

Legislative Assembly of Alberta

Title: Wednesday, April 11, 2007

1:00 p.m.

Date: 2007/04/11

[The Speaker in the chair]

head: **Prayers**

The Speaker: Good afternoon.

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

Please be seated.

head: **Introduction of Guests**

The Speaker: The hon. the Premier.

Mr. Stelmach: Well, thank you, Mr. Speaker. It's my pleasure today to rise and introduce to you and through you to all members of the Assembly Kelley Keehn, seated in the members' gallery. Kelley was born and raised in Alberta and is a financial expert, author of three books: *The Woman's Guide to Money*, *The Prosperity Factor for Women*, and her latest, *The Prosperity Factor for Canadian Kids*. I think I'll have to buy a copy for sure. She's also the coauthor of the book *Mutual Fundamentals*. Kelley is also a regular columnist with the Sun Media, the *Edmonton Sun*, *Canadian MoneySaver* magazine, *Husband & Wife* magazine, and the *Edmonton Commerce News*. Accompanying her today is her mother, Kathleen Keehn. I would ask Kelley and Kathleen to rise and receive the traditional warm welcome of the Assembly.

The Speaker: The hon. Deputy Speaker.

Mr. Marz: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to members of the Assembly the community sponsors of the School at the Legislature program. Seated in your gallery are from Priority Printing Ltd. Mr. Tim Downey, president; from CHUM television Mr. Craig Roskin, station manager, and Mr. Eric Rice, manager, creative/production services. From the Rotary Club of Edmonton we have Mr. Jack Clements and from CKUA Radio Network Mr. Ken Regan, general manager, and Ms Terry Kostek, chief financial officer.

Priority Printing, Access and Canadian Learning Television, Via Rail, CKUA Radio Network, and the Rotary Club of Edmonton are community sponsors of the School at the Legislature program. This program gives grade 6 teachers from all over our province an opportunity to relocate their classroom to the Alberta Legislature for a week. Supported by 35 teachers and over 400 parent volunteers in fiscal year 2006, over 800 students from 32 classes attended the School at the Legislature program. We're very grateful for the support we receive from our community sponsors, and we ask our guests now to rise in your gallery and receive the very warm welcome of the Assembly.

The Speaker: The hon. Minister of Advanced Education and Technology.

Mr. Horner: Thank you, Mr. Speaker. It's an honour to introduce to you and through to the members of the Assembly a group of 47 visitors from the grade 6 class, students from Woodhaven middle school in Spruce Grove. They, too, attended your mock Legislature program this morning, and I'm told from talking to them in the

rotunda that they passed school uniforms and passed later start times for school, about 10:30, I'm told. They are accompanied today by teachers Mrs. Barb Gericke, Ms Tara Issler, Mrs. Mona Holton, by parent helpers Mr. Cam Walker, Mrs. Karen Hudson, Ms Carrie Wiloughby. They are seated in the members' gallery, and I would ask that they rise and receive the traditional warm welcome of the Assembly.

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

Mr. Hancock: Thank you, Mr. Speaker. Today it's my pleasure to rise and introduce to you and through you to Members of the Legislative Assembly a large group of very special guests from the Department of Health and Wellness. While there are a few managers and supervisors with us today, most of the individuals that have joined us are either currently interns with Alberta Health and Wellness or joined the department as interns and have stayed on following the conclusion of their internship. The staff represent business areas across the department, including pharmaceutical policy and programs, workforce policy and planning, research and evidence, continuing care, human resources, and the planning and policy branches. Staff have joined Alberta Health and Wellness from right across the country: from Calgary, from Edmonton, from Newfoundland, Manitoba, and B.C.

Mr. Speaker, these are the people who do great work for Albertans day in and day out, and they represent a whole lot more people not only in the Department of Health and Wellness but in our civil service who do great work for Albertans. I'd really appreciate it if they would stand and receive the traditional warm welcome and thanks of our Assembly.

Ms Evans: Mr. Speaker, today I am thrilled to be joining all of the Members of the Legislative Assembly with two special colleagues, the Member for Lethbridge-West and the Member for Athabasca-Redwater, to introduce a great success story and the principals that represent two associations here with us today.

This is an historic day in Alberta. We are pleased and honoured today to introduce members of the Association of Professional Engineers, Geologists and Geophysicists of Alberta, the president, Dave Chalcraft; the executive director, Neil Windsor; and past president Larry Staples; and from the Association of Science and Engineering Technology Professionals of Alberta the president, Larry Stone, and executive director Barry Cavanaugh. They are here in celebration of a letter that I received today that effectively joins both associations under one act. Two associations. They made it. They made this happen. [applause] The resounding enthusiasm is well worth while.

They are accompanied today by a member of my staff, the assistant deputy minister, David Wismer, that had a lot to do with helping in this association developing together in this capacity, and Pat Lobregt. I know all members will join me in celebrating as they stand and are recognized for the good work they've done on behalf of public safety in Alberta. Congratulations.

The Speaker: The hon. Minister of International, Intergovernmental and Aboriginal Relations.

Mr. Boutilier: Thank you very much. Mr. Speaker, I am pleased to introduce in the members' gallery today through you to the Assembly Mr. Roy Williams. Roy is originally from Newfoundland and has been in Fort McMurray for over 25 years working for Syncrude Canada, the largest employer of aboriginals in all of Canada. I'd ask him to rise and receive the very warm welcome of this Assembly.

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

Dr. Taft: Thank you, Mr. Speaker. It's a great privilege to introduce to you a group from McKernan elementary/junior high school, a group of 11 students and two adults, Mrs. Karen Jones and Mrs. Corinne Knierim. Now, I must say that McKernan is an outstanding school, having produced at least two members of this Assembly, myself and the House leader of the opposition, and I urge all the students here from McKernan to look down here and maybe someday aspire to follow in our footsteps on whatever side of the House. So, please, everybody give these students a warm welcome.

Thank you very much.

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

Mr. Mason: Thanks very much, Mr. Speaker. I'm pleased to introduce to you and through you to this Assembly Maria Radovic and Brenda Campbell. Maria and Brenda are Palace Casino workers who are on strike. They've been on the picket line for the last 215 days while the government has failed to do anything to assist them. Brenda has worked for the Palace Casino for six years as a slot floor person. She's originally from Grande Prairie and came to Edmonton in 2001, where she went to work immediately for the Palace Casino. Maria is a dealer at the Palace Casino and has been there since 2004. She originally hails from Yugoslavia and came to Canada in 1992 and settled in Edmonton. They are joined by UFCW organizer Don Crisall. I would now ask that they rise and receive the traditional warm welcome of this Assembly.

head: 1:10

Members' Statements

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

World Women's Hockey Championship

Ms DeLong: Thank you very much, Mr. Speaker. I am very pleased to rise today to recognize an outstanding women's hockey team in our country. Team Canada regained the women's world hockey championship last night with a convincing 5-1 win against their archrivals, the United States. In front of a sold-out home country crowd at the MTS Centre in Winnipeg they entered the gold medal game as favourites. They did not disappoint. Canada won every game they played, combining for 32 goals scored and only five against.

Calgary's own Hayley Wickenheiser scored in the final and captained the team to victory. Wickenheiser was also named tournament MVP after leading the competition in scoring with eight goals and 14 points in five games. Along with Wickenheiser six other players from Team Canada currently live in Calgary and play for the Western Women's Hockey League's Calgary Oval X-Treme.

With the win Canada has claimed back its rightful place at the top of the women's hockey world. This is their ninth world championship in only 10 tries. Mr. Speaker, I ask the members of the House to join me in congratulating Team Canada for their victory.

The Speaker: The hon. Member for Strathcona.

River Valley Alliance

Mr. Lougheed: Thank you, Mr. Speaker. It's a pleasure today to rise to speak about the River Valley Alliance. This organization is united by a vision of transforming the lands within the North Saskatchewan River valley into a world-class integrated urban park. The alliance was formed in 1996 and consists of seven municipali-

ties holding land in the capital region. When completed, the park would stretch 88 kilometres and would link the communities of Devon, Leduc county, Parkland county, Edmonton, Strathcona county, Sturgeon county, and Fort Saskatchewan.

This park has the potential to be a world-class attraction for the capital region. It has been suggested that when completed, an Edmonton river valley park would be similar in magnitude to New York's Central Park or Vancouver's Stanley Park. As such, the park would be a monumental legacy for future generations. Collecting these lands would be akin to placing them in trust, similar to our heritage savings trust fund. The benefits accrued would not be monetary but instead would allow the citizens of the capital region the enjoyment of the river valley for generations to come. There are other benefits to a river valley park, including the promotion of physical activity and the preservation of land.

This type of project would not be possible without the leadership of dedicated individuals, and I'd like to acknowledge Sol Rolinger, current chair of the River Valley Alliance. Sol is the driving force behind the project and is working with the province, municipal partners, and the private sector to put funding in place to complete the project.

Because this project includes numerous communities, the River Valley Alliance is currently consulting residents on the project, and tonight my constituents and other residents of Strathcona county will have the opportunity to have an open house at Millennium Place in Sherwood Park from 5 to 8 p.m.

Thank you.

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

North Saskatchewan River Water Quality

Mr. MacDonald: Thank you, Mr. Speaker. Edmonton's two water treatment plants serve about 40 per cent of Alberta's population. This water is removed from the North Saskatchewan River to produce safe drinking water for all. The annual report 2005-06 from Alberta Environment states that water quality in the past year was better upstream of Edmonton than downstream.

Unfortunately, in the past two years there has been a dramatic decrease in water quality downstream of Edmonton in the North Saskatchewan River. Alarming, in the past two years water quality is down 24 points on Alberta Environment's own water quality index. This bad water quality is due to increased bacterial counts, nutrient and pesticide concentrations. Our neighbours downstream on the North Saskatchewan River deserve better. Bacterial counts and pesticide concentrations are too high in the river water. Polluted and poisoned rivers are unacceptable.

Alberta Environment rated the water quality at the Pakan site as only fair. This test site is at highway 855 where it intersects with the North Saskatchewan River. Some of the communities downstream from this site include Saddle Lake, Elk Point, and the city of Lloydminster, which also draws its water supply from the North Saskatchewan River. Have these communities been told that the water quality upstream is listed as only fair? Before we proceed with further development of any kind, we must clean up and protect our water sources. Pure, clean water should be a government priority. We must reverse the downward spiral in our water quality. We must learn from the harsh lessons of Walkerton and North Battleford.

Thank you.

The Speaker: The hon. Member for Livingstone-Macleod.

Optimist International Curling Championship

Mr. Coutts: Thank you, Mr. Speaker. With winter coming to an end and the puck dropping tonight for the start of hockey playoffs, it might be easy to forget about the other great Canadian ice sport, that of curling. Until you've tried it, you really can't appreciate the challenge and the fun of delivering a rock and sweeping it into the four foot to win the game.

Recently two teams of young Albertans bested a six-team round robin format playdown to qualify for the 2007 Optimist International under-18 curling championships. Held in Winnipeg, this tournament brought together teams from every Canadian province, the North-west Territories, several U.S. states, and Japan. Both teams did exceptionally well, advancing to their respective final games.

From southern Alberta and curling out of the Lethbridge Curling Club our women's team: skip Jessie Scheidegger of Diamond City, third Erica Ort of Calgary, second Jayme Coutts of Fort Macleod – and, yes, Mr. Speaker, I'm proud to say that that's my niece – and lead Heather Rogers of Calgary finished the round robin portion of the tournament with a 5 and 0 record. The team defeated Ontario in the semifinals but lost the final game to Manitoba to bring home the silver. The members for Little Bow and Lethbridge-West and I extend our congratulations.

From Spruce Grove and Lloydminster our men's team – skip Shawn Donnelly, third Mike Armstrong, second Tyson Armstrong, and lead Bryan Carter – defeated British Columbia in the semifinals and took an early lead in the finals to defeat Manitoba 6 to 4 and bring home the gold.

I'd like to congratulate both of these teams and their dedicated coaches, Don Scheidegger and Rolly Buchanan, for a job well done. These grades 11 and 12 students have done Alberta proud. They will be the future of competitive curling in this province, and I am sure they will bring home many more medals.

Congratulations to them all.

Climate Change

Mr. Rodney: Mr. Speaker, I rise this afternoon to speak about a prominent issue for Albertans and a prominent issue for people around the world. I know that many Albertans are well aware of the report delivered last week by the Intergovernmental Panel on Climate Change. The scientists that make up this United Nations group agree that climate change is real and requires action.

Mr. Speaker, Alberta has been and will continue to be a leader in addressing climate change, but before true leadership can be demonstrated, a clear vision is required. Albertans are helping the government of Alberta create that vision through our climate change public consultation. So far we've had five meetings across southern Alberta, and along with our Environment minister and our MLA for Calgary-Fort I was honoured to attend our meeting last night in Calgary. A hundred and seventy people showed up for a very lively discussion.

Some of the comments included: "Carbon dioxide has everything to do with climate change. It has nothing to do with it. We need absolute caps and intensity targets. We shouldn't even go there. Government must lead the charge and spend a lot of money. Government should stay out of it. It's the end of the world. It's a wonderful new beginning." Mr. Speaker, although extreme statements were made at both ends of the spectrum, at the end of the day people seemed to agree on at least this: no matter to what degree human beings may affect global warming, we need to find the right balance between quality of life and environmental concerns. Everyone has a role to play: government, industry, and individuals. It's a global problem requiring a global solution at the local level.

So, Mr. Speaker, that was last night in Calgary. Tonight in Red Deer we have another meeting. There are five more. These consultations have been very successful. We've received over a thousand responses to our online questionnaire on climate change in addition to the filled-out copies of the printed questionnaire. I encourage Albertans to be part of this consultation to help frame our next steps for a made-in-Alberta solution.

Thank you, Mr. Speaker.

Mental Health

Mrs. Mather: Mr. Speaker, some of my fellow members will remember a phrase from the 1970s: when things go wrong, what can I do? That line on pamphlets and posters, billboards, and public service announcements was part of a shift in focus to mental health at a time when care was moving from institutional to outpatient.

1:20

Much has happened since. New medications are available to fine-tune mental and emotional functioning. New therapies have heightened our awareness of diet and nutrition, exercise, and other lifestyle factors. We no longer see the mental, physical, emotional, and spiritual as isolated from each other in the choices we make.

Yet those with emotional and mental disorders still face barriers in their need to be accepted as part of the body of humankind. The barriers they face are in our minds more than theirs. There is the limitation of labels. Until 65 years ago autism was treated as schizophrenia. Today it is seen not as one but as a spectrum of conditions. There are limitations of our ignorance. One whose inner reality is altered can't snap out of it no matter how simple this may seem. Anyone who has been depressed, and most of us have, knows that. There are conditions that arise out of our environment, such as hyperactivity and allergies. Those who respond to high stress and high stimulation with mental and emotional symptoms are like canaries in the mines of earlier times. We may say that they are ill, but they bring us warnings of unhealthiness that affect us all. In the Bible those we would call the mentally ill were often first to recognize the truth. Their speaking it can be off-putting, but our embarrassment must not stand in the way of the acceptance of our fellow human beings. That is the first step in our common healing.

The incidence of mental illness is on the rise in Alberta. Prosperity is no guarantee of prevention. It is likely that someone you know will experience a mental health problem. If we work towards increasing awareness about mental health and illness, we create a climate in which the topic can be discussed without fear, and that's an important step to a mentally healthy Alberta.

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Presenting Petitions

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

Mr. Elsalhy: Thank you, Mr. Speaker. Today I'm presenting another 55 signatures from concerned Albertans, mostly from the communities of St. Albert, Edmonton, and Morinville, with respect to employees who work with people with disabilities. The petition is asking for: one, pay parity for those employees regardless of whether they work for government or for community-based or private providers; two, to recognize the work they do and to make sure that their wages are competitive; three, to grant them access to professional development opportunities; and, four, to bring into place outcomes-focused level-of-care standards.

Thank you.

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

Mr. Backs: Thank you, Mr. Speaker. I have a petition from 24 residents of northeast Edmonton. They petition the Legislative Assembly to urge the government of Alberta “to hold rent increases to no more than the rise in the average monthly wage until December 31, 2010.”

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

Mr. Mason: Thank you very much, Mr. Speaker. I’d like to table a petition with 28 signatures. The petition urges the government to recognize the importance of community schools by amending the closure of schools regulation to provide parents and other community members 18 months to formulate a revitalization plan in response to proposed closures; two, to strike a task force comprised of trustees and members of the public to review Edmonton public’s current school closure process; and, three, to encourage ongoing consultation and partnerships between parents, communities, and municipal and provincial agencies to ensure that public schools continue to fulfill the educational and civic needs of Alberta’s communities.

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Notices of Motions

Mr. Renner: Mr. Speaker, given that the House did not sit on Monday of this week, private members’ business was not dealt with, so the notices that I gave last week will also apply to next week with the exception of Motion for a Return 3. I wish to advise the House that the government will be introducing an amendment rather than accepting as was advised last week.

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Tabling Returns and Reports

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

Mr. Mason: Thanks very much, Mr. Speaker. I’d like to table some more copies of letters received by my office urging the government to provide funding for the cancer fighting drug Avastin. In doing so, I’d like to reiterate that people who require this treatment can expect to pay \$1,750 every two weeks for Avastin treatment and that the drug is already covered by the cancer boards in B.C., Quebec, and Newfoundland. Today’s letters are sent from Norm Hotte, Barb Hotte, Ryan Hotte, George Traynor, Judy Mott, Jutta McAdam, Wilma Korhuis, Valerie Scranton, and Barry Bullen.

Thanks very much.

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

Dr. Taft: Thank you, Mr. Speaker. I rise to table the appropriate number of copies of two documents. One is a printout of the website of the First Nations, Métis and Inuit Education Showcase, being organized in part by the former Member for Edmonton-Meadowlark.

The other is the details on billings for his work.

Thank you.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. I have one tabling today, and it is a newspaper article from the *Calgary Herald*, dated Wednesday, July 12, 2006. It’s in regard to a question later on today in question period.

Thank you.

The Speaker: The hon Member for Calgary-Mountain View.

Dr. Swann: Thank you, Mr. Speaker. I have three letters to table. One is from Stan Leonard in Calgary, concerned about a dramatic rise in his apartment rent this year.

The second is from Nadine Fletcher and Joel Hagen, concerned and opposed to the Horseshoe Lands development of the old Seebe site.

The third is from Lorne Haugen, a resident around Marie Lake, opposed to the development there.

Thank you.

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

Mrs. Mather: Thank you, Mr. Speaker. I have two tablings. One is from Ashley Jones, with praise for the government supplementing child care wages but expressing concern that it does not apply to staff who work with children six years to 12 years.

The second one is from Denise Gagne, Red Deer, with concern and dismay about the lack of maintenance on highway 2 and the increased risk to people using the highway.

The Speaker: The hon. Member for Edmonton-Beverly-Clareview.

Mr. Martin: Thank you, Mr. Speaker. I have two documents to table today. The first is an e-mail from Bob Borreson of Bon Accord. Mr. Borreson has provided an excellent analysis of health care premiums and supports the NDP call for their elimination.

The second is a note to the Premier from Joan Harvey. Ms Harvey is a member of UFCW and is on strike at the Palace Casino. She writes that she was disappointed in the reception she received by government members and says, “Since I voted PC all my life their lack of response to myself and coworkers [is] disheartening.”

Thank you.

The Speaker: Are there others? The hon. Member for Edmonton-Manning.

Mr. Backs: Thank you, Mr. Speaker. I’ve got two sets of tablings here. One is from a volunteer at the Unity Centre of North East Edmonton, reflecting a personal story regarding affordable housing.

The other is letters from a group of about 100 Albertans calling on the Legislative Assembly to support that the accused killer of Joshua Hunt be tried as an adult due to the nature of his crime, his past criminal history, and that he is so close to the age of 18 years.

Thank you.

The Speaker: Hon. members, it is my pleasure today to table the appropriate numbers of copies of the sixth School at the Legislature report card, 2005-2006. As we heard earlier today, this is a Legislative Assembly educational program for grade 6 students, cosponsored with community partners Priority Printing, Access Media Group, and CKUA Radio, along with Via Rail Canada, and the Edmonton downtown Rotary Club.

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Oral Question Period

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

Racing Entertainment Centre Project

Dr. Taft: Well, thank you, Mr. Speaker. The water licence that the MD of Rocky View has applied for to service the Balzac project has been sitting with the Ministry of Environment for months now. They’ve delayed a decision on this application time and again, and

we still have no idea as to when this decision will be made. What we are looking for and what many communities are looking for is some clarity and some information that so far has been sadly lacking. My first question is to the Minister of Environment. Can the minister provide a firm date as to when his ministry will make a decision on this water licence?

Mr. Renner: Well, Mr. Speaker, I cannot provide a firm date because, as I've advised the House on previous occasions, the applicant has asked for a deferral of the decisions so they can explore other options.

The Speaker: The hon. leader.

Dr. Taft: Thank you, Mr. Speaker. A FOIP response received by our office indicates that the government will provide partial access to records on the Balzac project, but they are exempting untold numbers of pages because of cabinet confidences and advice from officials. In other words, the cabinet of this government had discussions concerning Balzac dating well back into the summer of 2006, and they are not going to release the contents of those discussions. To the Premier: will the Premier release the contents of these cabinet confidences so that everyone can see what was discussed behind closed doors?

