mr. Speaker. I would like to table four letters from Albertans concerned with section 11.1 of the proposed Bill 44. Montgomery Moore writes: "I have been a loyal Tory supporter for years . . . I believe it is the role of education to teach children how to think, not what to think." Harris Kirshenbaum writes, "While the 'Alberta Advantage' drains away yet again, we have in Bill 44 yet another stunning example of a mode of thinking trying to return us to the age of the horse and buggy." Richard Leslie, the chair of a school council, writes: "There's an old rock and roll song that says 'leave our kids alone' . . . well, now is the time to

'leave our teachers alone.'" Lisa Hurrel, a parent and school council member, states, "I want our teachers to teach and not be worried about being absolutely politically correct absolutely all the time."

Thank you, Mr. Speaker.

2:50

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

**Mr. Mason:** Thanks very much, Mr. Speaker. I'd like to table the appropriate number of copies of a letter from Melissa Luhtanen of Calgary, who is a lawyer who is opposed to the parental notification section of Bill 44. She's concerned that even with the minister's proposed amendments the bill will have a chilling effect on discussion of sexual orientation, sexuality, and religion in classes.

Thank you.

### Tablings to the Clerk

**The Clerk:** I wish to advise the House that the following documents were deposited with the office of the Clerk: on behalf of the hon. Mrs. Jablonski, Minister of Seniors and Community Supports, responses to questions raised by Ms Pastoor, the hon. Member for Lethbridge-East; Ms Blakeman, the hon. Member for Edmonton-Centre; Ms Notley, the hon. Member for Edmonton-Strathcona; Dr. Taft, the hon. Member for Edmonton-Riverview; and Mr. Denis, the hon. Member for Calgary-Egmont, on April 15, 2009, in Department of Seniors and Community Supports main estimates debate.

On behalf of the hon. Dr. Morton, Minister of Sustainable Resource Development, responses to questions raised by Mr. Hehr, the hon. Member for Calgary-Buffalo; Ms Notley, the hon. Member for Edmonton-Strathcona; and Mr. Griffiths, the hon. Member for Battle River-Wainwright, on April 27, 2009, in Department of Sustainable Resource Development main estimates debate.

**The Speaker:** The hon. Deputy Government House Leader on a purported point of order.

### Point of Order Parliamentary Language

**Mr. Zwozdesky:** Yes, Mr. Speaker. I want to raise a point of order with respect to comments that the hon. leader of the third party made in this House today during question period. I would cite our own Standing Order 23, wherein it says that a member may be called to order by the Speaker under 23(h) if he or she makes allegations against another member, under 23(i) if he or she imputes false or unavowed motives, and under 23(j) if he or she uses insulting language that may cause some disorder.

Today during question period the leader of the third party said words to the effect of: the Premier said a lie. I think we heard it not only once, but we heard it twice. The context, of course, in which it was said was highly unparliamentary, in my view, as cited in sections of *Beauchesne*, which I'll get to in just a moment. But, you know, Mr. Speaker, I recall that even during your term in the chair you have frequently advised this House as to what may or may not be parliamentary and how on various occasions some words can be used in one context to mean one thing and in another context to mean another. However, here I think the leader of the ND opposition clearly maligned the Premier, and I say that he did it intentionally because he said that the Premier had lied or that the Premier told a lie, not once, but he said it twice. He repeated himself in so doing. So this, in my view, would be one of those cases where the context leads to the point of order, I would hope.

Specifically, under *Beauchesne* 489, Mr. Speaker, as you would know, the word “lie” is cited. It’s cited as being on the list of unparliamentary words. In fact, it gives 38 occasions when the word “lie” was ruled as being unparliamentary. Furthermore, under *Beauchesne* 492 there’s an additional list of words, terms, and expressions that “have caused intervention on the part of the Chair,” and the word “lie” appears there quite clearly as well. Coincidentally, the word “lie” does not appear in *Beauchesne* 490 as being a parliamentary word under any occasions. As well, under *Beauchesne* 486 we can see references to the tone in which words can sometimes be used which convey an additional hurtful or insulting meaning. I would suggest that the leader of the opposition New Democrats used that particular tone not once but twice today in referring to the Premier in the way that he did.

Additional references to support this point of order, Mr. Speaker, would be 409(7), where it specifically states what is and what isn’t allowed specific to QP. In fact, it states in 409(7) that “a question must adhere to the proprieties of the House, in terms of inferences, imputing motives or casting aspersions upon persons within the House or out of it.” In this case I think the member violated that particular rule as well.

In fact, Mr. Speaker, *Beauchesne* 428(i) goes on and talks about: a question must not contain imputations. I could give other references. However, one of the most important references that I found were rulings made by yourself in your capacity as chair for this House, which we all recognize has its testing moments. On April 18 of 2000 you found it, quote, totally inappropriate in the context of a question to use the words “lie,” “lied,” or “lying.” You found a similar situation on November 27 of 2001, where the member apologized and withdrew the comment after you brought it to his attention. It goes on with November 24 of 2008, which is not that long ago, where similar findings were found by you.

In this case, Mr. Speaker, I think we all recognize that a great deal of latitude can be and often is given in this House, and we appreciate that as members, but in this particular case I think the latitude was breached. It was breached in a very demeaning way, and I feel that the leader of the New Democrats should at the very least apologize and withdraw those comments.

Alternatively, in closing, if that’s not the case, I would then cite Standing Order 24(1) of our own House rules, wherein it suggests that persistent refusals to adhere to the requests of the Speaker’s earlier advice can also result in a point of order being brought against a member.

Thank you.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. During this session it has become a routine for ministers of the government to answer questions of the opposition by either misstating the question or by attributing false motives to the questioner. The Premier has repeatedly stated in this House the falsehood that Alberta’s NDP and myself specifically had proposed shutting down the oil sands. I can recall at least four previous occasions this session when the Premier has done that. The last time before this point was yesterday, and I quote from *Hansard*: “For someone that talked about shutting down the oil sands, now all of a sudden he wants to keep everything here and add value to everything.”

I have repeatedly attempted to correct this false statement by the Premier, but he insists on repeating it. I said yesterday: “Mr. Speaker, the Premier knows that we never said that we should shut down the tar sands. The Premier is misleading the House.” Again

today the Premier repeated something which is not true and which he knows not to be true. I believe that the Premier has used his position to falsely accuse myself and my party of taking a position which would be extremely damaging to this province and its economy.

We know that there are tens of thousands of workers, unionized and ununionized, that are employed by operations in Alberta’s oil sands, and we attempt to represent their interests as best we can as well as represent the interests of Albertans as best we can. We would not take any position which would cause tremendous damage to Alberta’s economy. That does not mean we do not have criticisms about how the oil sands are regulated by this government, but at no time whatsoever have we ever done that.

For the Premier to continually repeat in this House something he knows not to be true, which is damaging to us politically and otherwise, is unacceptable to us. I have taken a number of occasions to try and correct the Premier on this false statement that he keeps repeating, to no avail. So, frankly, Mr. Speaker, while I didn’t call the Premier a liar, I called the statement that he made a lie, and I believe it was.

3:00

**The Speaker:** The hon. Member for Peace River.

**Mr. Oberle:** Thank you, Mr. Speaker. I rise to briefly join the debate and state what I hope would be blatantly obvious, that if the hon. Member for Edmonton-Highlands-Norwood has an issue with something that the Premier said in this Chamber, he has, as any other member in this Chamber has, the option of rising on a point of order. He cannot use that as a justification for his own use of unparliamentary language both in the use of the term “lie,” which he did on two occasions earlier, but now he’s added to that “misrepresentation,” another unparliamentary word. He has the option of rising on a point of order. He didn’t do so. That makes no justification for his subsequent behaviour.

**The Speaker:** Others to participate?

This issue here this afternoon causes me concern. This is a Tuesday in the week. There’s a lot of business that has to be done in this House. We’ve already agreed that the outstanding orders and policies, basically, we would leave on June 4. Now we’re going to spend a great deal of time on an issue that really need not be dealt with.

The hon. Member for Edmonton-Highlands-Norwood says the following in the Blues:

Mr. Speaker, the Premier continues to repeat the lie that our party would shut down the tar sands. That’s a lie, and I will not accept it.

He continues to repeat it.

And a point of order is raised.

Now, look, all our texts very, very clearly, as pointed out by the hon. Deputy Government House Leader, lead to the conclusion that the use of such words is inappropriate, unparliamentary, and not to be used in this Assembly. There’s no defence against it. It’s in our standing orders. In *Beauchesne’s Parliamentary Rules & Forms* a series of sections deals with it. *Erskine May’s Parliamentary Practice*, 23rd edition, very clearly has sections in it with respect to allegations against members, defence. We’ve already dealt with the question on two or three or four occasions in this Assembly.

When members get involved in the question period and seek not information but wish to create debate, it leads to other kinds of responses that enhance debate. The purpose of question period is to seek information of an urgent nature. We get into debate repeatedly in this question period. That’s part of the leniency factor, perhaps, provided by the chair to allow the greatest opportunity for members

to participate, but it's often violated, and the chair is not going to intervene every time there's a statement because there would be no question period. I'd be intervening 30 times in question period with respect to all of this. That's never been the intent. There has to be self-discipline.

Quite frankly, the words are inappropriate, hon. Member for Edmonton-Highlands-Norwood, and I await what you are going to do about it.

**Mr. Mason:** Thank you, Mr. Speaker, but with the greatest respect to you and to this Assembly I stand by my words.

**The Speaker:** Hon. member, I was afraid of that, and that's part of the histrionics and the theatrics of this Assembly. I indicated that this would probably be something we would look at in the dying days of an Assembly. So I want to draw to the attention of the hon. Member for Edmonton-Highlands-Norwood Standing Order 24: 24(1), 24(2), 24(3), the naming of a member and the consequences arising therefrom.

I'm going to offer a second opportunity for the hon. member to do the appropriate thing and withdraw his statement with respect to the words in question.

**Mr. Mason:** With the greatest respect I believe that the Premier has an obligation to withdraw his accusations against me and my party, and if he does so, I am also prepared to withdraw my statement.

**The Speaker:** Hon. member, the difficulty that I have with respect to the standing orders is that there are no conditions associated with it. This is not a barter system. This is not a trade-off. This is not an "I'll do that if you do that" kind of thing. It's very, very clear. I'm going to repeat it for the third time. Naming a member, section 24(1) of the standing orders: "If a Member, on being called to order for an offence, persists in the offence or refuses to follow the Speaker's directions in the matter, the Speaker shall name the Member to the Assembly."

Section 24(2):

When a Member has been named by the Speaker and if the offence is a minor one . . .

And the Speaker does not view this as a minor one.

. . . the Speaker may order the Member to withdraw for the balance of the day's sitting, but if the matter appears to the Speaker to be of a more serious nature, the Speaker shall put the question on motion being made, no amendment, adjournment or debate being allowed, "that the Member be suspended from the service of the Assembly", for any time stated in the motion, not to exceed 2 weeks.

The hon. member must understand that if the Speaker puts this question before the Assembly, that the member be suspended from the service of the Assembly for any time stated in the motion, not to exceed two weeks, and if the Assembly agrees to that, the member leaves. The member will have no further role because the motion put forward by the Speaker would be for the duration of this session.

Now, I'm going to ask for the third time very, very politely, with all the best of the parliamentary tradition that I can muster. Recognizing that I believe it to be in the best interest of the hon. member to withdraw his statement, recognizing that I will lose a lot of sleep tonight if the hon. member does not – don't make me do it, please – I implore you to withdraw your words.

**Mr. Mason:** Mr. Speaker, I am very torn about this, but I have not found a way to get the Premier to stop saying things about me, my party that are untrue. In a civil case truth is a defence. I take it from your comments that that rule doesn't apply here.

**The Speaker:** No. I'm sorry. We're not having a debate. You're not embroiling me in this. I'm enforcing the rules of this particular Assembly. I made it very, very clear what our traditions are, what our rules are. I quoted from the text, the holy text that we govern ourselves by, the tradition of parliament. Don't do that. You're getting further into trouble.

I'm going to ask you for the fourth time now – not the third time, the fourth time – will you withdraw your words?

**Mr. Mason:** No, Mr. Speaker.

**The Speaker:** You know, I guess the hon. member is really pushing the matter for his own agenda. I can accept that.

I'm going to repeat it again. I've asked it four times now. Naming a member. Four times I've asked the member to respond. The member refuses to follow the Speaker's direction. I'm going to name the member, and I'm going to repeat 24(2).

When a Member has been named by the Speaker and if the offence is a minor one, the Speaker may order the Member to withdraw for the balance of the day's sitting . . .

The Speaker does not believe this is a minor one.

. . . but if the matter appears to the Speaker to be of a more serious nature, the Speaker shall put the question on motion being made . . .

If an hon. member in this Assembly wishes to make a motion.

