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The Honourable Kenneth R. Kowalski, Speaker

Legislative Assembly of Alberta

The 27th Legislature

Second Session

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Legislative Assembly of Alberta

1:30 p.m.

Wednesday, November 4, 2009

[The Speaker in the chair]

Prayers

The Speaker: Good afternoon. Welcome.

Let us pray. Guide us all in our deliberations and debate that we may determine courses of action which will be to the enduring benefit of our province of Alberta. Amen.

Please be seated.

Introduction of Guests

The Speaker: The hon. Minister of Education.

Mr. Hancock: Thank you, Mr. Speaker. It's indeed a pleasure for me this afternoon to introduce to you and through you to members of this Assembly 58 enthusiastic and inquisitive grade 6 students from Earl Buxton elementary school located in my constituency of Edmonton-Whitemud. Accompanying the students are their teachers, Mrs. Johanne Gorgichuk, Mrs. Joanna Rozmus, Mr. Ken Auch, along with parent helper Mrs. Ana Pietucha. They are seated in the members' gallery, and I would ask that they please rise and receive the traditional warm welcome of the Assembly.

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

Mr. Amery: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of the Assembly 50 students from the Almadina ESL charter academy located in my constituency, Calgary-East. Almadina charter academy specializes in ESL and houses more than 650 students, with a long waiting list. Under the leadership of the principal, Mr. Jamal El-Rafih, and the vice-principal, Mr. Hammoud, Almadina ESL charter academy has come a long way since its inception. The students are accompanied today by their teachers, Mr. Rabih El-Masri, Mr. Abdullah Elladen, and Mr. Anwar Tarrabain, and they're all seated in the public gallery. I would ask them to rise and receive the traditional warm welcome of the Assembly.

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

Dr. Taft: Well, thanks, Mr. Speaker. This is a special introduction for me today because it's the first time I've been able to introduce a class from Grant MacEwan University, and I think that's pretty exciting. The class is from the Jasper Place campus, which is on the northwest corner of my constituency, and it's a class in journalism. I met them beforehand, and they grilled me with rapid-fire questions. I felt right at home. Anyway, they are seated in the public gallery. They are accompanied by their instructor, Mr. Roy Wood. There are 25 of them. I'd ask them to rise and would urge everybody to give them a warm welcome.

The Speaker: The hon. Minister of Energy.

Mr. Knight: Well, thank you very much, Mr. Speaker. As you are aware, today marks part of a tradition that was established here, I think, in about 1994, where we have Take Our Kids to Work day. Some members would probably know that it's a national annual program, and it gives students an occasion to observe the working environment of their parents or caregivers. It's important for our

children to have these opportunities, particularly as it relates to their parents and the work that their parents in this particular case do for the people of the province of Alberta. I would ask that the following people rise as I read out their names: Penny White, parent, and Bill Harding; Debbie Fortin, parent, and Damien Doris; Linda Humeniuk and Christopher Wertz; Glen Gartner and Michael Gartner. I would ask that all members of this Assembly give these folks the traditional warm welcome of the Assembly.

The Speaker: The hon. Minister of Service Alberta.

Mrs. Klimchuk: Thank you, Mr. Speaker. It's a pleasure to rise today and introduce to you and through you Breanna Grolway. Breanna has come to the Legislature today to participate in Take Our Kids to Work day as well. She's in grade 9. This is a great program because it allows children to come in and see what the Legislature is all about. It's very exciting for Breanna. She has the rare opportunity of watching her very enthusiastic mother, my scheduling assistant, Cheryl Grolway, easily tackle every task that comes to her on a daily basis. I'd like you to join me in welcoming her to the Assembly.

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

Mr. Johnston: Thank you, Mr. Speaker. I would like to introduce to you and through you to all members of this Assembly, in the public gallery, Jordan Louise Alberta Johnston, my granddaughter. Jordan is here today job shadowing. She would like to be a page in a couple of years' time, and she wants to go to medical school in the future. She's in grade 9 at Pigeon Lake regional high school. I'd like you to give her the warm traditional welcome of this Assembly.

The Speaker: The hon. Member for Athabasca-Redwater.

Mr. Johnson: Thank you, Mr. Speaker. It's indeed a pleasure to rise and introduce to you and through you to members of this Assembly a group of very special people from the Smoky Lake area who are organizers of the Great White North Pumpkin Fair and Weigh-off. They are treasurer Pat Palechuk and her executive assistant, husband Ed; secretary Pat Elschuk; directors Will Chaba, Eva Lewicki, Ernie and Joy Prusko, Richard Sadoway. As one of my colleagues pointed out, they've paid me a great tribute by coming dressed the same colour as my hair. They are seated in the members' gallery behind me, and I'd ask them to please rise and receive the traditional warm welcome.

The Speaker: Some members did say: what hair?

The hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you very much, Mr. Speaker. I'm really pleased today to be able to introduce to you and to all members of the Assembly a family that lives in my constituency; that's the Zyp family: John, Bettie, and Danielle. First, I want to recognize Bettie, who supports the many endeavours of the other two. Bettie, would you please rise? John, you rise as well. John is a visual artist, of course, living in Edmonton-Centre, and has been very helpful to me in my constituency association. Danielle, their daughter, is also a visual artist, and Danielle has been very generous with her time and advice to help me understand the issues facing people with mental illness. Please welcome to the Assembly the Zyp family.

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

Mr. Mason: Thank you very much, Mr. Speaker. It's great to see so much orange in the gallery today.

I'm pleased to rise and introduce to you and through you to the Assembly a recent nursing graduate from the University of Alberta who is both passionate and committed to her chosen profession. Izabella Cwiaklinski is a constituent of Edmonton-Highlands-Norwood. She graduated in August of this year only to find that there were no jobs available for her in Alberta. My guest's hope is that the government will show a real commitment to keeping Alberta nurses in Alberta who've received their education here. I'd also like to add that Izabella is currently working on a casual basis with the H1N1 flu campaign program. I would now ask that my guest rise and receive the traditional warm welcome of this Assembly.

Members' Statements

The Speaker: The hon. Member for Athabasca-Redwater.

Great White North Pumpkin Fair and Weigh-off

Mr. Johnson: Thank you, Mr. Speaker. The first weekend of October every year is an exciting time in my constituency, and this year certainly did not disappoint my family and me. The weekend marked the 21st annual Great White North Pumpkin Fair and Weigh-off in Smoky Lake. When the event started over two decades ago, it was simply a group of friends trying to grow big pumpkins, but today it has become much more. It now attracts over 6,000 visitors to a town of only a thousand. The pumpkin weigh-off is just part of a whole weekend that now includes live entertainment, food venues, an amusement park for the kids, a gigantic farmers' market, a petting zoo, and a golf tournament among other things.

Like all great events in Alberta the festival would not be what it is without the commitment and initiative of the great people of Alberta. I would like to acknowledge the Smoky Lake Pumpkin Growers Association and, in particular, one local Smoky Lake family whose continual commitment has helped to make this festival into what it is today: Dr. Fred and Mary Lobay and their sons John and Robert. Fred is the local doctor in Smoky Lake, and his wife, Mary, truly is the driving force behind the pumpkin passion in their family.

1:40

This year their son John grew the prize-winning pumpkin, breaking the site record with an incredible 1,199.2-pound pumpkin. Other record holders are Alan Makarchuck's 825-pound squash, Don Crews' 117-pound watermelon, and Mary Lobay's 92-inch – that's seven feet, eight inches – gourd.

Finally, Mr. Speaker, I'd like to acknowledge the volunteer committee, all but two of whom I introduced in the Assembly earlier today. Although they can't be here, I'd like to commend the hard work of volunteer president Barry Wood and former Smoky Lake mayor Carole Carpenter.

The committee starts planning in January, and without their 10 months of hard work I'm sure this great weekend would not be what it is. I know this Assembly will join me in congratulating the past achievements of these volunteers and their festival as well as wishing them well into the future.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Calgary-Fish Creek.

Youth Engagement Environmental Grant Recipients

Mrs. Forsyth: Thank you, Mr. Speaker. I've devoted most of my life to promoting the interests of children and youth. I strongly

believe that our young people can accomplish great things, and I'm constantly witness to the truth in this belief. Students at an Edmonton junior high school have reaffirmed my conviction.

I'd like to acknowledge the hard work and dedication of a group of students at St. Thomas More school. Earlier today my colleague the hon. Minister of Environment participated in an event at the school to acknowledge the first recipients of the youth engagement environmental grant, a province-wide opportunity. This outstanding group of students – and many more are to follow – has shown environmental stewardship in action and the important role that they can play. They saw a need in their school and took action to meet it. Working together, the students created a new paper-sorting and recycling program at their school. The grant they received today is allowing the students to purchase recycling bins for every classroom in the school as well as cover start-up costs for the program. This will benefit the school and the community for years to come.

The youth engagement environmental grant program is the result of a partnership between the Emerald Foundation, a nonprofit organization that engages Albertans in environmental stewardship, and founding sponsor ConocoPhillips. A second sponsor, the Alberta Beverage Container Recycling Corporation, has also joined this program. Clearly, the vision and contribution of these organizations will help foster the environmental leaders of tomorrow.

These students are taking action to make the world a better place. They are providing the important and inspirational leadership roles that children and youth can play in our province, and I encourage others in the future to participate and do the same.

I ask all members of the Assembly to join me in congratulating the students at St. Thomas More school on their initiative and hard work. I hope you will be inspired, as I am, by the knowledge, enthusiasm, and desire to make a difference that these young Albertans are demonstrating.

Thank you, Mr. Speaker.

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

Calgary Airport Runway

Mr. Kang: Thank you, Mr. Speaker. The citizens and business owners of northeast Calgary are very concerned about the possibility that the Calgary Airport Authority will close Barlow Trail within 69 weeks without having a construction plan in place for traffic and LRT access that includes the Airport Trail tunnel.

I rose to speak on this issue in the spring, and I acknowledged then that the new runway at Calgary's airport is a necessity to meet growing demands. I also pointed out that the Calgary Airport Authority's construction plans would divide northeast Calgary from the airport, severing Barlow Trail north of McKnight Boulevard and, therefore, cutting off the northeast transportation link to the airport.

Calgary International Airport will need the new runway, but the people of northeast Calgary and beyond still need access to the airport. Area businesses and commuters depend on ready access to this vital transportation hub. The Airport Trail Access Committee, composed of a group of concerned Calgarians, is lobbying the Calgary Airport Authority and the city of Calgary to include a tunnel under the new runway so as to keep our vital transportation link open to all.

On behalf of my constituents in Calgary-McCall I'm proud to support their work. On November 9 the Airport Trail Access Committee will meet at the Sheraton Cavalier hotel to discuss the importance of the Airport Trail tunnel. I will attend that meeting, and I invite all affected Calgarians, including my fellow MLAs, to attend as well. It is a very important issue for the people of northeast Calgary, and I encourage all citizens to make their voices heard.

The modern era of commerce, communication, tourism, and environmental standards requires all citizens to have quick, reliable access to our airports. I'm confident that the provincial government will help make the airport tunnel a reality by contributing their financial share of the cost.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Fort McMurray-Wood Buffalo.

Fort McMurray-Wood Buffalo Constituent Concerns

Mr. Boutilier: Thank you very much, Mr. Speaker. It's a pleasure for me to rise today and speak on behalf of what my bosses, the citizens of Fort McMurray-Wood Buffalo, are saying and what they've been sharing with me. I am certain that all members of this Assembly agree that they are very proud to represent their constituents in what's going on in every corner of coffee shops across Alberta.

What have citizens been saying to me at our coffee shops? Well, number one, this Assembly, they say – and it's nice to see sometimes – should reflect the discussions that go on in the coffee shop. Inasmuch as much of what is said in here has to be a bit more diplomatic, it's still nice to see. It's the strength of Alberta, the grassroots of our democratic system.

I was also told by my constituents that they never have and never will accept gibberish as a response to Alberta questions because it's far too important. In fact, one of them looked up in *Webster's* dictionary what gibberish meant, and it says, quote: meaningless, unintelligible talk; also babble, gabble, drivel, and gobbledygook. I don't know how to spell gobbledygook.

Albertans as a whole believe in true accountability, as do members of this House. They ask: "Where does the buck stop? Who is responsible? Is it with elected officials?" I also might add, fairly: is it also with nonelected officials or, in fact, perhaps both?

Someone made a decision in the recent H1N1 fiasco in Calgary, that we're all very aware of. My constituents said to me: if you don't have the answer by now, you will never get it because the more decentralized things are, the closer you are to home versus the more centralized you are, the less chance of ever finding out because more people are involved.

Finally, I want to say today how refreshing it was to hear Ken King say that he is responsible in what happened with the Flames.

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

Matthew Rice

Mrs. Sarich: Thank you very much, Mr. Speaker. It is with pride that I rise today to recognize an extraordinary individual in my constituency of Edmonton-Decore and the organization that he has dedicated service to over the years. Five years ago Matthew Rice was awarded the M.G. Griffiths certificate by the Royal Life Saving Society for the bravery and skill he demonstrated at the scene of a car accident near Stettler on August 9, 2003. Matthew, a trained lifeguard, was able to immobilize the semiconscious female driver of one of the vehicles involved, which, paramedics said, saved her life.

The M.G. Griffiths certificate is the second-highest national rescue award the Life Saving Society gives out, and Matthew was recognized in the House by the hon. Member for Innisfail-Sylvan Lake and now Minister of Transportation, who was his MLA at the time. Matthew has continued to be deeply involved with the Life Saving Society and was recently awarded the Commonwealth certificate of thanks, recognizing at least two years of significant

service in the categories of instructor, examiner, committee or branch member.

The awards Matthew and dozens of others have received pay tribute to individuals who have shown remarkable bravery and perseverance in the rescue of others in all types of extraordinary circumstances, whether it be at a swimming pool, beach, or the scene of a car accident.

In addition to the yearly awards, the Life Saving Society works throughout the year to prevent drowning and water-related injury through a wide variety of training programs such as Water Smart public education campaigns and aquatic safety management services. It is also the Canadian governing body for competitive lifesaving, a sport recognized by the International Olympic Committee. Our own hon. Lieutenant Governor serves as the society's patron, hosting its annual investiture ceremony.

Mr. Speaker, people like Matthew Rice are protecting our citizens and strengthening our communities through the work of the Life Saving Society, which can be and often is the difference between life and death.

Thank you, Mr. Speaker.

Oral Question Period

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

H1N1 Influenza Immunization

Dr. Swann: Thank you, Mr. Speaker. Yesterday this government finally came up with a new plan for H1N1 immunization. Clinics shut for four days when there was vaccine available. The minister of health finally came up with a plan that should have been in place from the start. To the Premier. The Premier did not answer my question yesterday about wastage of vaccine. Given this criminal waste of potentially life-saving vaccine, will you fire this minister?

1:50

Mr. Stelmach: Mr. Speaker, rather than continuing this line of questioning, I just want to assure Albertans that the two medical officers of health, Dr. Corriveau and, of course, here in Edmonton Dr. Predy, had a news conference and also rolled out the plan for the next group of people at risk: when the clinics will be held and the locations. We've also had a tremendous offer from the city of Calgary and the city of Edmonton to use the Commonwealth here and the Saddledome in Calgary, so it looks like even municipalities are coming to help and support what is the largest vaccination in Alberta's history.*

The Speaker: The hon. leader.

Dr. Swann: Thank you, Mr. Speaker. What is the Premier's justification for delaying four days to come up with a plan when this plan is what the federal government has been suggesting all along? This clearly shows a wilful disregard for expert opinion. Will you now fire this minister?

Mr. Stelmach: Mr. Speaker, the minister has been working with the medical officers of health over the weekend and has the information in terms of the expert advice that he received.

Mr. Liepert: Well, Mr. Speaker, one of the things that the Leader of the Opposition is not focusing on is the fact that we have limited supply. We have been in conversation with the chief medical officer of health today, and we have embarked on the plan that we announced, but we also have this issue where next week it's going to

*See page 1724, left column, paragraph 4

be very tight in terms of supply. What we don't want to do is stop and start, so it'll be a narrow, focused approach rolled out into next week.

The Speaker: The hon. leader.

Dr. Swann: Thank you, Mr. Speaker. I acknowledge that the Premier has ensured that there are serious consequences for the decision to provide the Calgary Flames with a private vaccine clinic. The Premier fired the most senior bureaucrat. I guess I'm asking the Premier now why he does not fire the most senior person responsible.

Mr. Stelmach: Mr. Speaker, in a previous comment I talked about the Saddledome. It's actually the Grandstand.* I don't want to have everybody going to the wrong place. Please look at the ads; look at the newspapers. Go to the website and get the information.

With respect to the issue with the Flames there's just been a release by the Alberta Health Services Board, by the chair and also the president and chief executive officer. There's information in there in terms of what action they've already taken and what action they will be taking in the very near future.

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

H1N1 Influenza Immunization for High-risk Albertans

Dr. Swann: Thank you, Mr. Speaker. Under the new vaccination plan children five and under are receiving the vaccine tomorrow, followed by pregnant women on Friday. People with chronic conditions will not be included in these vaccines, only once there is sufficient supply, but no details are available on this. To the Premier: will a pregnant mother bringing a child under five to a clinic receive the vaccine, or will she have to come back on Friday?

Mr. Stelmach: Mr. Speaker, it depends on the pregnant woman, if she wants to have the vaccine with the adjuvant or without. Without it it'll be offered on Friday. Again, the minister has the information and can expound further.

Mr. Liepert: Well, Mr. Speaker, somehow the Leader of the Opposition is leaving the impression that only tomorrow we are dealing with children from six months to age five. We have been very clear that we will be through the weekend vaccinating children between the ages of six months and five years. In addition to that, starting Friday, we will be vaccinating pregnant women. If a pregnant woman has a child in that age group, she can come from Friday, Saturday, Sunday, Monday.

Dr. Swann: When clinics open again tomorrow, they will only be located in Edmonton and Calgary. Yesterday afternoon I received a number of phone calls from areas like Red Deer and Lethbridge on where they figure into the government's plan. Will the Premier provide some details for Albertans outside the metro areas so they will at least know they are more than an afterthought to the Premier?

Mr. Liepert: Mr. Speaker, I'd like to answer that question. You know, part of this issue is that when responsible medical people are involved in a pandemic, what they try to do is ensure that the public has the best information and not misinformation. Now, this particular member knows full well that if he went to the Alberta Health Services website, he would see all of the locations of the

clinics. They're all the same as they were initially, when the rollout started. For him to stand in this House and try to relay misinformation to the public is irresponsible as a medical practitioner.

The Speaker: The hon. leader.

Dr. Swann: Thank you, Mr. Speaker. The last two weeks have shown disturbing problems with Alberta's pandemic response. Will the Premier both request and support the Auditor General in performing a special investigation into the effectiveness of Alberta's pandemic response?

Mr. Stelmach: Mr. Speaker, I know the two political parties are having a debate on who should ask the question because I think the third party raised it this morning in Public Accounts. All I'm asking is – we'll participate in any review by the Auditor General; I have no issue with it – please don't pull anybody off the front lines that are administering the vaccine to do the interview and create an even longer lineup of people in this province.

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

H1N1 Pandemic Ethics Framework

Dr. Taft: Thanks, Mr. Speaker. Several times in the last few days I've raised questions about the ethical framework being used for decision-making around the H1N1 flu vaccines. As of last week, at least, the government's ethics framework was not completed, yet decisions with serious ethical consequences were being made. To the Minister of Health and Wellness: when will the ethics framework, that is briefly mentioned in the government's pandemic plan, be completed?

Mr. Liepert: Well, Mr. Speaker, this particular member seems fixated on dying. We're fixated on ensuring that we have as many Albertans vaccinated as we possibly can to keep Albertans from having to access our system of health care. So he can continue on this "What do we do if and when?" and we're going to focus on keeping people healthy.

Dr. Taft: Well, Mr. Speaker, I'm fixated on good decision-making. When H1N1 first hit, everyone was told that there were four priority groups because of increased risk of serious illness and death. They were young children, pregnant women, people with chronic health problems, and aboriginals. The plan rolled out yesterday gives priority to pregnant women and young children but not to aboriginals or to those with chronic health problems, including cancer patients undergoing chemotherapy. Will the minister of health explain the framework that was used to make these decisions?