Mr. Stelmach: Mr. Speaker, there are long-established rules and traditions with respect to cabinet documents. This is a situation that arose where the opposition had made an allegation that there were some secret deals. They said they had proof. Yesterday they were trying to skirt around it by bringing circumstantial evidence. This has been going on and on and on. All I say is that if you have the names of the individuals, bring them forward here in the House – you have immunity to do that – and also bring forward this alleged secret document. Here's an opportunity.

1:30

The Speaker: The hon. leader.

Dr. Taft: Well, thank you, Mr. Speaker. In the FOIP material we received, part of the Balzac project was being promoted by the developers as, and I quote: a legacy for the Deputy Premier. The briefing note also states that as a result of prior meetings with the Minister of Finance, the project would have good potential to obtain support from this government through the rural development fund. There is no doubt now that this project was widely discussed by this government in circles at the highest levels. To the Premier: given that part of the Balzac project was being shopped as a tribute to the former Deputy Premier, can the Premier still deny that his government was intricately involved in this project and made assurances that water would be provided?

Mr. Stelmach: Mr. Speaker, once again I'm saddened by the fact that the member of the opposition would bring this forward in this House, covered by immunity, making allegations against a former member that cannot defend herself, and bringing these allegations forward without any proof. That's not parliamentary tradition, unfortunately. Again, it seems to be the kind of innuendo that keeps being brought up day in and day out by this opposition.

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

Government Contract with Former MLA

Dr. Taft: Thank you, Mr. Speaker. Let's see if we can make progress on another topic.

On May 2 coming up the Ministry of Education and the Ministry of International, Intergovernmental and Aboriginal Relations, among others, are presenting the First Nations, Métis and Inuit Education Showcase. Up to 4,000 schoolchildren are expected to attend an event both in Edmonton and again in Calgary. This event is being co-ordinated by Bob Maskell. Along with organizing the event for the government, his company is also receiving a registration fee of \$10 per child. To the Premier: will the Premier admit that the reason Mr. Maskell has this job is because of the political interference that got him his first sweetheart deal?

Mr. Stelmach: Mr. Speaker, the gentleman in question is of Métis descent, has years of experience not only as a teacher but as an administrator in the school system, has had a very good record of working with the Métis, First Nations, and Inuit communities, and from all indication the conference is going to be very successful. Might I add: all that information was available on the web.

The Speaker: The hon. leader.

Dr. Taft: Well, thank you, Mr. Speaker. The truth is this: children going to this government-sponsored event are having to pay a user fee to a defeated Tory MLA, who appears to already be generously supported by this government, to learn about aboriginal affairs. To the Premier: why is this government making schoolchildren pay \$10 each to this defeated Tory MLA to learn about Alberta's aboriginal heritage?

Mr. Stelmach: Mr. Speaker, once again, twisting words.

In terms of the contract and the terms of that contract, the Minister of Education will respond.

Mr. Liepert: Mr. Speaker, as mentioned by the Premier, the Leader of the Official Opposition has been on the website and has taken the information and tabled it in the House. It should be noted that this particular contract also includes the rental facilities that will be required to host these two events, so there's a significant amount of upfront cost that Maskell & Associates will be assuming. I can only add what the Premier said, that this gentleman has a successful history of planning and delivering aboriginal events, including the 2005 Aboriginal Education Showcase.

The Speaker: The hon. leader.

Dr. Taft: Thank you, Mr. Speaker. Well, yesterday the Premier claimed that these kinds of patronage contracts would not happen on his watch. But it is happening. The same insiders are still profiting. Mr. Maskell has stated that he would happily do this work for free. It seems that there is a clear course of action here. To the Premier: will the Premier commit to immediately ending any contracts this government has with Mr. Maskell?

Mr. Stelmach: Mr. Speaker, I'm not aware of what other contracts may be held or whatever the issue is. I don't know what he's talking about in terms of: I would have done this for free. Again, mixing words, bringing this forward. You know, he's chipping away there. If you took the time to call him and ask him the information, I'm sure that Mr. Maskell would've given you the full details of the

contract, and you wouldn't have to bring it up in the House and ask the minister.

Mr. Bonko: Mr. Speaker, serious concerns were raised over the contract given to Bob Maskell, former MLA for Edmonton-Meadowlark. They've been discussed and dismissed as mere perception problems by the Premier. Under that contract Mr. Maskell is required to provide invoices along with reports of his actions so that the ministry and Albertans can see what they get for their patronage contract. The invoice for September 2005 is interesting. On September 30 Mr. Maskell charged 50 hours of work, 50 hours in one day. Can the Premier explain how this kind of invoice was approved?

Mr. Stelmach: Mr. Speaker, I'm not aware of what paper they're holding, but full disclosure was made. All this is fully public information. If there's a question very specific to some item that was billed, bring it forward. I'll table that in the House, and we'll have that clarified.

Mr. Bonko: Well, we're not getting answers on that one. Maybe we'll try to move on.

Nothing on the invoice says that Mr. Maskell provided the ministry with any details of any associates who contributed to these hours. There's absolutely no evidence to suggest that the ministry checked up on the bills or queried the hours claimed. The invoices were just signed and the money carried, flowing to Mr. Maskell. Is this standard government policy with all contracts or just for Tory insiders?

Mr. Stelmach: There are checks and balances in terms of payments made to any individual, any corporation. Those are of course approved by the Auditor General. He reviews on an annual basis, brings forward recommendations to the government. Any time that he brings recommendations forward, we do our best to follow up to make sure that we incorporate them.

Mr. Bonko: On January 23, January 25, and February 2, 2006, Mr. Maskell had meetings with the Member for Edmonton-Castle Downs. Each of those meetings was billed as an entire day's work, and the taxpayers are hit with a \$600 charge, \$600 for two former colleagues to have a chat. Could the minister please show us what real, tangible value this ministry got out of these meetings?

Mr. Liepert: Mr. Speaker, I will not accept this information until I see it. I will check into it, and if there's any legitimacy, I will make sure I answer in the House tomorrow.

However, I would like to make mention that if the information that this hon. member raises at this time is as accurate as what the opposition leader raised about the story in the *Edmonton Sun* this morning, he didn't even read the story correctly. The former member of this Legislature, Mr. Maskell, said that he'd be happy to serve on the board for free. He didn't say that he'd be happy to pay for the facilities to host these two events. So I don't accept the information as having any factual basis at all.

The Speaker: The hon. leader of the third party, followed by the hon. Member for Little Bow.

Affordable Housing

Mr. Mason: Thank you very much, Mr. Speaker. Our major cities simply don't have enough housing to meet growing demands.

Vacancy rates are under 1.2 per cent in many urban centres in this province. Boardwalk Rental Communities control 12 per cent of the rental units in Calgary and almost 20 per cent of Edmonton's market. The company has said that it will wait until the rent for a two-bedroom suite hits \$1,600 a month before they will consider building any new units in Calgary. To the Premier: lots of people just can't afford \$1,600 a month for their rent. Instead of just sitting around while private landlords jack up rents, will the Premier commit to take immediate action to stop rent gouging now?

Mr. Stelmach: Mr. Speaker, we have taken action. One of the first things that we did, of course, was put an all-party committee to review the critical shortage of housing in the province of Alberta from a number of points of view, not only homelessness but the working poor and those families that would like to buy a single dwelling. The report has been put together. It's now before the minister. It will be coming to caucus, and we will be making announcements, appropriate announcements with respect to how as a government we can work with the private sector and other levels of government to improve this situation.

1:40

Mr. Mason: People are being evicted today, Mr. Speaker, and all the Premier can say is, you know: wait for appropriate announcements in due time.

Mr. Speaker, people across the province are struggling to find affordable housing. While the government sits on its Affordable Housing Task Force report, Albertans are paying high rents, and more and more people are at risk of losing their homes. Instead of taking this hands-off approach, telling people to wait for a report that then will take a whole bunch of time to implement, why won't the Premier commit today in this Assembly, in this democratic Assembly, that they're going to do something to stop rent gouging by big landlords like Boardwalk?

Mr. Stelmach: Mr. Speaker, one thing I will commit to is to work positively toward increasing the number of units, working with the private sector, working with different levels of government so that we can improve the situation. We critically need more people in the province of Alberta to fill many of the vacant positions, and we're going to make sure that when they move here, there are living accommodations. These are all issues that are under discussion, and we will have a plan to accommodate the issues. Some of that will come forward in the budget, and others will come in working with municipalities in terms of better planning for the thousands of people that continually move to the province of Alberta.

Mr. Mason: Mr. Speaker, hopefully the government will see the light and take steps to ensure that the supply of housing is increased in this province both publicly and in the private sector as well, but that will take several years. In the meantime households who are paying more than 30 per cent of their income are in direct risk of living in poverty. Given the target rent of \$1,600, families that earn less than \$60,000 a year just won't be able to make ends meet. What is the Premier going to do for those families today?

Mr. Stelmach: Mr. Speaker, I sympathize, of course, with the position taken by the leader of the third party. We're very well aware of the kinds of housing pressures that there are in the province, and we're going to work toward resolving that. I agree with the hon. member that a lot of the solution will not be overnight. On the other hand, at least Albertans will see a plan that'll be put in

place, working with the co-operation of municipalities and the private sector, to increase the number of units.

Disputes about Seismic Activity

Mr. McFarland: Mr. Speaker, recently my constituency office heard from landowners in Little Bow that they're not being compensated by a contracted seismic company for exploratory work that's been done on their land. While they were advised this week that their cheques are in the mail, it's unfortunate that they have to contact a constituency office or maybe seek legal recourse in order to get these outstanding disputes resolved. I have a number of questions for the Minister of Sustainable Resource Development. Minister, can you or your staff assist with outstanding disputes and claims from folks who are otherwise unable to understand the process of how they get some of these outstanding seismic company claims settled in a more expeditious manner?

The Speaker: The hon. minister.

Dr. Morton: Thank you, Mr. Speaker. I'd like to thank the hon. Member for Little Bow for that question. It's something that does come up from time to time. It's important to emphasize that access agreements with respect to seismic are strictly between landowners and seismic operators. The government of Alberta is not a party to such agreements. Obviously, Sustainable Resource Development cannot enforce an agreement to which we are not a party. Having said that, though, our staff would be happy to work with landowners that have this problem and see if we can facilitate a resolution.

The Speaker: The hon. member.

Mr. McFarland: Thank you, Mr. Speaker. When claims are outstanding for over 90 days, what other options might your staff be able to offer to landowners who are seeking quick resolve and need the money?

The Speaker: The hon. minister.

Dr. Morton: Thank you, Mr. Speaker. Again, we can contact the seismic company and try to facilitate an agreement that way. Another alternative is contacting the Farmers' Advocate, who has some responsibility for mediating disputes between landowners and companies like this. Failing both of those, the only alternative is to hire a lawyer and go to court.

Thank you.

Mr. McFarland: Mr. Speaker, to the minister: is it possible that the Surface Rights Board might play a role in assisting these farmers and ranchers in their outstanding claims as well?

Dr. Morton: Mr. Speaker, it is often thought that the Surface Rights Board might be able to help in this matter. In fact, the Surface Rights Board does not get involved in seismic exploration or agreements. The Surface Rights Board only deals with oil and gas developments after – after – the EUB has approved some sort of drilling or pipeline development. So, again, the Surface Rights Board does not involve itself in seismic exploration.

Thank you.

The Speaker: The hon. Member for Lethbridge-East, followed by the hon. Member for Grande Prairie-Wapiti.

Twinning of Highway 3

Ms Pastoor: Thank you, Mr. Speaker. On March 16 in a speech to the Fort Macleod chamber of commerce the Premier had said, "I'm pleased to confirm that the two lane portions of Highway 3 west of Fort Macleod and east of Lethbridge will be twinned, with timelines still to be confirmed." However, the director of communications for Infrastructure and Transportation stated that the local residents shouldn't hold their breath for this twinning. My questions would be to the Minister of Infrastructure and Transportation. Could he clarify this mixed messaging?

Mr. Ouellette: Mr. Speaker, I remember reading something about that. We always have said that we plan on twinning the number 3 highway, and we're going forward as fast as we can. There are going to be some passing lanes put on it this year while we're going along, and we plan on twinning it.

Ms Pastoor: Passing lanes are absolutely not good enough.

We know that this Premier understands the need for the twinning of highway 3, and I have a copy of the briefing notes that he had as the minister of infrastructure. They state and show the pressure from the locals to get the twinning done, but it also shows the promises of the previous Premier to do so. That was six years ago. As an alderman and now as an MLA I have been on this file for 10 years. We need timelines and not delays. To the same minister: when will this highway be twinned?

Mr. Ouellette: Mr. Speaker, it is not in our current three-year plan right now, but I will say that we are engineering and working on it, and as fast as the budget allows, we will go ahead and twin that highway.

The Speaker: The hon. member.

Ms Pastoor: Thank you. To look at an even larger picture, my knowledge of this issue is that highway 3 needs to be twinned from the Saskatchewan border to the B.C. border. Can the minister tell us just exactly what the government is doing to address the wider concern in, certainly, the larger picture?

Mr. Ouellette: Mr. Speaker, I can say that we've hired a consultant. There's a consultant that's working on the long-term plans. I can say that we're dealing with the municipalities in the Crowsnest Pass on where they actually want the highway, if we're going to do a bypass or go through the towns. We've always said that we're wanting to improve all the highways in Alberta as fast as we possibly can, and we have a four-year plan today to do the catch-up on our backlog of maintenance and rehabilitation.

The Speaker: The hon. Member for Grande Prairie-Wapiti, followed by the hon. Member for Edmonton-Centre.

North-south Trade Corridor

Mr. Graydon: Thank you, Mr. Speaker. Another highway question for the Minister of Infrastructure and Transportation. Several years ago this government committed to constructing a divided highway called the Canamex highway, or the north-south trade corridor, running from the U.S. border at Coumts to the British Columbia border west of Grande Prairie. Considerable progress has been made on this project. However, there are some parts that remain to be completed, the bypass around Grande Prairie, to be more specific.

Can the minister give the Assembly an anticipated completion date for the Canamex highway?

Mr. Ouellette: Mr. Speaker, Alberta's portion of the Canamex highway, known as the north-south trade corridor, provides a vital link for movement of goods, and it supports Alberta's growing trade with the United States and Mexico. By the end of 2007 the divided highway in Alberta will be more than 90 per cent complete. The completion of this project will depend on overall provincial priorities and budgets.

Mr. Graydon: My first supplemental to the same minister. I would point out that this highway project doesn't end at Wembley, Alberta, but carries on another 80 kilometres to the Alberta/B.C. border. It's well known that the traffic count between Grande Prairie and Beaverlodge is extremely high. Can the minister update the constituents of Grande Prairie-Wapiti on what plans are in place to complete that portion of the Canamex highway?

Mr. Ouellette: Mr. Speaker, the twinning of highway 43 west of Grande Prairie to the B.C. border is not on the department's three-year program. Construction will depend, again, on provincial priorities and budgets. But approximately 23 kilometres of highway 43 are currently twinned between Grande Prairie and Wembley. This leaves approximately 68 kilometres to be twinned from Wembley to the B.C. border.

In the meantime, the department has plans to complete by the summer of '07 the detailed design for the highway 43X bypass between the number 2 highway and 116th Street in Grande Prairie, Mr. Speaker.

1:50

The Speaker: The hon. member.

Mr. Graydon: Thank you. My final supplemental. Within the Whitecourt-St. Anne constituency there is an 18-kilometre section of highway 43 remaining to be twinned. When can the travelling public expect to see the section between Mayerthorpe and Sangudo completed?

Mr. Ouellette: Mr. Speaker, you'll be happy to hear that the government will twin 18 kilometres of highway 43 between Mayerthorpe and Sangudo this year. Another 20 kilometres of twinning will also be completed on highway 43 this year between Fox Creek and Valleyview. This means that by the end of this year almost 400 kilometres will be twinned between Edmonton and Grande Prairie.

The Speaker: Would any member like to rise and advocate for a few miles on my behalf? [interjections] Oh, thank you. Thank you. Lots of takers.

The hon. Member for Edmonton-Centre, followed by the hon. Member for Peace River.

Ground Ambulance Services

Ms Blakeman: Thank you, Mr. Speaker. Alberta municipalities that deliver ground ambulance services have been waiting for two years for this government to make a decision about whether the province will actually take over ambulance services through the health regions or whether municipalities will continue to provide the services. The pressure that municipalities are under continues to intensify as population increases, staff shortages get worse, and funding from the

province remains stagnant. My questions are to the Minister of Health and Wellness. Is it the minister's policy that ambulance services are the responsibility of municipalities or the province?

Mr. Hancock: Well, Mr. Speaker, it really doesn't matter what the minister's policy is. It's government policy that we are continuing to encourage and support municipalities in providing ambulance services while we deal with the report from the ambulance committee and look at the results from the two pilot projects to determine how to best ensure that ambulance processes form the appropriate part of the front end of the health system.

The Speaker: The hon. member.

Ms Blakeman: Well, thank you. In April of 2006 a report was expected on the ambulance pilot project prepared by the member from Medicine Hat along with the chair of the Peace Country health region. It's 12 months later, 12 months since that report was due in front of us. Has the minister received the report?

Mr. Hancock: Yes, Mr. Speaker.

Ms Blakeman: Okay. Then what changes to ambulance delivery are being implemented based on this report, and when will you be making those public?

Mr. Hancock: Mr. Speaker, after having received the report, being newly appointed in December and having had an opportunity to review the report in January, I met with the Member for Cypress-Medicine Hat. I also met with the advisory committee that had put the report together. I've had some discussions with other stakeholders in the area since that period of time. I've asked the department, and they've put out an RFP with respect to a process to get some more costing information. I will be bringing forward within the next few months a policy proposal through the government processes, and we hope to be able to deal with this issue with some finality in this budget year. In the meantime, municipalities will be funded as they have been to carry on.

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

Spring Flooding

Mr. Oberle: Thank you, Mr. Speaker. With the record snowpack and heavy spring runoff anticipated, my constituents are deeply concerned about potential flooding in the north, and this is exacerbated by heavy snowfall and rain over the last couple of days throughout the region. My first question is to the Minister of Municipal Affairs and Housing. Is the government prepared to deal with this potential flooding?

The Speaker: The hon. minister.

Mr. Danyluk: Well, thank you very much, Mr. Speaker. I want to say first of all that Environment is the lead on this, but I will say that the Emergency Management Alberta agency is in charge of the cross-government readiness. The government does have a plan. Also, we have run a tabletop exercise that's based on that plan, and we're monitoring the potential flooding on a continuing basis.

The Speaker: The hon. member.

Mr. Oberle: Thank you, Mr. Speaker. My next question to the same minister: does the government have a role in advance of flooding, or are municipalities solely responsible for preparation?

Mr. Danyluk: Well, Mr. Speaker, first of all, the possibility of flooding in northern Alberta is very high. Municipalities have the first-response responsibility for disasters, emergencies, and flooding. I will say that Environment has done an excellent job in monitoring the potential, keeping track of forecasts, and looking at what they see could be the potential of a flood.

The Speaker: The hon. member.

Mr. Oberle: Thank you, Mr. Speaker. My final question, again to the same minister: is the minister confident, then, that municipalities at risk, such as Peace River, perhaps Fort Vermilion, Fort McMurray, are prepared to deal with flooding if and when it happens?

Mr. Danyluk: Mr. Speaker, the Emergency Management Alberta agencies work very closely with municipalities. We feel that municipalities are as ready as they could be for flooding, and the government is there for any assistance that's necessary.

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

Affordable Housing (continued)

Dr. B. Miller: Thank you, Mr. Speaker. As a member of the Affordable Housing Task Force I had the unique opportunity of listening to the presentations and the stories of Albertans about their housing experiences. What I heard convinced me that there is a housing crisis in Alberta. There is not enough housing for anyone, including low-income people, who need affordable housing, and even skilled workers who are making good money in the oil patch. They can't find enough housing. My first question is to the Minister of Municipal Affairs and Housing. Does the minister agree that there is a crisis, and if so, why will he not take immediate action? Why is the minister delaying so long in releasing the task force report?

Mr. Danyluk: Mr. Speaker, it is a priority for this government. We did bring forward the housing task force exactly for that reason: to find out the information from people across Alberta, to consult with Albertans in regard to affordable housing and in regard to homelessness. That report is in my ministry right now, and we will have some recommendations very shortly.

Dr. B. Miller: Now, the task force was given a short 45-day timeline to compile the report, which we delivered on time. Now we're told that the report won't be made public until the end of May, and that's longer than 45 days. Does the minister recognize that the longer this government drags its feet and fails to take immediate action on affordable housing, the worse the crisis will get?

Mr. Danyluk: Mr. Speaker, I think it is so important what we do and that the direction we go in is right, and I want to commend that task force for the work that they did do. That was a very intensive report, and we are dealing with that report and looking at the implications and how we can assist affordable housing and homelessness in Alberta.

Dr. B. Miller: My final question, Mr. Speaker, is for the Minister of Employment, Immigration and Industry. We are receiving constant reports that skilled workers, including new Canadians, come to Alberta to find work, and then they leave our province because they cannot find housing. Does the province's workforce strategy include the huge issue of housing, or are people just left on their own, in many cases having to live in tents and RVs? Where is the planning?

