

Legislative Assembly of Alberta

Title: **Wednesday, November 7, 2007**

1:00 p.m.

Date: 07/11/07

[The Speaker in the chair]

head: **Prayers**

The Speaker: Good afternoon. Let us pray. We give thanks for our abundant blessings to our province and ourselves. We ask for guidance and the will to follow it. Amen.

Please be seated.

head: **Introduction of Visitors**

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

Mr. Boutilier: Thank you, Mr. Speaker. I am very pleased today to introduce to you and to members of the Assembly Mr. Tong-Mo Suh, the consul general of the Republic of Korea. I also welcome Mr. Jeong-Sik Kang, the consul of the Republic of Korea. They are in your gallery today, Mr. Speaker.

I might add that Alberta's relationship with Korea is rich and multifaceted. We have 8,000 Albertans of Korean descent. We have two-way trade of over a billion dollars, making Korea Alberta's fifth-largest trading partner, and certainly a long-standing twinning.

I would like to just finally add, Mr. Speaker, that with Remembrance Day only four days away it is an appropriate time to reflect on another bond between Alberta and Korea. It was during the dark hours of the Korean War that the members of Alberta's Princess Patricia's Canadian Light Infantry came to the assistance of Korea. What a proud moment for our nation in helping an important partner.

I'd ask all members of the Assembly to join me in asking the visitors to stand and be recognized as a welcome to the province of Alberta.

The Speaker: Hon. members, I might just add as a supplement to the hon. minister that two former members of this Assembly served in the Korean conflict, Mr. John Gogo and Mr. Doug Cherry.

head: **Introduction of Guests**

The Speaker: The hon. the Premier.

Mr. Stelmach: Thank you, Mr. Speaker. It is my pleasure to rise to introduce to you and to all members of the Assembly Mrs. Janice Sarich. Janice is the nominated candidate for the Progressive Conservative Party in the constituency of Edmonton-Decore. She has extensive experience in both the private and public sectors, having served as a Catholic school trustee and also as the owner of her own business. Janice is a mother of two who has very strong ties to her community, obviously her city, and her province. I'm proud to have Janice as a member of my team as we move towards a better future for all Albertans. I would now ask her to rise and receive the traditional warm welcome of this Assembly.

The Speaker: The hon. Minister of Employment, Immigration and Industry.

Ms Evans: Thank you, Mr. Speaker. I have two groups to introduce today. In the first group, a very special group, I'd like to introduce and present Raffaele and Rosetta Talarico along with their daughter Sandra Talarico and another daughter, Chiarina Rosin, who works

in my office. May I just say that Raffaele emigrated to Canada from Italy in 1952 at the age of 25. He travelled by boat from southern Italy to Halifax, then by train from Halifax to Wainwright, where he worked on the railway for four years and earned 90 cents an hour. Rosetta emigrated to Canada in 1957 at the age of 20 and joined Raffaele in Edmonton. She raised her family, working for GWG, the Hotel Macdonald, and finally for the University of Alberta hospital. They have been married 50 years and will celebrate that anniversary November 9, and Raffaele will also be celebrating his 80th birthday on November 17. Please join me in welcoming Sandra, Chiarina, Rosetta, and Raffaele. Would they please rise.

I have another introduction, Mr. Speaker. They are the dream team, some of Alberta Employment, Immigration and Industry's finest, and they are Veronika Woek, Theresa Wilson, Terri Mason, Angela Woo, Joyce Ford, and Jan Bystrom. They're here today to have a look at the Legislature and be able to expand on our activities in their workplace. May they please rise, and please acknowledge them.

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

Mr. Hancock: Thank you, Mr. Speaker. It's an honour and a privilege for me today to introduce to you and through you to members of the Assembly a number of people who were involved in a very special announcement at the Stollery children's hospital this morning. Thanks to a \$500,000 donation from Bell an echocardiography telehealth outreach program will be established at the Stollery using the most advanced technology from Bell Canada. The program will provide patients and health care professionals from communities throughout central and northern Alberta with access to Stollery's advanced diagnostic tools and medical expertise in cardiology. The solution will be delivered using the Alberta SuperNet, a partnership between the Alberta government and Bell Canada, which members know is a high-speed network made possible through that partnership.

With us today are Dallas Smith, chair of the Stollery Children's Hospital Foundation board of directors; Dr. Terry Klassen, chair of the department of pediatrics at the Stollery children's hospital; Jean Trines, a senior echocardiography technician at the Stollery children's hospital and a recent new Albertan; Jack Janssen, associate director of government relations with Bell; Jeff Meerman, associate director of media relations with Bell; Judy Mahaffy, associate director of community investment with Bell; and Kelly Frank, the director of business development with Bell. I'd ask our guests to rise and be recognized for the contribution that Bell has made and the good work that Stollery does.

The Speaker: The hon. Minister of Service Alberta and President of the Treasury Board.

Mr. Snelgrove: Thank you, Mr. Speaker. It is indeed my privilege to introduce to you and through you today a very bright young man who's here on a work shadow with his father. Levi Dibben is a grade 9 student out in Lakeland Ridge in Sherwood Park. He's here today job shadowing his dad, my executive assistant, Dwight Dibben; however, he has promised not to share everything with his mom when he gets home. I would ask Levi to rise and accept the warm welcome of the Assembly.

The Speaker: The hon. Minister of Finance.

Dr. Oberg: Thank you very much, Mr. Speaker. I am certainly honoured to introduce to you and through you to Members of the Legislative Assembly a group of young people who are taking part

in the national Take Our Kids to Work day today. We have Meaghan Mackenzie, Rachel Finnessy, Julianne Belzile, Lindsay Kitson, James Contos, Myles Grunling, Alicia Powers, Jacquelyn Harrison, Kiera Forrest, Jocelyn McDonald. They are accompanied today by Manfred Grunling, who works as a technical training manager in our division of tax and revenue administration within the Ministry of Finance. All of these grade 9 students are going to be working in the Ministry of Finance this afternoon, and I understand they're going to be doing such interesting things as consolidated financial statements and all of those. I would ask all the students to rise and receive the very warm welcome of the Legislative Assembly.

The Speaker: The hon. Minister of Municipal Affairs and Housing.

Mr. Danyluk: Thank you very much, Mr. Speaker. It's indeed a pleasure to introduce to you and through you to members of this Assembly a very dedicated, knowledgeable, and charismatic lady who hails from my constituency of Lac La Biche-St. Paul. She now resides in the constituency of Fort Saskatchewan-Vegreville, in the constituency of the Premier, and she also happens to be one of my assistants in my office. Ladies and gentlemen of this Assembly, if I could ask you to give a warm welcome for Candice O'Neill.

1:10

Mr. Zwozdesky: M. le Président, il me fait beaucoup de plaisir de vous présenter quelques élèves, des parents et enseignants de l'école Ste-Jeanne-d'Arc. C'est une école très magnifique dans ma circonscription d'Edmonton-Mill Creek. The students are all in grade 6. They're incredibly well behaved, and they speak impeccable French. Today they are accompanied by teachers, subteachers, and parents: Mylène Deschênes, Rachel Jean, Ron Liboiron, Amanda Chernyk, Michael Chernyk, Diane Noël, Fanta Camara, France Goudreau, la soeur de mon collègue l'hon. M. Goudreau. Also, Annie Renaud, Stephane Harvey, Nadia Chehayeb, Michelle DeAbreu, Mary-Lou Beaubien, and Murray Sinal. I would ask them to all please rise and receive the tremendously warm welcome of all members of the Assembly.

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

Mr. Cardinal: Thank you very much, Mr. Speaker. It's my pleasure to rise today to introduce to this House a constituent of mine seated in the members' gallery. Her name is Kerstie Schreyer, and she is visiting today from Abee in my constituency. Kerstie is a grade 9 student at the Thorhild central school and in her free time volunteers with the Abee Community Association and the Newbrook Recreational and Ag Society. She's also a violin player and a recipient of numerous Ukrainian dancing awards. I would ask her to rise now and receive the traditional warm welcome of the Assembly.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'm very pleased to introduce to you and through you to all members of the Assembly a constituent of Edmonton-Centre, Roy Skoreyko. Roy is a dedicated community volunteer and is very interested in the proceedings of the Assembly today and particularly wanted to see his own MLA at work. So I would ask you to please join me in welcoming to the Assembly Roy Skoreyko.

Thank you.

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

Mr. Martin: Thank you, Mr. Speaker. It's indeed a pleasure to introduce to you and Members of the Legislative Assembly some 51 energetic and keen students from Overlanders elementary school. They are accompanied today by their teachers, Ms Laura Wenger, Ms Christine Novesel, and Ms Cindy Chisholm. Also along are parents Mrs. Karen Timmann, Mrs. Kim Militsala, Mrs. Skye Griffiths, and Mr. Marcus Frey. They're in the public gallery. I would ask that they stand and receive the traditional warm welcome of the Assembly.

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

Mrs. Mather: Thank you, Mr. Speaker. It is my pleasure and privilege to introduce to you and through you to members of the Assembly three constituents of Edmonton-Mill Woods: Rajiv, Sonia, and Nikhil Sinha. Rajiv is the vice-president of the Woodvale Community League, and he is a member of the Mill Woods President's Council. Their son, Nikhil, is 14 years of age, and Rajiv and his wife want him to have the experience of question period today. I'll ask them to rise and receive the warm traditional welcome of the Assembly.

head:

Members' Statements

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

Alberta Utilities Commission Act

Mr. MacDonald: Thank you. Bill 46 was quietly introduced on the last day of the spring sitting of the Legislature. At the same time in Rimbey undercover spies hired by the EUB were eavesdropping on unsuspecting innocent Albertans. This bill appears to be written by an autocratic government determined to ignore both consumers and landowners in order to speed up the energy regulatory process. This bill will give the Alberta utilities commission the power to make orders and issue decisions without giving public notice or holding public hearings. It will give the Alberta utilities commission the power to prevent landowners and consumers from making verbal representations to the commission. It will limit the time period in which Albertans can appeal a decision or order made by the Alberta utilities commission to 30 days. Finally, it will restrict the ability of landowners to hire outside legal counsel when intervening in regulatory hearings.

This government does not want anyone to question their actions, and Bill 46 is a blatant attempt to silence Alberta consumers and landowners. Bill 46 illustrates yet another flawed decision by a floundering government. Bill 46 will allow regulations introduced behind closed doors by cabinet to quietly override legislation discussed and debated by all members of the Assembly.

Albertans should be very concerned about the direction of this Progressive Conservative government. They want even more power to override legislation without any public debate or knowledge. This government has spied on citizens, hidden royalty information from the public, and failed to collect billions of dollars in royalties. Now this tired government wants the power to override the Legislative Assembly. Enough is enough.

Thank you.

The Speaker: The hon. Member for Olds-Didsbury-Three Hills.

Torrington Community Wellness Centre

Mr. Marz: Thank you, Mr. Speaker. I'm rising today to acknowledge the opening of the recently constructed community wellness centre in Torrington, Alberta. There are often challenges for rural

Albertans who live in remote locations to access a wide variety of health and educational services. Therefore, I'm pleased to acknowledge that our government is encouraging partnerships that will improve the availability of health and educational services in rural communities.

This innovative wellness centre will enable the residents of Torrington and surrounding area to meet their less critical but important health needs. The wellness centre will allow health professionals to provide their specialized services, which include reflexology, foot care, and massages. The centre will also provide educational opportunities by offering unique learning programs for children through its library and Internet services.

I'd like to commend the diligent work of all the volunteers, local businesspeople, representatives from the area's municipal governments, and the David Thompson health region. Together their collaborative efforts ensured that this health facility had the support it needed to become fully functional. I believe this is a great example of enhancing rural development within this province, and our government should continue to support community partnerships that will create opportunities for rural Albertans to improve their health and well-being.

Thank you, Mr. Speaker.

Flu Immunization

Ms Calahasen: Mr. Speaker, flu season is upon us, and many people have and will experience its effects. As an example, last year in our province more than 30,000 individuals were diagnosed with influenza. Many people at high risk were hospitalized, and many others developed serious complications. This is, of course, a concern. Obviously, influenza has a major impact on Albertans and on Alberta's health care system. This year we urge Albertans to get a flu shot so we can reduce the number of infections and associated complications such as pneumonia.

It is critical that Albertans protect themselves and others by becoming immunized. We need to remember the importance of this simple precautionary measure and the positive impact it will have by reducing visits to hospitals and medicentres and lost time at work. Albertans at high risk for influenza such as seniors, persons with chronic conditions, children under two years, and pregnant and lactating women can get a free flu shot at their local public health clinic. Others can obtain the shot from their family physician.

I encourage all Albertans, like myself, to become immunized so that we can fight the flu.

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

Fetal and Pediatric Echocardiography Telehealth Outreach Program

Mr. Lukaszuk: Thank you, Mr. Speaker. To all of us the Stollery children's hospital is a place where we receive hope. When our children are sick, when parents are suffering, that's where we go and receive hope. Well, today for a moment the tables were turned around, and the Stollery hospital was in the position of receiving hope from yet another corporate entity who has shown what epitomizes exemplary corporate citizenship, and that is Bell Canada. Bell Canada today has donated \$500,000, which actually today is \$550,000 U.S., to the Stollery children's hospital for them to implement the echocardiography telehealth outreach program. It's almost as hard to say as Lukaszuk; I appreciate that.

What it really means in real terms is that a child in remote Alberta will not have to come to Edmonton to have their heart scanned and to be diagnosed and monitored postsurgery but that that scanning

can happen in remote Alberta, and images could be analyzed via the SuperNet at the Stollery children's hospital by our experts. Now, that is quality provision of health in co-operation with the private sector and our ministry of health.

Mr. Speaker, I would like to thank Bell Canada for their generosity. I would like to thank the Stollery children's hospital and the foundation for putting this program together and for providing our families and our children with hope.

Thank you.

1:20

West Lethbridge Centre

Mr. Dunford: Mr. Speaker, you have heard me say before that this has been a very good year for Lethbridge, and I'd like to reiterate that today. About two weeks ago the Minister of Education and myself were part of an announcement of funding for what is called the west side high school. There were, of course, other officials there as well as elementary students who hopefully will be finishing their high school in this facility. They took us out onto a windswept, barren field west of Lethbridge. I don't know if the wind that day was a hundred kilometres or not but just about. We're still bearing the scars of the grit that we were faced with – pun intended – during that particular event.

The significance, Mr. Speaker, I think is important for every member here in the House. What we have are two high schools going together. We have the Holy Spirit school division, and we have the Lethbridge public No. 51 school division, so we have in the same complex two school divisions putting their high schools together. In between – and this is the magic and the innovation of this project – we have a Lethbridge city public library. The contribution by the provincial government: something to the tune of \$40 million, \$45 million. The whole project, \$100 million, is in what will be known as the West Lethbridge Centre. Just a great project for our city and for this province.

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

Conflict in Darfur, Sudan

Dr. Swann: Thank you, Mr. Speaker. Canada must lead in Darfur, Sudan. In July '07 the United Nations Security Council passed Resolution 1769, calling for 26,000 troops on the ground in Darfur by December 31, '07, to stop the genocide. The appeal then went out to all member countries, and based on the response so far, according to Senator Roméo Dallaire we still will be arguing logistics next year at this time.

The Sudanese government and Darfur rebel groups remain in conflict. Women, men, and children continue to be starved, violated, and killed, as have a number of the pitifully funded African Union troops. Humanitarian groups have left due to insecurity. Two and a half million displaced people endure a miserable existence. Darfur burns as member countries dither. One year ago UN humanitarian chief Jan Egeland said that if the camps explode in violence, as they're poised to do, hundreds of thousands of civilians, largely women and children, will die. The Sudanese government, supplied by China and Russia, continues to violate the fragile environmental and human rights in Darfur.

Canada has given roughly \$400 million over four years, mostly humanitarian aid and some military equipment. According to Roméo Dallaire it will cost about \$600 million to deploy the troops and equipment, 5 per cent of the current Canadian surplus. Today I'm calling on all citizens and representatives of conscience to add their voices to over 10,000 Sudanese in Alberta to ensure a Christ-

mas gift to Darfur: troops on the ground by December 31, 2007. Two years ago opposition leader Stephen Harper called on Prime Minister Martin to, quote, leave the bleachers and lead in Darfur. End quote. It's now time for the Harper government to honour its word to leave the bleachers and lead.

Thank you, Mr. Speaker.

head: **Presenting Petitions**

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

Mr. Lukaszuk: Thank you, Mr. Speaker. I have a petition signed with 25 names provided to my office by the Campaign for a Smoke-Free Alberta supporting the minister of health's introduction of Bill 45 and hoping that all members of this Assembly will vote in favour of this particular bill.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'd like to present a petition signed by 280 individuals who are urging the government to ensure that remuneration paid to employees working with people with disabilities is standardized, that they're fairly compensated and that wages are competitive, that employees have access to professional development opportunities, and for the government to introduce province-wide service and outcomes-focused level of care standards.

Thank you.

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

Mr. Dunford: Yes. Thank you, Mr. Speaker. I have a petition signed by 53 residents of Lethbridge and area, and it is of course petitioning this Legislature to pass Bill 45 and to "not dilute its contents so as to compromise the version approved at second reading." I'd like to submit these.

Thank you.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. I have a petition signed by Albertans from Rimbey, from Bluffton, from Ponoka, and from St. Albert. This petition reads:

We the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government of Alberta to launch a full public inquiry under the authority of the Public Inquiries Act into spying practices by the Alberta Energy and Utilities Board (AEUB) and the Minister of Energy's oversight role of the AEUB.

Thank you.

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

Mr. Rogers: Thank you, Mr. Speaker. It's my pleasure to present a petition signed by a number of residents of my constituency that urges the government to pass Bill 45, the Smoke-free Places (Tobacco Reduction) Amendment Act, 2007, in its current form.

Thank you.

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

Mr. Hinman: Thank you, Mr. Speaker. I rise today to present a couple of petitions that deal with similar issues, and they have been signed by over 500 of Alberta's oil and gas workers. The petition

calls on the Legislative Assembly to "discard the Royalty Review Report."

head: **Tabling Returns and Reports**

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

Mr. Backs: Thank you, Mr. Speaker. I'm pleased to rise in this Legislature today to make two tablings. One is part of the program for a fundraiser for the Alberta Council of Women's Shelters. That was an inspirational evening with General Roméo Dallaire, and it was titled Sheltering the Innocent: Children, Violence and What We All Can Do to Help. That had hundreds of people there.

The second is another fundraiser for the Alberta Council of Women's Shelters. It was Breakfast with the Guys. That was this morning in hall D of the Shaw Conference Centre, Mr. Speaker. The Premier and the leader of the third party, the Employment, Health, Municipal Affairs, and Children's Services ministers were all there as well as MLAs from Calgary-Shaw, Edmonton-Castle Downs, Edmonton-Calder, Edmonton-Glenora, and Edmonton-Whitemud. The Premier gave a very moving address with the mayor, and all of the men there rose and said: I pledge never to commit, condone, or remain silent about men's violence against women. It was very moving, Mr. Speaker.

Thank you.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'd like to table a letter from a constituent, Kathleen Lowrey, who is another victim of this government's decisions about refusing to bring in a temporary rent cap. She notes that she was given an increase in April with notification for August of a \$50 increase, and the landlord later rescinded that and, because they could only do it once a year, made it into a \$200 rent increase. She is not very appreciative of that.

Thank you.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. I have two tablings this afternoon. The first one is a letter that I received on July 26, 2007, from the Minister of Energy regarding CO₂ projects and the royalty credit program.

The second is a letter that I received from the hon. Premier of our province dated October 31, 2007, and this is regarding the Alberta Energy and Utilities Board and the conduct of the board over the last little while.

Thank you.

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

Mr. Mason: Thank you very much, Mr. Speaker. I rise today to table the appropriate number of copies of a chart from the Alberta Royalty Review Panel report, which I referred to yesterday in the House. The chart is entitled Oil Sands and Offshore/Heavy Oil Projects: Combined Ownership & Government Share. It compares Alberta's oil royalty shares to that of other countries and finds that even under the new regime proposed by the government, the only country which will charge lower royalties is Ireland.

The Speaker: We'll return to this part of the Routine at the conclusion of question period.

1:30 head: **Oral Question Period**

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

head: **Royalty Revenues**

Dr. Taft: Well, thank you, Mr. Speaker. The Auditor General, the Department of Energy, and the Royalty Review Panel all confirm that this government has not collected a fair share of royalties, but the Premier repeatedly denies this fact while refusing to share his proof with Albertans. Today the Premier is quoted in the media as saying that in his many years as a cabinet minister he was never told that Albertans were not receiving a fair share of royalties. My question is to the Minister of Energy. Since 2000 were any of the internal royalty review reports or presentations that are referenced by the Auditor General discussed with cabinet?

Mr. Knight: Mr. Speaker, the member opposite knows very well that I have not been a member of the cabinet since 2000.

Just to touch a bit, if I might, Mr. Speaker, on the situation with respect to the accumulation of benefits to the province of Alberta and to Albertans. The member opposite indicated that something may or may not have happened in the year 2000. What I can tell you is that we had approximately \$15.5 billion worth of investment in the province in the year 2000.

The Speaker: The hon. leader.

Dr. Taft: Thank you, Mr. Speaker. Today the Premier told the world in a media interview, and I quote: the previous royalty framework had no way of capturing higher prices. End quote. My question is to the Premier. Will the Premier just now admit the obvious fact that Albertans were not receiving a fair share and that his government failed to act?

Mr. Stelmach: Mr. Speaker, I'm not quite sure if I shared the information with the whole world. I did do two CBC interviews early this morning, so I don't know if it is with the whole world but at least with the province of Alberta.

You know, it's a funny thing. When you look at all of the economic indicators in this province, the GDP growth, which has really doubled in this province, from well over a hundred billion to over \$200 billion . . . [interjections] See, again being rude; still hasn't learned in all the months that he's spent in the Assembly.

