

Legislative Assembly of Alberta

Title: **Tuesday, May 16, 2006** **8:00 p.m.**
 Date: 06/05/16
 head: **Government Bills and Orders**
Committee of the Whole

[Mr. Marz in the chair]

The Chair: I'd like to call the Committee of the Whole to order.

Bill 20 Freedom of Information and Protection of Privacy Amendment Act, 2006

The Chair: The committee has been discussing Bill 20, the Freedom of Information and Protection of Privacy Amendment Act, 2006. The hon. Member for Cardston-Taber-Warner still has 17 minutes.

Mr. Hinman: Thank you, Mr. Chairman. The Blues aren't back, so I don't know where I finished. Maybe I'll be a little bit repetitive here, and I apologize for being redundant.

We were talking, though, about a castle and about building the walls higher, the walls thicker, the moat deeper, and more water. I think the problem that they're looking at, Mr. Chairman, is that they don't realize that this castle that they're building doesn't include all Albertans though I believe they truly think that it is protecting all Albertans. So as they build their castle, there are more and more that feel outside, and they can't get through. They're being pushed away and are wondering: "What kind of government is this? They don't even let me inside the castle, and the walls are too high to see over." They definitely feel pushed to the outside.

The Chair: Hon. members, I know that the committee is a less formal part of the process, but we still need to keep our side conversations down so that we can hear what the speaker is saying. Right now the Member for Cardston-Taber-Warner has the floor.

Mr. Hinman: As I started out, what I was looking at, Mr. Chairman, was the fact that the House leader explained about democracy and the importance of it. I guess I have to wonder: if we can't filibuster in here and we don't have recall, how could the people ever possibly stop a government from doing something that they don't go along with? They seem to have a divine right to rule for four or five years and then can never be stopped. This isn't in the interest of the people.

But what I find really interesting and curious about this: though this government says that recall is wrong, I definitely remember that in November 2004 the people gave a mandate to the Premier, who was very much up front and open in saying: I'll be here for three-plus years before I step down. Yet he's been recalled by his own elite members of his party and turfed and told to leave. If you don't believe in recall, why do they allow their own leader to be attacked? So there are some questions that need to be answered there for the people of Alberta because they voted him in with a three-year mandate, yet he's not going to be able to complete what he promised to the people of Alberta because of his own members.

You have to ask the questions, you know, on private corporation versus a public corporation, and what openness should be there. We understand very well the difference in what's allowed. The House leader, I believe, was the one who spoke and said that we didn't understand and that they've got to be repetitive and go over and over it. I guess I just want to point out to the House leader – and I don't

know whether the hon. member was lazy or whether the reporter was lazy – that we have almost the identical, the same words talking about:

The subtler problem is that the legislation could give the government the power to append other important documents to the formal briefing notes – and by doing so, put them off limits, too. In other words, a ministerial assistant could potentially take an embarrassing internal memo or departmental report, put it into the same binder with the briefing notes as an appendix and suddenly make it a classified document.

So I think that not only do you need to say to the members of this opposition that we don't understand. I think it's more important that you get out and tell Albertans because I think a lot more Albertans read the *Edmonton Journal* than they do *Hansard*. It's not a secret that's inside this House and what's going on there. That's what's being reported in the papers, and they would do well to follow that.

Paula Simons comes forward with some more interesting points that I'd like to read into *Hansard*.

Internal financial problems the government doesn't want us to know about? They'll be top secret until it's far too late to raise the alarm or fix the problem.

So why should you care?

After all, you're probably not an investigative journalist . . .

An Hon. Member: Is this on the amendment?

Mr. Hinman: We're long past the amendment. You should keep up on things.

. . . just an ordinary citizen. The May sun is shining, the Oilers are leading the Sharks three games to two. Perhaps you'd prefer the government get on with doing its job efficiently, without nosy reporters poking into private matters that don't concern them.

Except that everything our government does is a public matter – and your direct personal concern.

We don't work for Ralph Klein and his crew. They work for us. Every cabinet minister is your . . .

I apologize. I'm sorry. I was reading the news clipping. I'll retract that.

We don't work for [the Premier] and his crew. They work for us. Every cabinet minister is your employee. So is every civil servant. We hire them with our votes . . .

The Chair: Hon. member.

The hon. Government House Leader.

Mr. Zwozdesky: I don't mind him making a speech per se, but *Beauchesne* is very clear in cautioning members from quoting extensively from public documents. So perhaps we could just be reminded of that and ask the member to stop and carry on with the rest of his comments.

The Chair: The hon. Government House Leader is absolutely right, and I was on the verge of bringing that to your attention. So if you would please carry on.

Mr. Hinman: I thank the hon. Government House Leader and the chair for reminding me of that. I didn't think it was long. I thought it was short. So I apologize. I wasn't trying to just use up time. I would highly encourage the government members to read the article. It puts out some very good points.

The secrecy that goes on isn't good. I talked earlier about a past Prime Minister who was saying that the electorate wasn't smart enough to understand. This is very much the same problem. We've tried to reform health care, and I think everybody in this House

agrees on that, that we need to reform it, but secrecy hasn't worked, and it's been brought forward three times. What are the briefing notes that go in there?

I would put forth to this government that they might be amazed if those briefing notes and those opinions were there and we were to educate the electorate rather than smothering them with smoke and trying to flash them with fancy mirrors so that they can't see it. That's what good government is: it's leading the people. I don't believe at all that it's an incompetent government that, after it puts out its ideas and listens to the people, retracts them and says: gee, we've got to rethink which pathway we're going down here. The Premier has been very good, when he's floated ideas in the past and then found them unpopular, at retracting them and going back on it.

We're very much in a position where it seems like we're in a small town and there's only one restaurant, and that restaurant says, "Everybody has got to come and eat what I'm going to feed them." They're not even allowed to know what's on the menu. They say, "Oh, we wouldn't feed you anything that isn't for your good health," not realizing that there might be allergies and things, and saying, "No, what we have is good."

The people will reject this. It is a bad thing if Bill 20 passes. They're not going to be pleased with it. As they push forward, it will be to their detriment after the detriment of Albertans, unfortunately. [interjection] Are you whining or someone else? I'm not sure.

Mr. Chairman, there are many aspects of Bill 20 that have been brought up that Albertans are upset with, that opposition members are upset with. I even had one person from this House talk to me that isn't in opposition, and he said: "Maybe what we need to do is amend the name. It should be perhaps the respect the dead and protect the skeletons bill. That would maybe be more appropriate."

Graham Thomson in his article recently said that the best thing to happen would be for the House to recess tonight. [interjections] I'm not reading anything. You guys, pay attention. It's unbelievable. Moaning and moaning. You'd think you were a Canadian Tire advertisement as soon as someone says something they don't agree with.

The Chair: Hon. member, could you please direct your comments through the chair?

Mr. Hinman: I'd appreciate that, Mr. Chair. I can't even hear myself think. There's so much moaning and nah, nah, nah that I thought it was a Canadian Tire advertisement. They're still continuing.

Anyway, Graham Thomson, who says that he's always complained how short the House has sat, is now saying that the best thing that could happen would be to shoot the old nag before she reaches the finish line on Thursday. I'd have to agree. It would be to the benefit of Albertans.

An Hon. Member: Is this on the amendment?

Mr. Hinman: Where has everybody been, Mr. Chairman? Maybe you need to tell them that we're on Bill 20 and that they've invoked time allotment. [interjections]

Chair's Ruling Decorum

The Chair: Hon. members, the hon. Member for Cardston-Taber-Warner has the floor, and we are speaking on Bill 20. The amendment was dealt with before recessing at 5:27, so we are now on the

bill, the Freedom of Information and Protection of Privacy Amendment Act, 2006. If the member would please continue and if the rest of the Assembly would please allow him to do so, we may make some progress.

Hon. member, please proceed.

8:10

Debate Continued

Mr. Hinman: Thank you, Mr. Chairman. We only need to look at the voter turnout to see how it went down the last time. It's been brought up many times that actually the 21 opposition members have more votes than the government members, but we realize it's 21 to 62.

We only have to look at the latest report that ranks different professions and how they're trusted, and we realize that being a politician is ranked at the bottom of some 20, 29 things. There's a reason for that, Mr. Chairman. It's because of past behaviour, but we could change that with future behaviour and raise the standards. One has to wonder if that's going to change. It doesn't make one exactly excited to say that you're an elected representative when one reads and thinks of such thoughts when you talk about government.

The Chair: Hon member, we're speaking about Bill 20, the Freedom of Information and Protection of Privacy Amendment Act, 2006, not electoral reform.

Mr. Hinman: I realize that, Mr. Chairman, and I thought that the two were directly related. When the secrecy is there so much, it's a problem. But I will try and get back more on track then.

The bill brings up many points that are good, and it does protect the privacy of individuals. No one in this House has been arguing or debating that. The debate has gone on and continues to go on about the things that can be buried for five or 15 years, and they seem to miss that point. That's what we've been trying to bring up. There were some excellent points brought up by the Member for Calgary-Bow and other members, and that's the type of debate that we need to be able to push through and to understand this thing. But to bring in the time allotment has not been helpful to this House, and it's certainly not helpful to the democratic process.

Basically, to wrap it up, Mr. Chairman, the public perception, the opposition perception is very much that this is about secrecy. This is not a bill that's in the interest of people. The people have no way of stopping this bill. The opposition now is left with no way of stopping this bill because of the time allocation that's been given to that. It's wrong.

But I will comment on the \$59 million that the hon. minister says has been spent on this and the \$550,000 collected. Yes, money is very much a major factor in this, but I don't know that it's a bad factor. We don't want to have to spend \$120 million, but on the other side, when something is reasonable – I spoke with one reporter who said that it cost him over \$3,000 to access the information, to get to it. It's very difficult to get to those things, but I don't know that that's totally bad.

Mr. Herard: What did he get for his 3,000 bucks?

Mr. Hinman: Mr. Chairman, the hon. Minister of Advanced Education wants to know what he got for the \$3,000. I'll refer to him later, maybe this evening, if he wants to talk on that subject. But, yeah, he got some interesting things, and there's lots more there.

As was mentioned earlier, maybe we need to amend it to respect

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

Bill 38
Livestock Identification and Commerce Act

The Deputy Speaker: The hon. Minister of Agriculture, Food and Rural Development.

Mr. Horner: Well, thank you, Mr. Speaker. It's my pleasure to move third reading of Bill 38, the Livestock Identification and Commerce Act.

It's an important bill to the livestock industry, Mr. Speaker. It does consolidate and revise three existing acts. I'd just like to clarify a few things before we move forward. There seems to be some confusion regarding the regulation of livestock products. I'd like to clarify that the regulations addressing eggs, honey, and poultry that exist today under the Livestock and Livestock Products Act will continue under that act.

Returning to the subject of Bill 38, it will better address the regulatory requirements relating to commercial transactions of the livestock industry. This is an industry that has changed substantially over the past few decades, and we do need to ensure that the legislation reflects our modern realities. The bill clarifies that the purpose of a livestock inspection is to confirm that the person possessing the livestock is the owner or the owner's agent and that the sale proceeds are flowing to the correct party.

Bill 38 sets out a mandatory requirement that sellers disclose security interests in the livestock they are selling. This provision supports the statutory bar to conversion actions that protect buyers who follow the requirements of the act, pay in accordance with the manifest, and otherwise engage in bona fide transactions.

In the end what we've designed is legislation that will facilitate fair commerce, protect personal property, and promote the integrity of marketing within the livestock industry. These are important policy goals that Bill 38 certainly achieves. No single group, be it lenders or producers, has achieved their utopia under this, but Bill 38 is a compromise that respects the goals of a diverse industry. It's a balanced bill which I believe will be beneficial to everyone in the livestock industry.

Mr. Speaker, I know that many have stood in this House and spoken about their concerns on this bill but have also expressed their support to see it pass. I appreciate the support that has been received from many members in this House and anticipate their support at third reading. So I'm very pleased to move this bill at third reading.

Thank you, Mr. Speaker.

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

Mr. Agnihotri: Thank you, Mr. Speaker. It's my great pleasure to speak on Bill 38, the Livestock Identification and Commerce Act. The Canadian Bankers Association has expressed an objection to section 18, statutory bar to conversion, and section 18(3), to extend protection to agents of the seller, of Bill 38.

The new section 18, statutory bar to conversion, protects cattle buyers by limiting the ability of creditors to collect from the current owner; that is, pay twice for the cattle. In a typical sale cattle are trucked to a large packer who purchases 40 truckloads of cattle a day. Payment is due within two days, so the buyer is typically unable to check for liens. A good analogy is buying and selling used cars. Following the car analogy, the buyer checks for liens before purchase. This cannot be done with cattle as there is no mechanism to search cattle by serial number, that is VIN. The cattle industry relies extensively on lending and borrowing.

The Canadian Bankers Association concerns are this. The lending institutions currently have the ability to collect monies owed by the seller from the future owner of the cattle. Lending institutions will lose this ability in Bill 38. This change may allow auction marts to not take the task of evaluating the risk as seriously. The agent for a seller or buyer, such as an auction mart, is well positioned to evaluate title or security interests in cattle.

Mr. Speaker, for example, they can get to know their regular clients and only search or assess security risks from unknown clients. The banks have not used their ability to sue future owners of the cattle for lost funds; however, they argue that the ability to sue provides a safety valve which keeps buyers and agents conducting due diligence in checking for security interests.

These changes will have two effects, Mr. Speaker. First, these changes could effectively stop farmers from getting credit for livestock as banks will not be able to collect on their collateral. Two, this will increase the cost of borrowing for farmers as it increases the risk associated with lending money to farmers or ranchers.