. . . no amendment, adjournment or debate being allowed, "that the Member be suspended from the service of the Assembly", for any time stated in the motion, not to exceed 2 weeks.

The chair would feel much more comfortable if an hon. member would stand and make such a motion and give me the dates associated with it, and I will immediately put the question to the Assembly.

**Mr. Zwozdesky:** Well, Mr. Speaker, I've been in this Assembly for many, many years, but I've never yet witnessed what I fear we are about to witness. I find it very, very sad and very unfortunate that the Leader of the Official Opposition . . .

3:10

**Some Hon. Members:** Third party.

**Mr. Zwozdesky:** Third party. Sorry. I clarify that right now.

. . . of the ND opposition doesn't find it plausible or possible to find some other way to address this. There are things like telephones and visitations that can be made, and I would have hoped that he would have taken that route and followed your advice in the meantime. However, not being given much choice in the matter and finding the words and the tone of the words and the continued refusal of this member to abide by what we as hon. members of this House have agreed to in our own standing orders and what hundreds of years of tradition have spelled out for us to follow, I would move that the Member for Edmonton-Highlands-Norwood be suspended from the service of the Assembly for whatever time is stated, not to exceed two weeks.

**The Speaker:** I'm sorry; the motion should be complete.

**Mr. Zwozdesky:** For one week. [interjections] Not to exceed two weeks.

**The Speaker:** Okay. Listen: "that the member be suspended from the service of the Assembly" for a period of time "not to exceed 2 weeks."

**Mr. Zwozdesky:** Mr. Speaker, my apologies. I'll specify that it be for two weeks.



**The Speaker:** Standing Order 24(2) says that if the matter appears . . . the Speaker shall put the question on motion being made, no amendment, adjournment or debate being allowed, "that the Member," the Member for Edmonton-Highlands-Norwood, "be suspended from the service of the Assembly," for any time . . . not to exceed 2 weeks.

A time of two weeks, in other words. Is that understood by everybody?

I'm going to give the hon. Member for Edmonton-Highlands-Norwood one last chance before I call the question.

**Mr. Mason:** Mr. Speaker, this is very difficult for me because I believe very sincerely that my reputation has been besmirched by the Premier. I also believe that I owe an obligation to my constituents to be in this House to represent them, and if I was absent for that period of time, I would not be doing my job that I was elected to do. So at this point I will withdraw my remarks and apologize to you, to the Premier, and to the Assembly.

**The Speaker:** Some members may disagree with the chair about the role taken by the chair. Some members may argue that the chair should have put the question immediately as per the rules, without debate, amendment, or anything else. I believe very strongly in the decorum of a parliament. I believe very strongly in the roles of members. I believe very strongly that members were elected to be here in this Assembly. I understand correctly the difficulties that individuals have at various times. The last thing in the world I ever want to see is any member of this Assembly be banished. There also is a tradition that if a member withdraws and apologizes, the matter is ended.

You may criticize me for this direction. You may do that, and ultimately you can do something further. But I believe that it is in the best interests of the parliament of Alberta to ensure that all members are here. We've heard the Member for Edmonton-Highlands-Norwood apologize, withdraw his statement and apologize, and I think we should move on now.

## Orders of the Day

### Government Bills and Orders Second Reading

#### Bill 20

#### Civil Enforcement Amendment Act, 2009

[Adjourned debate April 22: Mr. Denis]

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

**Mr. Hehr:** Thank you very much, Mr. Speaker. It is a pleasure to rise and speak on Bill 20, the Civil Enforcement Amendment Act, 2009. Really, this is a good-news bill. It aligns us with legislation that has been proclaimed in other areas of the country: Saskatchewan, Manitoba, and Newfoundland. What this bill essentially does is it aligns these other jurisdictions with our province now in allowing RRSPs and other savings devices, registered disability savings plans and other things like that, to be outside of the reach of creditors.

Really, this might seem like good news, and it is because we as legislators, as people who want to encourage a culture of savings in our province, should be allowing for mechanisms like this where people can put their money away in registered retirement savings plans and other devices like that to protect their hard-earned money from future civil forfeiture in a lawsuit.

Simply put, without this type of legislation we're opening up many of our province's entrepreneurs to the opportunity to maybe

not start businesses, to maybe not take that creative step forward or to pursue some risky invention or risky business opportunity that could advance society. For instance, they may be too worried: well, maybe if we try that, someday it'll come back, and all our savings will be gone. Really, that's not the type of attitude we'd like to encourage in, I guess, the entrepreneurial people that we are or in our society.

[The Deputy Speaker in the chair]

Basically, if we look at this, what happened before was that unless your money was protected through the Insurance Act, individuals who were involved in a lawsuit against an individual family or an individual member of our society could obtain in a lawsuit registered pensions like RRSPs, DPSPs, and RRIFs. These plans, then, were available for civil forfeiture in instances where it was deemed that the court would go after these instruments in order to facilitate the payment of, I guess, a judgment due and owing by the court. But the thing is that that principle has to be balanced against our principle of protecting people's investments, people who have worked their entire lives to squirrel away a nest egg, to make a living, to try and have some RRSPs, DPSPs, and some RRIFs, to have this money available to them when they are in their old age.

Otherwise, if this money was made available to creditors, what would happen is that these people would be thrown onto, I guess, the government dole. Well, not "I guess." They would be forced to live on the government dole. That would not leave the government or society in a very good position.

What this bill does, again, is align our jurisdiction with other jurisdictions in Canada. It encourages a mentality of saving, a mentality of putting away money for the future, a mentality of people providing for themselves in their old age and not being reliant on the government and still encourages that entrepreneurial spirit we value so much here in Alberta.

It is with pride that I speak in favour of this bill. I commend the hon. Member for Calgary-Egmont for bringing forward this bill. I'd also like to note that this is really being advised to us by other jurisdictions. The Uniform Law Commission, review boards, civil enforcement agencies, sheriff organizations, and basically the financial planning community all speak in favour of this type of legislation.

3:20

I think it is a good move that will bring the necessary clarification to civil enforcement of our judgments relative to deferred savings plans, and it is a necessary harmonization of provincial laws. It will protect citizens' retirement savings and allow for deductions from deferred savings to be garnished to maintain the rights of the creditors. You can see that there are elements for both in that creditors are going to be able to get a lot of protection, and so will our retirees.

Those are my comments, and I'm glad to see this legislation being put forward. Thank you very much, Mr. Speaker.

**The Deputy Speaker:** Any other hon. member wish to speak on the bill?

Seeing none, the chair shall now call the question.

[Motion carried; Bill 20 read a second time]

#### Bill 26

#### Wildlife Amendment Act, 2009

[Adjourned debate April 21: Mr. Mitzel]

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

**Mr. Hehr:** Well, thank you, Mr. Speaker. It is, again, a privilege to rise in second reading and discuss this bill on wildlife. Like I indicated, it is an honour to speak on this as I've had a great deal of time to think about this bill since it was first announced. Now, as I've contemplated this more and been able to think about this, it now becomes ever more clear to me as to what is coming. Yes, it has become clear.

The bill proposes amendments to the Wildlife Act. The purpose of the amendments is to eliminate challenges in enforcing the act and to clarify legislation to make it easier for the courts to interpret and deal with offences under the act. This seems to be a very good bill that is before the House at this time. These amendments that have been brought forward at this time are designed to clarify the provisions of the Wildlife Act that deal with enforcement, sentencing, and wildlife control measures. These clarification amendments will provide more certainty for hunters in understanding what the clear penalties are for offences and for wildlife officers performing their duties as well as owners of captive wildlife and controlled animals.

This bill attempts to address certain challenges in enforcing and administering the Wildlife Act. These amendments will recapture costs associated with wildlife control that the government must take in certain circumstances, and this is a good move for revenue generation.

If you look further into the act, if you look at what is happening here, wildlife management is obviously challenging and constantly changing. Providing more certainty in enforcing provisions of the act will only enhance the goal of wildlife management. As we've seen here in the province and as I've brought up numerous times in this Legislative Assembly, we appear to be at a tipping point here where much of our wildlife – you know, a case in point, I guess, is that the grizzly bears and many of our elk species and other species are simply being threatened here. Of course, you have grizzly bears. Estimates are that there might be 500 left here in Alberta, some estimates as low as 238, and I guess we really don't know how many there are.

The simple fact of the matter is that our actions as human beings are taking a severe toll on our wildlife and our wilderness community. When you have animal species like the grizzly bear that are disappearing, well, that should be a sign to us as human beings that, hey, we're doing something that isn't quite right here. We may be overharvesting or taking too much of our forest space or using too much of our water or a whole host of things, a combination of all of these things, that is making it increasingly difficult for wildlife to survive. Guess what? When the wildlife can't survive, I guess that in some time eventually human beings may not be able to survive. Yes, I know that's, hopefully, a long way down the road, and hopefully we will be able to straighten this out.

What I think Bill 26 is trying to recognize is that some of this stuff we've ignored for far too long here in Alberta. I guess the unconstrained development of our wild areas, that was probably the position of governments in the past that appreciated just a more straight laissez-faire approach to governing the wilderness – go out and do what you want and not worry about the consequences – for instance, no regulation of marketplace or just simply no regulations at all, possibly led to a lot of this wildlife being in danger.

That's why, actually, you know, although there are problems with the land-use framework, coming in at this time as well is a recognition by this government that maybe we've gone too far and that maybe we should have had these rules and regulations in place 10 years ago. We wouldn't have had much of the, I guess, unintended consequences of an oil rush up in Fort McMurray, which has left many people questioning the environmental practices or the

land stewardship and our whole concern for the environment, that now exists as a cloud over Alberta.

Bills like this really bring to light that maybe if we had been more attentive to these difficulties, say, 10, 12 years ago, our province would be in better shape today and so would our reputation amongst the communities throughout the world, and there wouldn't have to be money spent on creating Alberta's image and all that stuff because it would already be highlighted around the world that we had done a lot of this stuff that appears to be coming down the pike now. I guess the answer is: better late than never.

Again, just speaking to the definite merits of the bill, it allows us to assess owners of captive wildlife or controlled animals with the cost of transporting, recapturing, or euthanizing animals that were kept in lawful captivity and escaped or were unlawfully released. By doing this, you can have a landowner who can be, I guess, rewarded for land stewardship. I know this is somewhat controversial in that beforehand maybe it was just one of those things that people were supposed to do, but I think we learned over time that if people aren't sometimes financially rewarded for doing the right thing, well, they'll do the wrong thing.

For instance, the tragedy of the commons. You know, we remember back to when people realized that if you overused too much of the commons or if you overhunted or overcut the wood or whatever it was you were doing, all of a sudden there would be no more commons. Without rules and regulations in place, well, you're going to have that kind of tragedy. We're trying to move to a system – and I really hope it works – where we are going to pay people to avoid this tragedy where they're not looking after the wildlife or looking after fish and wildlife and expand it toward monitoring our hunting activities.

**3:30**

Also, a good thing is that, as I say, it provides the courts with a higher penalty range to deal with those who export wildlife or wildlife parts that are banned from export. Let's face it: although I do have some questions over whether these are actually at a significant enough range that they deter some behaviour, I hope they do. For instance, we on this side of the House believe that our environmental fines in general in this province are probably far too low and that people are willing to risk, I guess, inappropriately violating these laws because the penalties aren't high enough. I think we saw that case, you know, where really 700 or 800 dead ducks were found in the pond.

Really, you know, were the penalties stiff enough? I think many people around Alberta and other jurisdictions are saying: no, they weren't. Maybe this is a recognition here that we have to increase our fines for people who are illegally or unjudiciously exporting wildlife or wildlife parts that are banned for export.

This wouldn't have had to be done, you know, 50 years ago because we had lots of animals around. Maybe we didn't think it would get to this point, where we have so few animals and wildlife, and there's really a recognition that we've reached that dangerous stage of our existence. I think this is a recognition that we're there. Hopefully, we continue to monitor this, and if we continue to have our wildlife disappear from the landscape, we continue to amend these penalties higher and continue to add to our monitoring of these pristine areas, and we'll go from there.

Thank you very much for giving me a second to get organized. I'll allow other members to discuss the merits of the bill as well.

Thank you very much, Mr. Speaker.

**The Deputy Speaker:** The hon. Member for Lethbridge-East.

**Ms Pastoor:** Thank you, Mr. Speaker. I, too, would stand in support of this bill. For someone who's been privileged to be able to live in other than an urban setting and be exposed to the wild and all the animals and plants, the flora and the fauna that it presents, I can't begin to say how much I think it is very important that we protect the existing wildlife that we have.

One of the things that I think is just recent and that I'm hoping this type of a bill would be able to help: it may empower the ability to actually do and have longer periods of time to do investigations into what I thought was a sacrilege, the killing of the wild horses. They've been killed before, and no one seems to have managed to be able to bring anyone to justice for that, and now it's happened again. I believe there were four horses; one was a mare that was in foal. So I'm hoping that this bill would be able to prevent that sort of massacre again.