Then you look at the per capita spending of Albertans: much higher than anybody in Canada. You know why? Because all of that money ended up in the pockets of Albertans, who reinvested it back into the economy of the province of Alberta.

Dr. Taft: Mr. Speaker, the Premier continues to deny that Albertans have lost billions. He calls them phantom dollars. Well, to ordinary Albertans they're real dollars. What we have from this government is phantom accountability. To the Premier: will he end the secrecy and immediately release all the internal documents referred to by the Auditor General in his report uncensored? Just trust Albertans.

Mr. Stelmach: Mr. Speaker, this question came up the other day. The opposition was asking for information with respect to royalty reviews, et cetera, done by the Ministry of Energy. In April the minister tabled at least 500 pages. My information is that there are at least a thousand pages that have been released by the Department of Energy to the opposition. Nine studies are available in Energy's library. I don't know exactly what pages he's referring to. There

may be a specific page with information that is production information from a company. That cannot be released; that can only be shared with the Department of Energy.

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

Dr. Taft: Thank you. It seems that this Premier believes in transparency right up to the point of accountability, and then he changes his mind. This is a matter of trust, and right now no one trusts this government when it continues to deny the evidence of both the Royalty Review Panel and the Auditor General, that Albertans have been shortchanged billions of dollars. To the Premier: is it the Premier's position that the Auditor General was wrong when he stated that this government could have been collecting at a minimum an additional \$1 billion to \$2 billion annually in royalties without hurting industries? Was the Auditor General wrong, Mr. Premier?

Mr. Stelmach: Mr. Speaker, that question was asked by the media a number of weeks ago. My response to that was that the dollars that were referred to in terms of what could have been collected in royalties and what actually went to the economy in terms of increased Crown lease sales, personal income tax increases, corporate tax increases, and also the amount of money that was invested by the province, given the huge economic growth, into highways: I believe something like \$55 billion since 2000. The billions are there. It's invested everywhere, from corner to corner, in this province: good health facilities, new schools, and the best programs in the country of Canada right here in the province of Alberta.

Dr. Taft: It's just nonsense, Mr. Speaker. It's total nonsense.

Again I ask the Premier: is it the Premier's position that the Royalty Review Panel, which his own government appointed, was wrong when it indicated that his government was failing to collect a fair share of royalties on behalf of Albertans? Were they wrong too?

Mr. Stelmach: Now, finally, he gets to the Royalty Review Panel. Well, February 17, *Edmonton Journal*, the leader: "This royalty review process is tarnished from day one." Public statement, CHED radio, after the panel: oh, a very valuable report, and our position is based on the bottom line that the Royalty Review Panel set. You can't accuse the panel of doing something wrong as soon as it's appointed, and then all of a sudden ride this high horse: we're going to follow every recommendation. Besides, Mr. Speaker, as soon as I received that report, we made it public. Again, we made it public immediately, and every Albertan had an opportunity to review it. [interjections]

The Speaker: The hon. leader.

Dr. Taft: Thank you, Mr. Speaker. I guess the minions have finally woken up.

Is it the Premier's position that his own Department of Energy was wrong when it indicated that this government was failing to collect a fair share of royalties? I don't understand how everybody can be wrong but the Premier.

Mr. Stelmach: Maybe the hon. leader can help me understand because on February 17 in the *Calgary Herald* the hon. Leader of the Opposition said: the appetite for royalty change is not significant.

Then, of course, on CHED radio again on October 26: royalties must rise by 20 per cent; this is nonnegotiable. Where are you on this thing? Tell us.

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

Dr. Taft: Thank you. I assume, Mr. Speaker, that the Premier will table those documents he's quoting. Thank you.

The Premier indicated in this Assembly on Monday that he "can't see where this province . . . was shortchanged" on royalties, yet on a local radio station this morning he indicated that the previous royalty framework had no way of capturing higher prices. To the Premier: since this government refuses to release the uncensored documents itemized by the Auditor General, can the Premier explain to Albertans why? Why the secrecy? What is he afraid of?

Mr. Stelmach: Mr. Speaker, my reference this morning was – let's just take natural gas. There was a cap on the price of natural gas, I believe, at around \$3.50. Gas was much higher than that, but we couldn't really receive the optimum as much as now under a sliding scale, which puts gas at \$16.65, I believe. Once again, as part of the Alberta entrepreneurial spirit let's share in the reward as prices go up but also be realistic. If the prices do drop, we will see less revenue from the royalty framework. This royalty framework was put in place to provide certainty and predictability for the companies that are making investments of billions of dollars.

1:40

Dr. Taft: Well, again to the Premier. We all agree that the oil and gas belong to all the people of Alberta. My question is to the Premier. Why doesn't he trust the people of Alberta with the information he is concealing?

Mr. Stelmach: You know, Mr. Speaker, in September the panel reported. We immediately made that report public. In September the Auditor General reported. He reported to the public. Everybody has all of the information. If there's something beyond the thousand pages and the nine studies that are in the library and have been in the library all this time, if you don't have the time to go and research it in the library – certainly, the Liberals received extra money this year in the budget for extra help for research. You've got to find somebody to dig this up for you if you don't have the time yourself. It's there. All those studies and the thousand pages: it should be there.

Dr. Taft: In the past few days, Mr. Speaker, we've heard cabinet ministers refer to public servants with names such as minions and janitors and things like that. The Premier himself said he doesn't listen to their advice. Can the Premier explain these comments to the public, and will he at least offer an apology to the hard-working public servants of Alberta?

Mr. Stelmach: Mr. Speaker, this Premier does not have to apologize to the public servants of this province because I always acknowledge their tremendous contribution. [interjections] I would hope that they would listen because if they keep talking, they won't get the answer.

What I said was, simply, that it is the elected people in this province that make the decisions. Certainly, we get advice from senior officials. We get advice from many other areas. At the end of the day the responsibility rests with this government, period.

New Royalty Framework

Mr. Mason: Mr. Speaker, the Premier sold out Albertans with his royalty plan, giving away billions of dollars to big oil that belongs in the public treasury. Oil prices hit \$98 a barrel yesterday, and forecasts predict prices well above \$100 a barrel. Everyone sees this but the Premier, who has decided to continue the goofy pennies-on-the-dollar royalty holiday for new tar sands projects. He's leaving billions of dollars in the pockets of big oil, billions that belong to Albertans. On existing tar sands projects alone the Premier's new royalty holiday will give big oil a \$1.8 billion subsidy next year. That's \$5 million a day given away to big oil. Why won't the Premier for once act in the interests of ordinary Albertans instead of big oil and end this program?

Mr. Stelmach: Mr. Speaker, the new royalty framework reflects higher prices. As prices go up, our royalty take will be much higher. If those prices drop, of course, we'll see a difference, a lowering of the royalty stream to the province. The leader of the third party says that oil is at \$90, or it could even be \$100 a barrel. Bitumen is not priced the same way as west Texas crude. There's a substantial discount because bitumen comes out almost like grease. We have to add value to it, obviously. That's part, again, of the overall royalty framework. It's to see how much more value we can add to the bitumen before it leaves this province.

Mr. Mason: Oh, nice way to change the subject there, Mr. Speaker.

You know what? Albertans know that the Premier is giving industry a bargain basement royalty program. He's subsidizing some of the most profitable corporations in the world, and it's ordinary Albertans that are paying for it. We've crunched the numbers, and I'm sure the Tories have, too. They know better than anyone else that we could end the royalty giveaway tomorrow, and the oil companies would still turn a healthy profit, but they won't do it. Mr. Premier, you're selling out Albertans with a \$5 million-a-day giveaway to big oil. How can you justify it?

Mr. Stelmach: Mr. Speaker, the new royalty framework will set a much higher cap on oil, which will allow us to receive more. We did that, as well, with natural gas. We also did a fair amount of work on conventional oil by removing the three vintages, really dates when some of the wells were drilled. That makes for a much simpler way of dealing with the various vintages of oil, easier both for industry and for us. Most importantly, this provides a certainty and, of course, the predictability for business: new investment to come to this province. There's a considerable number of fields that can further be developed, and this will provide jobs well, well into the future.

Mr. Mason: Mr. Speaker, we've gone from a-penny-on-the-dollar royalties for new oil sands projects – you see, I said oil sands – and now the Premier is raising it to a nickel on the dollar. That's not a fair share. That's barely there. Alberta is on track to becoming one of the biggest oil producers in the world, but what good is that status if the proceeds go to subsidized multinational oil corporations? We've got a Premier that's bending over backwards to convince Albertans that black is white and that a \$1.8 billion subsidy for big oil is a fair share for Albertans. To the Premier. The Auditor General says that your government gave away \$1 billion to \$2 billion a year over seven years. How many more billions will you flush down the toilet with this royalty holiday?

Mr. Stelmach: Mr. Speaker, the dollars that have been collected in

royalties over the years have been invested very wisely in programs, in infrastructure in the province of Alberta.

The hon. member refers to prepayment. The formula has been changed in a prepayment. It's also been changed significantly in the postpayment. That is going to bring a considerable amount of new revenue to the province. Of course, yes, the framework takes effect January 1, 2009. I believe, just going by my memory, that one of the major companies last year paid \$1.7 billion – just one company – in royalties to the province.

The Speaker: The hon. Member for Calgary-Buffalo, followed by the hon. Member for Edmonton-Rutherford.

Crime Reduction and Safe Communities

Mr. Cenaiko: Thank you very much, Mr. Speaker. Safe communities are a very important part of ensuring the quality of life we currently enjoy. The Crime Reduction and Safe Communities Task Force's final report and the government's response to the recommendations were released yesterday, November 6, providing one of the most comprehensive reports our Premier has requested through the task force, which included a number of government departments, including Justice, Sol Gen, Health, Education, and Children's Services. My first question is to the Minister of Justice and Attorney General. Now that we have the final report and know that Albertans want action on crime and its causes, what are the next steps the government will be taking to address crime?

The Speaker: The hon. minister.

Mr. Stevens: Well, thank you very much, Mr. Speaker. As the hon. member indicated in his question, this particular initiative was the Premier's priority. He asked that I co-ordinate the task force, and the MLA for Calgary-Fish Creek very ably chaired that committee and produced the report to government late in September. The report makes a number of recommendations, 31 in total. We have accepted those, with the exception of two that will be further studied. They deal with recommendations regarding enforcement, treatment, and prevention, and we will be moving on those in the days ahead.

The Speaker: The hon. member.

Mr. Cenaiko: Thank you very much, Mr. Speaker. My first supplemental is to the same minister. We know crime prevention is an important component of any crime reduction strategy, and the treatment is a significant part of the recommendations in this report. Can the minister explain why these are critical areas surrounding treatment?

Mr. Stevens: Well, Mr. Speaker, what the report indicates very clearly is that in order to tackle the issue of crime and safe communities, it's necessary to have a holistic approach. It's necessary to have something more than enforcement. It's necessary to deal with the issue of treatment. We practically have some examples of that in the system today. We have the domestic violence courts, which have reduced recidivism from the 30 per cent range down to 6 per cent. We have a drug court pilot here in Edmonton, which has done very good work with low-grade criminal addicts. The fact is that this report has said that we need to do more of that, and we have committed to doing that.

The Speaker: The hon. member.

Mr. Cenaiko: Thank you very much, Mr. Speaker. Again to the same minister. It's clear that sustaining safe communities is best

served by a collaborative approach to fighting crime. How will the Minister of Justice ensure that this gets done?

1:50

Mr. Stevens: Mr. Speaker, the number one recommendation in the report was that there needed to be oversight with respect to this initiative. Crime and reduction of crime is a complex matter. It involves some 13 ministries in this government. There are five lead ministries – Health, Children's Services, Justice, Education, and Solicitor General – and it's necessary that there be leadership and co-ordination.

Additionally, it is necessary that all aspects of society are involved: municipalities, the federal government, individuals, and communities. The recommendation was that there be this safe communities secretariat established. It will provide the leadership and co-ordination on a go-forward basis.

The Speaker: The hon. Member for Edmonton-Rutherford, followed by the hon. Member for Calgary-Fort.

Royalty Framework Advertising

Mr. R. Miller: Thank you very much, Mr. Speaker. Mr. Please Don't Call This a Compromise and his ministers have accused us of making up phantom billions of dollars. Well, I charge them with giving Albertans phantom accountability, as our leader said just a minute ago, and allowing their own political agendas to dictate the economics of this province, political agendas that used 350,000 real taxpayer dollars to fund the full-page partisan newspaper ads. Can the President of the Treasury Board, the man who is in charge of how much and how money gets spent, show us real, not phantom, accountability and try to justify this illegitimate use of taxpayers' dollars?

Mr. Snelgrove: You know, wasted dollars, wasted time. It fits in.

Mr. Speaker, what happens to these dollars? They were reinvested in Alberta. They were multiplied across Canada, and they've resulted in a Conservative federal government that's allowed to give approximately \$60 billion in tax cuts because they worked with the province responsibly managing their money, as opposed to how the last Liberal government from Ottawa looked at our energy sector and bled it dry and collapsed an entire country. That's what you get.

Mr. R. Miller: Well, I have to tell you, Mr. Speaker, that I'm going to read the question again, and I'm going to hope that perhaps – perhaps – the President of the Treasury Board might actually listen to the question and give me an answer that's relevant to the question. I was asking whether or not he can justify 350,000 taxpayers' dollars, real taxpayers' dollars, being used to pay for an advertising campaign that is clearly partisan, uses party colours, and is totally offside. Can you justify that? I don't know. You know, this is your last chance. I hope you can do it this time.

Mr. Snelgrove: There is a certain obligation in the House to try and tell the truth or ask reasonable questions, and I can appreciate that may be stretched.

What our Premier did is make a commitment to show his plan to Albertans. This government has a plan. This party has a leader who is decisive. This Premier of our party, of this government, doesn't have to go out and look at the weather vane to find out which way he's going today. This Premier made a commitment to Albertans. He delivered on it, and he's showing that in his plan.

Mr. R. Miller: Well, Mr. Speaker, speaking of making things up, the Premier's desperation is clear when he distorts quotes by the Alberta Leader of the Official Opposition. The complete quote was this, and I wish he would have used the entire quote: we have a tone being set by the Premier – by the Premier – that suggests to me that the appetite for royalty change is not significant. In other words, it's pretty clear that the suggestion was that the Premier's appetite for royalty increases is not significant. For the Premier to use only half of the quote is totally, once again, offside. My question is for the Minister of Energy. Is the government so worried about public reaction to the missing billions that they have to distort quotes from the Leader of the Official Opposition?

Mr. Snelgrove: Mr. Speaker, you know, most of the questions have been about the royalties: "The royalty structure didn't work. The royalty structure was allowing dollars to escape." This Premier in one of his first moves came in and said: "You were right. That royalty structure was then. It worked well. Now we need a new royalty framework to address the opportunity to capture the billions of dollars involved in the future of Alberta." That Premier identified a panel to give another independent look, used all of the input from Albertans, from the Department of Energy, and has put in an energy royalty framework that will last Albertans and serve them very well for decades to come. He's so far ahead of these guys; they're still biting their own tail.

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

Strength of Canadian Dollar

Mr. Cao: Well, thank you, Mr. Speaker. This morning Canadians woke up to the news that the Canadian dollar had once again hit a record level. This time it's over \$1.10 U.S. My first question is to the Minister of Finance. With the dollar seeming to hit record levels quickly, can the minister tell the Assembly the reason for these jumps?

The Speaker: Okay. Go ahead.

Dr. Oberg: Well, thank you very much, Mr. Speaker. Certainly, there have been a lot of strange things happen in the dollar market in the past six months. In the last couple of days, though, we've seen a tremendous increase in the Canadian dollar relative to the U.S. dollar. There probably are a lot of reasons for that, although emotion and the ability to sell and buy play a lot in it. What we saw yesterday was the Chinese economy threatening to take \$1.4 trillion out of the U.S. economy by changing their purchasing powers from the U.S. dollar potentially to the Euro. This is probably China flexing . . .

The Speaker: Well, we'll go on to the member.

Mr. Cao: Well, thank you, Mr. Speaker. Alberta's primary market is the U.S. Much of the province's revenue is based on the resources sold in U.S. dollars. To the same minister: have you made any revision on the provincial budget to take into account the new strength of our Canadian dollar?

Dr. Oberg: Mr. Speaker, for every one cent that the Canadian dollar goes up, we lose roughly \$123 million in revenue from the province of Alberta. We've seen the Canadian dollar go from a high of 84 cents in February to \$1.10 yesterday. We certainly are seeing the

financial impact. Our Budget 2007 showed the U.S. dollar at 86 cents. We subsequently increased that to 93 cents in the first quarter. The Canadian dollar has averaged 95 cents to this point, so I would fully anticipate that in the second quarter we will be making some revisions. There is a huge amount of implications to our economy, but there is a huge amount of implications to the Canadian economy in general, especially the manufacturing sector.

The Speaker: The hon. member.

Mr. Cao: Well, thank you, Mr. Speaker. To the same minister: are there any other economic indicators of this kind impacting on our budget?

Dr. Oberg: Mr. Speaker, budgeting right now in the province of Alberta is a very difficult thing. We see the price of oil going to unforeseen heights. It's up at \$98. No one – no one – would have anticipated \$98 oil. Equally, no one would have anticipated a \$1.10 Canadian versus the U.S. dollar. We are currently looking at all of these. We are balancing out, on one hand, that a 1 cent increase, as I mentioned, goes up to a \$123 million loss, a dollar increase in the price of oil allows us to have \$130 million more revenue into our coffers. Our second quarter will be a culmination of all of these events. It will be our best estimate as to what is going to happen in the next six months. It is an extremely volatile market today.

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

Alberta Utilities Commission Act

Mr. MacDonald: Thank you, Mr. Speaker. Bill 46 will restrict Albertans' democratic rights. Bill 46 is a blatant attempt by this Progressive Conservative government to silence Alberta consumers and landowners. My first question is to the Minister of Energy, who is also a rural landowner. Does Bill 46 adequately protect the property rights of farmers and other rural property owners?

The Speaker: Well, legal interpretation is one thing. This bill will come up for debate. That's clearly a question of opinion, but if the minister wants to pursue.

Mr. Knight: Well, thank you, Mr. Speaker. What we put to this Legislature and what we will put to the people of the province of Alberta, particularly landowners who are affected by any developments on their land or even in certain circumstances adjacent to their land, in this case is an opportunity to have a very much strengthened protection of their rights as landowners. What we're talking about in Bill 46, of course, is a utilities commission. It has nothing to do with many of the other issues that seem to be dragged into the thing with respect to energy . . .

2:00

The Speaker: We'll get to the hon. member.

Mr. MacDonald: Thank you, Mr. Speaker. Again to the same minister: given what happened with the spying scandal in Rimbey in June, why is this Progressive Conservative government planning even more restrictions on Albertans who want to participate in future energy regulatory hearings?

Mr. Knight: Mr. Speaker, there's nothing further from what is correct with respect to Bill 46. It actually, in fact, expands the opportunities of Albertans to be represented in any intervention in

the utilities. With the addition of an Alberta consumers' advocate in Bill 46 and their mandate to represent Alberta consumers, this strengthens the opportunities for Albertans to be represented.

Mr. MacDonald: Again, Mr. Speaker, to the same minister. The fact is that rural Albertans disagree with this Minister of Energy, and they disagree with this government on this bill.

My third question is to the same minister again. If he listens carefully, hopefully he will understand. Part 10 of Bill 46 and on in here is a provision that will allow this government through cabinet to override this bill through regulation. Why are you allowing that to happen?

Mr. Knight: Mr. Speaker, I can tell you and all Albertans that Bill 46, in fact, much strengthens their opportunity to be heard with respect to any issues around utility development in the province of Alberta. Perhaps the Liberals don't like that. I can't account for that. Nevertheless, the Utilities Consumer Advocate in this bill, the Market Surveillance Administrator, and other portions of this particular bill much strengthen Albertans' opportunities to be protected with respect to their use and the installation of utilities infrastructure.

The Speaker: The hon. Member for Calgary-Lougheed, followed by the hon. Member for Calgary-Mountain View.

School Construction and Renovation

Mr. Rodney: Thank you, Mr. Speaker. Last June I was among many who witnessed the Minister of Education as he announced, and I quote, an innovative approach to building schools in the neighbourhoods where students live and learn. I go on to quote: the P3 delivery method is to provide Calgary and Edmonton area schools with 18 new schools by the fall of 2010. Obviously, parents want these schools as soon as possible. So my question to the Minister of Education is simply this: what progress has been made about getting these schools actually built since this announcement five months ago?

Mr. Liepert: Actually, Mr. Speaker, I'm pleased to say that there has been a great deal of progress made since June. One of the ingredients of the announcement was that the schools, when completed, would be owned by the school boards in Calgary and Edmonton. What we've done over the summer is ensure, working with the school boards, that we have all of the agreements in place. I'm pleased to say that another milestone was reached this week when the project team issued its request for qualifications. That'll take place during the month of November, and during that time we will have an indication of which companies have the qualifications to meet the construction requirements.

Mr. Rodney: My first supplemental is to the same minister. This P3 approach, this pilot project to new school construction, has had its share of critics, sometimes more heated than others. What my constituents want to know is: what has the government done to ensure that this method of delivery is indeed in the very best interest of Albertans?

Mr. Liepert: Well, Mr. Speaker, one of the other tasks that was undertaken this summer was to do an external review of the traditional model of building schools versus the design, build, finance, and maintain model. That independent audit has determined that not only will this model be more cost efficient, but

frankly it'll get schools delivered to students where students live and learn much faster than they would be under the traditional model.

The Speaker: The hon. member.

Mr. Rodney: Thank you, Mr. Speaker. Again to the Minister of Education. While this may be well and good for areas where new schools are to be built, there are many school jurisdictions throughout Alberta with school infrastructure needs not only in the area of new school construction but also major repairs. How does the Minister of Education plan to address those needs?