The bankers propose two solutions. First, the bankers propose repealing section 18(3) and substituting a section that would require auction marts to perform due diligence in checking for security interests. Two, when an auction mart is the financier of cattle, the auction mart and seller should be considered associated or not at arm's length. See section 1, definitions. As such, the statutory bar to conversion would not apply.

The statutory bar to conversion provides protection to buyers who purchase large numbers of cattle, mainly the big three meat-packing plants. They argue that they need this protection because it is not feasible to check every animal.

My questions are to the minister. How does the minister plan to resolve the legitimate concerns of the Canadian Bankers Association? Does he have any intention to amend the bill to include these concerns? Why were these concerns not addressed prior to bringing Bill 38 to the Assembly?

Thank you very much.

The Deputy Speaker: The hon. Member for Vermilion-Lloydminster.

Mr. Snelgrove: Mr. Speaker, might I ask consideration of the hon. members for unanimous consent to doff our jackets for the long line of third readings that we have tonight due to the wonderful Alberta day that's sharing its warmth in here with us?

The Deputy Speaker: There has been a ruling on this on the past. I will accept the motion. Are there any opposed? That's apparently carried. So we will allow the jackets to be removed on this very hot evening.

Hon. members, does anyone else wish to participate in the debate?

The hon. Minister of Agriculture, Food and Rural Development to close debate.

8:30

Mr. Horner: Thank you, Mr. Speaker. Very quickly because the hon. Member for Edmonton-Ellerslie basically repeated the same concerns and pretty much the same speech as the Member for Edmonton-Gold Bar brought forward.

In fact, Mr. Speaker, this act will continue the major security that banks have under the Canadian Bank Act. Indeed, I'm a little surprised that the Liberals are supporting the interests of the bankers here and not the industry, which is who we're supporting. I am surprised that they've taken the side of the big banks.

To the hon. Member for Edmonton-Ellerslie, we do not do amendments in third reading. Amendments are done in Committee of the Whole, as I'm sure the hon. Speaker could probably let you know about. It's certainly something that by now we should all know in this House. So, no, I will not be introducing any amendments in third reading.

I believe, Mr. Speaker, that the industry, after three years of consultation, has been looking at compromises with not only the banking industry. As an ex-banker I understand the banking industry. I understand the security that they take in agriculture. I believe that this bill is a very good compromise and will serve our industry very well. I ask all hon. members to support it.

[Motion carried; Bill 38 read a third time]

Bill 34

Alberta Corporate Tax Amendment Act, 2006

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

Mr. Rogers: Thank you, Mr. Speaker. I'm pleased today to move third reading of Bill 34, the Alberta Corporate Tax Amendment Act, 2006.

Mr. Speaker, I would like to address a few specific concerns raised during the Committee of the Whole debate. The hon. Member for Edmonton-Rutherford asked for an elaboration on the reimbursement of the Crown charges and to provide an example of when this would apply.

The Deputy Speaker: Hon. member, a private member cannot move a money bill on behalf of a minister. It has to be moved by a minister.

Mr. Horner: Mr. Speaker, it's my pleasure on behalf of the hon. Minister of Finance to move third reading of Bill 34, the Alberta Corporate Tax Amendment Act, 2006.

The Deputy Speaker: Okay.

Does the hon. Member for Leduc-Beaumont-Devon wish to speak on the motion?

Mr. Rogers: Thank you, Mr. Speaker. My apologies for my lapse of memory.

Mr. Speaker, again referring to the questions from the hon. Member for Edmonton-Rutherford, section 12.1 provides that where one party reimburses another under the terms of a contract for Crown royalties paid, the reimbursing party is trusted as having incurred the royalties directly for income tax purposes. These arrangements are common in the oil and gas sector.

This member also questioned why Alberta is not paralleling the federal transition period for resource tax changes. The federal government, Mr. Speaker, is phasing out the resource allowance and returning to royalty deductibility over a four-year period from 2003 to 2006. Alberta reviewed its royalty tax policy in 2003 and decided not to parallel the federal phase-out to ensure that no Alberta taxpayers were adversely affected during the transition. As the federal government revises its Income Tax Act to implement the phase-out, Alberta has to ensure that the Alberta Corporate Tax Act does not parallel that transition. Effective January 1, 2007, the resource allowance is eliminated for both federal and Alberta purposes, and royalties are then fully deductible.

This member also queried the treatment of income versus mutual

fund trusts in section 7. Mr. Speaker, this provision parallels federal rules that describe how corporations must calculate their income when they receive a distribution from a mutual fund trust.

The member also asked if the minister or ministry has ever used the power to waive penalties or interest owing allowed under section 10, and if so, the member asked for a list to be made public. Since the time that the provision came into force, Mr. Speaker – and that was 1992 – interest and/or penalties have been waived for corporations which cannot comply with the Alberta Corporate Tax Act due to extraordinary circumstances. Tax and revenue administration, Alberta Corporate Tax Act, information circular CT-5R3 provides information on what are considered as extraordinary circumstances and how corporations apply for the waiver. The information circular has been made available to the public since 1992, when this provision came into force. In terms of providing a list, as the information requested is tax information specific to particular corporations, in accordance with section 77 of the Alberta Corporate Tax Act we must keep this information confidential.

Finally, the member questioned why section 106 is being substituted. This section provides the definition of the Alberta crown royalties paid by an individual that qualifies for the Alberta royalty credit, the parallel program to the Alberta royalty tax credit for corporations. In fact, you will notice that the same amendment is being made in section 26 of the act, which provides rules for the Alberta royalty tax credit program. These are technical amendments to the act itself, Mr. Speaker, to clarify its interpretation rather than a policy change.

Mr. Speaker, I hope that these responses clarify the concerns raised by the hon. member.

To review, Bill 34 will reduce the corporate income tax rate to 10 per cent from 11.5 per cent. This reduction will save Alberta businesses \$265 million in 2006-07. This reduction is necessary, Mr. Speaker, to maintain Alberta's competitive advantage as Alberta is not just competing within Canada with other provinces but in a much larger global marketplace. Enhancing the Alberta tax advantage for business helps attract investment and encourages entrepreneurship, meaning that Albertans will have more jobs and stronger communities and a better quality of life.

Mr. Speaker, I urge all members of this Legislature to give their support to Bill 34. Thank you.

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

Mr. Martin: Thank you, Mr. Speaker. Bill 34, the Alberta Corporate Tax Amendment Act, 2006, should be better titled the Alberta corporate gift. We've said this before, and we'll say it again: in an overheated economy, when we already have the lowest corporate tax rate in the country . . .

Mr. Mason: In the universe.

Mr. Martin: In the universe maybe. Yes. I forgot about that.

. . . and you move it down to 10 per cent, and you're talking about 8 per cent down the way, what is the economic sense of that, Mr. Speaker? The money will be going. It's \$370 million lost revenue. The point is: how is that going to help the Alberta economy? These global corporations can take this money and say thank you very much and invest it anywhere they want in the world. Who's to say that it will even trickle down, the old trickle-down theory? Not many people have felt trickled down upon recently. It doesn't even make sense here because it can trickle down somewhere else. That's the point. Why would you do this, especially at this time? There

might be some logic to it if we had an economy that was staggering and we needed some investment. If we didn't have an overheated economy, I might be able to understand that, but I see this economy, when we theoretically can't get labour, we have jobs going wanting, we have the corporate sector with the lowest tax rate, and we're going to lower it more. One can only believe that this is an absolute gift to the people that support this Conservative government.

8:40

Mr. Eggen: It's a payback.

Mr. Martin: It's a payback. Exactly. It's a \$370 million gift to the wealthiest people at a time when we're going to be facing some difficulties in schools. We've talked about rising health care costs. We've talked about the problems. We don't have enough money to index AISH people. We don't have money for this, that, and everything else. But for the very wealthiest people in society here it is, \$370 million: "We don't care. You can have it. Do what you want with it." It's going again, most of it, to an energy industry that's already making more money than they've ever made before, Mr. Speaker, in an overheated economy.

We add that on in this budget. Even this government admits that we're losing \$400 million in income trusts, probably to the same group of people, Mr. Speaker. So there it is, a loss of some \$700 million. Eventually the problem with this is that when the Premier handed out the dividend funds, he said that it would be one time because we don't want to get obligated into a taxation rate for people, like taking medicare premiums off, which would have been \$800 million for everybody. We don't want to do that. We just want to do one-time things. Well, now we're taking the corporate tax rate, and we're going to live with that for how long? And you're talking about lowering it even more down the way. This makes absolutely no economic sense at all other than what I said, that it's a gift to their friends who pay the piper for this particular government. They're clinking champagne glasses in downtown Calgary, I'm sure, at the generosity of this government.

Meanwhile, what are we going to do down the way if the economy changes, Mr. Speaker? Now we've promised them 8 per cent, 6 per cent. Maybe eventually we'll have to just hand out the money to them without any taxation rate at all. It seems to me, when this government pleads poverty over so many other things and calls people irresponsible because they want money for certain programs, that this is the most irresponsible act that I've seen.

As I say, I could understand it – maybe not agree with it but understand it – if the economy was in recession to some degree and you wanted to stimulate investment. What does this stimulate? It stimulates money going outside the country. That's all it does, Mr. Speaker. As I say, it's not just a one-time gift like the dividend funds were to ordinary Albertans. This is a gift that keeps on giving year after year after year. Just to show you how generous we are, we're even talking about lowering it to 8 per cent. I find this particular bill the most offensive thing that they've done this time, and there have been a lot of offensive things that we talked about in Bill 20. This is costing the taxpayers a lot of money. Eventually it is going to have an impact on the programs and the things that we can offer Albertans down the way, and we will regret this particular Bill 34.

Now, Mr. Speaker, I don't think there's any doubt about how I feel about this particular bill, but we always try to help this government out because Lord knows that they need the help.

Mr. Knight: Thanks, Ray.

Mr. Martin: You're welcome. You're very welcome.

I want to move an amendment here, Mr. Speaker. I'll send it up.

The Deputy Speaker: Hon. member, an amendment is not in order.

An Hon. Member: A reasoned amendment, is it?

Mr. Martin: Yes.

An Hon. Member: Well reasoned?

Mr. Martin: Well reasoned.

The Deputy Speaker: Apparently it is in order because it's a reasoned amendment, so I will accept it.

Mr. Martin: Mr. Speaker, do you want me to go ahead or wait?

The Deputy Speaker: Just wait a moment until it's circulated to all the members. It's now fairly well distributed. You may proceed, hon. member.

Mr. Martin: Thank you, Mr. Speaker. The motion reads that Bill 34, the Alberta Corporate Tax Amendment Act, 2006, be amended by striking out the words after "that" and substituting the following:

Bill 34, Alberta Corporate Tax Amendment Act, 2006, be not now read a third time because the reduction in the corporate tax rate contained therein shifts the tax burden onto individual taxpayers and narrows the provincial tax base, thereby posing a threat to stable and predictable funding for core programs.

Mr. Speaker, it seems to us, as I said, folly to be moving ahead in this direction, especially when we don't know what the future holds. As I said, the Premier said that the reason he was doing the prosperity bonus is that he wanted this to be one-time funding. Now, here we go to the corporate sector, the wealthiest people, and say that we're going to permanently lower their taxes and even more so down the way in the future. We think it's time to put a stop to it, and this amendment would do that.

Thank you, Mr. Speaker.

The Deputy Speaker: The hon. Member for Grande Prairie-Smoky.

Mr. Knight: Thank you, Mr. Speaker. With respect to this amendment, just a couple of comments, if I might. The reason given for the amendment before us is that the reduction in corporate tax rate contained shifts the tax burden to individual taxpayers. Nothing could be further from correct. Individual taxpayers in the province of Alberta are also seeing a reduction in their tax rates. Again, it does not narrow the provincial tax base because, in fact, increased activity in our economic realm, that we have done very well with in the province of Alberta, will actually increase the tax base, not decrease it. So I would suggest that we're not posing any threat whatsoever to the stable and predictable funding for core programs in the province of Alberta, all of which have increased dramatically in the last number of years.

Thank you.

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

8:50

Mr. Agnihotri: Thank you, Mr. Speaker. It's my great pleasure to rise and support this amendment to Bill 34. This bill is nothing but to cut the corporate tax from 11.5 per cent to 10 per cent. Alberta Liberals always stand for the health care premiums being cut before any corporate tax, but this bill is totally helping the rich people. "The reduction in the corporation tax rate contained therein shifts the tax burden onto individual taxpayers." I absolutely agree with the

hon. member who proposed this amendment. Nobody is against the reduction in tax, but our first priority is to eliminate the health care premium tax. Alberta Liberals would prefer to cut the health care tax and some other user fees before we cut any corporate tax.

That's all I have to say. Thank you.

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

Mr. Mason: Thanks very much, Mr. Speaker. I'm pleased to rise to speak to this reasoned amendment. I would point out to the House that this reasoned amendment would have the effect of defeating a government money bill and therefore is a motion of confidence. It's our intention that the government should in fact be held accountable for its stand on corporate taxes.

This corporate tax cut is unnecessary. Furthermore, Mr. Speaker, it's part of a program of the government to cut corporate income tax in this province from 15 per cent to 8 per cent, a promise that was made by Steve West a number of years ago, about six years ago, when he was the Provincial Treasurer. As far as I can tell, that comprises the entire and complete rationale for these corporate tax cuts.

As my hon. colleague has said, this shifts the balance towards the personal income tax, and the proportion of funding of government operations that is borne by individual taxpayers is increased in proportion to that of corporations. At this time Alberta corporations, like corporations across North America, are earning record profits. They are earning higher profits than they ever have before. So to cut their taxes at this time is completely unnecessary, yet it cuts into the ability of the province to finance on an ongoing basis its programs.