Wild horses breed. Yes, perhaps at some point they may have to be culled because of their numbers increasing, and perhaps the Crown land that they run on can't support that particular number in the herd, but I think there's an awfully big difference between scientific culling and just having someone go by with drive-by shootings, so to speak, on these horses.

The purpose of the amendments to this bill is really to eliminate the challenges in enforcing the act and to clarify legislation to make it easier for the courts to interpret and deal with offences under the act. I think that over the last number of years, certainly, the ones that I'm hoping that they'll really be able to get are the poachers and people who have guns and no brains. They go out into the wild and shoot and just leave the animals. Sometimes that animal doesn't die on the spot. Those are the people that I'm hoping that this act will really get. There's no excuse, in my mind, for that kind of behaviour. If it's just a bunch of good old boys getting out there with a bottle of rye and a gun, then let's hope this act will get them. Not wanting to be terribly sexist in that last remark, I do know that actually there was – and I can't remember just how long ago it was – a woman also caught shooting indiscriminately and just leaving animals to die and not taking them away and all those sorts of things that aren't nice.

One of the other things this bill will do, too, is assess the owners of captive wildlife and controlled animals with the cost of transporting, recapturing, or euthanizing those animals that were kept in lawful captivity and escaped or were unlawfully released. I really do think that captive wildlife that are kept in a reserve or in a private field that is fenced in are really the responsibility of those owners. An animal may have come from the wild, but once it's in a controlled situation, I think it then doesn't qualify so much as wildlife as it does qualify as a responsibility and a captive animal of that person that owns them.

The other thing that I think is good is that they authorize fish and wildlife officers with increased access to land to respond to wildlife issues and monitor hunting activities. I've gone through a couple of examples of why I think that is important. I would like to stress at this point that it says: authorize fish and wildlife officers. I'm hoping that that's exactly who would be allowed to do this. I don't believe that sheriffs have the background or the training. In fact, many of these fish and wildlife officers have degrees in environment. They have degrees in wildlife. They understand the wildlife. I think that those are the people we should be allowing to do this. Not only that, but those are the people that we should be increasing in numbers and not using sheriffs as backup.

It does provide the courts with a higher penalty range to deal with those who export wildlife or wildlife parts that are banned from export. I think we all know that this continues to this day. Certainly, it's an underground industry, but it does continue. Unfortunately, some of it is taken from our grizzly bears, of which

I don't believe we have nearly enough to go around, let alone be taking animal parts, especially for aphrodisiacs. We have – the name escapes me right now. Oh, dear. Not Valium.

**An Hon. Member:** Viagra.

**Ms Pastoor:** Viagra. Thank you.

We have Viagra to take care of that now. We don't need the aphrodisiac parts of animals. Perhaps we could be exporting that as a very legal industry instead of something under the table.

It also provides another creative sentencing option, requiring a convicted person to pay restitution to someone who has incurred a financial loss as a result of the offence. One of the things that I'm thinking, which would be a very difficult thing to work with – I know that sometimes horses will get loose and will be on the road and can cause very serious car accidents. In fact, people have been killed by a collision with a horse. Certainly, they don't want to have a collision with a moose. However, moose are wild, and it's a little bit harder to get restitution from an owner that doesn't exist. The elk that get loose: if a car is in a collision with an elk, there are certainly very severe injuries. In fact, deaths can occur in that kind of an occurrence. So I think that, within reason, people who own these animals that do get out and cause those kinds of problems should pay some type of restitution.

**3:40**

The amendments will recapture costs associated with wildlife control that the government must take in certain circumstances, as I mentioned. It's a good move for revenue generation, but I would like to see that revenue go back directly into the ministry of sustainable resources so that that money is used to maintain our conservation officers and to maintain our wildlife and to do the scientific research that is really necessary, that we need to understand exactly what we're doing because wildlife is constantly changing. Certainly, we have our new land-use framework act that's going up, and I know that it will cover some of this, but our wildlife is always changing because of what we are doing to the land. So I think that this will provide certain enforcement that will enhance the goal of wildlife management.

There are more punitive measures that the court could impose on offenders, which serve as a good deterrent to activities such as poaching and illegal exporting of wildlife and wildlife parts, which I have already mentioned. I think that poaching is probably far more prevalent than the exporting of wildlife parts, but I think it's something that is often done under the cover of night. We do know that as much as it is abhorrent, people do hunt at night with lights, and that really is against what I would consider to be a true hunter. We can expand the ability of the wildlife officers to access the land, as I've mentioned already.

With those remarks, Mr. Speaker, I will sit down, but I think this is a good act. I'm certainly recommending caucus support this, and I hope that it will go forward and that we will be able to see that more and more people – now almost 80 per cent of our population live urban – will be able to get out into the rural life and be able to enjoy everything that rural life and that rural experiences can give people. I know that even just a weekend of camping for many, many people is as good as a whole week's vacation in some fancy resort. Just get out and commune with nature and be able to be quiet. Leave your BlackBerry at home and enjoy. I'm hoping that this amendment will be able to ensure that all Albertans will be able to enjoy that.

**The Deputy Speaker:** Hon. members, we have five minutes for questions and answers. The hon. Member for Olds-Didsbury-Three Hills.

**Mr. Marz:** Thanks very much, Mr. Speaker. I enjoyed the hon. member's comments about these feral horses. I do a bit of riding out in that country myself and have seen them and seen more traces of them because they are quite wary. But just a clarification: did I hear the member say in her initial comments that she was aware that someone was caught shooting these animals? If you were, were you aware that they are charged under the Stray Animals Act, or were you just not aware of that? I just wanted to clarify that. There are laws under our Stray Animals Act and under the Criminal Code. It is illegal to shoot these animals at will, whether it's at nighttime with lights or at any time to do that, and I just want to clarify that. We have laws already in place to deter that.

**The Deputy Speaker:** The hon. Member for Lethbridge-East.

**Ms Pastoor:** Thank you, Mr. Speaker. Thank you. Yes, I was aware of that. I'm wondering if this wouldn't just be an even stronger backup to those laws that do exist. No, I didn't say that I knew of someone. What I had said was that I knew that before these last four horses were killed, there were incidents beforehand and that to my knowledge no one has been charged with that. Now here's a second incident that I'm aware of. So I'm really hoping that very quickly this act may give more money to more conservation officers that could spend time doing the investigation that would bring these kinds of abhorrent people to the courts quicker.

**Mr. Marz:** If I could just add to that, Mr. Speaker. Being out there and seeing how difficult sometimes it is when you're in country that's only accessible by foot or by horseback, it's sometimes really hard to track down perpetrators regardless of how many laws you have.

**The Deputy Speaker:** Anybody else? The five minutes are still on. You want to speak on the bill? The hon. Member for Calgary-McCall, then, on the bill.

**Mr. Kang:** Thank you, Mr. Speaker. Few places in the world have as great a diversity of wildlife as Alberta. In the province we have 515 species that are traditionally considered wildlife, and that includes 10 species of amphibians, 95 mammals, 402 birds, and eight reptiles. British Columbia is the only province with a greater number of mammals.

I'm taking this back to an example from Bangladesh, how important it is to protect our wildlife. In Bangladesh they were exporting frog legs and throwing the torso away. That really upset the whole ecobalance. There were mosquitos. Frogs were eating the mosquitos. There were snakes and all that. So I think it's very important to protect our wildlife, you know, not only for the ecosystem balance but for our future generations. We don't want them to look at the pictures; we want them to go in the wild to look at the real stuff.

It is very important that this bill has come forward, and I think we should strengthen it to protect all the species we have out there. There are also 3,500 species of plants and fungi that are in Alberta. I think this bill will go towards protecting all those. I think there should be severe penalties for poachers and people who just go out there and hunt for fun. We should strengthen the bill a little bit further so we get the numbers to build up to the point where we are not afraid of losing all those species.

It is provincial legislation. Protecting and maintaining suitable habitat is critical, too, for maintaining long-term wildlife health and viability. Similarly, wildlife health is an important indicator of the health of Alberta's environment. You know, we talk about the environment all the time. We talk about greenhouse gas emissions and all that. I think this is equally important, to protect the wildlife of Alberta, to protect the ecosystem.

For those reasons I'm supporting this bill. Thank you, Mr. Speaker.

**The Deputy Speaker:** Does any other hon. member wish to speak? Seeing none, the chair shall now call the question.

[Motion carried; Bill 26 read a second time]

## Bill 29

### Family Law Amendment Act, 2009

[Adjourned debate April 28: Mr. Denis]

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

**Mr. Hehr:** Well, thank you very much, Mr. Speaker. It is a privilege to rise and speak about Bill 29, the Family Law Amendment Act, 2009. Again, we're on a theme here. This is good legislation as it allows people who are going through the throes of divorce or who have been divorced for quite some time to I guess more adequately deal with the child payments and maintenance payments that are outstanding and due and owing to people after their relationships have come to an end.

What this bill does is that if a party who has been assessed as either owing maintenance enforcement or support of some kind fails to provide an income tax return, a notice of assessment, and a short questionnaire, the child support the next year will be recalculated as if the payer's income had gone up 10 per cent. An additional 3 per cent would be added annually to capture since the order was granted or recalculated. The maximum deemed income increase would be 25 per cent, and that would be applied to orders where five or more years have passed since income was last determined.

3:50

What basically happens now is that if parents are divorced and there are orders out there asking for maintenance, typically, if a person believes his or her spouse is making more money or his or her partner has not provided the requisite income tax return to them or submitted it to the government, that person would have to apply to a magistrate, probably get a lawyer, do what's called a variation order. This can cost anywhere from \$5,000 to \$10,000, probably more around the \$10,000 mark, and it could be even higher considering a lot of the delays and a lot of the, I guess, tactics that some clients get their legal practitioners to perform to avoid going into these variation orders. Nonetheless, now that has seemingly come to an end at least for a regular user of this maintenance enforcement type of program.

Now if they don't provide the necessary information and they do have an existing order, the payer's income is deemed to go up 10 per cent. This seems reasonable. If you should supply the information to your ex-husband or ex-wife, well, then, by goodness, you should have some sort of penalty attached to your actions for not doing this. You know, a 10 per cent penalty for not providing this information is relatively reasonable, to assume that this is not something that individuals should really feel that offended by. For instance, if they wanted to get rid of that 10 per cent, all they need to do is provide the information. We see that this measure can work. It will make

things easier for people to get what is due and owing to them from their former partner or spouse and move on with their lives in a much easier fashion.

Now, there are maybe some family lawyers who have lost out on some money coming into their pockets, but let's hope they will be able to make do and struggle and emerge despite this avenue no longer being a part of their legal tool box, if you might want to call it that.

We're not the first government to have done this. Five existing recalculation programs already exist. British Columbia, Manitoba, Prince Edward Island, Newfoundland, and Nunavut currently recalculate orders granted after these programs are created. An interesting thing: Alberta's program will actually help parties with child support orders dating back to May 1997, when the child support guidelines were introduced. This increases access to justice even further as Albertans will not have to go back to court to get new orders so they can participate in child support recalculation programs.

Like I said, this is very good legislation. I congratulate the hon. Member for Calgary-Egmont for bringing forward this legislation as it will streamline the system, allow people to go about their business with a much more easy and systematic approach. This is pretty straightforward legislation that our government should be bringing into Alberta. With the advance of technology and the ability to simply have computers do a lot of simple recalculation methods, judges, magistrates, lawyers, and, more importantly, individuals who use those services don't need to be bothered.

Thank you very much, Mr. Speaker. It was a privilege to be able to speak in favour of this bill.

**The Deputy Speaker:** Does any other hon. member wish to speak on the bill?

Seeing none, the chair shall now call the question.

[Motion carried; Bill 29 read a second time]

### Bill 30

#### Traffic Safety Amendment Act, 2009

[Adjourned debate April 21: Mr. Drysdale]

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

**Mr. Kang:** Thank you, Mr. Speaker. It's a great pleasure to speak in support of Bill 30, which is going to close some legal loopholes regarding red-light cameras. It will also broaden the definition of who is deemed an investigator, including the disciplinary provisions from the recent case of a driving instructor who was recruiting young female students to work at his massage parlour. It will also provide vicarious liability to rental companies regarding accidents. Also, it will make changes to the Maintenance Enforcement Act to have the licence of violators suspended rather than cancelled.

In November 2007 changes were made to the Traffic Safety Act which included, among other things, the introduction of speed-on-green, which changed the role of red-light traffic cameras to be devices that can issue speeding tickets. There was a concern there about these cameras being cash cows. You know, as long as these cameras promote safety on the roads, it's good to have them issue tickets. As long as they're not cash cows, I have no problem supporting this. But I think we should be doing something about enforcing the laws some other ways for these cameras to be more effective in reducing accidents. Amendments to Bill 30 don't address the cash cow issue. Now red-light cameras will be able to

issue tickets if somebody speeds and runs a red light also. The previous legislation allowed only one or the other. I think it's a good thing if it's going to reduce accidents, like I said before.