Ms Evans: Well, Mr. Speaker, there is a lot of planning that has gone into the affordable housing issue, especially with the folks that are involved with the ministry in terms of receiving supports, those that are not expected to work, those that are not able to work at the present time. We have had a constant liaison with the Minister of Municipal Affairs and Housing dealing with his task force and working with our officials behind the scene. But we have also in the recent past been looking more at the impacts of growth and encouraging employers to assist us with the onerous task of finding proper housing, and most in Alberta are doing an exceptional job. I would suggest that, in large part, people who leave the province relative to work has less to do with housing and more with their comfort in the community.

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

2:00 **Holy Cross Care Centre**

Dr. Pannu: Thank you, Mr. Speaker. The Calgary Homeless Foundation says that rising rents put low-income seniors at risk of becoming homeless. Meanwhile, the cost of a one-bedroom unit and care at the Holy Cross Manor, owned by Enterprise Universal, has recently jumped from \$1,800 a month to \$2,400 a month, a whopping increase of \$600. Despite this deplorable record of rent increases by this company the government has committed \$2.2 million for Enterprise Universal to build 130 affordable housing units at Holy Cross. My questions are to the minister of housing and community supports. Minister, can you assure this House that the proposed rents . . .

The Speaker: The hon. minister.

Mr. Danyluk: Mr. Speaker, I'm not exactly sure where he was going with this question. Sorry.

The Speaker: The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. Can the minister assure this House that the proposed rents of \$495 a month for a studio apartment and \$590 a month for a one-bedroom unit in this project will become a reality and that these rent levels will be capped until the provincial housing shortage is resolved?

Mr. Danyluk: Mr. Speaker, the criteria and eligibility for acceptance into an affordable housing project go through rigorous inspection. I don't have the numbers in front of me, but if that was the commitment, then that's the direction that it will go.

The Speaker: The hon. member.

Dr. Pannu: Well, thank you, Mr. Speaker. I'm surprised that the minister doesn't know the conditions of \$2.2 million that has been awarded to this company.

To the minister again. The recent termination by the Calgary

regional health authority of the Holy Cross long-term care contract raises serious questions about this government's willingness to blindly shove millions of dollars into the hands of private interests. The affordable housing project is now a year old and a year and a half behind schedule. Will the minister assure the House that Enterprise Universal will not receive one more cent of public money until they guarantee that they will finish their project in a reasonable amount of time and . . .

The Speaker: The hon. minister.

Mr. Danyluk: Mr. Speaker, the 1950s building in the Holy Cross unit is near completion. Just for a little bit of a correction, it is \$3.2 million, not \$2.2 million. It is going to have a hundred units that are going to be available. Now, I'm gathering that that's the one that he's talking about.

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

Twinning of Highway 63

Mr. Johnston: Thank you, Mr. Speaker. In the past 24 hours there have been two very serious accidents on highway 63, resulting in four fatalities. My first question is to the Minister of Infrastructure and Transportation. When will this highway be twinned?

Mr. Ouellette: Mr. Speaker, let me begin by saying that my heart goes out to the families of those involved in yesterday's collision. Yesterday the highways were bad throughout Alberta. There was freezing rain and wind, and it was just a bad day to be travelling.

The government recognizes the importance of highway 63 as a vital link to the oil sands and the amount of heavy industrial traffic on the road. This is why we are committed to twinning highway 63. I can tell you that government has begun twinning the 240-kilometre stretch of highway between Fort McMurray and the junction of highway 55 as designs are completed and federal environmental permits are obtained.

The Speaker: The hon. member.

Mr. Johnston: Thank you, Mr. Speaker. To the same minister: can you provide more details on the work being done on highway 63?

The Speaker: The hon. minister.

Mr. Ouellette: Yes, Mr. Speaker. Work has already begun to clear the trees for the first section of the twinned highway south of Fort McMurray while engineering and planning work continues further south. This year we have tendered the first section of twinning south of Fort McMurray from highway 69 to highway 881. The cost of twinning the highway is estimated to be more than \$940 million.

The Speaker: The hon. member.

Mr. Johnston: Thank you, Mr. Speaker. My final question is for the Solicitor General and Minister of Public Security. What is your department doing to make the highway safer for Albertans?

The Speaker: The hon. minister.

Mr. Lindsay: Thank you, Mr. Speaker. These deaths on our highways are certainly tragic. Traffic safety is critical to providing

safe and secure communities for all Albertans, and enforcement is definitely an essential element in our strategy to make our provincial highways safer. We do have sheriffs who patrol highway 63, and they work very closely with the RCMP to target aggressive and careless drivers. I can assure the hon. member that we are planning to increase the complement of both sheriffs and RCMP on highway 63 in the near future.

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

Mr. Chase: Thank you very much. I appreciate the hon. member from Calgary bringing up the highway 63 concern. The carnage on highway 63, referred to by Fort McMurray coroner Dr. John O'Connor as the Head-on Highway, continues. In the past 24 hours the highway has claimed four more victims. This government, led by one of many former Infrastructure and Transportation ministers, has dragged its feet on the twinning of this highway, which should have occurred 25 years ago. To the Minister of Infrastructure and Transportation: considering that highway 63 has the unenviable record of the greatest number of head-on fatalities, will the minister in a year make the twinning of highway 63 his personal priority? An end date, please.

Mr. Ouellette: Mr. Speaker, the information this hon. member is giving is absolutely false. The stats that I have on highway 63 show it as one of the safer highways in Alberta to travel on as far as the amount of traffic there and the amount of accidents that we have.

Mr. Chase: Deaths aren't acceptable. That's the bottom line.

Again to the Minister of Infrastructure and Transportation: given the reality of the time necessary to twin the highway, in the interim will the minister commit to providing more safe passing lanes and roadside turnouts along highway 63 until the twinning is complete?

Mr. Ouellette: Yes, Mr. Speaker. We are working on that right now. My department is working on that as we speak to find the most dangerous areas, that we plan on putting passing lanes on while we're working on the twinning.

Mr. Chase: To the Solicitor General. Obviously, increasing the number of highway patrol sheriffs on this road has not produced the desired results. Will the minister commit to providing more professionally trained and experienced RCMP to patrol this highway now?

The Speaker: The hon. Minister of Public Security and Solicitor General.

Mr. Lindsay: Thank you, Mr. Speaker. It's a very interesting analogy, and I'd sure like to see some facts to back it up because the report that we have with our sheriffs on the highway and working with the RCMP is that the RCMP certainly respect the help they're getting from our sheriffs, and our sheriffs are trained adequately to patrol our highways.

The Speaker: The hon. Member for Edmonton-Mill Creek, followed by the hon. Member for Edmonton-Gold Bar.

Health Care Service Wait Times

Mr. Zwodzesky: Thank you, Mr. Speaker. One of the best health care systems in the world is found right here in our province of

Alberta, and there are many, many reasons for that accolade, including outstanding doctors, nurses, care providers and others, and several very innovative approaches that our province has ushered in in recent years as well as our attempts to create and implement even more, such as our very successful hip and knee replacement program. My questions are to the minister of health. What guarantees can the minister of health give us that waiting times for radiation therapy will be reduced at least to the same degree that we experienced with regard to waiting times for hip and knee replacements?

The Speaker: The hon. minister.

Mr. Hancock: Well, thank you, Mr. Speaker. I was pleased to meet with the federal Minister of Health, Tony Clement, yesterday to talk about the new wait times guarantee trust fund that they've set up. Alberta has of course signed an agreement, as all other provinces apparently have as well, to access that wait times guarantee process. We will get some funds from that, about \$62 million, to help fund some pilot projects so that we can in fact do for radiation oncology what we've done in bone and joint: reduce the time from the initial time that a patient presents to the time that they actually get treatment. And that's very important. That type of a guarantee, which will be in place by March 2010, will help Albertans.

The Speaker: The hon. member.

Mr. Zwozdesky: Thank you. Speaking of the federal contribution of \$62 million, I wonder if the minister could enlighten us as to what Alberta's contribution will be to augment that in order to further those guarantees that he's just talked about?

Mr. Hancock: Well, Mr. Speaker, of course, one of the reasons why I as minister was reluctant to enter into a wait time guarantee project with the federal government is because Alberta is responsible for health delivery and has to pay for the recourse, and nothing has been worked out with the federal government with respect to how we pay for the recourse. After March of 2010, when we have that guarantee in place, we will of course be responsible for ensuring that any Albertan can get the treatment within that period of time. So we're working with the province of British Columbia, for example, on how we can collaborate and share patients when we can't meet the guaranteed time in our own province. But we will also be working between now and then to make sure that we can reach that time.

2:10

Mr. Zwozdesky: Mr. Speaker, I think everyone knows that access is the grinding problem. Once you're in the system, it's excellent: the service, the care, everything else. I wonder if the minister has given some consideration to other areas where we could unclog the system insofar as access is concerned. We have examples we can learn from, and I think we'd be anxious to hear where else this same strategy might be applied.

Mr. Hancock: Well, Mr. Speaker, this of course is the most important part of this wait times guarantee process. Alberta has wanted not just to pick a specific area and focus resources on that but to make sure that we meet clinical benchmarks right across the board. So we can take the learning from the bone and joint project that we had last year and the team approach, the process re-engineering, which made it much more effective for people to get the service on a timely basis. We will have more learning from the radiation oncology project, and we will use that learning right across the

spectrum to establish clinical benchmarks and to meet those clinical benchmarks.

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

Internal Royalty Review

Mr. MacDonald: Thank you, Mr. Speaker. In 2006 the former Minister of Energy told Albertans that the government had completed a royalty review and that everything was A-okay. In typical Conservative fashion there was no documentation or record of the review for Albertans to see. The current Minister of Sustainable Resource Development publicly stated that the internal review was never completed. My first question is to the Minister of Energy. Given the confusion, mixed messages, contradicting statements, and complete lack of documentation regarding the 2006 royalty review, will the minister tell the Assembly who was correct: the former Minister of Energy, who claims that the review was completed, or the current Minister of Sustainable Resource Development, who claims that it was not?

Mr. Knight: Mr. Speaker, first of all, if there's confusion here in the Legislature with respect to this issue, it resides across the way. Secondly, with respect to the review of our royalty system and the structures in the province of Alberta, it is an ongoing process. In 2006 there were, in fact, some portions of the review that were completed. There were four different pieces of the royalty structure that were altered, completed in 2006.

The Speaker: The hon. member.

Mr. MacDonald: Thank you, Mr. Speaker. To the Minister of Finance this time: given that the minister is overseeing the current royalty review and therefore should have detailed knowledge of the 2006 review, can the minister please tell Albertans about the process that was used in 2006, the terms of reference, and, most importantly, who took part in the review?

The Speaker: The hon. minister.

Dr. Oberg: Thank you very much, Mr. Speaker. As the hon. Minister of Energy just stated, it was a review that looked at certain elements of the royalty package. What we are going to be doing and what we are in the process of doing is a complete review on everything to do with the royalties on the oil sands, on conventional oil and gas. We're looking at the whole ball of wax, so to speak. What I will say – and I think that this is very important – is that we don't duplicate what was done. All the information that was done in the Department of Energy with their royalty review will be passed on to our Royalty Review Panel, which is an external panel, an arm's-length panel. The previous royalty review was an internal panel.

The Speaker: The hon. member.

Mr. MacDonald: Thank you, Mr. Speaker. To the Minister of Energy: given that the Department of Energy provides 11 oil and gas royalty adjustment programs, which in the last two years have cost \$1.5 billion in reduced royalty rates, are these programs necessary now that we're looking at high prices for oil and gas in our North American markets?

Mr. Knight: Mr. Speaker, it's quite obvious that the answer that I just gave moments ago in the Legislature does not satisfy the hon. member. He should understand that in 2006 we completed a review of some of the parts of the programs inside the royalty regime, and we removed nearly \$300 million worth of programs from industry at that point.

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

Medical School Selection Criteria

Mr. Lougheed: Thank you, Mr. Speaker. A recent study published by the *Canadian Medical Association Journal* suggests that about 10 per cent of physicians that graduate from Canadian medical schools leave to practise elsewhere. My question for the Minister of Advanced Education and Technology: what criteria are used to select students for Alberta medical schools, and who comprises the committee?

Mr. Horner: Mr. Speaker, the responsibility for this aspect of postsecondary education doesn't reside with the government. It resides with the postsecondary institutions themselves. It's important to note that postsecondary institutions establish their own criteria. They establish their own committees and take a broad section of the stakeholder group that would represent that. Medical faculties from across Canada also collaborate on the selection process.

Mr. Lougheed: Mr. Speaker, since commitment to practise in Alberta is not one of the selection criteria, and given that most of the cost of educating the prospective medical grads is borne by the province, is there any way to have prospective medical students enter into a service contract with health care providers?

Mr. Horner: Mr. Speaker, like other students medical students pay for approximately one-third of their education. They are responsible for significant costs while completing their residencies. Service contracts are an option that could be considered. We will look at many options. Service contracts have also proven ineffective in some areas, but we're certainly open to reviewing all aspects of the rural physician action plan and those other action plans that are currently under way.

Mr. Lougheed: I'm just wondering if the minister could elaborate further on what kinds of things he's thinking about for retaining grads.

Mr. Horner: Mr. Speaker, this is a very, very important issue for government, and certainly my department takes it very seriously. Recently we announced that medical residents do not have to make student loan payments or interest payments while completing their residencies, and that becomes effective April 1. Bursary funding is available through both the Alberta government and the rural physician action plan for medical students and residents who wish to train in rural communities. We are currently working through a cross-government initiative to address the health workforce challenges through Advanced Education and Technology, Health and Wellness, and Employment, Immigration and Industry. This initiative is a very large collaborative effort amongst the departments and also the stakeholders within the industry.

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

High Island Natural Area Webcams

Mr. Agnihotri: Thank you, Mr. Speaker. Protected areas should be protected, period. It seems simple, but this government doesn't seem to get it. High Island natural area in Lac La Biche is being seriously disturbed by the installation of camera towers and equipment. To the Minister of Tourism, Parks, Recreation and Culture. Staff biologists' report on the site stated that the impact on the landscape was deemed negligible. Will this minister make this report public and tell us if any other reports were prepared on the impact to the local bird populations?

Mr. Goudreau: Mr. Speaker, certainly, we're using some technology that offers another way to Albertans to access protected areas. Rather than having a whole pile of people in a protected area monitoring and following bird movement, we are using technology to do that. It's all done in light of minimizing the impact that we have on those areas.

Mr. Agnihotri: To the same minister. Local groups who were not consulted, including conservationists, naturalists, and the local birding society, are upset that this government broke its promise to go on with transparency. Is it the minister's habit to make important decisions about protected areas without public input?

Mr. Goudreau: Mr. Speaker, this particular project is conducted by a renowned biologist, and certainly they monitored the installation of the equipment. I need to say that all of that work was done on frozen ground to try to minimize both our plant and soil disturbance. That was accomplished and done in light of trying to minimize the impact rather than have additional impact occur.

2:20

Mr. Agnihotri: To the same minister. Conservationists who have seen the area believe that the contractors installing the equipment have done considerable damage to the land. Will the minister table the contract so Albertans know what penalties are in place for companies who violate the contract and how the area will be restored?

Mr. Goudreau: Mr. Speaker, it's my understanding from following this particular file that we acknowledge that there were a few willow shrubs that were broken. If the hon. member is aware, under fairly moist conditions those willow shrubs will recover very, very rapidly. Certainly, we're going to keep on top of the contract to make sure that no violations are occurring, and we'll monitor the site as well.

The Speaker: Well, hon. members that was 102 questions and answers.

Speaker's Ruling Tabling Cited Documents

The Speaker: We have a little item coming out of what happened today in the Assembly, and as we evolve with the new Standing Orders, I'd just like to draw your attention to it. We have now under the Routine a provision where tablings will occur before the question period. We had a question period. A minister referred to a document. There's no provision to allow for tablings when an answer is being given, but it's our custom that when a minister refers to a document, he or she should table it.

We have three ways of dealing with this. Number one, we can ask the minister to return tomorrow and table the document. Number two, we can ask for unanimous consent, or number three, I can just

make a common-sense decision and say: will the minister table the document now? Would that be okay?

Hon. Members: Agreed.

The Speaker: Number three. Please proceed, hon. minister.

Mr. Liepert: Mr. Speaker, I would like to table five copies of a document that I referred to earlier today in my answer.

The Speaker: Now, in that procedural decision this does not negate the responsibility of members to table documents in tabling at the appropriate time before. This is not to get in the back door what you should be doing through the front door. Does everybody understand that?

Now, hon. leader of the third party, were you going to rise on a point of order?

**Point of Order
Referring to Newspaper Articles**

Mr. Mason: I was going to raise a point of order, Mr. Speaker, and it had to do with the answer that the minister of learning gave to one of the hon. members in the opposition in which he read from a newspaper clipping. Under *Beauchesne's* 428(e) – and I'd like to thank you for helping me find this – it does not allow someone to inquire whether or not statements made in newspapers are true. I would submit that the converse is also the case and that comments on whether the statements made in a newspaper are true or not in an answer is covered by 428(e).

Thank you.

The Speaker: Well, it's common practice, hon. members, that we don't refer to newspapers as our source of information in the Legislative Assembly. I suspect that the hon. Minister of Education, having been trained in that discipline, is having a difficult time operating outside of that discipline, where the belief is that everything that's said or printed is absolutely 100 per cent correct. We all know that that's not true, but we'll accept that that's basically the point.

The hon. Government House Leader.

Mr. Hancock: Yes, Mr. Speaker. I appreciate your ruling, but I think it does bear saying that the hon. minister was not actually referring to the newspaper article as to content as to whether it was true or not but whether or not it was being properly quoted by the hon. Leader of the Opposition in the question. That was the important reference, that if you're going to quote a newspaper, which is perilous at best, you should at least do it accurately.

The Speaker: And all would agree with that.

head:

**Orders of the Day
Government Bills and Orders
Committee of the Whole**

[Mr. Shariff in the chair]

The Deputy Chair: Hon. members, we shall call the committee to order. I just want to remind every member that as of this week we are covered on the Internet from gavel to gavel, so be aware of that.

**Bill 3
Climate Change and Emissions Management
Amendment Act, 2007**

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you, Mr. Chairman. It's a pleasure to rise again and speak to Bill 3, Climate Change and Emissions Management Amendment Act, 2007, with a suggestion for amendment. This is of vital interest to Albertans, and we on this side feel that the government is taking it with a lack of the urgency and seriousness that it requires.

Bill 3 does require an intensity reduction beginning in July 2007 of 12 per cent in carbon emissions over the previous three-year average. Intensity targets are really related to the amount of carbon emitted per million dollars of GDP. Under this regime it is possible to get industry, particularly the large final emitters, to reduce their emissions by significant amounts through this format of intensity reductions, but it's very clear that as a longer term response to the serious issue of absolute reductions in carbon in the atmosphere, this is not going to win the day. Indeed, calculations out of several institutes, including the Pembina Institute, suggest that we will have a 70 per cent increase in carbon in this province by 2020 if we simply follow intensity targets, as outlined in this bill, of 50 per cent intensity reduction by 2020.

Clearly, Mr. Chairman, it's time for us to take very much more seriously the responsibility Albertans have placed in our hands. This is the issue of the 21st century. We have to come to terms with limits and tighter timelines and reductions in absolute emissions. This amendment suggests following the good initial regulation that is going to reduce by 12 per cent the intensity by an additional 10 per cent reduction every two years.

In association with these carbon emissions the first amendment that I'm wanting to recommend is that we establish a tax on the excess carbon that's beyond the \$15 per tonne that this bill provides. Indeed, it clearly needs to be higher based on the world market for carbon. The European Union charges closer to \$30 a tonne, and we are at \$15. If we are wanting to send a clear message, if we're wanting real business opportunities to emerge out of the carbon market, we have to advance that.

As the amendment is being circulated, Mr. Chairman, I could go ahead and read it if you wish.

The Deputy Chair: Hon. member, we shall refer to your amendment as amendment A5, and you may proceed. It has been circulated to everyone.

Dr. Swann: Thank you. I'm moving, then, that Bill 3, Climate Change and Emissions Management Amendment Act, 2007, be amended in section 6 in the proposed section 60 by adding the following subsection:

- (4) Where a regulation under subsection (1)(dd) states that emissions in excess of the maximum levels established under subsection (1)(d) constitute an offence, the penalties . . . shall be not less than
- (a) \$15 per tonne, commencing in 2008,
 - (b) \$20 per tonne, commencing in 2010, and
 - (c) \$30 per tonne, commencing in 2012.

as is already registered,

Thank you, Mr. Chairman. I'm open for further discussion.

2:30

The Deputy Chair: The hon. Member for Edmonton-McClung on the amendment.

Mr. Elsalhy: Thank you, Mr. Chairman. It's really my pleasure to rise today and participate in debate on this amendment A5, which seeks to make Bill 3 an even better piece of legislation. I'm going to briefly state my reasoning for standing in support of my hon. colleague from Calgary-Mountain View in his moving of this amendment.

As is obvious to you, Mr. Chairman, and to all hon. members today, the Member for Calgary-Mountain View is suggesting that we bring in a tiered, or stepwise, increase into the penalty for exceeding emission targets. As he is suggesting, he is basically saying that instead of just a flat \$15 per tonne of waste, we would have an increasing penalty structure where it jumps from \$15 per tonne in 2008 to \$20 per tonne in 2010, and then ultimately to \$30 per tonne commencing in 2012.