I will quote from the government's own documents. The government's own budget documents state that

with no general sales tax, payroll taxes or capital taxes, Alberta's tax base is relatively narrow compared to other jurisdictions.

Rev. Abbott: Right on.

Mr. Mason: We're getting applause over there for having a narrow tax base. I think the hon. member needs to talk to his Treasurer because she addressed this the other day during her estimates.

It goes on to say that

while this is a benefit to Albertans, it also comes with some risks. A broader range of taxes means more stable revenues. With relatively fewer revenue sources, predictable funding for key public services is at more risk in the event of an economic slow-down. Consequently, it is inadvisable to eliminate or dedicate more taxes.

That comes from Alberta Tax Advantage, page 134.

That is exactly what the government is doing. They are narrowing the tax base, reducing their source of revenues which come from renewable sources as opposed to nonrenewable sources. The amount lost in this year alone is over \$265 million.

Cuts to corporate income taxes started in 2001, and will save Alberta corporations about \$435 million in taxes this year. These savings are on top of the savings from cuts to other corporate taxes, such as the elimination of the financial institutions capital tax and the drop in the railway fuel tax.

That was Budget 2004.

In two years alone, then, the cuts from 12.5 per cent to 10 per cent will have taken by a conservative estimate more than \$700 million out of government revenue. The \$700 million could have paid three times the amount urged to increase and improve on seniors in long-term care throughout the province. That \$700 million alone – remember, that's just what was saved in two years, not all five that have seen cuts in rates – would pay more than twice the amount of new schools being sought by the Calgary board of education.

How can the government constantly applaud itself as having one of the best education systems in the world and announce that its strategic plan is to prepare students for the workforce and citizenship when it denies both the building of new schools and the repairing of old ones? How can this government face its citizens with such pride when it is denying children their future in order to pay for tax cuts that aren't needed and are so damaging in other ways?

Mr. Speaker, it's not just a matter of shifting the balance toward personal income tax. It's not just revenue loss. It's economically ill advised. At this time small business and the public sector are having a hard time competing for labour, in particular, and materials as well. So in this kind of situation it will become even more difficult. With a large tax cut for big corporations, small business will have a more difficult time competing for scarce resources in this economy. So in a word this tax cut is inflationary.

The Auditor General has repeatedly asked the government to provide rationale for its tax cuts and particularly for its corporate tax cuts. In other words, it's seen as an expenditure item, a policy question that requires some sort of rationale in order to be justified. The government has not provided any justification other than an old promise made by Steve West.

Mr. Speaker, this is clearly nothing but a gift to corporations. I was interested to hear the hon. Member for Edmonton-Ellerslie speak in favour of this because the hon. Member for Edmonton-Rutherford, the Finance critic, has spoken in favour of this tax cut and on a number of occasions. So I don't know where the Liberals stand on this, but I do know what the government is benefiting by this.

I have in front of me, Mr. Speaker, the 2005 corporate donations to the Conservative Party of Alberta. The Conservative Party in 2005 from the oil and gas sector received \$223,460.27. From financial management and insurance they received \$150,385. From the construction, development, and real estate sector they received \$232,408.94; from the engineering, consulting, and professional management firms, \$148,000; from utilities, \$65,000; from the health care sector, \$62,000; from the mining, forestry, and agribusiness sector, \$125,900; from professional corporations, \$29,000; and from all other corporations, \$333,828.19 for a grand total of \$1,370,433.12 last year from the corporate sector in donations to the Alberta PC Party. We see why they support this government. We see the symbiotic relationship between corporate donations to the Conservative Party and cuts to taxes for corporations. That really is the only economic explanation that I can see for this corporate tax cut.

Needless to say, we urge all hon. members to vote in favour of this motion of confidence in the government on this budget. This corporate tax cut is irresponsible, unnecessary, unjustified, and frankly completely unsupportable, Mr. Speaker.

Thank you very much.

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

Mr. Hinman: Thank you, Mr. Speaker. I would like to rise and speak to this amendment on Bill 34. I'm opposed to this amendment, and I just want to go over a few points that the hon. Member for Grande Prairie-Smoky shared with us. There's this notion that there's a direct relationship between lower taxes and lower revenue, and quite the opposite has been shown time and time again. When you actually lower taxes, you often increase the government's revenue. We're grateful here in Alberta for the number of corporations that have relocated here, and as I've spoken before, I've urged this government to follow up on their commitment to go to 8 per

cent. They said that. Corporations have moved here, and we should be good to our word in Alberta.

9:00

The hon. third-party leader has talked many times about pharmaceuticals. Wouldn't it be a great blessing to Alberta if our corporate tax was a drawing card and we would actually get a pharmaceutical corporation to come into the province and want to produce those pharmaceuticals here in the province? We want to attract business. We want to be progressive and moving forward, be very diversified. We've gone to a flat tax of 10 per cent. That's helped professionals to come back to Alberta, doctors and researchers, because they know that they're not going to be penalized and treated unequally.

So I am very much opposed to Bill 34 and hope that we'll continue to lower taxes here and increase the revenue for the benefit of all Albertans. Thank you.

The Deputy Speaker: Others?

Hon. Members: Question.

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

[Several members rose calling for a division. The division bell was rung at 9:01 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Eggen	Mason	Pannu
Martin		

Against the motion:

Abbott	Herard	Mitzel
Backs	Hinman	Oberle
Coutts	Horner	Prins
Danyluk	Knight	Rodney
DeLong	Liepert	Rogers
Doerksen	Lindsay	Snelgrove
Evans	Lukaszuk	Taylor
Forsyth	Lund	VanderBurg
Fritz	Magnus	Webber
Hancock	Miller, B.	Zwozdesky

Totals:	For – 4	Against – 30
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[Motion on amendment to third reading of Bill 34 lost]

The Deputy Speaker: The hon. Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Speaker. I would seek the unanimous consent of the Assembly to shorten any future division bells for the remainder of the evening from 10 minutes down to two, and I wonder if the rest of the members would consent to that unanimously.

[Unanimous consent granted]

The Deputy Speaker: Now, on Bill 34 does anyone else wish to participate in the debate?

Mr. Backs: I'm very pleased to rise to speak and say a few words in favour of this bill, Mr. Speaker. You know, there are some very positive things here. The initiative to share tax info with the Chief Electoral Officer I think brings about some certain degree of accountability on that financial information. It ensures that all insurance companies are paying tax. I think that's good.

I'm disappointed that it doesn't have removal of health care premiums in it. I think that there would be a greater efficiency for government in general in removing that bureaucracy and removing that payment. I don't think that that particular bureaucracy has any real value to Alberta and that it should be just rolled right into the tax. I think there is a need to reduce taxes not only in this area but in a number of areas. We will be having to prepare for what happens after the high oil price boom. If we can begin to attract and hold businesses in Alberta at least because of the taxes, if not because there are some problems in some other areas, it would do great good for the future of Alberta and Albertans.

I'm sometimes very disappointed in what the New Democrats seem to have in their view of taxes. They always seem to think that money grows on trees, that all business is bad, that any sort of profit-making mechanism, any small business is somehow a difficult thing for our economy. I don't know what would make the economy grow or go at all if the New Democrats had their way. Many people are saying that they've given up on labour in the last three or four years. They hate business. They hate profit. I don't know where they seem to be coming from or seem to be wanting their support. You know, they seem to love their ivory tower sort of ideas and all the rest of it. I don't know if they have any idea of where we would actually make an economy work with the ideas of the New Democrats.

With that I thank you, Mr. Speaker.

The Deputy Speaker: There seems to be an awful lot of chatter. Please, if we could keep it down, the Speaker would be able to hear the hon. member that has the floor.

Are you ready for the question?

Hon. Members: Question.

[Motion carried; Bill 34 read a third time]

Bill 10 **Engineering, Geological and Geophysical** **Professions Amendment Act, 2006**

The Deputy Speaker: The hon. Member for Lac La Biche-St. Paul.

Mr. Danyluk: Thank you very much, Mr. Speaker. I rise to move third reading of Bill 10, the Engineering, Geological and Geophysical Professions Amendment Act, 2006.

Mr. Speaker, I appreciated hearing the many thoughtful comments and discussion on this bill. Bill 10 will clarify and strengthen the engineering profession by allowing registered professional technologists to sit on the council of the Association of Professional Engineers, Geologists and Geophysicists of Alberta, known as APEGGA, and vote on the association's new and amended regulations and bylaws.

Thank you very much, Mr. Speaker.

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

Mr. Agnihotri: Thank you, Mr. Speaker. It's my great pleasure again to rise and speak to third reading in support of Bill 10, Engineering, Geological and Geophysical Professions Amendment

Act, 2006. This bill allows registered professional technologists in engineering to vote and be elected to the engineering council of the Association of Professional Engineers, Geologists and Geophysicists of Alberta. It's called APEGGA. RPT engineers will have an increased opportunity to participate in the governance of APEGGA.

ASET supports this change as registered professional technologists, RPT engineers, have been part of APEGGA since 2001. They feel voting privileges should have been in place since then. This bill allows them to have the right to vote in the governance of their professional association.

Mr. Speaker, in the year 2001 the act was amended to include registered professional technologists in engineering as Association of Professional Engineers, Geologists and Geophysicists of Alberta, APEGGA, members. They were not, however, granted voting or council membership rights in the association at that time. There are currently about 150 RPT engineers in Alberta, but the number is growing from 135 in 2003.

9:20

Some members of APEGGA are not in favour of the change as they would prefer to keep the governance of APEGGA in the control of traditionally qualified professionals. The practice of engineering, geology, and geophysics in Alberta is governed by the Engineering, Geological and Geophysical Professions Act. APEGGA is mandated to administer the act as a self-governing body on behalf of the Alberta government, all in the interest of public safety and well-being. It has about 43,000 members. APEGGA is governed by an elected council of 19 members, including three public representatives appointed by the government, and directs the association's affairs.

APEGGA's regular activities include registering and licensing qualified members, establishing practice standards, administering a complaint and discipline process, encouraging professional development, reviewing member and corporate practice, stopping those not qualified from practising and using the title.

Mr. Speaker, within a clearly defined scope of practice registered professional technologists are permitted to independently practise engineering, geology, or geophysics in Alberta within a narrowly defined scope of practice and to take responsibility for that work. This category recognizes that certain qualified individuals can be permitted to independently carry out certain specific functions, normally within the definition of professional engineering, professional geology, or professional geophysics, without the supervision of a professional engineer, professional geologist, or professional geophysicist. An RPT engineer is licensed to independently practise engineering in Alberta within a clearly defined scope of practice.

A registered professional technologist must be registered as an RET with ASET and be nominated for registering as an RPT engineer by ASET, have at least six years of experience in work of an engineering nature that is acceptable to the APEGGA board of examiners, be of good character and reputation, demonstrate knowledge of law, ethics, and professionalism by passing the national professional practice examination, and meet the English language competency requirements as well.

I support this bill. This is a good bill. That's all I have to say, Mr. Speaker. Thank you.

Mr. Backs: Just a very brief couple of comments to speak in support of Bill 10, Engineering, Geological and Geophysical Professions Amendment Act, and reluctantly in support because I don't think it really accomplishes a whole bunch. The nature of giving a vote to a group of registered professional technicians, which will amount maybe to 150 in a membership of 40,000, is not giving a likelihood of a whole bunch of folks getting elected from that group.

In many ways I think what we've done with this is really struck something that the two groups have agreed on, and because of that I support it. But I don't really think that it accomplishes much of anything, and we'll be back in this Legislature down the road dealing with the nature of the conflict or the nature of the necessity of coming up with something that will better deal with the demarcation lines, the ways that the professional technicians and technologists deal with the actual engineers, geologists, and geophysicists.

Thank you, Mr. Speaker.

The Deputy Speaker: Are you ready for the question?

The hon. Member for Lac La Biche-St. Paul to close debate.

Mr. Danyluk: Mr. Speaker, I rise just to ask everyone to support this bill.

[Motion carried; Bill 10 read a third time]

Bill 14

Health Professions Statutes Amendment Act, 2006

The Deputy Speaker: The hon. Member for Cypress-Medicine Hat.

Mr. Mitzel: Thank you, Mr. Speaker, for the opportunity to speak to third reading. Bill 14, the Health Professions Statutes Amendment Act, 2006, makes amendments to the Health Professions Act that respond directly to issues raised by professions being brought under the act. The Health Professions Act is nearing full completion. There will be 28 regulatory colleges established under the act and governed by regulation when it is fully implemented. Currently there are 16 colleges regulated under the act. The regulations for six more colleges are being finalized this spring. The amendments proposed in Bill 14 will strengthen the Health Professions Act and respond to issues raised by individual colleges and by the federation of regulated health professions.

Mr. Speaker, the key amendments to Bill 14 include clarification respecting receipt of complaints, the application of continuing competence programs, adding flexibility to the process for considering applications from professions to be governed under the act, enabling councils to regulate the title of specialist with respect to their profession, the addition of several protected titles, an amendment by the practice statement for opticians to allow the regulatory body to regulate its members who are performing refractions and conducting assessments.

During debate on the bill issues were raised with respect to two of the proposed amendments. One issue is related to opticians performing refractions and eye health assessments. The issue respecting eye health assessments was addressed through a House amendment agreed to by the regulatory bodies for optometrists and opticians to remove the reference eye health. The reference is now to conduct assessments.