Mr. Liepert: Well, first of all, let's ensure that we have it clear because somehow the opposition seems to think that politically we're making these decisions. We are not. These decisions are being made by our chief medical officer of health in consultation with all health professionals, and at the advice of the chief medical officer of health the most susceptible to getting H1N1 and having serious consequences are those children between the ages of six months and five years and, in addition, pregnant women. Mr. Speaker, with limited supplies it was the recommendation that that's the route we go, and unlike the opposition I am not going to question the authority of our medical experts.

*See page 1723, right column, paragraph 10

Dr. Taft: My question is again to the same minister. The 400,000 Albertans who received the vaccine are not the 400,000 who most needed the vaccine. As larger quantities of the vaccine become available, this government needs to ensure that those who need it most get it first. Will the minister of health commit to rolling out the vaccine on the basis of good ethics, and will he make the decision-making framework for those ethics public as soon as possible?

Mr. Liepert: Well, you know, Mr. Speaker, it's very interesting. I decided last night to take a look in *Hansard* as to the response by the Member for Edmonton-Riverview to the ministerial statement in this House a week ago Monday, and I also took a look at the questions from the Leader of the Opposition that same day. Not once in that response to the ministerial statement or in the questions from the Leader of the Opposition was it even mentioned about prioritizing high-risk patients. All of a sudden they come up with this idea. It was this government who suggested in the ministerial statement that all Albertans should get vaccinated but that the priority should be our high-risk patients.

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

2:00 H1N1 Influenza Pandemic Planning

Mr. Mason: Thanks very much, Mr. Speaker. We are witnessing a very serious world-wide pandemic. The response of public health officials and the government has been inadequate, to say the least, yet medical experts tell us that the next pandemic may be far deadlier still. My question is to the Premier. What steps does he propose to ensure that the government response to the next pandemic is better planned and better organized?

Mr. Stelmach: Mr. Speaker, once again, we're working with the medical experts in this field, people that have years and years of education and study in this area. We listen to their advice. The advice comes to government. The minister, of course, listens to that advice and rolls out the plan in partnership with the Alberta Health Services Board. That was done the week prior based on the availability of the supply of the vaccine. Since then the availability has diminished. We're getting less of the vaccine compared to what we were told earlier. The doctors, of course, have adjusted that plan, and they're focusing on the most high risk, being children between six months and 60 months and also pregnant women. That is the rollout today.

The Speaker: The hon. member.

Mr. Mason: Thanks very much, Mr. Speaker. Well, since the Premier doesn't have an answer to the question of what they'd do better the next time, I'm going to ask him about the Auditor General. Today I asked the Auditor General to conduct a special investigation into the handling of the H1N1 vaccination program by this government once the vaccination program has been concluded. With a view to improving the government's response to the next influenza pandemic, will the Premier support the request that the Auditor General investigate the present vaccination program once it is concluded?

Mr. Stelmach: As I said earlier, we'll participate in whatever investigation the Auditor General wants to do. It's his choice. He makes the decision. All I'm asking is that it's done at the conclusion of the vaccination process so all of the evidence is in place. I also

want to see a comparison to other jurisdictions in Canada, what other provinces have done, because my information is that in terms of the size of our population we have vaccinated more people on a population basis than any jurisdiction in Canada.

Mr. Mason: Those are both reasonable suggestions, in my view, Mr. Speaker.

Medical experts tell us that an influenza strain with a mortality rate of up to 20 or 30 per cent is possible, even likely, at some point in the future. Given the stakes involved, will the Premier join me in requesting a comprehensive evaluation of the government's handling of the vaccination program, and will he guarantee this House that there will be no attempts by his government to interfere with the decision of the Auditor General with respect to this investigation?

Mr. Stelmach: You know, once again, in the question there's always this innuendo about some interference. When has government ever interfered with any investigation by the Auditor General? Every day this comes up. We have a huge situation before us, right across the country of Canada and, in fact, right around the world, and he's again claiming there's some sort of interference over and above what all our medical people are shouldered with in terms of delivering the vaccination to as many Albertans as possible in the shortest period of time given the critical supply of the vaccine.

You know what? Maybe sometime they can give us an answer here in this House as to how you can get more vaccine produced so that everybody has an equal chance. We're dealing with a limited supply, and not once will they ever mention: "Why wasn't there more vaccine available? What is the issue?" They always have to blame somebody else. Really, tackle the doggone issue, and that's supply.

The Speaker: The hon. Member for Calgary-Glenmore, followed by the hon. Member for Calgary-Currie.

Sour Gas Well Licensing

Mr. Hinman: Well, thank you, Mr. Speaker. The court's ruling over the ERCB's protected area zone around a sour gas well has thrown the industry into further chaos. Saskatchewan, under Premier Brad Wall, has experienced record economic surpluses while Alberta, under this Premier, has experienced record economic deficits. Alberta is losing jobs and families to Saskatchewan. Confidence in Alberta as a stable place to do business has been compromised by this government, and this new court ruling has added to that instability. Will the Premier act in a timely manner and ensure that the sour gas industry doesn't go the way that much of the oil and gas industry has and be driven out of this province?

Mr. Stelmach: Mr. Speaker, the court has made a decision based on the decision made by the ERCB. The minister has been in contact with the ERCB and will explain to the House the procedure from today on.

The Speaker: The hon. minister.

Mr. Knight: Thank you very much, Mr. Speaker. With respect to the issue, of course, it's not anything that the government did or that the ERCB did, and we are not in any way negatively affecting the opportunity for Albertans to go to work as they always have done relative to this very important industry in Alberta. However, the court has determined that there are two zones, an emergency response zone and a protective alert zone, around these particular

installations. They have indicated that the ERCB should consider persons living inside of the larger zone.

Mr. Hinman: Yes, but they've halted the industry. It's more vague words but, as usual, no action.

Mr. Speaker, Albertans deserve better. Our safety record in the oil and gas industry is one of the best in the world. This is about the people who work in the industry that is vital to our province. What actions is the Premier going to take to ensure the winter drilling program is not compromised and that thousands of men and women in the oil and gas industry have work this winter?

Mr. Stelmach: As the minister mentioned, this is with respect to sour gas licensing. Of course, the court has made a decision. I don't think the member wants this Assembly to go against the court decision. We respect the court, and we will work with the court to ensure that the ERCB follows the guidelines established by the court.

Mr. Hinman: That's true, Mr. Speaker, but we need to act quickly. We have a safe, reliable supply of natural gas to heat our homes, businesses, and public institutions. This government must stand up for the oil and gas workers of Alberta, who help provide us with safe, reliable, and certain supplies of clean energy. Is the Premier going to act and rectify this problem, or is he going to add to the instability by letting it drag out in the courts?

Mr. Stelmach: As I said, we're going to work with the court. Safety is a top priority for the ERCB. The court raised this issue. We'll deal with it in the appropriate manner. We can't go against the court, unless the hon. member feels that we should, but that's not what this government does. It doesn't break the law.

The Speaker: The hon. Member for Calgary-Currie, followed by the hon. Member for West Yellowhead.

Critical Electricity Transmission Infrastructure

Mr. Taylor: Thank you, Mr. Speaker. This government talks about desperately needing to move forward on Bill 50, but the public isn't convinced, and they definitely don't want to see their ability to raise concerns eliminated from the regulatory process. So what's the government's response? Spend taxpayers' dollars to buy advertising promoting the massive transmission construction the government wants to impose on the people of this province. To the Minister of Energy: why are you trying to sell this turkey to Albertans with our own money?

The Speaker: The hon. minister.

Mr. Knight: Well, thank you very much, Mr. Speaker. Bill 50 is a piece of legislation that's absolutely critical for the future of Alberta as a province and for the future of all Albertans in this province. What it does not do: it does not remove the rights of any Albertans to have their concerns heard before the Alberta Utilities Commission in open, public, transparent meetings that will be held in a courtlike setting and give everyone that wants to intervene the opportunity to do so.

Mr. Taylor: Maybe so, Mr. Speaker, but what this government is sure trying to do is convince every man, woman, and child in the province of Alberta through this taxpayer-funded propaganda campaign that the sky is about to fall and we're hours away from rolling blackouts if this whole shemuzzle isn't approved. To the

minister again: how much taxpayer money has been spent on this pro Bill 50 propaganda campaign?

Mr. Knight: Well, Mr. Speaker, this is very interesting because I think that the member opposite has indicated that he knows what this government is doing. He's never been in government. How would he know what we're doing?

Mr. Taylor: No, Mr. Speaker, but I have been in media, and I know something about the power of advertising.

The Premier has refused to properly refer Bill 50 to committee, stating that the appropriate place for debate is this Legislature. Good enough. If the government believes so strongly that this Assembly is the right place to have discussion on Bill 50 – and I wouldn't even fight you on that – why is he spending thousands upon thousands upon hundreds of thousands of taxpayer dollars to advertise its stance before debate even begins?

2:10

Mr. Knight: Mr. Speaker, I think that there's a responsibility not only of the government but of other players and stakeholders in this particular issue. It could be individuals like the Alberta Electric System Operator. Perhaps they have a mandate, some authority, and a responsibility to Albertans to tell Albertans what it is that they are going to build in this province for the province's future. That's all that's going out with respect to advertising. AESO have done this on a regular basis over the last number of years and will continue to inform Albertans.

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

Sour Gas Well Licensing

(continued)

Mr. Campbell: Thank you, Mr. Speaker. My questions are to the Minister of Energy. Right now people in my constituency of West Yellowhead are concerned over the ERCB ruling on the suspension of sour gas project licensing. My question is to the minister. Why has the ERCB suspended the issuance of sour gas licences?

Mr. Knight: Well, Mr. Speaker, you know, we did have a bit of an introduction into this question although it was much more kind of tangled up. Nevertheless, it's quite clear what this member is asking. The answer to the question is that there is a determination by the Court of Appeal that the ERCB perhaps should have considered additional people inside of a protective alert zone relative to these two or three pieces of infrastructure that are now in place. The ERCB needs to have an opportunity to look at what that means relative to moving forward. It does not stop them from processing any applications. What they cannot do at this point is give out licences; in fact, no threat – no threat – to Alberta's gas supply. We're talking about 69 pieces of infrastructure that are involved at this moment. I would suggest that in a couple of weeks this thing will be dealt with.

The Speaker: The hon. member.

Mr. Campbell: Yes. Thank you, Mr. Speaker. I think the minister answered my first supplementary question.

My second supplement to the same minister. Albertans are being hit hard in the oil and gas industry. I'm just wondering what assurances the minister can give hard-working Albertans who will be affected by this decision that it will be done in a timely manner.

Mr. Knight: Well, again, Mr. Speaker, the ERCB is taking this very, very seriously. It's an issue that they need to resolve in order to continue to move ahead with licensing and permitting of these types of facilities. As I have said, I believe that within a very short space of time they'll have an opportunity to look at their legal obligation with respect to the issue, deal with it, and then continue to give out the licences and permits, as they always have, in a very timely manner.

The Speaker: The hon. Member for Edmonton-Centre, followed by the hon. Member for Calgary-Fish Creek.

Wetlands Policy

Ms Blakeman: Thank you very much, Mr. Speaker. The Alberta Water Council's recommendations for a new wetlands policy have been on the minister's desk since September '08, and for over a year the minister has promised that the policy will be out shortly. Well, news flash: shortly does not mean more than 14 months later. As we continue to wait for the minister to actually do something, wetlands continue to be destroyed. My questions are to the Minister of Environment. When will the minister finally replace the inadequate, 17-year-old interim policy and start protecting Alberta's wetlands?

Mr. Renner: Well, Mr. Speaker, the member is accurate on one count, and that is that we do have an interim policy that has been in place, believe it or not, since 1992. So it is time that we develop a policy that applies to all of Alberta because that interim policy only applies in the white zone, only in the cultivated areas of the province. Everyone knows that there is increasing pressure now coming into the green zone, the rest of the province. It's a very complex, very complicated process. I can assure the member that we are spending an inordinate amount of time ensuring that we get it right before we come forward.

Ms Blakeman: Back to the same minister. Seventeen years. Given that Alberta has lost another 580 square kilometres of wetlands over the past year while the minister has hemmed and hawed over those recommendations, will the minister commit to replacing those wetlands that have now been lost and adopting the Alberta Liberals' no net-loss policy?

Mr. Renner: Mr. Speaker, I just wish it was so simple, and I wish that that would be something that this government could absolutely commit to. The fact of the matter is that there are wetlands that have tremendous environmental, ecological value, and there are other wetlands that, perhaps, don't have that degree of importance. It's ludicrous to have a policy that applies equally on an acre-for-acre basis across all forms and all classes of wetlands. I think that that is the crux of the issue, and that is where we're spending so much time, to ensure that we have a policy that recognizes that there are very valuable wetlands, that maybe no net loss is inappropriate because it doesn't go far enough.

Ms Blakeman: Dither, dither, dither, and we lose wetlands every time you dither.

The Alberta Water Council does great, great work, but if the minister never acts on their recommendations, what value are Albertans getting for their \$1.7 million investment in the council?

Mr. Renner: Mr. Speaker, the work that the Water Council does is invaluable in helping the government to formulate policy. But the fact of the matter is – and it's something that the opposition

members fail to realize – that the government is the policy-setting body, and ultimately this Legislature will deal with any changes in legislation that are required to develop that policy. That is the truth of the matter. It is a complex issue. Like everything else in the environment it's a balancing act: how do we maintain the balance between protecting the environment and ensuring that we continue to have economic growth at the same time?

The Speaker: The hon. Member for Calgary-Fish Creek, followed by the hon. Member for Calgary-Buffalo.

Influenza Antiviral Drugs

Mrs. Forsyth: Thank you, Mr. Speaker. Canada has a national stockpile of 55 million doses of two antiviral drugs, Tamiflu and Relenza. Both are effective in treating H1N1 flu virus. This stockpile is enough for all Canadians. Antivirals are recommended for the treatment of moderate to severe illness and for people who are at risk. My questions are to the Minister of Health and Wellness. Can the minister tell me how many antiviral drugs Alberta currently has stockpiled?

Mr. Liepert: Mr. Speaker, I don't have an exact number for the member, but I do know that I asked the chief medical officer of health that question about a week ago. He assures me that we have adequate supplies for all Albertans, that they are dispensed around the province. I do know that there have been situations where people have contacted our office and said that pharmacists did not have them in stock. I think this is a temporary thing as they reorder, but I am assured that we have adequate supply through the winter season.

The Speaker: The hon. member.

Mrs. Forsyth: Thank you, Mr. Speaker. Given that doctors currently are the only health care provider who can decide what treatment you get, will Alberta Health Services consider allowing nurses or paramedics to make those decisions so we're not filling up our emergency departments?

Mr. Liepert: Well, that was one of the initiatives behind the influenza assessment centres that have been set up in Calgary and Edmonton and are about to be expanded elsewhere around the province. Within those influenza assessment centres we have provided that nurses can prescribe. We've also taken the initiative that doctors, if they believe that it's an H1N1 situation, can prescribe by phone, and you don't actually have to go see your doctor. We've made some of those initiatives to try to ensure that it's as convenient as possible for Albertans.

The Speaker: The hon. member.

Mrs. Forsyth: Thank you, Mr. Speaker. Avenida clinic is in my constituency, and it's dealing with horrendous lineups, parking problems which are causing loss of business to merchants, and no public washrooms. Is there a plan going forward to deal with these problems?

Mr. Liepert: Yes, Mr. Speaker. The plan is clear: no lineups would be the preferred route. All things being equal, if Albertans over the next three or four days who fall into the various categories all don't come at once, we believe that we can serve Albertans throughout the province in the two categories that will be eligible in the next four

to five days without having any kind of lineups, because that was not a situation that we enjoyed.

2:20 Charitable Gaming Consultation

Mr. Hehr: Mr. Speaker, although Albertans expect restraint during the current economic downturn, the Solicitor General struck a committee comprised of three government backbenchers on September 10 to take a taxpayer-funded jaunt around the province and consult charitable organizations on changes to casino table revenue distributions. To the Solicitor General: in order to save money and protect charities, why didn't you refer this matter to the appropriate standing committee of the Legislature rather than sending these MLAs out, like a Monty Python sketch, in search of the Holy Grail?

Mr. Lindsay: Well, Mr. Speaker, that's quite the preamble. Interestingly, the hon. member talks about economics, and he's willing to send a policy field committee made up of eight or 10 members instead of an MLA committee made up of three members.

Mr. Hehr: Mr. Speaker, I've spoken to many charity organizations from Calgary and Edmonton, and these charities are worried that their portion of gaming table revenue will be dramatically cut to favour charities in rural communities. To the Solicitor General: despite this flying circus travelling around the province, has the decision already been made to transfer funds from urban to rural communities?

Mr. Lindsay: Mr. Speaker, the only decision that's been made is that we would go out and consult with those who are doing great work in our charities around the province and get their input on how we can balance this problem out.

The Speaker: The hon. member.

Mr. Hehr: Well, thank you, Mr. Speaker. Despite the Solicitor General's protestations a lot of charities think the fix is already in. On that note, I wonder if the Solicitor General can provide the rationale behind what are potentially devastating changes for Alberta's larger municipal charities.

Mr. Lindsay: Mr. Speaker, the only fix that's in is that the charities are giving feedback and indicating that they all want to work together to make sure we have a great model in this province.

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

Employment Standards for Sick Leave

Ms Notley: Thank you, Mr. Speaker. Last week, when the minister of employment was asked about sick leave and an impending pandemic, he referred us to workers' collective agreements. Now, while I agree that more Albertans should enjoy the benefits of union membership, this government's archaic, antiworker labour laws ensure that most do not. Instead, workers are covered only by the Employment Standards Code, which, as we've said before, does not protect their jobs if they get sick. I ask again: why won't the minister amend the code to bring Alberta in line with much of the rest of Canada and protect workers from being fired when they're sick?

Mr. Goudreau: Mr. Speaker, I'm not aware that there are a lot of other jurisdictions across Canada that do have that type of protection

in their legislation. As I indicated last week, there is no reason why workers or employers should wait till people get sick to talk about these issues and determine their possible individual solutions if and when the issue should arise.

Ms Notley: Unfortunately, Mr. Speaker, the solution when there are no rights in legislation is that you're fired if you take a day off. The fact of the matter is that most other jurisdictions do have that kind of protection.

Now, with your own health officials predicting that up to 35 per cent of Albertans will fall ill, liaising with and advising employers would be a prudent part of any pandemic plan. To the minister: in addition to bringing our employment laws into this century, why won't the minister, in the meantime at least, publicly call on all employers to honour the right of employees to take sick leave in the event that they fall ill?

Mr. Goudreau: Mr. Speaker, we do encourage employees to protect each other and to stay home if they are ill. But that's not only specific to H1N1. That's specific to any type of sickness at any time during the year. You know, additionally, if employers feel that they cannot deal with the employees and the employees feel that they've been mistreated or not properly dealt with, I encourage them to call our employment standards contact centre. There probably are other avenues that will be available or could be available to them.

Ms Notley: Well, Mr. Speaker, that's the problem. They'll call your contact centre, and they'll be told that there is nothing protecting them in our legislation. Meanwhile Albertans are told to stay home if they're sick, but they could lose their jobs if they do so. Employers are told not to ask for sick notes, but the government and AHS itself continue to ask their own employees for sick notes. They're told to stay away from other people so they don't spread the virus, and then they're forced into crowded waiting rooms full of sick people to get proof that they're sick. To the minister of employment. Alberta's workers need this government to display some common sense when it comes to their employment rights. Why won't you?

Mr. Goudreau: Mr. Speaker, I want to reiterate that there are very few jurisdictions, if any, in Canada that address specifically paid sick leave. You know, certainly, we again encourage individuals to sort it out before they get themselves into a difficult situation.

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

Support for the Homeless

Mr. Bhardwaj: Thank you, Mr. Speaker. Undiagnosed or untreated mental illness can lead to unhealthy behaviours, including addiction and in some cases criminal activities. These behaviours impact the individual and the community. My questions are to the Minister of Housing and Urban Affairs. What is being done in your ministry to help the homeless who have a mental illness?