The changes which are being made under this broaden the definition of who is deemed to be an investigator. You know, are we going to have an Alberta provincial police force? Are we going to expand it further to have that? This opening up of the definition of investigator may allow for the implementation of that in the near future. These amendments will also now include First Nations police officers under the peace officer definition. I think that's a good thing to have.

Another good thing to have is including disciplinary provisions from the recent case of the driving instructor who was recruiting young female students to work at his massage parlour. Originally only the instructor could be penalized, but now with this I think the school will be penalized. You know, that's a good thing. I believe that these driving instructors should get the clear message that they cannot do favours when they're training the students. They shouldn't be doing that. There should be heavy penalties, as far as I'm concerned, with these.

This also provides vicarious liability to rental companies regarding accidents. Also, changes to the Maintenance Enforcement Act, that we just talked about, I believe, under Bill 29, that the violators' licences, you know, will not be cancelled, but they will be suspended. I think this bill goes some way to address the issues, and I congratulate the Member for Grande Prairie-Wapiti for bringing forward this bill. I'm in support of this bill.

Thank you very much.

4:00

**The Deputy Speaker:** Does any other member wish to speak on the bill? The hon. Member for Edmonton-Gold Bar.

**Mr. MacDonald:** Yes, please. Thank you. This certainly is an interesting piece of legislation. We're looking at five changes, that I see, when we implement the amendments to the Traffic Safety Act as proposed. It's a long time ago, the middle of March, when the hon. Member for Grande Prairie-Wapiti first discussed this bill at second reading.

Now, reading through this, it looks like the changes that are proposed are all tweaks, as they are described, to the Traffic Safety Act. But I've always had concerns about red-light cameras, and now red-light cameras will be able to issue a ticket if someone speeds and runs a red light. The previous legislation only allowed for one or the other.

I can see where people are coming from whenever they argue that we must have this in order to make our intersections safer. Traffic accidents are certainly a problem. Traffic fatalities are, unfortunately, a major issue. But I fail to understand. The hon. member was talking about this being a cash cow. If we were really sincere in our efforts, why could we not – and I could be one of the guilty ones speeding through an intersection or running a red light or a combination of both. If you really want to deter me from that, I think you should take into consideration my licence and the number of demerits that I could possibly lose as a result of my speeding. Why are these issues not linked more conclusively? I don't know. That was quite a discussion in Calgary last summer.

Again, Mr. Speaker, if we are sincere in our efforts to make our roads safer and to control speeding and to control some of my bad habits, this would be a place to start. I know the deduction of demerits or deduction of points on a licence is a major topic of discussion for many young drivers who are afraid, when that happens, of the consequences. Whether it's behaviour that's bad

enough that they lose their licence or if the behaviour is bad enough to attract the attention of the insurance agent, we know what's going to happen if the insurance agent gets involved in this. Well, those young drivers are going to pay even more for their car insurance, and we all know that car insurance is unaffordable for many young drivers. I have an association with many young people, and that is a major topic of discussion with them. So why could these two items not be linked if this is an issue of traffic safety and not a cash cow?

I know what it's like. I haven't been involved in this lately, but I do know that one time I drove north of Rexall Place, Mr. Speaker – and I wouldn't be the only one that's been caught – where you go up over the Grant Moellmann Bridge and you're going downhill and it turns quickly to a 50 kilometre zone. I consider that camera location to be nothing more than a cash cow. I consider the black Dodge Caravan that parks in my neighbourhood a cash cow as well. I watch sometimes, particularly after dark, and it does not seem to slow traffic down. It has been located there for a number of years now, and the traffic patterns are the same as ever, but someone somewhere is getting a significant flow of revenue.

I'm certainly supportive of this bill, but I would like to urge that when we're looking at a traffic violation – and I know there are issues around this. I know what the hon. member is going to tell us: that perhaps this is not good evidence, that perhaps it's not adequate for an issue around changing how many points I will have on my licence. But you're after my money. We could certainly look at changing this, again, if we're sincere about the issue around traffic safety.

Now, there are a lot good points in this bill, but there's one that's not in here, and that's the whole issue of banning cellphones in vehicles. I know the county of Strathcona is making a noble effort to at least start Albertans, in particular their own citizens, on the whole initiative of eliminating cellphone use while one is driving a car. That's a good start in the county of Strathcona.

It's going to be very difficult to police. The provincial highways are not caught up in this at all, so the hon. minister of health can jet out to Vegreville any time the minister wants in his car, and he can zoom right through the county of Strathcona and not have to worry about talking to anyone on his cellphone. But I am probably one of the most frequent users of a cellphone in my car, and in order to be protected from myself, if it was a provincial law, I think it would be a very good law.

I'm getting back to the insurance industry here, the number of traffic collisions and the number of accidents in this province. The use of text messaging by some drivers just astonishes me. I see drivers scrolling on their BlackBerrys as well at traffic lights. It's getting to be quite a practice. If we were sincere, again, with amendments to the Traffic Safety Act, that's one that we should consider. We shouldn't leave it up to the municipalities. I just cannot understand why we would continue with the practice of allowing cellphone use by drivers unless, of course, it is a microphone that is mounted in a sun visor or in a similar place so that one's voice could be picked up. You can talk to other people in the car; there's no reason why you can't use a hands-free device.

It's a practice that I would say each and every one of us who has a cellphone and a driver's licence in this province is guilty of. It certainly affects how I drive. I've been very lucky to date where I have not had an accident. [interjection] Yes. You know, some people would even say I'm lucky like Luke, whoever that is, but there are times where I've had close calls, Mr. Speaker. But I think that's one of the things that we could do to improve the Traffic Safety Act that's not included here in Bill 30.

#### 4:10

Now, other members have talked about the changes that have been made. Certainly, this bill is not contentious. There are some good things in it, but I think we could have made it better if we had taken the issue of cellphone use and drivers and put them together. I think we would have safer roads, and we would have less accidents, because there's no doubt in my mind that the use of cellphones and the practice of text messaging, the practice of using the BlackBerry in the car is going to get many of us over time in trouble that we will regret. So that's one issue.

In conclusion to that, I would certainly like to commend the county of Strathcona for their action. I think it was the right thing to do. We on this side of the House, of course, have had many discussions on that. They have been rejected for reasons which I'm not going to get into this afternoon, Mr. Speaker, but certainly that is an issue that I'm disappointed is not in Bill 30.

Now, I'm also quite curious about the Alberta police force. It's not many years ago since we saw on the Solicitor General and Public Security's annual report a photograph of an APP, an Alberta police member. The photograph would be perhaps 60 years old, if not close to 70 now. That individual had boots similar to what the RCMP wear when they're on parade, a uniform that was similar to what the RCMP would have, not necessarily in colour but in style, and this individual was in a car, of course. It was a 1930s model car. That was probably one of the last photographs taken of the provincial police service before, for financial reasons, we turned it over to the RCMP.

I know the RCMP contract is expiring, I believe, in three years, in 2012. I've heard the hon. Member for Calgary-Buffalo and the hon. Member for Stony Plain in exchanges during question period discuss the RCMP's role in Alberta and the role of the sheriffs, the sheriffs department. I'm not convinced that we're not going to have another Alberta provincial police force. I don't think it is necessary, but when I look at this bill and I see some of the minor changes that are in it, Mr. Speaker, I have concern. When we think of the definition, changing the definition of investigators, I would like to know in the course of debate: will the opening up of the definition of investigators pave the way for the implementation of an Alberta provincial police force?

I certainly am curious about this. Not only do we have questions in the Assembly; it seems to be almost an annual tradition here whenever we have budget estimates. I look around and I see the profile of the sheriffs increasing, whether it's in urban areas or in rural areas. I know they are helpful in policing our roads. They're all over the place issuing speeding tickets, for one. I know because my spouse got one. She deserved it. She was guilty. She was travelling fast, but it was on one of the Minister of Transportation's finer roads up in Grande Prairie.

Thank you.

**The Deputy Speaker:** Hon. members, we have five minutes for questions and comments. The hon. leader of the third party.

**Mr. Mason:** Thank you, Mr. Speaker. I'd like to ask the hon. Member for Edmonton-Gold Bar to elaborate on the state of the highways and the incident with the ticket.

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

**Mr. MacDonald:** Thank you very much. Well, hon. member, I would consider the new twinned highway from Grande Prairie to almost the edge of Valleyview and the sections of that twinned highway on the other side of Valleyview through Fox Creek through

to Whitecourt as one of the finest highways in Alberta. It is relatively new. The surface is without ruts. There are very few cracks that I can see in it.

My spouse was travelling quickly along that road.

**Mr. Knight:** Was she flying?

**Mr. MacDonald:** No, she was not flying, but she was apprehended by the sheriffs. She was astonished. She paid her fine, and she moved on. She doesn't travel nearly as quickly now. Certainly, on that road in a car with good tires you can motor along, as they say. She was going too fast.

I would consider that stretch of highway almost from Darwell right up to Grande Prairie as one of the finest in the province.

Thank you.

**The Deputy Speaker:** We still have minutes left.

**Mr. Kang:** I have a question for the hon. Member for Edmonton-Gold Bar. After you got the ticket from the red-light camera, what kind of driving habit changes have you made?

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

**Mr. MacDonald:** Thank you very much. Well, I travel north of Rexall Place. I go over the Grant Moellmann Bridge. I think the hon. Member for Edmonton-Beverly-Clareview would be quite aware of the bridge and the grade that I'm referring to as it crosses the light that intersects the Yellowhead Trail. Certainly, since then – and it's been 11 years – I am conscious of the fact that I had a \$120 ticket, and I have driven the speed limit.

As far as that ticket changing my driving patterns, you'd have to say, hon. member, that it certainly has.

Thank you.

**The Deputy Speaker:** We still have time in the five minutes.

Seeing none, does any hon. member wish to speak on the bill? The hon. Member for Calgary-Buffalo.

**Mr. Hehr:** Well, thank you, Mr. Speaker. It is a privilege to rise and speak to Bill 30, the Traffic Safety Amendment Act, 2009. Before we get into the exact merits and changes of the bill, I'd just like to point out to this honourable House, as I'm sure the Minister of Transportation knows, the costs to the Alberta economy, the hospital system, insurance companies, what have you. It costs the Alberta gross domestic product \$12 million a day. That's \$12 million a day, traffic accidents alone. It's from, I guess, car repairs to money spent on new vehicles, money spent on higher insurance, time out from injuries, costs to the hospital system.

If you look at the overall impact of what actually makes our society more productive, more efficient, one of the things, a simple thing – really, it's not that simple – is the lessening of traffic accidents. There's no doubt that this legislation as it stands, on the face of it, will go some ways to reducing that. If we look at this, this bill will allow the combination of red-light cameras giving out tickets both for running a red light and for speeding.

4:20

There's no doubt that if you look at the evidence of the statistics and, actually, the speed limits of people travelling on roadways that have these devices, people travel slower. When people travel slower, guess what? Fewer accidents. It's just how it is. There is a lot of talk about Big Brother involvement: this is too much

government; why are people looking at us doing this sort of thing? But in this regard I think the balance of public safety and the tremendous cost it is to our system and our society – simply put, it's a way to get people to slow down. All it is is a reference to a driver's licence number, and a ticket is given out. You don't have the infringements on privacy and all that stuff. It's a simple way that technology can be used to better regulate our highway system.

From my perspective, we should actually have more of this type of thing on our highways, byways, whatever. Why are we having the hon. Solicitor General's men and women in uniform and hiring more sheriffs? We can be using this technology to get people to slow down. Simply put, why not just set – this is just a for-instance. Maybe we could set these up, say, about every 40 miles or so on the highway and move them randomly, set them maybe at 120 or whatever, sort of like the sheriff does. Let people have that leeway, but if they get caught, they get sent a ticket. Guess what? By and large, the statistics say and the evidence on studies done in areas that have these red-light cameras shows that people will slow down. By getting people to slow down, well, you know, you save accident costs.

I think that's what we're doing. People, including myself, including the hon. Member for Edmonton-Gold Bar and his wife, like he brought up in his story, sometimes need the help of the government to do what's right and also to protect not only themselves but to protect other people. This is a way that this legislation as well as technology can be used to reduce accidents on our city streets, reduce productivity costs, reduce outright costs coming out of the coffers of our health care system. The quickest and easiest way to do it is through reducing traffic accidents.