I want to assure you that the amendment respecting the performance of refractions, which is not a restricted activity, only ensures that what opticians are currently doing as part of the practice of opticianry will be subject to the regulatory control of the opticians college. It doesn't change the scope of practice for opticians, nor does it permit them to perform the restricted activity of prescribing corrective lenses.

The second amendment that generated much discussion during debate on the bill relates to applications by professions who want to be regulated under the Health Professions Act. Instead of having to establish that there is support from the majority of practitioners, the minister will now be able to refer the application for investigation as

long as it is in the public interest. It's important to emphasize that the minister is not being given the authority to choose who is regulated or recognized. That decision rests ultimately with the Legislature. It requires an amendment to the Health Professions Act. Professional self-governance is not a right but a privilege which is delegated to professions only when the public interest is served by doing so and when the advantages clearly outweigh the disadvantages.

In conducting an investigation, the Health Professions Advisory Board would be expected to ascertain such factors as what constitutes the practice of a profession, whether the profession is distinct and identifiable, what risks there are to the public of incompetent or unethical practice, and the qualifications and minimum standards of competence that are required for a person applying to the practice or profession.

Thank you, Mr. Speaker. This bill is an important part of the journey in having the Health Professions Act fully implemented, and I ask the hon. members for their support of third reading of Bill 14.

The Deputy Speaker: Are there others?
Are you ready for the question?

Hon. Members: Question.

The Deputy Speaker: Does the hon. Member for Cypress-Medicine Hat wish to close?

Mr. Mitzel: Question.

[Motion carried; Bill 14 read a third time]

Bill 25 Securities Amendment Act, 2006

The Deputy Speaker: The hon. Member for Grande Prairie-Smoky.

Mr. Knight: Thank you, Mr. Speaker. It's a pleasure to rise to move third reading of Bill 25, Securities Amendment Act, 2006.

We had excellent discussion on Bill 25 during Committee of the Whole two weeks ago, and I'd like to take an opportunity to respond to a couple of questions that were raised in committee. The hon. Member for Edmonton-Gold Bar asked how the revenue from fees collected by Alberta Securities Commission is used. The Minister of Finance was correct when she responded that the revenue goes toward the commission's general operation.

9:30

In addition, Mr. Speaker, the Securities Act requires that revenue from administrative penalties be used for investor education and to enhance the knowledge of the securities market operation in Alberta.

The hon. Member for Edmonton-Manning also asked a number of questions, and in response to his queries about the proposed new sections 33.1 and 76 of the Securities Act, these provisions reflect the streamlining initiatives with other jurisdictions for interim orders and registration process by the executive director. Section 33.1 amendment streamlines the process to make a permanent cease-trade order against issuers failing to file required disclosure. This is based on a similar provision in British Columbia. The section 76 amendment, Mr. Speaker, streamlines the conditions of registration.

The hon. member also asked about sections 184 and 192, which deal with the appointment of independent review committees for investment funds. Answering this question will require some context. Canadian Securities Administrators have developed a proposed rule, or a national instrument, as it's called, that sets out

the structure and functions of the committee. The proposed national instrument 81-107 requires that all publicly offered mutual funds have an independent review committee charged with reviewing any conflicts of interest that may arise out of the management of the fund.

The committee would also provide recommendations to the manager to fairly resolve these conflicts. Mr. Speaker, the proposed rule would also establish firm guidelines to determine who could be appointed to an independent review committee. I should note that the rule is still only proposed and following two public consultations has yet to be adopted.

Previously the hon. Member for Edmonton-Rutherford had asked whether we could provide an indication to the Assembly on how the passport system is working. The instrument that facilitates the passport system is a multilateral instrument, 11-101, principle regulator system. The instrument provides issuers with exemptions in nonprincipal jurisdictions from continuous disclosure and most prospective disclosure requirements and exemptions for registrants. In Alberta 12 per cent of applications from issuers regarding the continuous disclosure filings have been made under the passport system. I grant you that it is not a large number; however, keep in mind that the system has been in place less than one year. These early indications are promising since it takes time for market participants to become acquainted with the passport mechanism.

Finally, I note that some of the opposition members again repeated the argument for a single securities regulator. I've given the same response in the past, and even if provinces and territories were to change direction and pursue a common regulator, we would need to harmonize and simplify our securities laws. The changes to securities legislation set out in this bill are required regardless. It's important we ensure that our securities legislation remains modern, streamlined, and harmonized with other jurisdictions. This is essential not just for Alberta but for Canada to compete in the global marketplace.

In closing, I hope my comments have helped clarify any outstanding questions, and I urge members to support Bill 25. Thank you, Mr. Speaker.

The Deputy Speaker: Are you ready for the question?

Hon. Members: Question.

[Motion carried; Bill 25 read a third time]

Bill 28 Local Authorities Election Amendment Act, 2006

The Deputy Speaker: The hon. Member for Calgary-West.

Mr. Liepert: Thank you, Mr. Speaker. I'm pleased tonight to move third reading of Bill 28, the Local Authorities Election Amendment Act, 2006.

The Local Authorities Election Act describes the process for the election of municipal councils and school board trustees. It is an important piece of legislation that sets out how our leaders are elected at the local levels. Bill 28 will promote integrity and confidence in the election process by setting election standards that result in more secure and transparent election procedures.

The amendments will endeavour to acknowledge and encourage the public's role and participation in the election process. Bill 28 will also ensure that small and large jurisdictions can respond to their specific needs by permitting some discretionary procedural options within the legislation's framework.

As previously noted, these amendments were developed through consultations with municipalities, school boards, and the public. They deserve the support and approval of all members of this Assembly.

Thank you, Mr. Speaker.

The Deputy Speaker: Any others?
Are you ready for the question?

Hon. Members: Question.

[Motion carried; Bill 28 read a third time]

Bill 29
Environmental Protection and
Enhancement Amendment Act, 2006

The Deputy Speaker: The hon. Member for Cypress-Medicine Hat.

Mr. Mitzel: Thank you, Mr. Speaker. It's my pleasure to rise today to move third reading of Bill 29, the Environmental Protection and Enhancement Act, 2006.

The six amendments in this act provide clarity to industry for emissions reduction, remediation of contaminated sites, and reclamation of coal and oil sands mines while upholding the principle of polluter pays. The bill also allows for expansion of the network of Alberta Environment's partners, supports the use of tools such as codes of practice, and makes access to environmental information easier for Albertans.

I urge support of this bill, Mr. Speaker.

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

Dr. B. Miller: Thank you, Mr. Speaker. This bill has had extensive debate in second reading and in Committee of the Whole, led by our Member for Calgary-Mountain View, and we are against this bill. It's not going to have the effect that it intends, and I'm not going to go through all the points of debate again. Just to register our opposition.

Thank you, Mr. Speaker.

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

Mr. Backs: Thank you, Mr. Speaker. You know, there are some things to be said for some of the companies that do so well in reclaiming some of our oil sands areas and some of the ways that this bill will move towards helping them. I think that we have to have some justifiable pride in some of the companies that have been able to develop some of the practices that have brought forward some great strides, I think, in ensuring that the land is reclaimed. If anybody goes near some of the areas in the oil sands and sees some of the little parks that are being developed, some of the buffalo paddocks, some of the other areas, I think that they will agree that there are some great efforts being made in some of the ways that some of the mining reclamation companies have come forward in the way they deal with soils, in the way they stockpile their muskeg, in the way that they handle some of these things. I think they're laudable, and I hope that this legislation will help to provide for ensuring that their work goes forward.

Thank you, Mr. Speaker.

The Deputy Speaker: The hon. Member for Edmonton-Calder.

Mr. Eggen: Thank you, Mr. Speaker. I just wanted to be very brief in voicing finally. We've gone through a lot of debate in regard to Bill 29. As often is the case, I'm finding that when a bill tries to bite off more than, perhaps, it can chew, you end up with some parts that are quite laudable, in fact, but others that require amendments. We were unfortunate in not being successful with those amendments. So I just wanted to stand in opposition to this bill this evening.

Thanks.

The Deputy Speaker: Are there others?
Are you ready for the question?

Hon. Members: Question.

[Motion carried; Bill 29 read a third time]

Bill 31
Health Information Amendment Act, 2006

The Deputy Speaker: The hon. Member for Calgary-West of behalf of the hon. Member for Calgary-Nose Hill.

Mr. Liepert: Thank you, Mr. Speaker. On behalf of my colleague the Member for Calgary-Nose Hill I'm pleased to move third reading today of Bill 31, the Health Information Amendment Act, 2006.

Amendments proposed in this bill will better address provincial electronic health record requirements, co-ordinate the retention periods for health records held by professional bodies, and clarify disclosure rules. The amendments are a culmination of stakeholder feedback, input from the all-party Select Special Health Information Act Review Committee, and analysis by Alberta Health and Wellness. Amendments promote patient safety, enable better tracking of drug trends, facilitate greater accountability in how funds are spent, allow for more accurate patient drug histories, and guard against health system fraud.

9:40

Regarding the additional disclosure provisions that generated much discussion during the bill's debate, the goal is to balance the privacy of individual's information with access to protect the public and manage the health system.

So with that, Mr. Speaker, I move third reading of Bill 31 and ask for support from members.

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

Dr. B. Miller: Thank you, Mr. Speaker. I think this is an important bill because it deals with an important ethical issue; namely, the right of individuals to privacy and confidentiality about the information about their health. Of course, because of the public interest and the public need for safety and against fraud and so on, we've had a thorough debate about that, and I think that this bill really does manage to strike a balance with the protection of an individual's privacy and confidentiality on one hand and access to health information by various public bodies on the other. It's kind of an interesting Canadian compromise because, as a matter of fact, we don't prize individualism as much as we do the needs of the community as a whole, and I think this bill is directed to those needs of public security and public safety.

So I think that the stipulations in this bill, the protections that are in this bill are adequate, and I think we will vote in favour of this on third reading. Thank you, Mr. Speaker.

The Deputy Speaker: Are you ready for the question?

Hon. Members: Question.

[Motion carried; Bill 31 read a third time]

The Deputy Speaker: The hon. Member for Calgary-West.

Bill 32
Human Tissue and Organ Donation Act

Mr. Liepert: Thank you, Mr. Speaker. It's my pleasure to move third reading of Bill 32.

This act updates the tissue and organ legislation. It will become more inclusive and explicit about the process of donations. Clarity will assist the public and the medical professionals who deal with organ and tissue donation on a regular basis. This legislation and associated regulations will require tissues and organs being transplanted in Alberta to be from safe sources, thereby protecting the health of Albertans receiving transplants. This legislation also includes mandatory consideration and the subsequent required reporting of potential donors. This will further increase donation and benefit the people of Alberta and Canada who are in need of life-saving and life-altering transplants.

Mr. Speaker, we still need Albertans to sign the universal donor card on the back of their health care card and talk to their family about their wishes to donate. While this legislation will work to reduce the wait-list for transplantation, our next task will be to reduce the number of Albertans who need to transplant. Factors such as high blood pressure, type 2 diabetes, burns, alcohol abuse, and tobacco use can all contribute to the need for transplants, so we need to do whatever we can to be healthy and prevent injuries. Being physically active, eating healthy foods, and living a healthy lifestyle can all make a difference. Combining this new legislation with people making their wishes known and good prevention will eventually lead to a reduced need for organ and tissue transplants.

With those few words, Mr. Speaker, I move third reading of the Human Tissue and Organ Donation Act and ask for the support of all members. Thank you.

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

Dr. B. Miller: Thank you, Mr. Speaker. I think it's just tremendous – I'm giving out bouquets here – to see the progress beyond the private member's bill to this very solid bill, Bill 32. All the questions that I was really concerned about in discussing the private member's bill have been pretty well answered. This is a very important bill in terms of providing the organs for people who need them, and I support this bill wholeheartedly.

Thank you, Mr. Speaker.

The Deputy Speaker: Are you ready for the question?

Hon. Members: Question.

[Motion carried; Bill 32 read a third time]

Bill 33
Alberta Personal Income Tax Amendment Act, 2006

The Deputy Speaker: The hon. Government House Leader on behalf of the hon. Minister of Finance.

Mr. Zwozdesky: Yes. Thank you very much, Mr. Speaker. It's indeed my pleasure to rise tonight and move third reading of Bill 33, the Alberta Personal Income Tax Amendment Act, 2006, on behalf of the hon. Minister of Finance.

I think everyone is well acquainted with this bill and the advantages that it will provide on the taxation front for Albertans. Thank you.

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

Mr. Rogers: Thank you, Mr. Speaker. I'd like to thank the hon. members opposite for their support of this legislation throughout the process. I'd like to also address a few concerns raised during Committee of the Whole debate. The Member for Edmonton-Rutherford questioned why the legislation used \$12,900 as the basic spousal and eligible dependent amount instead of \$14,523, that is used in the 2006-07 fiscal plan. The member suggested that this was due to the indexing that has come into effect since the last time this bill was amended. In fact, he is correct. The amount of \$12,900 was the basic spousal and eligible dependent amount for 2001, the year we switched to the single rate tax system. Due to inflation-proofing this amount had grown to \$14,523 by 2005.

There was no need to update the legislation each year to account for these inflation-related increases. However, since we are adjusting the amount by an additional \$100 this year, we need to update the legislation. The easiest way to update the original \$12,900 to \$14,899 is to start the inflation-proofing process again from scratch. The hon. member also wanted to know the effect of the starting date of July 1 on the fiscal plan. When indexation occurs partway through the fiscal year, as it does in this case, the part-year effect is in fact built into the fiscal plan. I hope that these responses clarify the member's concerns.