The Speaker: The hon. minister.

Mrs. Fritz: Thank you, Mr. Speaker. One of the strategies in our 10-year plan, as you know, is to no longer discharge people from public institutions like hospitals or correctional facilities to live back on the streets. Two years ago we did establish the Pathways to Housing program. It has a hospital discharge team, and their responsibility is to provide housing first and then the supports that

people need to stay successfully housed. This team, as I've told you before, is highly specialized and provides service on a 24-hour basis. In June we added a second team, and that team houses people who are leaving a correctional facility who have a mental illness. They no longer, then, have to go back to live on the street.

The Speaker: The hon. member.

Mr. Bhardwaj: Thank you, Mr. Speaker. My first supplemental to the same minister: what concrete steps are being taken to ensure that this program is effective?

Mrs. Fritz: You know, Mr. Speaker, I have had this discussion with this member before. I can tell you, hon. member, that this program is very effective. In fact, it has a 100 per cent success rate because all clients have remained housed, they continue to work toward their goals, and the individuals are no longer required to be in a corrections system at all. I can tell you that the Pathways correction team works closely with the police, the courts, the correctional agencies to deliver the program. And the community is not at risk. I know that's one of your concerns, hon. member, but they're not at risk. Also, safety and stability is essential for clients so that they can recover and, as I said, so that they're no longer living on the streets.

The Speaker: The hon. member.

Mr. Bhardwaj: Thank you very much, Mr. Speaker. My final supplemental to the same minister: would the program which is being done in Calgary be brought to Edmonton?

The Speaker: The hon. minister.

Mrs. Fritz: Thank you, Mr. Speaker. I think this question is arising, hon. member, from your being at the Hope Mission launching of Immigration Hall this past week. I know that you have a keen interest in this program coming to Edmonton as the people from the homeless community here in Edmonton have been asking you that. I have been working with the Minister of Justice, who is doing excellent work through SafeCom. We're working with the Pathways to Housing team in Calgary, and we are in discussions as to whether or not that program can be extended to Edmonton, hon. member.

The Speaker: The hon. Member for Calgary-Varsity, followed by the hon. Member for Bonnyville-Cold Lake.

Grade 12 Diploma Exams

Mr. Chase: Thank you, Mr. Speaker. The Minister of Education recently removed the written portion from grade 12 math and science departmental exams. Parents and teachers are concerned that this decision won't allow students to demonstrate that they understand the reasoning process behind the questions they're answering. Last Thursday in the House the minister argued that the student scores in both the written and multiple-choice sections of the exam were relatively identical. To the minister: if this is the case, then why not eliminate the multiple-choice portion and leave the written portion?

Mr. Hancock: Well, Mr. Speaker, first of all, I should indicate that in the department we have experts in assessment, and they work with teachers across the province to develop valid and reliable exams. Test questions are created. They're tested. They're field tested. We're very confident that the exams that we have are, in fact, valid

and reliable, that they test knowledge. You can't guess and succeed. It's about a 1 in a billion chance of passing an exam by guessing. Multiple-choice and numeric response exams are a time-honoured way of testing. They are valid and reliable, and they're easy to make, to administer, and to mark. So it makes sense to use that form. Now, that doesn't mean that literacy in math and science is not important.

The Speaker: The hon. member.

Mr. Chase: Thank you. I'm not sure where out of the air the minister pulled that 1 in a billion statistic on multiple-choice exams.

The decision to strip the exams of written material appears to be purely a cost-saving rather than an educationally sound measure. If the minister is really looking to reduce costs, why doesn't he simply scrap the provincial exams altogether, as the Calgary board of education has recently recommended doing for grades 3, 6, and 9?

2:30

The Speaker: The hon. minister.

Mr. Hancock: Well, thank you, Mr. Speaker. The reason we do achievement tests at grades 3, 6, and 9 is so that we can report to the public about the efficacy, the value of the education system, whether we're succeeding or not. So we have provincial achievement tests. They serve a different purpose. They also can be used very well within the school system as one of the educational tools. But it's important to have that kind of assessment to understand where we're going. Now, can we change that? Absolutely we can change that. We're always open to discussion about more effective ways of doing things and more effective ways of using our resources.

It's not a question simply of saving money. It's a question of getting the best result and investing the resources you have in the most appropriate way to get that result. Going back to the diploma exams, if you're doing two exams and getting the same result, then perhaps one exam would be appropriate.

The Speaker: The hon. member.

Mr. Chase: Thank you. The minister knows very well and has spoken about the importance of diagnostic testing, with diagnostic testing done at the beginning of the year as opposed to when the students have left and don't get their results until three months later, when they're in a different division. I hope you'll consider this.

In the interest of reducing student anxiety while claiming to monitor student progress, will the minister at least consider reducing the 50 per cent value of these one-shot, two-hour grade 12 multiple-choice tests?

Mr. Hancock: Well, I think I heard the word "consider" in there, and so I'd have to say: of course. I've indicated to the system that we're prepared to consider anything. It's only appropriate to consider whether anything can be improved from time to time. The question that then has to be asked in terms of whether you should reduce from 50 per cent to some other number would be a question of how much weight should be placed on a provincial diploma examination in order to ensure that you have a consistent method of assessment across the province so that the marks that go on the diploma and that are used for scholarships and postsecondary application, et cetera, are fair to all students.

The Speaker: The hon. Member for Bonnyville-Cold Lake, followed by the hon. Member for Edmonton-Gold Bar.

Grade 3 Achievement Tests

Mrs. Leskiw: Thank you, Mr. Speaker. Last spring I brought forth private member's Motion 503, which urged the government to "eliminate provincial achievement tests for grade 3 students and consider alternative assessments for learning." On March 16, 2009, Motion 503 was carried. Teachers and parents across Alberta are wondering what action the government has taken pertaining to the elimination of grade 3 PATs. Mr. Speaker, my question is the to Minister of Education. What has this government done in re-evaluating the grade 3 PATs since Motion 503 was passed?

The Speaker: The hon. minister.

Mr. Hancock: Well, thank you, Mr. Speaker. Again an important question. We do have concerns from across the province, particularly at the grade 3 level, with parents and teachers saying that there's a high degree of stress placed on students. Firstly, I would say that there's absolutely no need for that stress. The assessment that we're doing in grade 3 is about reporting the results of the system. It has no effect on the students' ability to pass or fail, and it plays no part in the assessment of the teacher. It's a valuable tool. The question, then, is: if you're going to give up that valuable tool, what are you replacing it with? What are you going to use to get the type of information you need to assess the system and to help in the assessment of the students?

The Speaker: The hon. member.

Mrs. Leskiw: Thank you, Mr. Speaker. My first supplementary question is to the same minister. The grade 3 PATs cost the government approximately \$5 million each year. With the recent cutbacks in education could this not be a way to save money without affecting the learning of grade 3 students in this province?

Mr. Hancock: Well, Mr. Speaker, the entire program of provincial achievement tests for grades 3, 6, and 9 actually costs us approximately \$4 million. The grade 3 achievement tests account for approximately \$600,000 per year of that. Now, if you moved to diagnostic assessment as a tool or to some other tool for formative and summative assessment, one of the things that you'd know is that that will actually cost more money, not less. So while we are interested in designing better tools to do formative and summative assessment, we also have to be cognizant of the fact that doing it that way will actually cost more, not less.

The Speaker: The hon. member.

Mrs. Leskiw: Thank you. My final supplemental is to the same minister. Mr. Speaker, when can Albertans expect a definite answer regarding the status of grade 3 PATs? Will the grade 3s this year be expected to write them in June?

The Speaker: The hon. minister.

Mr. Hancock: Thanks, Mr. Speaker. We have had discussions with the ATA and with other stakeholders about the role of PATs at the grade 3 level and moving to a better tool for formative and summative assessment. That discussion is ongoing. We're looking at the various tools that could be used for that. It's important not to move, I believe, to cancel the existing tests, which do have value for the

system, until we know that we've got something to move to. The question really can only be answered by saying that if and when we have the new tool in place and are ready to engage in it, then we'll be in a position to cancel the old tests, or if we're certain that we're going to be able to move there, we can cancel the old tests. Will that happen by June? I don't know.

The Speaker: The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Cardston-Taber-Warner.

Cabinet Policy Committees

Mr. MacDonald: Thank you, Mr. Speaker. This government has five cabinet policy committees: on the economy, on health, on community services, on resources and the environment, and on public safety and services. Committee membership is reserved for PC MLAs only. Last year \$1.1 million was spent by these committees, an overexpenditure of 77 per cent from the budget. My first question is to the minister of finance. Is the cabinet policy committee system, which cost taxpayers \$1.1 million, ever used for partisan political purposes?

Ms Evans: Absolutely not, Mr. Speaker. It's against the law. We wouldn't operate that way.

Mr. MacDonald: Again to the same minister: then if that's against the law, why is the PC Party convention resolution booklet divided along the lines of those five cabinet policy committees?

Ms Evans: Well, Mr. Speaker, a good part of what we do in development of policy is consult Albertans. They're not just PC Albertans. They're PCs, but they're also people that have written to their MLAs or spoken to their MLAs. It's only logical that if people are going to consider some of those things at the convention, there would be some discussion, but it is not the primary reason for the business. Our primary reason is to get the information, look at the information from whatever source. We do not sit and function in a CPC for the pure purpose of discussing PC resolutions.

Mr. MacDonald: Again, Mr. Speaker, to the same minister: does the hon. minister consider it wrong that the taxpayers are funding \$1.1 million in total for these five committees, and they are being used this weekend at the convention in Red Deer to filter Progressive Conservative Party policy?

Ms Evans: Mr. Speaker, what an enormous distortion of the truth. Absolutely ridiculous to listen to this.

In fact, the kind of discussion that will happen this weekend is absolutely a partisan event, and if people have discussed at a CPC anything that deals with what's going to happen there, it's ancillary to the kinds of discussions that happen at CPCs. The thing that I find most offensive – the people of Alberta expect us to develop and refine policy. This is an opportunity for us to do this. But more than that, we have now got all-party committees that focus on a number of things, members' services, looking at regular and different issues. There's never been a Premier that has had such outreach to gather in the members of the opposition. Then they criticize the development of a policy at any one of our committees. I don't understand it.

The Speaker: The hon. Member for Cardston-Taber-Warner.

PDD Funding for Community Agencies

Mr. Jacobs: Thank you, Mr. Speaker. In its 2009-2010 budget Seniors and Community Supports had originally allocated \$24 million to help the community agencies who are funded by the Persons with Developmental Disabilities with staff recruitment and retention. However, this amount has been reduced to a one-time bonus payment of \$14.4 million. I have many constituents who are disappointed by this change. They are concerned that already underpaid employees are going to take their bonuses and look for work elsewhere, that this extra money will not help with staff retention. To the Minister of Seniors and Community Supports: why have you reduced this funding for staff recruitment?

2:40

Mrs. Jablonski: Mr. Speaker, I'm very proud to say that with this \$14.4 million my ministry has invested more than \$74 million to help contracted agencies hire and keep staff since '05-06. We are being responsible by balancing our commitment to staffing resources with managing the program's finances in light of the current economic situation. That is why we are retaining the rest of the funds until later, when we can reassess the situation.

The Speaker: The hon. member.

Mr. Jacobs: Thank you, Mr. Speaker. My second question is for the same minister, and it also relates to staffing. Minister, what has your ministry done to assist community agencies with their staffing challenges?

Mrs. Jablonski: Mr. Speaker, the PDD program has and continues to support the community disability services sector on their human resource strategy. This includes activities to support recruitment and retention of agency staff. As I mentioned before, an investment of \$74 million since 2005-06 supports the fact that we do appreciate the good work and efforts of our agencies and their dedicated staff.

The Speaker: The hon. member.

Mr. Jacobs: Thank you, Mr. Speaker. My final question is also for the same minister. It's obvious that agency staff are crucial to supporting persons with developmental disabilities, who are a vulnerable group of Albertans. However, some of these Albertans require an even higher level of support because of their complex needs. Question: what is the PDD program doing to keep up with the unique needs of these vulnerable Albertans?

Mrs. Jablonski: Mr. Speaker, PDD is a well-funded program. Funding for the program has more than doubled since 1999, while the number of individuals served has increased by about 21 per cent. As part of this funding this year's budget includes an increase to address the increasing complexity of clients' needs and caseload growth. Close to \$12 million is budgeted this year, with \$5 million for complex cases and \$6.8 million for caseload growth.

The Speaker: Hon. members, that was 94 questions and responses today. Two ministers have indicated their desire to add supplementary information to answers they gave yesterday. I'll recognize first the hon. Minister of Sustainable Resource Development, and as all know, once I recognize the minister, the individual who was raising the question with the minister yesterday is eligible to raise an additional supplement.

The hon. minister.

Grizzly Bear Protection

Dr. Morton: Thank you, Mr. Speaker. I'd like to clarify comments I made in response to the Member for Calgary-Buffalo's questions on grizzly bears yesterday. Yesterday I indicated that our DNA study is currently being peer reviewed by some participants from the successful Yellowstone park study. I'd like to correct that record to indicate that the peer review by grizzly bear experts, including a researcher from the Yellowstone team, was conducted on our entire grizzly bear recovery plan in 2007. A summary of that review is posted on our department's website. It is a different independent scientist who is currently undertaking a review of the results of the DNA study and other material as part of the review on the status of grizzly bears.*

Mr. Hehr: Well, thank you very much for those comments. I only caught some of them, but I guess that a question that's been on my mind and some other people's who study the grizzly bear issue here in Alberta would be: why aren't we listing them right now as a threatened species or a species at risk?

Dr. Morton: Well, the answer is: because they're not a threatened species and because we have half a dozen different initiatives, including something I forgot to mention yesterday, and that is the mapping of the primary core, primary and secondary grizzly habitats, which in conjunction with regulations that will be brought in under the amended Public Lands Act as part of the Alberta Land Stewardship Act will give greater protection from unregulated motorized access into those core grizzly habitat areas. So we're moving forward a very substantive policy change on this file. It doesn't require the type of action that he's suggesting.

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

Health and Wellness Executive Search Contract

Mr. Liepert: Yes. Mr. Speaker, yesterday the Member for Edmonton-Riverview asked me about a contract with a certain executive search firm relative to the search for the Alberta Health Services Board members. In my answer I said that the department had done an RFP. It shows you how unattached I was to what they were doing, because there was not a full RFP. What there was, which is not uncommon in these situations because of time sensitivity, was a request for submissions from about I think it's five or six executive search firms. I will at the appropriate time table the letter and the appendices that go with that letter, Mr. Speaker.**

The Speaker: The hon. Member for Edmonton-Riverview if you wish.

Dr. Taft: Yeah. Thanks, Mr. Speaker. I appreciate the minister being forthcoming. My concerns around this are somewhat related to the track record a previous minister of health had with a consultant named Kelley Charlebois and a series of violations of government regulation at that point. So I'd look to the minister of health of today to reassure us and back it up with documentation that all the rules as laid out in government procedures as well as recommended by the Auditor General were actually met in this particular case.

Thank you.

Mr. Liepert: Mr. Speaker, to the best of my knowledge they certainly were. As I said, I'll table at the appropriate time the copy of the letter and the appendices, and the member can have a look for

*See page 1698, left column, paragraph 6

**See page 1694, right column, paragraph 5

himself. I also would suggest that if the member somehow doesn't believe what is in these documents, he has the ability to FOIP additional documentation. We are somewhat restricted as to what we can supply unless a submission has been made for freedom of information, and we'd be happy to abide by that.

The Speaker: Hon. members, that will now raise the total, then, of questions and responses to 100 for today.

We'll continue the Routine in just a few seconds from now, when I'll call on an additional member for Members' Statements.

Members' Statements

(continued)

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

Agri-Trade 2009

Mr. Dallas: Thank you, Mr. Speaker. Every November for the past 25 years agricultural producers, exhibitors, and people from all over western Canada meet in Red Deer to showcase the ever-changing world of agriculture at Agri-Trade, and this year is no exception.

Agri-Trade is a partnership project between the Red Deer Chamber of Commerce and the Westerner Exposition society. This year the trade show is themed What's New in Agriculture and will run from November 11 to the 14 at Westerner Park. This year over 500 exhibitors will reveal the latest in research and development as well as improved production models and systems to help our ag industry with the crop year ahead. It will be a great opportunity to learn about the latest in GPS technology in addition to practical rural applications for green energy alternative power generation.

Organizers know the importance of keeping Agri-Trade fresh, meaningful, and practical for today's ag producers. Exhibitors are encouraged and rewarded for bringing new ideas and practical applications to the show with the prestigious ag innovation awards. The 2009 Agri-Trade ag innovation award winners and finalists will be recognized on November 11 at the Red Deer Lodge for their excellence in bringing innovative agriculture ideas to fruition.

I'd like to invite all members of this Assembly to attend the 26th annual Agri-Trade and join me in recognizing the farmers and exhibitors for their commitment, hard work, and dedication to this very important industry.

Presenting Petitions

The Speaker: The hon. Member for Cardston-Taber-Warner.

Mr. Jacobs: Thank you, Mr. Speaker. I rise today on behalf of the Member for Highwood to present a petition signed by 20 concerned Albertans from the High River area urging the government to grandfather all currently practising registered massage therapists to enable them to continue practising while upgrading their skills.

Thank you.

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

Mr. Denis: Thank you very much, Mr. Speaker. I rise today to present a petition to this Assembly of 122 names. The petition reads: "We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government to maintain the current policy for distribution of charitable gaming proceeds." Most of the signatures are from the Calgary area.

2:50

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

Ms Pastoor: Thank you, Mr. Speaker. I am presenting a petition today signed by 295 people from Lethbridge, Glenwood, Magrath, Raymond, Fort Macleod, Grande Prairie, Shaughnessy, Medicine Hat, Coalhurst, Warner, Stand Off, Picture Butte, and New Dayton in which they ask the government of Alberta to grandfather the rights and status of currently practising registered massage therapists and to ensure that their clients will be able to use their insurance in order to pay for massage services from current therapists.

Tabling Returns and Reports

The Speaker: Hon. Minister of Health and Wellness, did I hear you correctly? A tabling?

Mr. Liepert: Yes, Mr. Speaker. I want to table five copies of a letter I referenced earlier.

The Speaker: Additional tablings? The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. I have two letters that I would like to table today. The first is a letter dated July 16, 2009, from our office in Edmonton-Gold Bar to the hon. Minister of Health and Wellness asking for details on the accumulated deficit by Alberta Health Services of \$342 million and how this money will be paid back according to Alberta Regulation 15/95 of the Regional Health Authorities Act.

The second tabling that I have today is information. It's a letter dated July 16, 2009. It is a letter to our office from the hon. minister of employment and immigration in Ottawa, and it has to do with EI programs.

Thank you.

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

Mr. Hehr: Well, thank you, Mr. Speaker. I have a letter I'd like to table plus the appropriate number of copies. It was received at our offices, and it is from Ms Katie Rogers, a board member of Child and Youth Friendly Calgary who is very concerned about the changes that may be occurring to the charitable model as the casino funds could be changed in the upcoming months here in Alberta.

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. Mr. Renner, Minister of Environment, pursuant to the Environmental Protection and Enhancement Act the Environmental Protection Security Fund annual report, April 1, 2008, to March 31, 2009.

On behalf of the hon. Mr. Danyluk, the Minister of Municipal Affairs, pursuant to the Safety Codes Act the Safety Codes Council 2008 annual report; pursuant to the Government Organization Act the Alberta Boilers Safety Association annual report 2008, the Alberta Elevating Devices and Amusement Rides Safety Association annual report, April 1, 2008, to March 31, 2009, the Petroleum Tank Management Association of Alberta annual report 2008, and authorized accredited agencies activity summary 2006-2007 and 2007-2008.

Calendar of Special Events

The Speaker: Hon. members, this is my first opportunity to advise all members of what November is, what month it is and what day it is, what days there are and what weeks there are.