I think the hon. Minister of Transportation knows that. That's why he continues to have safety as his job one on our highways. That is a good thing, and we'll keep holding him to that motto to make sure that he doesn't let that down. But if we're speaking candidly – and I believe the hon. Member for Edmonton-Gold Bar was doing it and sort of floating some ideas. I think he floated a pretty good idea there of maybe having demerits associated with this type of deal. Now, I understand that a police officer doesn't hand out the demerit and that it can happen on a more frequent basis, but we don't have to hand out the same demerits that a police officer hands out. If a person gets one of these tickets, let's say, reduce the demerit to one, you know, regardless of the speed. Tell you what: when they get 12 of these, well, then they're in trouble, but hopefully after about six they've learned the lesson. I think that might be something to maybe explore.

I thought that was a good idea brought up by the Member for Edmonton-Gold Bar, where we take that extra step in not only giving a fine but giving a direct threat, sort of: if you continue to drive like this, your licence will be pulled away as you are a danger not only to yourself but to other members of our community. I guess that if you lose your licence, as my cousin in Lethbridge says, that'll learn you. Sometimes that works. That's one thing I'd like to say.

Hey, while we're floating ideas here, this is another thing. This probably wouldn't be very popular, and I know this government doesn't like to do unpopular things, but I'll just float it here, something that can maybe be tried. Back in the 1980s there was talk about, you know, running out of fuel and us being environmentally friendly and all that good stuff. In fact, I believe we had our speed limits at 100 kilometres an hour. I don't know. Maybe someone could confirm that for me. I believe that was the speed limit, and there's evidence out there put forth that there was a reduction in the amount of fossil fuels used.

When people are driving on highways and going faster, carbon is emitted into the atmosphere at a much greater rate. I guess that in

the name of reducing our use of fossil fuels, reducing our carbon impact, it might be time for us sometime in the near future to look at that and say: hey, Alberta, we're going to do our part, reduce our speed. Not only is this a good thing for reducing our carbon footprint; it's also a good thing for saving our society money. You can make a strong argument. Yes, people will howl. People will be upset. They'll say: oh, my goodness; it takes me another 12 and a half minutes, maybe even 20 minutes to get from Calgary to Edmonton. That is something that maybe at some point we'll want to look at. Hopefully, that type of legislation, which would reduce not only our fossil fuel used but also create a safer environment, would go to that sort of measure.

I realize the difficulty. It would not be an overly popular thing. It would be on the airwaves for days. But I tell you what. After you did it, it'd be like ripping off a Band-aid. People would get on with their lives and realize that it didn't impact them all that much. That's all I'll say about that.

If we look at this bill, there were some other changes that came in that have allowed – I guess organizations involved in the teaching of driving were involved in nefarious activities by luring young women into the massage industry. Simply put, they were using it basically as a tool to get young women under their influence and have some alone time to try and get them involved in these activities. The bill allows, then, not only for that driver to be penalized but for the company to be caught up in what was in fact going on and for that element to be shut down. Let's face it. You know, the people who are teaching driving are primarily teaching it to either younger people or new immigrants in our society, who are more vulnerable populations who may need the support of the government a little more and the government keeping an eye over these types of situations a little more prevalently.

4:30

I would like to comment, too, on what the hon. Member for Edmonton-Gold Bar did. I know the hon. Solicitor General and I have talked about this at great length. At a time when I need a question for question period, I'll dig up the old firewall letter and say: "Ah, here. We'll keep the Solicitor General busy with this. Hopefully, he's forgotten the page in his notebook where he keeps the notes on the 2012 firewall letter, and I can catch him off his guard. He'll maybe admit that, yes, we are having a provincial police force." I don't know whether he is or not. I'm just sort of talking out of turn.

[The Speaker in the chair]

Frankly, you know, to be honest, I'm not sure whether it would be better, worse, or in between. I think that in the name of transparency and open government, if we are doing that, you might as well tell everyone and say: yeah, we're going to do this. That's sort of how we've been implementing the sheriffs and all that stuff. Get there. Otherwise, if it's not, then I think we can continue on that path.

You know, I'm not sold either way. I know that when that day comes, we're going to have to do a hard, more targeted look at it and see what the advantages and the disadvantages are. Hopefully, the government is doing that. But in the case of having a really transparent and open and honest government, I would advise, let's just either sort of announce it, say that we're going to get ready for it in 2012, and here's some of the stuff we've done, and it looks like a better way for Albertans. If not, well, then, let's stick to at least the crib notes to date. I hope the crib notes have been correct and not just sort of a way to pacify some resistance to this that there would be in some communities who have become very attached to

their RCMP departments. They've been here a long time, and they have served our communities very well; there are no ifs, ands, or buts about it.

Further, there are also, I think, some benefits to getting some money out of the federal government from time to time to help pay for things on that front. Maybe that can be done through the Alberta police force – I'm not sure – but that's just another way. Just back to the open and transparent government, we might as well do things that way.

I guess those are sort of my comments on the bill. I think this is good legislation. I commend the mover of the bill, the Member for Grande Prairie-Wapiti, for bringing this bill forward. It recognizes that although this may not be the most popular thing for people driving on the streets, it is cannon fodder for the talk show hosts, and it's an easy thing for people to get their head around and rally against. Nonetheless, it's good legislation that, once implemented, keeps our streets safer, actually.

You know, the Member for Edmonton-Gold Bar – I was winding up there, but I forget that he triggers my brain with some of his comments there. Sometimes I try to ignore them, but most times he's right on point, so I will comment further. I do also commend the community, I believe, of Strathcona for passing the cellphone legislation. That is something that we should have done a long time ago in this House. Really, I've only been here a year, but that could have been done a year ago. I guess it could have been done since 2001 that it's been on the books. Yes, I know there are arguments that we can already lay that charge underneath dangerous driving provisions, but then that's got to become a directive from us as a government that we want to lay charges out there because I don't think it's happening.

**The Speaker:** Hon. members, Standing Order 29(2)(a) is available should there be questions or comments. The hon. Solicitor General and Minister of Public Security.

**Mr. Lindsay:** Well, thank you, Mr. Speaker. The hon. Member for Calgary-Buffalo made mention of a provincial police force. I want to reiterate that we have a provincial police force in Alberta, one that has served us in this province since 1874. We refer to them as the Royal Canadian Mounted Police. We are in the process of negotiating a new contract with them, and we're quite confident that the negotiation will be successful. I would ask the hon. member if he sees things differently and if he sees the RCMP being replaced by another police force because that's certainly not our intention.

**Mr. Hehr:** Well, again, I think that question is better directed at the Solicitor General himself as I'm not in a position to actually do those things or to make those changes or, in fact, implement an Ontario-style police force. You know, if that's a question, if he's asking me if I was the Solicitor General, I'd do a little more research on it, I'd get back to him in due course, and I'd do whatever is best for the Alberta people.

**The Speaker:** Others?

**Mr. Ouellette:** I think I probably should just comment on the last two speakers, the hon. Member for Edmonton-Gold Bar and also the hon. Member for Calgary-Buffalo. When they talk about demerit systems on a camera system, it's pretty hard to put demerits to someone when you can't place the person behind the wheel. I think it's just wrong to charge a person for being a good Samaritan and lending somebody their car and somebody happens to do something wrong with it through no control of theirs. How do you actually



administer them a demerit when you don't know who's behind the wheel? That's the reason there are no demerits on that.

Also, you'll find that we do have a little bit of a problem in Alberta with our courts being plugged up by the amount of people that go out there and break the law. Sometimes in cases where you have too heavy a penalty, that's when they jam up the court system and make the lawyers happy. You're better to have strong enforcement and a law that people are willing to say, "Yeah, I was guilty," go pay it, and let the system carry on.

**The Speaker:** Others to participate?

Others to participate in the debate, or should I call on the hon. Member for Grande Prairie-Wapiti to close the debate? The hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Thanks very much, Mr. Speaker. I'm pleased to just make a few comments briefly about this piece of legislation. I think that there are, again, a number of clarifications and tidying of things, closing loopholes, which I think is a good thing, and in general I am supportive of that.

I'm concerned about a new class of investigator. The Member for Grande Prairie-Wapiti indicated that this new class of investigator – this was probably in the briefing that he indicated this; I don't know if he said it here today – will be for designating mechanics so they can add their expertise in examining vehicles in other premises. It was added because it was often the case that we went to the court with a mechanic who had done inspections on a vehicle and was not allowed to testify because they're not legal inspectors under the current act.

We're a little concerned that there could be room for misuse here. The minister can appoint any individual or group whom they deem qualified to carry out actions related to this act and its regulations, both specific provisions and general ones. It does say that the special investigator is not authorized to do anything outside of the certificate of designation, which they get from the minister, but there are no specifics on what the designations will be, and it's a little bit vague. So that would be something we would indicate that we would like to see tightened up a little bit.

Mr. Speaker, generally, these changes do strengthen the enforcement abilities of police officers and peace officers as well as reinforce the provisions in the Traffic Safety Act, which hopefully will make Alberta's roads safer.

Now, one thing that is a little controversial is the use of red-light cameras or speed-on-green cameras. I know that there's a balance here. A lot of accidents are caused by speeding through intersections and running red lights, and it is a very serious concern. I'm not going to oppose the use of these devices in enforcement there other than to express a concern that I think we need to balance the increased use of surveillance devices in order to enforce the law. It's not just from the point of view of electronic observation or surveillance of the public, but it's also the importance of having real officers available to enforce the law. I think that it's very important.

4:40

I remember a case brought by former Inspector Chris Braiden of the Edmonton Police Service against photoradar. He was opposed to photoradar, and he made some interesting points. His case wasn't successful, but he said that when someone is speeding and photoradar takes the picture and they get the ticket in the mail, it's a very kind of sanitized process. There's no human interaction between a police officer and the offender. But when you actually have real police pulling people over, say, in a speed trap, then if the person has an outstanding warrant, if the person is intoxicated, if there are drugs

in the car, or if the person is just in a really bad state mentally or perhaps rushing to the hospital for a baby that's coming a little faster than would otherwise be expected, the officer can interact with those people and make additional decisions that improve the quality of law enforcement in our community. This is by no means meant to say that we shouldn't have red-light cameras or we shouldn't have photoradar but only that we need to retain a significant human dimension in our policing. It's the interaction between police officers as part of the community with community members that I think enhances our safety and our sense of community.

Mr. Speaker, I just want to indicate that we're prepared to support this piece of legislation and would like to see the changes contained in it enacted because we think they're in the best interests of the community. Thank you.

**The Speaker:** Hon. members, Standing Order 29(2)(a) is available should there be additional comments or questions.

There being none, I'll entertain an additional speaker.  
Shall I call the question?

**Hon. Members:** Question.

**The Speaker:** Hon. Member for Grande Prairie-Wapiti, no need to close the debate? Okay.

[Motion carried; Bill 30 read a second time]

### Bill 31

#### Rules of Court Statutes Amendment Act, 2009

[Adjourned debate April 28: Mr. Denis]

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

**Mr. Hehr:** Well, thank you very much, Mr. Speaker. It is a privilege to rise and discuss Bill 31, the Rules of Court Statutes Amendment Act, 2009. I will right off the hop congratulate the hon. Member for Calgary-Egmont, who brought this bill forward. I believe he said in his introduction that this is the first major revision of the *Rules of Court* statutes since 1967. Indeed, that's a long time, and a lot of things have changed in our society, and the language that is used is different now than it was then. Some of the procedures we do now are different from what they were then, and it just seems to be a well-timed thing to bring forward the *Rules of Court* statutes.

As many people may or may not be aware, the *Rules of Court* are primarily used by litigators who are engaged in the practice of head-to-head combat, both zealously representing the interests of their clients to the best of their ability. Oftentimes disputes arise between the two lawyers or two clients as to how, in fact, a lawsuit should proceed or what the makeup of the lawsuit is and what's going to be the timing in between how things happen.

Many people, actually, just think that when you, say, go to court or bring a suit against someone, an individual or a company, all you do is trot off, fill in a piece of paper, and go to the courts six months, a year, two years down the road, and a magistrate will make the decision. That's not how it is, Mr. Speaker. Along the way there are many things: you need to supply evidence to each side, you need to do what are called discoveries, where you as a lawyer get to interview their client and their lawyer gets to interview your client. Then you may ask for things to be given to you by either side. This is evidence that you ask to be handed over, that you've obtained through the course of discovery.

The next thing you know, the other side doesn't want to give you this information, or they don't think it's part of the lawsuit. Well,

you know what happens? You have to make an application to go to the court to get them to decide whether that information is relevant to your lawsuit. All that stuff and all of those steps – how to get this information from the other side and how to go to discovery and how to get a date with the court and how to apply for things like a settlement meeting or, when a lawsuit is over, how to divvy up the costs that have occurred between your clients – are all contained in what is called the *Rules of Court*.