To quickly review, Bill 33 will increase the basic spousal and eligible dependent tax credit amounts by \$100 on top of inflation-proofing for a total increase of \$376. With this change, Mr. Speaker, more low-income earners will be added to those shielded from provincial income taxes. Our basic personal and spousal amounts will be \$14,899 in 2006, over \$6,000 higher than the province with the next highest amount. This means that you can earn more in this province than anywhere in Canada before paying any provincial income tax. This means that more than 1 million of Alberta's 2.36 million tax filers pay no provincial income tax.

Mr. Speaker, this strengthens the government's focus on building Alberta's tax advantage as Albertans continue to pay the lowest overall taxes in Canada. I urge all members of this House to support Bill 33.

Thank you.

Mr. Backs: Mr. Speaker, I rise to support this bill again, albeit reluctantly. It's much ado about nothing really. I think the average for an individual taxpayer that will come out of that cut there will be about 35 bucks. It's important; a tax cut is a tax cut.

What I think is more important is what it doesn't deal with. It doesn't deal with things like my private member's bill both last year and this year that call for a recreation tax credit to help with some of the things that were talked about in the previous bill, looking for greater physical fitness, greater ability for children to access all sorts of recreation. We've seen some advances in some special programs in northeast Edmonton and other areas. We've seen some volunteer programs that have been doing it in many, many areas for a long time, but that could be improved.

9:50

The income tax cuts certainly could be much greater if the health care premium wasn't there. I mean, it's just totally inefficient in terms of any essence of looking at economics or anything. It's

surely a political tax in its worst form, and if that was not there, it could actually give a much more substantial income tax cut if we had that in place.

There's no relief in the personal income tax area on things like credits for working in the oil sands, a travel area, things that could be put in place to attract people to Fort McMurray and other oil sands or northern remote areas to ensure that we're actually pulling workers from Alberta and from Canada.

I speak in favour of this bill, but I'm again reluctant because it is much ado about not too much. Thank you, Mr. Speaker.

The Deputy Speaker: Does the mover wish to close?

Mr. Zwozdesky: Question.

[Motion carried; Bill 33 read a third time]

Bill 35 Fuel Tax Act

The Deputy Speaker: The hon. Government House Leader.

Mr. Zwozdesky: Thank you very much, Mr. Speaker. I'm pleased to move third reading of Bill 35, the Fuel Tax Act, on behalf of the hon. Minister of Finance, with kudos to the hon. Member for Calgary-Nose Hill.

Mr. Speaker, Bill 35 will replace the existing Fuel Tax Act, which is outdated and no longer reflects how the tax is charged and collected. This bill is largely mechanical and technical in nature and does not change the fuels that are taxed nor the tax rates.

There were some questions brought up during Committee of the Whole, so I'd like to take a few moments to provide responses to those questions. The hon. Member for Edmonton-Rutherford wanted some information about the international fuel tax agreement. This is essentially an agreement among 48 American states and 10 Canadian provinces that enables uniform collection and distribution of fuel taxes paid by motor carriers transporting among jurisdictions. The agreement not only saves the trucking industry from having to file a fuel tax return in each jurisdiction travelled through but also significantly reduces the paperwork and compliance burden for fuel tax reporting.

The hon. member also inquired about section 13 of the bill, and asked how many of the accounts referred to in that section actually exist. In fact, no special accounts have been required to date. Section 13 is fundamentally similar to section 6 of the current Fuel Tax Act and provides that such accounts might be required where the financial stability of a remitter may be in question.

There was also concern about the prohibited sale provisions in the bill. Section 18(5) prohibits farmers from selling marked fuel for farming operations in Alberta at the reduced price to anyone other than another farmer for use in farming operations. Mr. Speaker, this section is very similar to section 14(5) of the current act. It essentially allows two farmers who are both authorized to purchase fuel at the reduced price to sell fuel to each other. The act does not govern the sale price.

The hon. member's final questions were regarding the duty of vendor section and whether anyone had contravened section 13(1), which is the similar section in the existing act. We are not aware of anyone being charged for an offence for contravening that section in 2004-05.

Regarding questions from the hon. Member for Edmonton-Beverly-Clareview. He asked about marked fuel and what happens if a vendor is not passing savings on to the consumer. Mr. Speaker,

section 10 provides that if the vendor does not pass on the benefit of the tax exempted on the marked fuel, the vendor is liable to pay to the Crown an amount equal to the benefit that has not been passed on. This is a penalty on the vendor. Whether the benefit under section 10 has been passed on will have to be determined based on a review of the facts of each case. Since marked fuel does not include tax and the consumer who purchases the marked fuel has not paid tax, there is nothing the consumer can recover from Alberta Finance. As previously discussed, section 13 of the existing act requires the tax and farm fuel benefit to be passed on to farmers. Section 10 expands that requirement to all tax exemptions.

I'll just reiterate, finally, that the principal goal of this bill is to provide the overall framework on how the fuel tax is applied and collected, and the bill provides for a multistage direct tax, meaning that the person who is highest in the supply and distribution chain will pay the tax to the Crown. Every person in the chain would pay the tax but would later recover the tax from the next person in the chain. In the end it is the end-user, or consumer, of the fuel that ultimately pays the tax.

Mr. Speaker, finally, I would just like to simply say that Bill 35, the Fuel Tax Act, will make the administration and collection of fuel taxes easier for everyone involved. On that basis, I would urge everyone to vote in support of it at third reading.

Thank you.

The Deputy Speaker: Are you ready for the question?

Hon. Members: Question.

[Motion carried; Bill 35 read a third time]

Bill 36 Securities Transfer Act

The Deputy Speaker: The hon. Member for Grande Prairie-Smoky.

Mr. Knight: Thank you, Mr. Speaker. It's a pleasure to rise and move third reading of Bill 36.

Again, Mr. Speaker, we've heard some excellent discussion on this bill both during second reading and in Committee of the Whole. I commend the hon. Member for Edmonton-Rutherford. He took the opportunity to learn about the legislation from government staff and clearly did a lot of research on his own. The concerns and questions he raised demonstrate his understanding of the Securities Transfer Act's significance, and I thank him for speaking in its support last week.

Mr. Speaker, stakeholders have urged prompt uniform implementation of securities transfer legislation in Canada. The Securities Transfer Act represents an important example of interprovincial co-operation in responding to the needs of Canada's capital markets. It will provide a single, uniform source of rules for transferring and holding securities and interests in investment properties traded in Canada and elsewhere.

Ontario has recently made amendments to its Securities Transfer Act, making its bill virtually identical to Bill 36 in Alberta. Other provinces plan to introduce a securities transfer act in 2006. Once implemented, Mr. Speaker, Canada's securities transfer laws will become more closely aligned with the Uniform Commercial Code in the United States, and this is essential to ensure that Canada remains competitive not only with the United States but also in the global marketplace.

I urge all members to support this important legislation. Thank you, Mr. Speaker.

The Deputy Speaker: Are you ready for the question?

Hon. Members: Question.

[Motion carried; Bill 36 read a third time]

Bill 37
Miscellaneous (Provincial Treasurer)
Statutes Amendment Act, 2006

The Deputy Speaker: The hon. Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Speaker. On behalf of the hon. Minister of Finance it's my pleasure to rise and move third reading of Bill 37, the Miscellaneous (Provincial Treasurer) Statutes Amendment Act, 2006.

As previously noted, Bill 37 is basically a housekeeping act that fundamentally allows changes in legislation with references to "Provincial Treasurer" to be replaced with the phrase "Minister of Finance" or the minister responsible. It's simply updating legislation that aligns other legislation with the current title and responsibilities of the Minister of Finance and other program ministers.

I would urge everyone's support in that regard. Thank you.

The Deputy Speaker: Are you ready for the question?

Hon. Members: Question.

[Motion carried; Bill 37 read a third time]

head: 10:00 **Government Bills and Orders**
Committee of the Whole
(continued)

[Mr. Marz in the chair]

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

Bill 43
Miscellaneous Statutes Amendment Act, 2006

The Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? Are you ready for the question?

Hon. Members: Question.

[The clauses of Bill 43 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 42
Appropriation Act, 2006

The Chair: Are there any comments or questions or amendments pursuant to this bill? The hon. Member for Edmonton-Manning.

Mr. Backs: Thank you, Mr. Chair. I'm very pleased to rise and speak to Bill 42, Appropriation Act, 2006, and to speak to the expense and equipment/inventory purchases that may apply to some

of the \$26,748,531,000. A lot of coin, a lot of money, a lot of budget there. Yet, you know, we get to see time and time again that there really isn't much of a budget in place when we vote for a budget and for the monies that run the government in this province. It seems that time and time again we will be seeing supplementary spending in the billions, and I'm sure that it will be coming forward. It doesn't seem to matter when it comes forward. The budget doesn't matter, and we will be looking out.

Nonetheless, there are a number of areas where obviously very quickly after this budget has come forward there may need to be something: in education, of course, where we're seeing layoffs and problems with class sizes. The amount that was put forward and originally budgeted is not looking to handle what is necessary as schools and boards look to the necessary monies that they have to run this so, so important area of our economy and of our culture and of our system. You know, if we could be looking toward some different ways of dealing with some of the monies that are spent there, if we could be looking at ways to ensure that families, children are not spending all their time raising extra money over and above what they have budgeted for the schools for things like textbooks and trips and just all sorts of small things, school lunches and things like that, we would have a much more efficient system and actually provide education and experience for our young people.

If we look at Advanced Education, you know, there are many areas of Advanced Education that seem to be very problematic right now. In the last report I had seen, there were 5,000 spots left wanting for apprentices to get into this year in northern Alberta, 5,000 apprentices in southern Alberta, people who are dying to work in the trades, who want to learn, to move ahead in their trade, to get into their trade, to try to find out how to make their way in a new career, yet they are not able to because those resources, those spots are not available.

[Reverend Abbott in the chair]

We look at, you know, Economic Development. My gosh, in Economic Development we don't seem to be doing much of anything. We seem to be going back in many sectors. In terms of real agricultural development in new areas, in nutraceuticals and things like that, we haven't seen a whole bunch. We haven't seen a lot of development in many, many sectors as the nature of our economy seems to be driven more and more by oil and gas and not expecting more and more in other areas.

I was actually pleased to see the bill passed earlier this evening to ensure something of a tax cut because I think that may help somewhat for economic development, but we're not, you know, looking to training. I mentioned earlier under Advanced Education that the spots aren't full. We're looking to bring in temporary foreign workers, temporary foreign contractors who will not train apprentices that will be needed in the economy as we approach the demographic time bomb of the retirement of the baby boomers, and that's just coming up in a few years. These things aren't at all addressed.

We look at, you know, the many areas in Finance where we haven't really looked at, I think, tax cuts that would help to ensure that our economy is working more efficiently, that we are training more people, that we are developing our oil sands in a meaningful way and not just in a pell-mell, confused way.

You know, I look at some of the ways in Gaming that our lottery fund payments are disbursed, and I really wonder how that makes a whole bunch of sense.

I look at some of the things in Health and Wellness, and I very much am distressed at what has been happening with our seniors and

the difficulty for them to have a decent retirement with just the few resources that so many of our seniors have to deal with.

I look at the nature of Infrastructure and Transportation, and I didn't really see, you know, some things that may help with aboriginal development and the provision to the aboriginal workforce of training for them and things like the east-west connector, things like some provision for the Peavine-McLennan road, more monies to ensure that highway 63 could go even faster. Some of it is very good, and I appreciate some of the spending that is there. I think that was necessary and should have been looked at over the long term.

In transportation we look at, in spending on road building and other similar types of infrastructure spending, a difficulty in the long term. I think it was not too many years back that the budget was cut very severely, and half of the people who work in that industry were lost. You know, it's very difficult to bring them back, very difficult to reinstate their training very quickly, and now the industry is having a huge problem bringing people up to speed. Their efficiency is not as good as it was, and I think that somehow that that has to be looked at as being an area where we have certain of these programs which are assured certain spending on a regular basis, that there be some type of a fund in place that ensures that this capital investment would continue in good times and bad, and that we would have that carry forward and not lose the contractors, not lose the people who work in that industry, not lose the ability and the capability to work on that and just throw money at it in a much, much bigger way in good times. That's what we're seeing. We're spending a whole bunch more because we didn't deal with it correctly in the past.

10:10

I look at the Solicitor General and the problems that we have in Edmonton in not taking care of the Remand Centre and ensuring that spending was put in place a long time ago to ensure that the proper facility is in place. I hear candidly and privately, to be truthful – they don't want to be public – from some of our police officers in north Edmonton that people are not being charged, that JPs, or justices of the peace, are not putting people in because they cannot honestly put some of the guys who should be put in the Remand Centre there because there is actually no space.

Under Seniors and Community Supports, the PDD. Gosh, I hope there's something that happens in that in the next few weeks. The people in Edmonton that I've talked to, the hundreds and hundreds of people that were at some of these meetings and demonstrations that looked to the real effect of what have in reality become cuts in a number of areas – the layoffs that have already happened in some areas are affecting people that are some of the least able to defend themselves in our society and are looking to so very little. Yet there was a cut in the Edmonton area of 3.5 per cent, I think, in some of these areas, in a system that does not make a lot of sense, quite often, in the number of providers and the way that some of these providers are controlled and administered, in some of the standards that are set for them. It's very, very questionable.

[Mr. Marz in the chair]

Sustainable Resource Development. When we look at the nature of ensuring that our forestry resources, our sustainable resources are coming forward in a much better way, I'm fearful of what may happen if we see the pine beetle coming through into Alberta in the same way I've seen in travelling through B.C. what has happened there. I'm not actually very, very encouraged by what I've seen.