Mr. Liepert: Well, Mr. Speaker, we recognize that the P3 model doesn't work everywhere, so we are taking the more traditional approach to capital needs through our capital planning process. The Premier has made it clear that we'll be introducing a capital plan in the near future. However, I think it's important to note that in this current fiscal year we have some \$600 million in projects that are under way both in new schools and modernization. In addition to that, from the fourth quarter budget surplus we announced a couple of months ago that we would be investing almost \$200 million into modernization, including Western Canada high in Calgary and Archbishop MacDonald high school here in Edmonton and some 17 projects throughout the province. So the total infrastructure dollars in education this year is some \$800 million.

The Speaker: The hon. Member for Calgary-Mountain View, followed by the hon. Member for Edmonton-Beverly-Clareview.

Water Management

Dr. Swann: Thank you, Mr. Speaker. Albertans have let it be known very clearly that the management of Alberta's water resources is the highest priority. We are facing decreasing supply and increasing demands, especially in southern Alberta, on rivers now closed to new licences. The government's handling of the Balzac situation in the past year shows without a doubt that our water allocation system is not working. It raises a question: should water be sold to the highest bidder? The Eastern irrigation district has applied to Alberta Environment to give them the right to sell water to other users. Conflicts over water are staring us in the face, Mr. Minister. To the minister: does the minister support allowing irrigation districts to sell water on existing . . .

The Speaker: I think we have to move on.

Mr. Renner: Thank you, Mr. Speaker. Clearly, the member has not been watching the news of late because the specific instance that he references the department dealt with last week, when we announced that we were going to defer any further consideration on that particular proposal. I'll be happy to enunciate the details in subsequent questions.

The Speaker: The hon. member.

Dr. Swann: Thank you, Mr. Speaker. Alberta Environment has not yet decided on the Eastern irrigation district licence change, as the minister has just said. That's good news. Albertans have said that they want to be actively involved in how the most valuable resource is managed. Will you, Mr. Minister, be making the decision behind closed doors, or will you ensure that the public is involved in this important decision?

Mr. Renner: Mr. Speaker, the reality that we face in the South Saskatchewan River basin and, frankly, throughout the province of Alberta is that we have a finite resource in water. That reality means that we are going to as a society have to have a better understanding about what our ongoing policy for water management is going to be. Specifically to answer the member's question, there will be a broad base of discussion in the development of policy, but at the end of the day, like most decisions, there will have to be decisions made, and the government will make those decisions.

The Speaker: The hon. member.

Dr. Swann: Thank you, Mr. Speaker. With 70 per cent of southern rivers allocated to the irrigation districts under the first in time, first in right principle, it's clear that the Water Act is not able to deal with the many new demands. Mr. Minister, will you show the leadership needed and open the Water Act to ensure that environmental and human priorities are secure in southern Alberta?

Mr. Renner: Mr. Speaker, I think that the hon. member needs to again check the reality book because irrigation districts have been doing phenomenal work in becoming more efficient with the water that they use, much more efficient in ensuring that the value-added for that water serves not only the needs of the agricultural community but those of the surrounding communities. A very good example of that is the modernization that Western irrigation district is taking that frees up water. It's a win-win situation, creates additional opportunity for irrigation as well as supplying water for other uses. That was facilitated through the transfer of a water licence.

The Speaker: The hon. Member for Edmonton-Beverly-Clareview, followed by the hon. Member for Wetaskiwin-Camrose.

2:10

Police Officer Supply

Mr. Martin: Thank you, Mr. Speaker. Yesterday we had another announcement about something that's going to be happening in the future, and I'm talking specifically about the crime strategy. With the overheated economy and more and more people rolling into the province, we have a desperate need for more police officers. Alberta ranks eighth in the country in police officers per capita, well below the national average. To get to the national average, we'd need 800 new police officers, with an estimated cost of \$80 million a year. With a growing population that's probably an underestimation. My question is to the Deputy Premier, and the question is simply this: why didn't the government announce separately a specific item dealing with hiring much-needed new police officers in the province?

Mr. Stevens: Mr. Speaker, the report had some 31 recommendations. One of them dealt with, specifically, the issue of additional police officers. I can tell you that over the last three years the Solicitor General with the support of this government has put some 300 additional police officers into the streets together with additional sheriffs' personnel. This particular report calls for more police officers. It also calls for more strategic use of police officers so that they will be using the resources they have more effectively. Specifically, it calls for the targeted use of police officers in areas where they can weed and seed.

Mr. Martin: Mr. Speaker, that's all well and dandy, and there are some good aspects to the report, but the thing is that we have this

problem right now. The police are overworked. Everybody knows that. In the city of Calgary the police chief says he needs a hundred new policemen right now. This is stuff that's needed right now. There's no announcement in here, at least that I'm aware of, about how many police are going to be hired as a result of this. My question to the minister is simply this: can the minister tell us here in the Assembly how many new police will be hired in the coming year?

Mr. Stevens: The chief of police of Calgary was at the table, Mr. Speaker, when this announcement was made. What he said was: this is awesome; I welcome this report; I welcome this government's support of this report; I welcome the additional resources that we will be getting on the line in Calgary as a result of this report.

Mr. Martin: Mr. Speaker, frankly, it's all talk at this point, just like a lot of the other announcements we've had from this government. There's always something coming down the way.

Again, Mr. Speaker, I come back to the minister. Tell us again how many new police officers will be hired in the next year? We have a right to know that.

Mr. Stevens: Mr. Speaker, yesterday the Premier was asked what the level of the commitment of this government was with respect to this initiative. We obviously have this as one of the principal initiatives of this government because our Premier said that it would be and because it should be, because the people of Alberta consider safe communities a priority. What he said is that this government is committed, and we are committed in terms of some \$470 million over the next three years. That's \$470 million over the next three years, and much of that will be going to enforcement.

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

Greenhouse Gas Emissions

Mr. Johnson: Thank you, Mr. Speaker. Climate change continues to dominate as the top environmental concern for Albertans. A recent federal report on greenhouse gas emissions places Alberta as the number one provincial emitter of greenhouse gases in Canada. My question is to the Minister of Environment. What action is this government taking to reduce the province's emissions?

The Speaker: The hon. minister.

Mr. Renner: Thank you, Mr. Speaker. Well, the hon. member is absolutely correct that Alberta does lead the nation in greenhouse gas emissions. Alberta also leads the nation in the supply of energy not only for Alberta but for much of North America. This government takes its responsibility to deal with those CO₂ emissions very seriously. That's why we are the first jurisdiction in North America to introduce legislation to deal with CO₂ emissions. We are committed to continue to lead by example by establishing and committing to very real and achievable reductions in CO₂ over a realistic time frame.

The Speaker: The hon. member.

Mr. Johnson: Thank you, Mr. Speaker. My first supplemental is to the same minister. With industrial development expected to stay strong well into the future, what plans does Alberta have to place a limit on increasing emissions?

Mr. Renner: Well, Mr. Speaker, as the member is aware, we've been in a process over the past number of months of consulting with Albertans on an updated version of our existing climate change strategy. What we heard from Albertans is very clear, that there is a will that this government continue to lead by example, continue to bring forward the necessary means to have reductions in CO₂. That means that we need to concentrate on the technology that will allow us to begin that process in earnest, and we plan to announce the next, updated version of our climate change strategy before the end of 2007.

The Speaker: The hon. member.

Mr. Johnson: Thank you. To the same minister: if Alberta is, as the minister claims, a global leader in taking action on climate change, why is Alberta keeping its carbon credit trading system exclusive to the province?

Mr. Renner: Well, Mr. Speaker, I was asked that exact same question at an event I was at this morning at breakfast, talking to an international group who are in Edmonton this week, leading experts on carbon capture and management, and the answer I gave to them was very simple: there is a need for us to invest in technology so that we can implement that technology in Alberta. It does us absolutely no good for funds to flow out of Alberta and allow our industry here to continue to do what they're doing and let others benefit from it. Our commitment is to find within Alberta real reductions, verifiable reductions in CO₂. We'll recognize those as offsets, but we want the reductions in Alberta. We want the investment in Alberta. We want those dollars to stay in Alberta.

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

Deferred Infrastructure Maintenance

Mr. Chase: Thank you, Mr. Speaker. The Auditor General added up the provincial deferred maintenance deficit because, as he put it on page 52 of his report, "government information on deferred maintenance is incomplete." The amount he calculated was \$6.1 billion, but yesterday in this House the Minister of Infrastructure and Transportation claimed that the total amount was "close to that \$4 billion to \$5 billion range." Perhaps the President of the Treasury Board can clear up this murky picture. To the president: was the minister (a) saying that the Auditor General is wrong or (b) painting a rosier picture than actually exists?

Mr. Snelgrove: Or (c) none of the above. Mr. Speaker, the Auditor General in our several meetings with him has identified, as we have as a government, that there needs to be a way to identify ongoing maintenance to ensure that you don't get behind, to understand that when you build facilities now, you are going to incur maintenance down the road. When you're getting into a system like that in the middle of the hundreds of millions, if not billions, of dollars of investment that we have in infrastructure around Alberta, it becomes very problematic to pick a number on a snapshot in time as to what level of maintenance you're going to require to keep to that level.

The Speaker: The hon. member.

Mr. Chase: Thank you. It makes you wonder who's minding the store.

Responding to a different question I asked yesterday, the Minister of Infrastructure and Transportation stated that the government funds school boards for maintenance, "and there are times when they don't always put the dollars where they're supposed to." To the Minister

of Education: is it also this minister's position that the deferred maintenance backlog for this province's schools is a result of school boards not spending their money correctly, or does he accept that his colleague was wrong and that the budgets for school boards have not contained even remotely enough money to allow adequate maintenance spending?

Mr. Liepert: Mr. Speaker, one of the issues that school boards have to deal with is the fact that some 25, 30 years ago we as a government put a lot of money into infrastructure, and like one's own home, it is now coming back that it needs repairs. We recognize that there are significant challenges relative to infrastructure and maintenance and modernization, and it was one of the factors behind us committing a good chunk of our fourth-quarter surplus towards the \$197 million modernization announcement we made a couple of months ago. As I said earlier in question period, that's going to allow projects like Western Canada high and Archbishop MacDonald and some 17 other projects around the province to get modernized and repaired, and I think that's the route we have to take.

2:20

The Speaker: The hon. member.

Mr. Chase: Thank you, Mr. Speaker. The Premier likes to bask in the credit for all the economic successes in this province; however, when it comes to the huge deferred maintenance backlog, his ministers trot out a string of excuses, blaming school boards, blaming an overheated economy. This is yet another example of a government that promises accountability but fails to deliver. To the President of the Treasury Board: why is this government avoiding its responsibility for the \$6 billion deferred maintenance fiasco?

Mr. Snelgrove: Thank goodness for the end of the nonsensical approach to questions we've seen.

Mr. Speaker, our Premier early in his mandate said that we need to work hard to address all of the liabilities we have around maintenance. He said that of unallocated surpluses one-third will go to savings; two-thirds will go to maintenance and replacement capital. That's a very responsible approach to it, to supplement the hundreds of millions of dollars we currently spend on maintenance on our government facilities, roads, and infrastructure and to supplement that with two-thirds of all unallocated surplus, a very responsible use of taxpayers' money. It's a plan that works.

The Speaker: Hon. members, that was 78 questions and responses today.

Speaker's Ruling Tabling Cited Documents

The Speaker: During question period, Leader of the Official Opposition, when there was an exchange between yourself and the Premier, I seemed to have heard a request from you to have something tabled. Was that a serious request or not?

Dr. Taft: Yes, it was a serious request. Thank you.

The Speaker: Okay. Hon. Government House Leader, is there such a document to table?

Mr. Hancock: The Premier was just alluding to newspaper quotes and media, all of which is in the public domain. It's been your ruling in the past that newspapers shouldn't be tabled.

The Speaker: No, there was no such ruling in the past. What the Speaker said is that it's most inconvenient to quote from a newspa-

per as an authoritative source. Quite a difference. So if there is a document, if it's a newspaper article, it's from the public domain anyway, a public document, table it. If we can move on with this. But if you don't have it today, I'm sure by tomorrow this could be arrived at.

On the Routine we left off today with tablings, and I was going to recognize the hon. Member for Edmonton-Mill Woods for tablings.

head: **Tabling Returns and Reports**
(continued)

Mrs. Mather: Thank you, Mr. Speaker. I have four tablings today. The first is from the Canadian Federation of University Women, Alberta Council, and this is in regard to the draft guidelines for nutrition of children and youth in child care, schools, and recreation facilities. They're expressing a major concern regarding the "relegation of the well-developed recommendations in this report to the category of 'guidelines.'"

I have a letter that I'm tabling that went to the Minister of Employment, Immigration and Industry and myself from a constituent stating that

now is the time that the oil companies and this government wake up to the understanding that the oil and gas in the ground under our feet do not belong to them . . . they belong to the people of this province.

Now is the time that the government needs to do what is in the best interest of the citizens who elected them.

Another tabling from a constituent in Edmonton-Mill Woods.

I am writing concerning the problem of homelessness in our city and Province . . . I have heard of the One Per cent Solution and ask the government to call for federal and provincial governments to commit one percent more of their budgets to housing programs.

That's from Tracy Dunham.

Finally, I have a letter from Terri Calder in Calgary expressing concerns about the proposed child care licensing regulations that are scheduled to be implemented in the spring of 2008.

The Speaker: Before we move on, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

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

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'm delighted to be able to introduce to you and through you to all members of the Assembly a group of people who have joined us in the public gallery today, who are here for Committee of the Whole debate on Bill 45. This is a special group. Principal Gail Brierley and librarian Linda Krauss are joined by seven students, I think it is, from the Nellie McClung school for girls, which is located in Oliver school in my constituency. These young women are members of the BLAST team, which is building leadership for action in schools today. They have waged a very successful campaign to advocate for the banning of power walls, so they have a vested interest in the outcome and passage of Bill 45. I'm just delighted they were able to join us today. I would ask the principal and librarian Krauss and the students to please rise and accept the warm welcome of the Assembly.

Privilege
Misleading the House

The Speaker: Hon. members, earlier this week there was an exchange in the House with two hon. members with respect to a

purported question of privilege, and I'm prepared to deal with that now. The chair and the table officers have considered the arguments advanced by the Official Opposition House leader on Monday and Tuesday afternoon in support of her purported question of privilege alleging that the Minister of Energy deliberately misled the Assembly in statements he made to the Assembly on April 30, 2007, concerning royalties. We've also considered the arguments made by the Minister of Energy in response to the purported question of privilege.

With respect to the preliminaries, there was proper notice given by the Official Opposition House Leader under Standing Order 15(2). The Speaker's office received a notice on Friday, November 2, 2007, at 10:40 a.m., so the two-hour requirement has been met.

Another important component in the question of privilege is whether the matter was raised at the earliest opportunity. When she was arguing this point on Monday, November 5, found on page 1791 of *Alberta Hansard* for that day, the hon. member provided references supporting her view that the question had been raised at the earliest opportunity and that while the Official Opposition believed the minister's statements to be misleading at the time, they required the alleged confirmation found in the Auditor General's annual report released Tuesday, October 2. The member referred to numerous purported questions of privilege from Manitoba concerning the issue of earliest possible opportunity. The chair researched this point and discovered that all the purported questions of privilege from Manitoba shared one other thing in common: they were all found not to be prima facie questions of privilege. To continue the substance of the issue, the chair finds that the matter was raised at the earliest opportunity.

From the member's statements the essence of the purported question of privilege is what the minister said in this Assembly on April 30, 2007; namely, that "there is nothing in any of those documents that would indicate to anybody that we have not collected a fair share of royalties for Albertans." According to the hon. Member for Edmonton-Centre the issue is whether this statement was deliberately misleading so as to constitute a contempt of the Assembly. As the chair has indicated when allegations of deliberately misleading the Assembly have arisen before, these are very serious allegations. The chair commented extensively on the origins and backgrounds of such charges in rulings found in *Alberta Hansard* for November 24, 2003, at pages 1803, 1804, and February 19, 2003, at pages 18 to 19, to mention only the most recent cases.

These purported questions of privilege allow members to allege that someone is deliberately misleading the Assembly, which is something they could not say in the ordinary course of debate under our rules of debate. The nature of this offence in the Parliament of the United Kingdom is set out in *Erskine May*, 23rd edition, at page 132.

The Commons may treat the making of a deliberately misleading statement as a contempt. In 1963 the House resolved that in making a personal statement which contained words which he later admitted not to be true, a former Member had been guilty of a grave contempt.

The reference is to the notorious Profumo affair, which members of a certain age will recall.

As the chair has noted before, there is really a two-part test to be met in these types of contempt applications. The Canadian House of Commons committee studying the allegation that a former Minister of National Defence had deliberately misled the House with respect to troops in Afghanistan in 2002 used the same test. The chair should note that in that case, the Eggleton affair, even though the Speaker of the House of Commons found there to be a prima facie question of privilege, the committee found that the minister had not deliberately misled the House.

The test adopted by the House committee and in previous rulings by this chair is articulated by David McGee in his book *Parliamentary Practice in New Zealand*, second edition, where the Clerk of the New Zealand House of Representatives states at page 491:

There are two ingredients to be established when it is alleged that a member is in contempt on this ground: the statement must, in fact, have been misleading; and it must be established that the member making the statement knew at the time the statement was made that it was incorrect and that, in making it, the member intended to mislead the House.

2:30

In this case the Opposition House Leader alleges that the statement by the Minister of Energy that “there is nothing in any of those documents that would indicate to anybody that we have not collected a fair share of royalties for Albertans” is misleading and that the minister intended to mislead the House. The chair cannot agree with either point. The minister was referring to documents that he tabled in the Assembly on April 16, 2007, Sessional Paper 250/2007. The minister indicated yesterday in the Assembly that some of the missing pages from the reports tabled can be found in his department’s library. Accordingly, they can be reviewed and evaluated.

The minister’s statement was clearly subjective when he referred to “a fair share of royalties.” The Assembly held a special debate on this issue of royalties on Monday, and the chair thinks that any fair observer would be hard-pressed to say there was any agreement on what constitutes “a fair share” of royalties. Accordingly, if the chair does not objectively view the minister’s statement as necessarily misleading, there is no reason to examine whether it was deliberately misleading.

It was interesting to the chair that the member raising this purported question of privilege referred to the Auditor General’s report as the basis for the allegation that the minister deliberately misled the Assembly. While the Auditor General as an officer of the Legislature performs important work for members, his views on policy do not supplant the views of those who have been chosen by the people of Alberta to represent them.

Accordingly, the chair does not find there to be a prima facie case of a question of privilege, and that concludes the matter.

head: **Orders of the Day**

head: **Government Bills and Orders
Committee of the Whole**

[Mr. Marz in the chair]

The Chair: I’d like to call the committee to order.

**Bill 45
Smoke-free Places (Tobacco Reduction)
Amendment Act, 2007**

The Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Minister of Health and Wellness.

Mr. Hancock: Thank you, Mr. Chair. I’m absolutely delighted to rise this afternoon to speak in Committee of the Whole to Bill 45. First, I would like to welcome, as the Member for Edmonton-Centre did, the students, part of the BLAST team from Nellie McClung and say thank you for the student advocacy you’ve put in. I think that’s a tremendous effort, and it does make a difference. Thank you for joining us today.

Bill 45 I think is a major step forward in terms of health for

Albertans, so I hope that the Assembly will consider it very favourably this afternoon. I’d like to thank members in the Assembly for the support that they gave to this bill at second reading. There were a few issues raised at second reading which I do want to quickly address, but I do want to also say that since the bill has had the opportunity to sit over the summer and I’ve had the opportunity to consult with Albertans and hear from Albertans on it, I have to report to the House that the response has been overwhelmingly positive from all parts of the province and from all sectors.

There have been concerns raised, and I did engage in consultation with people who will be directly affected – retailers, for example – and have had a good opportunity to discuss the impact on the retail sector, but the enthusiasm that Albertans have for what we’re doing I think is very, very clear. In dealing specifically with questions that were raised, the Member for Edmonton-Centre asked that places from which tobacco products may not be sold be extended to include child care centres and schools as well as amusement and recreation facilities. I certainly am in sympathy with those views, but while developing the legislation, I can say that we took a strong look at what was already in place.

The federal government has a number of restrictions relating to the sale of tobacco, one of which is a prohibition on selling tobacco products to young persons in a public place or a place to which the public reasonably has access. Additionally, the Prevention of Youth Tobacco Use Act prohibits youth under the age of 18 from possessing or smoking tobacco in a public place.

When we crafted the bill, we looked at the number of things that we could include in it and made a conscious decision to go this far. There are lots of different things that could be added, and I hope, actually, over the years that this act will continue to be the leading act in the country with respect to the promotion of health through the cessation of tobacco use.

The other question that was raised was a question about vending machines. It should be clear to members of the House that the federal government has placed restrictions on vending machine locations. Vending machines are only allowed in bars, taverns, and beverage rooms or places to which the public does not reasonably have access, so it’s not necessary to include that again in this legislation.

The Member for Lethbridge-East commented on the investment in the tobacco industry by the government of Alberta. The only response I would have in this discussion, of course, is that that’s beyond the scope of this bill. That’s the subject for a different discussion.

The hon. Member for Cardston-Taber-Warner asked for additional prohibitions for smoking around children. Again, I’m quite in agreement with the sentiments expressed. In my personal world it would be against the law to smoke in a vehicle which has children present. I think there are a number of other circumstances, but this bill doesn’t go so far as to specifically delineate individual family situations. Again, there may be a time when we can actually do that, when we’ve moved the public to the point where that’s an acceptable thing to do, but I think the legislative process is an iterative process. It’s one where we shouldn’t be commanding all the time. It’s something where you actually have to move people to it.

So while I personally would favour that as part of the law – that people not smoke in a car, in a closed space where children are present, even, for that matter, in their own home where people are present – I can’t say that we would be agreeable to an amendment to do that in this act at this time. But it is the type of thing which I would ask the hon. member who raised the question and other hon. members to discuss in public, to talk about, to raise the public consciousness about the health effects on children, and particularly

in smoking in enclosed spaces, in cars. The evidence is coming out to confirm what we intuitively know: that that is bad for children's health.