I remember that when I was starting out at a place called Fraser Milner Casgrain in Calgary – it's a large national law firm – I had the privilege of working for a couple of people. When you'd go into their office, whether it was in the morning or the afternoon, and you'd say to them, "Well, what should I do next? I've got to do this," they'd say: "You know, Kent, there's a book called the *Rules of Court*. Instead of you coming in here and bothering me all the time, why don't you go get that book and look at it?" So, you know, after you get that answer four or five times the first few weeks you're there, you go to their offices a little less and you go to that book first and you try to figure out for yourself what rule, in fact, you're going to use. I'll tell you what: after you've checked that book, then you can go back to your principal and do that.

The gentleman's name was Neil McDermid. He is a QC, and he's actually a tremendous man who taught me a lot and taught me how to use the *Rules of Court*. More importantly, when you went off to court and you lost, he wasn't always that disappointed. He'd tell you about some times in the trials and tribulations of his legal career, that when he thought he had a winner and it turned up the other way, everything usually worked out all right. He was perfectly correct in that.

If you look at sort of what we've done here on the *Rules of Court* – and I've checked some of the language – it's much of an improvement over what was there. It allows practitioners who are starting out in practice or actually have even been in practice for a long time to be more adept at using the rules and regulations. It's easier to find. It's not in such archaic language, old English language. Although law is based on precedent, there's no need to have language from, you know, 400 years ago contained in the rules. They're the same rules. Let's just put it in modern language that people can understand so that when they go to court, when they get served with something, when they read a document from a court, it's very simple to understand, and it's not such a foreign language to them. I believe it'll make it not only easier for practitioners but for those people who simply are trying to navigate the legal system on their own.

4:50

Also, there's been a lot of advancement in the law, and a lot of that, especially around litigation, has been through ADR, or alternative dispute resolution, which is becoming very big in legal circles and is actually used to save our courts some time. There are many ways now in the *Rules of Court* that you can go to ADR. You know, it's actually kind of funny. They call ADR alternative dispute resolution, but some people call it appropriate dispute resolution, where you should always go to ADR to discuss things before you actually go to court. Now many practitioners, because of these changes and more, I guess, incorporating the modern language and modern use of what a courtroom is actually for, use ADR much more frequently. In fact, the changes make it mandatory that parties to any litigation seek ADR before they're able to obtain a trial date. This is very good.

Ontario has had this legislation since 2000, and they've seen trial times fall as a result. In fact, even if people aren't able to solve all their disputes, they're able to solve a couple, or the lawyers can get

together and meet and discuss things and, hopefully, end some stuff. It's just a forced time where they're going to get together and think about what exactly is going to happen before they go to court. I'd like to say that this has been a real work-in-progress. There have been various fits and starts to it, I believe, since people started working on this in 2001.

I'd like to also point out that the Hon. Justice Sheilah Martin, who was my ethics prof at the University of Calgary, worked hard on this. So did the Hon. Justice Keith Yamauchi. He taught me debtor-creditor, and he also actually told some funny stories in school as well. There are many other people on the discovery and evidence section of the new *Rules of Court*. Professor Chris Levy, who is also a teacher at the University of Calgary law school, brought his guidance. You see a lot of legal practitioners who have spent a great deal of time and effort revising, who have dedicated their professional lives to trying to make the court system a little bit easier to navigate not only for individuals who use the system but for people who find themselves involved in it and who maybe don't have a lawyer, who want to take part in it in a more knowledgeable way.

There's one more thing I'd like to add, that Ms Hilary Stout also worked on this, and she was a compatriot of mine with Fraser Milner Casgrain. I know she's talked very fondly of this project and has noted the work and effort that has gone into creating this bill. I'd like to thank all of the legal practitioners who have worked so long and hard on bringing this bill forward. I'd like to thank the Member for Calgary-Egmont for sponsoring this bill, and I'd note he is also a lawyer and has some familiarity with the *Rules of Court* and their importance to the whole system of justice that is one of our pillars of justice.

I thank you very much for allowing me to speak on this bill, and I will allow some other members of this august House to speak.

**The Speaker:** The hon. Member for Lethbridge-East.

**Ms Pastoor:** Thank you, Mr. Speaker. I'm delighted to stand up and speak to Bill 31, the Rules of Court Statutes Amendment Act, 2009, knowing full well as I speak that I'm aware of what this bill actually does but that when I get into some of the reading I've done, it's all legalese, and I can assure you I am not a lawyer; I'm a nurse. I think what I'm getting from this is that one of the things, which to me is the most important, is that, in fact, it's going to help make things easier for the unrepresented litigant. That's very important. More and more and more people are finding that they can't afford lawyers, and they are trying to do things on their own. Often they would be someone like me, who has never been inside a courtroom, and just the fact that I would go into one would be intimidating in itself. If I would be going in with very little knowledge and having to cut through heaven knows how many documents of red tape, I'm sure that I would perhaps give up and walk away.

Many of these things – I'm assuming I'm right on this – may help going through small claims courts, which is where a lot of really good work is done in terms of mediation. Sometimes it'll go into mediation processes. In the end it helps everyone. It really is a win-win situation. At least they can make that process go a little quicker. As I've said, I really have never been into a courtroom. Clearly, I pay all my traffic fines by mail, so I haven't had to go to court.

One of the things that this bill will incorporate is that the effect of the new bill will be to limit the sitting time durations for the three nonjudicial members and to limit their reappointment to one extra term. I for one have always been a very firm believer in term limits for any organization – and that probably would include politicians – because I do believe that you can get stagnant in your thinking. I

think that this will bring in fresh thinking, fresh minds, and someone that would be appointed to this particular position would realize the gravity of the judgments that they make and would accept the challenge and not fall into a rut. Just that part of it alone I think is very good.

I think it has been mentioned already that the changes have been needed for a very long time, and as has been pointed out by my colleague from Calgary-Buffalo, huge numbers of highly qualified people with many, many years of experience have been involved in looking at this and redrafting this bill. I think it's very good, and I'm pleased to be able to stand up and support it.

Thank you, Mr. Speaker.

**The Speaker:** Hon. members, Standing Order 29(2)(a) is available. Should we call the question on the bill?

**Hon. Members:** Question.

[Motion carried; Bill 31 read a second time]

### Bill 32 Alberta Public Agencies Governance Act

[Adjourned debate April 28: Mr. Horne]

**The Speaker:** Hon. Member for Edmonton-Rutherford, further comments, or are you fine?

**Mr. Horne:** I'm fine, Mr. Speaker. Thank you.

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

**Mr. Allred:** Thank you, Mr. Speaker. I'm pleased to rise today and join in the debate on Bill 32, the Alberta Public Agencies Governance Act. This act is being brought forward by the hon. Member for Edmonton-Rutherford, and I would like to thank him for this valuable piece of legislation. Bill 32 helps to clarify several issues faced by our numerous public agencies. Specifically, the bill will standardize the operation of public agencies by ensuring competence-based recruitment and appointment by making all recruitment information public and also by requiring mandate statements as well as codes of ethics and by legislating periodic operational reviews to ensure efficiency.

Mr. Speaker, Alberta's 250 boards and agencies play a valuable role in the delivery of government services. I'm proud to say that over the past 40 years I've had the honour to serve on several of these boards, ranging from the Edmonton Metropolitan Regional Planning Commission to various development appeal boards and municipal planning commissions, which I recognize are not government boards: the Health Professions Advisory Board, the federal employment insurance Board of Referees, the Métis Settlements Appeal Tribunal as well as several disciplinary tribunals. I feel as though this background has given me a reasonable understanding of the diverse roles and operations of our various agencies as well as agencies in other jurisdictions. Moreover, I believe that the proposals made by the Alberta Public Agencies Governance Act will only serve to improve upon our already effective boards and agencies.

5:00

Particularly during this time of economic uncertainty it is imperative that we ensure that these boards are operating efficiently. After all, Alberta's boards and agencies are directly responsible for delivering almost half of this province's operating budgets. To this

end, I would like to address the various measures proposed by Bill 32 that directly impact the operation of these boards, specifically mandate statements, codes of conduct, and terms of office.

Firstly, Bill 32 sets out that all public boards and agencies must develop a public document that clearly outlines their mandate. This document is to include information regarding roles and responsibilities, recruitment, and training as well as the organizational structure. All of this information is to be made public and would help to ensure that our public agencies operate in a competency-based manner that best benefits Albertans.

Secondly, Mr. Speaker, Bill 32 proposes to require a code of conduct for each public agency. This code of conduct will require board members to disclose any potential conflicts of interest and require all members to carry out their duties impartially. It is important to note that currently many public agencies in Alberta have codes of conduct. Bill 32 would simply standardize these across the board.

Finally, Bill 32 would set clear guidelines for terms of office. Currently there is a mix of restrictions in place that would limit the length of time a person could serve on a public agency. With Bill 32 in place, terms of service for adjudicative agencies would be set at 12 years, and all other agencies would be set at 10 years. This restriction will ensure that there is a dynamic balance between new and experienced board members.

Mr. Speaker, it's also important to look at how Bill 32 would affect the role of the various ministers when dealing with public agencies. Bill 32 would give the correlating minister the ability to set policies for public agencies that they must follow. This will dramatically improve service delivery, particularly in cases where cross-governmental policies involve several agencies. With this regulation in place, a minister would be able to ensure that all of Alberta's public agencies are working in a co-ordinated effort towards a shared goal. Without this level of ministerial oversight it would be difficult to co-ordinate agencies with overlapping mandates. These policy-making powers also help to promote increased accountability in both government and public agencies.

[The Deputy Speaker in the chair]

It is important to note that while allowing the minister to set policies for public agencies is needed, there need to be some restrictions in place, specifically with respect to a public agency's adjudicative functions. Adjudicative bodies make legal rulings on cases that do not necessarily need to go through the court system. Furthermore, they can take pressure off the courts by adjudicating disputes requiring specialized knowledge. Mr. Speaker, as in the court system, it is imperative that they remain impartial, independent, and removed from influence. To this end, Bill 32 proposes to place limitations on the policy-making powers of ministers when they interfere with the body's adjudicative functions.

Mr. Speaker, the benefits of transparency, accountability, and efficiency proposed by Bill 32 are clear. Bill 32 will help to not only recognize the valuable contributions of our public agencies but serve to improve upon their already effective operating systems. The creation of standardized public mandate statements, codes of ethics, and term limits will serve to promote public confidence through transparency while the policy-making decisions given to ministers will ensure effective co-operation of committees with overlapping mandates.

It's interesting, Mr. Speaker, that just as I was sitting here this afternoon, I happened to get on my desk an Alberta Ombudsman report entitled Prescription for Fairness. I'd like to just make a few quotations from it that are relevant to this issue. Perhaps to bring it

into context, this Ombudsman report deals with some problems with a particular government agency. It indicates:

Decision letters issued by the Appeal Panel should document its authority to hear the appeal, the names of the members who participated in the decision, identification of the issue, conflicts of interest, all of the material considered in the decision, its findings of fact, how it weighed the evidence, and how it applied the legislative criteria.

I would suggest that those are standard procedures for many public agencies. Unfortunately, in this particular case those guidelines do not appear to have been followed in the Ombudsman's review.

The Ombudsman went on to make three recommendations. Actually, they made more than three, but I would summarize with only three.

Regarding management of the Appeal Panel, the Ombudsman recommends:

- Recruitment of members follows an open and transparent process, and the interview panel include a member of the Appeal Panel.
- New members receive orientation and training opportunities.
- The Appeal Panel procedural binder be reviewed and updated on a regular basis.

Mr. Speaker, I would suggest that that's exactly what this bill is all about, and I think the Ombudsman's report reinforces the need for such a statute.

Just in conclusion, Mr. Speaker, I would like to again thank the hon. Member for Edmonton-Rutherford for bringing forward this well-thought-out bill and would encourage all members to join with me in support of Bill 32. Thank you.

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

**Mr. MacDonald:** Yes. Thank you very much. It is a pleasure to participate in the discussion this afternoon on Bill 32, the Alberta Public Agencies Governance Act. This certainly will codify a framework and processes that have been developed to improve the management accountability of Alberta's agencies, boards, and commissions, and we know there are quite a few of them. I believe the hon. member mentioned that there are 250. Some individuals may not recognize, many taxpayers would not recognize that these bodies deal with about 50 per cent of the provincial budget, certainly showing the importance of the issue. There has been a trend by this government to download or give each one of these agencies, boards, and commissions more responsibilities, more control, and I would say that it is a conscious decision to reduce the importance of this Legislative Assembly.

Now, the hon. minister of health over there, Mr. Speaker, is shaking his head. [interjection] I didn't hear a rattle, no, hon. member.

I certainly was astonished when I was provided a copy of the memorandum of understanding from last summer which set up – about this time last year, it was in the month of May, near the end of May actually – the Alberta Health Services Board. The hon. minister of health signed it, as did I believe it was Paddy Meade and another individual, Mr. Hughes. When they signed that agreement, I was astonished that the legislative authority that was cited for that agreement included the agencies governance framework document. It was the first time I've seen a framework of this nature quoted as a legislative authority to set up this memorandum of understanding, which of course was the document that allowed the regional health authorities to be dismantled or fired and the Alberta Health Services Board to be set up.