The whole nature of the budget, though, I think leaves some room

open for some other spending. I hope that in some ways there could be some cuts in some areas, but that won't happen.

With that, I end my remarks. Thank you, Mr. Chair.

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

Mr. Agnihotri: Thank you, Mr. Chairman. It's my great pleasure to rise again and speak to Bill 42, Appropriation Act, 2006. The government has spent a huge amount of money, no doubt, but the money, I think, was not spent wisely.

I start with the Department of Community Development. The overall ministry expense for Community Development for the year 2006-07 is \$242 million, a 14 per cent decrease from the 2005-06 forecast. The 2006-07 expense and equipment/inventory purchases estimate is about \$229.7 million, a 5 per cent increase.

I just want to make some comments. After spending a huge amount of money, why is this department so far behind compared to the other provinces in Canada? I was surprised when I was listening to question period. Somebody asked a question of the Deputy Premier, and she was quite happy with the way the government is handling community development. Still, I think of major concerns like the sports plan. I think the government was talking about the sports plan for a long, long time. I still have a copy of that, and they have not implemented the sports plan so far. A cultural policy is not there yet. A former Minister of Community Development promised to implement a cultural policy during this session, but I haven't seen any policy yet.

The minister of health talked about active lifestyles and giving some incentives to recreational facilities or maybe a tax rebate. She was going to implement that. Some good ideas which everybody appreciated, but it's not happening so far. After spending so much money, so much discussion, it's not in progress yet.

The human rights commission. Still I'm receiving lots of complaints from my constituents. Some people are waiting a long time, and the cases are still pending. I don't know where we're wrong, but if after spending a huge amount of money and the problems are still there, what's the use of injecting money into certain departments? Libraries, yes. The government gave a \$20 million lump sum of money, but if you compare the per capita funds to the '80s, still we are behind compared to any other province in North America.

We don't have any plan to prepare athletes for the Olympics. I talked to somebody who manages and looks after top athletes not only for Alberta but for the country, and according to him Alberta has some really good athletes that can shine in the next Olympic Games. This job is part of the federal government as well, but still the Alberta government is not doing anything to help the Olympic department to produce some more athletes for the next coming Olympic Games.

The Alberta sector, as I've said many times during question period and during the budget debates, creates about 3,500 jobs, and the revenues are coming approximately the same as – the government gives them grants. It's not fair with this sector. I know that today the Minister of Finance didn't agree with this, but I still think this sector needs some more funding. I mean, the money was spent like horse racing or some other departments' money. I'm not saying that the money was not spent. Even this government has broken all the records. This Tory party is, I think, the most spending party ever in the history of Alberta. They should take a lesson. I mean, they should spend money very wisely.

Another thing. I hear lots of complaints about the WCB. The people on low income, contentious files, long-term – they are struggling. Some people believe that the government is like a

private department. The government is totally trying to, you know, back off from this department, and they are not listening to individuals.

10:20

I'm glad that the government is giving some money to AISH after a long time, but still the people are complaining that every year there should be an evaluation, at least after one year, so that they can get a raise according to the inflation rate.

The PDD were protesting just a couple of weeks ago outside this Legislature, and they were given a 2 per cent raise. If you work it out, it's less than the inflation rate. They are people. Somebody said, you know, that the necessity of life is three things, Mr. Chairman: food, clothes, and shelter. I mean, a car, holidays, gambling, or if you do something else is a luxury. Those people with the low incomes are vulnerable people. They don't begrudge the big corporations if they are making profits in billions, but they do begrudge if they don't even get the basic necessities to live a reasonable life.

Every time we ask a question to the minister, they say that we are number one or number two. Nobody ever said that the art sector is number 10. I mean, how can we believe that? I suppose the health care system is number one. How can we believe it's number one when every time the minister compares it with Europe or somewhere else, with the other states. We will believe this health care system is number one or number two when we don't get any complaints. The people are suffering. There are long queues in the emergencies. I know that the department is working hard. Fifteen years ago we had a rally of about 15,000 people in Mill Woods, and at that time the waiting time was only four hours. Now it's nine hours' waiting time. We are not going forwards. We are going backwards.

I'm not talking about only health care. Every time you ask the Minister of Education, they spent that much money, in the classroom there's no problem, the classroom size problem is fixed, but when you talk to the students, the problem is still there.

I just want to know where we went wrong, and what we can do. I think the main reason is because we just throw money when we see a problem. When we see a problem, throw the money, and that problem is solved for a while. Then after some time the problem starts again.

Another thing, the long-term care centres. I know that in spite of the Auditor General's report – and they found out that in one-third of the facilities their standard of living is low, and every time we ask a question, the government is not listening. The government always answers very tactfully, but I don't call them answers. Yes, we ask them questions. We ask questions about the long-term care centres, but we don't get the proper answers that we actually asked for. But they always answer tactfully.

Drug abuse, crystal meth. In my riding crime is the major issue. Here's the report. We spent an 11.8 per cent increase on policing programs. If we spend that much money, why? Every time I read the newspaper, there is a stabbing, killing, kidnapping. In my riding recently two or three girls were just kidnapped, or nobody knows where they are. The bus incidents happen during the nighttime, and people are so afraid that they don't walk after 9 o'clock. I mean, I respect the people working in the police department. I know that they are working hard. They always take risks to save our lives. I'm not criticizing them, but my question is: where are we wrong? We can spend money – and the government is spending money – but the money is not well spent. It's not spent wisely.

My suggestions and my comments are that before we put some money in, we should have a proper policy. We should have proper discussions. Maybe we should have all-party discussions, case by

case if they want. I think the NDP, Liberal, Alliance, or any independent person would love to sit with them because we are here to serve the people, to serve Albertans. Okay? I mean, I'm sorry to say it, but if everybody thinks this way, I don't think we will have a problem. The problem is that, first of all, we don't admit that there's a problem.

We can't solve problems just by throwing money, giving grants to the different communities. We gave \$20,000 to Applewood community in Calgary, and the Auditor General's report found that the money was misused. We still can't find out why the government is not giving us the document through FOIP, which is 719 pages. That document contains the secrecy of that Applewood community, and we can't get it.

Mr. Lukaszuk: How do you know what's in it?

Mr. Agnihotri: Well, we want to find out. This is our job.

Mr. Lukaszuk: But you know what's in it.

Mr. Agnihotri: I'm saying that I want to know. Why is there secrecy? This is the point. You guys don't admit that. Through the chair. Sorry about that.

Deregulation. When it was regulated, the people were happy. They were paying less than \$5 a gigajoule, right? Now they are paying three times more. If we come back to regulation, anybody here can guess how much we lost, why we lost because of a lack of long-term sustainable policies. At this point everybody, all the scholars agree that we are receiving royalties in billions and billions of dollars. Where's the policy? Nothing. And nobody wants to hear.

Anyway, if we can give a 40 per cent, 60 per cent increase in grants to horse racing, what's wrong with the arts sector? What's wrong with them? I was in Fort McMurray two weeks ago, and there is only one theatre. I talked to the manager, and she said: if we had three theatres like this, they would be full for seven days, and it cost them \$1.8 million. Do you know how much the Alberta government paid them? Only \$50,000. One million dollars comes from next door, a college, and the college gets the money from three big companies, Suncor, Syncrude, and some other – I don't exactly know the name of the third company. It's a shame. I mean, we are not spending money where the money should go. That's my comment on that.

10:30

I met a group of people from the university, Mr. Chairman, and I'm sorry to say that they said that sometimes they don't even see the teachers. There are over 550 students sitting in the classroom during lectures. Can't we do something? Can't we make their lives a little bit better? Of course we can if we admit that there's a problem or if we spend money wisely, but we don't.

Everybody sitting here knows that we have a lack of doctors, we have a lack of nurses, nursing staff. Just talk. They all talk. But, I mean, there are 4,000 foreign doctors doing ordinary jobs. If they get a little bit of training, we can send them to rural areas, and we can solve the problem easily. But, no. If they cross the border, go to America, those doctors get a licence. They can work there, but they can't work in Canada. This is a problem.

Training centre. I mean, if we know we have shortages, there's a problem. I'm dealing with one person. I'm meeting tomorrow morning with the minister of human resources. I told that party, I said: why don't you talk to the minister directly? I appreciate that the minister agreed. He said: okay, you bring them here. He will listen to them.

There's one of the big companies here. Their workforce is 300 people, full-time workers, and they need 25 workers right away. He said: "I don't care where you guys, you know, import those. Bring them from any country."

Thank you.

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

Dr. B. Miller: Thank you, Mr. Chairman. I just wanted to say a few words about, first of all, the process in terms of the budget process. I hope that all hon. members will read the Parkland Institute's publication *Fiscal Surplus, Democratic Deficit: Budgeting and Government Finance in Alberta*. It's an excellent document. It raises issues about how the whole budgetary process takes place, especially in respect to the involvement of opposition members, that there are no open, public, prebudget consultation hearings across Alberta.

For example, the House of Commons has a budget committee that travels across the country and listens to public input. I think that that kind of process should happen provincially as well. I remember when the committee came to Edmonton from Ottawa. I had a chance to address the committee on behalf of Poverty in Action, which was a group trying to deal with poverty here in Edmonton. It was a very important moment for this group to be able to speak to and to be heard by politicians coming from Ottawa. I think that kind of involvement is certainly important in terms of the public having a sense that they have input into budgetary discussions.

I mean, actually, school budgets seem to have a better process in terms of involving the public than this government. I spent some time in a school recently. They are in the process of looking at budgets now, and they invite parents to come and be involved and to look at the whole budget and to provide input before it goes to the school board. I think that that's important to have that kind of input.

Well, Mr. Chairman, just looking at this whole budget, I only have one issue. I mean, like my colleague from Edmonton-Ellerslie I could raise lots of issues about different parts of this Appropriation Act, but in looking at the whole document and all the different increases that there are in all the departments, the one area that I'm really concerned about is Human Resources and Employment and the continuing low rates for people unable to work or expected to work and so on. The basic welfare rates haven't changed very much in about 12 years. Twelve years ago I helped to actually form a group called the Quality of Life Commission in order to deal with the cuts to social services that affected poor people in this province. It was our privilege, in forming that commission, to actually invite high-profile people to be on the commission such as the Hon. Lois Hole and the Hon. Doug Roche.

They went into the inner city and listened to people living in poverty. After hearing the stories, they were convinced that people living on SFI then – it was called SFI – didn't have enough money that could amount to a living wage. That's why we have so many people going to food banks. That's why we have churches opening their doors to provide meals for people in this city and throughout this province. The money that people get on welfare is just not adequate to live. It is just deplorable that in this rich province here, 12 years later, the rates are the same.

So in this budget under People Expected to Work – Income Support it shows a decrease of \$10 million from last year. Under People Expected to Work – Health Benefits, there's a decrease of almost \$3 million. Under People Not Expected to Work – Income Support there's a decrease of over \$5 million. Under the People Working – Earnings Supplement there is a decrease of over \$3 million, or 19 per cent, from last year, and health benefits has also

decreased by almost \$1 million. So I think that in a rich province when we have so many billions of dollars and a huge budget like this, it's deplorable that those rates still are so low.

Now, I'm not of the school that thinks that income is the only issue because I think that also there need to be social supports. There needs to be a social support system for people who are living in poverty. I deplore the approach that's so prevalent that treats people just as individuals, and then the individuals come with their needs, but they're not even told what they're entitled to get in terms of social services. What we need is to revamp, completely change the whole welfare system so that it appreciates people holistically and provides the adequate social support system in the community.

But income does mean a lot. People cannot get out of poverty, they cannot live day by day without having adequate income. So if these rates continue this way, we're just going to have a situation in this province where the rich get richer, because there's so much opportunity for people in this province to improve themselves, and the poor get poorer, so the gap between the rich and the poor increases more and more. That will lead to social decay, lack of social cohesion in the society, a lot of fragmentation, a lot of despair on the part of those who have very little. I don't think that's the kind of Alberta that we want in the future.

So I would hope that as we move into the future, we would be wiser and put our money into providing for the people who have the least. I think it's a measure of the morality of a government how we treat those who are the poorest in society. I think every budget is a moral document. It tells us what kind of priorities a government has. Budgets, even for families, are an indication of what priorities a family has. In this case because there's so little money supporting people who need it the most, at the very bottom of society, I don't find this a moral budget. I think it's deplorable that we can't have more compassion for those who are desperate and those who are in need. With that, I'll take my seat.

Thank you, Mr. Chairman.

10:40

The Chair: Are you ready for the question?

Some Hon. Members: Question.

[The clauses of Bill 42 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? Carried.

The hon. Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Chairman. I would move that we as a committee now rise and report Bill 43, the Miscellaneous Statutes Amendment Act, 2006, and Bill 42, the Appropriation Act, 2006, and beg leave to sit again.

[Motion carried]

[The Deputy Speaker in the chair]

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

Rev. Abbott: Well, thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bills:
Bill 43, Bill 42.

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

Hon. Members: Agreed.

The Deputy Speaker: Opposed? So ordered.

head: **Government Bills and Orders**
Committee of the Whole
(continued)

[Mr. Marz in the chair]

The Chair: I'd call the Committee of the Whole to order.

Bill 40
Post-secondary Learning Amendment Act, 2006

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

Mr. Eggen: Thanks, Mr. Chairman. I have some very brief comments in regard to Bill 40. Quite frankly, if I had my druthers, I wouldn't be less inclined to look for ways to somehow improve this bill through amendment, but my very honourable and thoughtful colleague has done so. My feeling, just before I do bring forward the amendment that I have here for my hon. colleague for Edmonton-Strathcona, is to mention that I find it deplorable that we are moving these sorts of decisions from this Legislature to regulation. I think that it goes against every sort of better judgment. I know that we've been studying this for the last two and a half years, and then to make this move I find a bit difficult to swallow. Nonetheless, I do have an amendment for Bill 40, and I'd like to distribute that now.