Now, if you think about this, Mr. Chairman, what we're trying to say here is that we recognize that bringing in targets and requiring companies and corporations, emitters if you will, to adhere to those targets might take some time. Some companies might have the resources to implement new technology or to bring in those solutions immediately or in the fairly short term. Some companies might have difficulty adjusting. But ultimately if you're looking at a year from now to three years from now to five years from now, everybody should be at that same level of competence, if you will, and having the technology in place and the resources in place to do what they're told.

So while we are prepared to live with the \$15 per tonne initially, I think we are not prepared to continue to live with that same meagre level of penalty for longer periods of time after 2008. That's why in 2010 we're going to increase it to \$20, which is not really an outrageous increase, but then ultimately after 2012 it's going to be \$30 from then on. This is going to be putting us at par with other jurisdictions as the European Union, for example, which is really ahead of us by leaps and bounds. We should aspire to being a world leader in environmental stewardship.

As we talked before, Mr. Chairman, offering carrots is one way. Waving a stick is another way. This is basically signalling to companies that emit a lot of that garbage and a lot of that waste into the earth's atmosphere that we are not going to tolerate this. If, in fact, it's actually adding a little bit of a financial burden or a financial disincentive to their operations, I think they would be wise to pay attention to this. One year from now they have to implement something. Three years from now, when it starts to bite them a little more in their bottom line, they would have to be a little more compliant. Then ultimately when it goes to \$30, which is not outrageous, which is really like what the other jurisdictions are doing, they would definitely have to think twice before they continue spewing their garbage into the atmosphere without fear of, you know, having to live with repercussions or the government telling them that they cannot continue on that path.

We can use the funds that we generate from those penalties by putting them into a green fund, for example. It's sort of a health rehabilitation fund for the planet where we basically use the money to clean up and to remedy some of the damage we have done.

I was actually watching an old black and white movie the other day, Mr. Chairman. I can't remember the name, but it was fairly old, and it talked about gold prospectors in the old Wild West. One of the characters in the movie was talking to his colleagues, or his comrades . . .

An Hon. Member: Sidekicks.

Mr. Elsalhy: His sidekicks.

Actually, yes, he was sort of the leader of that group. There were three people who were looking for gold in a mountain in the old Wild West. He told them: every day we look for gold, we're injuring the mountain. That was the sentiment in the 1930s, when that movie was produced. When they left that mountain at the end of the movie because they were rich, and they were as rich as they wanted to be – they did not continue beyond what they felt was adequate; they didn't just keep going – he told them: we don't just pack up and leave; what we have to do is fix the damage or try to remedy the damage that we inflicted on that mountain. He actually used the word "injury." They injured the mountain.

Today we are injuring the planet as well through development that is faster than planned for. This is one way where we can basically remedy and apply some sort of healing or a treatment aspect to this growth that we're experiencing. Growth is fine as long as we can manage it. One way we can manage growth is by using some of those funds that we generate with this escalating, or increasing stepwise, fee structure by applying some of those funds towards healing the planet and looking after the environment and restoring the environment to as pristine as possible, as natural as possible a state that we can pass on to our children and our grandchildren.

Impact on the industry? I don't think \$30 per tonne is outrageous. As I said, they're making a lot of profit right now, Mr. Chairman, and it's time that they actually live up to their promise and step up to the plate and partner with us in government and partner with the public by showing leadership. If this is going to offer them the incentive or the enticement to do it because they're afraid for their bottom line and they're afraid for their shareholders, then I'm all for it.

I voice my support for this amendment A5, and I commend the hon. Member for Calgary-Mountain View for supporting it and sponsoring it. Thank you.

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

Ms Blakeman: Thanks very much, Mr. Chairman. I am pleased to be able to rise and speak in support of the amendment sponsored by my colleague from Calgary-Mountain View, which increases by a step-up factor the fines or penalties under section 60(3) in (4) and following (1)(dd).

I find this a useful way of working with the private sector here because the private sector is driven by a profit motive: entirely appropriate, a very successful way. I certainly wouldn't do anything to stand in the way of that profit motive. As a matter of fact, I think many entrepreneurs would claim that that's their inspiration and drives them to be leaner and meaner and achieve more. Good. Taking that as the standard, let's work forward from that.

We know that both money incentives and penalties or fines can be quite successful in helping the private sector adapt to public policy driven issues, and that's really what we've got here. We've got public policy that needs to be setting an agenda to reduce greenhouse emissions. That's for the betterment of the planet.

How do we work alongside the private sector? Well, this is one of the ways of doing it, through a series of graduated penalties if you want to look at it one way. The other way is incentives because, frankly, if the private sector is able to achieve the targets that are set out here, they benefit. Their competitors, if they're not able to achieve it, will be paying a fine. Those who did well in achieving these targets will definitely benefit financially, so it's an excellent inspiration for the profit motive. Essentially, it's speaking the same

language if I can couch it that way. So I'm very much in favour of what's been suggested here.

The existing bill just suggests the first target, which is the \$15 per tonne commencing in 2008.

2:40

Dr. Swann: July 2007.

Ms Blakeman: Sorry. July 2007. I stand corrected.

This spreads out the timeline a bit more. It's \$15 per tonne in 2008, \$20 in 2010, and \$30 per tonne in 2012, which sort of was the end date that we were seeking that's contemplated in this bill.

Why do we need to do that? Well, I think it's pretty clear to me as a citizen but also as a policy-maker that the public rather than the legislators are driving this issue. The citizens clearly want definitive action on climate control, on greenhouse gases. They want to see substantive measures taken by our government. In that I think the policy-makers are behind the public, which is a little unusual but happens every now and then, and this is one of the times.

Why is that? Well, I think that particularly in Alberta – and we often have the finger pointed at us by the rest of Canada, and in some cases that's unfair – when we look at the amount of industrial activity that we have in this province that contributes to greenhouse gas, we rank very high. Actually, we rank at the top. According to data that was produced by Environment Canada, based on data that was in fact filed with them, Alberta accounts for nearly 40 per cent of all climate-warming gases released in 2005. Forty per cent of everything in Canada is coming out of one province, and that's us. Of course, the next largest emitter is Ontario, and it comes in at 28 per cent, so we are substantially in the lead on that and not the kind of blue ribbon, first-prize award that I was hoping Alberta would take. In the ranking of individual industrial sites that are emitting greenhouse gases, we also rank very high because seven of the 10 biggest polluters in Canada are situated here in Alberta. The province, indeed, has five fossil fuel fired generating stations in the top 10. So we really need to take big steps here in Alberta.

I don't want to see Alberta competitively disadvantaged any more than the next person. In fact, I think that the oil and gas sector is ready to step up. I think they've been ready to step up for a long time because we're not just competing with Canada here; we're competing with the rest of the world. I'm about to paraphrase a quote here. Somebody said that there was a war being waged on carbon. I think that's true, and it could end up being waged against us in Alberta. I don't want to see that happen. I don't want to see us targeted by the rest of the world, so I want us to get out front, to take leadership on this.

This is about absolute reductions in emissions. This is not pussyfooting around. We have to be brave and take those big steps, and again I think our oil and gas sector is ready to step out. I think they are perfectly prepared to be number 1 and to lead on this. They just want to know when it starts. They want predictability in when it all comes into play by targets and timelines, and then they're ready to go. They will do it. I know they will because we're playing with the best here in this province. We're not coming out of the backfield here. We've got the top. We've got the top brains, the top innovators in the oil and gas sector right here in Alberta.

I know that we can do this. We just need to be fair to everybody so that they all know when they're going to start, and they know what they're trying to achieve, and let 'em rip. They will accomplish this. In that case, what's considered in this amendment would not even need to come into play because they will achieve it and will not be subject to any of the penalties that are contemplated in the amendment, and that is the additional stepping up of the penalties

that are being brought forward in this amendment. Of course, any of their competitors that can't keep up are going to be subject to it, and frankly that gives the ones that got out ahead a competitive advantage, and that's entirely appropriate.

I think this is a good idea. I think we can do well with it. I think that our oil and gas sector can lead in this, and I think they want to lead in it, but as public policy-makers we've got to give them that starting gate to start from and the targets to know where they're trying to get to.

Dr. Swann: Level the playing field.

Ms Blakeman: Yeah. It's the proverbial level playing field.

But really what it's about is: where exactly is the starting gate, and what exactly are they shooting for? What's the end target?

So with those comments in support of amendment A5, Mr. Chairman, I will urge my colleagues in the Assembly to support the amendment. I will take my seat and allow others to also speak in favour of the amendment.

Thank you.

The Deputy Chair: Any others? The hon. Member for Edmonton-Rutherford.

Mr. R. Miller: Well, thank you, Mr. Chairman. You'll be pleased to know that I am going to accept the advice of my hon. colleague from Edmonton-Centre and speak in support of this motion as well. I'll keep my comments brief because a lot of the things that I was going to say have already been touched on by previous speakers, but I would like to just touch on a couple of points.

The first is that I'm long on record personally as not being a big fan of carbon trading and offsets. I have said that one of the things that I like about Bill 3, even though it's definitely not going far enough in my mind and certainly not in that of the opposition caucus, is that these penalties will stay in Alberta and help to provide Alberta solutions, and I am supportive of that aspect of Bill 3. The fact that in this particular amendment we would see those penalties rise in a reasonable fashion over a graduated period of time makes perfect sense to me, and I'm hoping that it will make perfect sense to all members of this House.

So while I support that aspect of the bill, as I suggest, I think it doesn't go near far enough. This amendment, if approved, would take us even just a little bit further, move the goalpost, as it were, just that much further, which would certainly help in terms of garnering support from the opposition for this bill, which, I'll be frank with you, Mr. Chairman, at this point in time does not have a lot of support from the opposition for primarily the reason that I've outlined; that is, it just simply does not go far enough.

Another point that I'd like to make. A number of people have referenced the fact that the \$30 per tonne that's currently charged in Europe – and this would put us on a level playing field with what's charged elsewhere – is still competitively favourable to Alberta businesses in that the dollars being contemplated to be charged as a penalty in Alberta are in Canadian dollars. The offsets or the charges that are collected in Europe and elsewhere are actually charged in American dollars. We're all aware of the fact that right now that actually would put us at somewhere around 86 or 87 per cent of what's being collected in Europe. Even though this amendment does take us in the right direction, it's still leaving Alberta businesses at somewhat of an advantage compared to businesses elsewhere. Hopefully, that will help to persuade some members opposite that this is a reasonable amendment and worthy of their support as well.

So with those comments, Mr. Chairman, I will take my seat and look forward to further debate and, hopefully, a swift passage of this amendment by the members of this House. Thank you.

[Motion on amendment A5 lost]

The Deputy Chair: Hon. Member for Calgary-Mountain View, I believe you have another amendment to bring forward.

Dr. Swann: Yes. Thank you very much, Mr. Chairman. We need to strengthen Bill 3. It clearly does not send the right message to industry and the public about the seriousness of the issue before us. In that regard, I've circulated amendment 2.

2:50

The Deputy Chair: Hon. member, we shall refer to this amendment as amendment A6.

Dr. Swann: Amendment A6. Thank you, Mr. Chairman.

That Bill 3, Climate Change and Emissions Management Amendment Act, 2007, be amended in section 6 in the proposed section 60 by adding the following after subsection (1):

- (1.1) A regulation under subsection (1)(d) shall impose requirements that are at least as stringent as a 10% reduction [in intensity] in each of the 5 successive years following the coming into force of this section.

This is being circulated now. I'll wait just a moment until people have it in hand.

The Deputy Chair: Yes. That's correct. Give it a few moments. They're just being distributed at the present time.

Hon. member, you may proceed now.

Dr. Swann: Thank you, Mr. Chairman. The spirit of Bill 3 is to add a 12 per cent intensity reduction to the large final emitters in this province, and that's a very reasonable decision for year 1 of our next four years of trying to come to grips with climate change and the responsibility to absolutely reach a cap and start reducing carbon emissions.

What this amendment will do is add annual increases to that intensity target such that we'll approach some 50 per cent reduction by 2012, a much more ambitious target, to be sure, than the existing target, which was 50 per cent by 2020. But even moving this amendment would result in us achieving a target by 2012 that others have already achieved in the European Union and the United Kingdom. By allowing this cap in 2013, which the opposition is recommending as a follow-up to our four-part increase in intensity targets, we would then begin to reduce towards the targets that the European Union and the United Kingdom have already achieved; that is, by 2012 a net reduction of 30 per cent in absolute emissions.

Surely it's clear to us in this part of the world that with our advantage financially, technically, and the flexibility we have in our resource base, we have to do at least our share and try to begin to approach by 2012 what Europe is achieving by 2012. We must be able to achieve by 2020 what the rest of Europe and the developed world are achieving by 2012. This will move us in that direction substantially. Our target then must be 6 per cent below the 1990 level by 2020.

As the Stern report, the now famous report out of the U.K. by Sir Nicholas Stern, indicated, we have to start spending 1 per cent of our gross national product now per year, or we're going to be spending 20 per cent of our gross national product in 20 years with massive dislocation of people, loss of life, and loss of land.

So this, I think, tries to move us more actively, more aggressively

from a much stronger position of leadership to actually address what Albertans and Canadians have said that they want: a serious commitment to climate change and reducing our carbon emissions. One per cent of our gross domestic product in Alberta would be \$2 billion spent annually on carbon reduction technology, carbon reduction incentives in the renewables area, biofuels, all manner of energy efficiency technologies, carbon capture and storage. Two billion dollars is what the report suggested is going to be needed if we are going to seriously commit to climate change reduction. This is precisely what Albertans are calling for.

At present we spend about \$5 million a year through the Climate Change Central offices. We spend about \$350 million a year through the ME First program to retrofit and develop new energy efficiency technologies in municipalities and save a total of no more than \$500 million a year. That's one-quarter of what is deemed to be necessary. With an extra fee on the carbon emissions and with a ratcheting up of the intensity targets, we could have a larger fund to work with, and we could have a much shorter time frame to get absolute reductions in Alberta.

So in the interest of the future and the interest of being shown to be serious about our commitment to climate change, I strongly encourage your support for this amendment which will move us to still far below the levels by 2012 that the European community has achieved and some corporations have achieved, but it would show a serious commitment to absolute reductions in carbon by 2012.

Thank you, Mr. Chairman.

The Deputy Chair: The hon. Member for Peace River.

Mr. Oberle: Thank you, Mr. Chairman. I think it needs to be stated at the outset that I think every member in this House would consider themselves, whether they're on that side of the House or this side of the House, to be a responsible and dedicated steward of the environment.

Perhaps we have different ideas on the sides of the House; nonetheless, I think that needs to be stated up front. Now, I applaud the hon. member on his tireless dedication to this cause, but I want to point out a couple of things to him. First of all, he talks about reductions of 50 per cent in carbon by 2010. I believe those were the numbers that he was using. Mr. Chairman, it's very easy to bandy about numbers. I think that before we should be talking about those kinds of numbers, somebody had better be talking about what technology is available to achieve those kinds of goals.

Now, the hon. member brought up an interesting point: that we should be setting goals around what Europe has already achieved. That's a very interesting thought, Mr. Chairman, and I would like to point out something to the hon. member. Last week the Prime Minister of Britain, Tony Blair, announced that although their carbon emissions had risen by 3 per cent in the last year, they still felt that they were on track for meeting their Kyoto targets because, including the 3 per cent raise last year, they're currently 15 per cent below their 1990 emissions levels. By the Kyoto measurement year they only need to be 12 per cent below, so they think they're well within the range.

I want the member to consider that for a moment. At the time that Britain signed the Kyoto protocol, they were more than 15 per cent below their 1990 emissions levels, which is why they picked 1990 as a reference date. The same is true in Europe because they had already taken significant amounts of coal-fired generation offline, so they used 1990 as a reference year. They'd already met their targets, and they all gleefully signed the Kyoto protocol. None of them have talked about any technologies that would be available for major carbon reductions, with the exception of production curtailments.

Right now that's the only really serious avenue that we have available to us to meet 50 per cent reduction targets.

So if the member wants to advocate that we should shut down big sections of our economy, then I guess we could probably achieve 50 per cent. Otherwise, I think I would like to stand here and applaud the Minister of Environment for being the first one in Canada, provincially or federally, to table such legislation that has real goals, real targets, and is actually going to do something about climate change rather than blathering on about it. It's a frustrating issue. I think the Environment minister has done an excellent job.

I do not support this amendment, and I'm going to support the bill as it stands. Thank you, Mr. Chairman.

The Deputy Chair: The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thank you very much, Mr. Chairman. Well, you know, I appreciate the intent here of this amendment. This amendment would require a 10 per cent reduction in each of the five successive years. I'm not sure whether or not that can be accomplished, but at least it has the advantage of setting out a plan.

3:00

The difficulty that I have with the comment of the previous speaker and, in general, with the whole approach to emissions intensity is that they are only telling you half the story. The other half of the story is that there is a massive and uncontained expansion planned, particularly in the tar sands in northern Alberta, in their production. So even though you bring down emissions intensity per unit of production substantially, when you're talking about massive increases in the total output, then your overall CO₂ emissions will continue to rise and rise very dramatically. That's the problem. I think it's consciously done by the government. That's the problem with their approach: they're not talking about what's going to happen in terms of industrial development in the tar sands in this province over the next 10, 15, and 20 years.

The Premier at his very first news conference after becoming the leader of the Conservative Party – and I attended that news conference – elaborated on his philosophy quite clearly at that point, I thought, and that was that the government's role was to provide services for the economy, the things that they needed. If people needed schools or if they needed housing or if they needed labour force or whatever they needed, then they would get it from the government, but the government would not interfere with the economic development taking place in the province. The government would not interfere with the economy, and in fact the government would not touch the brake, as he put it.

You take that and then also consider the decisions at some of the closed-door meetings that the government has participated in. For example, at a meeting in Houston in January of 2006 organized by energy Canada and the United States Department of Energy and attended by senior executives from all kinds of oil companies and our own Minister of Energy at the time, the decision was made – at least as far as we know, it was the decision – that the output in the tar sands of Alberta should increase by five times, a fivefold increase in a relatively short period of time.

Take what we've got now in this province and the stresses and strains on this province today as a result of this growth, not to mention the impacts of the CO₂ production, and multiply that by five, and you will get an idea of the kind of future for Alberta that this government has apparently agreed to behind closed doors without ever talking to the people of Alberta about that, never expressing a vision for this province that is producing five times as

much oil out of the tar sands as is presently the case, five times as many plants on the go, five times as much inflation, five times as much CO₂ emissions, five times the housing shortage, five times the shortage in hospital beds, and five times the shortage in classroom spaces. That's the vision this government has for this province. It's not a vision that they're prepared to honestly share with Albertans; rather, it's a vision that they cook up behind closed doors with the American government and with big oil companies.

Mr. Chairman, given that the Alberta government is going to bend over backwards to assist the American government in its strategic goal of replacing Mideast oil without regard to the interests of the people of this province or of the environment, then that gives us a context for Bill 3. We see an aggressive attempt to reduce the emissions intensity, which is the amount of CO₂ produced per unit of energy or per unit of production, at the same time as that amount of production will be five times as high. So it really, stripped of all of its veneer, is a bill that will allow a massive increase in CO₂ output from this province. Five times as much production with a lesser intensity may mean four times as much CO₂ or, if they're really, really good, maybe three and a half times the amount of CO₂ that we're presently producing. That's what this bill is for, and that's what this bill means. That's why the Alberta New Democrats are opposing this bill. It's not an honest assessment of our future, and it doesn't deal fairly and adequately.

The suggestion that has been made on the other side, that if we implement some sort of real caps on emission or if we find a better way to do it than intensity, we're going to shut down the economy, is simply not true, Mr. Chairman. The economy is humming along. In fact, it's growing faster, perhaps, than it should. We could ensure long-term employment for all the people of Alberta, all our young people plus people from other parts of the country plus people coming from outside the country to this province, at a much lower level of development.

If the tar sands and if the energy resource of this province were developed in the interests of the people of the province as opposed to the interests of big oil companies and the United States government, we could have full employment, get caught up on our infrastructure needs, and substantially reduce the increase, at least, in absolute CO₂ production in this province. We may not be able to level it off entirely, but we could certainly do a much better job if we had a more honest approach from this government.

Mr. Chairman, I just want to indicate that I don't accept what the hon. member opposite has said about the impact on Alberta's economy of this amendment or other amendments that have been brought forward. A more rational, staged, and paced approach to development in our province is not only entirely possible but beneficial and rational and something which we ought to be supporting.

Bill 3 is a ticket to wholesale increases in CO₂ production. It's nothing else, Mr. Chairman. It's all wrapped up in an attempt to appear green and environmentally responsible, but it is quite the opposite. It is an anti-environment bill and not one that we will support with this amendment or otherwise.

Thank you.

The Deputy Chair: The hon. Member for Peace River.

Mr. Oberle: Thank you, Mr. Chairman. I'm pleased to rise again. Just to address the remarks of the last speaker, the hon. member pointed out twice in his talk some sort of secret deal or secret plan we have to rapidly expand oil sands development in Alberta. If the hon. member believes that, I suggest that he call Shaw Cable and get television and Internet access because there is no secret about what

Alberta's plans are for production of oil. I think it is patently naive to think that Alberta is just going to curtail their production in oil. We have over 80 per cent of North America's oil reserves right here in our province. I just think it's absolutely unreasonable.