Legislation is only one tool that's available to us. While it's an important tool, I think the educational tool and the public discussion tool are equally important, and I think that's where we should go next with the issues that have been raised, until we're ready to actually make them part of legislation. Leadership, prevention, education initiatives, and tools included in the Alberta tobacco reduction strategy are very important ways to carry these messages forward.

The hon. Member for Calgary-Mountain View commented on looking at more sponsorship restrictions and enhanced education programs. As I noted a moment ago, provincial legislation is just one tool. The federal government also plays a role in regulating tobacco in Canada and currently restricts tobacco sponsorships for events or facilities.

2:40

I just want to indicate how much we believe that education is a crucial component in reducing tobacco use, and I want to again comment on the work of BLAST, building leadership for action in schools today, and the BLAST team at Nellie McClung. As I indicated and thanked them, and as the Member for Edmonton-Centre thanked them earlier, it is extremely important that we mobilize and activate the student citizenship in the discussion. That's where we can have a very effective impact, and I think the comments of the Member for Edmonton-Centre with respect to the BLAST team clearly indicate as well that this is a testament to the power of motivated students.

Clearly, these students get it. These students are ambassadors to others, and I've found over my years in politics that students talking to their parents can often be the most powerful instrument of change. Again, I want to thank the BLAST team that's here and the other students who've written to me talking about how they advocate in their own schools and their own communities and their own families because that is a very powerful message.

In addition to the BLAST program, other programs that we have include the young adult tobacco reduction strategy, which funds initiatives at colleges and universities; teaming up for tobacco-free kids, a tobacco prevention/reduction initiative; sport for life; kick the nic youth tobacco cessation program; the Alberta spit tobacco education program, or ASTEP; as well as an aboriginal tobacco-use strategy funding, which helps off-reserve aboriginal communities develop educational programs with an emphasis on the difference between sacred and recreational tobacco use.

Finally, Mr. Chairman, there were questions raised about the proclamation date for this bill in the event that the Legislature passes it. We have posted proposed implementation time frames for discussion on the Health and Wellness website since June. The time frames suggest a staged approach, with the enhanced smoking ban that's proposed in this bill to be in place by January 1, 2008; the restrictions relating to display and advertising, the so-called power walls, by July 1, 2008; and sales restrictions in place by January 1, 2009.

Those were posted, Mr. Chairman, in answer to a commitment I made that we would consult about how these restrictions could be effectively implemented and take into account the concerns of retailers with respect to their ability to actually implement them, given, perhaps, the shortage of people available to actually do the revamps that are necessary.

However, I would say, Mr. Chairman, that I don't think it's too difficult for people to comply. They don't have to do the fancy work right away. Renovations can take time, but moving quickly, and

with six months' anticipation, I think that by July 1 all retailers should be able to comply with this. I think that's not an unrealistic time frame to ask them to comply.

Mr. Chairman, those would be my comments in response to the questions or concerns that were raised at second reading. I believe the bill provides a comprehensive move forward. I believe that we can implement it on a timely basis. Yes, there are other things we could do, but I would urge the Assembly to pass this bill as it is now, and let's work through the education process, through the public discussion process, and through the continued legislative process to make it even better.

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

Ms Blakeman: Thank you very much, Mr. Chairman. I am just delighted to be continuing on with the debate of this bill. I'm just going to do a quick refresher because it has been many months since we last spoke about this, and I do have two amendments that I had actually prepared last spring that I am going to be bringing forward at this time although, in fact, the minister has addressed both of them.

The concept of creating public nonsmoking spaces and also banning point-of-sale power walls and prohibiting sales of tobacco products in pharmacies and in educational institutions has met a number of barriers and hurdles over the years. In fact, the first couple of tries didn't succeed at all, even though in 2002 the Mazankowski report, which was the Premier's Advisory Council on Health, did include recommendations to reduce tobacco use through reducing advertising and promotion. It was specifically targeted at youth.

In 2005 we did have one of the government backbenchers introduce legislation to ban smoking. That bill was supported by my colleagues in the Official Opposition, but the bill was amended to allow for smoking to continue in certain places, which I really objected to because part of the impetus behind that 2005 bill was to protect workers. We created a situation where we protected some workers depending on the location of their workplace. I felt that it was most unfortunate that we would protect some people and not protect others because of where they worked. That, in fact, was the situation until the current Minister of Health and Wellness introduced Bill 45 in the spring of 2007. As I mentioned, that bill did include three things: the province-wide smoking ban in all workplaces, including the bars, the casinos, and the bingo halls, which were excluded specifically the previous time; the ban on the power wall advertising; and prohibiting the sales in pharmacies and educational institutions.

Because I have the BLAST students here, I want to talk specifically about why banning power walls was so important. The most fertile recruiting ground for new smokers is youth, and particularly pretty young people. I first became a smoker when I was 12, and I was a really good example of what happens when you hook a young person on smoking at that age. I smoked with great dedication for 32 years. The tobacco industry made an awful lot of money out of me. And it did really impair my health. But you're addicted to that, and nicotine is a stronger addiction than heroin. It's very, very difficult to unhook yourself from that. My entire body had grown up with nicotine and tobacco in it. Everything about my body changing as I grew older was hooked into the drugs and the additives that are in tobacco, so it was a huge change for me when I quit smoking.

The ability to be able to make it less attractive to young people to smoke and to make it harder for them to do it and to empower them with the tools to protect themselves is really important. It's why the work of the Nellie McClung BLAST team was so important. It

indicated the willingness of young people to recognize that and to work toward changing public policy, and they have been very successful at doing that.

Power walls are meant to be successful, and I'm sure they tested them until they got something that was very successful. Once again, what we had was power walls, or that sort of bank of advertising of the tobacco packages that appear at eye level behind the clerk at the point of sale. When you go to the cash register at a small convenience store or gas station, usually they have the gum and the candy down below the counter. On the counter are the lottery tickets. Then at eye level behind the clerk is the power wall with all the packs of cigarettes.

What they found was that young people who had never smoked – never smoked – could tell you the logo, the colour, the design: everything about various names of cigarette brands. Obviously, that was imbuing itself, and the advertising was really working and sinking into everybody's psyche. It was meant to stimulate impulse buying. You're standing there. You'll pick up a Mars bar and, "Oh, I'll have a couple of packs of cigarettes while I'm here." That's exactly what it was meant to do, and it was very successful.

I was very pleased to see the leadership from this particular minister of health. It did take us, I think it was, three ministers of health and two Premiers to get this far, so I was pleased to see the leadership that was brought forward by this minister of health in taking the extra steps in adding in the banning of power walls to this legislation. He didn't have to do it. We're not the first by any means. Saskatchewan, Manitoba, Ontario, Quebec, P.E.I., and Nunavut have all preceded us in this, but I'm glad that Alberta wasn't dead last. I'm pleased to see that.

A couple of other things I want to say about those power walls. Teen smoking is rising in Alberta. We did have a drop in it for a while, and it has been rising recently. This is an area that we need to target aggressively, and I look to the leadership of groups like this BLAST team and others across Alberta to provide the leadership to their peers in not starting smoking, especially at a young age.

2:50

Now, I know that there was a hue and cry from retailers that they were going to really suffer as a result of the loss of advertising revenue if they had to dismantle the power walls. I've done a little bit of research, and I'm appreciative of the Action on Smoking and Health, who also provided me with some information. In fact, small-business people in Alberta can really work very close to the line sometimes to be making a profit for themselves. It often involves a lot of family members pitching in to make the family business a success.

Still, when you look at it, what's been shown in other provinces where the power walls have been banned is that at the most retailers suffered a 5 per cent reduction in their advertising revenue coming from the tobacco companies. If, for example, you had a corner store retailer or convenience store retailer who was making, let's say, \$3,000 from their tobacco product advertising revenue, this would mean a difference of \$150. You know what, Mr. Chairman? I think that 150 bucks is worth it. I understand the challenge that it can be for small-business people in this day and age, but I'm also confident that the retailers that I know and, I'm sure, the rest of the retailers in Alberta will recognize that that \$150 or that small amount is well worth it in order to protect the next generation and hopefully convince some of the existing generation of smokers to quit.

One other issue that I wanted to bring to the minister's attention is that as far as I can discover, a regular Blue Cross drug plan does not cover the smoking cessation drugs and patches and gum and things, so unless you're on a specialized or an enhanced plan

through your workplace – and some people are, but a lot of people aren't – you are paying full freight on the cost of smoking cessation. I would think, given the cost to our health care of people that are coming in with COPD, chronic obstructive pulmonary disease, for example, and other effects of long-time smoking, that it would be in our best interest to try and assist people to quit smoking. Maybe I could ask the minister to have a discussion with Blue Cross the next time he's out there about whether they couldn't be covering smoking cessation products like – I can't remember the brand name now.

Dr. Swann: Nicorette?

Ms Blakeman: No. Goodness knows, I was on that drug for long enough.

The gums and the pharmaceuticals and the patches: as far as I could tell, unless you're on an enhanced program that specifically covered it, the regular Blue Cross coverage of drugs does not cover it, and frankly a lot of people – I think it's about half the people in Alberta – don't have Blue Cross coverage at all, so then they don't have access to that at all. That's something that we could look to, and I think it would be a good investment from the government.

Now, I do have a couple of amendments I'd like to bring forward, Mr. Chairman, and they have in fact been referenced already by the minister. The first one that I would like to bring for people is an amendment to section 9, striking out "on Proclamation," and substituting "on January 1, 2008." I have already supplied the table with the amendments.

The Chair: Could you just give us a moment for the pages to distribute them. We'll refer to this as amendment A1.

Ms Blakeman: Yes. Thank you.

The Chair: We're ready to go. You may proceed.

Ms Blakeman: Thank you very much, Mr. Chairman. The amendment that is now before us, amendment A1 – in fact, the date on the bottom is June 13, 2007, so I was anticipating this some time ago. I really felt that we didn't need to be giving such a long lead time to the retailers to be taking down those power walls. I think you would really have had to not be exposed to any media in Alberta not to be aware that this bill was first introduced last spring, had quite a bit of debate at that time, then was on the website, and an additional consultation was solicited throughout the summer on this.

I felt that people had really had this top of mind since last summer, and waiting for another full year for them to be able to take down a display is really not necessary. To my mind I thought: why are we allowing something to stay in place that could entice how many more young people to smoke in that intervening period of time? I have a lot of small-business people in downtown Edmonton, Mr. Chairman, and I have consulted with a number of them on an informal and formal basis around this. They didn't seem to feel that there would need to be a huge amount of time involved in doing this, certainly not a year, which is what we were talking about, from summer of '07 to summer of '08, which is what the government was contemplating.

So I really felt that all things could be done together with a January 1, 2008, proclamation date; that is, to ban smoking in public places and all workplaces as of January 1, 2008, to remove the power walls from the retail businesses, and to remove the sales of tobacco products in the pharmacies and in educational institutions. We're seven weeks out from that date at this point. I still think that's a possible achievement, and I would really like to see us do it.

I don't see the point of waiting the extra six months. I don't see what we gain from that, and I can see what we can lose from it.

I ask the members to support me in this amendment to have the proclamation date set for all parts of this bill for January 1, 2008. Thank you very much, Mr. Chairman.

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

Mr. Hancock: Thank you, Mr. Chairman. I agree with virtually everything the hon. member said except for the part where she said: could we please support the amendment? I'll explain why. In my opening remarks I addressed comments that were made in discussion of this bill in second reading back in June and indicated that timing for implementation, in our view, ought to be staged. Now, I would be delighted, actually, to have it all implemented on January 1, 2008. I think it's important that the ban in public places piece be implemented at that time frame, and I'm going to be working hard to achieve that on a proclamation. But I also undertook to consult and to talk to retailers and others and heard them, heard what they had to say about the changes they need to make.

Now, I will tell you that I'm not personally convinced that it's going to be a real difficulty or a hardship to comply with this bill. In fact, I don't think it's going to be a hardship to comply with this bill. However, there were some comments, some things brought to my attention by some of the people that I consulted with with respect to concerns about the safety of people in their workplace, for example convenience stores: if they had to put cigarettes under the counter, whether their safety provisions would be in place if they had to turn their back on customers, and those sorts of things.

3:00

Now, I'll tell you this. I didn't go into a lot of detail about whether there was any merit to their position with respect to that, and quite frankly I think the accommodations can be made very, very easily, at least on a temporary basis. It may take longer for convenience stores to make changes. But the bottom line, the commitment that I made in the discussion, was that we would have a reasonable time for implementation if at all possible. I think that giving them to July 1 to make those adaptations is reasonable.

The larger question with respect to sales in pharmacies is a little bit more difficult for some people who have stores. I have a letter from a retailer in northern Alberta who is an independent pharmacy who leases space inside another store and is going to have to actually change his whole operation unless the store that he leases from agrees to get out of the sale of cigarettes. Now, those are things they can do, but I think it's fair to give them time to do it, so I would ask that we not adopt this amendment, that we do allow the bill to come into effect on proclamation so that we can indeed proceed with the proclamation, hopefully, on January 1 for the nonsmoking piece of it. The proposal I'm taking forward is July 1 with respect to the power wall ban and January 1, 2009, with respect to sale in pharmacies.

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

Ms Pastoor: Thank you, Mr. Chair. I just will be very brief because I would support this amendment. After all of the number of months and years that we've been talking about this bill, I think that the people who are selling smoking products are more than aware that it's coming. I think they're more than prepared for this to pass, and I think that it would take them a very, very short time to actually comply with this, which is why I am supporting this. I think they're ready, and to put it off for another six months really – who knows?

It may be just one kid less that isn't going to start smoking, and that would be worth it.

The Chair: Are there others on the amendment?

Are you ready for the question on the amendment?

Hon. Members: Question.

[Motion on amendment A1 lost]

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

Ms Blakeman: Thank you very much, Mr. Chairman. I have a second amendment, that I'd like to put forward at this time, also at the table, which I suppose we would now call amendment A2, around locations where smoking products could not be sold. Could I get those distributed?

The Chair: Yes. We'll distribute them now, and we'll just give the pages a moment to do that.

Okay. You may proceed, hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you, Mr. Chairman. This is amending section 6, the proposed section 7.3, which is the section: "Sale of tobacco in certain places prohibited." Specifically, the way the legislation reads now is that "no person shall sell tobacco products or offer tobacco products for sale in any of the following places."

What we already have is:

- (a) a health facility in which one or more health professionals regulated under the Health Professions Act or another enactment provide services;
- (b) the campus of a public post-secondary institution under the Post-secondary Learning Act;
- (c) a pharmacy;
- (d) a retail store if
 - (i) a pharmacy is located in the retail store, or
 - (ii) customers of the pharmacy can enter the . . . store directly or by use of a corridor.

So, in other words, a pharmacy that's attached to another retail space.

My concern about this was that there are still places where you end up with a lot of younger people congregating – frankly, we want them to congregate there – where we still see tobacco products sold, and I would like to address that. What is being anticipated here – and I'll skip the first one and come back to it – is a school or a school building. One of the things we're contemplating or that my caucus would like to see us move towards is more community schools. We could see a situation in the future, for example, where you have a tuck shop or a small shop in a community school in which things are being sold. We actually have those kinds of venues in some of our schools now where, you know, candy and pop and things like that are sold. I wanted to make sure that we wouldn't be allowing or that it couldn't be anticipated in the future that tobacco products would be sold anywhere in a school or a school building.

I also wanted to make sure that we were including facilities that are used for sports, recreation, arts, and culture; in other words, arenas, theatre spaces, other places where we really want everybody to be and to feel comfortable. They also often have vendors who are selling a variety of confectionery, chocolate bars and things like that, but also often tobacco products. I wanted to be very clear that they would not be allowed to sell tobacco products.

The third one is pretty obvious, but I just wanted to make darn sure it wasn't going to happen, and that was to say: in any daycare facility under the Social Care Facilities Licensing Act. That one sounds like something that's pretty obvious. You wouldn't sell

tobacco in a daycare space, but we're looking at daycare spaces being in all kinds of buildings and associated with all kinds of other enterprises at this point, and I thought: better safe than sorry.

Really, I was trying to cover any additional space where we might have younger people congregating or where we'd like younger people to be congregating. That was the intent behind this amendment.

I know that I have spoken either on or off the record to the minister of health, and there was a feeling that this could be dealt with under regulations, but as always, Mr. Chairman, I really don't like things being added under regulation. Because it is done behind closed doors, it can be both given and taken away by members of cabinet without consultation with the public. It's harder for the public and even members of the opposition to get access to those regulations and to find them easily online or through the Queen's Printer. I really prefer that it's in the legislation, which is the other reason why I did the amendment and didn't just leave it to the good intentions of the minister.

Those are my reasonings behind bringing forward this amendment. I think it's worthwhile to be absolutely clear about what we anticipate here and that we really don't want those tobacco products sold widely at all. I can envision a point in time where – it's still a legal substance to consume, and adults are welcome to do that – they'd have to be going to very particular places to purchase those products and that it wouldn't just be easily accessible. You wouldn't be able to just run in anywhere and pick up tobacco products.

The harder it is to get those products, the more likely it is that people will either stop smoking or never start. Again, I'm speaking from personal experience on this. The major reason why I quit smoking was that it got so inconvenient, it drove me crazy. I'd been elected for a number of years at that point. You know, we were in this thing where the smoking rules that were coming in really made it inconvenient to smoke, and that turned out to be a very good thing. I was spending way too much time thinking about where I would be able to go to smoke and how long it would take me to get there and how long it would take me to get back and did I need to have a coat and was I going outside. I thought: "Why am I spending so much of my life thinking about having a cigarette? My whole life is being consumed by this. It's a colossal waste of time and energy." That was a real impetus in getting me to stop smoking.

3:10

When I look at how easy it is – you know, I can remember a story of a friend who went in to see her doctor. She'd gained a couple of pounds, and she just marched right out. There was a convenience store across the street, and over she marched and bought another pack of cigarettes and started smoking again. I thought: if only that convenience store hadn't been across the street. If it had been a little bit harder for her to find that pack of cigarettes, the likelihood that she would have started again I think would have been severely diminished. That's what I was shooting for here.

I ask for my colleagues' support in the Assembly for amendment A2. Thank you very much.

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

Mr. Hancock: Thank you, Mr. Chairman. Again, I don't disagree with the sentiment that the hon. member has expressed in bringing forward the amendment. I'm not aware of any daycare facilities where they actually sell tobacco products, but I suppose it could be possible.

Schools and school buildings across the province. School boards have routinely banned the use of tobacco products on their premises,

and that would include selling. Although laudatory, that's probably redundant.

The facilities used for sports and recreation, cultural, or artistic activities is something that I had actually contemplated bringing forward in the bill, but it begged a lot of questions and raised a lot of issues that I just decided were not worth dealing with at this point in time.

The sentiments, again, are very laudable, obviously. I want to tell you that in the discussions I've had with Albertans over the course of the summer, the number of times that I've heard from Albertans that what made it possible for them to stop was the inconvenience was quite heartening, actually. But having said that, I can't encourage members to support this amendment.

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

Dr. Pannu: Thank you, Mr. Chairman. I rise to speak to the amendment to Bill 45, Smoke-free Places (Tobacco Reduction) Amendment Act, 2007. I also want to acknowledge the presence of young leaders, the group known as BLAST, building leadership for action in schools today. How refreshing to see young people pushing for the kind of action that this bill is about and the debate that we are having on it. I want to thank them for their interest and for the leadership that they are providing to their own age mates, their peers, and in fact for providing some pressure and encouragement to us to enact the kind of legislation that's before us.

Mr. Chairman, let me say that in general the bill is good, but it can be improved. It can be made better. This particular amendment, amendment A2, moved by the hon. Member for Edmonton-Centre, I think will make it better, improve it even if there is some risk of redundancy, as the Minister of Health and Wellness has indicated while expressing his tacit approval for what's being proposed in this amendment but suggesting that he would not support the amendment because of the risk of redundancy. I think that minor risk is worth taking so long as the amendment makes clear and clarifies the language and that particular section which does list public places where tobacco can't be sold.

I think we should extend that list as per this amendment, particularly to schools and school buildings. Schools and school buildings routinely prohibit the sale, but they're not required by law, I think, to do so. Sports facilities, recreational facilities, cultural and artistic activities are other places which are public places and are not covered in this list. So I think it would be a useful and helpful improvement to the proposed bill to have these places that are proposed in the amendment included in that list. So I'm happy to support amendment A2, Mr. Chairman.

One last point I want to make. "A day care facility under the Social Care Facilities Licensing Act." It may be true, Mr. Chairman, that the daycare facilities that exist in the province at the moment may be highly unlikely places we would find tobacco products being sold, but who knows? The scene might change. As we hear through the media, there are very, very large and wealthy foreign multinationals that have indicated interest in moving into the daycare facilities field. They are private businesses, and they certainly are interested in this arena of activity because they want to of course enhance the returns on their investment, and selling tobacco would not be seen as something that would be considered by them as an illegitimate activity unless it is specifically outlined so in a piece of legislation such as the one that's before us or some other action is taken. So as a precaution I think that subsection (e) in the amendment that will be added to the existing list of 7.3(a), (b), (c), (d) is a good addition to that list.

I think all of these three additions as proposed in amendment A2

certainly merit our support, and I'm happy to do so, Mr. Chairman. Thank you.

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

Ms Pastoor: Thank you, Mr. Chair. Yes, I would like to support amendment A2 to this bill as well, particularly the one where it says about facilities used for sport, recreation, culture, or artistic activities and particularly the one for sport.

I know that I've been in numerous sport venues that aren't necessarily public buildings, and they have sort of a bar attached. I really don't think that having everyone sitting in a room where the air is blue is a good example for kids that are coming off a hockey rink or off the soccer pitch or, in fact, any of the indoor tennis and those sorts of things. I really would support it because I think these have to be labelled.