November is Adoption Awareness Month, Amaryllis Month – that's Huntington syndrome – the Christmas Seal Campaign, Diabetes Awareness Month, Family Violence Prevention Month. It's Prostate Cancer Month. It's the National Community Safety and Crime Prevention Campaign, National Health Food Month, Osteoporosis Month.

Then specific days in November. November 1 is World Vegan Day. November 1 to 7 is Down Syndrome Awareness Week, as it is National Pain Awareness Week. November 2 to 6 is Skilled Trades Week, as it is Pan-Canadian Paralympic School Week, as it is Media Literacy Week, as it is National Technology Week. November 2 to 8 is Canada Career Week. November 4 was Take Our Kids to Work.

November 5 is the International Volunteer Managers Appreciation Day. November 5 to 11 is Veterans' Week. November 6 is International Day for Preventing the Exploitation of the Environment in War and Armed Conflict. November 8 is World Town Planning Day. November 9 is International Day against Fascism and Anti-Semitism. November 11 is Remembrance Day. November 12 is International Creutzfeldt-Jakob Disease Day. November 12 is also World Usability Day. November 14 is World Diabetes Day.

November 15 is International PEN Day of the Imprisoned Writer, as it is World Day of Remembrance for Road Traffic Victims. November 15 to 21 is Bullying Awareness Week. November 16 to 20 is Geography Awareness Week. November 15 to 21 is also National Addictions Awareness Week, as it is National Marfan Awareness Week, as it is Restorative Justice Week. November 16 is International Day for Tolerance. November 18 is National Day of Remembrance for Road Crash Victims. November 19 is World Chronic Obstructive Pulmonary Disease Day, as it is World Toilet Day.

November 20 is Africa Industrialization Day, as it is Universal Children's Day, as it is National Child Day, as it is the 20th anniversary of the adoption by the United Nations General Assembly of the convention on the rights of the child, as it is Sir Wilfrid Laurier Day. November 21 is World Hello Day, as it is World Television Day. November 21 to 28 is YMCA World Peace Week. November 22 to December 6 is Opération Tendre la main. November 24 to 30 is National Home Fire Safety Week. November 24 to December 1 is National AIDS Awareness Week.

November 25 is International Day for the Elimination of Violence against Women. November 25 to December 6 is the White Ribbon Campaign. November 28, an interesting day, is Buy Nothing Day. November 29 is International Day of Solidarity with the Palestinian People. November 30 is Computer Security Day.

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

Mr. MacDonald: Yes, please, Mr. Speaker. I rise under Standing Order 13(2). That was quite a long list. Did the hon. Speaker miss a very important 30th anniversary date that's going to occur in November in the constituency of Barrhead-Morinville-Westlock?

The Speaker: Oh, well. We'll move on to Orders of the Day.

Orders of the Day

Government Bills and Orders

Third Reading

Bill 49

Municipal Government Amendment Act, 2009 (No. 2)

The Speaker: The hon. Member for Edmonton-Castle Downs.

Mr. Lukaszuk: Well, thank you, Mr. Speaker. What an immense pleasure to be able to rise and bring to third reading Bill 49. I have to start by thanking all members of this Legislature on both sides of the aisle for supporting this bill through both readings and Committee of the Whole. Also, I would like to extend my sincere gratitude to the community of firefighters, in particular their association, the Fire Chiefs Association, the Insurance Bureau of Canada, and, of course, any and all employees of Municipal Affairs Alberta who have collaborated in drafting this particular piece of legislation.

I need not describe this legislation in detail as it has been debated at length through the readings. But now, as of today, Mr. Speaker, and upon proclamation of this bill our firefighters will have the peace of mind knowing that they can do what they do best in goodwill without having to question their decisions, without having to worry about having litigation filed against them stemming from the work that they do in goodwill, saving our lives and saving our property. So once again I encourage everybody in this House to vote in favour of this bill.

Thank you.

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

Ms Pastoor: Thank you, Mr. Speaker. It is my pleasure and certainly an honour to be able to stand up and speak to this bill. I attend the firefighters remembrance day every year. We roll through the names, and as each name is read, the bell sounds. It is a very emotional ceremony, but it also points out that our firefighters don't just die from accidents; they also die from diseases that they can actually catch while in service. This bill doesn't have particularly anything to do with that, but I just wanted to mention how much we owe to our firefighters, who put their lives on the line for us every day.

Under the bill firefighters, fire departments, and municipalities will not be liable for damages caused by responding to a fire emergency. I guess my question is: how on earth did we ever get to this point? How did we really lose our sense of any common sense when we send people out to fight on our behalf, and then we have to worry about insurance companies fighting in the background?

Insurance companies appear to be running our lives. I think of mothers who would just love to throw a pile of kids in the back of their van and go down to a park and either have a picnic or whatever. They're terrified in case something happens because they might not have the right kind of liability insurance to take their kids down the road. How did we get to this situation? One of my hon. colleagues has mentioned lawyers. Isn't that funny? That's my next point. Really, the only ones that win in any of these kinds of situations are definitely the lawyers.

3:00

If insurance companies want to waste their money fighting each other – and we all know that insurance companies have many stables of lawyers on retainers – that's fine. Good for them. But I don't believe that public taxpayer dollars should be used to defend them in these insurance claims or however people are trying to claim against

the municipalities. These are municipal dollars. These are taxpayer dollars. This is the money that could well be spent on upgrading equipment, upgrading the skill levels, hiring extra firefighters, and retaining these very invaluable public servants that put their lives on the line for us. One of the amounts that appeared – I think it's Calgary and Edmonton. The lawsuits were seeking \$60 million in compensation. That's \$60 million that comes out of the taxpayer's pocket. I think it is, from that point of view, absolutely wrong.

It stipulates that someone is not liable so long as they're acting in good faith. Well, the cynic in me comes out when I hear that sort of stuff. What on earth would make us think that we have highly trained people, i.e. the firefighters, that would actually want to go out and harm people? That is not their training. That is not why they're there. I think that the average person in the human race actually wants to pay it forward. They want to go and help their fellow man because – you know what? – maybe further down the road they are going to need help.

I think this is a good bill. I think it's time that we protected those that give their lives to protect us.

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

Mr. MacDonald: Thank you. I appreciate this opportunity to say a few words about Bill 49. The first thing I would like to express is my gratitude to the hon. Member for Edmonton-Castle Downs for bringing this forward. I know he worked well in advance of the drafting of this legislation on the whole idea. I think firefighters certainly should be in the fire hall, hopefully responding to calls as they come in and spending less time with various legal teams going over what should or should not have been done on the last call. I appreciate the hon. member's efforts.

I also would like say on the record that another individual, a former fire chief in the city, Randy Wolsey, has worked very, very hard to bring this legislation forward. Certainly, it's been discussed at the Alberta Urban Municipalities Association among various other levels of government. Hopefully, this will resolve all the issues that have been discussed.

I would just like to particularly stand up and thank those individuals, the hon. member, and also the former fire chief of the city of Edmonton for the work that they have done on this bill. I certainly would agree with the hon. Member for Lethbridge-East that this is sort of a confusing issue, why firefighters aren't just being left alone to do their jobs and not have to worry about the legal implications. Surely, the insurance industry is getting by, and they don't need to second-guess our first line defenders that protect us all from fire.

Thank you.

The Speaker: Hon. members, that being the third speaker, Standing Order 29(2)(a) is available.

The hon. Member for Edmonton-Strathcona, then.

Ms Notley: Thank you, Mr. Speaker. It is a pleasure to be able to rise and speak to this bill. I think a number of participants have already spoken about the many benefits of the bill and the apparent craziness, of course, of firefighters having to go in and recount the reasonability of an action they took in the course of trying to deal with an emergency in very stressful situations. That whole process, of course, does strike one as being quite inappropriate, so to the extent that this negates that, that's a good thing.

I know it's a late date for a question, so I'm going to simply talk about it a little bit and hope that maybe the members opposite might find some way to include an answer in the course of their ultimate

statements on it. My only concern that I guess I have about this bill – I hope I'm wrong, and alternatively if I'm not, I hope there's a willingness on the other side to look at returning to it if it becomes a problem – is that by limiting the liability to the body, so saying that where there is good-faith action, all that kind of stuff, the firefighters will not be liable, what you don't do is negate somebody's liability for actions of the firefighters.

This wasn't actually, I think, necessarily something that lawyers generated; I think it was insurance companies that generated it. Insurance companies that didn't want to pay out would turn around and go after the firefighters in a way to say, "Wait a minute; you know, we paid for this, but it wasn't our decision to dump X amount of water onto this," and all that kind of stuff. They try to limit their liability by mischaracterizing the actions of the firefighter. That's not good, so I certainly appreciate that the firefighter ought not to be drawn into this.

The concern becomes whether what happens is that the litigation then ends up being between the insurance company and the homeowner, let's say, for example, where the insurance company says: "Well, in fact, we would pay it, but this damage arose because the firefighters went nuts. They were doing it all in good faith, but it really wasn't the best course of action, so for that reason we are not going to pay out X or Y percentage, because of the firefighters' enthusiasm in terms of fixing the problem." Then what happens is that it actually turns into litigation between the consumer, the insurance purchaser, and the insurance company, and actually, interestingly, the firefighters still get called into it to give evidence one way or the other. They're not liable, but ultimately the people who shoulder it are the consumers who have bought insurance.

I would have thought that maybe the better way to craft the act would have been to have said that damages that arise from the good-faith efforts, blah, blah, blah, are not subject to lawsuit or whatever, that kind of thing. You identify the damages as opposed to the perpetrator so that you don't still have different parties fighting over the same thing. That is my concern. I absolutely appreciate much of the best intentions behind the bill, but I worry that we may inadvertently be shortchanging the consumers of insurance, the homeowner, the person who has the fire, for instance. I would have preferred to have seen the liability eliminated as opposed to the holder of the liability being limited, if that makes sense.

Anyway, those are my concerns, and I look forward to hearing maybe some comments back on that issue from members opposite. Notwithstanding that, I believe the hon. leader of the third party has already suggested that our caucus will be supporting it, and we will be, but I certainly hope that there will be some attention paid to this additional issue in the future and some consideration given to remedying that problem if it should arise.

Thank you.

The Speaker: Hon. members, Standing Order 29(2)(a) is available.

Mr. Lukaszuk: Mr. Speaker, I won't be rising again on this bill as I will be asking for the question at the end of this debate, but just to address the comments by the hon. Member for Edmonton-Strathcona, individual firefighters under the Alberta Municipal Government Act are already protected. Any employees of the government of Alberta and/or any municipality who are performing any duties that are relevant to their employment are not subject to any litigation; the employer is. In this case we are sheltering the employers, being the fire departments. No fireman or firewoman out there should have to be concerned that now they individually will be litigated against as opposed to the fire department or the municipality. Those loops now are effectively closed.

3:10

Now, what insurance companies choose or choose not to do relative to the actual policyholder or homeowner is something that we cannot address through the Municipal Government Act. That act is not relevant to it. Obviously, the Member for Edmonton-Strathcona knows, being trained in law herself, that under tort litigation if there are grounds under which a statement of claim can be laid, obviously insurance companies can still proceed against other parties. My goal in this bill, Mr. Speaker, was to protect firefighters, fire departments, and municipalities so that taxpayers don't pay out and they can peacefully do their work.

Thank you, Mr. Speaker.

The Speaker: Standing Order 29(2)(a) is still available. Additional speakers?

Shall I call on the hon. Member for Edmonton-Castle Downs to close the debate?

Mr. Lukaszuk: Thank you, Mr. Speaker. I will ask for the question.

[Motion carried; Bill 49 read a third time]

Government Motions

The Speaker: The hon. Government House Leader.

Select Special Auditor General Search Committee

19. Mr. Hancock moved:

Be it resolved that a Select Special Auditor General Search Committee of the Legislative Assembly be appointed consisting of the following members, namely Mr. Mitzel, chair; Mr. Lund, deputy chair; Ms Blakeman; Mr. Campbell; Mr. Lukaszuk; Mr. MacDonald; Mr. Marz; Ms Notley; and Mr. Rogers, for the purpose of inviting applications for the position of Auditor General and to recommend to the Assembly the applicant it considers most suitable to this position.

- (1) The chair and members of the committee shall be paid in accordance with the schedule of category A committees provided in the most current Members' Services Committee allowances order.
- (2) Reasonable disbursements by the committee for advertising, staff assistance, equipment and supplies, rent, travel, and other expenditures necessary for the effective conduct of its responsibilities shall be paid subject to the approval of the chair.
- (3) In carrying out its responsibilities, the committee may with the concurrence of the head of the department utilize the services of members of the public service employed in that department and of the staff employed by the Assembly.
- (4) The committee may without leave of the Assembly sit during a period when the Assembly is adjourned.
- (5) When its work has been completed, the committee shall report to the Assembly if it is sitting. During a period when the Assembly is adjourned, the committee may release its report by depositing a copy with the Clerk and forwarding a copy to each member of the Assembly.

Mr. Hancock: Thank you, Mr. Speaker. Obviously, we have had an indication from the Auditor General that he would be retiring, and it's appropriate to move forward now to set up a committee. The members that are being put forward are members who sit already on the Standing Committee on Legislative Offices.

The Speaker: Additional comment from anyone?

[Government Motion 19 carried]

The Speaker: The hon. Government House Leader.

Evening Sitings

20. Mr. Hancock moved:

Be it resolved that pursuant to Standing Order 4(1) the Assembly shall meet on Monday, Tuesday, and Wednesday evenings for consideration of government business for the remainder of the 2009 fall sitting unless, on motion by the Government House Leader made before 6 p.m., which may be made orally and without notice, the Assembly is adjourned to the following sitting day.

Mr. Hancock: Thank you, Mr. Speaker. We have a considerable amount of business on the agenda. We know that Bill 50 is of significant interest to people and are anticipating that there will be a lot of members who will want to speak to that. We had more members than I anticipated that wanted to speak to Government Motion 16. It's prudent to plan to have the time available so that the business of the House can be properly dealt with.

The Speaker: Hon. members, under Standing Order 4(1) this is a nondebatable motion.

[Government Motion 20 carried]

Government Bills and Orders Second Reading

Bill 48 Crown's Right of Recovery Act

[Adjourned debate November 3: Mr. Chase]

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

Ms Blakeman: Thank you very much, Mr. Speaker, for the opportunity to speak in second reading to Bill 48, the Crown's Right of Recovery Act. I find this bill really frustrating because here was a really good idea that had a lot of support and a lot of support outside of this Chamber; that is, specifically parts 2, 3, and 4, which would have enabled the province to go after third parties. It's called third-party liability. Specifically, this was around tobacco products. We had something that people in the House and outside of the House were really interested in. For some reason, well, certainly unknown to this member – I sure hope it makes sense to the other side – they decided to marry an additional piece to it. That is part 1 of this act, which is about chasing down criminals to make them pay for a right to recover health costs.

I don't know why they would put these two things together, but they did. I don't know if they were trying to be cute – I hope not – but I think that they tied something that is important and credible to a piece of political theatre. Certainly, in reviewing the media reaction to the proposals when this bill came out from the minister of health, that's what it is. It's political theatre. It's playing into a Conservative agenda to look tough on crime. You know what? I'm supportive of a number of measures to actually be tough on crime, but I'm not very supportive of political theatre to appear to be tough on crime, and that's what we've now got in this bill.

You know, when I had a call from a community member who runs one of the agencies that is trying to stop smoking and stop the effects of smoking and a number of other things, here he is going: "Please,

please, please, will you support this bill? We understand it's got this part 1 to it, and we're not too keen on that, but please don't let that stop you." Well, he understood immediately the problems that were created by this little piece of political theatre.

Let me go specifically into the background here. You know, let me talk about some stuff that could be done and that has been proven to be effective if we want to actually cut down on crime. We can talk on the social justice side, and then we can talk on the punishment side of things as well. I know my colleague from Calgary-Buffalo is going to speak to this as well. He has a keen interest in being tough on crime, and he's got some things to add to this discussion.

Here are some of the things that can be done that we know work. It's things like literacy. It's things like housing. It's things like drug treatment. Here's an example of where the government did do something right, where they instituted the drug treatment courts, where someone who's appearing before the courts – and it's really around drug use which is contributing to an individual's participation in a number of crimes, generally petty but very time consuming to the system. You know, diverting into a drug treatment court is very effective: very cost-effective, very effective for the individual, very effective for society.

If you actually want to do something that's going to cut down on crime, get involved in something like that. But to get us involved in something where we're now going to try and chase down somebody that has been, first of all, convicted of a crime, and then we're going to try and chase them down and get court costs from them for whatever health costs this crime incurred in the health system – you know, the minister has made the point that not all criminals are poor. Fair enough. Not all of them are, but a lot of them are. How much money are we going to be willing to spend for our Crown prosecutors to chase down a bunch of low-lives who don't have that much money so that we can extricate what little bit of money they do have from them? What is the point of that?

Secondly, we want to chase down people who do have some money that we can extricate from them. Again, where is the systems audit on this? Where is the business case that actually shows me that this is worth while doing aside from some sort of, well, political theatre, some sort of gimmick to show the world, to wave the flag that this is a government that's tough on crime?

3:20

What I see here is a government that wants to spend taxpayers' money in order to make people believe that they're tough on crime, but how is chasing down a criminal – make sure that they've been convicted – for costs that they incurred in the health care system actually going to change anything except for some sort of after-the-fact punishment? The likelihood that significant monies would be recovered to actually be worth the expenditure of monies to obtain that money to me seems to be very small, but I welcome the business case if the government can produce one. Frankly, I haven't seen it so far, and this bill has been on the Order Paper since the spring, so there's been plenty of time to produce that evidence.

Legal aid is another issue that's in here. It would be truly a stroke of genius from the government if we end up with the government spending money through the Crown prosecutors to chase people for this money and then end up with people qualifying for legal aid to be able to fight the Crown prosecutor's case back again. The taxpayers of Alberta will end up paying both sides of the same case in which we're trying to extricate money from someone who may or may not have it.

You know, it's one thing to go after drug barons who demonstrably have yachts and houses and jewellery dripping off of them, but who are the preponderance of people that are involved in crime?

They get caught because they're stupid, and if they're stupid, what is the likelihood that they are really effective businesspeople and are racking up a lot of money through their particular crimes that we can then obtain when they somehow end up in hospital as a result of this crime?

Not too keen on part 1, as you can tell, Mr. Speaker. Parts 2, 3, and 4, on the other hand, are something that we had all been looking forward to, actually. The idea that we can enable legislation that gives the province the ability to launch a lawsuit against a tobacco company and recover the cost of health services for treating tobacco-related illnesses and disease is a good one. We have seen that there is a business case for that one. It has played out in a number of other places.

We'd in fact be joining seven other provinces in legislating this ability to recover costs. We've got British Columbia, Ontario, Saskatchewan, Manitoba, Nova Scotia, Newfoundland and Labrador, and New Brunswick. Out of those, we already have two that have launched lawsuits against the tobacco companies, and that's British Columbia and New Brunswick. We've had the constitutionality of this tested, and it appears to be holding up whereas I have severe reservations that the constitutionality of part 1, in fact, would be able to make it through a Charter challenge or a constitutional challenge.

How do we benefit? How do Albertans benefit from something like this suit against tobacco companies to recover the cost of health services? I think there's an argument about justice, to be able to hold them accountable for the wrongful behaviour; there's a disclosure argument, to be able to get at internal documents; there's a possible compensation argument, compensation for those health costs, which again come back to the taxpayers; and I think also an argument that would encourage companies to change their behaviour through an incentive or a disincentive program – one would argue this is a disincentive program – through getting them to stop acting in a way and promoting people purchasing their products. You know, we've got some good ideas to be doing the sections around the third-party liability.

One of the interesting parts of this is retroactivity. It looks to me that in section 50 of the bill – and I know that in second reading I'm not supposed to be going and doing a sectional analysis – there is no limitation to the retroactivity of this legislation, which is an interesting point because if this applies to both part 1 and parts 2, 3, and 4, we've opened quite a Pandora's box there. I'm interested in hearing from the sponsor of the bill if they can clarify that one.

I'd really like to support this bill.

Mr. MacDonald: But you're reluctant.