Mr. Chairman, again, the hon. member says that he does not accept my assertion that the only technology available right now is production curtailment. If that's true, then I would point out that the hon. member needn't have suggested that we curtail production by slowing down the oil sands development. That's exactly what he's suggesting.

Mr. Chairman, Alberta is a major energy player in the world. We need to develop our resources in an environmentally responsible manner. I believe that's what this bill is attempting to do, and I'm going to support it.

Thank you, Mr. Chairman.

The Deputy Chair: Any others? The hon. Member for Edmonton-Rutherford.

Mr. R. Miller: Thank you, Mr. Chairman. Just a couple of quick comments in reference to amendment A6, I believe it is. First of all, I find myself agreeing with the leader of the third party, and that always causes me a certain amount of concern.

Mr. Mason: It causes me more.

3:10

Mr. R. Miller: In fact, the hon. member says that it causes him even more concern, so I'm not sure what's happening here this afternoon.

I think he made some very valid points, in particular with the frustration that he is clearly feeling, and I certainly feel, with members from the governing party when it comes to this belief that they continue to expound, that the only way to curtail emissions is, in fact, to curtail production. That is just not true. I'm sure the hon. member knows that, and I think everybody in this House knows that. If you incent industry, they will find a way.

In fact, the hon. Member for Edmonton-Centre in her remarks to an earlier amendment referenced the fact that industry is saying that they're ready. What they're looking for from government is some guidelines. I'm hearing that as I tour the province, too. In fact, we know that many of the larger companies are already far ahead of this government in terms of their preparation for dealing with global warming. My colleague from Calgary-Mountain View just mentioned Shell, Petro-Canada, and BP as examples of that.

It's not a question of industry not being able to come up with solutions. It's not even a question of industry resisting solutions. In many cases they're far ahead of that. It really is a question of incenting industry and making sure, quite frankly, Mr. Chairman, that all industry is playing by the same rules. I think what the players in the oil patch are looking for is some assurance that when they invest extra dollars into addressing this issue, they're not going to be putting themselves at a competitive disadvantage with their industry partners.

It's very frustrating for me to listen to government members talk about the fact – and I know that yesterday it was the Member for Rocky Mountain House who was saying the same thing – that the only way that you can reduce total emissions is to reduce production. That is simply not the case at all, and I would be terribly disappointed to learn that, in fact, they do believe that because it's simply not true.

I believe that absolute reductions are achievable if we deal with this properly, and industry is saying that they are achievable if we deal with it properly. Yes, it's going to cost some money, but the

bottom line is to make sure that everybody is playing by the same rules, make sure that the competitive disadvantage isn't put in place that will harm some companies over others. Give them the reason to do what we all know is right, and they'll do it.

I certainly speak strongly in favour of this amendment. This is the sort of thing that were it in the bill, the government would most likely have the support of the opposition. These are the places where we all know that we have to go. As the Member for Edmonton-Highlands-Norwood pointed out, simply reducing intensity and not addressing overall emissions does absolutely nothing to address a situation where you could have twice as much or three times as much or five times as much production taking place and thereby three times or five times as much emissions taking place as well. So how are we any better off if we allow that to happen?

Lastly, Mr. Chairman, in reference to the comments made by the Member for Peace River about Fort McMurray, I think he tried to draw the parallel that the only way that you could control emissions out of the oil sands region would be to not allow the continued expansion and production there, and I've already addressed that argument.

The other part of that comment that sort of struck me as being odd is the realization – and the government members are hearing this, too, from the mayor of Wood Buffalo and various stakeholders up there – that the issues surrounding the growth that's taking place in the oil sands have so much more to do with things other than just simply emissions that come out of that region. I mean, we're talking about health care, we're talking about infrastructure, we're talking about housing. The whole gamut of issues that are faced by communities across this province is evident in the Wood Buffalo region and in some cases to a much greater extent than they are elsewhere in the province. So to simply tie emission targets to expansion of the oil sands projects and suggest that the only way that you can control emissions out of that area, you know, that they're directly related to the increased expansion of projects in that area, that's again missing the point. Whenever anybody talks about the Wood Buffalo region, we're talking about much more than simply emissions. We're talking about community health. We're talking about the need for some managed growth in that region. It is so much more involved than simply emissions, Mr. Chairman. So I had to get that point on the record.

I certainly support amendment A6, and I'm hoping that others will do likewise. Again, as I say, it would be a very positive step in terms of securing support from the Official Opposition.

Thank you.

The Deputy Chair: Are there others? The hon. Member for Lethbridge-East.

Ms Pastoor: Thank you, Mr. Chair. I, too, would like to be on the record for this amendment. I'm not, probably, all that knowledgeable about speaking about the oil industry and all of the emissions and the carbon sequestration and all of these sorts of things. To me that can become a very complex conversation. But what I can't understand is that in this day and age we are still actually arguing about this. We all know that something has to be done, and we all know that it has to be done now, the sooner the better. I also believe that industries, in particular the large industries who have already met targets in Europe, have known for years that, finally, Alberta would have the backbone to actually stand up and talk about it. Well, we are talking about it now. I just believe that these industries are ready to go, and they will never do it unless someone has the strength to stand up and say: you have to do it.

But I also believe that we cannot keep throwing out the words

“intensity targets” if we also don’t tie that into what the production is. If the production of the emissions go up, then the intensity targets have to go up. We have to have them go in parallel, but the intensity targets have to be in front of what is being produced because, otherwise, we’re always behind the eight ball.

I really believe that this is an excellent amendment that would address the fact that we have to have our intensity targets accepted now and start working on them right now. Yes, we can say that we will meet such and such a thing later down the road, but we really have to have high, high targets to aim for so that when my grandchildren are around, they actually will still be able to enjoy Alberta as I know it.

The Deputy Chair: Any others? The hon. Member for Edmonton-McClung.

Mr. Elsalhy: Thank you, Mr. Chairman. I, too, rise to voice my support for amendment A6, which is seeking to fix a little problematic section of Bill 3, the climate change act. The hon. Member for Calgary-Mountain View explained why we think it is feasible and why we think it is necessary to tighten, or increase, the reduction on emissions as time progresses, over a five-year period.

I was genuinely disappointed with the position of the hon. leader of the NDP opposition. I understand his frustration that this bill does not achieve the hard caps that his caucus and ours would advocate or would prefer. But I struggle with this, Mr. Chairman, because my approach would be that anything is better than nothing. It’s with this amendment that we’re trying to make this anything a little more tangible, a little more useful for cutting down emissions. So while we’d prefer to have hard caps and absolute reductions, this is sort of a compromise to tell those emitters and to tell the industry that in year 1 this is the intensity target, in year 2 this is the intensity target, and so on and so forth.

3:20

I would also repeat some of the comments made by my colleague from Edmonton-Rutherford, that industry is ready. So when the hon. Member for Peace River is saying that industry is not ready and telling me what technology is available, we’re talking to the same industry. We’re talking to the same players. They’re saying that they’re willing to do it. Technology is getting cheaper. It’s getting more readily available. Their proviso is basically that it has to be applied fairly, and it has to be applied across the board. You don’t want to be picking winners and losers. If they have to do it, they all have to do it, and they all have to do it equally and at the same level.

So if it’s a question of technology, it is available, and it’s becoming more available, and it’s becoming less expensive. If it’s a question of readiness or willingness, industry is ready and willing. We just have to make it fair, make it even for all of them to implement those reductions equally and across the board. If it’s a question of benefit versus risk, preference for hard caps or absolute reductions versus intensity, again we’re just working with this government to try to make a poor piece of legislation, a piece of legislation that really achieves nothing, a little better.

From that angle I would voice my support for the amendment as sponsored by the Member for Calgary-Mountain View, and I actually urge others to do as well. Thank you.

[Motion on amendment A6 lost]

The Deputy Chair: Hon. Member for Edmonton-Highlands-Norwood, you wanted to speak on the bill?

Mr. Mason: Mr. Chairman, we are, I assume, out of amendments on this?

The Deputy Chair: That’s correct. We are back to the bill. Would you like to speak on the bill?

Mr. Mason: Well, I would like to speak briefly on the bill and then adjourn debate, Mr. Chairman. I understand that that’s what I’m supposed to do. Apparently, I’m misinformed.

The Deputy Chair: The chair will recognize you to speak. You can move any amendment or motion you’d like. The membership will vote whether we adjourn or not. You may proceed.

Mr. Mason: Well, then, Mr. Chairman, I will indicate once again that I have difficulty with this bill and think that it deserves more consideration in committee stage at another time, and I will move to adjourn debate.

[Motion to adjourn debate lost]

The Deputy Chair: We will proceed with the debate on Bill 3. Any other speakers?

Are you ready for the question?

Some Hon. Members: Question.

[The clauses of Bill 3 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Opposed? Carried.

Bill 16 Police Amendment Act, 2007

The Deputy Chair: Hon. members, are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Edmonton-McClung.

Mr. Elsalhy: Thank you, Mr. Chairman. I rise today to participate in debate on Bill 16, the Police Amendment Act, 2007, at Committee of the Whole stage. First of all, I would like to thank the hon. Solicitor General and Minister of Public Security, who yesterday, before adjourning debate, offered members of the opposition some answers to questions that we raised in second reading. I actually have to commend the hon. minister, who is to a large extent offering more concise and timely responses than some of his colleagues on the front bench. He is willing to work with the opposition, and that’s a very positive move.

Mr. Chairman, the Police Amendment Act as proposed is basically trying to do two things, and we covered that in second reading. The more important thing is that it basically establishes an integrated investigative unit, which is a group of individuals commissioned to investigate serious police wrongdoing. The composition of this commission or this group or this task force and the mandate and the resources given to this group to perform such investigations is really what we’re talking about here in committee.

[Mr. Marz in the chair]

In the responses given by the hon. Solicitor General, he talked about the director of this investigative unit, who is going to be a civilian. In the first part of his response he mentioned that it would be a civilian lawyer. Then he went on to say that it could be a defence lawyer, a Crown attorney, or a retired judge, or perhaps any other lawyer. So I just need to seek some clarification from the hon. minister on whether, in fact, it's going to be a civilian lawyer or any of the other three because I just didn't fully understand if it's either/or or if it's going to be a civilian lawyer, period.

He also mentioned that some of the components of those investigations are going to be carried on by experts who have specific knowledge about matters such as undercover operations and wiretaps, but then he said that some of them are also going to be civilians. So I need some clarification there as well. The part about the investigative unit being chaired or being directed by a civilian appears to be a policy promise. Mr. Chairman, it is not in the act. It is not in the proposed legislation. So I would want this promise translated into one sentence, one phrase, in this proposed act.

The hon. Solicitor General also talked about the number of investigations conducted. He was responding to my request that this number of investigations should not be dependent on the budget. In other words, what I'm saying is: yes, it's good, and it's expected, and it's good practice to have a budget for this special investigative unit.

But I'm really interested in getting some information from the hon. minister with respect to statistics or studies when his department was contemplating bringing in this special investigative unit. What is the number we're looking at? You know, are we looking at five to 10 investigations a year? Are we looking at 10 to 20? Is it more than 50? I don't know. But he made a comment that in Ontario, for example, their equivalent of the special investigative unit does hundreds of investigations every year. So how many do we expect to conduct here? I know that he mentioned that there is going to be a northern Alberta team and a southern Alberta team. How many do we anticipate performing? How many investigations are we going to carry out? What is the anticipated budget for it?

3:30

Now, the minister also tried to respond to my colleague from Edmonton-Glenora with respect to the wording relevant to "serious or sensitive nature" complaints. My colleague from Edmonton-Glenora was talking about the definition and how we need it to be more solidly defined so that we don't leave it to the interpretation or the will of the minister of the day. We need sort of a set explanation of what really constitutes serious or sensitive complaints.

The minister indicated that the policy is being worked on. It's been undergoing improvement and refinement in consultation with different stakeholders. We need to know, you know, who these stakeholders are and what they are telling the minister in terms of the definition for this.

Now, Mr. Chairman, as I indicated in second reading, I am definitely leaning towards supporting Bill 16, and I based my decision on two things. One, it is something that we have asked for two years ago, in 2005. We were then debating Bill 36, which also amended the Police Act. The other thing is that it is something the public expects and is asking for. The public needs to be assured that people who enforce our laws and protect us are held to the highest degree of accountability. As I mentioned in second reading and as was reiterated by many of the colleagues from both sides of the House, it is not only the actual independence and impartiality when you are conducting an investigation into potential or alleged wrongdoing; it is also the appearance of such. So we need to send the message that wrongdoing is going to be investigated and is going to be investigated thoroughly and professionally and adequately.

Now, there is one area which was covered yesterday in the minister's comments, when he was basically responding to the Member for Edmonton-Calder. The Member for Edmonton-Calder was suggesting that former police officers should not be involved within the unit. He's approaching it from the angle that police cannot and should not investigate themselves. While I agree that we should really mitigate this risk and not have police officers investigate themselves, one workaround for this is basically to allow former police officers or even current police officers who are not affiliated with the service being investigated to participate because we need professional and expert advice, Mr. Chairman.

[Mr. Shariff in the chair]

My preference would have been to have civilians comprise 100 per cent of the composition of this special investigative unit, but in reality and in practical terms you can't have that. So I would urge that if we do hire a former police officer or even an active duty police officer to participate in this because we need expert advice and we need forensic interpretation and we need, you know, undercover work or wiretapping and stuff like that, as was mentioned, then they should be from a service that is not being investigated. I think that's common sense, and I think it is straightforward.

Now, Mr. Chairman, I have some ideas to strengthen this bill and to make it more amenable, so with your indulgence I would like to move an amendment at this time, and I'm going to ask our hard-working pages here to distribute the first of two.

The Deputy Chair: Hon. member, we need to have that at the table first, please. Just a moment. We will give the pages a few moments to have them distributed. For the record, we shall refer to this amendment as amendment A1.

Hon. member, you may proceed now.

Mr. Elsalhy: Thank you, Mr. Chairman. To explain to the hon. members of this House what I am trying to achieve here, what I am trying to do is amend section 3 of the proposed amendment act. Section 3, basically, as it's written adds the provision after section 46.1 to establish the investigative unit and to give it the authority to operate for the purposes of conducting an investigation. It provides the framework for this new team or this new group to operate with the full authority of a police service, basically allowing them to conduct an investigation and to look for evidence, to ask witnesses, and to do all of those things that would be integral to conducting a thorough and fair investigation.

Now, in that section 3, subsection (2) is a bit problematic. It really allows the minister to "designate a person as head of the integrated investigative unit," but it doesn't specify who this person is. As I mentioned, the hon. Solicitor General yesterday indicated that this team is going to be directed by or headed by a civilian lawyer. But, again, it was mostly a policy commitment. It's not in the act. So who chairs it is one question. Who sits on it or who makes up the team, if you will, Mr. Chairman, is my second question.

Subsection (b) also allows the appointment of "special constables as investigators under the authority of the head of the integrated investigative unit." There is a bit of a problem here as well because it does not specify that those special constables have certain criteria or certain training prerequisites for them to be able to fulfill that role and carry on those duties. Special constables receive a fair amount of training, Mr. Chairman, but my question is: are they trained and equipped to handle an investigation that is of a serious nature? You know, we're talking murder. We're talking sexual assault. We're

talking serious injury. We're talking abuse of power. We're talking corruption.

I would urge that if special constables are recruited, then maybe we should stipulate, you know, a minimum number of years for them to have been working as special constables or require them to have been at one point a member of a provincially recognized police force or to have passed or achieved the detective level of training and so on and so forth.

Amendment A1, Mr. Chairman, is now changing this subsection to say:

- (2) An integrated investigative unit established under this section shall include.

And we're not saying: shall be limited to. We're saying: "shall include."

- (a) a retired judge,
- (b) a retired or former Crown prosecutor,
- (c) a retired or former police officer, and
- (d) not fewer than 2 members of the public . . .

You have these five members.

. . . one of whom shall be designated as head of the unit.

So we're not limiting it to this. The hon. Minister of Public Security can stipulate other members of this team, and he can add to the team, but I'm saying that we have a core of five that we can build upon. That core group of five people includes a judge, a Crown prosecutor, a police officer, all of whom are former or retired, and then two members of the public.

If you ask me, Mr. Chairman, "How are we going to appoint members of the public?" I would say: it's exactly the same way as we can appoint members of a jury in the courts. Basically, we go to the tax roll, or we go to the phone book, or we go to the voters list, and we pick two people at random, just as we do for jury duty. So we have five people as the core group, and then we can add to them, depending on the circumstances and depending on recommendations by the director of law enforcement, for example, or on the recommendation from the hon. Solicitor General himself or herself.

3:40

So it's basically setting up the core group. One of those five people is going to be the head because, quite frankly, Mr. Chairman, a policy commitment from the minister is not satisfactory for the purposes of this Assembly. Ministers change. Policies change. We need it in writing. We need it to be set in stone, basically, that when this team is activated or struck, they have to be comprised of this particular composition. Now, if the minister wants to bring in special constables, that's fine. We're not saying that they're not allowed to participate. But at least we have this core group of people with core expertise and credentials that we can rely on to conduct thorough and fair investigations.

Now, we also know that the head of the unit is going to be deemed to be a chief of police, to be given the authority and responsibility of a chief of police. Any person who works as an investigator in this framework is going to be treated as a police officer for the purposes of conducting an investigation under section 46.1. It basically gives the unit the authority it needs to conduct an investigation, and it gives it the tools that are required to carry on such tasks. With this authority it will be impossible to do their work if they don't have the proper training and the proper qualifications. Again, this is where we differ from the position taken by the NDP opposition. You know, you can't just have seven total civilians conducting an investigation of this nature. They need expert advice, and they need people who have the expertise.

So to recap, to summarize, what we're trying to do is have that public oversight highlighted and emphasized by having at least two members of the public at arm's length, totally independent from the

government – I would treat them like jurors in any court trial – and to add to them a retired judge, a retired or former Crown prosecutor, a retired or former police officer, and then any other persons as deemed necessary by the hon. Solicitor General of the day.

Mr. Chairman, I'm not going to unduly speak in favour of my own amendment. I invite others to participate, and I thank you for this opportunity.

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

Ms Blakeman: Thanks very much, Mr. Chairman. Well, I have to say that I'm really glad to see the appearance of Bill 16 and even more pleased to see the amendment that has been brought forward by the hon. member.

I'm sorry. Did that make it amendment A1? Yes. Thank you.

Bill 16 is in essence the son of Bill 36, which I debated at the time, and much of what I was trying to achieve and points I was trying to drive home at the time have been realized in Bill 16. The public really is insisting – and they are right to insist – that investigations of the police are perceived to be independent and are independent of the police themselves. This is to satisfy both sides. I saw situations where police officers had been brought under suspicion for some behaviour, and in fact they were cleared and should have been cleared, but their name was never really cleared because the public did not accept that they had been through an independent process. I felt that that was very unfair to the individuals that were involved. They can never get their name cleared.

In other situations – I think there have been a number of them that have been talked about in the House here and that were certainly well known and well discussed in the media – people were deemed not to have been at fault, and I think many people feel that the investigation was biased on their behalf and clearly unfair and that there was not independence. They just don't buy the results of the investigation.

So in moving a step closer to a really independent investigation, that's what we see in Bill 16. I always have some caution when a lot of discretion is left up to the minister to put something in place. Certainly, in this House what we usually end up with are regulations that sort of appear very briefly in the *Gazette*, and then they're gone. If you're not paying attention, you don't even see those regs go by. They're hard to find. They're not posted on the website.

Now, maybe with the policy field committees coming, there'll be better scrutiny of that, but basically it was very hard to figure out what it was that the minister was actually going to do with something or what they had done. So what we have anticipated in Bill 16 is that the minister would establish an integrated investigative unit and authorize it to act as a separate police service in conducting this investigation. It mentions that it's expecting that the minister would designate a certain person as head of the integrated investigative unit, appoint special constables as investigators, and, perhaps, subject to the terms of this authorization the head would be deemed to be the chief of police or, I suppose, act in the position that the chief of police usually would in one of these special investigative units.

I agree with my colleague that brought this amendment forward. I think this is problematic. I don't know that it would be seen by a person on the street as being sufficiently independent. It's very vague as to who would get appointed to this committee, and I'm uneasy about the term "special constable." Now, I will be honest with you, Mr. Chairman. There have been so many different gradations of police service now and new categories invented and proposed and implemented that I admit that I'm a bit lost on all of this. So I may well be corrected by my hon. colleagues opposite, but

I think a special constable doesn't actually exist as a formal position right now.

This is yet a new division of worker. What is their training? You know, where do they rank in the pay scale of things? Are you going to have somebody on this unit as a special constable who would be regarded by the police service that they're supposed to be investigating as a lower rank or a lesser trained individual or not being able to challenge the regular officer? I'm really uneasy about all of these new rankings now because, frankly, I think we had a pretty good system in place with police officers. We all knew what that meant, and we all knew the training that they got, and we all knew what kind of weapons they carried and what their responsibility to the public is and what the public's responsibility to them is.