I don't know how that happened, but certainly Bill 32, if it

becomes law, will in effect make this framework a statute of the province. I'm still puzzled as to how a memorandum of understanding as the one I described earlier, the public agencies governance framework, could be used and cited as an authority. Now, perhaps the minister of health will eventually participate in debate and enlighten the House on why this framework or how this framework could be used in that manner, but it was.

**5:10**

When we look at the whole issue around agencies, boards, and commissions, there certainly are issues. We look at the commission that was struck. I believe it had the former chair of the EUB, Mr. McCrank, involved and two other individuals. They reported. The report certainly is of interest. But this bill, Mr. Speaker, Bill 32, will provide the legislative framework that hopefully will improve transparency and accountability. We know that this government lacks transparency and certainly lacks accountability. This bill will also promote excellence in the governance of the province's agencies, boards, and commissions.

Now, this bill also, as I understand it, builds upon the work done by the task force that I spoke about just a minute ago. This task force made 15 recommendations to ensure that the right policies and best practices are in place for all of these agencies, boards, and commissions, and of course they have to deliver their mandates. They get their direction or their marching orders from guess who?

The task force's first recommendation was the introduction of legislation to provide to agencies governance frameworks and standards reflecting the importance of all of these agencies. Now, we saw in February of 2008 that the government released its public agencies governance framework that I referred to earlier. It certainly elaborated on the recommendations of the task force. I notice that implementation of the public agencies governance framework is under way, as I said earlier, in all government departments, including Health and Wellness, regardless of the drafting of Bill 32.

When we look at this legislative framework and we look at some of the issues that surround the government's reliance on agencies, boards, and commissions, we should note again another section of the Auditor General's report – the Auditor is doing a lot of fine work – and I'm referencing the report from October 2008. The Auditor had a lot to say and a lot to report on chief executive officer selection, evaluation, and compensation, particularly regarding board governance. When we look at the agencies, boards, and commissions and how this government relies on them, it's a very important sector not to have legislation governing their activities. We can read the AG's comments and his recommendations. So this bill certainly is necessary.

The bill does put in place the principles that ministers are responsible for the agencies, boards, and commissions under their ministry and therefore allows us on this side of the House to hold the government to account if the agencies, boards, and commissions fail. I can just imagine some day in question period the hon. Member for Calgary-McCall asking a question about one of the agencies, boards, and commissions that would be in Service Alberta. Now, that would include the Alberta Residential Tenancies Advisory Committee, the Fair Trading Act appeal boards, the Cemeteries Act appeal boards, the Funeral Services Act appeal boards, or one that everyone in this province has heard about, the Utilities Consumer Advocate Governance Advisory Board.

**Mr. Mason:** Wow.

**Mr. MacDonald:** Wow is right. That's a wow with a capital W.

**Mr. Mason:** And they say we've got too much government.

**Mr. MacDonald:** And they say we've got too much government. They don't read their own reports, hon. member. Certainly, we have a big government. We have a big, bloated government here in this province. One only has to look at the budget to realize that. [interjection] I'm sorry, hon. Minister of Transportation?

**Mr. Ouellette:** For a little, wee opposition it would look that way.

**Mr. MacDonald:** Yes. The opposition is little, but we get by. We certainly get by.

Those would be the agencies, boards, and commissions under Service Alberta that the hon. Member for Calgary-McCall would look at.

Certainly, with the Utilities Consumer Advocate there would be a lot of work to do there. When we look at the number of issues that surround energy deregulation, electricity deregulation, natural gas deregulation, I don't know how the hon. member gets time to spend with his family because that outfit certainly is very busy. Now, what's going to happen? How many complaints are we going to see? How is that advisory board going to work? How is all this going to be set up, Mr. Speaker?

When ratepayers get stuck with an additional \$30 to \$35 a month on their bills to pay for the transmission upgrades, they're going to be scratching their heads, wondering: "What is this amount on my bill? How did that get there?" They're going to say: "Not another hit for energy deregulation. Have I not already paid enough for the government's mistake? Have I not already paid for the last decade for the government's mistake with high power bills?" Yet they'll be hit with this monthly bill, and the hon. Member for Calgary-McCall will have to deal with that through Service Alberta, through the Utilities Consumer Advocate Governance Advisory Board.

Now, we know who appoints the members to that advisory board – obviously, the government through order in council – who these individuals are, how they will be evaluated, how they will be compensated. The Auditor General has some good, sound ideas on how all this should work, but does the government, and will the government follow that?

That would only be one example.

Now, when we look at the framework, Mr. Speaker, that I spoke about earlier that had been developed and was issued publicly in February of last year, we know how important that was. It was of course used to shape some of the important changes to government structures already, in particular – and I referred to that earlier – Alberta Health Services. We know from the Ethics Commissioner's investigation of the appointment of Paddy Meade to the Alberta Health Services Board from Alberta Health what went on there. She's no longer employed there. We have no idea what happened – I'll be the last to know – but maybe the minister of health through the course of debate can enlighten not only this Assembly but taxpayers.

**Mr. Mason:** If they told you, you'd only spread fear.

**Mr. MacDonald:** Well, taxpayers, hon. member, may shudder at the cost of this. You know, these appointments were made, and less than a year later, for obvious reasons, there was dissatisfaction, and respective parties parted company. But I don't want to be accused of, you know, getting off topic here. I really want to stick to Bill 32, hon. member.

5:20

This investigation was requested to be conducted by the Ethics Commissioner. It was done, and it was done on the grounds that it

appeared to contradict the Conflicts of Interest Amendment Act, 2007, public service postemployment restriction. Now, in his ruling on the matter the Ethics Commissioner quoted extensively from the task force report as well as the agencies governance framework, which is the basic blueprint of this bill. It's astonishing that these documents were already shaping and forming government practice, so this comes to the point where we should ask a few questions about that. Hopefully, they can be addressed or answered in the course of debate.

What kind of binding power has the agencies governance framework had so far? That, again, is referenced in my opening remarks whenever we were discussing this. Where, legislatively speaking, does it draw its power from, and why is the government legislating this if the framework is already determining policy and actions? So, essentially, that question is: why is it necessary to have Bill 32 as we see it before the Assembly?

Now, in undertaking this review, Alberta was following a number of other provinces that had looked at the same issue of agencies, boards, and commissions and their accountability... [Mr. MacDonald's speaking time expired] We'll get to this more in committee, Mr. Speaker.

**The Deputy Speaker:** Standing Order 29(2)(a) allows for five minutes of comments or questions. The leader of the third party on this.

**Mr. Mason:** Yes, Mr. Speaker. I would like to ask the hon. Member for Edmonton-Gold Bar to continue because I was hanging on his every word and very much trying to anticipate where this is going to go. You know, just to be cut off in the middle of grand thought like that I think is a shame. I'd like to hear the rest of it.

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

**Mr. MacDonald:** Thank you very much. I will continue because the hon. member is right. This is quite important because not only is Alberta looking at accountability issues and governance issues around agencies, boards, and commissions; British Columbia, it should be noted, has the Crown Agencies Secretariat and a shareholder expectations manual that governs agencies, boards, and commissions there.

Now, the question around that, of course, would be – and this relates around TILMA – do the provisions of TILMA, as we know them, require a harmonization of Alberta's and British Columbia's rules governing agencies, boards, and commissions? Now, other provinces as well have rules, regulations, and best practices governing their agencies, boards, and commissions. Of course, Ontario does. New Brunswick does. In fact, I would urge all hon. members of this Assembly to have a look at the Canadian Comprehensive Auditing Foundation, the CCAF. There is an article written by Mr. Ken Stewart, Trends in Crown Agency Accountability Arrangements. This is an excellent article for those who are interested in these matters.

Four other provinces, hon. member – Ontario, B.C., Saskatchewan, and New Brunswick – have specific standing committees of the Legislature to review Crown corporations. Now, we in this Assembly have or are developing a process with the Public Accounts Committee, where on occasion we see for a two-hour period an agency, a board, or a commission. In the past we have looked at the Treasury Branches, we have looked at some school boards, we have looked at some regional health authorities, so there is no reason why we in this province could not bring before in a timely fashion any number of any one of these agencies, boards, or commissions that are listed.

Now, would it be in the public interest to bring, for instance, from the Finance and Enterprise department the Automobile Insurance Rate Board before Public Accounts, the Capital Finance Authority, maybe the Public Service Pension Plan Board? Maybe we could have a look at the Utilities Consumer Advocate Governance Advisory Board. Travel Alberta: that's a new outfit just getting fired up over there, and I hope it's not in time for the Winter Olympics in Vancouver, speaking of British Columbia. I certainly hope there's going to be more to it than that.

We can go through each and every ministry, and we can see the agencies, the boards, and commissions that are outlined there, so that would be how we're starting to deal with it here, through the Public Accounts process. Is that good enough? I don't think so. I think more could be done, and maybe here we could have the policy field committees. There's a lot of work to do. There are 250 agencies, boards, and commissions. Maybe the five standing policy field committees could have a look on occasion at some of those entities. I think that would be a good step. Perhaps we can have an amendment later on to have a look at that. Maybe we can discuss that.

When we look at Ontario, B.C., Saskatchewan, and New Brunswick with their specific standing committees, that's how they're doing it. This is an interesting issue to test the government's commitment to public accountability. Will the government do the same as other provinces?

Thank you.

**The Deputy Speaker:** Does any other hon. member wish to speak on the bill? Hon. leader of the third party, do you wish to speak on the bill?

**Mr. Mason:** Yes, I do. Thank you, Mr. Speaker. I'm happy to at least get a start at this because this is an important point, an important issue for us, that we have so many agencies, and this act is something that will, you know, govern how this whole thing is handled. It's interesting to ask about how many agencies actually there are because in the original press release that announced the creation of the task force, it said that there were more than 130 agencies, boards, and commissions in the province. But when the release that accompanied the introduction of the bill came out, it said that there were now 250 agencies, boards, and commissions affected by the act. My question is: is this an error, or have we really seen almost a doubling of the agencies, boards, and commissions in this province in that period of time? I'm just curious.

I know the government has grown rapidly, and I know they've got a lot of folks over there to keep busy, but one of the ways not to keep them busy, Mr. Speaker, in my view, is to appoint MLAs to these boards and commissions. That was in fact one of the recommendations that came forward in the task force. There were 15 key recommendations, and a lot of those were good ones. "Establish a more rigorous process for the establishment of agencies." Well, if they've shot up since 2007 to almost double, they haven't followed that one.

A second one was to review agency mandates in order to ensure their mandate remains relevant. That's good if they do it.

"Use... non-partisan and competence-based appointment process for the appointment of directors." Mr. Speaker, this is perhaps one of the most important recommendations of all from the task force, that these appointments should be based on merit, and they should be nonpartisan in nature.

5:30

You know, I know there are a lot of Conservatives in Alberta. I've come to grips with that fact. I've come to the realization that

it's just part of reality, like death and taxes, that you have to accept. Nevertheless, I'm absolutely amazed at how many worthy Conservatives the government can find to appoint to the burgeoning numbers of agencies, boards, and commissions that they do appoint and how few people there are in this province that are qualified from any other political persuasion. It is really something that surprises me.

I think this is an important one, and I'll give the government a little credit here: recognize the diversity of the population and recruit to that end. I think that if they do that, we're going to see a much more representative group of government-appointed organizations.

Another recommendation is to implement fixed terms for directors, which may be renewed to a maximum of 10 consecutive years. It does say that the minister has the power to waive this if he or she feels that it would be beneficial to the agency. I think, Mr. Speaker, that we need a little more control than just leaving it up to the minister to waive that. I think 10 years is a long time. I think for some it's 12 years.

Evaluating the board and director performance and making public the remuneration for directors and CEOs: these are all good things.

Now, all of these recommendations were accepted by the government except for one, the task force recommendation that the government "should not appoint elected or senior government officials to the governing bodies of agencies." The government has said that they would modify this recommendation. Their proposed action said, "Due to the nature of some boards, elected or senior officials will be appointed when their input is important for the agency to achieve its mandate." In other words, Mr. Speaker, the government has left themselves a huge loophole. They put the rule in there. They accepted the recommendation, or something like the recommendation, but they've just let themselves have a loophole they can use whenever they want. You know, why do you even have the rule if the government doesn't have to follow it?

I think that this legislation makes it clear that public agencies which perform adjudicative functions are exempt from some aspects of the act. Those are mainly the sections that require information to be made public. You know, once again there's an opportunity there for the government to provide exemptions when it comes to making information public. Now, there might be some cases where that's justifiable, but, Mr. Speaker, it's well known in this province that this is the most secretive government in Canada. We're constantly pressed to try and put greater requirements on this government to provide information that otherwise would be made public in almost any other province.