Ms Blakeman: Well, I don't know why the government chooses to do this. There must be method in their madness, but truly all I can see is the madness of this. Other than the theme of chasing down someone who's done something wrong in order to get costs, the difference between a third-party liability situation with multinational tobacco companies and chasing down crooks to try and recoup some kind of cost to the health care system, I think, are worlds apart. For me the likelihood and the scale of what we are talking about here makes the argument.

I'll be looking to see how others are reacting to this legislation. I mean, clearly, the government has enough votes to pass this bill, but I'm interested in that business case. I'm interested in what kind of policy documents, what kind of background information, what kind of commission studies they looked at – and maybe they can table them so that we can all see them – to decide that this was a good idea. It looks to me like something that came fairly off the cuff. They thought it would look good and they would just throw it

in. As a result, they've now created a less than optimum situation.

I know that my colleague from Calgary-Buffalo does want to speak to this, so I'm going to make way for that, but just one final observation. We do end up with a number of people in our system who are either committing crimes as a result of drug addiction, which, frankly, doesn't make them a great person – it makes them a drug addict and kind of stupid, in my opinion – but also people who have mental illness. I would argue that I think there would be a disincentive here for pleading guilty to those crimes if they know that with that guilty plea they are then going to be pursued for some sort of cost repayment. There's a disincentive there.

I was speaking earlier about incentives and disincentives to change behaviour. There's been a lot of work done in the court systems to try to get people to plead guilty and save us the cost of a court trial, and here we've created a situation which is a disincentive to pleading guilty to a particular crime because as soon as they do, assuming that there have been health-related costs here, they're going to get nailed with somebody chasing them for a payback of those costs. So there's another example of where we've created more money, or at least not saved it, in order to pursue this fairly narrow avenue with the fairly unlikely outcome of being able to recoup the amount of money that was spent on those original health costs.

A couple of observations. Thank you very much, Mr. Speaker.

The Speaker: Standing Order 29(2)(a) is available.

Did the hon. Member for Edmonton-Strathcona catch my eye on this matter? Then the hon. Member for Calgary-Buffalo.

Ms Notley: Thank you. I appreciate the opportunity to rise and speak to this bill in second reading, the Crown's Right of Recovery Act.

As has already been stated, this is a bill that is sort of like a poison pill. There's a good piece in the bill, but then there's a piece within the bill which is very, very problematic. You know, I don't actually think it was accidental; I think it was done on purpose. It's really quite frustrating because there's one very good policy objective which is reflected in this bill and one very, very bad one.

3:30

To speak about the good policy objective first, the whole question of having the ability to sue tobacco companies for the costs of health care that are incurred by our health care system in treating people who suffer from smoking-related illness and disease, I can say that I was actually very privileged, in fact, to have been part of the Attorney General's office staff in B.C. in the late '90s, when we were first sitting around the table there talking about whether this piece of legislation ought to be introduced and whether this type of thing ought to be pursued. In fact, it was the B.C. government that first initiated this process across the country. It was very interesting sitting behind the first row of people at the table and taking notes, listening to these very thoughtful legal minds talking about the degree to which this issue would fly in Canada. Ultimately it was determined that we could proceed with it, and we did. Then, of course, years and years and years of litigation by the tobacco companies have resulted in only a relatively recent decision of the Supreme Court of Canada to pursue the matter or to at least give governments the opportunity to pursue the matter.

We know that hundreds of millions and indeed billions of dollars have been recovered from tobacco companies in the U.S., so we know that it is a worthwhile project to pursue this avenue of recovery. Let's be clear: tobacco companies are not themselves the patients. They are simply the companies which profit off the sale of an addictive and very, very unhealthy substance, so it makes perfect

sense that at this point we might start looking to them to help defray the many, many costs which we experience within our system as a result of people becoming addicted to tobacco.

That's why, of course, we completely agree with this piece of legislation and, in fact, have called on this government in the past repeatedly to bring in this type of legislation, so that part of the legislation is very good. The problem, of course, is that it's tied to another piece of legislation or another initiative which is deeply, deeply disturbing. It's all very sort of easy and convenient to take yet another swipe at criminals in one of those superficial, populist attempts at making political points.

What, in fact, is happening with this piece of legislation represents a very, very significant attack on some very, very important principles, both legislative as well as political, not only in this province but across the country. The idea that we can introduce into what should be a universal system of health care the notion of fault-based responsibility on the part of the patient is fundamentally the top of a very, very slippery slope because that's what this legislation would do. Patients who have through a criminal act incurred health care costs will now have to pay back the system, and that is, in essence, a fault-based assessment of their entitlement to universal health care. Once you start down that road, you know, today it's criminals; tomorrow it's drinkers; the day after it's obese people. I mean, who knows? Right? It's a fundamental principle.

Ms Blakeman: Skiers.

Ms Notley: Absolutely. Skiers, mountain climbers. There's a spectrum, and once you decide it's okay to examine that spectrum, then there's really no clear limit that's placed on it. All you need is to have the public sufficiently concerned about that particular group of people at that particular given time, and then, yay, you've got the ability to add them to the list of people who may not be entitled to public health care or universal public health care.

The other point that needs to be made, which has already been made but which is really important, is that if you look at the profile of criminals in Canada, if you look at the profile of people who currently occupy our remand centre and our prisons, we know that they are disproportionately aboriginal. We know that they are poor. We know that they have a disproportionate connection to a dysfunctional child welfare system. We know that about a third of them suffer from untreated, undiagnosed, unidentified mental illness. This is the profile of the people that this government wants to spend a bunch of money going after.

It doesn't surprise me. It doesn't actually fall too far outside of the general sort of approach to issue management that this government adopts. You know, we stand up for the poor put-upon oil company, and if we can find a way to go after someone that doesn't have any money yet another time, we'll do it. Nonetheless, it just don't make sense. It doesn't make sense from a pragmatic point of view because, of course, most of these people don't have the money, and I would suggest that most people understand the nature of our justice system and our criminal system well enough to know that the simplistic, reactive "Oh, chain them up and throw them behind bars and also hit them with a bill" kind of approach to managing justice issues is absolutely not the effective way to go.

It's interesting. I heard the hon. Attorney General on the radio this morning talking about some very progressive initiatives that the government is undertaking, the underlying assumption of which is that criminals aren't born, they're made, and that if we're really going to really reduce crime and criminal activity, we need to get into the communities and we need to support the families and the criminal before they become a criminal. Then if they do actually

engage in a criminal act, we need to come up with less punitive and more rehabilitative mechanisms to change their course so that they can become contributing members of society. These were very progressive, well-thought-out points that were being made, yet, you know, good luck doing that while we're also mailing them a bill for their broken arm or their surgery or their stab wound or whatever it is. I mean, it just doesn't really all seem to come together in a very well-thought-out kind of way. It's this particular piece of legislation that, I would say, represents a very unfortunate wrong turn off a path that otherwise might actually bring about some good results.

Those are sort of our general comments on this bill as they stand now. We'll get into it in more detail. We absolutely cannot support a bill that would fundamentally undermine universality and which adopts such an ineffective, punitive response to the issue of trying to reduce criminal activity and making our communities safer and, ultimately, which also appears to be, at the very least, a cost driver, something that incurs costs as opposed to saving costs.

Anyway, those will be all our comments at this point. Thank you.

The Speaker: Hon. members, Standing Order 29(2)(a) is available. Comments, questions under 29(2)(a)? The hon. Member for Calgary-McCall.

Mr. Kang: My questions are to the member who spoke last here. How successful will the government be in suing the tobacco companies when they are taxing cigarettes? You know, how long will the lawsuit take? There's a precedent in the U.S. – the governor won – but how many years will it take and what kind of money will it cost, in your opinion, to sue the tobacco companies?

3:40

The Speaker: Hon. member, do you choose to respond?

Ms Notley: Only to say that I haven't done all the research on that, but I do believe there's tremendous potential to recover great amounts of money notwithstanding the important points made by the member, which I'm sure the tobacco companies themselves might also raise. But I still think there is merit to that element of the bill.

The Speaker: Additional questions or comments under 29(2)(a)? Then the hon. Member for Calgary-Buffalo to continue the debate.

Mr. Hehr: Well, thank you very much, Mr. Speaker. It's my pleasure to rise and speak on Bill 48, Crown's Right of Recovery Act. It is particularly advantageous to me to go after two very well-thought-out speakers prior to me, who have given me much to think about and had many good arguments as to why this bill has both positives and negatives attached to it. I, too, will start with what I see as the positive in this bill.

If we look at the part of this bill which is directed towards suing tobacco companies for recovery of tobacco-related health costs, this is one of those things that has been long awaited, I believe, in Alberta both by people who have watched the litigation happen in other provinces as well as in neighbourhoods south of the border.

There is no doubt that tobacco companies have made a great deal of profit basically selling an insidious product that gets people addicted and has significant consequences for them. Yes, there is a choice element to that. However, at the end of the day if you're in business, the government has put you in business. You still have costs associated with doing business, and the costs associated with being in the tobacco business are paying for the health-related costs that they incur. This is going to be a way for our government to get its hands on a recovery of some dollars that they've expended on

both trying to keep Albertans alive and in some cases, in many cases, trying to keep people comfortable as they die from tobacco-related illnesses.

Going back – and this is some time – both my grandparents on my father's side passed away from what I believe were most likely tobacco-related incidents. My grandfather passed away at about 72 of cancer and my grandmother at about 65 from a massive heart attack. Both of them, as well as loving me, loved cigarettes immensely, and they'd smoke a couple of packs a day. There is no doubt there was a certain amount of choice to it, but at the same time when they were growing up, they were addicted and maybe not aware of some of the challenges and difficulties of, I guess, getting off those products. Needless to say, I think it's long overdue that our province should go back and get some of those health care costs afforded by an industry that has, I guess, to a certain extent preyed on people's weaknesses. Like I said, this is long overdue.

If we look at the other part of the bill, that I have more trouble with, it is the argument that people who are charged with a criminal act or found guilty under an act and have incurred medical expenditures to someone else are going to be liable for paying these services. At first blush, second blush, third blush I think anyone who looks at this bill will no doubt recognize it for what is, political grandstanding. When people hear it without thinking about the consequences, they'll say: yeah, this is great; a criminal shouldn't get away with that. They may say that at first blush. When they think more about the ramifications for, I guess, society, for the betterment of our province, for the betterment of us going forward as a collective people and as neighbours and friends with children, or whatever the deal is, this doesn't appear to be very good legislation.

It flies in the face of what many of our forebears and many people in Canada still believe, that the greatest thing about Canada is the universality of our health care system. It doesn't matter whether you're a smoker or a drinker or if you're a young criminal or an old criminal; somehow, if you need health care, it's going to be available to you. I think this legislation before us infringes on this principle of universality.

I guess it is very easy for us to say: yeah, criminals are the people who we are going after; they don't deserve this type of treatment; they don't deserve getting health care. I tell you what. If we take a long look in the mirror, maybe sometimes there are some of us in this room that may not deserve health care on some days. Nevertheless, you know, but for the grace of God there go I, and right now I can get some health care. Everyone in this room I think can get health care, but there may be a day and a time when – you never know – the shoe may be on the other foot.

Many of the people who find themselves in front of the criminal justice system are not only poor but young, maybe 18 to 25. They find themselves involved in a racket or a situation where they've done something wrong. After spending some time in jail, after doing a five- or six-year stint for something they did while drunk or high or just being stupid, the next thing you know, they come out. They went to prison. We try to do all these decent things for them in prison. We talk about, you know, giving them some opportunities to go back to school and all that stuff. The guy comes out at 25 or 26 and, lo and behold, there we are with another half million dollar fee for them to pay off. How does that really lead to that person getting on with his life?

I know these are difficult things, and it's not always black and white. But I think that in this case we're better off thinking about those things and thinking about the ramifications of what the greater principle is towards the universality of things and why they came into effect in the first place. We weren't casting judgment, so we weren't castigating people who are poor or rich, black or white, who

are walking this way or walking that way from being refused health care.

There are a few other points I would like to make, adding onto that general theme. Not only are people more subject to being involved in the criminal justice system when they're young but also when they've had a mental illness, when they've had a drug addiction, when they've come from broken homes, yada yada yada. Let's face it. It's easy for us to pick out, you know, some of the more high-profile cases of people who, I guess, we always think of when we make this kind of legislation. But if we think about the fact that a lot of these people do have problems and that by coming out of a system – is our society going to be better off or worse off because of it? Well, I'd suggest that in this case we'd probably be worse off.

3:50

Furthermore, I really appreciate the comments of my colleague from Edmonton-Centre. Where's the business case? If there was a business case that this would actually save taxpayers some dollars and not be political theatre, well, hey, that's another thing.

Hey, I'll support this government. If they want to get tough on crime and hire as many police officers as they want, fair enough. Tell you what, dude: go nuts. Let's prioritize. Let's do things. Let's catch up our policing numbers to what they are in Toronto, Vancouver, Montreal, places like that, to a population per capita number that's reasonable. Let's face it, guys. If you're worried that you're looking soft on crime, that's where you really do it. Yeah, you can get some headlines with this for a couple of days, and you can flog it out to whoever you want, but it appears to me to be bad legislation and not well thought out.

Those are some of the things. I'll support you all the way in your wanting to go nuts on crime by hiring the correct police officers, by keeping people in jail, lobbying for long offences, and all that stuff. Anyway, that's where I am.

Now that I got sort of done with that part, I do have some other news to bring to the forefront here, whether it's news or a procedure. It is an amendment. If it is possible, sir, I'd like to have that distributed. Thank you very much.

The Speaker: Just wait a second, sir, while the pages distribute this amendment, including one up here so that I know what you're talking about.

Mr. Hehr: Do you mind if I read that into the record, Mr. Speaker?

The Speaker: You can proceed.

Mr. Hehr: Thank you very much. For those following along at home, my amendment reads that "Crown's Right of Recovery Act be not now read a second time but that the subject matter of the bill be referred to the Standing Committee on Health in accordance with Standing Order 74.2."

The Speaker: You're on the amendment. Do you have anything further to say on it?

Mr. Hehr: Yes, I do.

The Speaker: Proceed.

Mr. Hehr: Right now the Standing Committee on Health has no legislation before it. With this proposed legislation I think there's been an admission by the Minister of Justice – and she may wish to

comment on this amendment – that this could be fraught with legal challenges, that this could be an expense to Alberta citizens and may in fact delay things going forward if we don't send this to the committee on health to really discuss it, to vet whether this is the right thing to do for Albertans.

I think it really would allow us to discuss whether recovering the costs from criminals would violate the Canada Health Act. We could maybe spend some time, bring in some people with knowledge on that who would be able to discuss it. We could also bring in some groups in the community to see whether that's really where we want to go here in Alberta with fighting crime and to hear from them whether this is a way for us to fight crime or whether we should concentrate on other more traditional methods. I think it would be an excellent opportunity to put the all-party committees to work, which is what they're meant to do, and it would be a great discussion piece. It looks like the rest of the bill, that everyone here spoke positively of so far, would sail through, and we could go from there.

I invite other members to support this legislation, and I invite some other members to say why or why not they would find this amendment appropriate.

The Speaker: Hon. members, we're now dealing with an amendment. The amendment document says June 2 on it. That's incorrect. The amendment was moved on November 4, 2009. That's a minor matter of bookkeeping, so that's appropriate.

We're now on the very fine line of the amendment, which is a referral amendment.

Ms Blakeman: Thank you very much, Mr. Speaker. I'm rising to support the Member for Calgary-Buffalo in his amendment to refer Bill 48, Crown's Right of Recovery Act, to the Standing Committee on Health. For a couple of reasons I'm willing to support this. I'll admit that this creates somewhat of the same dilemma we had earlier in that it will slow down the passage of this bill, which I think a number of us are unhappy to see. Nonetheless, in order for me to be able to support the bill in the state that it's in, with part 1 attached to it, I need some information that's not forthcoming from the members in the Chamber. So I would be looking for it to be referred to the Standing Committee on Health with the hopes that they would invite certain stakeholder groups in to present to us on the feasibility of part 1.

[Mr. Lund in the chair]

I mean, I would be interested in hearing from John Howard Society, for example, or Elizabeth Fry Society on how likely this part 1 would be to be successful given their particular knowledge of people who end up being incarcerated. Of course, John Howard works with people both inside and outside of the corrections system, but they certainly have a very specific expertise, as does Elizabeth Fry.

I would like to hear from the experts that work with our aboriginal populations, which is another group, as my colleague from Edmonton-Strathcona mentioned, you know, that is overrepresented in the inmate population and in the remand centres as well in Canada.

I'd like to hear from advocates for the mentally ill about how likely this is to be successful. Are we dealing with, perhaps unbeknownst to me, people that end up being convicted and serving time, that have a mental illness and have a whole pile of money that I haven't been aware of, having served many of those same people as my constituents for a number of years? Maybe they've all been

sleeping on mattresses stuffed with hundred dollar bills all this time that I didn't know about.

I think it would also be useful to hear from someone that's working with the drug treatment courts for what their take on this particular proposal would be.

I think there's an opportunity for us to hear from experts in the community that may be able to advise us on the feasibility of this. You know, if it's going to work, then I might be willing to go there, but without trying too hard, I can see a whole bunch of reasons why it's not going to work, and I have to figure out what I'm going to do if this legislation goes forward with part 1 in it. That's the problematic part. I've got no problem supporting parts 2, 3, and 4, but part 1 is hugely problematic.

Therefore, I appreciate my colleague's attempt to try and shine some light on this by bringing forward an amendment to refer the bill to that standing committee for possible input. I mean, the committee can take a reference of a bill and from there work a number of ways on how to gather information and report back to the House. There is a time limit on it that has been established. There is a requirement that within a certain period of time there be a report back to the House.

4:00

There are a number of ways of working through that committee and getting certain tests met, which have not, unfortunately, been able to be met by the government when they have taken this on by themselves. But because of what the standing orders offer us and that we could take advantage of through this referral motion, I think it's a possibility of finding a way to work with this particular piece of legislation. I sure wish that the government hadn't decided to create this particular bog, but they did, so I appreciate my colleague's attempt to try and give us a way out of the bog.

Thank you very much, Mr. Speaker. I urge all of my colleagues to vote in favour of the amendment.

The Acting Speaker: Are there any other speakers on the amendment? We will recognize the hon. Member for Calgary-McCall.

Mr. Kang: Thank you, Mr. Speaker. It's a great pleasure to rise in favour of the amendment from the Member for Calgary-*Buffalo*. Right now the Standing Committee on Health has no legislation before it. With the proposed legislation, that could be in violation of the Canada Health Act, there is a necessity for greater scrutiny of this bill, which would be accomplished by referring the bill to the committee.

The reason this bill should be referred to the Standing Committee on Health is directly tied to the recovery of health services costs incurred during the commission of a crime. However, it is important as to when the bill is referred to the committee. If this legislation passes second reading and then is referred, the principle of the bill is fixed, and it is questionable whether the offending sections would be able to be extracted. So this bill must be referred before the vote on the bill has taken place in second reading.

There have been several experts that have suggested that provisions that would allow the recovery of costs from criminals would violate the Canada Health Act, so there comes the universality of the Canada Health Act. Even the Minister of Justice stated one time that she believes the government is confident that the legislation could resist a court challenge, so the government expects a court challenge as well. An issue that has the government anticipating a court challenge most definitely needs further assessment and consultation. This would be best accomplished through referring this to the committee, where there will be enough time for a serious cost-

benefit analysis of this bill and for stakeholder consultation as well. The fact that the government already seems to be anticipating a legal challenge to this legislation is enough to suggest referring this bill to the committee.

I believe the government is playing a political game with health care. The reason for this is that the government feels Albertans do not believe the government is tough enough on crime. To counter this, they most likely proposed this legislation and piggybacked this onto the other legislation.

At first reading and hearing of the ability to recover health care costs from criminals, many Albertans could be very supportive of this, but, Mr. Speaker, the point is: how are the criminals going to pay it back? They don't have the money to begin with. If the criminals were well off, I don't think they would be committing the crimes. The majority of criminals will not be able to pay the funds for the health care service they receive, so the benefit that can be obtained from this legislation may be negligible with respect to the criminal aspects.