I live in the city of Edmonton, and I honestly could not tell you what exists now. We've got these sheriffs that are in place, and I notice that they are now out on the grounds here of the Assembly, which used to be a private security system, they call them. Now we have the special sheriffs out there. I don't know if they work for a private firm or not. It's pretty confusing about what's actually going on.

That's my point, Mr. Chairman. I think we need clarity here. The public needs to know that it's a truly independent unit, that it's not subject to any bias, and that who will head it is clearly laid out. I think that's what my colleague from Edmonton-McClung has achieved with amendment A1 in suggesting that the unit would have a retired justice, a former Crown prosecutor, a former police officer, and members of the public.

3:50

I want to be clear here that when we say members of the public, this isn't a way to do through the back door what you weren't allowed to do through the front door. These are meant to be members of the public; they're not meant to be more retired police officers or more retired Crown prosecutors. They're meant to be people from the public, as my colleague mentioned, as you would choose a jury. This is a general casting amongst the citizenry to look for volunteers or compulsory volunteers who would serve on a unit like this but not to stack it. I think that it needs to be seen as being fair, impartial, and knowledgeable, because one of the points that's often raised with me when I get into discussions with my favourite people in blue . . .

Mr. R. Miller: How often does that happen?

Ms Blakeman: Well, more often than you'd think.

. . . is that they're really cautious about somebody coming in to judge them that doesn't understand the culture and the climate that they work in. I understand their point. I think that that in fact has been captured by the suggestions of who would be on these committees, in that it does have a former or retired police officer, who can help the rest of that committee understand the stresses that they're under, you know, the unwritten codes that they work with, and that's appropriate. You're also going to be able to pick up some of that from a Crown prosecutor because they're going to be quite familiar with, sort of, the insider look at how the police force operates as well as would a judge.

I think it can be argued that there is a level of expertise there that, I hope, would be acceptable to members of the police forces and that they would be willing to have their case investigated by a group of people like that because there is some expertise there, there is some background knowledge there and an understanding of that police culture that is so important to them. So to my friends in blue: I did get that lesson, I understand it, and I think that that's been covered here.

You know, I had the privilege of working with an Edmonton city police officer who was elected to this House in my first term. I learned a lot from working with her. That was the former Member for Edmonton-Norwood. She really brought a lot to our caucus in being able to explain some of what it's like to work as a police officer in a metropolitan area. I remember one night there was some bill in front of us and people were wailing away. She got up and said: "You know, you've got to give us some credit. We're decent human beings trying to do a good job, and we're pretty common-sense folks. Why on earth would you think that we would go haring off shooting people?" Or whatever the accusation was that night, I honestly don't remember. But that really stuck with me, and I've tried to bring that same kind of perspective to other professions when we're talking about them in this House.

It's particularly applicable here because, again, we're talking about police officers. I think you've got to approach this believing – and I do believe – that most police officers are decent, hard-working citizens who obey and uphold the law, who are doing their very best for democracy and safe communities. And in believing that, I want them to have the best possible opportunity to have any situation that goes awry for them be able to be investigated and reported on in a way that gives them some kind of certainty that they can walk out of there knowing that their case has been reviewed and that it's now out in the public and in the media and that nobody is going to be questioning that this was an inside job and that, you know, they weren't really investigated, wink, wink, nudge, nudge. I think this would allow them some peace of mind and some certainty and allow the public some certainty in who is investigating it, how impartial they are, how knowledgeable they are, and how committed to upholding a safe and democratic society as well.

I'm pretty pleased with the way this whole thing is flowing. We've had some very challenging times in the city of Edmonton and, I think, also in some of our other major urban centres in Alberta when it comes to situations between the police and the citizens. I want to see all of these cases resolved to the best of all possible outcomes.

I'm pleased to see that the government did respond to the pressure that I was trying to bring and that many, many others obviously brought against the government to go back and reform Bill 36. Thus, we have the son of Bill 36: Bill 16. There are the baby boomers and the echo – is that how it goes? – so this would be the echo bill.

I think that amendment A1, that my colleague has brought forward, is an excellent fine-tuning of the bill itself. I would highly recommend it to my colleagues in the Chamber and urge everyone to vote in support of this amendment.

Thank you very much.

The Deputy Chair: Any others? The hon. Member for Edmonton-Ellerslie.

Mr. Agnihotri: Thank you, Mr. Chairman. It's my great honour to rise and speak in support of amendment A1, introduced by my colleague the Member for Edmonton-McClung. If you see section 3, I think the Member for Edmonton-McClung is right because this is an issue of crime and lack of trust in the police department. Some people are so fearful that they feel threatened, and the public especially should be involved. Public trust is very important, and it must be maintained. That's why, I think, the Member for Edmonton-McClung is asking to add a few things. It's not limited to just four names like a retired judge, a retired or former Crown prosecutor, a retired or former police officer, not fewer than two members from the public.

I think members from the public are very important to bring the confidence of the people back. Because of recent incidents happening throughout Alberta, I think the trust which the police department had, lots of people have lost. To bring that trust back, it's very important to bring some people in and involve them in the decision-making. I think it's very important to involve those people. As I said, it's not limited to only those numbers, but as long as involving a few people helps to increase the confidence of the public, I think it's a good step. That's the reason I'm supporting this amendment A1, Bill 16, the Police Amendment Act, 2007.

Otherwise, you know, I applaud this move as responding to the concerns of the public. It's a step that does not go far enough towards a truly open and accountable mechanism to deal with the serious incidents and complaints. I think, Mr. Chairman, the main problem with this bill is that the mechanism it provides to conduct independent investigation is permissible. It's not a prescriptive clause making implementing this type of investigation automatic. As the Member for Edmonton-McClung mentioned, this is problematic because, at the very least, any incident involving death should automatically trigger an independent investigation.

In other words, the wording of the legislation should read "must" do one of the following instead of "may" do one of the following. This is not meant to be critical of the ability of the police to investigate their members, but in real terms there is a conflict when a police officer investigates one of his colleagues. Failure to take these investigations out of the hands of the police themselves by not allowing police to investigate police is critical to not only showing actual independence but to preserving the appearance of impartiality and objectivity so that members of the public maintain confidence in the system. As I said before, you know, confidence in the system is very, very important, and we should address this issue seriously so that the public starts trusting this department.

4:00

If adding a few names helps to increase the confidence of the public, I think it's not a bad idea. I applaud the Member for Edmonton-McClung for introducing this amendment, and I support that. I want to make sure, you know, that in the police system there's no favouritism or prejudice. If the public members are involved or retired or former police officers are involved, at least, you know, they can't complain that their views are not heard.

So, once again, this was just a brief comment from me. I just want to say that I support this amendment A1 to Bill 16, Police Amendment Act, 2007. Thank you very much.

The Deputy Chair: The hon. Member for Battle River-Wainwright.

Mr. Griffiths: Thank you, Mr. Chair. It is a pleasure to rise today to speak to this amendment. I'd first like to commend my fellow colleague in the House from Edmonton-McClung for writing something that is so obvious and apparent. I mean, we have discussed it many times. It's been discussed in the media and in the public how critical the amendments to this bill are. Specifically, this amendment addresses a lot of the public's attention to the need to have some sort of adequate review process for police.

This lays out and brings in all of the critical elements you would need in an integrated investigative unit, Mr. Chair, and I believe that the amendment that is laid out is incredibly noble. I mean, a retired judge, a former Crown prosecutor, a retired Crown prosecutor, a retired or former police officer, and two members of the public, minimum, is exactly the combination that you need in order to do an adequate and appropriate review.

But, Mr. Chair, I can't support this amendment. Not because of

its intent – its intent is fantastic – but I'm worried that if we set up an integrated investigative unit and laid out these specific criteria that had to be followed and we couldn't find a retired judge to sit on the panel, the only way we could set up that unit is to be in contravention of our own legislation. So I hope that the intent of the minister responsible for this legislation is to follow these guidelines as best he can. But, again, I can't support this amendment because I fear that it might tie our hands, force us to be in contravention of the legislation and not have the proper integrated investigative unit set up. I do wish to emphasize one more time that I hope that the minister follows this set of guidelines and adheres to it as closely as possible in order to make sure that the investigative units will be effective.

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

Dr. Pannu: Thank you, Mr. Chairman. I rise to speak to Bill 16, Police Amendment Act, 2007, and specifically as well to the amendment before the House, which would amend section 46.2. Police services are a very important institution. Police provide services that make our communities safe. Police are responsible for making sure that when law enforcement investigation – they do very, very important work to make all of us feel that we're safe and secure and that the laws of the province and the country are respected and that we comply with them, and when noncompliance occurs, it's the job of the police to apprehend those who break the laws and bring them before the courts for appropriate action. So police services are a very, very important part of our daily lives. Work that they do is of critical importance and valued highly by the public.

Unfortunately, the current legislation contained in the Police Act leaves lots of room for ordinary citizens, for hard-working Albertans to express concerns about the internal investigations conducted by the police when a complaint is lodged against a police officer's conduct or the conduct of the police force in a given community, town, city, or village. Conflict-of-interest issues are very much a part of the concern expressed by the public, who appreciate very much the nature of the work that police services are called upon to do. But when they err in doing their work, the processes in place, the procedures in place to investigate that conduct about which particular persons in the public may have complaints or concerns, it's the police that are responsible or called upon to do those investigations.

So police investigating themselves about misconduct of police officers or police forces is one source of concern that Albertans have. They would want to see an independent agency investigating public conduct. I think it's only fair that the police services themselves be relieved of this onerous responsibility because they're always concerned, and they're properly concerned, as we are, that the public have full confidence in the integrity of the work that the police does. When there is an error, perceived or real, or a complaint about the work and the conduct of police services or police officers, I think it's unfair to expect them to investigate themselves because it opens the possibility that the public will not have confidence in the investigation done internally by police of its own conduct.

So independence of investigation and having in place a legislatively created body or entity that has that independence to conduct these investigations about complaints about police work I think is something that's badly needed and overdue. We should as legislators enact a piece of legislation that will provide the public the assurance that we indeed are listening to their serious concerns and that we are ready to act to ensure that there is that independent body or entity that will conduct these investigations.

4:10

The pressure on the government in view of growing public perception that there is conflict of interest when some members of the police have seemed to have acted against the very serious nature of the responsibilities that they're supposed to discharge when conducting their work has become a large concern, a major concern. It's been a growing concern. Various incidents over the last few years have fuelled this concern further, so it's time to take steps in this Assembly by way of changing existing legislation, by creating a provision that will show the public that it has now reasons to restore its confidence in the way investigations are done, that they needn't worry about any conflict of interest because there will be no conflict of interest given the new legislative provisions.

The definitions and the procedures already outlined in the existing piece of legislation, the Police Act, obviously have not served to restore full confidence on the part of members of the public in some of the investigations into the alleged misconduct of police services or members of the police services that have taken place in our communities. Recent examples – I don't need to outline them – are there which justify, I think, concern on the part of the public that we need to have appropriate investigative entities independent of the police services themselves, which would create fairness for the police. They'll be relieved of this constant concern the public has about police investigating itself. They have enough challenges as it is, you know, in terms of conducting their work as police officers and police forces that they shouldn't be put in a position where they have to defend themselves all the time with respect to problems that need to be investigated and when they themselves are called upon to take the responsibility and investigate them.

So this bill, Bill 16, Police Amendment Act, I think is very short, a few pages long, and the heart of the bill addresses that concern of the public. Section 46.2 will give the minister the authority, the power to "establish an integrated investigative unit and authorize it to act as another police service for the purposes of conducting an investigation under section 46.1."

Now, Mr. Chairman, I've been trying to look around to see if the integrated investigative unit as a term – it's a new term, it seems to me – is defined anywhere in this piece of proposed legislation. I don't find it there. So the absence of a clear definition of what this proposed legislation intends this term to mean to me is a serious weakness in the proposed legislation.

Secondly, Mr. Chairman, 46.2(2) states that the minister may

- (a) designate a person as head of the integrated investigative unit, and
- (b) appoint special constables as investigators under the authority of the head of the integrated investigative unit.

Now, a very serious question that this part of the bill begs is what is going to be the composition of this integrated investigative unit, even when it's clearly defined. I think there's a need for a clear provision in the legislation to identify the composition in clear terms: its membership, who will chair it, what are the different representatives who are going to represent different segments of our communities, including the law enforcement community, the judicial community, and the regular, ordinary, hard-working Albertans as citizens, to whom the police service is expected to provide services. There's an absence of any attempt to clearly articulate the membership of such an integrated investigative unit, to have a clear definition of such a unit. The provisions in the proposed legislation I think will still leave the public unsatisfied with respect to the representation of different segments of the community which have a real stake in the success of the proposed investigative unit and their ability to conduct investigations which will not only be independent but seem to be independent of the police services themselves.

The amendment before us makes an attempt, therefore, at least to address one of the two concerns that I've expressed. It doesn't necessarily deal with the definition of the integrated investigative unit, but it does in a serious way make an attempt to outline, enumerate if you wish, the various stakeholders in the community who should be represented on it: a retired judge, a retired or former Crown prosecutor, a retired or former police officer. Here we have the judiciary because of the expertise; a Crown prosecutor, a very important part of the court processes; a retired police officer – it's very, very important that the police be represented, albeit in the form of a retired police officer – and at least two members who are ordinary and regular citizens from our community.

As to the size of this investigative unit it certainly will need to have at least five members, and out of those one of the two regular citizens will be designated as the head of the unit. I think that this is also a good thing. Albertans who are not specialists in any aspect of the judicial system, of the justice system, of the law enforcement system I think have both concerns, legitimate abilities, and capacities to serve as heads. It also in a sense removes it one step further. It really puts this unit at arm's length from any specialists. It gives regular citizens a real presence and ability to influence the proceedings of this in order that the decisions made by this integrated investigative unit are, indeed, independent and seen to be independent and that they, therefore, serve to restore both respect and confidence in our police services.

Will it be really difficult for the minister to find a retired judge to be on such a unit or a retired prosecutor or a retired or former police officer? I don't think so. I think that this is a concern, a legitimate one. I appreciate the fact that the matter of whether or not this proposal is practical is raised, but I have a feeling that it's a concern that really shouldn't be a serious obstacle. This concern does put a finger on something, but there really shouldn't be a problem in implementing this particular proposal which is contained in this amendment.

Mr. Chairman, I'm happy to lend my support to this amendment before the House and hope that other members will also give it serious consideration.

4:20

The Deputy Chair: The hon. Member for Drayton Valley-Calmar.

Rev. Abbott: Well, thank you, Mr. Chairman. I would like to begin by saying that I do appreciate the comments from the Member for Edmonton-Strathcona. As a matter of fact, recently the leader of his party made me an honorary member of the NDP caucus. I thought I would try to use that to sit in on their discussions about question period, but the leader quickly told me that that was not permitted. So I withdrew that membership very quickly.

As much as his arguments are excellent, his arguments to the amendment to Bill 16, the Police Amendment Act, and as much as his arguments are convincing, I'm afraid that I'm going to have to side with the Member for Battle River-Wainwright. The Member for Battle River-Wainwright talked about some situations that I think merit further discussion. He talked about the possible impossibility of finding a retired judge, a retired or former Crown prosecutor, a retired or former police officer, and not fewer than two members of the public. Or least a difficulty. At least a difficulty.

Come on. Let's be realistic. What does the word "retired" mean? I know what it means to me. It means that you're done. It means that it's time to take it easy. It means that it's time to go out and enjoy the big world that's out there. Mr. Chairman, as much as I absolutely appreciate our retired people and wish that they would come back and help us out in this severely underserved workforce

that we have, I want to grant them that opportunity to stay retired. I want to let them be retired because that's important. I know that when I retire, I hope that people will just let me retire. Yes, they have lots of skills; they have lots of abilities.

Mr. Chairman, this amendment, I have to say, is not one that is going to be supported by the Member for Drayton Valley-Calmar. Again, I appreciate the comments and, certainly, the debate that has been going on, but I will cast my vote with the Member for Battle River-Wainwright.

Thank you, Mr. Chairman.

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

Mr. R. Miller: Well, thank you very much, Mr. Chairman. It is indeed my pleasure to rise and participate in debate on amendment A1 to Bill 16, the Police Amendment Act, 2007. First of all, in response to my colleague from Drayton Valley-Calmar, I'd just like to point out that his very own government has a bill on the Order Paper, Bill 28, which would extend judges holding their seats past the age of 70. It looks like rather than retiring sooner, they're actually going to be sticking around longer. So I'll be curious to see how you vote on that bill, hon. member.

Mr. Chairman, not only is it true in politics, but it's certainly true in the case of investigations where police wrongdoing is alleged that perception is reality. Police forces all across North America have certainly come to recognize this over the past several years, and civilian oversight, public oversight into police activities is a trend that clearly has a lot of . . .

Mr. Elsalhy: Traction.

Mr. R. Miller: A lot of traction, the Member for Edmonton-McClung says. It's not quite the word I was looking for, but I think that people understand.

This is definitely a movement whose time has come, and police forces across the country recognize that and are dealing with it. As my colleague from Edmonton-McClung pointed out earlier today, certainly, this is something that those of us in the Official Opposition have been calling for for some time. So we're supportive of the move in that direction.

In speaking to this particular amendment, I really, really do not understand, Mr. Chair, why anybody in this House wouldn't support this amendment. It's a rational, well-thought-out amendment. You know, I think that it would be fair to say there are times when members opposite think that the opposition brings forward amendments just for the sake of bringing forward amendments. Of course, that would never ever happen. There are always good, well-thought-out reasons behind every amendment that we bring forward, but this one might in fact be one of the best that I've ever seen.

As the Member for Battle River-Wainwright pointed out, it's exactly what you need if you're going to have some sort of public oversight. It's exactly what you need: a judge or a retired judge or a former judge. You know what? If government members have their way, we'll soon be electing judges, and there'll be a lot more former judges than there ever were before. So I don't think that we'll have a problem finding former judges. A judge obviously makes sense. A retired or former Crown prosecutor, a retired or former police officer, no fewer than two members of the public: it's almost a no-brainer. It makes so much sense. So I'm really not sure why members opposite wouldn't support this.

The other thing that has to be pointed out is that the minister still retains an awful lot of control and power over the structure of this committee even if this amendment were to pass. It says, "not fewer

than 2 members of the public." The minister has complete jurisdiction to add more than that if he sees fit. So I think that it's very well thought out.

The other thing that I would just like to point out, Mr. Chairman, is in terms of supporting this amendment. We've heard now from two members on the governing side who have indicated that they have real concerns about whether or not we could actually locate a former judge or a former prosecutor that would be willing to serve on this committee. What would be the consequences if, in fact, we weren't able to do that? Would we not be able to strike the committee? Is it their fear that we wouldn't be able to do that or that we might be breaking the government's own law if we did strike a committee that didn't have a former judge or a former prosecutor on it? Well, that's not going to happen. In this House the minister, when discussing this bill, said that he was quite prepared to go to other Canadian jurisdictions outside of Alberta to look for the appropriate experts to be named to the panel, and he said that he would even, if necessary, go abroad to find these individuals.

Now, is the Member for Battle River-Wainwright or the Member for Drayton Valley-Calmar suggesting that the minister would not be able to find a retired judge somewhere in North America? The minister himself has already said that he's more than willing to look outside of the Alberta jurisdiction, whether it be in other Canadian jurisdictions or perhaps abroad, if necessary, to find these people. So there is obviously no concern whatsoever about whether or not we can find a retired judge or a retired prosecutor.

Given that revelation, Mr. Chairman, I'm sure that now the Member for Drayton Valley-Calmar and the Member for Battle River-Wainwright will understand that their fears about this amendment somehow tying the government's hands are unfounded and that, in fact, it does deserve their support as well. The minister himself has said that he's willing to look outside of Alberta to find these people if necessary. Their own minister has indicated that their fears are unfounded.

I look forward to this very well thought out amendment receiving the full support of the House. Thank you, Mr. Chairman.

The Deputy Chair: Hon. Member for Edmonton-Strathcona, you wanted to participate in this debate too?

Dr. Pannu: Yes, sir. Mr. Chairman, thank you. I'll be brief. One oversight on my part. I wanted to assure the House that I'm not absolutely a hundred per cent satisfied with this amendment. I noticed one absence here, and that is for retired professors to also be included specifically here. At least a retired professor of law should be included in the provisions. I have some reservations about it. But in spite of that, that reservation notwithstanding, I still support the amendment.

Now, I want to just briefly also indicate to the hon. Member for Drayton Valley-Calmar and the hon. Member for Battle River-Wainwright that, you know, lots of people are retiring these days, including judges and police officers and prosecutors. In fact, there's a concern that there will be far too many retired folks like this around. So I don't think that there is, really, a ground for concern that the minister is going to have great difficulty finding a retired person designated in this amendment.

The last point I want to make, Mr. Chairman, is that the objective of this bill is to move towards what we have been pushing this government for a long time. I have in my hand a copy of a letter that my hon. colleague for Edmonton-Calder wrote to the then Solicitor General, dated July 11, 2006, in which he calls on the minister to bring forward a piece of legislation that will ensure civilian oversight of police services and police investigations.

4:30

So in principle it seems to be a step in the right direction but falls terribly short in terms of substance of the provision that's made here, and that is to really establish an investigative unit that does in fact qualify as a civilian unit representing, as I said, various stakeholders in the community who appropriately need to be represented on this unit.