The government has provided itself with enormous numbers of loopholes to restrict information from the public. One of the main ones that they've done is to call something advice to the minister, and then it's exempt. In other places it wouldn't be exempt under freedom of information legislation. Government briefing books and so on are all exempt. Pretty much anything the government doesn't want to release it doesn't have to. Now we've got something here that provides additional exemptions from the sections that require information to be made public.

Personal information needs to be protected, Mr. Speaker, and I think there's a case for legal advice and things to do with personnel matters and so on, but otherwise it is the public's information, collected by the government on their behalf with their money, and it ought to be available.

Mr. Speaker, if the goal was accountability and good governance, the government should have accepted the recommendation that no elected official or senior official would be appointed to the governing body of agencies or boards. Now, I'll give you an example. We had the Ministry of Energy – the deputy and his assistant deputy ministers and so on – before the Public Accounts Committee just a

couple of weeks ago. There's an appointed body, a body that deals with energy policy, and it includes stakeholders and so on. The assistant deputy minister is on it, the head of the ERCB, and so on.

Now, that body has recently made some public recommendations that are very favourable to nuclear power in this province. You know, I asked the question of the deputy minister whether or not it was appropriate to have those government officials sitting on a body that's now making recommendations and pronouncements with respect to nuclear power. We all know and the Minister of Energy says repeatedly that the government actually has no position on nuclear power. They may produce reports that are kind of weighted in favour of nuclear power and paint wind power as something that's very dangerous, but they officially have no position on nuclear power. There again, I think there's potential for people to misinterpret the government's good intentions because they have placed their senior officials on a body that is actually in a very real way advocating for nuclear power.

I wonder about the government's statement that this legislation will improve the accountability and transparency of agencies because based on the new framework, agencies are accountable to the responsible minister, and the minister is accountable to the House and to the public. We've seen many cases where the ministers are not being accountable to the public. We've seen, for example, in Children and Youth Services that the advocate failed to table annual reports for three years. So I question, then, whether or not the provision that requires public agencies to be reviewed at least every seven years is a bit of a long time. That's a long time to see if an agency is performing their duties properly and appropriately.

Now, I want to come back to the question of the length of appointments. The act provides that no person shall be appointed as a member for longer than 12 consecutive years if empowered to do an adjudicative function or 10 years in another case. However, after section 14(2) it states that if the minister feels it's necessary to ensure effectiveness of the operation, then the term limit can be waived. I want to repeat my concern that the minister can waive this. The government puts rules and then paints giant escape clauses that render the rules almost irrelevant.

After setting out the steps on how public agencies and the government will become more transparent and accountable, they attach regulations at the end which basically say that the Lieutenant Governor in Council can make regulations that could change pretty much every provision of the act. Here it is again, Mr. Speaker. The government says: "Well, we've got all of these provisions, but we've given ourselves this huge loophole. We can actually make regulations to change the act."

Now, one of the positive changes that the act makes is to ensure that appointments and recruitments of members are to be competency based and that this process will be open and transparent by making information about the recruitment public. The second part of this open and transparent recruitment strategy is that reappointments will only be allowed if a member continues to meet the requirements of the position. I want to just indicate that those are fine principles and fine words, but the question really is in its implementation and in its interpretation. I wish I had more confidence it would be interpreted in the spirit in which it is written.

5:40

I want to raise some specific concerns about the local authorities pension plan and my concern that this act may negatively impact their ability to operate independently. Section 3 requires that all public agencies develop a mandate and roles document that is made jointly with the responsible minister and the agency. I think one of

the concerns here is that there's no room for stakeholders to develop the document or involve themselves in the periodic review that's set up by section 19. That's something I'd hope to hear back on in later debate.

Section 10 states that the minister can set policies and force the public agency to follow them, and this affects the ability of the LAPP to function independently.

Section 12 of the act says that each agency must "participate with its responsible Minister in setting its long-term objectives and short-term targets." Again, I think we need to raise the issue that there appears to be no room for stakeholders to be part of that decision-making process.

Going on to section 13, where it states that a member must be recruited based on the extent to which the person possesses the identified skills, knowledge, experience, or attributes that the agency identifies before selecting the person. You know, I wonder if this would limit the ability of the LAPP stakeholders to nominate people that they want for the board.

Thank you, Mr. Speaker.

**The Deputy Speaker:** Standing Order 29(2)(a) allows for five minutes of comment and question. The hon. Member for Lethbridge-East.

**Ms Pastoor:** Thank you very much, Mr. Speaker. I would like to hear perhaps a little bit more elaboration on the business of the appointing and the time frames. I've always felt that when you have staggered appointments to boards – and I believe they shouldn't be longer than 10 years – you also have a consistency because you don't lose that board knowledge that goes when you clear out a board. Perhaps the member would like to make some comments on those thoughts.

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

**Mr. Mason:** Thank you. Yes, I would, Mr. Speaker, because we do have a little bit of experience with that, as does my colleague, both of us having served on municipal councils in cities in this province. It was always a matter of trying to find the right balance. We had in the city of Edmonton, basically, a rule that you couldn't serve more than six consecutive years in any position. I agree with her that having staggered appointments is also very important. You need to strike the balance between experience on the one hand and fresh blood on the other. Fresh blood, new blood, young blood: what is it?

**Ms Pastoor:** New thinking.

**Mr. Mason:** Yeah. New people coming on with new ideas and striking that balance, which is very important. I know from some of the work we did with respect to the governance of EPCOR that board reviews are very important, and we always did that according to certain criteria and in conjunction with the chairman of the board, and there was succession planning. There was very much always a plan to refresh the people who were serving on the board of EPCOR and, in fact, on some other boards and agencies. But in a big company like EPCOR, of course, it was well developed and very, very important. I want to just say, if I could, that there's a real concern, going back to the local authorities pension plan, that this bill undermines the governance and reduces the ability of the board of the LAPP to achieve independence. I think that it will permanently restrict the role of stakeholders and will place the direction, goals, and even the continued existence of the plan in the hands of the minister.

So, Mr. Speaker, what else really is new? In addition to this being the most secretive government in Canada, it's also emerging as one of the most centralized, bringing more and more things under direct political control as opposed to having local communities, local stakeholders, and local citizens playing a role in the governance process. I think that this is really not something that is to the benefit of the people of this province.

It really contradicts the tradition, I think, of the Conservative Party in many respects, which tended to talk about the importance of local communities and so on. We've seen that that trend has been reversed. It no longer seems to be the direction of the government. A highly centralized sort of planning, growth of state power, more secrecy: these are things that Conservatives used to be against, but now it seems that this is part of the direction of this government, very much so, and I think something that is deplorable. We need more democracy, not less. We need more community involvement, grassroots involvement, not less, in the governance of our province.

You know, I was there when the regional planning commissions were wrapped up by Steve West, one of the first major steps to destroy local decision-making and planning. If you contrast that . . . [interjection] Yes, it was gone.

Thank you, Mr. Speaker.

**The Deputy Speaker:** Does any other hon. member wish to speak on the bill?

Seeing none, the chair shall now call the question.

[Motion carried; Bill 32 read a second time]

### Bill 35 Gas Utilities Amendment Act, 2009

[Adjourned debate April 28: Mr. McFarland]

**The Deputy Speaker:** The hon. Member for Edmonton-Gold Bar on the bill.

**Mr. MacDonald:** Thank you very much, Mr. Speaker. Certainly, the Gas Utilities Amendment Act at first blush is just a routine housekeeping piece of legislation. Certainly, we look at the hon. Member for Little Bow's efforts with this bill. We look at the highlights of this legislation, and we see where it reflects the transfer of regulatory control of the TransCanada-NOVA Gas Alberta system from provincial oversight to the federal National Energy Board. We look at the National Energy Board, and we look at the old system. Many people would not recognize that the National Energy Board is centred in Calgary. They do a lot of good, sound research down there. They put out a lot of very interesting reports, whether it's on natural gas, whether it's on exports of petroleum or petroleum-related projects. They can give quite an overview of the energy industry not only here in Alberta but in B.C., Saskatchewan, and Manitoba.

5:50

The National Energy Board also does a lot of work on electricity: electricity transmission and electricity exports. According to the hon. Member for Little Bow when this bill was moved and adjourned at second reading, going back not quite a month, "This is an administrative act to give legislative authority to a ruling of the National Energy Board. It's a small and minor amendment." As most members would see if they were to have a look at the legislation. Now, this is what I've been told. We were also led to . . . [interjection] Thank you, Mr. Speaker, because I believe the Minister of Energy was complaining that he couldn't hear me.

**Mr. Knight:** No. I put my hearing aids in. I can hear you well now.

**Mr. MacDonald:** Oh, okay. Pardon me.

Now, Mr. Speaker, we had quite an overview of Bill 35 from the hon. Member for Little Bow, but when we're looking at the National Energy Board and the legislative authority, we need to always remember the quasi-judicial ruling and the concern with the NOVA Gas Transmission pipeline owned by TransCanada PipeLines. The ruling was to accept an application by TransCanada to make this pipeline subject to federal regulation. We always have issues with federal regulations in this House.

The hon. Member for Edmonton-Highlands-Norwood certainly pointed out, I thought quite effectively, earlier in debate on Bill 32 that we forget just how far-reaching administratively this government is and has grown to become. We only have to have a look at all the agencies, boards, and commissions. This, as I understand it, is a transfer to the federal regulatory body. The hon. Member for Little Bow assured the House that Albertans who've followed the history of oil and gas development will recall the establishment and subsequent growth of the Alberta Gas Trunk Line. Of course, it's over 50 years old. This pipeline system was the underground transmission system that facilitated the exploration and development of natural gas fields across Alberta. Over the decades the people involved, the hon. member assures us, have become quite familiar with the regulatory process. Some agree with it; some do not.

The hon. member correctly goes on and outlines many things in this bill. Certainly, one of the outcomes that we should be cognizant of is that given the shifts in regulatory controls that have happened over the years towards the federal system, shifts that have happened in co-ordination with more interconnected natural gas systems not only to other provinces but to many of the lower 48 states, the impact of this bill will probably be relatively small.

There are main concerns, and they are that we have to ensure that landowners don't suffer because of the federal regulations and how burdensome they are. We know that Alberta's natural gas liquids and by-products industry, which is a significant industry, is certainly in some cases, not all – and I'm referencing bitumen – significant value added to this province. We have to make sure that that does not suffer, and I am sort of confident from reading the remarks of the hon. Member for Little Bow that that won't happen, but we have to be careful about regulatory control here.

Now, I don't think that there is a real reason to think that either of these issues will come true. The National Energy Board has already addressed, as far as I know, some of the landowners' concerns and has processes in place for additional resolution. With Alberta at the centre of the growing natural gas production in the Horn basin in northeastern B.C. – also, I think, Mr. Speaker, there will be significant natural gas exploration and production in Canada's north as well – the provincial industry here, hopefully, will be well located to take advantage of the liquids and the by-products that were essentially the building block of our economic prosperity around the petrochemical industry. There appears to be no significant legal reason for Alberta to have regulatory control over this Alberta system anymore given its current location at the centre of a national and even an international system of natural gas transmission, which we discussed earlier. Providing landowners are treated properly by the National Energy Board and Alberta's petrochemical industry has the feedstock necessary, these changes should not have any impact, hopefully.

When we look at some of the issues that landowners have, particularly whenever pipelines either cross or the right-of-way is actually on their property for a significant length, the compensation that those landowners receive and what they should get, some of them are very, very upset that they get so little, if anything. If you



look at some of the oil- and gas-producing states in America, if you put a pipeline on someone's property, you pay and you pay annually.

So there are some differences that need to be worked out, but certainly, Mr. Speaker, when we look at this bill and we look at the changes that are proposed, we've got to remember that our Alberta pipeline system in reference to this bill is over 23,000 kilometres long. It's a network that stretches to most parts of the province. The Alberta system started, again, in 1954. It was established by this Legislature and Premier Manning, and of course it was a partnership with the industry. Over time the company added multiple assets directly connected to its core gas distribution business such as chemicals and plastics from the natural gas liquids and others. In 1980 it became NOVA, a Crown corporation, and over time many of the other businesses were spun off, particularly in the recessionary periods in the '80s and '90s. In 1998 the core Alberta system business was taken over by TransCanada.

Alberta is becoming, as I said, less monolithic when it comes to natural gas production in western Canada. We look at the gas production in B.C., in the north. The Alberta system is almost a flow through. It's like an expressway. But in shipping this gas, we have to be careful. We had a discussion years ago in this Assembly about the Alliance line and the natural gas liquids that are in that line; they're whistling through just the other side of Fort Saskatchewan on to a location south of Chicago. Mr. Speaker, we could look at . . .

**The Deputy Speaker:** Hon. member, I hesitate to interrupt you. It's now 6 o'clock. The Assembly stands adjourned and will continue at 7:30 tonight.

[The Assembly adjourned at 6 p.m.]









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