Thank you.

The Chair: We will call this amendment A1. We'll just wait another moment to have them distribute it.

Okay. Hon. Member for Edmonton-Calder, you may proceed.

Mr. Eggen: Thanks, Mr. Chairman. As I had previously stated, I'm finding it difficult to try to amend this bill, but if there is one place where it can be done, I would suggest that my hon. colleague from Edmonton-Strathcona has hit on it. Basically what he's trying to do here is to place some reasonable control on how these regulations might be unfolding in the coming months and years.

The biggest concern that I think postsecondary students have is to be able to budget reasonably for tuition. I'm suggesting through this amendment that the tuition must not be increasing more than the Alberta consumer price index for the previous calendar year. That way people can make budgeting decisions that are reasonable, and in fact we can maintain a reasonable structure for public funding for postsecondary institutions as opposed to, let's say, allowing one or more or many or all of our postsecondary institution tuitions to run out of control and, thus, compromise the ability for all Albertans to access postsecondary education here in the province.

Thank you.

The Chair: The hon. Minister of Advanced Education.

Mr. Herard: Well, thank you very much, Mr. Chairman. It's an

interesting amendment. It's too bad they didn't bring it to me before now. One of the things that I've been able to do in the last few days was have a nice, long talk with students in the organization called CAUS. As you know, they're currently changing their leadership with new presidents and vice-presidents and so on taking over the helm of the organizations. One of the things that I did commit to them is that if they give the regulation-making process an honest shake, in other words an honest try, and if for some reason it doesn't work for them, then they can come to SPC and tell us what didn't work and how we should fix it or make the suggestion that it go back into legislation. They've asked me, you know, would I make that statement publicly, which I did last night and again tonight. I've also offered my two critics across the way to participate in that same process.

With respect to this amendment, as you can probably appreciate, there are three steps that we take in order to approve policy, and that's SPC, cabinet, and caucus. It would have been interesting had the Member for Edmonton-Strathcona approached us with that, and we might have had a discussion. As it is, I can't on behalf of government accept this amendment because it would be a policy that has not gone through the process.

Thank you.

10:50

The Chair: The hon. Member for Calgary-Currie.

Mr. Taylor: Thank you, Mr. Chairman. I rise to speak in support of my colleague from Edmonton-Calder's amendment to Bill 40 and to perhaps poke one or two holes in my hon. colleague the minister's argument against it. Hole 1 would be this, if I'm quoting accurately, and *Hansard* will determine when the Blues are printed whether I got the quote exact or not: it's an interesting amendment; too bad it didn't come forward until now.

Mr. Chairman, the minister was I believe first elected to this House in 1993. That's a long, long time ago, certainly long enough ago to read the Standing Orders, learn the rules about how this process works. If you have respect for what is supposed to go on on the floor of this House, where duly elected representatives of the population of this entire province meet to debate legislation and policy, you'd realize that this is the way that it works, that bills are introduced, and at various stages, as appropriate, amendments are moved. Now, if the minister wants to say that he can't support this amendment and members of his caucus can take their direction from that comment or not as they see fit or as the whip allows them to do, that's fine, but to suggest that things would have been different if those of us on this side of the House had jumped through this minister's hoops is disingenuous at best.

You know, I too met with the outgoing and incoming leaders of CAUS this morning, so they were able to report to me on the meeting that they had with the minister yesterday. In fact, the offer was made, although they weren't 100 per cent clear on whether the offer was made as a sincere and binding commitment or whether it was more along the lines of: well, if you guys have some problems with this, come on back to my office and see if you can convince me to do it differently.

Yes, I assume that my counterpart in the third party, the Advanced Education critic, has probably received the same letter from the minister that I received today, and the minister will be getting a written answer, I would assume tomorrow, to his offer. I will say publicly right now that it is my intention to take the minister up on his offer, and if I have any influence whatsoever over the Member for Edmonton-Strathcona, I'll try to persuade him to do the same thing.

I will do this on my terms, and my terms are simply this. Number one, understand that in my role as the Official Opposition Advanced Education critic I will continue to exercise that role, and I will not be co-opted by being brought into the consultative process. [interjections] Laugh if you will, jackals, but if you can't stand the heat, get out of the kitchen, and I'm giving the minister the opportunity to withdraw the offer now if he's not up to the challenge.

Secondly, my agreeing to take part in that consultative process, as specious as it is – because, of course, consulting with stakeholders is something that happens at the very beginning of the process, and there's absolutely no guarantee that having been consulted with, the stakeholders' opinions will actually be taken under consideration and acted upon if they happen to contradict what the government has already made up its mind that it wants to do. So understand as well that my agreeing to participate and take the minister up on his offer in no way construes any kind of approval for Bill 40 and its undemocratic attempt to take tuition policy out of legislation and put it under regulation, where cabinet can mess with it any time it so feels and stick the students of this province with any old tuition policy that it would like, and there's not a darn thing that they could do about it. Bill 40 is called the Post-secondary Learning Amendment Act, 2006. It perhaps should have been more accurately titled the denial of democracy amendment act, 2006.

I'm going to support my colleague's amendment because it is, I suppose, in a way an attempt to take something, which is so fundamentally flawed as to leave us on this side of the House shaking our collective heads, and try to fix it. In fact, Mr. Chairman, I doubt that a bill of 60 or so words that seeks to do only one thing, which is to undemocratize the process further, can be fixed. Perhaps this bill should have just been drowned at birth, but I will vote in favour of the amendment.

Thank you, Mr. Chairman.

The Chair: The hon. Minister of Advanced Education.

Mr. Herard: Thank you very much, Mr. Chairman. I think there are a couple of points that have to be made with respect to what we just heard. Number one, I think that the hon. member across the way probably doesn't realize that if you want to get an amendment approved at this stage, you have to have the approval of the process: standing policy, cabinet, and caucus. To stand there and say that you can have approvals of amendments made in this House without going through process, sir, is just an admission that you don't know how it works yet. Maybe you'll need to learn that.

To suggest, sir, that I did not make the offer that I said I did is absolutely wrong. One thing I do not do, sir, is come here and cast false witness. I made the offer, and the offer will stand.

Mr. Taylor: Mr. Chairman, I only report what I'm told. I've always done that, and I will continue to do that. The fact remains that the minister can talk about the process all he wants, but the process that he's discussing is a process that happens within the government side of the House, within the government. The minister is very fond of saying – I've lost count of the number of times that he has said it during debate on this bill – that the government is the government as though the government is some high priesthood.

Mr. Herard: No. It's elected to govern.

Mr. Taylor: The cabinet was selected by the Premier to govern, but the cabinet, I would remind the hon. minister, his oath to do good work notwithstanding, is answerable to the Legislature, which in turn is answerable to the people.

This goes to the fundamental problem that we deal with not only in Bill 40, Mr. Chairman, but every day in trying to deal with this government – we the people of Alberta, not we the opposition – that it has been in power so long, it is so arrogant, so complacent, so corrupted by power that it has utterly lost touch with the people of Alberta and has no understanding whatsoever – and this, I think, is personified in some of the comments that the minister has made – of the relationship that is supposed to exist between a duly, democratically elected government and the people who put it in office. I will remind the minister yet again that the opposition parties in the last election got 15,000 more votes than the Conservatives did. The Conservatives would be well advised to listen to their stakeholders on matters like this.

Thank you.

The Chair: Just a reminder to everyone that we are discussing amendment A1.

I'll recognize the hon. Member for Edmonton-Whitemud.

Mr. Hancock: Thank you, Mr. Chairman. I will be brief. I just wanted to comment. I appreciate that we're on the amendment, but the hon. Member for Calgary-Currie has raised an issue with respect to the process of the amendment. Having had the benefit of spending some nine years as deputy House leader or House leader, working to make sure that this Legislature has an effective process for creating public legislation for Albertans, I can tell the hon. member, who doesn't perhaps have that same level of experience, that this Legislature works best when we work collaboratively on public laws. We have done that, and we have done that with members of the opposition.

11:00

There are two roles that an opposition has, and I appreciate those two roles. One is to improve public legislation by offering positive amendments, and the other is to point out a different perspective when they have no appreciation that the amendment will be passed. When they want to improve public legislation – and I will indicate that in the past when working with opposition members, there have been improvements to public legislation because an amendment had been brought forward which raised a concern or an issue that hadn't been understood or discussed before or brought to light a different way of doing something, and we had the opportunity to discuss that.

The offer has always been open to bring an amendment of that sort to our attention so that we could discuss it, raise it through the caucus process so that we could make sure that everybody was comfortable with it so that we could actually then improve public legislation. But if, in fact, it was an amendment that was being brought forward for, in essence, political purposes – and I don't use that in any derogatory way but just respecting the fact that one of the roles of the opposition is to point out a different philosophy or different perspective – then there was no need, of course, to bring it forward ahead of time because they had no intention for anybody to look at it seriously.

Now, for the hon. member to say that when an amendment is dropped on the floor of the House with nobody having had an opportunity to previously see it, it is better than what they complain about if you ever introduce a bill in the House and expect to debate it immediately, which they would raise up holy terror about, is ridiculous. The hon. Member for Calgary-Currie shouldn't get on his high horse about the idea that the hon. minister might suggest that the practice that we've had in this House – and it's my understanding it still continues – is that we are always prepared to consider an amendment that would perhaps improve a bill, and if

there was an intention to bring forward such an amendment that would improve the bill, if it was brought forward on a timely basis for the members of the House to see and for caucuses to discuss and see whether it could be supported and see whether it could be fit into the policy objective of the bill, that would be considered in that manner. If it was a political amendment designed for them to put forward their point of view, then there was no need for that consultation.

I just wanted to take the opportunity on this particular amendment to point out that the process they followed was the latter and not the former. Therefore, they have no real reason to object to the hon. member's comments.

The Chair: Edmonton-Manning.

Mr. Backs: Thank you, Mr. Chair. The fact that a process has been going on for nine years or more and that it is a process behind closed doors and sometimes brings about changes still does not get away from the fact that it is undemocratic and fundamentally arrogant and is fundamentally not acting quite often in the best interests of the people.

I speak against the amendment to Bill 40, Post-secondary Learning Amendment Act, 2006. With respect to the mover, I'm sure his reasons for moving it are laudable and correct, but I think that even having an amendment to this legislation implies some degree of acceptance of this odious legislation that shouldn't be passed in any way.

I think that in reality what we should be looking at is not even, you know, the sort of fake freeze that really was not a frozen tuition increase but just something that was covered by the government for a couple of years to look like a freeze. To be truthful, we should be looking to ensure that there is not just a cap in terms of percentage but that tuitions do not increase. By not increasing over time and by the fact that this would be seen as an investment – and I'll get into that later when I speak to the bill – and by looking at education as an investment in the future of Albertans and Alberta, we would be looking to ensure the prosperity of the province in the future.

I cannot support this amendment. Thank you, Mr. Chair.

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

Mr. R. Miller: Thank you very much, Mr. Chairman. My pleasure to rise and speak to the amendment that's currently before us. I want to respond directly to some of the comments that the Minister of Advanced Education made. He indicated that he sees some benefit to the intention of this amendment and that had he had some more time to take it to his government caucus, he might well have been in favour of this amendment.

My question is: what the heck are we in such a hurry for? Everybody in this House knows that we can pass a bill through committee and third in the same day. That means that we've got all day tomorrow to do this. If there's benefit, if there's value in this particular amendment, let's adjourn tonight and allow the minister to take this amendment to his government caucus, share with them his views on the fact that it might actually have some merit, and bring it back to the House tomorrow afternoon. We can deal with the remaining issues tomorrow in committee, pass it through third, and at least we'll have something that is somewhat better than what we currently have in front of us.

Now, I'm not suggesting that I'm in favour of the bill, but I'm also a realist. I know that the government has a big majority, and they're going to get this piece of legislation, whether the opposition likes it or not. If the minister is suggesting that there's some merit to this

particular amendment, I say let's work together and make that happen instead of the partisan politics that are taking place right now. I really would like to see that happen.

If it's appropriate, Mr. Chairman, I would move adjournment of debate at this time and ask for it to come back to the House tomorrow.

[Motion to adjourn debate lost]

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

Mr. R. Miller: Thank you. I'm disappointed to see that the government has chosen not to support the motion to adjourn and give themselves a chance to look at this amendment a little more carefully. Given that that's the case, I would like to just touch on a couple of further points that the Minister of Advanced Education made in his comments earlier.

He talked about the offer that he made to the student association when he met with them. He said to give it a chance, and if it doesn't work, bring it back to the SPCs. Well, those on the other side of the House will know better than I do, but I have heard varying accounts as to how long it takes for a group to get in front of an SPC. It can be anywhere from a year to three years or longer is what I've been told. Now, I don't know if that's a fact, but I certainly heard it, and I know that there are a lot of groups that want to get in front of an SPC.

Perhaps the minister could elaborate on his comments and make a firm commitment that if they want to get in front of an SPC, it would happen within, say, two months or one month or three months. I don't know. But give us some assurance that if, in fact, the student associations do end up with the same concerns that we have – well, they already have the same concerns that we have – after a bit of experience with this bill having been passed, then I think that we should have a commitment from the government and the minister, in particular, that he will get them in front of an SPC forthwith so that they don't have to wait a period of time to raise their concerns.