With that, Mr. Chairman, I will take my seat. Thank you for the opportunity.

The Deputy Chair: Are there any others? The hon. Member for Lethbridge-East.

Ms Pastoor: Thank you, Mr. Chair. I just wanted to speak to amendment A1 that will be amending Bill 16. I feel very strongly that this is an excellent amendment and really must be carefully looked at by everyone in this House.

One of the things about police, I think, is that we all have been brought up to believe that the police are trusted without question. Certainly, I think that I was taken aback when I heard all of the stories about the RCMP because when I grew up – and perhaps I'm still naive at this age – I really believed that the Mounties were to be trusted, that they had a code of ethics, that they looked after themselves. Unfortunately, it appears that it may well not be the case. But I don't believe that we should ever allow ourselves to be in a position where we cannot trust our police. We have to be able to not only trust the police, but we have to be able to trust the process that the police use to police themselves and that we, in turn, from the outside police them.

I have spoken with some of those that are our finest in blue, and they actually have expressed to me that they do feel better by having an outside influence looking in. They felt that it cut down bias. They also felt that it cut down some of the camaraderie that people don't want to break within the ranks of the people that they work with. They felt that outside oversight and outside questions would perhaps be able to protect them when, in fact, for lack of a better word, they actually wanted to be a whistle-blower, that they could do it in forms that would protect them in a way, although that shouldn't have to happen. They should be able to feel free to be, certainly, whistle-blowers in matters that would be of such importance when it's our police that are involved. But they really did feel that if there was nothing wrong, there would be nothing to hide.

It also would help to open up the process to the public. I think it's very important, as I mentioned before, that the public feel absolutely secure in the fact that their police are honest, straightforward, and totally trustworthy.

One of the things that I think is really important is having two members of the public. The comparison to using two members of the public in terms of a jury, I think, is a very good one. People will step up, and people will do their very best, and people will bring a sense of fairness, particularly to something of this great importance. I think that juries over a number of years have proven that people that you may not think would have, perhaps, the expertise or, in fact, the interest do step up to the plate when they're actually put in a place of responsibility, when they're responsible and have power over other people.

I'm not sure that finding people to serve would possibly be any problem at all. There are many, many people out there. I also heard from one of my hon. colleagues that when you're done, you're done. However, I would like to think that when I'm done is when they've closed the box and not before. I believe that I don't stand alone, and I think there are many, many people out there that want to contribute to society for as long as they can.

One of the other reasons that I would like to see the outside investigative unit is because, in particular, I still have a problem with the sheriff's department actually reporting directly to the minister. I would have preferred that they report to a police force that was not controlled by the minister. I'm just not sure that that's the way it should be going. I understand that it is, but I'm still not comfortable with it. There really must be an oversight outside of the government, particularly for the sheriffs, and certainly outside of all the other forces.

This is a very good amendment. I would like to ask everyone to please really give some consideration on how important it is to have outside oversight.

The Deputy Chair: Are there any others?

[The voice vote indicated that the motion on amendment A1 lost]

[Several members rose calling for a division. The division bell was rung at 4:37 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Shariff in the chair]

For the motion:

Agnihotri	Griffiths	Pannu
Blakeman	MacDonald	Pastoor
Elsalhy	Miller, R.	Swann

Against the motion:

Abbott	Haley	Mitzel
Amery	Hancock	Morton
Backs	Hinman	Oberle
Cao	Horner	Ouellette
Cardinal	Knight	Rodney
Coutts	Lindsay	Rogers
Ducharme	Magnus	Stevens
Evans	Mar	VanderBurg
Fritz	McFarland	Zwozdesky
Graydon	Melchin	

Totals:	For – 9	Against – 29
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[Motion on amendment A1 lost]

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

4:50

Mr. Elsalhy: Thank you, Mr. Chairman. It is with a heavy heart that I rise again and reparticipate in the debate on Bill 16. It should come as no surprise to you that I have another amendment to again try to make this bill even better. I will start by giving it to the hard-working page here to distribute to yourself for your attention and to other members as well.

The Deputy Chair: Hon. member, make sure that the original copy comes to the table first, and if you wait for a moment, we'll wait until the amendments are distributed.

Mr. Elsalhy: Yep.

The Deputy Chair: Hon. members, for the record we shall refer to this amendment as amendment A2.

Hon. member, you may now proceed.

Mr. Elsalhy: Thank you, Mr. Chairman. I trust that most if not all of the hon. colleagues have received this amendment A2. What I'm trying to do here is basically encourage the hon. Solicitor General, the hon. Minister of Public Security, to activate this special investigations unit in a structured fashion so it's not solely left up to him or her. It would basically stipulate in the act now when and the conditions whereby this investigative unit, this team, is brought in.

As per the amendment, Mr. Chairman, basically in section 2(a), subsection (2), strikes out "may do any one or more of the following" and substitutes instead "shall do any one or more of the following." I have to really pause here for a second and tell you, Mr. Chairman, and tell the hon. members that I'm not saying which of those things under that that I am requesting or requiring the hon. minister to do. I'm not saying which of those he or she has to do, but I'm saying that he must act. Basically, any time we have serious injury or death or those sensitive or contentious allegations, then instead of saying "may," we are now saying "shall." It basically offers us the assurance that this unit is not going to be entirely up to the will of the minister or, you know, the Solicitor General of the day. Now any person occupying that position knows that he or she has to bring in this special investigative unit.

The other is adding a clause (d) after clause (c). Now it would read: "In accordance with section 46.2, direct the head of an integrated investigative unit to conduct an investigation into the incident or complaint, which may include taking over an ongoing investigation at any stage." This is similar to what's already in place. What we're trying to do here is just to replace "may" with "shall." It's a simple change, and it should really not be looked at as very controversial or contentious. What we're saying is that it should be activated all the time whenever there is a serious incident to be investigated.

Now, we don't want the impact of the bill to be left open to interpretation. The way it's worded now, Mr. Chairman, it is not mandatory for this investigative unit to be utilized in an event of a serious incident because it leaves this authority resting with the minister of the day. Discretion is warranted in some cases, but sometimes it's simpler, cleaner, and probably more beneficial for the minister to say: "You know what? Legislation requires me to do it, and I am moving ahead. I am doing it because I'm required to do it by legislation." You know, in some cases we might be leaving the hon. minister to receive criticism by certain people or certain members of the public or certain members of the media or, in fact, even the opposition: why didn't you? We don't want to leave it up to the interpretation. Then we're inviting that criticism: "Why didn't you? You should have."

The other thing is with respect to the mechanism to conduct independent investigations. Again, I have to emphasize that I'm not asking for any one of those clauses that comes after one of the following. I'm basically saying that one of those has to be implemented in all cases where serious police wrongdoing is alleged. You don't want to have a permissive component of this bill. You want it to be prescriptive. You want it to be stipulated. It's solid. It has to be adhered to all the time.

An incident involving death or serious injury or, in fact, as the minister indicated in debate yesterday, if it's corruption or some other serious or significant complaint – and also in reference to my colleague from Edmonton-Mill Woods. She advocated that in all of those cases this special unit is going to be activated and brought in. So converting the "may" to "shall" I think achieves that. I'm trying not to be critical of the minister because I understand how ministers want to have some discretion and some room to manoeuvre, but as I said, it's probably advantageous to all involved. All parties would probably find this favourable. It's a step in the right direction to say

that the minister has options and he or she has different choices to pick from, but I think making it prescriptive, not permissive, is the direction I would be opting for.

As such, Mr. Chairman, and not to unnecessarily prolong debate, I would invite other members to tell me whether or not they agree. I thank you for this opportunity.

The Deputy Chair: Any others? The hon. Member for Calgary-Mountain View.

Dr. Swann: Well, thank you, Mr. Chairman. It's an honour to speak to Bill 16, the Police Amendment Act, 2007, and to the amendment suggested by the hon. Member for Edmonton-McClung. In these times, particularly in democratic states, people are looking for evidence that not only is the right thing being done; it is being seen to be done. Issues around conflict of interest, particularly, have to be addressed in a very open and transparent way. I think this amendment tries to take the next step beyond what the bill amendment is already doing, which is positive.

There's no question that the establishment of the integrated investigative unit and the amendment allowing for utilization of sheriffs and provincial protection officers are good changes. This amendment will simply add a degree of objectivity, of transparency, and is going to find the right balance between judgment, which may be considered political at the level of the director, and accountability to the public. I think this amendment does find that fine line and helps us as public to address the erosion of trust in some of our official bodies, including the RCMP in the recent months. There needs to be a degree of distance and objectivity and certainty about the ability to trust decisions that are being made at these levels, particularly in life and death questions around the use and abuse of power and where an unfortunate, serious injury or death has occurred.

So I would stand in support of this amendment and hope we will see some other free thinkers supporting this amendment as well. Thank you, Mr. Chairman.

The Deputy Chair: The hon. Member for Cardston-Taber-Warner.
5:00

Mr. Hinman: Thank you, Mr. Chair. It's a privilege to rise and speak to Bill 16 and specifically to amendment A2. I appreciate the hon. members for Edmonton-McClung and Calgary-Mountain View for their desire to amend the Police Amendment Act, 2007 – and we're already going through that amendment – to make it better.

The question that I have here again is all about the trust and being able to know that we have a force out there that's trustworthy and that they're not corrupt. When you look at developing countries, if you don't have a justice system, it's very difficult for peace and prosperity to follow, so I think everybody in the House here very much understands the importance of the Police Act.

My concern is just on having an automatic default. It says in here that if there is a "death of any person that may have resulted from the actions of a police officer," it's going to have to go into this inquiry. Unfortunately, because of the job that they have to carry out, there are deaths, and not all of them need to go into an inquiry. I would have to agree with the present bill – that the minister may at his discretion if he sees there's a problem – rather than an automatic default. We would have many investigations that I feel would not be appropriate or necessary for the public at large to pay for in order to cover these things.

I appreciate the desire that we want an excellent police force. We want one that's totally trusted by the people of Alberta so that we

can feel safe in our communities and that it's not being directed by a rogue government, but I don't think that we need to go so far as the amendment. So I would be voting against the amendment that's currently on the table.

Thank you.

[Motion on amendment A2 lost]

The Deputy Chair: On the bill itself. Any other speakers?
Are you ready for the vote?

Hon. Members: Question.

[The clauses of Bill 16 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Opposed? Carried.
The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I would move that the committee rise and report Bill 3 and Bill 16.

[Motion carried]

[Mr. Shariff in the chair]

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

Rev. Abbott: Well, thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bills: Bill 3 and Bill 16. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

Hon. Members: Concur.

The Acting Speaker: Opposed? So ordered.

head: **Government Bills and Orders**
 Second Reading
 Bill 17
 Limitation Statutes Amendment Act, 2007

The Acting Speaker: The hon. Member for Drayton Valley-Calmar on behalf of the hon. Member for Calgary-Nose Hill.

Rev. Abbott: Well, thank you, Mr. Speaker. Yes, it is my pleasure this afternoon to rise on behalf of the hon. Member for Calgary-Nose Hill and move second reading of Bill 17, the Limitation Statutes Amendment Act, 2007.

This bill is intended to clarify the law for Albertans and to avoid unnecessary litigation in two areas. The first amendment deals with the recovery of possession of land, and the second relates to cases where there is a conflict of laws between Alberta and another jurisdiction. I'll speak to each amendment separately.

Let me begin by letting members know a little bit about this

statute. Generally speaking, the Limitations Act sets out the time in which an individual may bring a claim, the objective being the timely resolution of disputes. The Limitations Act came into force on March 1, 1999, when it replaced the Limitation of Actions Act. Mr. Speaker, the Alberta Law Reform Institute in their May 2003 final report No. 89 on the Limitations Act, Adverse Possession and Lasting Improvements, raised a concern as a result of the repeal of the Limitation of Actions Act. That concern was that it may be unclear as to how the limitation period regarding an owner's right for the recovery of possession of land under the Limitations Act now works.

Essentially, the current wording of the Limitations Act does not clearly set out the start point for the 10-year limitation period. This is the period in which the landowner has to take action to recover his land from another. Given that there was no intention to change the law in this area, this amendment is being brought forward to clarify the effect of the 10-year limitation period. It's also being brought forward to clarify when the 10-year period begins and the consequences of the expiry of the 10-year period. As I mentioned, Mr. Speaker, these amendments were suggested in the Alberta Law Reform Institute report.

The area of the law dealing with the recovery of possession of land has been part of the law in Alberta since 1870. The law has evolved since that time, but the concept has basically not changed. Mr. Speaker, this is an area of the law that crosses property law, land titles, and limitations law. However, our amendment deals with the limitations law component.

The bill also includes an update to a reference in the Land Titles Act. That act still refers to the former Limitation of Actions Act when it should refer to the new Limitations Act, so the bill makes that change as well. In summary, Mr. Speaker, the covenant didn't intend to change the law in 1999, and the amendment is being brought forward to simply put the law back where it was. I encourage all members of the House to support this amendment.

Now, the second amendment addresses cases where there is a conflict of laws. Section 12 of the Limitations Act applies to cases where a claim is brought in an Alberta court, but because of the facts of the case the law of another jurisdiction must be used to decide the case. The wording of the section is being changed to make it clear that where the limitation period for bringing a claim in the other jurisdiction has expired, the courts in Alberta will not hear the claim. Mr. Speaker, the concern has arisen in cases where the parties are residents of Alberta, but they have a car accident in another province or state.

For example, in the Castillo case, which was heard by the Supreme Court of Canada, the parties were residents of Alberta and brought a claim in Alberta for a car accident that they had in California. Now, our limitations law allows a claim to be brought in our courts for two years from the time of the accident, but California law only allows a claim for one year after the accident. The Supreme Court applied the shorter California limitations law. Since the parties could not bring the claim in California because the one year had expired, they could not bring the claim in Alberta.

Mr. Speaker, section 12 is currently being misinterpreted by some lawyers and their clients. The provision has been incorrectly interpreted to allow Alberta limitations law to override the limitations law of another jurisdiction. Therefore, I am recommending on behalf of the hon. Member for Calgary-Nose Hill that the wording of the section be changed to make it clear that where the limitation period for bringing a claim in the other jurisdiction has expired, the courts in Alberta will not hear the claim. This amendment will not change the current laws decided by the Supreme Court in the Castillo case.

5:10

As well, Mr. Speaker, I would like to point out that in August 2005 the Uniform Law Conference of Canada, in its model legislation for limitations, recommended similar wording to the current amendment. I hope the members of this Legislature will also offer their support for this amendment.

In conclusion, Mr. Speaker, I would reiterate that both of these amendments are intended to clarify the law for Albertans with the intention of avoiding unnecessary litigation in the future. I encourage all members to join me in support of Bill 17.

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

Mr. Elsalhy: Thank you, Mr. Speaker. It's my pleasure to rise to respond to the hon. Member for Drayton Valley-Calmar moving second reading on behalf of the hon. Member for Calgary-Nose Hill with respect to this Bill 17, Limitation Statutes Amendment Act, 2007, in my role as the shadow minister of Justice and to lead debate on this amendment.

First, I wish to thank the hon. Attorney General for providing me with a bill brief on behalf of the hon. Member for Calgary-Nose Hill. [some applause] As signalled by the Opposition House Leader, that's a welcome turn of events, and we really, sincerely appreciate this. It makes our job easier in the opposition, and it creates this atmosphere of co-operation that we're all aspiring toward. I know that the hon. Member for Calgary-Nose Hill, given his extensive legal expertise, was more than capable of providing that bill brief himself but chose to ask the hon. minister to do it on his behalf, which is fine. That was excellent.

The second thing I would say is that my caucus colleagues and I are likely going to lend our support to this bill, partly in answer to the prayers from the hon. Member for Drayton Valley-Calmar, who urged all of us to vote in favour.

I'm hoping that it's clear to this House that my caucus colleagues and myself don't necessarily hold up legislation when there is nothing controversial or contentious in it, and we don't always just say no or oppose government ideas if they're fair and justified. It is unfortunate, however, that sometimes we feel that the opposite treatment is awarded to us when the government votes against our ideas regardless of how good they are, but we're hoping to change that; as an example, amendment A1 to Bill 16, which was defeated today, unfortunately. I'm still saddened by that fact, my hon. colleague from Edmonton-Rutherford, but we move on. We have other business to do and attend to, so here we are.

The rationale for our position, Mr. Speaker. Like I said, there are no major concerns with this amendment due to the fact that it's almost entirely based upon suggestions made by the Alberta Law Reform Institute after they conducted a thorough and fairly technical and fairly complex analysis.

Speaking of technical information, Mr. Speaker, it's really a unique experience for me now that I'm the Official Opposition critic for both Justice and Solicitor General that I have to read critically, if I may add, bills that are of an extremely technical nature. We all understand the limitation in doing that because we don't all equally understand lawyer language, but we're getting better at it, and practice makes perfect, as they say.

The portion of this bill on the conflict of laws is consistent with the Supreme Court of Canada. As referenced by the Member for Drayton Valley-Calmar, the Castillo case makes that clear. Obviously, the ruling of the highest court in Canada would be the precedent for decisions delivered in all lower courts, and amending provincial law to reflect this opinion is probably justified. As well, the wording is similar to the legislation proposed by the Uniform

Law Conference of Canada. So in reading those opinions, we don't think that there are any major negative impacts arising from this bill or the changes it is proposing.

I understand that some of the discrepancy or some of this difficulty that we're now trying to rectify stems from a private member's bill in 1996, which was passed in 1999 or received royal assent in 1999, and it sort of created this problem. So attending to it, you know, six or seven years later is warranted, and I don't think we are going to disapprove.

Now, I just had a question, and it's basically the layman in me speaking, Mr. Speaker. When we're talking about land and we're talking about somebody trying to recover land because a neighbour infringed on your land or occupied parts of it and so on – now, we're talking about 10 years, if I understand correctly – how are attempts to re-enter documented? How are they verified? Let's say that there are two neighbouring ranchers or farmers, and there's a dispute on sort of a section in between their two farms. Who owns it, and who doesn't? It's within this 10-year period, and there has been an attempt or more for re-entry. How do we document it? How do we verify if, in fact, an attempt was made and how successful? You know, what if the original owner is denied re-entry with whatever means available to that other owner: if force was involved or if the denial of access was of a criminal nature? Then also: what recourse is there if somebody attempts re-entry and is not successful? You know, we have many capable lawyers in the government caucus, and I think it would be appreciated if they would offer some of that clarification.

The other thing with respect to the conflict of laws is just a question with respect to: how frequently does this situation arise or exist? How many times in any given period of time does it materialize? I don't question the need to fix something that is not perfect, you know, so that's not where I'm coming from. I'm just saying that besides motor vehicle accidents or things like that, how many times and what other examples are there that warrant amending this particular legislation?

With that, Mr. Speaker, and as promised, I am going to lend my support. I really look forward to hearing some of those answers in Committee of the Whole.

I thank you for this opportunity.

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

Dr. Pannu: Thank you, Mr. Speaker. I rise to speak to Bill 17, Limitation Statutes Amendment Act, 2007. I want to commend the Member for Drayton Valley-Calmar for a lucid presentation. It's exceptional clarity that he has mustered to speak to this very important change in the legislation. He may find it difficult to believe – it may ring strange to his ears – but because of the clarity and lucidity with which he made the argument, I'm going to take him at his word and extend my support for the amendments being proposed here.

The Member for Edmonton-McClung, of course, has reiterated the points made by the Member for Drayton Valley-Calmar and added credibility to the arguments made by the Member for Drayton Valley-Calmar. Given the two exceptionally well presented sets of arguments and seeing the overwhelming consensus on this crucial piece of legislation, I find it difficult to defy what common sense tells me, which is to extend my support, so I'm happy to do so, Mr. Speaker.

Thank you.

The Acting Speaker: Any others? The hon. Member for Edmonton-Rutherford.

Mr. R. Miller: Well, thank you very much, Mr. Speaker. I think, as has been pointed out, the Member for Drayton Valley-Calmar did an admirable job of explaining the reasons for these changes, but two things he didn't address in his comments, and I'm hoping that he can bring these answers forward to us at the committee stage. If the problem is as a result of legislation that was passed in 1999 – and we're now in 2007 – I am curious when these two discrepancies were first discovered and why it took this long to come forward to the House now with the amendments.

5:20

I'm going to guess that the Castillo case, which I think was in 2005, might answer the one instance but not the other, so if the hon. member would not mind, I would appreciate having that information in front of us when we go to committee.

As has been outlined previously, this is a bill that will have our support, and I'm happy to give that. Just a little clarity would be appreciated.

Thank you.

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

Any other speakers?

The hon. Member for Drayton Valley-Calmar on behalf of the Member for Calgary-Nose Hill to close debate.

Rev. Abbott: Well, thank you, Mr. Speaker. I do want to thank the hon. members of the opposition for their comments. Certainly, to the Member for Edmonton-Rutherford: we will have a look at this 1999 versus 2007, when did the two discrepancies get discovered, and we will get back to you in Committee of the Whole. I fully trust the excellent staff that has worked on this bill as well as the hon. Member for Calgary-Nose Hill to answer those questions with regard to the recovery of land and the conflict of laws.

With that, Mr. Speaker, I would move second reading and take my seat.