I'd like to just augment, I guess, what the hon. Member for Edmonton-Strathcona had said about the daycares. When we look and see what's going on in this province where smaller daycares are closing for various reasons – some of which may be questionable, but that's my opinion – and we do see a large daycare come in that is private and wouldn't be under the same microscope in terms of their behaviour, I think it's very important that we do have these children protected. Even if it was the building and it forced people to go outside of the building, it increases the cessation of people quitting smoking.

I think that if these things are clearly labelled, it just strengthens what is probably already a good bill that has been many, many years in the coming. I would like to support that and hope that it would be supported.

The Chair: Are there others?

Are you ready for the question on amendment A2?

Hon. Members: Question.

[Motion on amendment A2 lost]

The Chair: Back on the bill as it is. The next person I have on the list is the hon. Member for Cardston-Taber-Warner.

3:20

Mr. Hinman: Well, thank you, Mr. Chairman. It's a privilege to rise in the House and to debate Bill 45 again. I appreciate the minister saying that he was looking at addressing the questions that I brought up this spring. I guess I just want to re-emphasize those again. We live in a free and democratic society, and with that we say that we respect the rule of law. I personally feel that the most important duty of government is to protect its citizens, and that entails their life, being first and foremost, their liberty, and their property.

What I want to go over again is the fact that the minister said that we perhaps need more evidence on the harm or the danger that is caused to infants or young children in a home or in a vehicle. I would have to say that we've got more than enough evidence. If we're banning it in the workplace because it's known to kill adults, we certainly know that it would be more harmful for young children and infants. So I'm disappointed that the government didn't take the initiative to bring forth an amendment. I thought that it was a good enough one that they'd do that. I guess next time I need to do my due diligence and bring in an amendment myself.

I just want to talk about the importance. When he talks about the law and not wanting to be intrusive on some of the areas where we've already stepped in, perhaps, then, what he's saying is that he's going to repeal those laws. We are not allowed to jump in our vehicle and drive our children to a soccer function or anywhere else

without having them securely strapped in with seat belts. The risk involved in a car accident versus a young child who's being exposed to smoke is certainly, I would say, in the same neighbourhood as the long-term detrimental effects on that child with the number of allergies and asthma and other problems that we know affect our young children today.

Even probably the most important reason why we need to amend this and we need to put in regulations that prohibit smoking around young children is the fact that those adults that have chosen that themselves and are smoking automatically expose their children to that. We have many laws. We have the children's helpline. If they want to be parents of ill repute, the children can call if there are other problems going on. We cannot jump on our bicycles and go for a bicycle ride without putting helmets on our children. All of those things are there to protect children who can't protect themselves.

I still want to continue to push this government to realize the importance of protecting young children in the presence of adults and the fact that they can and will smoke in their own private places. It'd be very easy to pass legislation to prohibit this and to put fines in place as we do for seat belts, for bicycle helmets, and also for child abuse. We have no problem going into a home if they're calling the 1-800 number.

The other, I guess, most important reason why we need to do this is because, as I said earlier, those adults who have chosen to expose themselves to this think that there's no harm with it and that it's okay to expose my grandchildren or my children or my nieces and my nephews. It becomes almost a dividing fight inside families on what they can do.

The most interesting thing to me – I listened to a grandfather in my constituency when he was talking to me about this. He'd smoked longer than the hon. Member for Edmonton-Centre. I think he was saying over 60 years, and he said he couldn't quit. His young grandson, though, had asthma, and the doctor finally wrote a nasty letter that the mother gave to him that said: you are not looking after your child if you allow him to go visit his grandfather and see him, because he smokes around him and he has asthma attacks. That grandfather quit smoking the next day.

There is something there. We can send a message when we're told: "You know what? We're affecting our children, our nieces, our nephews." I think that we're being negligent on this part and that we're looking after the adults, and we're talking about the teenagers and being exposed, but what about those who are exposed that don't have the ability to move themselves? I would very much like to see this government bring forth new legislation that starts to protect those, the most vulnerable in our society – and that's our children and our infants – that can't get away from this. I hope that we can see more in the future on this.

Thank you.

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

Dr. Pannu: Thank you, Mr. Chairman. I rise to speak to Bill 45 in debate in committee. I listened to the Minister of Health and Wellness when he made his introductory remarks as we started this debate this afternoon in the committee on this bill. I find him very persuasive when he talks about the need for education, whereas some punitive penalties – I deem those as important to discourage Albertans from smoking in public places or selling tobacco products in retail stores or other measures that are included here, but education is also important.

I think the young students and their presence here today is a good example where that education should start. It is true that we learn to smoke by being with peers who smoke, and particularly in teen years

the approval of peers is very, very important. Being able to be with peers and enjoy their approval is very, very important. So it's encouraging and very hopeful to see young school students taking leadership in educating, playing sort of an educative role vis-à-vis their own peers, and I'm sure they have an impact on people of our age and perhaps their parents as well. [interjection] There is the Member for Calgary-Nose Hill, who I know is somewhat disturbed, I guess, by this move forward.

Mr. Chairman, it's refreshing to see how things change in this Legislature. Over the last 10, 11 years we were at times quite restrained from talking about banning smoking in public places and other places, but it's good to see that climate change and us proceeding with a bill such as this.

The bill would have been much improved, Mr. Chairman, had certainly amendment A2 been approved by this House. Amendment A1 I think underlined the urgency with which we should undertake to implement the steps proposed in this bill once it becomes law. So the stepwise or staged implementation of the bill as proposed by the minister I think does not reflect that urgency, in my judgment. If some retailers or people who have these power walls in their stores need some time to make changes, certainly this could have been done in the next six months. I don't think we need more than a year to bring all parts of this bill into implementation.

So I'm disappointed that the minister hasn't seen it appropriate to take these amendments and at least give some sort of undertaking to the House that his proposed stages by which he's proposing to implement this bill would be reconsidered, that in fact, although he cannot accept amendment A1, he is willing to expedite the timetable and the introduction of stages by the end of which all of this bill will become enforced, not only proclaimed but enforced in the province.

3:30

Mr. Chairman, the point was made by the hon. Member for Edmonton-Centre on including drugs that are used for helping people cease smoking. Smoking is an addiction. It's a highly addictive habit. Tobacco is an addictive drug, and its cessation is important not only for our health but also for our pockets. We know that when we are not well, those diseases that are caused by smoking or by inhaling second-hand smoke not only prevent us from enjoying good health, but they also affect our ability to be productive citizens, they affect our ability at our workplace, they affect families, and they have destructive results sometimes.

The cessation of smoking and the use of drugs to help people stop smoking is an area which I think should be considered for coverage under our health care legislation. It should be seen as a medical necessity, a necessary medical expense, and therefore covered under our health care plan. It's a good suggestion, and I think I would like the minister to certainly reconsider his position on this and perhaps bring back some amendments to this legislation at an appropriate time to provide that coverage for drugs that are prescribed to help people to stop smoking.

The last point that I want to make, Mr. Chairman, is this: while the minister has not at the moment found himself in a position to accept the two amendments that were made, these amendments I think need to be paid some attention. I wonder if the minister would tell the House if he's willing to bring some amendments back to the bill in a certain specified period of time, two years from now or whenever. He's hoping that education will have an impact on people, and at that stage he'll move with the public opinion and bring in some of these changes. I wonder if he will comment on the wisdom of bringing this bill back for making some changes in it or if he would in fact put in a formal review of the bill in two years so at that time he can make some changes in the bill resulting from the review. The review itself could certainly invite people like the young people sitting up there to come before us in public hearings and give their

input or some other interested parties to come before us and do the same.

I wonder what the minister's position is on, in fact, including in the bill a need to review it in a couple of years from now in light of the experience that we gather over the next two years once the bill is implemented.

Thank you, Mr. Chairman.

Mr. Hancock: Just briefly, Mr. Chairman, to respond to the last speaker. I think that legislation should always be available for evergreening. I think that it's one of the most important pieces of work that we do in this Legislature. Oftentimes when we put out the lineup of bills that are available for the session, people chide the fact that the majority of those bills are not on major policy items, and indeed they're not.

Every piece of legislation that we have in this province should be reviewed on a periodic basis and updated and made whole. So I think it would be absolutely appropriate to do that with respect to this bill. Does it need to be put into the bill? I don't believe so. There are a number of mechanisms that we have now. We have the policy field committees, which can embrace that kind of a review of their own volition should they wish to do so. As I said in my earlier remarks, I think that we should revisit this. We should make sure that our smoking legislation provides leadership in the country in respect to this area. That's my personal view.

Now, I heard the hon. member ask me for a commitment to bring it back, and I have to say that I'm expecting between now and two years from now to have to reapply for my job, and if he would be so good as to ensure that there was nobody running against me, I could make that kind of a commitment, perhaps. So I would invite him to use his powers of persuasion on his party and those of the Liberal Party because I would be happy to continue in this role, but I have to admit that I am at the pleasure of the people of Edmonton-Whitemud as to whether or not I could be back here in two years and bring that forward myself.

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

Dr. Swann: Thank you very much, Mr. Chairman. It's a pleasure to rise in Committee of the Whole on Bill 45, Smoke-free Places (Tobacco Reduction) Amendment Act, 2007. This in conjunction with another bill before us, Bill 37, the Tobacco Tax Amendment Act, 2007, will go a long way in helping us to set the conditions to reduce the attractiveness of tobacco and to reduce the impact of second-hand smoke in our environment. Clearly, it's going to assist in preventing illness and disability and death. It's progressive. It's long overdue.

From a health perspective we've been pressing for provincial leadership on this issue for 20 years. It's great that the provincial government has finally come around and with pressure like BLAST and many other groups is bringing it to the Legislature. I want to acknowledge Action on Smoking and Health and Physicians for a Smoke-Free Canada. A long and tedious battle to try to get governments to stand up for public health. Be that as it may, it's here, and we're certainly going to support it in its many dimensions.

I would also like to add my voice to that of my colleague from Edmonton-Centre and others who feel that now the next phase needs to examine supports for cessation. We have a tremendous number of people addicted to tobacco in the province. We could tremendously reduce our health care costs if we could assist them as early as possible to get off tobacco and tobacco products, and we should be providing accessible, affordable cessation treatments within our purview. It's a no-brainer in terms of saving health care dollars in a system that is already tremendously overtaxed and another

opportunity to really make Alberta the healthiest place in Canada.

I would admonish the government to not wait to be badgered and coerced to take the next steps. We have been waiting 20 long years for this kind of leadership in the province. It's now important to take the leadership, continue on, and press for significant supports which are not covered under our present medical plan or health insurance plan or drug insurance plan generally. There's a real opportunity for leadership here.

Thank you, Mr. Chairman.

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

Dr. Pannu: Thank you, Mr. Chairman. Just to very briefly comment on the request from the Minister of Health and Wellness for me to arrange, certainly, for my party to not have someone run against him in the next election. I know that I have made it public that I won't run in my own constituency next time around. That's for sure. You know, we have a candidate already nominated, so I have no chance of changing my mind there. But I can assure the minister that I won't run against him if he accepts my suggestions here now. There has to be a fair exchange here. I won't challenge him in his constituency as a candidate provided – provided – he accepts the suggestions that I have made to him. I think that will improve the bill. That certainly would be another feather in his cap if he did accept the suggestion and would also save him this competition from an impossible source. That's me. I won't run.

Thank you, Mr. Chairman.

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

Ms Pastoor: Thank you, Mr. Chair. I will be brief. I think it's quite clear that this is a bill that certainly must pass. The hon. member in front of me said that he's been waiting for it for 20 years. Well, actually, I've been waiting for a bill like this for 40. My father died 40 years ago of lung cancer. In those days it was just called cancer. Certainly, that connection had not been made to smoking, and yes, he was a heavy smoker right from the time when he was 14 years of age.

I remember shortly after that there was, I believe, the Surgeon General of the United States – I'm not exactly sure what his title was, but his name was Koop, and he looked like Uncle Sam – that came on television. He was reviled and he was made fun of, but he stuck to his guns. Forty years ago he was making that connection. So I am very honoured to be able to stand up in this House today and say: yes, I support this bill.

I've also been fortunate in my life to travel in Middle Eastern countries and see young kids smoking, anywhere from the ages of 5, 6, 7, up.

3:40

Our job is not done. Because we can protect Albertans and because we can do this in Canada, I don't believe our job is done. I think that this will be a successful bill. We'll go forward, and I'm hoping that we can take our leadership and go beyond our boundaries.

One of the things that I hope will be changed with this bill is the fact that we take in \$890 million in taxes, but we only spend \$9 million on cessation programs.

The other thing that I would hope would be changed is that we would take the money that we put into the heritage fund into tobacco companies and put it into – I'm not sure where – probably something that would be a sustainable stock market item. We really can't be two-faced about this. If we say, "Smoking is bad for you; we've

passed this bill," surely we will take those monies out of the heritage trust fund.

The other people that we are protecting, who probably will never know that they have been protected, are those who are exposed to second-hand smoke. Forty years ago second-hand smoke wasn't even a consideration, and now we have all of the evidence and research to prove that, in fact, you can get cancer from second-hand smoke.

I support this bill, and I'm delighted to stand up and know that 40 years later what killed my father will not kill someone else's father.

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

Mr. R. Miller: Thank you very much, Mr. Chair, and I'll try to be brief. I just don't want to let this opportunity pass with the brilliant young ladies from Nellie in the audience today. I'm going to provide them with some homework. You've probably got more than enough homework, but a little bit more won't hurt you.

Yesterday in this Assembly I pointed out the two numbers that my colleague from Lethbridge-East just referred to; that is, the \$890 million in tobacco tax revenue that we're projected to take in this year and the woefully inadequate \$9 million that we spend in tobacco reduction strategies and smoking cessation strategies. Also, I think it important – and the young ladies in the gallery can go back to the *Hansard* from yesterday and look at these comments – that in question period back on May 31 of this year the health minister also acknowledged that the direct cost to Alberta Health as a result of smoking activity is \$471 million.

Ms Blakeman: How much?

Mr. R. Miller: Four hundred and seventy-one million dollars. Even more disturbing is an acknowledgement from the health minister of indirect costs to Alberta's economy through lost production, time taken off work, all of those things: \$1.296 billion or nearly \$1.3 billion. These are staggering figures that I think just add fuel to the fire when it comes to the good work that the girls from the BLAST program are doing.

The other thing – again it's in the comments from *Hansard* yesterday – I just want to put it on the record so that they can hear it when they're here and perhaps for them to check into this. On October 10 of this year, Mr. Chairman, Governor Arnold Schwarzenegger from California, a Republican I might point out, signed a bill that would make it illegal to smoke in a vehicle if someone under the age of 18 is present. That's exactly what the Member for Cardston-Taber-Warner was talking about a little while ago, and I would like to draw the attention of the health minister to that. Perhaps in his next amending bill we can follow the lead of our colleagues in the California Legislature and take a bold step forward in terms of protecting young children as well.

Those comments I wanted to get on the record in front of the BLAST team from Nellie, and as I said, a little bit of homework for you to go and check out more in terms of Bill 37 and the extra tobacco taxes that we're going to be collecting in this province.

Thank you, Mr. Chairman.

The Chair: Are there others?

Are you ready for the question on Bill 45, Smoke-free Places (Tobacco Reduction) Amendment Act, 2007?

Hon. Members: Question.

[The clauses of Bill 45 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? That's carried.

**Bill 8
Vital Statistics Act**

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

Mr. Hancock: Thank you, Mr. Chairman. I would like to move an amendment to Bill 8, which I believe you have for circulation. It's a very simple amendment to sections 42(4) and (6) striking out the term "the Chief Medical Officer" wherever it occurs and substituting "a medical officer of health."

The Chair: The amendment will be referred to as A1, and we will just allow the pages a moment to distribute it.

Okay. You may proceed, hon. minister.

Mr. Hancock: Thank you, Mr. Chairman. I won't dwell on this. It's simply a terminology change but an important one. The sections basically deal with disinterment, I think, and they refer to the chief medical officer of health, who is one person in the province. It should refer to a medical officer of health, which would then make it possible for the medical officer of health in any region to sign the appropriate certificates.

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

Mr. R. Miller: Well, thank you very much, Mr. Chairman. I appreciate the explanation provided by the minister of health. I've had opportunity to consult with a former medical officer of health over the last few minutes. We have no problems with this amendment, and we'll support it.

Thank you.

Dr. Pannu: Mr. Chairman, I also would like to express the position of our caucus that there's really nothing in this amendment that we have any concern about. It's essentially updating and changing the language of the existing piece of legislation, so we will be happy to support the amendment.

The Chair: Are there others?

[Motion on amendment A1 carried]

The Chair: Now back on the bill as amended. The hon. Member for Whitecourt-Ste. Anne.

Mr. VanderBurg: Well, thank you, Mr. Chairman. There were some issues brought up yesterday in Committee of the Whole, and I'd like to have an opportunity to respond to them.

With respect to the registration of conjoined twins we will leave this to the discretion of the doctors as this is a medical question. If the doctors complete two notices of birth, then we will register them as we would now.

With respect to the responsibilities and encumbrances of the registrar with respect to births there is no deviation from the act as it currently sits.

In response to what is prescribed evidence for a delayed birth, this evidence will be prescribed in regulation. Some examples include

medical proof, such as a doctor's record and affidavit, a certified copy of a church record regarding the birth.

Where a combined name creates an offensive name, the registrar would have the discretion and could trump the requirement to combine a name. Regarding how the registrar would determine if a proposed name is offensive or not, any names received that are obviously not acceptable will be refused by the registrar.

Regarding who has charge of a deserted newborn, this is not legislated under vital stats regulations or legislation. Generally it's a social worker with Children's Services. If Children's Services has provided a name, the registrar will accept that name. Where no name is submitted, the registrar will name the child George, Bill, anything but Sue.

I'd also like to thank the folks in Service Alberta: Barry Haugrud, Katherine Olson, and Rosanne Dofher for their assistance in drafting these amendments.

Thank you.

3:50

The Chair: Are there others? The hon. Member for Edmonton-Rutherford.

Mr. R. Miller: Thank you, Mr. Chairman, and thank you to the Member for Whitecourt-Ste. Anne for providing those explanations to some of the questions that I raised yesterday. I'm not sure what he has against the name Sue. I know a lot of Sues that would probably raise their eyebrows at that, but hopefully the registrar will disregard your comments and leave that in his basket of names to choose from.

I do have a few further questions, Mr. Chairman. I indicated yesterday that for the most part our caucus is supportive of Bill 8 and doesn't see any particular reason to hold things up here. At the same time, I think some of these questions are worthy of asking and getting the government on record in terms of the thought process that went into drafting the bill the way that it was done.

Carrying on with names, then, under section 15(1)(a) it requires that the person be known as a different name before the age of 10 – this is in discussion of changing names – so I'm just wondering if the member might be able to outline for us why that particular line was drawn at the age of 10 as opposed to eight or 12 or whatever. What thought process went into choosing 10? Also, then, what processes will be in place to ensure that the registrar confirms that an individual was in fact known by a different name prior to having attained the age of 10 years old?

Also, then, I'm wondering about if a parent or a guardian applies to have their child's name changed and the child is over 12 years old, then the child's consent is also required. We're wondering why the age of 12 was decided on. In the one instance it's 10 years old, and in the other it's 12 years old. I'm questioning whether or not a child of 12 is responsible enough to have a say in the matter in the first place, so that would be something I'd be looking for a little more clarification on.

Section 15(13) refers to the registrar's own judgment of the acceptability of a person's first name. We talked about that a minute ago. Again, I referenced yesterday some of the concerns around cultural sensitivity, wondering what sorts of training the registrar might undergo that would qualify them to make that decision in terms of cultural sensitivity.

Section 19(5) discusses allowing a stillborn's name to be amended on application to the registrar only if the stillborn's birth was registered without a first name or if the name given was considered unacceptable by the registrar. According to a government document many cases of stillborn children exist where the parents are traumatized and try to distance themselves from the event, yet later, of

course, they may return and want to name the stillborn child as some sort of form of closure.

Part 2. Just one question in terms of the registration of marriages. It refers in this section to a requirement that a person complete a marriage registration document in accordance with the regulations. Of course, we're assuming that those regulations would simply dictate the process for filling out the document, Mr. Chairman, and not the content of the document itself, but I'm curious whether or not that's the case. If the regulations, in fact, touch upon the content of the documents themselves, then we would like an explanation as to why that needs to be done through regulation. Once again, my standard pet peeve about regulations being set or at least having the opportunity to be set behind closed doors, out of sight of public scrutiny, public debate, and public input. I'm not ever suggesting that that is standard practice, but certainly we understand that it could be done that way, so that's the concern there.

Under part 4, which deals with the change of sex, section 30 deals with the amendment of records on change of sex. I guess the only question I have there is in the case where an individual whose birth is registered in another jurisdiction changes sexes, why, then, did we decide to remove the requirement to notify that other jurisdiction of the change? If the member might be able to provide some explanation as to why that was done.

Part 5 deals with deaths in Alberta. Section 33(4) states that when an interim medical certificate of death is issued, it shall be delivered to the registrar within 60 days. The previous act mandated that it be delivered within 30 days. I'm curious whether or not the member could share with us why the period has been doubled and if there was a specific reason for making that change. I would have thought, if anything, in today's technologically advanced society that we would have less trouble than ever making that notification. Just curious why that time period has been doubled.

We talked a minute ago, with the amendment that was moved by the health minister and approved by this Assembly, about disinterment and the fact that, well, originally the proposed legislation talked about the chief medical officer; now we've changed it to a medical officer of health. Nevertheless, it states that a medical officer of health can make a decision regarding whether or not a body can be disinterred and that that decision is final. Is there, perhaps, a need for some sort of an appeal process or an appeal mechanism? Whether or not Service Alberta contemplated that when they were drafting this, or if they're completely comfortable that the decision now being made by a medical officer of health should be final, without appeal is a question I'd like to have answered if possible.