To reinforce the point, they could very well endanger Canada Health transfers. Under the universality of health care this will endanger the transfer of payments from the federal government. This is especially important considering that after the budget was raised this year, the government was saying that they feel they are entitled to \$700 million that was withheld, that they didn't receive from the federal government.

Also worth mentioning is: how much money is the government willing to spend defending the constitutionality of this legislation? One of the main reasons why collecting funds from criminals will not be a success is the fact that the majority of them will not have the ability to actually pay back whatever amount their health care cost was. This entirely removes any incentive from the rehabilitative aspect of our criminal justice system. Why would an individual plead guilty to an offence if they knew that they would be culpable for a sizable amount of money? What would be the cost of legal aid when every individual who is charged with a criminal offence is not only going to fight their charge but also the government attempting to collect funds from them?

This is also a problem with the criminal offender who may have mental health or drug addition problems. Would these individuals, who received treatment for their respective illness, when found guilty be responsible for the entire cost of what is often long-term treatment? This creates a disincentive for the rehabilitation of these populations to enter back into society as contributing members when they know that they will be responsible for what most likely will be a sizable amount of money.

For these reasons I support this amendment brought by the Member for Calgary-*Buffalo*. I think we should all support this amendment and scrutinize this bill further.

Thank you, Mr. Speaker.

The Acting Speaker: Hon. members, Standing Order 29(2)(a) applies. Does anyone have any questions or comments?

Seeing none, on the amendment the hon. Member for Lethbridge-*East*.

Ms Pastoor: Thank you, Mr. Speaker. As has been mentioned – and I think it's quite true – certainly sections 2, 3, and 4 are necessary and part of a good bill, but then they slip something sort of really silly in. Section 1 is kind of silly. One of the things that I note – and I totally approve of this – is that we actually could sue tobacco companies in terms of getting money back for people that are often costing the health care system large amounts of money. These types of laws are in other provinces and certainly in the States. However,

here in Alberta it's very interesting that if we sue the tobacco companies, we actually are suing ourselves because we are shareholders in the tobacco companies through the heritage trust fund. So I'm not quite sure how we end up suing ourselves on that one.

Then the other part in section 1 about collection of health care costs. It really is, I think, quite silly when you think about the people that we actually would have a chance of getting at because surely we know that the criminals who can afford to pay for this, if we ever catch up with them, can clearly afford lawyers that will make sure that they never pay it. So those aren't the people that we're probably going to go after.

What I can envision here is something like *Dog the bounty hunter*. We can hire someone who will then create a reality show, and they can go and collect from these people. I mean, heaven knows where they would find them. The price of the reality show – I mean we would have to totally rename it. We couldn't possibly call it *Dog the bounty hunter*. I mean, surely we can come up with a better name in Alberta. But that reality show could pay the price of the collector; i.e., that bounty hunter. You know, I'm sure that there would be no shortage of candidates for that job, especially if they could – well, let's hope that maybe we could clean up the show a little bit better than the actual original *Dog the Bounty Hunter*. This could create a totally cost-neutral way of collecting these dollars from these people that probably don't have them in the first place. There isn't a business plan in the world that isn't delighted to be able to have part of their bottom line that is a totally neutral collection system.

Thank you, Mr. Speaker.

4:10

The Acting Speaker: Standing Order 29(2)(a) applies. Are there any questions or comments?

Seeing none, then we shall recognize Edmonton-Strathcona.

Ms Notley: Thank you, Mr. Speaker. I'm pleased to be able to rise in support of the motion that this bill be referred to the Standing Committee on Health. This bill does include very complex issues. As we've stated already, the precedent set by this bill is unmatched, as far as I can tell, throughout the country. The threat that it represents to the provision of universal health care is significant, and the lack of information that has been provided to all members of the House in that regard is something that we should be concerned about. As members of the Assembly we should all be seeking more information before moving forward with such a radical and ill-advised proposal.

In particular, as has already been mentioned, we've not yet been provided with any information to suggest that presenting criminals with hospital bills, whether they are incarcerated at the time, struggling with probation at the time, or even still in the hospital at the time, will have any impact in terms of crime reduction and, in fact, whether or not it will not actually result in increased crime in that, ultimately, people will be compelled to commit more crimes in order to pay off these bills that they have incurred. Who knows? Really, truly, it seems like a completely irrational mechanism for crime prevention. That particular purpose seems unclear or disconnected from the legislation in question.

In terms of whether it's a good financial management strategy on the part of the government to somehow reduce their health care costs and that would somehow benefit taxpayers that way, again, we've been provided with no information about how it is we might possibly benefit as taxpayers just concerned about nothing other than dollars and cents. We have no idea what amount of income this would generate for taxpayers, and I suspect that's the case because the

government has no idea. Certainly, for the committee itself that would be something that would be reasonable for it to pursue. We have no idea what the cost to taxpayers would be on the flip side of actually pursuing these bills from criminals, again something that I think Albertans have a right to know about and learn about before embarking on such a radical project.

Finally, as we've said before, I think it's really important for us to have a clear understanding of who it is we're dealing with here. I mean, we're talking about undermining the universality of our health care system. As I said, it's all easy on a very superficial basis to imagine the worst-case kingpin drug dealer driving around in his black-tinted Hummer, you know, handing out drugs to small children. Of course, not only do we want to give that guy a bill for his health care; we want to do a whole bunch of other things to him, too, because as members of the community we're so offended that that person even exists. However, the fact of the matter is that we really need to have a much more informed assessment of who it is we're actually dealing with, who it is we're actually planning to bill for their health care costs, whether we are picking on those people or whether we are for the most part picking on very underprivileged groups in large degrees. You know, we need to hear about that.

We need to hear from the police. We'd like to hear from the police to find out if they think this would be anything other than an opportunity for more crime to be committed, for them to be dragged into more ridiculous processes where, you know, criminal A, after being put either on probation or maybe through some community diversion project or whatever, is out there in a process of controlled rehabilitation, and suddenly they get nailed with a bill for \$15,000, and then they don't pay it. At what point do the police get drawn in to actually help the government recover this ridiculous amount of money? So back in they go, and the police, in fact, are finding that the number of sort of criminal incidents are going up because we've decided to start adding this extra form of penalty, slash, billing people for their criminal activity, slash, whatever we can do we'll do to penetrate the principle of universal health care with some type of public support kind of ill-advised strategies.

There's a lot of information that needs to be gotten, I think. As I say, as far as I understand – and I'm certainly quite prepared to be corrected – I don't believe there is a similar piece of legislation anywhere else in the country. Does anyone know? And if there even is a similar piece of legislation in other parts of the country, well, then I'd like to know how it's working and what people think about it and whether it's actually been implemented or not or whether it's been not proclaimed because the people that passed it in a fit of political fury, looking like they were being tough on crime, then realized that the administration of it would be so onerous and so ridiculous that they didn't bother. Who knows? But this is the kind of information that all members of the Assembly should seek to have before them before they vote on something as radical as this.

For this reason I completely support the notion of having the matter referred to the Health Committee for a more considered and thoughtful and responsible and informed review of such an important issue.

Thank you.

The Acting Speaker: Standing Order 29(2)(a) applies. Are there any questions or comments?

Does anyone else care to speak on the amendment? The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Speaker. Certainly, I would like to thank the hon. Member for Calgary-Buffalo for his

amendment and his suggestion. I hope the Assembly agrees with the suggestion that we refer this bill to the Standing Committee on Health for further study in accordance with our standing orders. I've heard from many hon. members this afternoon in the course of the debate at second reading, and there were a lot of good issues brought up during the discussion. Certainly, the Standing Committee on Health would have the time.

We all know that there was another committee struck outside the field policy committee process that is looking at some of the issues around health care or the management or the delivery of health care and what's going on with Alberta Health Services and how all this is going to work. I can't understand why that committee is necessary. After all, the consultants that appear through the public accounts blue books were hired by Alberta Health to do the same thing. Anyway, Mr. Speaker, there certainly is time available for the Standing Committee on Health to have a second look at this bill.

4:20

I know that some members of the public may be confused between cabinet policy committees and the field policy committees. I would like to remind hon. members that only government members or PC caucus members can belong to the cabinet policy committees. To my knowledge they don't meet in public. Their minutes are not available to the taxpayers, who fund the whole process. Last year, as we know, it was well over budget, 77 per cent over, incredibly, the total sum that the five cabinet policy committees spent. The total sum, of course, was \$1.1 million. I certainly know that the field policy committee would have it within their budget. They wouldn't be breaking their budget if they were to have some more meetings and have a good second look at this bill.

I don't know whether the hon. Member for Edmonton-Centre is on that field policy committee on health or not. Now, I should, but I don't. But if she's not on it, she could make an appearance – the standing orders certainly allow that – to make some of the suggestions to the committee, if this amendment is passed, that she made to the House in general this afternoon.

Certainly, when we look at the field policy committees and how important they are to the Legislature – I know they're very important – I'm surprised that there are not more bills or more issues or other matters referred to them. Certainly, that's allowed by the standing orders.

It was interesting, Mr. Speaker, to see on Alberta Justice's website a document. It's a year old. It's dated November 2008. It's A Guide to the Legislative Process: Acts and Regulations. One only has to look at the table of contents here. It's a very hands-on document that explains the roles and responsibilities in the preparation of legislation, the client department, the client's lawyer, the Legislative Counsel office, the legislative process, statutes, passing a bill. In passing a bill, in the Legislature portion, of course, we break it down into first reading, second reading, and policy field committees before we proceed to the Committee of the Whole.

Certainly, I would urge all hon. members to have a look at this, the Guide to the Legislative Process: Acts and Regulations, and reference specifically the field policy committees, like the hon. Member for Calgary-*Buffalo* is doing with his amendment. The field policy committees are a part of the legislative process. Let's put the hon. members who are sitting on that committee to work and have them have a second look at Bill 48 and address some of the issues that have been discussed here this afternoon.

Thank you, Mr. Speaker.

The Acting Speaker: Hon members, section 29(2)(a) is available. Any questions or comments?

Other speakers on the amendment?

Seeing none, I shall call the question.

[Motion on amendment to second reading of Bill 48 lost]

The Acting Speaker: Any members prepared to speak on Bill 48?

Seeing none, then we will close debate on Bill 48.

[Motion carried; Bill 48 read a second time]

Bill 53

Professional Corporations Statutes Amendment Act, 2009

Mr. Weadick: Mr. Speaker, I am pleased to rise and move second reading of Bill 53, the Professional Corporations Statutes Amendment Act, 2009.

Since being elected in March 2008, a number of Lethbridge professionals have approached me and asked: when is this coming? I always respond that it's being discussed and is on the table, that they should just stay tuned, and I'll try to get back to them as soon as I can. Well, today I'm really pleased to be sending a message back to my Lethbridge constituents and to people around the province to say that it's on the table, and discussion is officially under way.

I appreciate the work that the ministers of Finance and Enterprise, Employment and Immigration, Justice and Attorney General, and Health and Wellness along with their policy advisers and legal teams have done to get us where we are today. To them I say that this is a phenomenal piece of legislation; congratulations, and job well done.

Before us today we have proposed legislative revisions to four acts involving three ministries. If passed, these changes will extend nonvoting share ownership of professional corporations to immediate family members. These professions include doctors, dentists, chiropractors, optometrists under the Health Professions Act and the Medical Profession Act; lawyers under the Legal Profession Act; chartered accountants, certified management accountants, and certified general accountants under the Regulated Accounting Profession Act.

The proposed legislation deals with the extension of share ownership and does not change the professional corporation structure. Professionals will continue to maintain full responsibility for the services of their corporation, and of course they will continue to be held personally liable for the professional services they provide.

If passed, family members eligible to own nonvoting shares will include spouses, children, and common-law partners. Same-sex couples are also covered in this legislation. The proposed changes do not extend share ownership quite as broadly as in British Columbia; however, they will allow professionals to pay dividends to immediate family members, which will improve the professionals' ability to income-split with their families. Restricting share ownership to immediate family members limits Alberta's exposure to aggressive tax planning, which increases as more individuals become eligible to hold nonvoting shares.

Mr. Speaker, the revisions before us will bring the share ownership of these professions more in line with professional corporations in other western provinces. Let us not kid ourselves. Every profession looks at their counterparts in other jurisdictions and asks: what about us?

This isn't just about levelling the playing field among provinces; it's also about levelling the playing field right here in our own backyard. These revisions will also bring doctors, lawyers, accountants, dentists, optometrists, and chiropractors more in line with other Alberta corporations. Family members can already own shares in other corporations, including engineers, architects, and veterinarians. This change will simply allow professionals and their families to enjoy the same benefits.

You know, when I read over any proposed legislation, whether I'm sponsoring a bill or even before my time as an MLA, I always ask myself: who would be against this, and who would have a beef with what's being proposed? Mr. Speaker, I suppose some Albertans could be concerned with Bill 53 since they might think this is a case of the rich getting richer at a time when government revenues are down. I have no reservation in tackling the argument head-on. Government has determined that the benefits associated with extending share ownership to nonprofessional family members outweighs the estimated \$1 million in reduced personal income tax revenues. These changes will better align Alberta's professional corporations with neighbouring provinces and with other corporations operating within Alberta. This will improve the attractiveness of Alberta and help encourage professionals to practise and do business in our province.

Mr. Speaker, these proposed legislative revisions are about being fair. They're about levelling the playing field among other corporations within Alberta, and they're about levelling the playing field between Alberta professional corporations and their counterparts throughout western Canada.

I am proud to carry Bill 53 and encourage all of my legislative colleagues to support it. Thank you very much.

4:30

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

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. I listened with interest to the hon. Member for Lethbridge-West's remarks regarding Bill 53, the Professional Corporations Statutes Amendment Act, 2009. Certainly, he's right: we are amending the Health Professions Act, the Legal Profession Act, the Medical Profession Act, and the Regulated Accounting Profession Act. Essentially, this bill will allow income-sharing with their spouse and children by members who have a registered professional corporation.

In the first look at this bill I thought it was a good idea, a very good idea. We are in the process of contacting each of the respective professional bodies that this act will affect, but we haven't heard back from them all yet. It has been very difficult to get a meeting teed up. We have been phoning back and forth and e-mailing back and forth with the hon. member to get this set up. We did finally have one of our representatives, one of our representatives from the research department, talk directly to the sponsor of the bill, and I appreciate the hon. member's time.

When we are considering through this legislation allowing income-sharing with their spouse and children by members who have a registered professional corporation, we have to have a good look at this and at what exactly it means for the bottom line of the province. But before we do that, Mr. Speaker, if we look at a doctor, for example, who has registered as a professional corporation, that individual can transfer shares, if this bill becomes law, to a spouse or child and, as I understand it, reduce the income tax that is required to be paid.

The amendments also clarify that nonvoting shareholders – for example, a spouse or a child of a registered member of the professional corporation that has had shares transferred to them – have no liability in the business of the corporation. The registered member

of the professional corporation still has full liability and must carry liability insurance for his or her business. That's noteworthy, and that is important.

Now, as I understand it, this bill will allow Alberta to be competitive with British Columbia, I'm told, in light of TILMA and with Ontario, both of which have similar tax perks in their legislation governing professional corporations. I looked at that, and I'm going to get to that in a moment here, Mr. Speaker.

According to the hon. Member for Lethbridge-West, as I understand it, the estimated average tax savings for each professional corporation in Alberta as a result of these changes will be \$12,000. I would like clarification on that because the hon. member in his opening remarks on this legislation indicated that we would lose \$1 million or thereabouts in lost revenue. That just doesn't add up. Certainly, there are a lot more than 100 professional corporations registered in this province. One of these two figures is wrong. If we did not get an accurate number when the bill brief was provided, I would certainly like a correction on that.

There are a lot of professional corporations. I would like to know precisely how many in each discipline would be affected by this. We could be looking at a significant loss in tax revenue collected by the government. I don't know if this legislation will mean that more professional corporations register elsewhere, outside this province.

Now, Mr. Speaker, if we look at the amount of money that's collected in income taxes in this province, if we look at the consolidated financial statements from last year, it's \$12.9 billion, the same as it was the year before, in 2008. If we look at the government's fiscal plan for this current year, we will see under tax revenue for 2009-10 that there is an anticipated tax collection of \$14.7 billion, and of course 58 per cent of that is personal income tax, and 16 per cent of that, or \$2.4 billion, is corporate income tax.

Now, if we go over a couple of more pages in the fiscal plan and we have a look at the major provincial tax rates for 2009 – and the hon. member can clarify this for not only myself but members of the House – it is my view that professional corporations would be under the general rate for corporate income tax.

Mr. Denis: It's not necessarily true.

Mr. MacDonald: It's not the general rate, hon. member?

Mr. Denis: It's not necessarily true.

Mr. MacDonald: It's not necessarily true. Okay. I'm going to have a great deal of interest when the hon. Member for Calgary-Egmont speaks because hopefully he can clarify this.

If we look at the general corporate income tax rate for Alberta, it's 10 per cent. If we look at Ontario's, it's significantly higher, at 14 per cent. Again, if we compare it to B.C.'s, our rate is slightly less than B.C.'s. B.C.'s is 11 per cent. So I think we're competitive already – that is my point – with or without this legislation at this time.

Now, if we look at the small-business rate, B.C.'s is lower. Ours is 3 per cent, B.C.'s is 2.5 per cent, but Ontario's is almost double ours. Theirs is 5.5 per cent. The threshold for B.C. is a hundred grand less than our small-business rate, and Ontario's threshold is the same as ours, a half million dollars.

Those are the tax rates, and how this amendment will affect our bottom line at a time when there are scarce financial resources is the question that I have at this time, Mr. Speaker, for the hon. Member for Lethbridge-West. I'm not necessarily saying that I would vote against this bill, but certainly we need to know how many professional corporations there are – I'm sure the hon. Member for

Lethbridge-West has that information – in this province and how many of these corporations would be affected by this legislation. Again, I have to question whether it will be a million dollars in light of the information that we have received during the bill brief.

I can see where the hon. member wants to present these amendments and allow Alberta to remain competitive, but as I pointed out in the tax plan here from Budget 2009, we are, I'm glad to say – and hopefully we will continue to be – very competitive with our neighbours. I never thought of comparing where we are to Manitoba or Saskatchewan, like the hon. Member for Calgary-Glenmore suggested in question period earlier today. He was questioning the government on why Saskatchewan seems to be more attractive than Alberta today for some certain specific industries. But Manitoba's tax rates are slightly higher than in our province.

Mr. Denis: An NDP government.

Mr. MacDonald: Yes, it is an NDP government, hon. member. You know, I'm amazed, Mr. Speaker, at the hon. member's knowledge of political history in western Canada. Particularly, he used to be a member of the Liberal Party in Saskatchewan, and he knows everything that's going on here west of Kenora. I'm certainly impressed with his political knowledge.

Mr. Denis: Like the B.C. Liberals?

4:40

Mr. MacDonald: Some of them, hon. member, are very, very competent, yes, just like any other government.

Now, this bill will allow for Alberta, as I said, to be more competitive with B.C. and Ontario, but I want to get some more details from the hon. member regarding that competitiveness.

Certainly, in conclusion, Mr. Speaker, there's a need for caution. We need to exercise caution on this bill as it will impact Alberta's tax revenue. If I could get some questions answered through the course of debate, perhaps in committee, I would be very grateful.

I would like to thank the House for their time.

The Acting Speaker: We acknowledge Calgary-Egmont.

Mr. Denis: Thank you very much, Mr. Speaker. I must apologize to you. I don't have a face cloth for you in this role.

All kidding aside, Mr. Speaker, I'm pleased to rise today to speak to Bill 53, the Professional Corporations Statutes Amendment Act, 2009, being carried forward by the hon. Member for Lethbridge-West. Before I begin, I also want to thank all of the other members that have had a hand in this important piece of legislation.

Of course, this would introduce changes to several current acts, most notably the Regulated Accounting Profession Act, the Legal Profession Act, the Health Professions Act, and the Medical Profession Act, Mr. Speaker.