The other comment that I would like to make is that there have been many comments in the House this afternoon and this evening as to the effectiveness of all-party committees working together. There was a comment earlier about the search for a new Chief Electoral Officer, and I heard a number of members tonight talking about success in other areas with all-party committees. If the minister is really serious about his offer to include the Advanced Education critic from the Official Opposition and the Advanced Ed critic from the third party, then let's get serious about it and open up the standing policy committees to all-party committees like they do in every other Legislature in this country. Then we'll be doing something. Then you'll have a process that would have some legitimacy to it. You know, the lip service or the hollow words that are often thrown out by this government aren't good enough. Let's put our words into action. If you're really serious about allowing input from other parties, let's legitimize that by establishing all-party committees. Then I would have some faith in the process. As it is right now, I really, really don't.

11:10

My final comment on this particular amendment, Mr. Chairman, is that the way we're going, I can see a day when we might just as well not have a Legislature. I've said this time and time again, but every single time I come in here, it seems that there's another bill in front of us that's taking legislation and turning it into regulation. Pretty soon we won't have any legislation at all any more. It will all

be empty frameworks that allow Executive Council to do whatever they want, when they want, consulting with whom they want, without ever being debated in public in this Legislature.

Frankly, all 83 of us, or at least the 58 of us that are not on the front benches of the government, our jobs will be redundant. We might just as well not be here if all we're going to do is debate an empty framework and not have any legislation with any teeth in it for us to debate for Albertans to follow and for Albertans to search on *Hansard*. What's the point? Ultimately, what's the point if everything is going to be moved into regulation and allow cabinet ministers to make the decisions behind closed doors?

That's just not good enough. It's not why I came here. I don't believe it's why any of you guys came here either. I really don't think that your intention when you ran for public office was to pass blanket legislation that would allow the cabinet to pass orders in council without input from legislators. That's not the reason why we ran for public office, and it certainly isn't what the people of Alberta expect. It's not what they deserve.

I do believe today is a sad day for Alberta, with this particular bill being pushed through the House, with Bill 20, the FOIP amendments, being pushed through the House. I think that we as a province will suffer for the decisions that are being made in this House today, and I don't doubt that a period of years down the road many of us, including many on the government side, will look back on today as a black day for Alberta. I'm actually very, very ashamed to have been a part of it.

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

Mr. Hinman: Thank you, Mr. Chairman. I'm pleased to be able to stand up on amendment A1 on Bill 40. My basic comment is that I believe in the KISP principle, keep it simple, please. This is certainly a simple, understandable bill that the students would know is concrete. The hon. Member for Edmonton-Rutherford just took some of the comments I wanted to make. As we see Bill 20 and it is being put into the minister's hands and a special group to listen to the so-called desires of the students and Albertans to make the wise decision, I have to ask the question: well, should we not maybe just have a test put together and find the wisest person in the land, and he can become our benevolent ruler to decide all of the good things? It would be far more efficient than what we're doing, and it's much speedier as well, and it wouldn't cost us near the dollars.

I think it's disappointing that after two budgets we still don't have concrete legislation so that students can know what their tuition fees are going to be or the framework on how it would be decided. I think that the students and educators and people have to look at the budgets for the secondary schools to know what that is going to be, and they could plan on it instead of year to year wondering what the arbitrary decision of a minister might or might not be and have to adjust according to that.

I would be in favour of this, what I consider a not perfect amendment but one that is understandable. At least the people would know where it's coming from, and that's an important part, that we don't do well when we have arbitrary laws that are going to change or arbitrary decisions by a minister that could change mid-season because it's easy to do and efficient to do, which is the argument that I'm hearing.

I'm disappointed in how it has been going on Bill 40.

Thank you.

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

Mr. Agnihotri: Thank you, Mr. Chairman, for giving me the

opportunity to speak on amendment A1, Bill 40, Post-secondary Learning Amendment Act, 2006. I have a few comments, a few reasons to support this amendment. First of all, if this bill is so good, why does this government keep on rushing? Why don't they give the opposition enough time for discussion? If we discuss more and more, after some amendments we can make this bill better for a long, long time. We had experienced this, you see, in 2003. The last time, in 2003, the tuition fee, the cap, the annual increase – I mean, we have to change the legislation again and again, but the reason is because the government doesn't give enough time for discussion.

Another thing is that this bill is not democratic. I mean, if we give all the powers to the government and the government makes all the decisions through the back door, this is not democratically right. Giving more powers to the minister alone and not giving powers to the Legislature, this Chamber – the people sitting here are elected by the people. If we decide something, that means that the total population in Alberta is involved in that decision.

If the government really believes in transparency and accountability, they should make the decision here in the Legislature instead of giving powers to the ministers. But I still am surprised why this government is rushing and not giving enough time to the bill. This bill is a fundamentally flawed piece of legislation . . . [interjections] Excuse me? What's going on?

The Chair: We are speaking on the amendment.

Mr. Agnihotri: Oh, I see.

As happened with the FOIP bill, that bill, Bill 20, passed, but there was lots of criticism. This is another one, and I agree with the hon. Member for Edmonton-Rutherford that if we rush and pass this bill, this will be really, really a sad day for Alberta. I'm sure that the majority of people sitting here will listen to the voices of their own constituents and give sufficient time to the opposition for more discussion, and then it will be good for everybody.

Thank you very much.

The Chair: Are you ready for the question on amendment A1?

Hon. Members: Question.

[Motion on amendment A1 lost]

Mr. Backs: Mr. Chair, you know, I look at this bill, Bill 40, the Post-secondary Learning Amendment Act, 2006, and I look at it as being another nail in the coffin of democracy in Alberta. You know, if I look back to the 1930s and the governments that were in place in some parts of the world at that time, they would have been proud of this legislation, looking at taking another thing away from this Legislature. I remember that just not too many weeks ago the former Premier was speaking of the need for this government to look at what it has been doing, to look at how it's been taking things away more and more and more and more from this Legislature.

You know, this government doesn't trust Albertans. It doesn't trust democracy. What it has been doing and what it is doing, I think, is tantamount to what would have made the Nazis proud in the 1930s, would have made fascists proud . . .

Mr. Zwozdesky: A point of order.

Mr. Backs: . . . would have made any sort of the nature of these types of government very, very proud at that time, and this is the type of thing that is happening at this time.

11:20

The Chair: The hon. Government House Leader on a point of order.

Point of Order

Parliamentary Language

Mr. Zwozdesky: Thank you. I'm so grateful that the Member for Edmonton-Manning went rambling on and on because it proves my citation in Standing Orders of 23(h), (i), and (j). If he were to continue with those improper and absolutely incredibly silly remarks, he would indeed incite disorder through the avowing of false motives against hon. members of this House. I realize that that's not his characteristic nature, by and large, but making those kinds of allegations or imputing those kinds of false or unavowed motives or using insulting language such as references to Nazis is totally uncalled for in this Assembly. I'd simply ask the hon. member to retract that comment, and then we'll move on with the rest of his eloquent debate.

The Chair: Anyone want to speak on the point of order?

Mr. Backs: I will not retract those statements, Mr. Chair.

The Chair: The term "fascist" has been ruled out of order by previous Acting Speaker Clegg on March 19, 1996, so I will take it that it was out of order and ask the hon. member if he would like to respond once again.

Mr. Backs: Mr. Chairman, the nature of what this law is about is odious. I think that that is what it means. I meant what I said.

The Chair: The hon. Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Speaker. I just wanted to remind the hon. member that under *Beauchesne* 489, "since 1958, it has been ruled unparliamentary to use the following expressions." When you turn the page, on page 146 the letters N-a-z-i appear, which I read to be Nazi. So I would ask the hon. member to carefully reconsider his response to this point of order and simply withdraw the remark, and we will then be allowed to carry on.

The Chair: The term "Nazi" has also been ruled out of order on March 3, 1994, on March 26, 1990, and on August 14, 1989. I would give the member one more opportunity if he would like to respond to the point of order. It is out of order.

Mr. Backs: Upon advisement, I withdraw the word "Nazi," Mr. Chair.

The Chair: I accept that.

Debate Continued

The Chair: Now, does anyone want to speak on the bill? The hon. Member for Edmonton-Ellerslie.

Mr. Agnihotri: Thank you, Mr. Chairman. It's my great pleasure once again to rise and speak to Bill 40, the Post-secondary Learning Amendment Act, 2006. I want to add more comments on this bill. Given this government's clear policy failure on tuition, what makes them think that they have a mandate to take future decisions on tuition behind closed doors? I doubt that this is what all those voters in and around postsecondary institutions had in mind when they rejected Tory candidates and voted in Liberals. This bill is just

another sign of Tory arrogance. This government presided over, even caused tuition to go up faster than in any other place in this country. They should not ram through legislative changes that take away any future legislative oversight. The idea of trusting them to manage tuition policy without any opposition input is ridiculous, particularly when the public overwhelmingly rejects the Tory position on tuition. The government's claim that this change is a necessity is false. In the past they have requested that institutions temporarily ignore legislative provisions for setting tuition policy. They can easily do so here until the policy is ready to be legislated. The new tuition policy may very well be better than what we have, but this is not saying much.

Mr. Chairman, previous tuition fee policies haven't lasted very long. As I mentioned before, the last time was in 2003. In fact, the tuition policy established in 1991 was sold as the policy for the '90s. It only lasted until 1995. Are we prepared to hand all future decisions over to the Tory cabinet simply because this latest policy may be a small improvement? Who knows how long this one will last? That's why I'm asking for more time. The government should give sufficient time to the opposition for more discussion. Making small improvements to a record of abject failure is not enough to warrant handing over all this power to the Tories. This is akin to blackmail, using the prospect of a new policy to convince students' families and elected representatives to give up the right to be heard.

The Chair: Hon. member, please sit down.

The hon. Government House Leader on a point of order.

Point of Order

Parliamentary Language

Mr. Zwozdesky: Standing Orders 23(h), (i), and (j). We had a ruling on this just last night from the chair. The term "blackmail" doesn't belong in this discussion either, hon. member. If you could just withdraw it, and then carry on with your other remarks, that would be appreciated.

Mr. Agnihotri: Temporarily I withdraw the word "blackmail." I'm sorry.

The Chair: That makes my job easier. Please proceed.

Debate Continued

Mr. Agnihotri: Okay. Thank you, Mr. Chairman. With this government's record with this ideological preference for user-pay policies, allowing this government to move future decisions on tuition policy behind closed doors, not subject to public debate, is a nonstarter. The best predictor of future action is past performance. This government's record on tuition is abysmal. There is no way that good, conscientious, responsible legislators can agree to hand over this kind of power on such a critical issue to this Tory government.

Mr. Chairman, the members of the opposition parties got more votes in the last election than this Tory government. This bill represents the Tories saying that they do not need to hear or heed the views of the opposition members who represent more Albertans than they do. It is profoundly antidemocratic. This government claims that regulations are the same as legislation. This is not true. If it were, why would they be so insistent that tuition policy be moved into regulation?

This is not about enabling a better tuition policy. It's about removing the barriers to future changes, including the barrier of

public debate. This government claims that they always consult on regulatory changes. This is false. Just over one month ago substantial changes were made to the student financial assistance regulation OC 139/2006, and neither of the major student stakeholder groups, CAUS or ACTISEC, was consulted. Not only does the government not consistently consult students on regulatory changes affecting them, but they did not even consult on this legislative change. Students had to hear about it through the grapevine and then immediately sent a letter objecting to the change to the minister.

11:30

Mr. Chairman, this change is not simply about enabling a better tuition policy. If this was true, we would be the first ones supporting it, but this government has wanted to take tuition controls out of legislation for a long, long time. They are doing it now because they think the new tuition policy provides them enough political cover, enough leverage with the students to do it. This is akin to – sorry; I can't use the word. Using the prospect of a new policy to convince students, families, and elected representatives to give up the right to be heard on this topic is yet another sign of Tory arrogance. As I said before, this bill is not democratic in giving powers to the minister. This is not fair. We should discuss this policy always in the Legislature, not behind the back doors, and I urge the government again to give more time to the opposition for more discussion. Maybe it takes one month, maybe two months, but more and more time, deeper and deeper discussions. As I said, this is a fundamentally flawed piece of legislation. This is not acceptable to me, this is not acceptable to my constituents, and this is not acceptable to Albertans. So I urge everyone to not support this bill.

Thank you very much.

The Chair: Are you ready for the question on Bill 40, Post-secondary Learning Amendment Act, 2006?

Hon. Members: Question.

[The clauses of Bill 40 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. Zwozdesky: Thank you, Mr. Chairman. I would move that the

Committee of the Whole now rise and report Bill 40, the Post-secondary Learning Amendment Act, 2006.

[Motion carried]

[The Deputy Speaker in the chair]

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

Rev. Abbott: Well, thank you, Mr. Speaker. The Committee of the Whole has had under consideration a certain bill. The committee reports the following bill: Bill 40. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

Hon. Members: Concur.

The Deputy Speaker: Opposed? So ordered.

head:

Government Bills and Orders
Third Reading
(continued)

Bill 20
Freedom of Information and
Protection of Privacy Amendment Act, 2006

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

Mrs. Jablonski: Thank you, Mr. Speaker. I would move third reading of Bill 20.

At this time I would adjourn debate.

[Motion to adjourn debate carried]

The Deputy Speaker: The hon. Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Speaker. Another day of outstanding progress and something like 19 bills addressed this evening alone. In spite of a few rough spots along the way I think that says a lot for the ability of the House. On that note, I would move that we stand adjourned until 1:30 p.m. tomorrow.

[Motion carried; at 11:35 p.m. the Assembly adjourned to Wednesday at 1:30 p.m.]