Part 6 deals with the administration of the act. There's a provision in there that states that the registrar may at his or her discretion refuse an application for registration under the act if it appears to the registrar that it's being done for fraudulent or improper purposes. Certainly, that would seem to be a good thing that we would have that power there, but again I'm just concerned that the registrar would have the proper training or background in place to properly identify fraudulent applications. Is there perhaps a need for the registrar to have training and a law enforcement background? That's the question I would have there.

I think we're almost done. Section 56(1) expands on the previous act by allowing the registrar to investigate, refer the matter to the police service, or refer the matter to an investigator. Again, I'm just wondering what sort of training the registrar would receive in respect to investigating these fraudulent activities. Should we not, perhaps, just be automatically allowing the registrar to refer the matter to a law enforcement body as opposed to the way that it reads right now? Particularly the word "investigate" is what I'm questioning there.

There's a lot more, I suppose, that I could question on some of the specifics of this bill, but frankly that's as much as I've had time to go through over the last little while, so I'll leave it at that and look forward to some responses from the member or the Minister for Service Alberta at the appropriate time.

Thank you, Mr. Chairman.

The Chair: The hon. Member for Edmonton-Glenora.

Dr. B. Miller: Thank you, Mr. Chairman. I just have a remark to make about registration of marriages, which is something I know something about because I've married so many people over the years.

An Hon. Member: How many, Bruce?

4:00

Dr. B. Miller: Hundreds and hundreds, which could be misinterpreted. Or it's ambiguous to say that you've married somebody many, many times, but I have presided at weddings, marriages. So the word used here is "solemnizing" marriage in Alberta. That's a good word, solemnizing.

It's interesting that the registrar must register a marriage within one year of receiving all of the information. I didn't think it took that long to process the information. When I performed a marriage, ministered at a marriage, I had to actually turn in the documents within 48 hours, and then presumably the office could deal with the matter. Then if the married couple wanted to get a wallet-sized, laminated marriage licence from vital statistics, they could apply for it.

Now, one of the interesting things in my transition from being a minister in a church, performing marriages there, to being an MLA – as MLAs we can preside at weddings, too – was that in a church context there actually is a book in which you register marriages. As I understand it, every church in the province has a registration book. Actually, you can record marriages, baptisms, and funerals in that book so that if the documentation that was filled out at the wedding somehow goes astray and doesn't actually reach vital statistics, then you can refer to this book because you recorded the names and the witnesses of the marriage. So you can provide that documentation.

The interesting thing: as an MLA we're not required to register that anywhere. We fill out a form, which we give to the couple. So if they hang on to it, okay, then maybe they would be able to submit that. If there was no registration of the marriage and a year had gone by, they would be able to submit that, and that's proof. Right? It's interesting that the MLA doesn't have any proof that he or she can provide, which I think is something that could be covered, actually, through changes in the regulations, whatever, to be able to have the MLA record that somewhere so that it could be copied if the couple comes back a year, two years, three years later and says: I couldn't get a wallet-sized licence from vital statistics because they say there's no evidence that you married me. Well, there is evidence because in my office I have a book in which I registered that marriage. It's a simple thing, but it seems to me that that's a way of covering it. I think that's really important. I leave that for consideration. Maybe that's something that is left for the regulations and not to be included actually in the bill.

Thank you, Mr. Chairman.

The Chair: The hon. Member for Whitecourt-Ste. Anne.

Mr. VanderBurg: Mr. Chair, before we finish, I thank the members for their questions, and I'll make an attempt to answer them.

I think the first issue that you brought up: why age 10? Well, it's

currently in the legislation, and we're going to leave it at that.

The question on marriages. It will be better defined within the regulations. Remember that the Marriage Act is not being updated here. Vital statistics records the event, and the act only governs the registration of the events. We're not reviewing the Marriage Act here.

There was a question with regard to deaths. Thirty days was unrealistic for the medical examiner, and we did consult the medical examiners on that question.

Sex change was brought up. Two doctors' affidavits are required as proof to amend the record. Two doctors. Then you also asked about if a person was born outside the jurisdiction. The person who underwent the sex change must notify their home jurisdiction to have their records updated.

I think that maybe that clarifies some of the questions for you. I can provide further detail for the members before third reading.

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

Mr. R. Miller: Thank you, and thank you, Member for Whitecourt-Ste. Anne, for the quick response to those questions. I just want to clarify: did I hear you say in regard to the sex change that it's up to the individual who's had the sex change to notify their home jurisdiction or the jurisdiction that they were born in as opposed to incumbent upon the government to do it as part of the act?

Mr. VanderBurg: Well, yeah. I did say that two doctors' affidavits are required as proof to amend the record here in the province. If the person was born outside of this jurisdiction, the person who underwent the sex change must notify their home jurisdiction and have their records updated.

Mr. R. Miller: Okay. What you're saying is that it's up to them to make the notification. The act is telling them that they have to. Then I suppose the question would be: are there any processes in place to make sure that that actually takes place? That would be the obvious question out of that.

The other thing that you mentioned and I just want to touch on. You indicated that medical officers of health had indicated that 30 days was unrealistic in terms of filing the death notice, so that's why we're moving it to 60. I suppose inquiring minds would want to know whether or not there were a lot of examples of medical officers of health not being able to meet that 30-day deadline. Obviously, it's been in place for a long time, and I'm sure most of us would assume that it was working fairly well, but if they're telling you that it's unrealistic, perhaps there are many examples of times when that deadline was not being met.

Mr. VanderBurg: Again, Mr. Chairman, I don't have specific examples with me. The department folks had consulted with medical examiners, and I wasn't going to question that professional advice.

The Chair: Are there others?

Are you ready for the question on Bill 8, Vital Statistics Act?

Hon. Members: Question.

[The clauses of Bill 8 as amended agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? That's carried.

Bill 13

Access to the Future Amendment Act, 2007

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

Dr. B. Miller: Thank you, Mr. Chairman. This is obviously a household bill.

An Hon. Member: Housekeeping.

Dr. B. Miller: Housekeeping. I was thinking of the parable of the householder or something.

For the life of me I can't figure out why the changes are being made. I looked at it, I read it a couple of times, and it seems to me that there's just a substitution of wording. Section 4 presently reads, with reference to the minister administering the fund: "and any income of the Fund accrues to and forms part of the Fund." Now the new wording: the minister "shall administer the Fund." So that's the same. And the part about accruing to and forming part of the fund is in (1.2): "Any income of the Fund accrues to and forms part of the Fund." I could go through this line by line, and I just don't see what difference the changes make unless there's some secret code here that I'm missing. I taught a course on the da Vinci code a couple of years ago at the U of A, so maybe there's some hidden code here, and I need to analyze it more carefully.

That's all I have to say, Mr. Chairman. This is housekeeping. I assume that there are some reasons why these changes have to be made. It would be nice to have a little bit of an explanation, and that's where I'll leave it.

The Chair: Are there others? The hon. Member for Edmonton-Strathcona.

4:10

Dr. Pannu: Thank you, Mr. Chairman. I rise to speak to Bill 13, Access to the Future Amendment Act, 2007. I just want to make a few observations. Over the last several weeks and months I've had the opportunity to meet with and hear from several postsecondary institutions who have expressed some concern about the effectiveness of the existing piece of legislation, of the government's actions that should follow from the commitments made in this piece of legislation, which have to do with the fund's intention to match private donations to postsecondary institutions.

This certainly, I think, was an idea that was welcomed by institutions, and we in principle agreed, although I had several critical observations that I made when the bill was first passed. One of the criticisms that I made was that a more stable funding framework would be better for institutions than one where they have to first of all seek the private donations and then hope that the government will match them.

The experience of the institutions over the last several years now has demonstrated that the matching from the government side hasn't kept pace with the undertakings that were given to these institutions in legislation. The size of the fund has not kept pace with the donations that are flooding into colleges and universities. A December 4 *Calgary Herald* report indicated that \$225 million has been raised by institutions, with another \$200 million waiting in the wings, but only \$48 million has been distributed, and this was shared

among all postsecondary institutions, a matter of great concern to the institutions affected.

In fact, just last week I received some information from the University of Alberta. The university is very concerned about having in fact to fund endowed chairs based on the money they will receive from private donations and without at the same time getting the same amount under the access to the future fund from government sources. So this has added to the financial difficulties for the university, and I'm sure that's the case with other institutions in the province as well. Mount Royal College, I understand, has received only \$3 million from this fund so far, which is only one-third of what it actually is owed according to this piece of legislation.

The main concerns that I have, Mr. Chairman, when speaking to this bill in this debate during the committee stage, are ones that are long standing. The institutions just cannot continue to rely on the access to the future fund for making their future plans. If they are to receive and attract more private donations, they have to be able to assure donors that the money from the government side will be forthcoming in good time. If that doesn't happen, that impairs, in my view, the ability of postsecondary institutions to attract donor funds, funds that are premised, of course, on the undertaking given by this government by way of this piece of legislation that those donations will be matched and matched relatively quickly.

So it is creating a kind of difficult situation for many institutions in the province. The University of Alberta, certainly, has contacted me and expressed that concern. It hasn't come from the president's office, I should say. This comes from some other sources, some faculty, because faculties and deans raise funds, seek private donations unless they've got them. They then proceed to establish the process through which an endowed chair is created. Once an endowed chair is created and an appointment to that endowed chair is made, then financial commitment kicks in. The university has to find the funds to finance that endowed chair.

Now, that financing is based on two sources of funding, one from the donation and one from the government side. The one from the government side has not been forthcoming. The university receives a very small amount of the funds that it raises from private donations for the purposes outlined in this act, and then the government doesn't deliver on this. So this puts institutions in a very, very, very difficult situation.

Mr. Chairman, I want to just go on record reminding the government, reminding the minister of advanced education, postsecondary education, that there's a problem here, and this particular change in the bill, the amendment proposed in the bill, doesn't address the real issues and the real concerns that the existing piece of legislation, Access to the Future Act, has created, has produced. Those problems need immediate action. They need immediate attention from the government. Otherwise, the whole purpose of the bill will get defeated in the long run, and universities and other postsecondary institutes will find themselves in a very precarious situation, an embarrassing situation where they have solicited and received private donations on the premise of the Access to the Future Act and the commitments made under it that the government will provide equivalent funds in a timely fashion so the institutions can meet their promises they make to these generous donors who have made available large sums of money.

I was at a function at the University of Alberta I think a year ago or a year and a half ago when the China Institute was formally opened. The Mactaggarts were there, who had made a donation of these very, very rare Chinese textiles and other materials going back several centuries, and the value of the donation that they made was \$37.5 million. Mrs. Mactaggart, who spoke at the function, in fact was very critical of this government's failure to come forth with the

funds to match the donation that they had so generously agreed to make on the assumption that their \$37.5 million will be matched by the government under the Access to the Future Act. They were very disappointed. Mrs. Mactaggart was very, very critical and unhappy about the fact that the donation that they made had not been matched several years after having made their donation.

I'm sure there are many other donors in a similar situation who are expressing their unhappiness and frustration with this piece of legislation, and my fear is that this amendment will not address the real concerns, the failure of the government to implement the commitments made in good faith. I think the government has broken faith on this with institutions, and I as one MLA who represents that university and is contacted on a regular basis by the university with their concerns want to take this opportunity to put this concern of postsecondary institutions related to the ineffectiveness of the Access to the Future Act on record.

Thank you, Mr. Chairman.

4:20

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

Mr. Hinman: Thank you, Mr. Chairman. It's a privilege to get up and speak on Bill 13. I guess the point that I want to bring up – and the hon. Member for Edmonton-Strathcona is an example of the dilemma that we're in in that the sponsor of the bill said earlier in *Hansard*: “The first amendment will expand the ability to make financial transactions from the fund. The scope of financial transactions will be broadened to allow the minister to use the fund to match private donations for scholarships.” That's the area, I guess, that I'm very concerned about.

I don't know. It seems to me that these guys have all these access to the future funds, sustainability funds. All of these, what they really are is just slush funds in order to promote the cause of the government in its need to prop itself up. I think it's an interesting situation here, where an individual has made the donation, and he's expecting a donation to match that. It sets up the political arena such that: I want to do this, and the government is going to match it. Why is it that the minister has the ability to do it on one occasion but not on another?

The basis of the real problem with these funds is that at the outset of looking at them, they look interesting. They're doable. It looks like it's going to be in the interest of the students. But I would argue, Mr. Chairman, that if they actually put the money towards the university and towards these things rather than hold them in a slush fund, it would actually make it more affordable for these individuals to go to school. More importantly, though, if we were really interested as a province and as a country in promoting our education system and all charitable organizations, what we really should be doing is looking at a system, as the Alliance has put forward, where charitable donations would be used as income deduction. Thereby people could donate to charitable organizations, schools that are accredited by the province in order to promote those that they feel are important.

The biggest fallacy of all of this, though, is that the do-goodness of the government really has to go and tax other people in order to match someone else's contribution. So what this is saying is that for Albertans who want to make a contribution to, for example, a university, the government now is in a position of power to go out and tax other Albertans to match that. Philosophically, it just seems wrong to me to say that we as a government will tax other individuals to match contributions, especially if they're our friends who the minister wants to accommodate and say: well, we'll tax other Albertans to match this.

I don't think it's in the best interests to broaden the scope and to

allow the government to give out more money with what isn't a firm and known formula. As the hon. Member for Edmonton-Strathcona says, it's actually upsetting donors who thought they were going to be matched and aren't. In the interests of the taxpayers of Alberta and for those who want to support and give charitable donations, we should come up with a much better method than slush funds that promote political connections and being able to promote ourselves, saying, "Look what good things we're doing" as we tax Albertans. Just put the money directly to schooling, directly to housing and those other areas, and it will in fact lower the costs.

So I need to speak against this amendment. I don't believe it's in the best interests of the students or the taxpayers or the education facilities that we're trying to help with this.

The Chair: Are there others? The hon. Minister of Health and Wellness.

Mr. Hancock: Thank you, Mr. Chairman. I'm not going to respond to the last speaker's comments. The access to the future fund was a very important step forward and actually has been hindered by its own success in terms of the encouragement it has given to Albertans to contribute to their postsecondary institutions.

I do want to just briefly reference the remarks made by Edmonton-Strathcona because I think that they were particularly unfair insofar as they referenced the Mactaggart gift. Members will recall that the Access to the Future Act was Bill 1 in this Legislature, and in that year in the throne speech in referencing the fact that this bill was going to be brought forward, there were two projects which outlined the power and the effectiveness that would be available under the access to the future fund. One of them was the Lois Hole Campus Alberta digital library, and the other was the Mactaggart gift to the University of Alberta which established the basis for the China Institute. Both of those were indicators of how the fund could work, and both of them have worked.

While there was a timing process, as I understand it, with respect to making sure that the funds were in place for the China Institute, that has in fact been done. That commitment has been met, and I wouldn't want it left on the record of this House that the commitment that was made in the throne speech in that particular year and the commitment that was made to funding that Mactaggart gift under the access to the future fund was not met because it has been met.

The Chair: Are you ready for the question on Bill 13, Access to the Future Amendment Act, 2007?

Hon. Members: Question.

[The clauses of Bill 13 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? Carried.

Bill 36

Alberta Corporate Tax Amendment Act, 2007

The Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Leduc-Beaumont-Devon.

Mr. Rogers: Thank you, Mr. Chairman. I'd just comment that this bill proposes to do some housekeeping relative to the budget of this year and to be in concert with the federal tax changes. I would look forward to comments from members of the House.

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

Mr. R. Miller: Well, thank you, Mr. Chairman. I thought I put a number of questions on the table yesterday in my comments during second reading, and I was hoping to have some response to those questions as we dealt with this matter in committee today. That is the normal practice of this Assembly, of course, that we get a response from the mover when we come into committee.

I'm not sure whether the member has some of those answers for me or if he wants me to read them into the record again or what, but it would be nice if we could hear some response to those questions.

The Chair: The hon. Member for Leduc-Beaumont-Devon.

Mr. Rogers: Thank you, Mr. Chairman. I do apologize to the member opposite. It was my hope to have those answers today, but I will commit to have those answers ready for the discussion for third reading.

Thank you.

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

Mr. Hinman: Thank you, Mr. Chairman. In the spirit of the bill I certainly stand and support it. We do need to harmonize and see that it's simple and straightforward. But I guess where I'm disappointed again, though, is that this government has taken the time to bring forth the Alberta Corporate Tax Amendment Act, 2007, yet it has failed to keep its commitment to lower corporate tax to 8 per cent. It's talked about it time and time again. We've had many corporations, I believe, that moved to Alberta because of the proposal of this government to work it from 12 down to 8 per cent, yet they seem to have stalled out when they've had huge surpluses, when they could make those commitments. I guess I just have to say that I'm disappointed that that isn't part of a corporate tax amendment. We should be looking at lowering the tax as this government has promised but has failed to do.

With that, I'll sit down and wait to hear other comments.

The Chair: The hon. Member for Edmonton-Calder.

Mr. Eggen: Thank you, Mr. Chair. I just want to make some very few brief comments on Bill 36, the Alberta Corporate Tax Amendment Act, 2007. Certainly, I think that these are welcome changes that will help to realize some additional funds for the government.

4:30

I just wanted to make note that the Auditor General's report in 2003-2004 recommended that the ARTC be revisited as the federal regulations had reversed the decision back in the early '70s, making the ARTC invalid. You know, this is an inevitable reaction, I suppose, to that.

Then in August 2006 the government of Alberta issued a press release stating that cabinet had recommended this review for royalty programs for deep gas, low-productivity wells, reactivated wells, and so forth. The results, in our minds, is that this restructuring would potentially bring in as much as \$200 million or \$300 million, that another \$186 million would be added to the provincial coffers. We seem to see that this bill will realize those things, and we do in fact support the bill.

I guess I would like to ask – and perhaps the hon. member who is moving this bill could give us that information as well at third reading – what might be the analysis of how much more funds this might realize as a result of the streamlining?

That would be my only question. Thank you very much.

The Chair: Are there others? The hon. Member for Edmonton-Rutherford.

Mr. R. Miller: Well, thank you, Mr. Chairman. I would just like to express my dissatisfaction with the proposal that we see answers to the questions that I asked in third reading. The member certainly understands that the time for proposing amendments, if we were to do so, is now, during the committee stage. I thought I asked some relevant questions, particularly in terms of the lack of indexing of some of the thresholds that are in here, and I was looking forward to having that information in front of us as we debated Bill 36. I'm going to guess that we're going to be dealing with a similar situation when we do 35 in a few minutes.

I just want to be on the record as suggesting that that really is not satisfactory to the Official Opposition. We support these bills. We've indicated that in the House. But I don't think it's the proper way to handle this, to allow this to move through committee without having the information in front of us. I want to be on the record as expressing that. I would really ask, quite frankly, if the Government House Leader might consider adjourning debate on these two bills until we have the answers to those questions in front of us.

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

Mr. Hancock: Thank you, Mr. Chairman. I think that's a fair request, and I would move that we adjourn debate on Bill 36 and then, if the House agrees with that, that we not call Bill 35 and move right on to Bill 37.

[Motion to adjourn debate carried]

Bill 37 Tobacco Tax Amendment Act, 2007

The 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 and speak to Bill 37, Tobacco Tax Amendment Act, 2007. This does increase the tax revenue from tobacco. It amends communication of information laws to be in line with the Freedom of Information and Protection of Privacy Act and other commodity tax acts and enhances the ability of government to transfer information with other governments in Canada. It also extends the time period for objections and allows for people to directly appeal to the court without having a minister review the appeal.

We're clearly in support of this bill, not only in terms of increasing the barrier to tobacco and thereby reducing the incidence of smoking and tobacco use but also in bringing in needed revenue to deal with the adverse effects of tobacco on our health care system, in our human activities. The toll on human life, both quality of life and quantity of life, in this province is second to none. It's the number one preventable illness in our society still. Particularly for young people, the cost is a significant barrier and must be sustained, and this tobacco tax increase will make us among the top tobacco tax areas in the country. This is leadership. This is what we expect

from this government. We on this side of the House will certainly be supporting this.

One of the questions that does keep revolving around this whole tobacco issue is how the money will be used and whether and when we will be properly investing with this revenue in some of the other measures that will help us to reduce the incidence of tobacco use, whether it's smoking tobacco or smokeless tobacco.

Are we doing all we can as a society to address some of the addictions problems and reduce the impacts on our health status, on our productivity, and on our health care system? It's a response to growing numbers of people across the province who are having respiratory problems, cardiovascular problems, and cancers that continue to plug our system and limit our ability. This is a progressive decision and will, I think, add significantly to the preventive elements in our public policy. Prevention has to be a primary focus if we're going to ever get a handle on some of the cost issues in our society.

It's quite clear that this is a progressive bill that we'll be supporting, and I thank you for the opportunity to speak to it.

The Chair: The hon. Member for Edmonton-Calder.

Mr. Eggen: Thank you, Mr. Chair. I had spoken quite extensively on this bill yesterday, and I was reflecting on the one aspect of it quite a lot here just yesterday evening and today. Again, I would just like to reiterate that I think the responsibility that we have in collecting these extra funds is to see that we target those funds to tobacco cessation programs. I believe as well that we can have the capacity here through the Legislature to encourage health benefits like Blue Cross and the health regions to in fact target those tobacco cessation programs. Here we are, like I said yesterday, with this remarkable new ad campaign that seems to hit hard, number one, but also suggests that you the person with the tobacco addiction has a medical problem.

So the next logical step for me is for us to say: "Okay. We're going to treat this through the public health care system, and we're going to target the new taxes that we would realize through this legislation to pay for that." That one-two punch, that sense of unity, I think would send a strong message. Plus, it would give the punch both financially and medically for medical practitioners to in fact achieve the ultimate goal that we are looking for in this legislation, which is to reduce tobacco use amongst Albertans.

I just wanted to reiterate and strengthen those comments here this afternoon. Thank you.