Essentially, Bill 53 stipulates that immediate family members of professionals within a professional corporation could be eligible to hold nonvoting shares in that corporation. Let's think about what exactly this means. I start up a corporation with somebody else. I can decide how the share distribution goes. There are, however, restrictions on professional corporations. This seeks to limit some of these restrictions. As it stands right now, there is a restriction that only the principal can own it: the lawyer, the doctor, the accountant, or what have you. Simply put, what the change would do here is it would give the husband, wife, partner, or child of a professional the ability to own shares in that professional's corporation. However, they would not be able to vote on any decision being made by that corporation. Strictly nonvoting shares, Mr. Speaker.

Now, going back a little way here, professional corporations, or PCs as people have mentioned them, not referring to the political party, Mr. Speaker, were created in the late 1970s to allow some professional groups to take advantage of tax benefits. Now, in turn, these tax benefits made Alberta a more attractive choice for needed professional groups, most notably chartered accountants, certified management accountants, certified general accountants, doctors, dentists, chiropractors, optometrists, and, yes, even lawyers. I can say from personal experience that lawyers are not necessarily a bad thing.

Bill 53 would further enhance Alberta's business climate for these professionals and could possibly prompt more professionals to establish themselves in Alberta. This could mean more doctors helping to deliver patient care and reduce wait times. This could also mean more accountants, ensuring that Alberta corporations remain competitive on the world stage, and again all three accounting designations apply. This could also mean more lawyers supporting the legal process and providing counsel to Albertans. After all, Mr. Speaker, this would mean that a professional could rest assured knowing that their family could benefit from investment in this particular professional corporation, as is the case with any other corporation, as I mentioned.

To be clear, family in this bill refers to spouses, children, common-law partners, and does include same-sex partners, as the Member for Lethbridge-West noted.

Mr. Speaker, not only would the amendments in Bill 53 create an environment for professional recruitment; it would also bring us more in line with other western provinces and make us more competitive. Currently under our trade agreement with British Columbia, TILMA, there is no obligation for us to change our PCs' ownership policies. However, this is only because tax measures are exempt from this agreement. It has been determined that lifting the professional corporations' share ownership is not a TILMA matter, but it deals with tax planning.

Now, changes to Alberta's tax system, Mr. Speaker, most notably the implementation of a single rate of personal income tax, the only one in Canada, and the integration of small-business dividend income have eliminated most tax planning concerns in this province but not all. As a result of these changes we are now able to shift our professional corporations' share structure to be much more closely aligned with the rest of our neighbouring provinces. Again, it's about competition, about being competitive with our professionals here.

In addition to matching more closely with other provinces' legislation, Bill 53 also brings professional corporations closer in line with other private corporations, as I mentioned earlier. To give you an example, the family of an individual working in a corporation like an investing firm or an oil company are certainly allowed to own shares in that corporation. Why should it be any different with a professional corporation? Bill 53 would extend this allowance to professional corporations on a fair and a competitive basis. It's true that changes made by Bill 53 will result in a decrease of tax revenue by about \$1 million. I'd argue for the aforementioned reasons that this is arguably money well forgone.

Now, Mr. Speaker, I do want to respond to a couple of the comments made by the Member for Edmonton-Gold Bar. He incorrectly stated, as he often does, that a professional corporation wouldn't apply for a small-business income. I've actually confirmed just by e-mail with a tax lawyer who works at the tax firm of Felesky Flynn in Edmonton that it is, in fact, active business income. It does get the small-business deduction. This does apply up to \$500,000.

This member is incorrect about many things, such as earlier on the last bill when he mentioned to me about someone who had been

charged with drug possession. I welcome him to mention this outside the House.

Thank you very much, Mr. Speaker.

The Acting Speaker: Hon. members, Standing Order 29(2)(a) applies. Are there any questions or comments?

If not, then we'll move to Lethbridge-East.

Ms Pastoor: Thank you, Mr. Speaker. I believe that my colleague from Lethbridge-West has explained this bill very clearly and that my colleague from Edmonton-Gold Bar has asked the appropriate questions, to which I would also like the answers. I think that this is a bill that certainly should go forward if for no other reason than it keeps us competitive with the other provinces in this country. I would suspect that as we go forward with this, many of the other provinces will try to catch up, which then levels the entire country, and then TILMA, of course, would be irrelevant in that conversation.

The sectional analysis on this bill is that it really is the same for every profession that has been mentioned, which is the health profession, the legal profession, the medical profession, and the regulated accounting profession. Even within these professions some others have been mentioned that would fall under these. Clearly, this is a bill to enhance the tax advantage in this province. Part of the reasoning, of course, was to attract and keep. One of the areas that I think we have to work on in this province is to attract and keep our physicians. This bill may come forward, particularly in that area.

We have, I think, probably enough – I probably shouldn't say that – lawyers and accountants in this province. Always welcome more, of course. It's more the Medical Profession Act and the Health Professions Act that I am particularly interested in. Clearly, we are at a disadvantage in this province when we don't have the number of health professionals that we actually need.

Now, the sectional analysis on this one is basically the same for each profession that I've already mentioned. As has been mentioned, it allows spouses, common-law partners, and children of registered active members of corporations to be considered shareholders or beneficiaries of that professional corporation. The shareholder status is also extended to trusts held for children.

The addition of the word "voting" before the word "shareholder" is one word, I believe, that turns this entire bill with this amendment, that moves it into an entirely different realm of how the taxes are going to be applied and how the money can be changed from the corporation and create the shareholder designation for members of the family. The children will be recognized as anybody under the age of 18, and then at that point they would of course be transferred in and become the adult shareholder.

I can see a number of advantages, clearly, to having these tax breaks for the children of these professional corporations. One of them is the fact that it would help them all, hopefully, to go to university and give them dollars, which would perhaps keep them from having to get loans, so there would be more money for others who really would need the loans to be able to go to school. I think that that's a positive way of looking at this. Perhaps they wouldn't be paying as much income tax, but being able to go to school and actually pay your way through really does help society as a whole.

4:50

I would wait to hear the answers to the questions that were put forward by my colleague from Edmonton-Gold Bar in terms of the tax implications. I'm not an accountant. All I know is that I have to pay taxes, and that's about as far as it goes. My accountant tells me what I have to pay, I write the cheque, and I'm on my way. I would be interested in those answers.

With that, I'll take my seat but do compliment the Member for Lethbridge-West because I do feel that overall this is certainly a good step forward for the province of Alberta.

The Acting Speaker: Hon. members, Standing Order 29(2)(a) is available. Any questions or comments?

If not, we will recognize the Minister of Employment and Immigration.

Mr. Goudreau: Thank you very much, Mr. Speaker. I'm also pleased to rise in support of Bill 53, the Professional Corporations Statutes Amendment Act, 2009. I had the pleasure of listening to the Member for Lethbridge-West, the sponsor of this bill, and I agree that this is a tremendous step forward in creating a level playing field for professional corporations in Alberta. It's only fair that professional corporations enjoy similar tax-planning opportunities – and I heard other members say that – as other corporations in this province, and it's fair that the people in Alberta's professional corporations enjoy similar tax-planning opportunities as their colleagues in every other western province.

The Member for Lethbridge-West acknowledged the efforts of our policy staff not just in my ministry but at Health and Wellness, Justice and Attorney General, and Finance and Enterprise. I know it's not every day that an omnibus bill is debated in the House. This bill encompasses four acts and three ministries, and it required significant discussion and co-ordination across government to get to this point. I would also like to acknowledge the stakeholders who have been involved in the consultation process from an early stage, Mr. Speaker. Doctors, dentists, lawyers, accountants, chiropractors, and optometrists were all represented and were made aware of the proposed legislative revisions during their development. I'm pleased to say that all of the professional regulatory organizations that provided comments have applauded the government of Alberta for bringing these changes forward.

I agree as well with the Member for Lethbridge-West that it is important to provide a level playing field for professional corporations and that the playing field is consistent across professional corporations. I'm confident that these proposed legislative revisions accomplish this. These revisions extend nonvoting share ownership to immediate family members. This will allow professionals to pay dividends to family members, which will improve the professionals' ability to split income with their families.

Mr. Speaker, as Minister of Employment and Immigration I am responsible for the Regulated Accounting Profession Act, which oversees three of the eight groups affected by Bill 53: the chartered accountants, the certified management accountants, and the certified general accountants. I'm assured that the accounting profession is very much looking forward to these revisions taking hold.

Bill 53 comes, no doubt, with a price tag. There are tax revenue implications associated with the implementation of Bill 53, and those are estimated to be around \$1 million per year. Mr. Speaker, I believe this is a price worth paying as it creates the level playing field along with tax-planning benefits that many others can currently access.

Thank you, Mr. Speaker.

The Acting Speaker: Standing Order 29(2)(a) is available. Any questions or comments?

Any other members want to join in the debate? I'll acknowledge the Member for Calgary-McCall.

Mr. Kang: Thank you, Mr. Speaker. It's a great pleasure to rise and speak on Bill 53, sponsored by the hon. Member for Lethbridge-

West. As I heard the Member for Edmonton-Gold Bar and the hon. Member for Lethbridge-East, they have raised concerns about the lost revenue, \$1 million. To me the number seems small.

As we know, the intent of the bill is to amend the Health Professions Act, the Legal Profession Act, the Medical Profession Act, and the Regulated Accounting Profession Act to allow spouses, common-law partners, and children of registered active members to be the beneficiary or the shareholders of their professional corporations. This amendment will extend nonvoting share ownership of a professional corporation to family members. If passed, our province's accountants, lawyers, doctors, dentists, chiropractors, and optometrists will have the ability to access some of the benefits of being incorporated, including some tax benefits. It's about time that we have the same level playing field, you know, as other provinces. I commend the member for bringing this bill forward as these benefits are currently enjoyed by the same professions in other western provinces.

The impact of the bill. This will allow income-sharing by members who have registered professional corporations with their spouses and children. For example, a doctor who has a registered professional corporation can transfer shares to his spouse or child and thus reduce the income tax that is required to be paid. This amendment also clarifies that nonvoting shareholders, for example a spouse or child of a registered member of the professional corporation that has had shares transferred to them, have no liability in the business of the corporation. The registered member of the professional corporation still has the full liability and must carry liability insurance for his or her business.

As I said before, this bill will also allow Alberta to be compared to British Columbia, especially in light of TILMA, and Ontario, both of which have similar tax benefits in their legislation governing professional corporations. According to the Member for Lethbridge-West the estimated average tax saving for each professional corporation in Alberta as a result of these changes will be about \$12,000. That will be income tax lost to the government. As I said before, it has been brought out that it will be only \$1 million. The minister is hoping that more professional corporations will register in Alberta and that more will decide to stay here to offset that income tax loss.

This is a good bill. The amendments will allow Alberta to remain competitive with British Columbia, particularly in light of TILMA, and with Ontario. Without this first step in allowing more flexibility of tax planning for professional corporations, these corporations could move their business to other provinces to take advantage of these tax perks allowed there. So this will benefit lots of corporations, and they will probably stay in Alberta because we are creating an environment where they don't have to move.

Specifically mentioned in the bill briefing session by the Member for Lethbridge-West was the fact that Ontario and British Columbia allow similar income-sharing by their professional corporations, but they go much further in areas such as allowing grandchildren or the parents to be shareholders or allowing trusts to be set up as a means to channel money and thus reduce the income tax paid. Alberta didn't want to go that far by allowing the most generous tax planning tools that other provinces allow, so this bill will allow Alberta to be somewhat compatible with B.C. and Ontario while not allowing for too many more ways for professional corporations to reduce the income tax that they pay. Maybe at some point in time the Member for Lethbridge-West will go that far. Who knows? There's a need for caution on these amendments. They will impact the tax revenue for the government.

5:00

There's the argument that this will encourage more corporations to register here in Alberta as well. That remains to be seen. That will increase long-term revenue for the government when we are compared with British Columbia and Ontario.

With those comments, I will support the bill.

Mr. Speaker, I move to adjourn the debate on this bill.

[Motion to adjourn debate carried]

Bill 54

Personal Information Protection Amendment Act, 2009

The Acting Speaker: The hon. Member for Calgary-Egmont.

Mr. Denis: Thank you very much, Mr. Speaker. I'm pleased to move second reading of Bill 54, the Personal Information Protection Amendment Act, 2009.

Just a bit of background, Mr. Speaker. In 2004, when the Personal Information Protection Act came into force, private-sector privacy was a relatively new concept in Canada. The act established a set of sound, common-sense rules for the collection, usage, disclosure, and protection of personal information by way of organizations. In order to ensure that this act was effective and practical, it was determined that this act had to be reviewed by a special committee of the Legislative Assembly soon after its implementation. In May 2006 the Select Special PIPA Review Committee was appointed to undertake a comprehensive review of this act. In November 2007 the review committee's final report came out, and it detailed 39 recommended changes to the act.

Mr. Speaker, the proposed bill incorporates the majority of the review committee's recommendations as well as some of the departmental recommendations, with the goal of enhancing protection of personal information for Albertans.

[Dr. Brown in the chair]

Mr. Speaker, I'd like to highlight some of the key amendments to this act that we're proposing here. A number of the amendments are being made to reflect normal business practices, which would make it easier for organizations to comply with the act. The process of obtaining consent from individuals will be simplified by allowing an organization to obtain consent through an intermediary or third party. As well, it would be easier to enrol groups or families into insurance and benefit programs with the reforms that we are proposing. Organizations will be able to provide a position name or title for individuals to contact if they have privacy questions, so organizations will not have to update forms or websites due to staff changes. Organizations will be able to use personal information without consent when identifiable information is needed for audits that are required for business purposes.

The act clarifies that employers can use the information of former employees without consent to administer pension and other benefit programs. These rules concerning the handling of information of prospective, current, and former employees will be more consistent. Obligations concerning the retention of records will also be clearer. Organizations will be required to dispose of personal information that they no longer need for legal or business purposes within a reasonable period of time. Organizations need to retain records relating to a commissioner's investigation for one year after the investigation.

Mr. Speaker, two new provisions will provide new information to individuals so that they can make informed choices to protect their

privacy. Organizations will be required to report significant security breaches to the Information and Privacy Commissioner. Where there is a real risk of harm, financial or otherwise, the commissioner will be able to ensure that individuals receive adequate notification. To ensure that this provision is effective, it will be an offence for an organization to fail to report a significant security breach to the commissioner.

Mr. Speaker, when organizations send personal information of customers or clients outside of Canada, they will be required to advise these individuals that personal information is transferred elsewhere for processing. This includes, of course, the United States, for which the PATRIOT Act applies. An individual will be able to ask for more information about the transfer or restrictions that the organization has placed on the data processor with respect to the use or disclosure of personal information.

Several changes will be made to the Information Commissioner's processes and powers. For one, the investigation process will be streamlined, which will allow the commissioner to discontinue investigations into complaints that lack merit or sufficient evidence. The act will now allow for up to one year for the completion of an investigation or inquiry, recognizing that the current three-month period is too short and in most cases needs to be extended. The act will also specify that the information protected by solicitor-client privilege can be disclosed to the commissioner without affecting the said privilege. The act clarifies that the commissioner may disclose the information related to the commission of an offence to the Minister of Justice and Attorney General to decide whether a prosecution should proceed.

Also, Mr. Speaker, several changes are being made to the offence provisions under the act, one of which I mentioned. The new offence provisions will enable the Crown to prosecute a person who violates the act's, quote, whistle-blower protection provisions or who conceals evidence during a commissioner's investigation or inquiry. A more appropriate standard would be established for prosecuting offences, whereby proof of intent to violate the act will no longer be necessary; rather, the standard will be whether the organization has acted reasonably in carrying out these responsibilities under the act. The time limit to prosecute an offence will be increased from six months to two years, consistent with other types of legislation, recognizing that it often takes time before a breach of privacy becomes known to affected individuals.

Other amendments are being made to the act to make it easier to understand. For example, definitions that are used currently in the regulation will be removed as part of the act. I'm sure the opposition will be happy with this. There will also be some housekeeping amendments.

Lastly, Mr. Speaker, the act will also address future reviews of the act. The next review will begin by 2015, with ongoing reviews thereafter. These reviews will consider the act and its regulation and what has happened during that time.

I look forward to further debate and would like to thank the House for considering this bill. Thank you.

The Acting Speaker: The chair will recognize the hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Speaker. Having sat on half of this committee, it originally started meeting in the summer or spring of 2006, and it had a mandate for 18 months, and in fact in kind of a big rush it ended up concluding its activities in the late fall of 2007. Of course, then we went into an election immediately following the new year in 2008, and now we're in the next Legislature. I have been frantically trying to read back through all my

binders of notes, trying to remember what the issues of great concern were for us.

The membership on the committee changed quite a bit. There was a cabinet shuffle in the middle of that, so we ended up with I think three different . . .

Mr. MacDonald: Is there another cabinet shuffle coming?

Ms Blakeman: Oh, I don't know.

We ended up with I think three different chairpeople over the life of that particular committee.

Just for folks that are following along with this here, we have sort of four different pieces of legislation that cover protection of personal privacy information in Alberta and in Canada. We have the Freedom of Information and Protection of Privacy Act, which covers governments and then, implemented in an incremental way, also included what was originally called the MUSH sector, which was particularly unattractive, later called the MASH sector, which covered municipalities, academic institutions, schools, and hospitals. So FOIP covered all personal information that's held by governments and the ability of people to ask for that information.

This was followed by the Health Information Act. The Health Information Act covers peoples' personal health information.

We had the federal PIPEDA, which is the Personal Information Protection and Electronic Documents Act, I think. The deal was that if a province came up with its own legislation that met the test of PIPEDA or exceeded it, then they could have their own legislation. If they didn't do anything by a certain drop-dead date, they had to conform to the federal PIPEDA. Alberta, of course, never likes to conform, so they came up with their own act, so we have PIPA.

5:10

Of course, what we looked at in the review did not include any item that was covered under any of the first three that I mentioned: under FOIP, under the Health Information Act, or under PIPEDA. We were only looking at what was covered under PIPA.

What exactly are we talking about here? I'm quoting from the overview that was given to us on June 28, 2006. For anyone following in *Hansard*, it's under PI-6, Personal Information Protection Act Review.

PIPA is about protecting the personal information held by the private-sector organizations in Alberta. The act governs how those organizations may collect, use, and disclose personal information about their customers, clients, and employees.

It does allow

organizations to collect, use, and disclose personal information for reasonable business purposes.

What exactly is personal information? Okay.

Personal information is information that identifies an individual, such as a name, an address, a telephone number, an e-mail address with a user password, a unique identifying number such as a [social insurance number] or an account number, an employee number, a photograph, or biometric information. Personal information is also information about that individual; for example, birthdate, gender, race, religion, education, employment history, financial history, medical history.

You can tell from that list why a driver's licence is so important, because it captures a lot of the information that I just mentioned in that list.

Okay. That gives you what the act is and what the personal information is, and we were to review whether the act was actually working or not because we were a couple of years into the act, enough to know whether it was working or not. We reviewed a number of different issues and made decisions on those.

One of the things, most interestingly, that caused us a lot of discussion – yes, the Member for Rocky Mountain House and I are looking at each other and remembering that there was a lot of discussion about this – was how to deal with not-for-profit organizations. Well, there was a decision not to include them, and we've since heard in fairly strong language from the Privacy Commissioner his disappointment that the act does not respond to that inclusion. The definition that we were looking at of NGOs, nongovernment organizations, or not-for-profits included anyone that was registered under the Societies Act, anyone under the Agricultural Societies Act, or anyone under part 9.

The not-for-profits that came in to see us, some of them on my request, like the community league organization and the United Way and some of those, what they said to us was, "Look, we can deal with anything; just tell us very clearly what's in and what's not, what you expect us to do and what not." More than half of them have no paid staff, so they are dealing with volunteers that would have to adhere to the requirements of how they would come under the act. This became a significant point of discussion for us, and they're not, in the end, included in what we see before us in Bill 54.

So who cares? I mean, why should we be the least bit concerned about the way the private sector – and this is essentially covering the private sector – deals with personal information? I just want to give you a couple of examples of where this can go really wrong. I'm actually quoting from the office of the Information and Privacy Commissioner annual report '07-08. Here is an example of something that was investigated. Ticketmaster was investigated under the PIPA Act. The complainant had tried to purchase tickets through Ticketmaster, and during the transaction they were told that they couldn't proceed unless they provided and consented to Ticketmaster's use of personal information privacy statement. Of course, the individual who was trying to purchase tickets was concerned that in signing this, Ticketmaster would then have the authority to share his e-mail address with event providers for marketing purposes.