[Motion carried; Bill 17 read a second time]

Bill 18 Judicature Amendment Act, 2007

The Acting Speaker: The hon. Minister of Justice and Attorney General.

Mr. Stevens: Thank you very much, Mr. Speaker. It's my pleasure to move for second reading Bill 18, Judicature Amendment Act, 2007.

This bill amends the Judicature Act to empower Alberta's courts to deal more effectively with vexatious litigants. Vexatious litigants are those who engage in legal proceedings without having a legitimate claim requiring resolution. The vexatious litigant may sue in order to annoy, harass, or financially punish other people.

A vexatious litigant is someone who persistently files proceedings that have already been determined by a court, persistently files proceedings that can't succeed or that have no reasonable expectation of providing relief, persistently files proceedings for improper purposes, inappropriately uses previously raised grounds and issues in subsequent proceedings, persistently fails to pay the costs ordered by a court as a result of unsuccessful proceedings, persistently takes unsuccessful appeals from judicial decisions, or persistently engages in inappropriate courtroom behaviour.

Vexatious litigants can put a significant strain on court resources and others unnecessarily. Vexatious litigation is an abuse of the

court process that wastes the time of judges and administrative staff and prevents other legitimate claims from being dealt with.

[The Speaker in the chair]

Those at the receiving end of a vexatious litigant's lawsuit can find themselves in a very difficult situation. For example, there have been situations where a vexatious litigant launches a baseless claim for the sole purpose of harassing or impeding a person who has a legitimate claim against them. Vexatious litigants can also force others to incur unnecessary legal bills. The person with the legitimate claim must direct their lawyer to deal with the vexatious claim, which takes money and adds to the overall time required for resolving the legitimate claim.

Some common characteristics often apply to vexatious litigants. They may include opinionated and narcissistic behaviour and asking the same questions repeatedly. For some vexatious litigants losing a case may fuel feelings of injustice and lead to ongoing legal action, and some exhibit behaviour that is consistent with some types of mental illness.

When a litigant is behaving in a vexatious manner, the courts must have the power to deal with the problem in an appropriate and effective way. Since lawyers can be disciplined and in extreme cases disbarred for participating in abuse of the court process, vexatious litigants typically represent themselves in court. In June 2006 the Court of Queen's Bench suggested that Alberta Justice consider the recommendations contained in a report on how to deal with vexatious litigants. The report was authored by the Law Reform Commission of Nova Scotia.

Working with those recommendations, Alberta Justice consulted three courts, the legal profession, and nongovernment organizations in September 2006 on proposed amendments to the Judicature Act. With valuable comments and input received from the courts and other stakeholders during the consultation, Alberta Justice proposed amendments to the vexatious litigants provision in this act. The Judicature Act deals with the jurisdiction and powers of the Court of Queen's Bench and the Court of Appeal. It also deals with the administration of justice in the province, including some matters of the Provincial Court of Alberta. Amendments to this act will give these three courts more powers to deal with applications concerning vexatious litigants.

Mr. Speaker, access to justice is a fundamental right in our society. Restricting that right is a serious matter and not an issue to be taken lightly. However, vexatious litigants can pose a serious problem for Alberta's civil justice system. The amendments we are proposing take into consideration what the three Alberta courts and other stakeholders have told us through the consultation process.

Currently the Court of Queen's Bench and the Court of Appeal can make vexatious litigant orders, but the Provincial Court cannot. Vexatious litigants appear in all courts, and the most appropriate forum to hear an application is in the court where the proceedings are being heard. Amendments to this act will give the Court of Queen's Bench, the Court of Appeal, and the Provincial Court the jurisdiction to hear vexatious litigant applications. These amendments will give the three courts authority to make an order against a vexatious spokesperson or agent. This is particularly important in Provincial Court, where the majority of litigants are not represented by a lawyer.

The three courts also have the power to order that a vexatious litigant be precluded from continuing an existing proceeding. In Alberta the Attorney General's consent is required before a court can deal with an individual who may be abusing the legal process. In B.C., Ontario, Quebec, and P.E.I. the consent of the Attorney General is not required for a vexatious litigant application.

We are also proposing that the Attorney General's consent be replaced with a requirement to be given notice of vexatious litigant applications. The Attorney General would continue to have the right to appear and be heard on vexatious litigant applications. This will allow the Attorney General to intervene in cases of public interest.

We are proposing that the current provision be amended to include a nonexhaustive list of factors that the courts and others may use as a guide to determine what constitutes vexatious behaviour.

The amendments will also empower the courts to prevent an individual who has been found to be a vexatious litigant from commencing vexatious proceedings through an entity such as a corporation.

As is now the case, if the court makes an order prohibiting a vexatious litigant from commencing further proceedings, a vexatious litigant will be able to ask the court for permission to file a lawsuit if he or she has a legitimate claim. For example, if a vexatious litigant is involved in a car accident that is not their fault and the at-fault party does not voluntarily pay for the damages, the vexatious litigant should be given access to the court to pursue the claim. The amendments would require the vexatious litigant to ask permission of the court where they want to file the claim, not the court that made the vexatious litigant order against them. The court may impose conditions or terms when allowing a vexatious litigant to start a new proceeding or continue an existing one.

These amendments will allow parties to a vexatious lawsuit as well as the clerk of the court and the Attorney General to initiate a vexatious litigant application. Amendments will also allow any other person to ask the court for permission to make a vexatious litigant application.

These amendments will clarify that a single justice of the Court of Appeal may hear vexatious litigant applications, and they will also clarify that an order made by the Provincial Court is binding only on that court.

Finally, it should be noted that amendments to the Judicature Act do not take away or diminish the powers of the court to dismiss or stay a lawsuit that is an abuse of the court's process. The Judicature Amendment Act, 2007, will improve ability of the courts to respond in a more timely and effective manner when vexatious litigants are involved.

5:30

Mr. Speaker, improving the effectiveness of the courts and respect for the law have been priorities for me since I became minister in 2004. I'm pleased that this amendment will further those goals. I encourage all members of the Assembly to support this bill.

Thank you very much.

The Speaker: Hon. members, two members have indicated their intent to participate: the hon. Member for Edmonton-McClung, followed by the hon. Member for Edmonton-Centre. If there are others, please notify.

The hon. Member for Edmonton-McClung.

Mr. Elsalhy: Thank you, Mr. Speaker. Again, one more time, I'm indeed pleased to rise and participate in debate and to respond to the hon. Minister of Justice and Attorney General moving second reading of Bill 18, Judicature Amendment Act, 2007, in my role as the shadow minister and to lead debate.

I forgot to thank the hon. minister when we were debating Bill 17 because before he actually shared the bill brief with me and with my researcher, we actually had an initial meeting in the very beginning when our shadow cabinet was shuffled to respond to the cabinet shuffle on the government side. I took over this portfolio as of

January 7, I believe, and shortly after the hon. minister and one of his assistants met with me and my executive assistant as well just to welcome me and to wish me luck and to offer his co-operation and his resources whenever I have questions.

I think this is the model that should be copied, and I trust that most of my colleagues in the Official Opposition are receiving the same co-operation, I hope. This is what I view as a true democracy, and I know that the minister is pleased that I am thanking him. That is the right thing to do. Certainly, since January this minister has demonstrated an awareness and an appreciation for the work of the opposition, and we're trying to reciprocate by not unnecessarily holding up legislation. He's also going for some sort of a record, I think, because bills 17, 18, 19, you know, a few of them are his. I think he is likely going to get his record this year as well.

Now, having said that, I don't think I have any major concerns with respect to this bill, but I would like to walk through it and, as my colleague from Edmonton-Strathcona indicated, offer qualified and positive feedback with respect to this suggested amendment.

What does it really try to do, and what is the rationale behind it? It is a bill, Mr. Speaker, designed to enhance the ability of the courts, as was mentioned, to deal with vexatious litigants. I am in no way going to try to compete with the explanation offered by the hon. minister given his background and his excellent support staff, that is working behind the scenes to make his ideas come to fruition in this House.

However, my initial response was something like: how is this going to affect access to the courts and the ability of citizens to seek legal remedy in court? My approach is that this access to the courts is paramount. It's very important, and it should be sacred, and it should be protected so that nothing we do in this House and nothing we pass in this House would infringe on the rights of people and their right to access to the court to seek legal action. We should never tamper with this right. Having said that, I don't think this bill does that. It doesn't tamper with this right. It doesn't reduce it. However, it's something we have to be always aware of and always on the watch for.

In practical terms, as well, some people abuse this access, and they put undue strain on the resources available and cause unnecessary delays and unnecessary waste in our legal system and, Mr. Speaker, potentially harm others as well. So my approach today is one of striking a balance. On the one hand, we need to protect people's rights to have access to the courts and to legal action, but on the same level we also have to define who is a vexatious litigant. Whom do we classify as one of those, and what do we do to deal with him or her?

Section 23(2) sheds some light and offers some examples. The hon. minister went through some of those; for example, a person who is persistently bringing proceedings before the court to determine an issue that has already been determined, somebody who is persistently bringing forward, you know, applications or proceedings that cannot succeed or that have no reasonable expectation of providing relief, somebody who is bringing forward legal action for improper purposes or inappropriately using previously raised grounds and issues in subsequent proceedings, somebody who is persistently failing to pay the costs of unsuccessful proceedings – they just keep suing, but they don't really cover the fees that accompany legal action – somebody who is persistently taking unsuccessful appeals from judicial decisions or engaging in inappropriate courtroom behaviour. So that's quite exhaustive, Mr. Speaker, I would argue. I think we've all heard or learned of situations where a person might fit this description.

In that regard, yes, certain people are abusing their access right, their access privilege, and maybe we should, you know, make it less

easy for them to participate in court action like this, which basically might be wasteful, might be harmful to others, and limit them to only when it's absolutely necessary and when it's absolutely appropriate for them to have that access. So in that regard I understand where this bill is coming from.

Vexatious litigants and the proceedings they initiate are not just mild annoyances or inconveniences to the civil justice system. They are so extreme that in invoking the right to justice, they may actually undermine the rights of others, as I said. As a result, there is a need for legislation which empowers the courts to dismiss vexatious litigants but which also permits someone to seek leave to have the order lifted if and when circumstances change. So what I'm saying, really, is that, yes, courts have to have the right to dismiss vexatious litigants, but it is not a permanent prohibition on these guys. If situations change, if circumstances change, or if they can demonstrate that there is genuine need for them to come before the courts, then I think that this prohibition should be lifted. If we do it by appeal or do it by written submission or whatever the mechanism is remains to be seen. But I think that it is not something that is permanent, and it shouldn't be permanent.

While legislation which deals with vexatious litigants clearly has access to justice implications, the legislation does not constitute a denial of access. That is paramount, as I stated, Mr. Speaker. It's not also a constitutional violation. I'll bet you that some of those vexatious litigants themselves are going to look at this and say: aha, I now have an opportunity to sue based on a constitutional challenge. But I disagree, and I don't think that courts are going to think, you know, contrary to my opinion.

Basically, I have information here from my researcher who indicated that the Ontario Court of Appeal has summarized the nature of vexatious litigation as follows: it doesn't take away an individual's access and right to address; rather, it provides that if an order is made against him or her under the legislation, he or she cannot seek redress until he or she has satisfied the proper authority that the proposed legal proceedings are not an abuse of process of the court. So it is warranted, but again they can demonstrate to the court that this situation is different or unique. The court has the ability to say: yes, this time you go ahead.

5:40

So what else are we trying to cover here, Mr. Speaker? There is one section here with respect to the application: "Where on application or on its own motion, with notice to the Minister of Justice." I agree with the minister that the minister does not need to be asked to give permission every time. I think a notice to the minister is adequate, and in so doing, the court is still notifying the minister, and it's still involving the minister but indirectly because, really, to expect the minister to give permission each and every time – and these vexatious claims might be increasing in number, and they might be increasing in complexity and gravity – would place an unfair amount of pressure and increase the workload of the minister. I agree that notifying the minister is adequate, and we shouldn't really require him or her to issue that permission every time, every single time.

So to summarize, Mr. Speaker, I don't disagree with this particular amendment, and overall it is not too contentious. If I actually had one little clarification to seek, it would be the issue of the balance of power, basically, between the courts and the Minister of Justice. Action should be taken to confirm that section 23.1(3) of the Judicature Amendment Act gives the Attorney General "the right to appear and be heard" in relation to vexatious litigant orders made by a court on its own motion.

If section 23.1(3), you know, with respect to those conditions requiring the Attorney General to appear and to be heard is inter-

preted such as that the Attorney General does not have the right to appear and be heard in relation to orders made by the court on its own motion, then, the courts will be in a position to declare litigants and proceedings vexatious without the safeguard of the Attorney General appearing as needed. So that's going back to the notification component, Mr. Speaker. My understanding is that it's not going to hopefully deny or prevent the Attorney General from appearing if need be.

I know that this is getting a little technical, but these things have to be raised, Mr. Speaker. So, overall, I think we're in favour. This gives the courts a tool to protect the integrity of the system and to dismiss people who are placing undue burden and undue strain on the resources. We all know how hard our legal people work and how busy they are, and sometimes they're busy doing stuff that should have been dismissed from day one.

So in that regard I don't find it too objectionable, and I am going to vote in favour of this amendment, Mr. Speaker. Thank you.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'm pleased to be able to rise in second reading and support the principles behind Bill 18, the Judicature Amendment Act, 2007, for a couple of reasons. I think most hon. members would not be surprised to hear me get up and defend an open access to the legal system, but I think I've now experienced my own small versions of people being vexatious and continually bringing back claims. Even on the level of a constituency office you start to get a real feel for how this can in fact deny access to others in the court system because if they're taking up the time, someone else is not getting their case heard or getting the assistance that they need or being able to find the justice that they are seeking.

You know, I don't know why it is. I think for some people, they just won't take no for an answer, and they just keep appealing and appealing and appealing and appealing on every different level that they can think of to do it on, and the answer is still no. They're not entitled to the remedy that they're seeking, but they keep trying. That in fact is vexatious, and it does, I think, ultimately deny that space to someone who is perfectly entitled to it.

I think that often people have a different definition of a particular word or idea in context or out of context. We sometimes have people contact us, and they say, "You know, I may be able to get something or another." You say, "Well, yes, you may be able to, but that doesn't mean you're guaranteed to be able to get it." "Well, I should be." In their minds they're entitled to it: why didn't they get it? They're going to keep coming back to you until they get it, and you're in the position of saying: "No. You're not entitled." Well, then, they just want to appeal you. I think that same sort of situation is what ends up coming into the court system.

The other part of a vexatious claim that has certainly been the experience of some of my colleagues, I think one current and a couple past, are vexatious lawsuits that are brought basically as a slap suit to try and knock someone off their game, in effect. I consider those vexatious as well. I might be stretching the legal term a little bit, but I would put it in that category.

For example, my colleague the former MLA for Edmonton-Glenora, who now holds the position as the ombudsman for the federal penitentiary system, Mr. Howard Sapers, had a slap suit, a vexatious suit brought against him when the whole issue of the Hotel de Health was happening in this Assembly. He basically had a slap suit brought against him. Again, same sort of situation. It cost him time and money to go to court and defend himself with that, and the person bringing it had the resources to be able to do it.

It never went anywhere beyond that, and I'm sure that the people

that brought the suit never had any intention of taking it beyond that. It was done specifically to cause problems, and there was no real reason to bring it before the courts. I put that example in there as well because I think it's another way of blocking up the court system to others who should be in it, using it for a system that the judiciary was not designed to deal with.

I'm pleased to hear that there was a good stakeholder consult. Frankly, what we're seeing happen here is a continuity that we're missing in many of the other departments. Some of the frustration that we felt here in the opposition with the lack of action from government and very long delays in action in certain departments is because of the complete lack of continuity and lack of activity, particularly around the leadership race. Here we've had a minister that's been in place since 2004, and all of the work that was in the pipeline has continued to progress through. We're seeing it come out now, and it's been well supported by stakeholder consultations.

I'm pleased to see that the legislation is covering all three levels of the court system because I think that's necessary. As I said, some people try and sort of keep appealing their way through all the different levels and back again if they can. I didn't want to see the Provincial Court left out of that list. I'm pleased to see them in it.

On the idea of using a list of criteria over basically a single test, I'm looking forward to seeing how that actually plays out. I suspect that this will probably work better. I think sometimes we see the courts believing that the test doesn't really fit the circumstances, so they're reluctant to apply it. But a set of criteria would, in fact, work better because it's more likely to cover the situation in front of them, so we'd be more successful in being able to control some of these.

I think good work. Well done. Happy to support it.

Thank you.

The Speaker: Hon. members, Standing Order 29(2)(a) question and answer section is now available.

If there are none, the hon. Member for Edmonton-Strathcona to participate in the debate.

5:50

Dr. Pannu: Thank you, Mr. Speaker. I'm pleased to rise and speak to Bill 18, Judicature Amendment Act, 2007, in its second reading. To start off, I want to thank the Minister of Justice and Attorney General for his detailed introductory remarks on the bill. This is a bill that does require some legal expertise to fully grasp it, so his comments have been helpful to those of us who lack that expertise and don't have a claim to that.

Mr. Speaker, in his introductory remarks the minister did make some important comments. He acknowledged that access to the justice system and the right to have that access is a fundamental right in our democracy, and it must be protected. So any limitations that this bill will impose on people to continually return to the court system to seek judicial action are I presume taken with the greatest amount of seriousness, that considerable thought has been given to putting limits on the rights of individuals who may engage in what's deemed as vexatious litigation.

What constitutes vexatious litigation is, I think, a very important part of the bill. Subsection (2) of section 23 tries to define it, if you wish, in a manner "without limitation," it's called. There may be other circumstances under which an action that's being taken or may be contemplated to be taken by someone may be considered vexatious. The ones here, eight of them, seem to me to be pretty exhaustive.

One feature that's common among all of these eight circumstances described here is "persistently." We all need to be clear that it does not close the door to legal action the first time around. It's only when people go repeatedly back to the court to seek justice on

grounds which are outlined here as ones which will be considered vexatious. I'm pleased that there's a fairly detailed sort of statement of the circumstances or the conditions which may be deemed vexatious.

The only provision here that does not refer to persistence of the action sought by a litigant is sub (d): "inappropriately using previously raised grounds and issues in subsequent proceedings." I'm not entirely sure what inappropriately using previously raised grounds would be other than persistently going back on the same grounds. You know, what would that mean in this case? What would constitute an inappropriate use of grounds used previously? Perhaps it's a bit of ambiguity there or simply repetitiveness. I'm not sure. I just noticed this. I'm bringing it to the attention of the House, and perhaps the minister, in his wisdom, might make some comments on it later on.

With respect to some other steps that the minister has taken before drafting this bill, Mr. Speaker, he has shared with us the information with respect to consultations that he has undertaken. He undertook them I think last year with all significant stakeholders, including the Law Society of Alberta, the representatives of the courts in the province, and the Law Reform Institute, I believe. I didn't get that, so I'm not sure whether they were included in this. Since it's a piece of legislation which will limit the right to access to a degree, I want to make sure that all resources that need to be consulted have been consulted and the list of those resources that have been consulted is comprehensive to include all stakeholders who may have something to say on this very important piece of legislation.

I'm certainly comfortable with the minister's statement with respect to the range of stakeholders that have been consulted on the bill. The three levels of the courts – the Court of Appeal, the Court of Queen's Bench, as well as the Provincial Court – have been covered. I understand, and I think it's sub (6) under section 23.1, Application, that for decisions of the Court of Appeal or a justice of the Court of Queen's Bench with respect to the vexatious nature of claims, that once that decision is made, that decision will be binding on the Provincial Court, but a decision made by the Provincial Court will not be binding moving upwards, I guess, if you look at these courts arranged in a vertical hierarchy. I think I am interpreting it right. I think that makes sense.

There's a provision here, which is sub (4) of the same section, 23, which reads:

The Court may at any time on application or on its own motion, with notice to the Minister of Justice and Attorney General, make an order under subsection (1) applicable to any other individual or entity specified by the Court who in the opinion of the Court is associated with the person against whom an order under subsection (1) is made.

The only exception to that, I suppose, is the legal expert representing the person. I think that in subsection (5) that exception is made clear.

This sub (4) seems to me to be a little bit problematic in that it casts a fairly wide net in terms of persons related, in the opinion of the court, who would also be barred from proceeding with vexatious litigation. The court will require a great deal of knowledge about the nature of the relationship of this other person or a person who might want to proceed with the action on behalf of or on his or her own. It requires some further study on my part. As I said, you know, I'm no expert on these matters, so we will engage in some consultation.

I take the bill quite seriously, Mr. Speaker. We will certainly give it the further thought that's due it as a piece of legislation, but in general I find the bill on the test of reasonableness a bill that will have our support in principle.

Thank you, Mr. Speaker.

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

Shall I call on the hon. Minister of Justice and Attorney General to conclude the debate, or shall we just call the question?

Mr. Stevens: Mr. Speaker, I just wish to thank the hon. members who commented. They commented insightfully on the bill. I call the question.

Thank you.

[Motion carried; Bill 18 read a second time]

The Speaker: Hon. members, the House will reconvene tomorrow afternoon at 1. If it's possible for you to take your laptops, that would be helpful as we have a function in the Assembly tomorrow morning. It would be helpful to the pages. Other than that, see you tomorrow at 1.

[The Assembly adjourned at 6 p.m.]