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

Ms Pastoor: Thank you, Mr. Chair. I would like to also be on the record as speaking to Bill 37 and certainly supporting it, but again I would like to echo some of the words that we've heard already. Increasing the tax is wonderful, but I really don't want to see it go into general revenues because it'll disappear into the black hole called general revenues. I really would like to see it go directly to cessation programs, but I also would like to see it go to education. I'd like to see the education of our youth, starting in kindergarten, about the dangers of smoking, both tobacco and certainly the smokeless tobacco, and also chewing. There's been many a young person who thought he was imitating a ballplayer and ended up with cancer in the mouth. I think that I would like to see some of those dollars go towards education.

4:40

I would reiterate that I feel very strongly that we have to pull our

dollars out of the heritage trust fund that go towards the stocks in tobacco companies.

Also, I would like to see some of this increase in dollars go towards helping those that now have the addiction, some of the older people that I've certainly worked with who are on oxygen, who have emphysema, perhaps cancer even at this point in time. Who are we to judge how people got addicted? I think that it's fine to be able to say to our young people, "Don't smoke," but I also think it's very judgmental to stand and say to someone who is older, who has the addiction and could well be suffering or dying: well, gosh, you shouldn't have started smoking. I just don't think that it reflects a civil society where, because we don't smoke, we are smug and say that we won't look after you. I believe that extra dollars should go towards the treatment of those that are suffering now.

Otherwise, I certainly approve. Hopefully, by increasing this tax, we will have a quicker result in terms of people not smoking.

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

Mr. R. Miller: Thank you, Mr. Chairman. I don't have a lot today – I think I spoke quite extensively on this bill in second reading yesterday – but a couple of things that I just wanted to question. Several sections in Bill 37, the Tobacco Tax Amendment Act, 2007, strike out the terminology "certified mail" as a means of communicating an objection or an appeal. Instead, now it reads that a person must file their objection either in person or through registered mail. Probably with a little more time, a few more hours of my life, I might have been able to figure this out on my own. I'm guessing that Canada Post no longer has a classification called certified mail, and it's now registered mail. If somebody could provide clarification on that, I would appreciate it.

Section 11 adds subsections (5) and (6) allowing for a person to have a minister approve an immediate appeal of a notice of objection, and if that consent is given, the person then has 90 days in which to appeal to the court. Then it says that they can appeal directly to the court without having the minister first hear the objection. It sounds a little confusing to me. I'm not a lawyer. I've acknowledged that several times in this House. One of the unfortunate things, I suppose, although many people would consider it fortunate, is that the Official Opposition does not have a lawyer in our caucus, nor, should I say, do we have the financial resources to keep a lawyer on retainer, so we're at a bit of a disadvantage, I suppose. That just seems a little confusing to me, and I wouldn't mind an explanation on that.

I talked yesterday about the area in section 32 that amends the act to allow for disclosure to anyone of information that

- (a) is readily available,
- (b) is in a summarized or statistical form, and
- (c) cannot, directly or indirectly, be associated with or identify a particular person.

This is information that would be made available to law enforcement agencies or investigative agencies that would be looking at situations involving fraud or illegal trading in tobacco products. I raised the concern yesterday in second reading about issues around privacy and just wonder what parameters are going to be in place to make sure that, in fact, this section 32 is adhered to and that personal information, identifying information is not made available in that circumstance.

Section 37 allows for a small amount owing, proposed in the legislation to be \$20, to either be collected or not collected. I think we're all familiar with seeing such allowances being made in other tax collection forms. I'm just curious whether or not the \$20 figure is something that would sort of be more or less universal across the board when we're talking about the collection of taxes or the

refunding of overpaid taxes and whether or not that is a change from current legislation.

Beyond that, Mr. Chairman, I think a number of people have talked about what a good step forward this bill will be, although I did suggest yesterday that I am concerned that it's much more about collecting revenue, i.e. a cash cow, than it really is about smoking cessation or a tobacco reduction strategy. I know that the health minister has attempted to market this as such, but the reality is that when you look at this small amount of money that we put into cessation and reduction strategies compared to the amount of tax that we're collecting, I mean, we're going to collect 10 times more tax as a result of this bill being passed than we currently spend on cessation and reduction strategies. In fact, a hundred times more will be collected in total than what we spend on reduction and cessation strategies.

It's clear to me that despite the minister's assurance that this is part of an overall strategy, as I said yesterday, we're not putting our money where our mouths are, and a lot more could be done. That's why I directed the young ladies that were up in the gallery earlier to review *Hansard* from yesterday and look at some of the minister's own comments in terms of the cost to society and the cost to our economy that smoking has. I think it's indefensible that we're spending only 1 per cent of the tax that we collect on those various strategies.

I think that will be the extent of my comments in committee stage. I look forward to the passage of this bill. We all support it on this side of the House, it would appear. I look forward to the early implementation of this. As I suggested earlier, when we were talking about Bill 45, I also look forward very much to the minister coming back to this House with some further concrete measures to curb the costs of smoking to our citizens. Particularly, I like the one that referenced where California has now made it illegal for people to smoke when there are occupants in an automobile under the age of 18. I think that that's something we should be moving forward to quickly, and I hope that the minister will take those remarks to heart.

Thank you very much, Mr. Chairman.

The Chair: Are there others?

Are you ready for the question on Bill 37, Tobacco Tax Amendment Act, 2007?

Hon. Members: Question.

[The clauses of Bill 37 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? That's carried.

The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I would move that the committee rise and report bills 45, 8, 13, and 37 and report progress on Bill 36 and beg leave to sit again.

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy Speaker: The hon. Member for Calgary-Nose Hill.

Dr. Brown: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following bills: Bill 45, Bill 13, Bill 37. The committee reports the following bill with some amendments: Bill 8. The committee reports progress on the following bill: Bill 36. I wish to table copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

4:50

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

Hon. Members: Concur.

The Deputy Speaker: Opposed? So ordered.

head: **Government Bills and Orders**
 Second Reading
 Bill 40
 Personal Directives Amendment Act, 2007

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

Mrs. Jablonski: Thank you, Mr. Speaker. I'm pleased to rise today to move second reading of Bill 40, the Personal Directives Amendment Act, 2007.

I would like to take this opportunity to thank the Member for Calgary-Shaw for her work during the review of this legislation and shepherding Bill 40 to this point. It's my pleasure to now take this important legislation through second reading and the remainder of the legislative process. In fact, I'm very excited about this legislation, and I hope to convince all my family and friends to make it a priority to have a personal directive written.

The Personal Directives Amendment Act will enhance the Personal Directives Act, a piece of legislation that has stood the test of time. For the past 10 years the Personal Directives Act has helped Albertans plan for a time when they may not be able to make their own personal decisions. The Personal Directives Act allows private citizens to write down their wishes about personal matters in case they're ever unable to speak for themselves. With a personal directive Albertans can lay out instructions for things like health care decisions or where they want to live or name a substitute decision-maker, called an agent, who will make decisions on their behalf, or use a combination of both. These documents help give Albertans peace of mind, knowing that their wishes will be respected.

Mr. Speaker, it's very important to know that a personal directive is very different from a personal will or a power of attorney.

When considering changes to the legislation, the government wanted to ensure that the amended Personal Directives Act would meet the changing needs of Albertans. To make sure changes were heading in the right direction, government held extensive consultations and really talked to Albertans about their experiences with this legislation. Through questionnaires, public meetings, and stakeholder sessions government consulted over 4,300 Albertans. These Albertans included doctors, lawyers, advocacy groups, health providers, private guardians, long-term care providers, and members of the public. They said they wanted personal directives to remain voluntary, and they were very clear about what they wanted to see in the legislation. They wanted it to meet the needs of a growing and aging population. The legislation should also be easy to use, understand, and access and include protective safeguards, and this is what the amended legislation achieves.

One of the ways this legislation is making personal directives easy

to use and understand is by providing a voluntary standard form. Albertans can choose to fill out the form or use it as a guide to help them write their own personal directive. The act will make personal directives easier to access by including provisions for a personal directives registry. This voluntary registry will allow health professionals to access the contact information of an agent in case of emergency, allowing the wishes of the person in crisis to be followed. The amendments also clarify the responsibilities of agents, service providers, and the writers of personal directives, making it easier for all involved to understand their roles.

Mr. Speaker, our population is becoming increasingly mobile, and Alberta continues to welcome people from throughout the country and the world. The Personal Directives Amendment Act will recognize other planning tools, like personal directives written outside of Alberta.

Personal directives will also be easier to use for parents with dependent children. The Personal Directives Amendment Act contains provisions that allow parents to plan ahead in case they're ever unable to make personal decisions. They will now be able to name a temporary agent who can care for their children until a formal guardian is appointed.

Protective safeguards are very important to Albertans. Under the new legislation there will be a new method to reassess capacity when there has been a significant change in a person's decision-making ability. There are times when a person who has an activated personal directive regains their ability to make decisions. A new process detailed in the Personal Directives Amendment Act will ensure that once an Albertan has regained their decision-making ability, the personal directive can be deactivated, giving them back control of their personal decisions. The personal directive will then lay dormant until it is needed again.

Another protective safeguard contained in the legislation allows the office of the public guardian greater investigative powers. Albertans said that they were uncomfortable taking concerns to court but wanted a way to ensure that concerns were handled carefully. Amendments to the act will allow the office of the public guardian to investigate complaints about agents after having received a written complaint. Complaints will be screened to ensure they meet the criteria in the act, which can include the agent not following the personal directive or the action of an agent resulting in physical or mental harm to the incapable maker. When necessary, the office of the public guardian can work to resolve the complaint, refer it to alternate dispute resolution, or take the matter to court.

The Personal Directives Amendment Act also contains provisions that allow the office of the public guardian to act as an agent of last resort. This mechanism will allow Albertans to have a substitute decision-maker even though they do not have a friend or family member who could act as an agent.

Personal directives speak for Albertans who cannot speak for themselves. Ensuring that this legislation meets the changing needs of Albertans will help it be even more effective over the next 10 years. The amended legislation will be easier for Albertans to access, understand, and use and will provide the protection they need. I urge all members to support Bill 40, the Personal Directives Amendment Act. This legislation brings peace of mind to Albertans and ensures that their wishes are followed in the event that they are unable to make personal decisions.

Thank you.

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

Ms Pastoor: Thank you, Mr. Speaker. I'm pleased to be able to stand and certainly support in principle this amended bill to the

Personal Directives Act. I'd like to just say a few words towards this bill and how it will help in my case, certainly, as someone who has worked within the health care industry, particularly with the elderly.

When someone is turned over to our care, it makes it so much easier when we are very, very clear on exactly what is expected of us. It's very difficult, in fact, in a nursing home situation and now probably in designated assisted living or assisted living to actually know how far to go when there has been some sort of a health episode with people that are in our care. I think this was probably long overdue, and I'm very pleased to see that these amendments have been done and have come forward at this time. I probably am going to have additional amendments where I think that the bill could be strengthened in some other fashion, but I would leave that until committee.

I think the other thing that this is going to help with is cutting down on elder abuse. It will give a mechanism to be able to protect elders from those that are actually their agents because there will be a chance to refer and have that agent's behaviour examined as to if they're actually abusing this person. Regardless of what the person has said, sometimes the abuse is on the side, but it would be able to protect them from that. Children also would be protected.

5:00

I think that when you do this form, which I think is a very good idea, I probably would go even one step further and ask that it be the only form that is used. When this form does come forward, it shouldn't just come forward as a piece of communication that this form is available. It should also come with some education so that whoever is going to use this form, either the agent or the person that then has to interpret it, we're all interpreting it in the same fashion because sometimes we're dealing with emergent situations, and you don't have time to double-check what was really meant by this person and what they had said on the form.

[The Speaker in the chair]

It would be nice to know when we sign these directives, as well, what our wishes are and that the person that we have entrusted will make sure that our wishes will be carried out and that it will just be so. I concur and certainly agree with my hon. colleague across that we should encourage people to have personal directives. I guess I would go even further to say that I think that the minute you turn 18 and become an adult, you should have a personal directive, particularly, I think, with our young people because from 18 to 30 there are huge traumatic episodes in terms of accidents. Many of our young people do become brain-injured and simply cannot make those kinds of decisions. More often than not they aren't married; their parents certainly are not their guardians anymore as they're adults. So I would really encourage personal directives being started at the age of 18.

There are a number of things that I would like perhaps considered. Considering the directives outside of Alberta, I think I would like a little more discussion on that. As a health care worker that has to work quickly or perhaps maybe work with a problem such as someone not speaking English as a first language, I think I would like a little bit more direction put in the bill on that one.

The other part that I think is good and that I'd like further discussion on is actually to be able to investigate complaints about the agent that is in place or, in fact, the public guardian, perhaps some safeguards for the public guardian when the public guardian has to assume that agency, and perhaps clearer regulations or clearer rules on exactly how the public guardian would fulfill their duties.

As I've said, I think this is very good, and as a health care worker

I certainly welcome it. I would ask that the House pass this bill through second reading to committee so that further considerations could be discussed that I believe I'll be bringing forward in the form of amendments.

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

Dr. B. Miller: Thank you, Mr. Speaker. This is a very interesting bill, and it's very important. It evolves out of a long history of dealing with the issue of personal directives and living wills.

Recently a study was carried out by Alberta Justice and Alberta Seniors and Community Supports, the legislative review of the Dependent Adults Act and the Personal Directives Act, final report recommendations, and I assume that the shaping of this bill is in part the result of that review.

I mean, this idea of having a personal directive or a living will is not actually very old, and it's interesting how the context for making decisions has sort of shifted. It's broadened. At one time, I guess, you know, it really depended on the decision of physicians and also teams of physicians and nurses and hospitals and perhaps an ethics committee in a hospital. But now the wishes of the patient are part of the consideration, a very important consideration, when treatment plans are to be put into place. This brings into the picture other persons; namely, the agents or the persons who are named in the personal directives.

A personal directive gives an appointed person, the agent, powers in relation to decisions about the patient's health and personal care. The Personal Directives Act, which was enacted in 1996, really tried to address issues that were really major problems with the law; in other words, at the time the failure of the law to provide for substitute decision-making authority in terms of emergency health care or treatment and also a failure of the law to provide individuals with a mechanism to voice their intentions. Now we have that mechanism with the permission to proceed with a personal directive or a living will. That's very important because it recognizes an important principle, which is discussed a lot in medical ethics, and that is the autonomy of the patient and the independence, the recognition that the patient has a right to express their own wishes and that those wishes be considered by the health care team when they lose their capacity to make judgments for themselves.

It's praiseworthy that this legislation puts in place a voluntary system and also something that is simple and easy to carry out. Now, of course, living wills are not perfect, and they're not an ironclad process. I think one of the problems with personal directives and living wills in the past was that even the best clearly written personal directives can't include all possibilities. Otherwise, you might end up practically writing a book to cover all the eventualities that might occur in terms of hospital care, emergency care. Even if you have instructions that apply to a particular situation, they're still open to interpretation and must be interpreted and translated into specific decisions at the moment of a person's crisis when they are in the hospital. But this is certainly a step forward. As I've studied the literature on living wills and personal directives, this I think is a really important step forward.

Mr. Speaker, I would like to especially pay more attention to one section in this bill which I find quite interesting, and as the hon. member who introduced this bill mentioned, I think it's an important protective safeguard. That is section 10.1, determination of regained capacity.

The main purpose of a personal directive, of course, is to lay out instructions for health care in case one becomes incapacitated. If you lose your capacity to make a judgment about what kind of treatment you desire, then you need to have specific instructions.

But the question becomes paramount: what happens if you regain capacity after having lost capacity? The question is: is the regaining of capacity sufficient for a person, then, to be considered competent to decide on their treatment? There's a bit of ambiguity here, which I don't think this bill really deals with.

I mean, a very important point to consider, which the bill does deal with, is the issue of authority: who makes the decision about whether a person has regained their capacity or not? The bill outlines a process of consultation with the service provider, the health care provider, consultation with the named person in the personal directive, the agent. That consultation might actually lead to the involvement of a physician and a psychologist, especially if there's disagreement between the agent and the service provider. So I think that outline is good.

The whole issue of capacity and defining capacity still lurks here as an important issue. In my reading of the medical ethical literature, much of the discussion of capacity has focused on the question of death because it was important for the medical establishment to define death in some way. One of the definitions of death that has been put forward is an irreversible loss of capacity for consciousness or social interaction. But, of course, if you regain your capacity, it's kind of moving from death to resurrection. So I think it's important to try to understand what it is we're talking about when we talk about capacity.

5:10

What does it mean to have the capacity again to make a judgment about your own treatment? What constitutes capacity? Is it simply attaining consciousness? No, that's not enough. You would have to have the capacity to be able to communicate, to reason, to make moral judgments, the ability to think and feel and relate to other people: your family and the doctors. I mean, these are important issues, and one of the things that's really important is that the patients be able to make the judgments in their own interests in terms of treatment plans that could be put in place.

Capacity is not defined in this bill. I guess it's left to regulations. As 10.1(5) states, it suggests that a decision about capacity is made in conjunction with regulations, but I'm not sure what those regulations are. Presumably, if there's a discussion or debate, an argument between the initial care team and the agent named in the personal directive, and the physician and psychologist come in to make a decision, then they are going to follow some sort of guideline, some sort of regulation to determine whether the person has capacity or not.

It's very interesting. I think, you know, this whole process is evolving through time, and we're getting better at dealing with these kinds of situations. I commend the makers of this bill for that section. Except for the fact that it doesn't really define what capacity is, it still outlines a process that needs to take place, and that's a protection for people who seem to lose capacity and then through the miracle, if I could say, of modern science and medicine regain capacity. And then it's really important that they are considered, that their wishes are taken into consideration. Then if they again lose consciousness, if they lose their capacity, of course, the living will or the personal directive comes into play again.

Those are the points that I wanted to raise about Bill 40. Thank you, Mr. Speaker.

The Speaker: Hon. members, Standing Order 29(2)(a) is available, should members wish to take advantage of it.

There being none, then I'll call on the Member for Edmonton-Calder, then Calgary-Mountain View.

Mr. Eggen: Thanks, Mr. Speaker. I look forward to this opportunity to make some brief comments on Bill 40, the Personal Directives Amendment Act, 2007. Certainly, as the previous speakers have mentioned, there doesn't seem to be a great deal to be concerned about with this bill, and certainly the whole concept of strengthening and broadening the personal directive option that's available to citizens here in this province is a commendable thing to do. It has lots of positive socioeconomic implications, and I think that it's part of the evolution of how we look at health care at all stages of our life.

I do however have a couple of specific concerns that I hope during the course of this debate will become more clear to not only myself but other individuals in the province that have expressed this concern to me, actually, and that is working with the personal directive and the guardianship of others for individuals who become invalid through medical problems, just to ensure the integrity and the protection of a person who might lose their independence and freedom through a personal directive type of document. I guess it's incumbent upon us here in the Legislature to ensure that every possible mechanism is available to an individual with a personal directive to be able to find a means to appeal and to clarify their position at any given point in time, whether they've been declared to be not in the capacity to make decisions for themselves or not. Of course, Mr. Speaker, this is perhaps the worst-case scenario. What we're talking about is an individual losing their right to be a person with all of the rights and freedoms and responsibilities conferred upon all of us through the law.

We must be very careful when we're drafting a document such as this that it's very clear that a person might have the capacity to appeal or to have assistance and a sober second opinion on their case if they have in fact been declared to be incompetent and the mechanisms in their personal directive have begun to be executed. Of course, with the vagaries of human nature being what they are, you know, people might and do take advantage of others in these circumstances.

I believe – and again I'm looking for clarification during the course of this debate – that the Mental Health Act deals specifically with defining whether someone has the capacity to make decisions for themselves or not. That being given, still Bill 40 and the personal directive document that is being drafted for an individual become the vehicle by which someone can be declared incompetent, or it defines the term somehow for someone if they are having physical difficulties. So I think that we have to be very, very careful to ensure that such an act or a bill as this one does not make it more difficult for an individual to protect their freedoms and to not be preyed upon by guardians who might wish to have someone declared to be incapacitated and to invoke their personal directive when, in fact, that is taking place against that individual's will.

Those are the general comments that I wanted to make in terms of concern, and I hope that we all get clarification on that during the course of this debate. Of course, all of us here could be in that same situation where you have a personal directive, and we want to ensure that it's invoked only in the most responsible manner and at the most appropriate time and place.

Thank you, Mr. Speaker.

The Speaker: Is there any member who would like to participate under Standing Order 29(2)(a)?

There being none, then I'll call on the hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you, Mr. Speaker. It's a privilege for me to stand and comment at second reading on Bill 40, Personal Directives

Amendment Act, 2007. I also want to congratulate the mover on this. It is progressive policy that will, I think, help to protect the rights and freedoms of individuals at the same time as balancing family and societal obligations and do this in a way that is ultimately going to serve the individual without compromising and risking the resources or the people around that individual and the family.

It recognizes patient autonomy. At the same time, it assists families in implementing with some direction the wishes of an individual, and that's important. It also has addressed some of the inadequacies of the Personal Directives Act with respect to determining regained capacity, the care of minor children, the voluntary registration of personal directives, the investigation of complaints, and new powers of the public guardian to investigate and act on complaints as well as to collect information relating to the personal directive.

As it sits, there are some important measures to guard against abuse and neglect and exploitation of individuals, and I commend again the movers. This will improve our confidence in this important role for the public service around health care, social services, and meeting the needs of individuals in our society.

The Personal Directives Act addressed a gap in law by providing individuals with the ability to plan for their own incapacities, and now we recognize that some changes are needed to safeguard against exploitation of those very rights and options for individuals who do take the initiative. Prior to Bill 40, the personal directive had no public oversight, and we believe that this is an important amendment.

5:20

There are perhaps some minor suggestions we might make to strengthen it further, and that would have to do with some of the issues around directives made outside of the province, the investigation of complaints by the public guardian and how to ensure that all sides have an opportunity to be heard and acted upon, and the duties of the agents, which are not as clearly spelled out as they might be.