In fact, the investigator did find that Ticketmaster had contravened PIPA by requiring online customers to consent to the use of personal information for the event provider's marketing purposes as a condition of a transaction to purchase tickets. It was also determined that the online opt-out process did not allow customers to make an informed decision about consent, and it didn't offer them a reasonable opportunity to decline or to object to what was being asked of them. Very reasonable. You know, we should be able to just engage in a business transaction without being mined and all of our personal information being mined and kept on record to be used later to market other products back to us. We have a right to say: "That's enough. All I want to do is buy a ticket from you. I don't want to have you in my life for the rest of my life."

How personal information is collected, how it is used, who it's disclosed to, and how much they have to come back to you and say, "We're going to do something else with your personal information; do we have your consent to do it?" so that seeking of the consent – one of the issues that I've always had with this process in FOIP, in health information, and in PIPA is the use of blanket consent forms. I don't feel that that is informed consent. It's often used as, I would call it, a form of coercion: if you don't give us this blanket information, we can't provide you with the service that you're seeking. A minor example of that is with Ticketmaster, but in a lot of other cases it is allowed, and I don't feel it's fair game. I'll have to continue advocating to have my point of view included in legislation there.

I mean, that's why we care about this. We want to have rules in place that allow business to operate without being unnecessarily encumbered by this process. At the same time we want to be able to

protect individuals from having their information inappropriately collected and used and disclosed to others. That's the balance that you're trying to seek through this legislation. Did we hit that balance in the review that was done here?

I'm trying not to repeat what the sponsoring member has already put on the record, so forgive me if I do. I just couldn't write fast enough to take all the notes. We are looking at this amending act allowing employers to use information of former employees without consent in order to administer pension and other benefit programs. This is going to give a process of obtaining consent from clients to be simplified to allow an organization to obtain consent through an intermediary. That one I'm not so keen on, but I'll come back and talk about that when we're in the Committee of the Whole process on this.

The act will have organizations able to provide a position name or a title for individuals to contact if they have privacy questions. The individual's name isn't there, but their title is there. So you would phone up and ask for the director of such and such. Organizations are not required to continually update their forms and business cards and their online website and things like that. You can just list the title of the organization.

Organizations can use personal information without consent when identifiable information is needed for audits that are required for business purposes. That's our fault because we the legislators put requirements in as a test, as a way of clarifying, especially around audit processes, and therefore businesses have to meet that test. This is part of what they need to do.

5:20

There are a couple of new provisions in here for individuals, to allow them to make informed choices. This was mentioned by the member, that organizations will now be required to report security breaches to the Information and Privacy Commissioner. Included in that is that it will be an offence for an organization to fail to report.

When organizations send the personal information of customers – this is what we call the PATRIOT Act amendment, which was actually originally brought up by the predecessor to my colleague the Member for Edmonton-Strathcona. He was the one that identified that we were going to have to adjust some of our legislation in order to protect Albertans from the effect of the PATRIOT Act, which basically flowed from 9/11 in 2001, saying that any information that U.S.-based companies had, they could use and take it. So any time that someone in Alberta had their information collected by a subsidiary that then reported back to a mother corp, our information was now used and was into the U.S. system, and they could keep that information on us and use that information on us. We as legislators think we have the right to protect Albertans, and we set out to do so. That's what's included in this.

Organizations that are sending personal information of customers or clients outside of Canada are required to advise those same people that that information is being transferred somewhere else, the idea being that it allows people to say: no, I don't want you to send that information, and as a result I'm going to not order your product or not be involved with whatever you're doing. The individual can ask for more information about the transfer and any restrictions that the organization has placed on the data processor with respect to the use and disclosure of their information. And there were some administrative changes that were made at the request of the Information and Privacy Commissioner that happened and some changes to the offence provisions.

At this point, because really what I want to do is get into the detail of some of the discussions that we had around certain sections and a more in-depth discussion of that is not appropriate in second reading, I am willing to vote in favour of second reading, which acknowledges the principle of the bill. I am certainly in support of

protecting Albertans' personal information but also having them as involved in the process as possible. Some of the provisions that we were able to do here I'm very much in favour of, but I think others merit more discussion.

At this point I will conclude my remarks on second reading, having stated that I would be supportive, and I will look forward to a more in-depth debate during Committee of the Whole.

Thank you very much, Mr. Speaker.

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

Ms Notley: Thank you, Mr. Speaker. It's a pleasure to be able to join in on second reading debate on Bill 54, Personal Information Protection Amendment Act, 2009. This is certainly a very complicated piece of legislation. I don't refer necessarily to the amending legislation, although it's not exactly without substance either, but to the original piece of information outlining the protection of the private information of individuals held by private bodies.

You know, it's an important piece of legislation that we have. Obviously, nationally it was recognized that we had a huge gap in terms of protecting the rights of people to have their information be protected in terms of not being shared with other organizations without their knowledge and also in terms of giving people access to information held by private bodies, especially for those people to know what exactly certain private bodies have on their files about individuals. We know in today's electronic age that this is a growing problem. So the principle of the legislation is not a bad one.

Now, as has already been mentioned, the federal government engaged in an analysis of this problem and adopted PIPEDA, and it's sort of the gold standard in terms of privacy protection. The government ultimately concluded that Alberta's legislation – I believe they concluded, anyway – was sufficiently similar to PIPEDA that it would be allowed to stand. I'm assuming that that's the case. I'm not sure if there was a formal conclusion in that regard. I'm still trying to figure that out. But there's no question that PIPA does have, generally speaking, less rigorous requirements than the federal legislation. It's grey – it's grey – and the language is different, and ultimately the feds decided that as long as it was substantially similar, I think, they'd let it go. Ultimately, the purpose behind this piece of legislation is a good one.

Now, as has already been mentioned, the amendments that we're seeing now arise from a rather considered review by a group of MLAs prior to the last election. Of course, I was not here then, and I haven't had a chance to review those recommendations at great length, but I will assume that most of them were fairly well considered and arose from fairly extensive consultation with interested stakeholders. As has probably been noted already, the Privacy Commissioner has indicated that most of what is found in this bill is quite appropriate, with the exception of the failure of this bill to include reference to or a greater inclusion of nonprofit agencies under its authority.

You know, that's an interesting question, and I look forward, actually, to hearing debate on that and more information on that from government members. Clearly, the committee had recommended that these nonprofits be fully included under the authority of the act. They noted that it provided consistency and clarity. They noted that it provided for a more effective reciprocal relationship between nonprofits and other organizations that did have a statutory obligation to protect private information. They also noted, of course, that nonprofits deal with a grand scope of information of individuals and that, therefore, there's a need to ensure that they're globally covered. All those arguments were included in the report of the committee to support a more substantive inclusion of nonprofit organizations within the scheme of PIPA.

Now, there were, however, at the time also concerns raised by some of the nonprofits, who said: "Whoa. We can't even begin to meet the requirements of this act, so it's going to put an onerous responsibility onto us in order to meet the requirements of this act." At the time the committee seemed to think that those concerns could be remediated, and in their report they suggested that they could be remediated by phasing in coverage over the course of a year and also – what was the phrase? – that there would be some support and that the administrative burden of complying with PIPA could be mitigated by the provision of resources and support to the organizations during a one-year period. Now, I think that's probably true, but then this raises the question: where would that support have come from? Probably from the Privacy Commissioner's office. So is it the case that we're now dealing with the fact that this particular recommendation is not included in the legislation because the Privacy Commissioner's office simply does not have the resources to provide the support necessary to these nonprofit organizations to bring them into compliance with PIPA?

5:30

I had – I wouldn't necessarily call it the privilege – the experience of spending a bit of time as a consultant assisting organizations with their efforts to come into compliance with PIPA, and I will say that it's a very strenuous task. It does require some fairly significant administrative resources to be in compliance with the act. While that's worth while and while the objects of the act are worth while, there's no question that there are some very significant demands on organizations to meet the obligations of the act. So the question becomes: can we or can we not find the resources to assist these nonprofits? Is it or is it not ultimately worth while in terms of achieving the overall objectives of the act? That's something we need to talk about.

The only other point that I'll raise at this point is that notwithstanding that I wasn't around when the committee made its recommendations, I do have, certainly, a very significant concern about recommendation 10, which is reflected in Bill 54, which talks about deemed consent where people are buying insurance policies and looking to have an interest in or derive a benefit from those plans. There are some significant concerns I have around that issue. They relate in particular to the linkage between that and certain changes that have been made with respect to the Health Information Act and information that doctors can now have and the degree to which that, then, is considered personal information that's held by the organization and how that information is shared.

Insurance companies hold excruciatingly detailed and personal information about people, and the idea that they can do that and collect it, use it, and disclose it at their discretion on the basis of a deemed consent is very concerning – very concerning – to me because I believe that that's one of the major consumer issues that probably originally generated the desire to bring in pieces of legislation like this.

Anyway, those are our starting comments about this piece of legislation. Again, in general we support the principle of protecting people's access and protection of their personal information. I'm not sure if there is anyone else speaking at this point. I believe there is, so with that, I will close my remarks at this point.

Thank you.

The Acting Speaker: Are there any members who wish to contribute questions or comments pursuant to Standing Order 29(2)(a)?

Seeing none, I'll call on the hon. Member for Lacombe-Ponoka.

Mr. Prins: Thank you very much, Mr. Speaker. It's my pleasure also to lend support to Bill 54, the Personal Information Protection Amendment Act, 2009. This bill is the result of a review by the

Select Special Personal Information Protection Act Review Committee, whose report was tabled in November 2007.

Given the increasingly global nature of business today it is very common for Alberta organizations to transfer clients' personal data to a service provider outside of Canada, quite often right off the continent, for processing or storage. It may be a retailer that sends information on a credit card application to India for processing, or it might be a business consulting firm that sends customer information to the United States or some other country for storage or processing.

Now, this is a legitimate business need, so the committee believes that Albertans who have concerns about their personal information being sent outside of Canada should be able to find out where their information is going. To achieve this, the bill requires an organization to inform customers that their personal information may be leaving Canada for processing. This allows individuals to ask for further information on the company's policies on this and to make an informed choice whether or not to disclose their personal information. The amendment shows that the government takes the privacy of Albertans' personal information very seriously and that Albertans also value being informed about the use of their information. I feel that this amendment is necessary to continue to increase public confidence in the protection of their personal information.

I look forward, Mr. Speaker, to further debate on this bill. Thank you very much.

The Acting Speaker: Are there any members who wish to contribute questions or comments pursuant to Standing Order 29(2)(a)?

Seeing none, I'll call upon the hon. Member for Calgary-McCall.

Mr. Kang: Thank you, Mr. Speaker. As the previous speaker said, in a global economy it becomes much more important to protect the personal information of Albertans. We hear, indeed, in the news every day about credit card thefts, drivers' licences, duplicate passports, false passports being issued, duplicate cards, false cards, so it becomes much more important to protect the information of Albertans.

Bill 54 is a step in the right direction towards protecting personal information with the amendments to the Personal Information Protection Act, Alberta's legislative framework for the collection, use, and disclosure of personal information by private organizations. A review of this act is required every three years to ensure it is consistent with the standard business practices, changing technology, and developing needs of the citizens. Bill 54 introduces a number of amendments to the act that were recommended by the all-party committee in November 2007.

As practically every Albertan interacts with private-sector organizations that may at one time or another need to collect, use, or disclose personal information about individuals, the consequences for the average citizen when their information is misused or mishandled can be very, very severe such as in the case of identity theft, fraud, or the divulging of highly sensitive information. As a result, any substantial alteration of provincial privacy laws can have quite an impact.

With Bill 54 some of the most significant outcomes would be new standards for organizations intended to make compliance easier. Rules for the handling of current, former, and prospective employee information will be standard. Consent from clients can be obtained through intermediaries. Businesses will be able to use position titles as contacts for privacy-related questions. Organizations will also be able to use personal information without consent when required to do so in the completion of audits.

There will be new notification standards for organizations. Two major new notification standards for organizations are the requirement to notify the individual when an organization is intending to

transfer personal information to a service provider outside of Canada and, number two, a requirement to notify the individual if a security breach has occurred that may significantly affect them.

This is also going to change the timelines. The time permitted for an inquiry or an investigation will increase from three months to one year, and the time permitted to prosecute an offence will increase from six months to two years. A review of the act will take place every six years rather than every three years. I think six years is a little bit too long a time with the changing technology.

The Information and Privacy Commissioner will be permitted to cease investigations he or she considers to be of little merit. New offence categories will also allow the commissioner to enforce other additions to this act as well.

5:40

Overall, Bill 54 will assist organizations in complying with the act while providing individuals new rights to be notified in instances where the security of their personal information may be compromised.

A number of changes made to PIPA by Bill 54 are contained in the Select Special Personal Information Protection Act Review Committee final report, tabled in the Assembly in November 2007. In fact, the comparison between Bill 54 and the key recommendations section of the all-party committee report shows considerable correspondence, and out of nine key PIPA-related recommendations all but one was incorporated into Bill 54.

However, there are some aspects of Bill 54 that deserve critical attention. The report urged that all nonprofit organizations be subject to the act currently, and certain organizations are exempt depending on their classification and the degree to which their activities are commercial in nature. The commissioner has publicly expressed the disappointment that not-for-profits were not brought under the act. Certain sections that could be highlighted as in need of greater discussion could be an exceptionally wide latitude given to the commissioner to not proceed with an investigation, the greatly extended timelines for review of the act, and the fact that the Lieutenant Governor in Council can by regulation exempt organizations from notification requirements involving service providers outside of Canada.

Several amendments are being made to reflect standard business practices of organizations, and it is expected that the changes will make it easier for organizations to comply with the act. Employers will be able to use the information of former employees, without consent, to administer pension and other benefit programs. The rules concerning the handling of the information of prospective, current, and former employees will be more consistent. The process for obtaining consent from clients will be simplified by allowing an organization to obtain consent through an intermediary. Also, it will be easier to enrol groups or families into insurance or benefit programs. Organizations will be able to provide the position, name, or title for individuals to contact if they have privacy questions. Organizations will not have to update forms or websites due to staff changes.

The two new provisions will also provide new information to individuals so that they can make informed choices to protect their privacy. The organizations will be required to report significant security breaches to the Information and Privacy Commissioner where there's a real risk of harm, financial or otherwise. The commissioner will be able to ensure that individuals receive adequate notification. To ensure that this new provision is effective, it will be an offence for an organization to fail to report a significant security breach to the commissioner.

When organizations send the personal information of customers or clients outside of Canada, they will be required to advise these individuals that their personal information is transferred elsewhere

for processing. An individual will be able to ask for information about the transfer and the restrictions that the organization has placed on the data processor with respect to use and disclosure.

Several changes will be made to the Information and Privacy Commissioner's processes and powers. The investigation process will be streamlined by allowing the commissioner to discontinue an investigation of complaints that lack merit or sufficient evidence. The act will now allow up to one year for the completion of an investigation and inquiry, recognizing that the current three-month period is too short in most cases and needs to be extended. The act will specify that information protected by solicitor-client privilege can be disclosed to the commissioner without affecting that privilege. The act will also clarify that the commissioner may disclose information related to the commission of an offence to the Minister of Justice so that prosecution can proceed.

There are several changes being made to the offence provisions in the act. New offence provisions will enable the Crown to prosecute a person who violates the act's whistle-blower protection provision or who conceals evidence during a commissioner's investigation or inquiry.

There are very good provisions in the amendments here, Mr. Speaker. I think I will be supporting PIPA with some reservations.

With that, I would like to adjourn the debate on this bill.

[Motion to adjourn debate carried]

Bill 55 Senatorial Selection Amendment Act, 2009

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

Dr. Morton: Thank you, Mr. Speaker. It's with great personal pleasure that I rise for second reading of Bill 55, the Senatorial Selection Amendment Act. Albertans have long supported the concept of a democratic Senate, one that's equal, elected, and effective, the triple-E model pioneered by Albertans 25 years ago. In 1985 all parties of this Assembly – I remind the Liberals of that – endorsed this view. On two further occasions, in 1987 and in 2002, the Legislative Assembly reiterated its commitment to a democratic Canadian Senate. To respond to the will of Albertans, the government of Alberta passed the Senatorial Selection Act in 1989 to govern the election of Alberta Senators.

Since then, Mr. Speaker, Alberta was successful in having two elected Senate nominees appointed to the Senate. Stan Waters in 1989 won the first Alberta Senate election and received an appointment to the Senate by Prime Minister Mulroney in 1990. In 2007 Prime Minister Harper appointed Bert Brown, the recipient of the most votes in the 2004 Alberta Senate election. These appointments were historic events that Albertans should be proud of. The late Senator Waters and Senator Brown represent the only Senators in Canada that have a democratic foundation. Their election by Albertans and their appointment sow the seeds of reform, an example of democratic representation that other provinces can follow.

Mr. Speaker, the current Senatorial Selection Act expires on December 31, 2010. The government initially included an expiry date in the act, hoping the act would be a temporary measure in advance of national Senate reform. The national reform has not yet occurred, unfortunately, so I am proposing that the Senatorial Selection Act be extended to December 31, 2016. This is the sole change to the act, and it is consistent with its previous renewal. It's a mechanism in place to hold provincial Senate elections if we decide to do so and nominate elected individuals to represent Albertans.

Over the past year the Prime Minister has appointed a number of unelected individuals to the Senate. However, he has indicated that where a provincial democratic process exists, he will respect the results. It's important that Alberta maintain its democratic process so that the voice of our province is heard in the Senate. For over a quarter of a century Alberta has strongly supported the reform of the Senate. With the Senatorial Selection Act the government is honouring this basic democratic principle. We remain committed to the idea that our national institutions can better serve all Canadians.

5:50

An appointed Senate is a relic of the 19th century. It's time to bring it into the 21st century. Albertans have a right to choose those who represent them in Parliament. All Canadians have a right to choose those who represent them in Parliament.

Therefore, I encourage all members to support Bill 55, the Senatorial Selection Amendment Act, 2009. Thank you.

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

Ms Pastoor: Thank you, Mr. Speaker. A pleasure to stand up and speak to this. If you see the actual bill in your hand, I think it's about a sentence and a half. So clearly the whole object is to be able to extend this sunset clause. No problem with actually extending it, but I think that just because it's only a sentence and a half, it doesn't mean that we shouldn't discuss it.

As has been pointed out by my hon. colleague across the way, the Liberals had voted in favour of the electoral process. However, due to some concerns and various provisions the Liberals at the time voted against the bill in later stages. I'm not sure that I personally am necessarily in favour of an elected Senate. I'm not sure that I'm opposed to the fact that the Prime Minister can appoint. What I have a problem with is the fact that you might appoint political persons. A lot of the people that have been appointed to the Senate lately are really people that are at the top of their game, and I think that they bring a totally different perspective as the second voice, the second eyes for the House of Commons. I'm not sure that that's a bad thing. I think the perspective, possibly, from unelected people often is different.

I'm not sure that what we need are more elections and more elected people that would break off into party lines. Although they are appointed by different governments and it looks like the House is balanced one way or the other, with the proper change of government as we've had, the House balances itself out. In the old days, if you'll go back and read some of the *Hansard* from the Senate, it truly was well debated. People worked together, and the partisan lines were not as clear as they are today, which is unfortunate because that's not what the Senate is supposed to be.

I would like to at this point in time adjourn this debate. I believe that there will be more conversation around this bill. As I've already mentioned, it's really just extending the sunset clause, but it does deserve further debate.

I adjourn Bill 55. Thank you.

[Motion to adjourn debate carried]

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

Mr. Zwozdesky: Thank you very much, Mr. Speaker. I would move that pursuant to Government Motion 20, that was passed earlier today, the House not sit this evening and that we now call it 6 o'clock and adjourn until 1:30 p.m. tomorrow.

[Motion carried; the Assembly adjourned at 5:54 p.m. to Thursday at 1:30 p.m.]

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