But given those caveats, we're on this side very supportive of this bill and look forward to further debate and discussions in third reading. Thank you, Mr. Speaker.

The Speaker: Any participants under Standing Order 29(2)(a)? Other participants? The hon. Member for Red Deer-North.

Mrs. Jablonski: Thank you, Mr. Speaker. I have listened to the debate in second reading on this Bill 40, and I just want to assure the members opposite that I will be bringing back the answers because I feel this is a very good bill and a very strong bill. I do not have the answer right now to answer who decides when capacity has been regained, but there's a very good process and a very safe process, a protective process.

Then also the directives made outside the province. I just want to say so that you can think about this. I raise the issue of the fact that my mother visits regularly from Ontario, and if she has a personal directive in Ontario, would we recognize that here in Alberta? The answer to that is yes, as in Ontario my personal directive would be recognized there.

I'll bring back some more answers, and hopefully we'll all be on the same page on this one because it is a great response to something that's badly needed in our society. Thank you very much.

[Motion carried; Bill 40 read a second time]

Bill 38 **Government Organization Amendment Act, 2007**

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

Ms DeLong: Thank you very much, Mr. Speaker. I'm pleased to rise to speak to second reading of Bill 38, the Government Organization Amendment Act, 2007. Bill 38 would implement an enforceable dispute resolution process under the Alberta-B.C. trade, investment, and labour mobility agreement, or TILMA. It would permit a penalty imposed by an impartial dispute panel established under TILMA to be filed in Alberta courts. This amendment parallels legislation introduced by our partners in B.C.

As the hon. Minister of International, Intergovernmental and Aboriginal Relations mentioned previously, the TILMA itself lays out the dispute resolution process. By permitting a penalty imposed by a TILMA dispute resolution panel to be filed with the courts, as this amendment proposes, this process would have some teeth.

Mr. Speaker, one of the shortcomings of the pan-Canadian agreement on internal trade is that it does not have an enforceable dispute resolution process. The TILMA enforceable disputes resolution process signals the commitment of the governments of Alberta and British Columbia to eliminate needless impediments to trade, investment, and labour mobility between provinces within our own country.

The TILMA has a three-step dispute resolution process: first, dispute avoidance; second, consultation; finally, if none of those are successful, three, resolution through an impartial panel. In the third step complainants will be able to make their case before a dispute panel. The panelists are independent and impartial. They have the ability to levy a financial penalty against a government but only if it does not change a measure that has been found to violate the TILMA. The maximum penalty is \$5 million.

Monetary awards under the TILMA are only available if a province has acted contrary to the agreement and only if that province does not comply with the panel ruling. This is to encourage compliance, not to compensate individuals or companies for business losses. Private parties cannot sue through the courts for damages under the TILMA. They can access the dispute resolution process, and they can seek recourse only on measures related to trade, investment, or labour mobility. Under the dispute resolution process only one dispute can be launched on what is essentially the same complaint at any one time. That allows a situation to be supported or corrected, reducing grounds for further complaints. To reduce the likelihood of frivolous complaints, the dispute panel can charge the full costs of a dispute resolution process to losing complainants.

The hon. minister of international and intergovernmental affairs has already outlined one example, Quebec coloured margarine, of how Albertans are hurt by the lack of an enforceable dispute resolution process under the AIT. Let me briefly give you a couple more. In 2004 an AIT panel agreed with Alberta that credit unions and Treasury Branches in our province would be hurt by proposed changes to federal regulations governing the way the cost of consumer loans are explained. Mr. Speaker, almost three years later we are still in discussions with the federal government about those proposed changes. Also in 2004 another AIT panel agreed with Alberta that Ontario's Edible Oil Products Act was inconsistent with the AIT. Ontario repealed its act. However, we are now concerned that Ontario has gone through the back door and introduced the same restrictive measures under its Milk Act.

Mr. Speaker, approval of the amendment that is before us will give the TILMA dispute resolution process teeth. TILMA panel decisions will be enforceable, unlike the decisions handed down by AIT panels that some Canadian governments have seen fit to ignore. I encourage all members to support Bill 38, the Government Organization Amendment Act, which will make penalties handed

down by TILMA dispute resolution panels enforceable by the courts.
Thank you very much, Mr. Speaker.

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

Mr. R. Miller: Thank you very much, Mr. Speaker. I have to say at the outset that the Official Opposition will not likely be supporting this bill, and I'm happy to tell you why if you can't guess why. Although we've long been in favour of reducing trade restrictions with our neighbouring provinces – and, in fact, our leader recently released a vision statement called the Western Tiger, where we contemplate growth initiatives to . . . [interjection] Well, now the health minister is saying: shipping our bitumen east and west. Yes, that's exactly what it contemplates as opposed to sending it south across the border. Clearly, the vision is to create an economic western tiger, so that in itself would indicate, certainly from a high-altitude perspective, that we're in favour of things being done that would increase trade with our neighbouring provinces and reduce the number of restrictions to that.

However – and this is a really important point – there has never been any debate on the TILMA agreement in this Legislature. Full debate took place in the B.C. Legislature and none in this Legislature. That in and of itself is all the reason that I need to stand before you, Mr. Speaker, and the people of this province and say that I cannot support anything that moves TILMA into legislation by amending the Government Organization Act without first of all having a proper debate of what TILMA is and what the ramifications will be and addressing the concerns that have been raised by various stakeholder groups by acknowledging the good things that TILMA would do. Many groups are fully in support of TILMA. It's not so much the vision. It's not so much the concept of improving trade with neighbouring provinces and making it easier to take place. It's simply a question of the process or in this case the lack thereof, whereby we suddenly have an agreement foisted upon the people of this province, the businesses of this province, the trade unions of this province without proper debate ever having taken place in this body. That is clearly the concern that we have.

5:30

Now, I'd just like to go through some of the stakeholders that have been in touch with us or have publicly commented on the TILMA agreement up until this point. Certainly, Gil McGowan from the Alberta Federation of Labour is quoted as saying that TILMA is a wolf in sheep's clothing and that it is a way for companies to control elected decision-makers. I don't think anybody in this House would contemplate that as being a good thing if, in fact, it proves to be true.

The Canadian Centre for Policy Alternatives is not explicitly against TILMA being put into place, although they're openly against NAFTA and clearly skeptical, Mr. Speaker, about the need for TILMA in the first place.

Interestingly, the Ontario Federation of Labour – and I know the mover of the bill in second reading has referenced Ontario and some of the concerns that the Alberta government has with Ontario – has issued a review of TILMA done by the law firm Sack Goldblatt Mitchell LLP of Toronto, and they state that

TILMA represents a far reaching and corrosive constraint on the future capacity of the governments of British Columbia and Alberta to exercise the policy, legislative, and programmatic authority that is essential to their governance mandates.

They're clearly advising that Ontario and any other province should not adopt TILMA-like obligations without – and this is important – “the fullest and informed public discussion and debate.” Again, that is something that has not taken place in this Legislature and causes us untold concern.

The Canadian Union of Public Employees is against TILMA. They say, “TILMA will provide multiple grounds for challenging governments' right to regulate based on a myth – that there are substantial inter-provincial trade barriers.” Well, I'm not so sure, quite frankly, whether or not I would agree that there are substantial interprovincial trade barriers, but clearly there are still some. Clearly, they don't necessarily serve this province well, and they don't necessarily serve our neighbouring provinces well.

I've raised a number of concerns, and one in particular that even the Minister of Finance has acknowledged is the concern about the future of the Alberta Treasury Branches with the implementation of TILMA. I know that financial institutions were given a little bit of extra time before the TILMA agreement applies to them; nevertheless, Mr. Speaker, at some point in the not-too-distant future the Alberta Treasury Branches are going to as a result of TILMA be required to operate on a level footing with financial institutions that do business in both provinces. It's unclear to me to this point – and I think even the Finance minister acknowledged that it's unclear to the department – just exactly what ramification the implementation of TILMA will have on the Alberta Treasury Branches.

So here we are now amending legislation to ensconce the TILMA agreement into legislation and yet never having had the debate in this Assembly as to exactly what TILMA is, what the implications of TILMA will be, whether or not it in fact accomplishes the things that the agreement is set out to accomplish in the first place. So grave concerns over the manner in which this is being done, probably more so, Mr. Speaker, than the content of the bill. It's just concerns over the process or, as I indicated, the lack of process.

I think I'm going to allow others to speak in second reading. I know for sure we'll have much more to say when we get to the committee stage, Mr. Speaker, and perhaps be looking for some amendments to come forward as well. Thank you.

The Speaker: The hon. Member for Edmonton-Calder to participate. Please proceed.

Mr. Eggen: Thanks, Mr. Speaker. Certainly, I rise with a tremendous amount of interest to make comments on Bill 38, the Government Organization Amendment Act, 2007, here in second reading. You know, I find it a bit rich that this appears before us here now when all of the work and negotiation and drafting of this TILMA agreement was done behind closed doors and outside of this legislative office. In fact, Bill 38 is just the final little piece that's required to actually get the TILMA ball rolling, so to speak, to have a disputes inquiry board and all of this. It's like debating after the facts the substance of the TILMA agreement as drafted privately between British Columbia and Alberta.

I think all Albertans should take notice of what's going on here, British Columbia as well and other Canadians too, because this legislation and the governing structure of TILMA are definitely taking bites out of the autonomy and the capacity of different provincial Legislatures and municipalities to govern and to have the responsibility over the areas that they should be legislating on. You know, it's regressive policy in the worst sort of way, and we hope that we can certainly at least have this recognized in a wider context by the public here by debating this Bill 38. Perhaps that will be the only positive thing that could come out of it.

The Alberta New Democrats are rejecting this bill based on a lack of democratic principles, which it represents. The bill takes away democratic and governmental accountability and, I would say, holds it hostage to private and corporate business interests. This conflict resolution bill as described here is similar to the function of the WTO. According to many groups who have criticized this consider-

ably, for example the Council of Canadians, nine out of the 11 rulings of the WTO where governments tried to defend their regulations in fact came up short.

This bill cannot be amended, in our view, in any meaningful manner given that the governing structure of TILMA is in fact not contained within this bill. It becomes almost a bit, well, not just ironic but hypocritical to consider debating this when the substance and the effects are not contained in this piece of legislation. This bill, though, I see as the central kind of a binding element that TILMA needs to get under way, so I urge all members here in the Legislature to reject this bill.

You know, it's interesting to see how the debate is taking place as we speak here. We're doing this here in Alberta. In British Columbia this also is being debated now, and it's interesting to see how that is unfolding because it does give us a very, I guess, strong illumination that people are not happy with the bill in British Columbia either.

I believe that this bill does not represent the public interest; it represents private interest in the most narrow sort of manner, and it's akin to the privatization of the legislative process that we represent here in this House. It's a legal document that will give special rights to individuals and to corporations to sue the provincial government or municipalities if it's deemed that the regulations or the laws or the bills or the bylaws of municipalities and provincial governments are getting in the way of the business interest of that corporation.

I believe that the fears that have been expressed through different labour organizations and the Council of Canadians and municipalities across both British Columbia and Alberta are very well founded. The potential for the reduction of standards in both provinces, of labour standards, of safety standards, of food and health standards, environmental standards, social values – all of those things are put at risk here potentially by what seems to be this bill that's meant to create so-called efficiencies. I find that highly ironic and very troubling, too.

5:40

You know, a lot of the arguments that are being made in support of TILMA I find to be spurious at best. The Constitution of the country of Canada has always banned genuine interprovincial trade barriers and, really, very, very few exist. That seems to be the Trojan Horse by which TILMA is proceeding. What many commentators call interprovincial barriers are, in fact, just regional differences between provinces. All the economic evidence that I've seen indicates that these differences really don't have a big effect on interprovincial trade as such. What TILMA is aiming at is to lower the standards through the laws that are created by different provinces and different municipalities between British Columbia and Alberta.

Of course, the TILMA founders would like to dream that other provinces would like to join as well. I find it interesting that other provinces have not in fact said that they would go along with this. Perhaps we should find a message and a lesson in that rejection by other provinces of the principles of TILMA.

In fact, looking at some of the arguments, the Conference Board of Canada made all of these wild claims that the impact of TILMA would realize so many billions of dollars. I would refute that quite stringently. The Conference Board of Canada estimated that we would realize so many benefits from this change in the trade procedures between British Columbia and Alberta. For example, they say a 3.8 per cent increase in B.C.'s GDP, which seems impossible, considering that only 5.4 per cent of B.C.'s GDP actually went to Alberta in terms of interprovincial exports in the last available year. So it seems illogical that such an outlandish increase in their GDP would be realized through TILMA.

There is just a whole range of problems associated with this, not the least of which, I believe, is the devaluing of the legislative processes that we are entrusted to keep here in this Legislature and the British Columbia Legislature and all the municipalities along the way. Who is to say that a civil suit should bear more value than the legislation and the due process and the consideration that people have in each region in terms of their, say, environmental concerns that they have for their region or for labour concerns that they have for their region or food or safety?

There is just a whole range of things that we do and I think do quite well in terms of having regional government that should not be superseded by a dispute mechanism that they're suggesting here with TILMA, which amounts to no more than people sort of suing each other in a race for the bottom, the lowest common denominator, which is just to make a buck somehow. I find that to be reprehensible, and certainly I will stand in the way of this bill and any other TILMA legislation.

Thank you.

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

Further participants? Hon. Member for Lethbridge-East, do you wish to participate?

Prior to calling on the hon. Member for Lethbridge-East, could I avail upon the Assembly to give permission to introduce some very special guests that are here today?

[Unanimous consent granted]

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

The Speaker: In both galleries are a number of former members of the Alberta Legislative Assembly who have served with distinction in the past and are here to enjoy this evening at the first former MLA dinner. Members will recall that a bill put forward by the hon. Member for Wetaskiwin-Camrose gave rise to the creation of the Association of Former MLAs.

I'm going to introduce those that are here, and I'll just ask them to rise as I introduce them. Would you just kindly withhold your recognition until we have concluded this. Dennis Anderson, a former Member for Calgary-Currie; Bill Bonner, a former Member for Edmonton-Glengarry, and his wife, Jeanne; Fred Bradley, a former Member for Pincher Creek-Crowsnest; Dave Broda, a former Member for Redwater;

Dr. Walter Buck, former Member for Clover Bar; Jack Campbell, former Member for Rocky Mountain House, and his wife, Donna; Bob Clark, former Member for Olds-Didsbury; Bill Diachuk representing Edmonton-Beverly, and his wife, Ollie, I believe is here as well; Keith Everitt with his wife, Thelma – Keith represented St. Albert, and also with him is his grandson Dennis – Alderman Ed Gibbons, former Member for Edmonton-Manning; Alderwoman Karen Leibovici, former Member for Edmonton-Meadowlark; Mary LeMessurier, former Member for Edmonton-Centre; Jon Lord, former Member for Calgary-Currie; Jim McPherson, former Member for Red Deer; Mary O'Neill representing St. Albert; Leo Piquette, former Member for Athabasca-Lac La Biche, and his wife, Mary; Bill Purdy, Stony Plain; Dr. Ian Reid, the former Member for West Yellowhead; Ray Reiersen, former Member for St. Paul; Dr. Horst Schmid, former Member for Edmonton-Avonmore; Gary Severtson, former Member for Innisfail-Sylvan Lake; Tony Vandermeer, former Member for Edmonton-Manning; Julius Yankowsky, former Member for Edmonton-Beverly-Clareview; Les Young, former Member for Edmonton-Jasper Place, and Helen, I believe, is here as

well. We also have with us the widow of former Speaker Art Dixon, Marguerite Dixon, and her daughter. Art represented the constituency of Calgary-Millican. That's the past, and it's also the future. Welcome to our distinguished guests. [applause]

Well, that was very nice, hon. members. Thank you very much.

head: **Government Bills and Orders**
Second Reading

Bill 38
Government Organization Amendment Act, 2007
(continued)

The Speaker: For our distinguished visitors the Assembly is currently debating Bill 38, the Government Organization Amendment Act, 2007. We're in the second reading. I'm going to call on the fourth participant, the hon. Member for Lethbridge-East, to present her remarks.

Ms Pastoor: Thank you, Mr. Speaker. I will be very brief. One of the things that bothers me the most about this bill is that absolutely nobody seems to know about it. I've spoken to people. I've certainly spoken to municipalities in southern Alberta. Many of them say that they don't have a clue. Probably that's because it was not debated in this House, where it should have been. So that's one of my concerns.

I won't go into some of my other, deeper concerns because they've already been addressed, and we will be speaking about it again, but I really believe that the main thing about this bill is that nobody knows about it. It's very important, and it will change the way we operate. For instance – and I'll speak about nurses – the standards in B.C. are not quite on par with ours. If we pass this bill that's coming up, the Health Professions Statutes Amendment Act, the actual self-regulation will turn over to the minister. Under TILMA the minister will be able to do things that probably the nurses in this province will not be happy with or, in fact, probably the doctors because they will lose that power for self-regulation, which then levels off the two professions. I think that that can be very problematic in terms of how health care agencies actually self-regulate.

I'll stop there, but the fact that no one knows about it is very, very troubling.

The Speaker: Hon. members, Standing Order 29(2)(a) is available. Others? The hon. Member for Calgary-Elbow.

Mr. Cheffins: Thank you, Mr. Speaker. As you might imagine, I'm trying to get up to speed on any number of bills. This one strikes me as being one which really deserves careful consideration. I think we'd all agree that there are implications for this bill. Just upon quick reading of it, I mean, realistically the object of the bill, to enable the government to pay out any penalties that may be awarded against the province due to a claim under the trade, investment, and labour mobility agreement, is a lot in and of itself. The impacts and the outcomes are very huge. The act recognizes TILMA as an agreement to which Alberta is liable and in which the province participates, the mechanisms by which that agreement operates, or an adjudication panel and potentially fines. We are talking about \$5 million for a single infraction.

5:50

This is something that I know our caucus is going to want to try to pay particular attention to, particularly because of some of the points that have been raised here. With regard to the democratic

process, as far as this goes, this is of concern to me. I mean, this is a far-reaching piece of legislation that I think deserves the full debate of the House. I'm quite concerned, in fact, that from what I understand from one of my colleagues, this received fuller debate or considerable debate in the British Columbia Legislature. I'm quite at odds to try to figure out why it is that there hasn't been full debate in this particular Legislature. It's the democratic process that I'm concerned about here, and I'm, frankly, happy to be able to rise this early on to be able to address that. I would think that that should be something that would be a concern to all members of this House.

There are concerns about the measures to be in place that form the obstacles to trade, investment, and labour mobility. We understand that. We understand some concerns around article 6. Realistically, I mean, ours is a free-enterprise party. We recognize that trade agreements can have great benefit to business, consumers, and governments. Clearly, when unnecessary barriers to trade, investment, and labour mobility exist, we should work to remove them. But I'm not sure that there's been a full debate on that and on the ramifications of it. TILMA could have incredible influence on future government behaviour, and we therefore definitely need detailed discussions about it in the Legislature. If more and more policy areas come under its scope, as seems to be the intention, then this need becomes ever more important.

Again, it's an issue of transparency and accountability. This government has talked about transparency and accountability. Well, if that's the case, let's take our time and let's have a full debate so that the public can take a full look at this important piece of legislation and the ramifications of it.

We need to know exactly what areas of policy are to be included under TILMA. The agreement is not clear on this matter. What government policy is going to have to change? If none, then why have the agreement? But if some, then what? Albertans need to know, and we're looking to this government to have a debate in this House so that we can find out what changes will be forthcoming. All we're asking for is a debate here. We're not getting that, and we need to know why.

Thank you, Mr. Speaker.

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

Mr. Eggen: Well, thank you for those comments. I said previously that I have a serious democratic concerns about this bill. I would like to ask you a question. Hypothetically, let's say, what happens if the city of Calgary decides to go on a green policy to have a higher percentage of renewable electricity being purchased through the municipality and then through a disputes inquiry board a private power company says: we'd like to take the city of Calgary to task on this because it interferes with our right to sell our electricity to the city of Calgary? What would you envision with this TILMA thing?

Mr. Cheffins: Well, I think you raise a valid . . .

The Speaker: Hon. Member for Calgary-Elbow, through the chair, please. Please proceed.

Mr. Cheffins: Thank you, Mr. Speaker. I think you raise a valid question here. I think that there are concerns about the breadth of this bill and how it is that it's going to affect Albertans. But I think you also raise questions with regard to how this will unfold. What are the administrative ramifications? What are the ramifications with regard to various levels of government? I would expect that some of the members of this House, including ministers, would have

questions about that. We'd like to see those kinds of issues raised and debated fully so that we can really get at what's best for the province on this particular bill.

The Speaker: Others?

The hon. Member for Calgary-Bow to conclude the debate.

Ms DeLong: Thank you very much, Mr. Speaker. There are a couple of comments that you've made that I'd certainly like to address, and the other ones we can bring forward later. First of all, in terms of debating TILMA, TILMA is available to you. It has been available since April of '06. According to custom, when we bring forward things into the Legislature, that is how we debate them. This is your opportunity to debate. It is available to everyone. This is a wonderful time. We are in front of the Legislature, and the way that we debate issues within the Legislature is that we bring through legislation and debate it. We can deal with the rest of the questions later.

Thanks very much.

[Motion carried; Bill 38 read a second time]

The Speaker: The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Speaker. In view of the hour I would move that we now call it 6 p.m. and adjourn until another day starts tomorrow for us at 1 p.m.

The Speaker: Before calling that question, just a little update. About 30 minutes ago there was a flurry of activity in this Assembly when a number of hon. members went to the Legislative Assembly of Alberta website, and on that page called Elected Members of the Assembly the following statement was in it: writ has been dropped. So this has now been fixed. It was fixed at 5:55. We will investigate what this was – if this is a renegade employee, a hacker, a computer glitch – and report to the Assembly tomorrow. But false alarm.

[Motion carried; at 5:58 p.m. the Assembly adjourned to Thursday at 1 p.m.]

